**UN SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD**

**Call for Inputs: food systems and human rights**

**Background**

Hunger and malnutrition in all their forms pose major challenges to the full realization of the right to food and the achievement of the Sustainable Development Goals (SDGs). The 2030 Agenda for Sustainable Development highlights the need to approach nutrition and food systems from a rights-based perspective. Member states have committed to “end hunger, achieve food security and improved nutrition and promote sustainable agriculture” (SDG2).

The UN Secretary-General announced that the [Food Systems Summit](https://www.un.org/en/food-systems-summit/about) would be held in autumn 2021 with a goal to push the world to transform food systems in order to reach all 17 of the Sustainable Development Goals (SDGs), with particular emphasis on eliminating hunger and malnutrition. The aspiration is that the event will be a “People’s Summit” and a “Solutions Summit”, and that States, United Nations entities, civil society and businesses would come together to develop ideas about how to transform the world’s food systems.

In the meantime, the COVID-19 pandemic has not only led to a dramatic loss of human life but is also affecting entire food systems, compromising food security and nutrition. Restrictions on movement within and across countries have disrupted entire food supply chains, affected the availability of food, and posed critical challenges to food production and distribution. People who are at risk and in vulnerable situations have been hit the hardest. Among many of its impacts, the COVID-19 pandemic has brought to the fore a much-needed discussion on transforming our food systems to make it more sustainable and responsive to current and future challenges, including hunger and food insecurity, especially in the developing world.

The Special Rapporteur on the right to food, Michael Fakhri, has emphasized the importance of food systems for our human rights. The High-Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security (HLPE), in its [report on nutrition and food systems](http://www.fao.org/policy-support/tools-and-publications/resources-details/en/c/1155796/), defined a sustainable food system as “a food system that ensures food security and nutrition for all in such a way that the economic, social and environmental bases to generate food security and nutrition of future generations are not compromised”.

The Special Rapporteur has therefore followed closely the developments related to the 2021 Food System Summit. He provided his [independent advice](https://quota.media/open-letter-by-the-un-food-rapporteur-to-agnes-kalibata-special-envoy-of-the-un-secretary-general/) to the Summit organizers and issued a number of his [recommendations](https://www.devex.com/news/opinion-the-future-of-food-must-include-a-commitment-to-human-rights-98325) and [expert critiques](http://www.ipsnews.net/2021/03/un-food-systems-summit-not-respond-urgency-reform/) during the process. The Special Rapporteur also shared his preliminary observations in his [report to the Human Rights Council](https://undocs.org/A/HRC/46/33) in March 2021. The Special Rapporteur also engaged with the Summit’s leadership and its five Action Tracks, and he held a number of conversations on food systems with communities, civil society, and academia.

The questionnaire below is meant to provide additional inputs and assist the Special Rapporteur in preparing a report on food systems and human rights. The report will be presented to the General Assembly during its 76th session in October 2021, and it will provide a comprehensive account of the 2021 Food Systems Summit process and its final outcomes. The call for inputs and the questionnaire are formulated by the [mandate of the Special Rapporteur](https://www.ohchr.org/en/issues/food/pages/foodindex.aspx) and are not part of the UN Food Systems Summit.

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| **Topic** | Food systems and human rights  |
| **Deadline** | 30 June 2021 |
| **Issued by** | UN Special Rapporteur on the right to food, Michael Fakhri |
| **Objective** | To inform the Special Rapporteur’s engagement with the UN Food Systems Summit 2021 and provide inputs for the Special Rapporteur’s forthcoming report to the 76th session of the General Assembly in October 2021.  |

**Submission of inputs**

The Special Rapporteur on the right to food invites States, international organizations and financial institutions, civil society organizations, communities, business enterprises, academics, networks, and other relevant stakeholders to share inputs to address the topics below. Feel free to provide links to further materials supporting your contributions.

Please email your responses to the questionnaire **by 30 June 2021 in Word format** (subject: Questionnaire on Food Systems) to srfood@ohchr.org. Kindly limit your submission to 2 pages (or 800 words)**.** Due to a limited capacity for translation, we also request that your inputs be submitted in English, French, or Spanish.

