

UN Special Rapporteur on the Right to Food – Statement at the OEWG on Nutrition to comment on CFS Voluntary Guidelines on Food Systems and Nutrition—Zero Draft

30 May 2019

Morning session 9.30-12.30

Good morning everyone, and thank you Chair for the floor. It is a pleasure to be here today with all of you discussing the Zero Draft of the Voluntary Guidelines on Food Systems and Nutrition. On behalf of the UNSR on the RTF I thank the CFS Secretariat and Chair for the document we have the chance to discuss today.

I am pleased to share the UNSR on RTF's comments on parts I and II of this Draft. We welcome comments from previous speakers, especially from FAO and CSM and Sweden (and Canada), which recall a number of the following general comments:

1. International human rights law clearly establishes that **the human right to adequate food includes nutrition**. As such, every State is required to adopt a national strategy to ensure both food *and* nutrition security for all, based on human rights principles, that is *adequate*. The General Comment 12 by the Committee of Economic, Social and Cultural Rights adopted in 1999, The Declaration of the ICN2 and Madame Elver's early report on the Right to Food and Nutrition offer language and evidence to this end and should be reflected in the first part of the document.
2. The definition of the right to adequate food provided in Section II, while correct, should include the more comprehensive explanation of its component parts and fundamental elements as it was done in other guidelines.
3. International obligations, standards and norms require States to respect, protect and fulfil the human right to adequate food to overcome hunger and malnutrition and realize food security for all. Voluntary Guidelines offer an important opportunity to remind

States that the policy recommendations and guidance contained therein are **rooted in human rights law**, which obligates States to take steps necessary to progressively realize the right to adequate food. Again this should be an element of the first part of the document.

4. **All human rights are universal and inalienable; indivisible, interdependent, and interrelated.** The Guidelines should therefore speak to all duty-bearers and rights-holders, and just like the RTFG and VGGTs, the RAI Principles, the CFS-FFA, and even the COFI's SSFGs, should be consistent with, and draw on, international and regional instruments, including now the SDGs, and address *all* fundamental human rights that impact food systems and nutrition as previously stated (health, social security, decent work, water and sanitation, education, information, etc.) We would welcome this comment to be reflected across the document.
5. **These Guidelines despite being voluntary like all the other, must make specific reference to international frameworks, normative principles and tools already negotiated, endorsed and adopted by member states.** This is necessary not only to ensure legitimacy of the Guidelines we are here to discuss today, but also to guarantee their technical coherence and complementarity with other CFS and FAO products. Therefore the UNSR, encourages a **clear and explicit mention to what extent they do so and why, in the Preamble, Objectives and Nature and Scope, as well as in Key Concepts and Guiding Principles.**
6. A more general comment on the word "poverty" which appears only once in the text, despite the fact that **poverty reduction or alleviation efforts often go hand-in-hand with nutritional programs** and the realization of the right to food. The CESCR General Comment No. 12, observes that "the roots of the problem of hunger and malnutrition are not lack of food but lack of access to

available food, inter alia because of poverty, by large segments of the world's population.”

7. There needs to be a **greater discussion of power-imbalances intrinsic in the food system; greater inclusion in decision-making processes; avoiding and assessing conflict of interest; consideration of minority, women, children, indigenous, and vulnerable populations; and greater accountability by States.** The HLPE report no. 12 states that “[a]ction requires recognizing the right to food and prioritizing this rights-based perspective for the **most vulnerable.**” The focus on the most vulnerable groups and individuals in societies is crucial here and helps addressing the root causes of malnutrition and can be key to identify where but most of all *how* policy action can be most effective and sustainable. This should be an element present in the document.
8. **Clear principles of implementation should be stated, as essential to contribute to sustainable food systems: participation, accountability, non-discrimination, transparency, human dignity, empowerment and equality, and the rule of law.** These are also **cross-cutting factors** discussed in para. 41 and should be included as to ensure the realization of the right to food.

