



联合国
粮食及
农业组织

FOOD AND
AGRICULTURE
ORGANIZATION
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UNITED NATIONS

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ORGANIZACION
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Rome, 8 January 2008

Dear Ms. Arbour,

With respect to your letter dated 6 November 2007 on the subject of the Universal Period Review (UPR), please find attached further material that we just received from our Right to Food Unit. I hope the information attached is still useful.

In this respect, please find attached a brief description of the situation of the Right to Food in Benin, Burkina Faso, Colombia, Ghana, Guatemala, Israel, Mali, Peru and Switzerland.

Yours sincerely,

Giuliano Pucci
Assistant Director-General/
Legal Counsel

Ms. Louise Arbour
High Commissioner for Human Rights
Office of the High Commissioner
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United Nations Office
Ch 1211 Geneva
Switzerland

OHCHR REGISTRY

10 JAN. 2008

Recipients : ...H.R. Council
.....S.P.B.....
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Right to Food: UPR Report

Benin, Burkina Faso, Ghana, Mali

On the occasion of the *Atelier régional sur la prise en compte des aspects nutritionnels dans l'analyse de la sécurité alimentaire : « Quels indicateurs nutritionnels intégrés dans la surveillance et l'alerte précoce en Afrique de l'Ouest »* (Senegal, March 2007), these countries, represented by their Ministries of Health and Agriculture, together with other twelve West African countries, adopted among the final recommendations that of integrating the right to food in national strategies against malnutrition and food insecurity, taking into consideration the Right to Food Guidelines (« *intégrer le droit à l'alimentation dans les stratégies de lutte contre la malnutrition et l'insécurité alimentaire en tenant compte des directives volontaires à l'appui de la concrétisation progressive du droit à une alimentation adéquate dans le contexte de la sécurité alimentaire nationale adoptées par l'ensemble des pays membres de la FAO en 2004* »).

Peru

In 2007 a draft framework law on the right to food, prepared by the Andean Commission of Jurists (CAJ) and the Multiparty Commission of the Peruvian Parliament on the MDGs, with the support of FAO, was presented to Congress. National training and creation of awareness workshops and meetings have been carried out with FAO's support for parliamentarians, members of the UN country team and civil society.

Guatemala

In 2005 Guatemala adopted a legal framework that regulates the National Information System on Food and Nutrition Security (SINSAN) and declares food a human right for all people in Guatemala. The key challenge facing this important step is capacity building for government officials at all levels.

In 2007, the Presidential Commission for Human Rights (COPREDEH) adopted the Right to Food within the Plan of Action for Human Rights 2007/2017. The Office of the Ombudsman has nominated FAO as adviser for the Right to Food and is working together with the FAO's project for training and advocacy. Meetings with presidential candidates and advisers have taken place to discuss the linkages between their proposed plans and the Right to Food. A program for advocacy of young volunteers for the Right to Food ("*Una Mañana con Voz*") has enlisted 255 members.

Switzerland

In a case concerning the refusal to grant social assistance to three Czech refugees deprived of any means of subsistence¹, the Swiss Federal Tribunal recognized the right to minimum basic conditions, including "the guarantee of all basic human needs, such as food, clothing and housing" to prevent a situation where people "are reduced to beggars, a condition unworthy of being called human"². In this case, the exclusion of three non-nationals from social welfare legislation was found to be a violation of their right to food, despite the fact that they were illegal immigrants. The Swiss Federal Court decision determined that the right to food in this sense could be the foundation of a justiciable claim for official assistance.³ The right to minimum basic conditions was also reaffirmed in another case by the same Federal Tribunal

¹ BGE/ATF 121 I 367, of 27 October 1995, *V. v. Eninwohner-gemeinde X. und Regierungsrat des Kantons Bern*.

² *ibid.*

³ Langford, Malcolm, *Right to Food in International Law: Obligations of States and the FAO*, LLM Thesis presented to the European University Institute, Florence, dated 1 October 2001.

in 1998. The new Constitution adopted in 1999 contains a provision on the right to assistance in situations of distress (art.12).

Israel

In 2004, the *International Court of Justice (ICJ)*, the most authoritative judicial body in international law, in its Advisory Opinion in the matter of the construction of a Wall by Israel within the Palestinian territories (9 July 2004)⁴, found that the construction of the wall by the Israeli government and its associated regime had resulted, among other, in the destruction of agricultural land, and means of subsistence of Palestinian population which constituted a breach of Israel's obligations under the ICESCR – notably, the right to an adequate standard of living, including adequate food (Article 11), the right to work, the right to health and the right to education.

Colombia

A Food Security Network programme (RESA) is intended to promote food production for self consumption. It aims at bettering the living conditions for the most vulnerable segments of rural population and at improving nutrition for displaced persons in urban centres. One of the specific objectives of the program is to promote the human right to food by addressing all family needs. In 2007 the program covered 18% of rural families in Colombia (more than 2 million people).

⁴ Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories, Advisory Opinion, para 139 (Int'l Ct, Justice July 9, 2004), 43 ILM 1009 (2004).