

SPECIAL RAPPOREUR ON THE RIGHT TO FOOD

HILAL ELVER



COUNTRY VISITS IN REVIEW*

* THIS IS A LIVING DOCUMENT, LATEST UPDATE FEB 2019

A black and white photograph of several cardboard trays filled with fresh blueberries. The focus is on the foreground tray, with others visible in the background.

**RIGHT
TO
FOOD**

SRFOOD COUNTRY VISITS

As part of the right to food mandate, the Special Rapporteur is responsible for monitoring the situation of the right to food and undertakes country visits that provide a firsthand account on the situation concerning the right to food in a specific country. At the invitation of a State government, the Special Rapporteur will conduct a country visit, assessing the progress towards realizing the right to food and providing recommendations to the State.

The Special Rapporteur may contact States to request an invitation if the right to food situation in the country is of particular interest or concern. Prior to the visit, the Special Rapporteur will conduct research into the right to food situation of the country to have a better understanding of national policies and institutions, major barriers to the realization of the right to food, and other relevant context.

During the course of the visit, the Special Rapporteur will attend pre-arranged meetings with stakeholders from the government, civil society and possibly the private sector. The Special Rapporteur will also visit pre-scheduled locations within the country that are especially important to the right to food situation and which provide a more complete illustration of the country's food profile.

At the close of the country visit, the Special Rapporteur will issue an end of mission statement, expressing appreciation to the country for its accommodation and summarizing her observations. The Special Rapporteur will then draft her findings and, in a spirit of cooperation and assistance, propose recommendations to improve the situations identified as matters of concern.

The Government will have an opportunity to respond to the Special Rapporteur's preliminary report, offering questions or concerns about the contents, and will have a chance to issue a formal response upon review of the final report. The Special Rapporteur presents her final reports to the General Assembly and Human Rights Council along with her thematic reports.

ABOUT THIS SUMMARY

This document offers a summary of the Special Rapporteur's findings from the country visits undertaken during the course of her mandate, including:

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For more information about specific country visits, please see the Special Rapporteur's full-text reports, available at <https://www.ohchr.org/EN/Issues/Food/Pages/Visits.aspx>

The Special Rapporteur on the right to food, Hilal Elver, conducted a visit to the Philippines from 20 to 27 February 2015, at the invitation of the Government.

The report highlights the particular difficulties encountered by the most vulnerable groups affected, along with the challenges preventing them from their full enjoyment of the right to adequate food. The Special Rapporteur notes that, despite the country's impressive growth rate in recent years, economic prosperity has not been inclusive. In her report, she recognizes the important steps already taken by the Government to realize the right to food and highlights a number of recommendations for consideration by all stakeholders.

Select Observations and Recommendations

The Philippines has adopted a wide range of policies and programmes to ensure the effective enjoyment of the right to food, as part of the right to an adequate standard of living. However, considerable challenges remain, particularly with regard to the increasing income gap between the rich and the poor and a lack of implementation in relation to legislation and right-to-food policies. Unsustainable export-oriented agro-industry, as well as large land acquisition projects for cash crops, should be avoided in order to protect smallholder farmers and maintain self-sufficiency. As one of the most vulnerable countries in the world to adverse effects of climate change, the Philippines also faces a significant challenges in ensuring that its food sources are protected.

The Special Rapporteur recommends that the Government:

- >> Devise and adopt a national right-to-food framework law based on benchmarks and implementation plans;
- >> Expedite the Right to Adequate Food Bill and allocate resources for effective implementation;
- >> Pass the National Land Use and Management Act, the Agrarian Reform Extension Law;
- >> Implement agrarian reform under the Constitution and Comprehensive Agrarian Reform Program;
- >> Mitigate hunger and increase household income through sustainable livelihood programs for farmers and fishers;
- >> Develop programs to support smallholder agriculture and fisheries within the framework of sustainability;
- >> Produce guidelines through the Department of Agriculture to delineate municipal waters from commercial use;
- >> Ensure that all indigenous peoples have access to basic social services, including food and drinking water;
- >> Ensure women's participation in the development of a food security plan, and implement laws on women's rights;
- >> Invest in essential services to provide children with adequate food and nutrition and eradicate stunting;
- >> Ensure that national legislation is in line with the obligations of the Philippines according to the CRPD;
- >> Promote conservation and management of agricultural biodiversity, watersheds, forests, rivers, and soils;
- >> Consolidate existing social protection schemes, to diminish fragmentation and achieve universal coverage.