**Please provide your inputs to the following questions:**

Food systems and human rights

1. What are the most salient challenges facing the food systems in your country/region? Please explain why.

Food systems are facing many challenges. On the demand side, the global population is forecast to exceed 10 billion by 2050, leading to an increasing demand for food and placing further pressure on finite resources.[[1]](#endnote-1) On the supply side, there will be growing competition for land, energy, and water, with the latter being of particular concern as a number of very major aquifers will be exhausted by 2025.[[2]](#endnote-2) Thus, diverse food will need to be produced with less. On both sides, every year, roughly one third of the food produced in the world for human consumption-approximately 1.3 billion tones is lost or wasted. It is estimated that, if the food lost or wasted globally could be reduced by just one quarter, this would be sufficient to feed the people suffering from chronic hunger in the world.[[3]](#endnote-3)

Unsustainable food production threatens food security. For example over-fishing, soil erosion and water shortages all threaten the production and biodiversity of the food supply.[[4]](#endnote-4),[[5]](#endnote-5) Food production will increasingly be impacted by climate change, from the increased frequency of storms, droughts and other extreme weather events.[[6]](#endnote-6) Climate change could potentially interrupt progress toward a world without hunger. A robust and coherent global pattern is discernible on the impacts of climate change on crop productivity that could have consequences for food availability. The stability of whole food systems may be at risk due to the impacts of climate change resulting in short-term variability in supply. While the potential impact is less clear at regional scales, it is likely that climate variability and change will exacerbate food insecurity in areas currently vulnerable to hunger and undernutrition.[[7]](#endnote-7) Concurrently, food production is a major contributor to greenhouse gas emissions as well as water scarcity and wider biodiversity issues.[[8]](#endnote-8),[[9]](#endnote-9),[[10]](#endnote-10)

Overconsumption and food waste further exacerbate these issues by placing pressure on the food system, whilst rising obesity rates and diet-related illness are major drivers of ill health in many parts of the world, creating increasing strains on health services.[[11]](#endnote-11),[[12]](#endnote-12) People need a balanced, sustainable and healthy diets. Adequate food systems should not only provide calories but also ensure that all interrelated elements of the right to adequate, nutritious and safe food are respected, protected and fulfilled, a key obligation of Member States in ratifying the International Convention on Economic Social and Cultural Rights (ICESCR),[[13]](#endnote-13) and an underlying determinant of the right to the highest attainable standard of health.[[14]](#endnote-14) Similar to the normative scope and content of the standard for the right to health, this includes the obligation of ensuring that securing the enjoyment of the right to adequate food includes: (1) The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; (2) The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights. In addition to the ongoing availability of affordable, nutritious and safe food from sustainable sources, the corollary underlying determinant of the right to health includes the right to the ongoing availability of safe water and sanitation to maintain health.[[15]](#endnote-15) This is particularly relevant for children´s healthy growth and development, which depends upon ’first food’ systems which protect and supporting exclusive breastfeeding; restrict the marketing of breastmilk substitutes and support nutritious infant and young child feeding practices. Currently, food systems are failing to provide children with the diets they need to grow healthy.[[16]](#endnote-16)

1. What are the examples of ways in which the challenges facing the global food system are having adverse impacts on human rights broadly, and the right to food specifically?

People have the right to feed themselves in dignity, implying that sufficient food is available, that people have the means to access it, and that it adequately meets individual´s dietary needs. The right to food protects the right of all human beings to be free from hunger, food insecurity and malnutrition.[[17]](#endnote-17)

Health and human rights are, as our own founding instrument, the WHO Constitution, makes it clear that "the highest attainable standard of health" is "the fundamental human right of every human being". As health in this sense is not merely the absence of disease but the presence of all necessary contributors of physical and mental wellness, food and nutrition are therefore absolutely central to health: there can be no health in the presence of hunger.

Hunger has substantial negative knock-on effects on health in general. Fragmented food systems, inequitable access to food markets, disrupted agricultural cycles caused by climate change/natural disasters or conflict, and the unavailability of nutritious food directly contribute to disease and higher levels of mortality and morbidity – with the impact being amplified in fragile, conflict-affected and vulnerable (FCV) settings, particularly on women, children, the elderly and disabled. Unaddressed, these can have severe socio-economic impacts, weakening health systems, undermining the productive base of economies and even contributing to criminality, conflict and serious violations of human rights.

Health emergencies such as COVID-19 have laid bare some of the realities when it comes to the right to health and food – the reality that access to health care and to food can be used to empower, or to curtail, the human, civil and political rights of persons as enshrined in the Universal Declaration of Human Rights. Even in the face of the worst health pandemic of our times, conflicts have continued to see the weaponization of food, hunger, health and disease, resulting in near- or outright famine conditions in Yemen and the Tigray region of Ethiopia. In addition to complicating COVID-19 responses in these low-capacity settings, they have also exposed health workers and many more within the wider food system at great risk.

