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Promotion and protection of all human rights, civil political, economic, social and cultural rights, including the right to development

**Belarus^{*}, Bolivia (Plurinational State of)^{*}, Bosnia and Herzegovina^{*}, Brazil, China,
Cuba, Djibouti, Ecuador, Guatemala, Indonesia^{*}, Mexico, Nicaragua^{*}, Pakistan,
Peru^{*}, Sri Lanka^{*}, Sudan^{*}, Turkey^{*}, Venezuela (Bolivarian Republic of)^{*}, Viet Nam^{*} :
draft resolution**

16/... The right to food

The Human Rights Council,

Recalling all previous General Assembly and Human Rights Council resolutions on the right to food, in particular Assembly resolution 65/220 of 21 December 2010 and Council resolution 13/4 of 24 March 2010, as well as all resolutions of the Commission on Human Rights on the issue,

Recalling also the holding of its seventh special session, at which it analysed the negative impact of the worsening of the world food crisis on the realization of the right to food for all, as well as its resolutions S-7/1 of 22 May 2008, 9/6 of 18 September 2008 and 12/10 of 1 October 2009,

Recalling further the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security, the World Food Summit Plan of Action and the Declaration of the World Food Summit, adopted in Rome on 13 June 2002, the Declaration of the World Summit on Food Security, adopted on 16 November 2009, and the Marrakesh Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least Developed and Net Food-importing Countries, adopted on 15 April 1994,

^{*} Non-Member State of the Human Rights Council.

Reaffirming the concrete recommendations contained in the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,

Recalling the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security, adopted on 16 November 2009;

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State should adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that, despite the efforts made, the problems of hunger and food insecurity have a global dimension and that there has been insufficient progress made on reducing hunger, and that they will increase dramatically in some regions unless urgent, determined and concerted action is taken,

Recognizing also the complex character of the global food crisis, in which the right to adequate food is violated on a massive scale, as a combination of several major factors, including speculation on food commodities and macroeconomic factors, also affected negatively by environmental degradation, desertification and global climate change, natural disasters and the lack of development and transfer of relevant technology to address this issue, particularly in developing countries and least developed countries,

Concerned by the fact that the effects of the world food crisis continue to have serious consequences on the most vulnerable people, particularly in developing countries, which have been further aggravated by the world economic and financial crisis, and alarmed at the particular effects of this crisis on many net food-importing countries, and especially on least developed countries in Africa, Asia, Latin America and the Caribbean,

Convinced that the elimination of the current distortions in the agricultural trading system will allow local producers and poor farmers to compete and sell their products, thereby facilitating the realization of the right to adequate food,

Noting that environmental degradation, desertification and global climate change are factors contributing to destitution and desperation and have a negative impact on the realization of the right to food, in particular in developing countries,

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

Reaffirming international commitments on official development assistance and stressing the importance of that assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

Recalling the pledges made to increase official development assistance devoted to agriculture, as well as that the realization of the right to food not only entails an increase in productivity but also a holistic approach that includes a focus on smallholder and traditional farmers and the most vulnerable groups and national and international policies that are conducive to the realization of this right,

Recognizing the need to increase sustainable investment in agriculture from all relevant sources for the realization of the right to food,

Recalling its resolutions 5/1 on institution-building of the United Nations Human Rights Council, and 5/2 on a code of conduct for special procedures mandate holders of the Human Rights Council, of 18 June 2007,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Expresses grave concern* at the evolution of the world food crisis, which seriously undermines the realization of the right to food for all, especially for one sixth of the world population, mainly in developing and least developed countries, who suffer from hunger, malnutrition and food insecurity;

4. *Considers it intolerable* that, according to an estimation by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 years do so from hunger-related illness, and that, according to an estimation by the Food and Agriculture Organization of the United Nations, the number of people who are undernourished is nine hundred and twenty five million worldwide, and that there is an additional one billion people suffering from serious malnutrition, including as a result of the global food crisis, even though, according to the latter organization, the planet could produce enough food to feed twelve billion people;

5. *Expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

6. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water and their ownership, as well as full and equal access to education, science and technology, to enable them to feed themselves and their families;

7. *Stresses* the need to guarantee fair and non-discriminatory access to land rights for smallholders, traditional farmers and their organizations, including in particular rural women and vulnerable groups;