PHILIPPINES

A/HRC/31/51/ADD.1

2015

The Special Rapporteur on the right to food, Hilal Elver, conducted a country visit to Morocco from 5 to 12 October 2015 at the invitation of the Government.

The Special Rapporteur highlights the particular difficulties encountered by the most vulnerable groups affected along with the challenges preventing them from their full enjoyment of the right to adequate food. The report recognizes the important steps already taken by the Government to realize the right to food, and highlights a number of recommendations for consideration by all stakeholders, in particular the development of a national framework law on the right to food.

Select Observations and Recommendations

The Special Rapporteur commends Morocco for its proactive process of modernization and democratization, as well as its impressive strides in reducing poverty through crucial economic and social reforms. In particular, the Special Rapporteur recognizes the potential of the Green Plan to transform the agricultural sector into a stable source of growth, competitiveness and broad-based economic development. However, the Special Rapporteur notes that poverty remains high in rural and remote areas, and the widening income gap. The Special Rapporteur also encourages the Government to more effectively implement food security policies and to take steps to ensure that smallholder farmers, youth, and women are not neglected in development plans.

The Special Rapporteur recommends that the Government:

- >> Ratify the Optional Protocol to the ICESCR, adopt a national food framework law, and promote and encourage independent civil society as a means of fortifying Morocco's commitment to guaranteeing respect for human rights;
- >> Strengthen monitoring and evaluation mechanisms to ensure that agricultural intensification under Pillar I of the Morocco Green Plan are environmentally sustainable and do not deplete resources;
- >> Encourage the use of agro-ecological practices, provide training and resources to community organizations, and implement monitoring mechanisms to ensure that fishing permits are distributed consistent with international law;
- >> Prioritize vulnerability assessments, adaptation and mitigation financing to support urban poor, small farmers and coastal communities that are particularly vulnerable to climate change;
- >> Eliminate prejudices and negative practices that undermine women's enjoyment of rights consistent with CEDAW, promote participation of women in relation to the right to food, raise awareness about optimal breastfeeding practices;
- >> Encourage the implementation of gender-sensitive budgeting as an operational tool to assess public policies, and improve the identification of eligible beneficiaries for social protection schemes;
- >> Reinforce efforts to allocate appropriate resources to child nutrition and health, particularly in rural areas, consistent with the CRC, and strengthen efforts to reduce unemployment among young people through training and incentives;
- >> Expedite Draft Law 97.13 on the protection and advancement of persons with disabilities and ensure that a disability perspective is taken into account in nutrition policy and programming.
- >> Adopt a human rights-based poverty reduction strategy for Dakhla, Western Sahara that specifically targets the needs of vulnerable populations in line with the recommendations of the Committee on Economic, Social and Cultural Rights.

The Special Rapporteur on the right to food, Hilal Elver, conducted a country visit to Poland from 18 to 25 April 2016 at the invitation of the Government..

The Special Rapporteur highlights the transition of Poland's economy from a centralized system to a market economy, the resulting adjustment of its agricultural system, and how this transition has affected small-scale farmers and those in vulnerable situations.

Select Observations and Recommendations

The Special Rapporteur recognizes that Poland, as a major European agricultural country, has adopted a wide range of policies and programmes to ensure the effective enjoyment of the right to food as part of the right to an adequate standard of living. Those policies also protect family farmers and support the Polish agricultural sector in adjusting to emerging competition. However, the Special Rapporteur found that the legislative structure remains inadequate for providing the right to food for all as a fundamental human right, in accordance with article 11 of the International Covenant on Economic, Social and Cultural rights. Legislation and policy on food are focused primarily on food adequacy and safety, and fail to mainstream the issue of food accessibility.