Progress in reducing hunger over recent decades has been substantial. Though today there are still around 690 million people suffering from hunger, and numbers rising as a consequence of the COVID-19 pandemic.3 In several countries, the COVID-19 pandemic has disrupted access to food, led to food shortages, loss of disposable household income, increased food prices and altered dietary practices.[[18]](#endnote-18) In a world where nutrition-related issues, including obesity, malnutrition and food insecurity, already impact the majority of its population,[[19]](#endnote-19) further exacerbation of food insecurity, malnutrition and obesity imposed by the COVID-19 pandemic are expected to magnify disparities in healthy lifestyle behaviors, aggravating the global burden of diet-related chronic diseases.[[20]](#endnote-20)

WHO believes that both the right to food and the right to health are mutually reinforcing. While advancing them will allow us to unlock longer term gains in delivering the right to sustainable development (expressed within the health space as Universal Health Coverage) in general and SDGs 2 (Zero Hunger) and 3 (Health) in particular, an erosion of either will conversely lead to the reversal of any hard-earned progress.

Food systems need to urgently change to take into full account socio-cultural interactions, environmental impact, issues of equity and in particular the needs and the health of the poorest who spend the greatest proportion of their income in food.[[21]](#endnote-21)

Two billion people suffer from “hidden hunger” due to diets deficient in key micronutrients, particularly iron, zinc, vitamin A and iodine .[[22]](#endnote-22) At the same time, two billion are overweight or obese, contributing to a public health epidemic of non-communicable diseases that includes Type 2 diabetes, obesity and cardiovascular disease.[[23]](#endnote-23) Globally, one in three children under 5 is suffering from different forms of malnutrition . This includes 149 million children under five years of age who suffer from stunting, 45 million from wasting and 39 million from overweight or obesity[[24]](#endnote-24). This is heavily impacted by low rates of exclusive breastfeeding and unhealthy complementary feeding practices. The greatest burden of all forms of malnutrition is carried by children and women from the poorest and most marginalized communities, perpetuating poverty across generations,11 denying them the right to be free from hunger and food insecurity, meet their individual dietary needs and protect them from malnutrition to realize their right to health.[[25]](#endnote-25)

1. Are there specific challenges that your country has faced in attempting to employ a rights-based approach to transforming food systems without leaving anyone behind?

The right to adequate food imposes three core obligations on States parties: to respect, to protect and to fulfil. The obligation to *respect* requires States to refrain from interfering through law, polices or other measures that result in impeding the availability, acceptability, accessibility or quality of adequate food. The obligation to *fulfil* incorporates both an obligation to facilitate and an obligation to provide. The obligation to *protect* requires States to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to *fulfil* means that the State must pro-actively engage in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security.[[26]](#endnote-26) In addition, to respect the right to food requires the facilitation or creation of social and economic environments that foster human development and build capacity to acquire adequate food, and to provide adequate food to people in an emergency or in circumstances when self-provisioning is beyond their control.[[27]](#endnote-27) In addition, as the CESPCR has repeatedly stated, in the spirit of Article 56 of the United Nations Charter, and the specific provisions under the ICESCR in Article 2, para 1, and Articles 11, 15 ,22 and 23, Member States have a duty of international development cooperation and assistance in supporting the realization of rights under the Covenant. Specifically, this refers to an undertaking by all States parties, “to take steps, individually and through international assistance and cooperation, especially economic and technical…” to support the rights guaranteed under the Covenant.[[28]](#endnote-28) The multilateral system, and initiatives such as the UN Food Systems Summit, are therefore critical opportunities to develop innovative, transformative ideas and commitments on how current food systems must change to address:

* The chronic issue of food insecurity and inadequacy and thereby
* Support comprehensive, coordinated action by civil society, the private sector, philanthropic foundations, academia and the UN system to support Member States in meeting their obligations on the right to food under international law.

In FCV countries, ensuring a “leave no one behind” approach to health, food security and wellness requires several things: 1) an all-of-society effort owned by national authorities based on the Humanitarian-Development-Peace Nexus; 2) sound inter-sectoral data collection and analysis; 3) flexible financing that can be used for both acute needs and transitional development activities; and 4) the strengthened capacity of local actors, including in the food production and distribution sectors.

In the health sphere, challenges are numerous. Hospitals and health workers continue to be targeted by combatants, despite the fact that these resources are often the primary means of detecting and caring for cases of not only COVID-19, but also malnutrition in children and women in society. As long as these resources are not able to perform their functions free of harassment or threats, this can have effects not only on the access of healthcare (including treatment of chronic malnutrition) for communities, but also on the quality of data required to better target population segments most in need. In addition, the resources available to actors responding to health and chronic food insecurity crises continues to be largely earmarked to narrow, often siloed sectoral objectives. Accepting that hunger and diminished health are intrinsically linked requires that we ask more of the funding that we receive, so as to allow the wider health and food system ecosystem to quickly adapt responses to specific emerging needs in specific parts of the country – for instance, in the famine-hit region of Tigray in Ethiopia or in severely drought-hit parts of the Sahel.

