



**Human Rights Council 43rd session
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Mr. President, Distinguished members of the Human Rights Council, Excellences, Ladies and Gentlemen,

Today, I have the honor to present **my seventh and final thematic report** to the Human Rights Council, along with three other reports about my official country visits to Azerbaijan, Zimbabwe and Italy.

Let me start by taking this opportunity to thank members of the Human Right Council for giving me this privilege. I am appreciative for the administrators of the Special Procedures Branch and the human rights experts in the Office of the United Nations High Commissioner for Human Rights, who have been monumental in enabling me to carry out the right to food mandate.

Over the past six years, in my official capacity as the Special Rapporteur, I have gained a unique insight into the global state of the right to food. I have sought to draw attention to populations living on the brink of famine and those subject to the starvation that threatens more than 113 million people worldwide. I have demanded remedy for the most marginalized communities facing persistent inequality and discrimination based on their gender and/or ethnic identity. I have illustrated how these conditions were exacerbated in the wake of severe conflicts and emergency situations, including those linked to geopolitical tensions and climate change.

These observations have led me to conclude that despite the Sustainable Development Goal of “zero hunger” and malnutrition by 2030—an issue on which I most recently reported to the General Assembly in New York—the realization of the right to food remains a distant, if not impossible, reality for far too many.

My final report offers a critical perspective on the trends that have led to this reality and a review of new developments that have the potential to change the status quo. The report also looks to the future, highlighting the roles and responsibilities of key players in advancing the right to food. It is my intention that this report provides a foundation for those who wish to guarantee this right for the next generations.

Distinguished delegates,

To start, we must recognize that **globalization and commodification of food system and the current industrial agricultural model has serious disadvantages**. It generates food loss and waste, mistreats animals, emits greenhouse gases, pollutes ecosystems, displaces and abuses agricultural workers and fisherfolk, and disrupts traditional farming communities. Put simply, the human rights of food system actors, including agricultural workers, smallholder farmers and consumers, are often ignored or their rights violated.

Power within the food system is concentrated in the hands of a few corporate actors that benefit from free trade rules and export-oriented agricultural policies. Around the world, local markets are collapsing and rural producers are increasingly facing poverty. Fiscal policies that promote farm subsidies and other protectionist measures mostly benefit large multinational corporations and big landowners over the interests of local producers, including smallholders and peasants.

The common agricultural policy of the European Union for example, is intended to promote “farmers’ food sovereignty” but is often subject to distortion and manipulation that threatens the livelihoods of local producers and our natural environment. **Several** States have also adopted neoliberal reforms, including fiscal consolidation or austerity measures, and broader, structural reforms that liberalize, deregulate and privatize food markets to the detriment of smaller producers.

Most recently, these policies, in conjunction with cuts to fuel and food subsidies, are creating social and economic instability, as seen in Haiti, the Sudan, the Bolivarian Republic of Venezuela and many more countries.

We have also witnessed the impact of foreign market actors on local food production, as farms have become increasingly consolidated as part of a “global land grab.” Between 2000 and 2016, foreign buyers acquired 42.2 million hectares of land, with Africa accounting for 42 per cent of all deals. Proponents of large-scale land acquisition frame these policies as beneficial for local employment and economic infrastructure.

But in practice, these policies cast land as a marketable commodity sold to the highest bidder. Most acquisitions do not advance poverty reduction or development targets; instead such policies encourage export markets, increase the risk of price shocks and create a market for land rights with potentially destructive effects on the local livelihoods of family farmers, pastoralists and those without formal land grants.

It is important to recognize that, over the past 6 years, I have also seen positive advances with respect to the protections of peasants, rural producers, and those most at risk of displacement. In 2018, after prolonged negotiations and tireless efforts by civil society, the General Assembly adopted the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. This monumental decision signals a growing and

formal recognition of human rights for populations that have been historically been disenfranchised and overlooked.

We are also in the midst of the UN Decade of Family Farming, which presents an opportunity to better policy environment for family farmers, support youth and generational sustainability, promote gender equality, improve socioeconomic inclusion and safeguard biodiversity, the environment and culture.

Despite these promising developments, there has also been an emergence of concerning trends, several of which I have raised before this Council. Food system workers, for example, continue to rank among the world's most food insecure, facing informality, a lack of social protections, exposure to toxic pesticides, and persistent violations of their labour and human rights.

Existing legal protections for such workers—especially women, children, and migrants—have proven insufficient as supply chains continue to expand and cross jurisdictional boundaries. The Plantations Convention, 1958 (No. 110) and its Protocol of 1982 are only operative in 10 countries and ratification of other ILO conventions remains low; protections for fishery and agricultural workers are set forth in a patchwork of fragmented legal frameworks that lack mechanisms for monitoring, enforcement, and accountability (see A/73/164 and A/HRC/40/56).

The persistent use of pesticides despite the impact on workers is only furthering the environmental degradation associated with food production. Countries have also been slow to adopt appropriate legal protections—as demonstrated by the ongoing debate over glyphosate, the active ingredient in the Roundup weed killer.