The Special Rapporteur recommends that the Government:

- >> Ratify the Optional Protocols to the ICESCR and CRC on a communications procedure;
- >> Create a master plan for national policy focused on the right to food with the participation of all stakeholders, including smallholder farmers and consumers;
- >> Devise and adopt a national law on the right to adequate food, a stronger legislative framework on the protection of the right, and establish an institutional or coordinating body to implement this legislation;
- >> Highlight and mainstream all aspects of the right to adequate food as a pillar in national social assistance programmes;
- >> Collect disaggregated data to monitor the situation of all marginalized groups and those in vulnerable situations, including women, by conducting surveys and studies;
- >> Strengthen the integration of a gender perspective into institutional, legal and policy frameworks on the right to adequate food and nutritional security strategies, as well as rural development programmes, and support women farmers with additional incentives and access to credit and other agricultural resources;
- >> Ensure that the new land transaction law adheres to the principles of human rights and that individuals are guaranteed adequate access to appeal the administrative proceedings;
- >> Establish regulatory frameworks and national policies to control the advertising of unhealthy foods, in particular to reduce the exposure of children;
- >> Promote agro-ecology and practices that prevent soil degradation, water pollution, and excessive pesticide use;
- >> Continue to implement the FAO voluntary guidelines for domestic agricultural policymaking activities in furtherance of the right to food and Sustainable Development Goal No. 2.

The Special Rapporteur on the right to food, Hilal Elver, conducted a country visit to Paraguay from 4 to 10 November 2016 at the invitation of the Government.

The Special Rapporteur's report highlights the inequality and extreme poverty that persists in Paraguay, despite impressive and steady economic growth, and an overall reduction in poverty. Discrimination constitutes a structural and generalized problem affecting human rights, and the lack of access to adequate and nutritional food, particularly among children, indigenous peoples, women, older persons, persons with disabilities and small farmers remains an issue.

Select Observations and Recommendations

The Special Rapporteur recognizes that Paraguay has adopted a wide range of policies and programs to ensure the effective enjoyment of the right to food and the growth of a free-market economy. Still, poverty remains high in some parts of the country, both urban and rural, and persons in remote areas, including indigenous populations and those in extreme poverty face difficulties. Further consideration should be afforded to ensure that the effects of large-scale agriculture do not have negative impacts on the right to food and to protect smallholder producers.

The Special Rapporteur recommends that the Government:

- >> Ratify the Optional Protocols to the ICESCR and CRC on a communications procedure;
- >> Adopt a human rights-based national framework on the right to food, and provide for sustainable, financing, and accountability measures and an effective legal framework for environmental protection;
- >> Enact the Act against All Forms of Discrimination, the Act on Extending the Comprehensive Agrarian Reform, the Act on Native and Creole Seeds and the bill on the right to adequate food and nutrition;
- >> Protect and promote family farming as a productive model and implement the additional contracting method known as the simplified for purchasing agricultural family farming in line with Government Decree no. 2000;
- >> Monitor the implementation of the agrarian reform programme within the Constitutional framework and the Comprehensive Agrarian Reform Programme, giving priority to rural women;
- >> Develop properly financed comprehensive nutrition policies aimed at dealing with all forms of malnutrition, including obesity and micronutrient deficiency;
- >> Promote organic farming and agroecology, improve systems for the control and monitoring of the excessive use of pesticides, and create seed banks in order to maintain the genetic diversity of seeds;
- >> Implement the voluntary guidelines issued by FAO on activities relating to the establishment of national agricultural policies, and specifically the Voluntary Directives in Support of the Gradual Implementation of the Right to Adequate Food in the Context of National Food Security, and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security;
- >> Continue efforts to implement Sustainable Development Goals, particularly Goal 2.

The Special Rapporteur on the right to food, Hilal Elver, conducted a country visit to Zambia from 3 to 12 May 2017 at the invitation of the Government.

The Special Rapporteur's report considers the wide range of policies and programmes that Zambia has adopted to strengthen the agricultural sector, given its vital role in the realization of the right to food. Access to adequate and nutritious food is still a challenge throughout most of the country, with women and children in rural areas faring the worst. The Government's policy of turning export-oriented large-scale commercial agriculture into the driving engine of the national economy, in a situation where land protection is weak, runs the risk of pushing peasants off their land, which in turn could push them out of production, with a severe impact on their right to food.

Select Observations and Recommendations

The Special Rapporteur recognizes the progress made to strengthen the agricultural sector and implement a free-market economic policy to improve economic growth. The Special Rapporteur nevertheless notes that economic growth is not all-inclusive, and expresses concern that certain populations may have difficulty realizing the right to food in the current model of large-scale, commercial agriculture.