[As for non-FCV countries] modern global food supply chains are characterized by extremely high levels of concentration in the middle of those chains, which harms the consumers and food producers at the ends of the supply chains.[[29]](#endnote-29) This is an area of concern for global agricultural policymakers and regulators. In 2008, a majority of the members of the European Parliament adopted a declaration requesting the European Commission to address “the abuse of power by large supermarkets operating in the European Union”.[[30]](#endnote-30) The U.S. Senate conducted a number of hearings in the past decade for agricultural markets,[[31]](#endnote-31) and the U.S. Department of Justice and the Department of Agriculture held a number of public workshops to deal with buyer power, concentration and vertical integration.19  Judicial and regulatory bodies have also engaged in the issue, including the Groceries Market Investigations of 2000 and 2008 by the UK Competition Commission, and the investigation of the alleged milk cartel by the South African Competition Commission.19

1. To what extent has the UN Food System Summit considered those challenges in its deliberations? Please explain.

The FSS encompasses the summit itself, the preparation, the outcomes and all the actors who are engaging in the FSS process. The overarching goal of the FSS is to help stakeholders to better understand and manage the complex choices that affect the future of food systems and to accelerate progress toward the Sustainable Development Goals in order to build a just and resilient world which realizes the right to food and health for all.

Though the human rights elements of this goal could be better emphasized and promoted throughout summit processes. The game changing propositions that are being developed are broad, including new ideas to realize the right to healthy, sustainable diets as well as the strengthening of existing efforts and solutions to address malnutrition and health inequalities through the building of consensus to support their implementation.

What has not been adequately considered is the food system governance which deals with many of the barriers for food systems transformation. Those that we need to engage in the deliberations the most to highlight the pain points have decided to stay out of the process.

1. What are the specific obligations of States and responsibilities of businesses in terms of preventing and addressing adverse impacts caused by the unsustainable production or consumption of food?

The obligations arising under the right to food have profound implications for the kind of policies states should pursue at the national and municipal level regarding social justice, public health, and environmental protection. For example, efforts in many low- and middle-income countries should focus on the fight against rural poverty, increasing the number of social programs to help vulnerable families have access to healthy, safe and nutritious foods and having measures to regulate the concentration of seeds and help small producers.[[32]](#endnote-32) While issues of focus in high-income countries may include government accountability, addressing vulnerabilities and discrimination and linking policies to outcomes, for example.[[33]](#endnote-33)

On the production side, the European agricultural sector is a highly regulated market in which the regulatory and market-based instruments, already in place, are targeted primarily at production.[[34]](#endnote-34) This is not the case for all Member States globally. On the demand side, national governments generally play a relatively weak role in managing the adverse impacts of (over)consumption. The main driver to date behind regulatory command and control instruments in the field of food consumption and production is the need to respond to acute threats to the life and health of citizens. Only recently, these concerns are receiving governmental attention and are resulting in political measures, especially as they relate to obesity and its health impacts.29

Regarding food-sector sustainability, governments and their administrations come into play mostly as organizers of (public) certification, standardization, and inspection. As evidenced by the state-run labeling of organic and regional foods in about half of EU countries.[[35]](#endnote-35) Another relatively recent approach to promoting sustainable food consumption is self-regulation in the form of sustainable public food procurement,29 which can be implemented at different types of governance with different levels of enforcement according to the settings.[[36]](#endnote-36)

Member States also have an obligation to ensure that private sector organizations and other entities or individuals operating within their jurisdiction contribute to securing enjoyment of the right to adequate food, safe water, sanitation and hygiene (WASH) and the highest attainable standard of physical and mental health.[[37]](#endnote-37),[[38]](#endnote-38),[[39]](#endnote-39)

Existing human rights instruments could be utilized to advance public health measures to implement comprehensive restrictions on the marketing of unhealthy food and beverage products to children, enforce the international Code of Code of Marketing of Breastmilk Substitutes.[[40]](#endnote-40)

Legal mechanisms to realize the right to foods and achieve population wide towards sustainable healthy diets can also be strengthened such as:

* Constitutional commitment to the right to food; laws to regulate the nutrition and local procurement of school feeding programmes;
* Policies to implement product reformulation to eliminate trans-fatty acids and reduce levels of saturated fat;
* Free sugars and salt, as well as fiscal policies to tax foods high in unhealthy fats, free sugars and salt plus subsidies for locally produced fruits and vegetables.