8. *Encourages* the Special Rapporteur on the right to food to ensure the mainstreaming of a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms that address the right to food and food insecurity to integrate and effectively implement a gender perspective and a human rights perspective into their relevant policies, programmes and activities regarding access to food;

9. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive and accessible to persons with disabilities;

10. *Encourages* States to mainstream a human rights perspective in building and reviewing their national strategies for the realization of the right to food for all, and to take steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food and, where appropriate, to consider establishing appropriate institutional mechanisms, in order to:

(a) Identify, at the earliest stage possible, emerging threats to the right to adequate food, with a view to facing them;

(b) Strengthen the overall national human rights protection system with a view to contributing to the realization of the right to food;

(c) Improve coordination between the different relevant ministries and between national and subnational levels of government;

(d) Improve accountability, with a clear allocation of responsibilities, and the setting of precise time frames for the realization of the dimensions of the right to food that require progressive implementation;

(e) Ensure adequate participation, particularly of the most food-insecure segments of the population;

(f) Pay specific attention to the need to improve the situation of the most vulnerable segments of society;

11. *Stresses* that the primary responsibility of States is to promote and protect the right to food and that the international community should provide, through a coordinated response and upon request, international cooperation in support for national and regional efforts by providing the necessary assistance for increasing food production, particularly through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid ensuring food security, with a special focus on the gender-sensitive dimension;

12. *Calls upon* States parties to the International Covenant on Economic, Social and Cultural Rights to fulfil their obligations under article 2, paragraph 1, and article 11, paragraph 2 thereof, in particular with regard to the right to adequate food;

13. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all necessary measures to ensure the realization of the right to food as an essential human rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

14. *Stresses* that improving access to productive resources and investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate, small-scale irrigation and water management technologies in order to reduce vulnerability to droughts as well as in programmes, practices and policies to scale up agroecological approaches, and encourages States and donors, both public and private, to examine and

consider ways to integrate the recommendations contained in the latest report of the Special Rapporteur on the right to food¹ in policies and programmes;

15. *Recognizes* that 80 per cent of people suffering from hunger live in rural areas, and 50 per cent are small-scale and traditional farm holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of various inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises is a key element to food security and provision of the right to food;

16. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands and, in this regard, calls for the full implementation of the United Nations Convention to Combat Desertification in those countries experiencing serious drought and/or desertification, particularly in Africa;

17. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concerns over the obstacles and challenges they face to the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

18. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in ongoing negotiations in different fields;

19. *Encourages* all relevant international organizations and agencies to bring a human rights perspective and the need for the realization of the right to food for all to their studies, research, reports and resolutions on the issue of food security;

20. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with the affected countries, towards the full realization and protection of the right to food and, in particular, to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

21. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

22. *Encourages* the Special Rapporteur to continue to cooperate with States in order to enhance the contribution of development cooperation and food aid to the realization of the right to food, within existing mechanisms, taking into account the views of all stakeholders;

23. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

¹ A/HRC/16/49.

24. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

25. *Recognizes* that the commitments made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in that regard, and urges all States, international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the number, or at least the proportion, of people who suffer from hunger, as stated in Millennium Development Goal 1, as well as the right to food, as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

26. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

27. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

28. *Stresses* the importance of international cooperation and development assistance, as an effective contribution both to the expansion and improvement of agriculture and its environmental sustainability and to the provision of humanitarian food assistance in activities related to emergency situations, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

29. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote such policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

30. *Encourages* developing countries to establish regional arrangements with the support of the international community and development partners to ensure adequate food production and thereby contribute to ensuring food security, in particular in developing countries and in those countries that have scarce fertile land, overcoming the lack of these arrangements in some regions;

31. *Welcomes* the adoption by the Food and Agriculture Organization of the United Nations of a regional approach towards ensuring food security, and expresses appreciation on the current collaboration with all Rome-based institutions working comprehensively towards the realization of the right to food;

32. *Encourages* the Special Rapporteur on the right to food and the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises to cooperate on the subject of the contribution of the private sector to the realization of the right to food, including the importance of ensuring sustainable water resources for human consumption and agriculture;