The Special Rapporteur recommends that the Government:

- >> Ratify the Optional Protocols to the ICESCR and CRC, and honor obligations under CEDAW;
- >> Prepare and adopt a human rights-based national framework law on the right to food, and enact impending legislation, including a social protection bill, fast-track the bill on food and nutrition and allocate budgetary and human resources for their effective implementation;
- >> Adopt a gender-sensitive, inclusive national land policy based on human rights principles and monitoring mechanism, ensure effective land administration and enforcement of existing laws and regulations concerning the allocation, strengthen protection against forced evictions;
- >> Support small-scale food producers, particularly women and young people and increase incomes by ensuring fair access to land and other productive resources;
- >> Extend coverage of school meals to cover 100 per cent of children, giving priority to rural areas, and adopt a simplified system for purchasing agricultural produce from family farming and local producers;
- >> Develop properly financed comprehensive nutrition policies aimed at dealing with stunting and wasting in children, as well as malnutrition;
- >> Establish effective land institutional framework for environmental protection that protects human health, prevents soil degradation and water contamination, limits excessive use of toxic agrochemical products, and promotes organic farming and agroecological methods;
- >> Improve mainstreaming the gender perspective in the institutional, legal and legislative framework with regard to the right to food, take urgent measures to address child labour;
- >> Ensure functioning of an independent institution overseeing human rights, implement FAO voluntary guidelines consistent with SDG 2

The Special Rapporteur on the right to food, Hilal Elver, conducted a country visit to Viet Nam from 13 to 23 November 2017 at the invitation of the Government.

The Special Rapporteur's report notes that the country's development over the past 30 years has been truly remarkable. Economic and political reforms have transformed Viet Nam into a middle-income country, and facilitated dramatic reductions in poverty and hunger. Despite the country's needs-based economic development policy, progress has been uneven in relation to those people who live in remote areas, particularly ethnic minority populations. The Special Rapporteur's recommendations were made in a spirit of admiration for the progress that Viet Nam has made in recent years with respect to poverty reduction and improving food security and nutritional standards.

Select Observations and Recommendations

The Special Rapporteur recognizes that Viet Nam is clearly committed to the implementation of the Sustainable Development Goal and strongly encourages Viet Nam to consider the establishment of an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights.

The Special Rapporteur recommends that the Government:

- >> Ratify the Optional Protocols to the ICESCR and CRC, and honor obligations under CEDAW;
- >> Implement voluntary guidelines issued by FAO on activities related to the creation of national agricultural policies;
- >> Guarantee the inclusion of an explicit recognition in the country's Constitution of the right to food;
- >> Prepare and adopt a human rights-based national framework law on the right to food. Include a financial structure to support smallholder farmers, gender-sensitive budgeting, an implementation strategy, supervision and accountability;
- >> Ensure the application of basic principle and guidelines on development-based evictions and displacement;
- >> Inform the public in a timely manner of industrial accidents that are harmful to the environment and human health;
- >> Create an ensure the proper functioning of an independent institution to oversee human rights, per Paris Principles;
- >> Continue its agricultural policy to diversify production and support sectors other than rice;
- >> Promote organic farming and agroecology, and provide financial and technical support;
- >> Limit excessive and dangerous use of toxic agrochemicals and establish monitoring, enforcement and compensation;
- >> Reform school feeding programme to ensure that it has national coverage and promotes a nutritious diet;
- >> Develop properly financed, comprehensive nutrition policies aimed at dealing with wasting of children, micronutrient deficiency, and obesity;
- >> Mainstream a gender perspective in the institutional and legislative framework to enhance access to adequate food and nutrition for women and girls.

The Special Rapporteur on the right to food, Hilal Elver, conducted a country visit to Indonesia from 9 to 18 April 2018 at the invitation of the Government.

The Special Rapporteur's objective during the visit was to assess the enjoyment of the right to food in Indonesia, by identifying best practices and the remaining challenges, especially for vulnerable populations, including women, children, and populations living in rural and remote areas. In her report, the Special Rapporteur provides a general overview of the situation in Indonesia concerning the right to food, including its food productivity and patterns of consumption, the use of agricultural and marine resources, and the Government's efforts to reduce poverty.