Integrated policy action for sustainable healthy diets can also be guided by food-based dietary guidelines that incorporate environmental sustainability elements, according to each country’s unique context.

1. Despite the challenges of the pandemic, what are specific examples of rights-based initiatives and good practices (including policy, standards and programmes) that have successfully improved people’s access to adequate food in a sustainable and systemic way?

In India, a rights-based approach has been used to address large-scale malnutrition, including both micro- and macro-level nutrition deficiencies. Stunting, which is an intergenerational chronic consequence of malnutrition, is especially widespread in India (38% among children under 5 years old). To tackle this problem, the government of India has designed interventions for the first 1,000 days, a critical period of the life cycle, through a number of community-based programs to fulfill the rights to food and life. The “Fight Hunger First Initiative” aims to make women aware of their existing rights and entitlements and enable them to access these entitlements by holding service providers accountable. The initiative has been successful in making food available for 2 additional months and generating a 25% enhancement in income for farmers who tried out new techniques in 3 years. Household diet diversity moved from ‘poor’ to ‘average’.

Participation and access to information during the Food Systems Summit

1. To what extent was the information on the Summit accessible, clear and practical for you and your community and partners?

Not all of the information on the FSS has been easily accessible. The FSS process has been quite a “building the plane while we fly” process. Even for a UN Anchor Agency like WHO it has sometimes been difficult to understand what is happening. However, there has always been willingness and openness of the FSS secretariat to include partners, to improve processes etc. However, the implementation of the improvements has been and is still slow.

1. In what ways have you participated in the Summit (events, dialogues, submission of inputs etc.)? Please describe the nature and content of your participation, if applicable.

As WHO is a UN Anchor agency, we have been involved in Action Track work (setting it up, deciding on the workstreams, submitting game changing solutions, evaluation of the selection, organization of Member State briefings, CS Public Fora, AT Leadership meetings and FSS Dialogues).

1. To what extent would you consider your participation in the FSS as active and meaningful? Please explain.

WHO is active, we hope to think that our participation is meaningful. We feel valued and trusted by the AT2 leadership. In the overall shaping of the FSS, WHO is only one of the many partners, so there our participation/influence is obviously much less.

Outcomes of the Food Systems Summit

1. What are your expectations from the Summit’s outcomes following its conclusion in October 2021? How would these outcomes contribute to the full realization of the right to food for all?

We expect a continued attention to the need for food systems transformation; increased implementation of a One Health approach, and recognition of the important role of young people to realize the ambitions of the Summit. The latter can only happen if they are being listened to and can fully participate. The private sector’s role in food systems will continue to be vital, while ensuring their role in food systems is appropriately regulated and contributes to – rather than undermines – the availability, acceptability, accessibility and quality of the right to adequate food. Financing, investment and funding will have to respond to certain health and environmental benchmarks.

We would also expect increased multi-sectoral action and investment at the country level, with attention to policy coherence across the food system.

All these expected outcomes would contribute to ensure that people everywhere have access to healthy and sustainable diets.

1. What would be the most optimal implementation process of the Summit’s outcomes? Which international and regional frameworks or forums could serve as a useful platform? Please explain.

The most optimal implementation process of the Summit outcomes would be to ensure it is linked to existing processes and avoid setting up separate FSS processes. There should be strong linkage to SDG monitoring as well as CFS Voluntary Guidelines and Nutrition Decade work programme implementation as well as reporting mechanisms.

It would be commendable if FSS commitment reporting could be included in existing fora such as WHO Regional Committees, World Health Assembly and other Member State meetings (i.e. ECOSOC) at global and regional level. This could be recommended by the UNSG in his Statement of Action: we should **not** develop separate accountability mechanisms, but build it into existing ones.

1. How do you envisage your role in the implementation of the Summit’s outcomes?

At country level, WHO would see for itself the following roles:

* To advocate for food system transformation by ensuring people-centred, rights-based approaches to adequate food;
* To continue to support the organization of FSS Dialogues;
* To support its Member States in implementing existing obligations and the commitments made in the Summit;
* To help translate global guidance into national policy by developing implementation tools;
* To monitor and evaluate progress towards realizing the commitments;
* To report on progress through existing mechanisms about progress (at the World Health Assembly, UN General Assembly through its reporting obligations for the Second International Conference on Nutrition ICN2 and the Decade of Action on Nutrition);
* To support implementation of the commitments through WHO’s work as a CFS Advisory Group member;
* To ensure alignment of the Nutrition Decade work programme with the FSS commitments.
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