33. *Encourages* the Special Rapporteur to continue his collaboration with relevant international organizations and United Nations agencies, programmes and funds, in particular the Rome-based ones, including the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the World Food Programme, in order to contribute to ensuring that the right to food is promoted further within these organizations, in accordance with their respective mandates, including for the

advancement of smallholders and agricultural workers in both developing and least developed countries;

34. *Expresses its deep concern* at the negative impact on the full enjoyment of the right to adequate food of insufficient purchasing power, increased price volatility, increasing prices of agricultural commodities and trade-distorting practices on international markets, particularly on people in developing countries and on net food-importing countries;

35. *Encourages* the Special Rapporteur, within his existing mandate, to explore, in consultation with Member States and relevant stakeholders, ways and means of raising the capacity of countries, particularly developing countries, including least developed and net food-importing developing countries, to ensure the realization and protection of the right to adequate food for their populations, and to report on his findings to the Council;

36. *Takes note with appreciation* of the report of the Special Rapporteur¹ and the recommendations contained therein;

37. *Supports* the fulfilment of the mandate of the Special Rapporteur, as extended for a period of three years by the Council in its resolution 13/4, and welcomes the work conducted by the Special Rapporteur in the fulfilment of his mandate;

38. *Requests* the Special Rapporteur, as part of his mandate, to continue to monitor the evolution of the world food crisis and, in the context of his mandate and regular reports, to keep the Council informed of the impact of the crisis on the enjoyment of the right to food and to alert it to possible further actions in this regard;

39. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the necessary human and financial resources for the continuation of the effective fulfilment of the mandate of the Special Rapporteur;

40. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

41. *Recalls* general comment No. 15 (2002) of the Committee on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in the realization of the right to adequate food;

42. *Reaffirms* that the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

43. *Acknowledges* the work being carried out by the Advisory Committee on the right to food and, in that regard, welcomes its submission to the Council of the final study on discrimination in the context of the right to food,² and requests the Advisory Committee,

² A/HRC/16/40.

since the study has revealed a pressing need for further research, to undertake, as appropriate, comprehensive studies on the following topics:

(a) The right to food of the urban poor, including strategies to improve their legal protection and best practices;

(b) The right to food of rural women, including patterns of discrimination, strategies and policies for their legal protection and best practices, with a special focus on female-headed households and temporary or seasonal workers;

(c) The relationship between severe malnutrition and childhood diseases, taking children affected by noma as an example, and guidelines to improve the legal protection of malnourished children;

44. *Requests* the Office of the High Commissioner to collect the views and comments of all Member States, all relevant United Nations special agencies and programmes and all other relevant stakeholders on the topics listed in paragraph 43 above, so that the Advisory Committee may take them into account for the conclusion of its comprehensive studies;

45. *Requests* the Advisory Committee to continue to work on the issue of discrimination in the context of the right to food and, in that regard, welcomes its preliminary study on the advancement of the rights of people working in rural areas;³

46. *Requests* the Office of the High Commissioner to collect the views and comments of all Member States, all relevant United Nations special agencies and programmes, in particular the Food and Agriculture Organization of the United Nations, and all other relevant stakeholders on the preliminary study on the advancement of the rights of people working in rural areas, so that the Advisory Committee may take them into account in the preparation of the final study to be presented to the Council at its nineteenth session;

47. *Requests* the Advisory Committee to organize, as part of its broad consultations with Member States and other stakeholders on the advancement of the rights of people working in rural areas, a seminar to be held at Palais des Nations, Geneva, two days before the Committee's seventh session, as defined in Committee recommendation 6/5, to be financed with voluntary contributions;

48. *Welcomes* the continued cooperation of the High Commissioner, the Advisory Committee and the Special Rapporteur, and encourages them to continue their cooperation;

49. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task by supplying all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

50. *Recalls* the requests made by the General Assembly, in its resolution 64/159, that the Special Rapporteur submit to the Assembly an interim report at its sixty-fifth session on the implementation of that resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

51. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur

³ A/HRC/16/63.

in the fulfilment of his mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

52. *Requests* the Special Rapporteur to submit a report on the implementation of the present resolution to the Council at its nineteenth session;

53. *Decides* to continue consideration of this matter under the same agenda item at its nineteenth session.