As a final remark, these comments are trying to stress the vital importance to deal with nutrition from the perspective of human rights because nutrition concerns everyone, because nutrition as an issue is in a way larger and more complex than hunger, and solutions to solve malnutrition in all of its forms are harder because they can be literally affected by every kind of national and international policies, even beyond the pillars of food security. We cannot miss this opportunity to address this important matter from a universal perspective.

We will be making these comments available in writing in a more extensive format to the Secretariat and Chair and later on today make a

few comments on the structure of the document and on the policy themes discussed.

Thank you.

Afternoon session 2-3pm

Thank you Chair for giving the Rapporteur the floor once again. A few more comments that are related to the structure of the Zero Draft as well as to some of the policy themes discussed in the text on Parts III and IV. All these comments will be shared in writing in a more extensive manner.

On structure, we also agree the idea of a drivers-based document. Further:

9. **The current organization of the Guidelines does not utilize enough the elements of the key concepts and guiding principles.** This could go in line with the issue of reshuffling the document. *E.g.* the explanation of ‘Food Environments’ as a ‘Key Concept’ in Section II.1, which is defined as referring to “physical, economic, political and socio-cultural context[s]” *compared with* the later discussion on ‘Food Environments’ in Section III. Part 2., which features sub-sections on physical access, economic access, but not on political or socio-cultural contexts (instead, there is a sub-section entitled “promoting and advertising”). The UNSR would welcome more coherence throughout the text. **Similarly, the core elements of the “right to adequate food,” (another Key Concept and Guiding Principle) which include “availability, adequacy, accessibility, and sustainability,” should dictate the structure of the Guidelines.**

On policy themes:

1. The discussion on **multi-stakeholder platforms, partnerships** in para. 61 should be more inclusive, the Netherland also mentioned

this point, and e.g. not limited only to the Scaling Up Nutrition (SUN) Movement but also recall para 26. and be expanded to the role also played by parliamentarians to promote normative, legislative action ensuring sustainable food systems and nutrition.

2. Section III. Part 1. **‘Food Supply Chains’** should include a discussion of **agriculture and food workers and their rights** within the chains. Specific policy recommendations must be provided to ensure adequate protections for the formal and informal workers engaged in primary and secondary stages of agricultural and fishery supply chains. The Guidelines should take into account the prevalence of women and children in food supply chains, the lack of social protection due to high informality, the lack of sanitation infrastructure and education on health; and the need to improve access to nutritious foods, etc. The Rapporteur has discussed this extensively in her last two thematic reports.
3. **Policy-relevant areas for ‘Production Systems’** listed after para. 42 should include **pesticides and biochemical use** that have a detrimental impact on public health and biological diversity, as well as **small-holder farmers** who are responsible for producing an estimated 70 per cent of the world’s food, yet face tremendous challenges and precarious situations.
4. While the **Policy-relevant area of “Food losses and waste”** under “Storage and Distribution” is an emerging topic, it presents practical complications, especially in developed countries where liability laws are seen as prohibiting or deterring food saving measures. There is a need to expand upon this concept. This is also one area in particular where the category of demographics from the HLPE report, and country specific information will significantly alter the applicability of the guideline. As already mentioned, FAO has recently developed a study, which illustrates how food loss and waste is hampering the right to food and provide a useful basis to expand this topic.

5. **Policy-relevant areas for 'Food Quality and Safety'** listed after para. 53 should also include **harmful and excessive use of pesticides** that have a detrimental impact on public health and undermine nutrition.
6. Recalling what previous speakers have mentioned, the discussion on "Food quality improvements" (point (b)) should also clarify that **food fortification** should be used only in exceptional situations, should be limited to emergency and short-term situations. Also nutritious food should not be medicalized.
7. The **six Global Nutrition Targets** (2025) referenced in para. 60 are not a strong tool to guide policy implementation of Voluntary Guidelines of Food Systems and Nutrition. The targets for instance are weak on childhood obesity and do not mention adult obesity. The Guidelines should encourage more ambitious targets for individual countries which encompass Food Systems and Nutrition more broadly.

We will be making these comments available in writing in a more extensive and word-by-word format which exemplifies what just mentioned above, to the Secretariat and Chair.

Thank you.