Select Observations and Recommendations

The Special Rapporteur identified several good practices that demonstrate the Government's efforts to improve food security and productivity, however, the Special Rapporteur observed that indigenous peoples (customary local communities), women and children should be given special attention in the fulfillment of their right to food considering their vulnerabilities. The Special Rapporteur identified land issues, fishing and coastal communities, business practices, infrastructure development practices climate change and trade as among the challenges and areas of opportunity for improving the right to food situation.

The Special Rapporteur recommends that the Government:

- >> Ratify the Optional Protocol to the ICESCR, and international instruments closely related to the right to food, such as the ILO Indigenous and Tribal Peoples Convention, Domestic Workers Convention, and the Work in Fishing Convention;
- >> Integrate a human rights-based approach into laws, policies, and social protection schemes, and allocate resources for implementation, including the full implementation of FAO voluntary guidelines;
- >> Focus economic policies to lower food prices, particularly for more diverse and nutritious foods, in order to address malnutrition throughout the country, and conduct a human rights impact assessment on free trade agreements;
- >> Strengthen and more effectively implement its existing policies designed to address malnutrition, throughout the country, including school feeding programmes;
- >> Be mindful of the archipelago's vulnerability to the extreme impacts of natural disasters and climate change, rapid population growth, and decreasing and degrading farmlands, and integrate the right to food into related policies;
- >> Take appropriate measures to provide small-holder farmers, fisherfolk, indigenous peoples, pastoralists, women and girls with access to resources necessary to produce their own food to feed themselves or to support their livelihoods;
- >> Address barriers to the successful and timely implementation of land redistribution initiatives and implement a land registration programme to protect local populations from large-scale land acquisitions;
- >> Ensure that the rights of communities affected by land or water concessions are fully respected and carry out infrastructure development projects in a manner that does not interfere with the enjoyment of human rights,
- >> Protect agricultural workers from any labour rights violations or abuses;
- >> Ensure that business practices are in line with international human rights laws and standards.

The Special Rapporteur on the right to food, Hilal Elver, conducted a country visit to Argentina from 12 to 21 September 2018 at the invitation of the Government.

The Special Rapporteur's objective during the visit was to assess the impact of Argentina's ongoing economic and financial crisis on the right to food. The report reiterates the importance of protecting and promoting family farming as a means of achieving a balance between the prevailing agro-industrial system and the agro-ecological production system. The report also encourages the Government to prioritize the design and implementation of effective policies and reforms with the participation of all relevant segments of society in order to guarantee the right to adequate food.

Select Observations and Recommendations

The Special Rapporteur recognizes that Argentina has an abundance of natural resources sufficient to support the agricultural sector. The current model of industrial, export-oriented agricultural has resulted in a loss of diversified food production, undermining the food security and nutrition of the population. The free market economy has contributed to impressive economic growth, but it has not been universally beneficial, with poverty on the rise in rural and some urban settings. And, despite the existence of a legal structure and good policies to ensure the realization of the right to food, Argentina does not provide Constitutional protection of this right.

The Special Rapporteur recommends that the Government:

- >> Develop and adopt a national legislative framework based on human rights related to the right to food, with a strategy and plan for the effective implementation of in each region; and activate the mechanism to select and appoint the National Ombudsman, in accordance with the Paris Principles;
- >> Comply with legal obligations to uphold the right to food in times of national economic crisis, taking into account the indirect and direct effects of the Government's austerity measures on the accessibility of food, especially for poor people;
- >> Protect and promote family farming as a productive agricultural model, as it represents almost 80% of producers in Argentina that produce almost half of the fruits and vegetables consumed in the country;
- >> Improve the control and monitoring systems to avoid excessive use of pesticides, and promote agroecology;
- >> Implement and carefully monitor the regulations that protect human health, soil degradation depletion, and water pollution that can result from intensive agricultural practices as well as large-scale livestock farming;
- >> Create seed banks in order to maintain the genetic diversity of seeds and ensure that the benefits from the use of these resources are shared fairly and equitably;
- >> Implement the FAO voluntary guidelines for activities related to national agricultural policies;
- >> Ensure that the national development agenda includes a human rights perspective and is aligned with protections for small-scale producers;
- >> Enact laws related to labels on food packaging, making sure that they contain nutritional information;
- >> Comply with the International Code of Marketing of Breast-milk substitutes published by WHO and monitor and enforce any violation of the code.