Efforts to change the status quo are under way at the international level, as a draft legally binding agreement on business activities and human rights is currently under negotiation. It is intended to prevent violations and abuses, ensure access to justice and remedies for victims, and promote and strengthen international cooperation. More than 400 civil society organizations support this initiative, but the developed countries have so far declined to do so.

Biodiversity is vital to sustainable agriculture and food production but is diminishing at unprecedented rates, threatening the world's food supply and global access to available, adequate and sustainable food. Addressing climate change, which causes additional stress on land, exacerbates threats to livelihoods, and health, as well as reducing meat in diets will have important ecological benefits.

So too, will ensuring protections for Indigenous peoples, who are custodians of 80 per cent of the world's remaining biodiversity, but face severe food insecurity, extreme poverty and other human rights deprivations.

Focusing on consumption trends, we are now living in a world in which state policies that promote commodity foods for exports and flood local markets with subsidized, processed

foods. As a result, for the first time in history, there are more obese than undernourished people in the world and non-communicable diseases are increasing. More than 40 million children worldwide are overweight, with those in Africa and Asia most burdened.

These trends are associated with the “supermarketization” of food systems, particularly in Africa and Latin America, as well as a lack of State protections against the food industry’s targeted marketing towards children. While the Committee on World Food Security is currently drafting voluntary guidance on food systems and nutrition, it is incumbent upon States to take binding action.

Distinguished delegates,

It is with grave concern that I remind this Council that, during the course of my mandate, protracted conflict, local insecurity and violence have continued to disrupt agricultural production and massively threatened livelihoods, further accentuating coping strategies and deepening vulnerability to shocks. (see A/72/188). The worst food crises have occurred in areas of active conflict, with over 113 million people affected in 2018. Crises in Afghanistan, the Democratic Republic of the Congo, Ethiopia, northern Nigeria, South Sudan, the Syrian Arab Republic and Yemen account for two thirds of acute global food insecurity.

After nine years of conflict, the latest reports are declaring Syria as an ongoing humanitarian emergency, with more than 900,000 people displaced since December 2019 and without sufficient water, food, or basic necessities. Meanwhile, in Yemen, the site of the world’s worst humanitarian crisis, 15.9 million people are experiencing hunger each day, and 24 million are in dire need of humanitarian assistance. Over the course of my appointment, I have similarly witnessed reports of conflict-induced food insecurity in South Sudan, the Gaza Strip, and Myanmar where the government disregarded its obligation to respect, protect and fulfil the right to food of its citizens, and instead resorted to forced starvation of the Rohingya people in the Rakhine province.

The adoption of Resolution 2417 by the Security Council condemning the starving of civilians as a method of warfare, as well as the unlawful denial of humanitarian access to civilian populations, and the recent amendment to the Rome Statute, formally recognizing the crime of starvation in non-international armed conflict are both important steps forward. Perpetrators of deliberate starvation cannot continue to enjoy widespread impunity. The international community must hold States accountable for violations of the right to food, both in times of peace and in times of war, as the right applies at all times, regardless of the conditions.

To guarantee these rights in times of conflict, I respectfully reiterate my call for a global convention that gives States and the international community clear legal mandates to prevent famine and protect the right to adequate food before situations reach a critical stage (see A/72/188). A binding agreement should cover the essential elements of conflict prevention, prohibition, and post-conflict rehabilitation of the agricultural sector, prioritizing local producers and women farmers.

Of course, conflict is not the only driver of severe food insecurity. The climate crises poses an existential threat to human survival and a violation of all human rights. Failure to act could push over 3 billion people into extreme poverty and hunger, with a possible increase in the total population at risk of hunger rising to 20 per cent by 2050. State responses to the three post-2015 agendas for action have not proven effective.

Fortunately, since the start of my mandate, the climate crises has become increasingly recognized and youth are leading the call for change, as demonstrated by protests and engagement at the Climate Action Summit, held in New York in September 2019 and at the twenty-fifth Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Madrid in December 2019.

Excellences, Ladies and Gentlemen,

Recognizing the progress achieved and the shortcomings that remain in addressing the barriers to the right to food tells only half the story. Eliminating hunger and malnutrition for all will require the active participation and engagement of a range of stakeholders, predominantly States as the primary duty-bearers of the right to food. It also requires a holistic, coordinated and rights-based approach to the elimination of hunger and malnutrition with increased attention given to future generations and the planet.

States must formally recognize economic, social, cultural rights, both in times of peace and in conflict. States continue to neglect economic, social and cultural rights, particularly the right to food. There are 170 parties to the International Covenant on Economic, Social and Cultural Rights, but only about 30 countries have explicitly recognized the right to food in their national constitutions. In countries that explicitly or implicitly recognize the right to food, there is a significant gap between law and implementation.

States are duty bearers and all persons are rights holders, not passive recipients of charity. There exists a fundamental difference between a legal entitlement and a generalized affirmation of charity or moral responsibility. Accordingly, States must ensure that adequate institutions and avenues exist, so that rights holders can hold them accountable for rights violations and secure remedial relief for themselves. The Covenant sets forth certain procedural rights, including participating in decision-making, accountability, transparency and the rule of law as part of the implementation process.

Implementing a human rights-based approach to governance, one which recognizes that all human rights are interdependent, interrelated and indivisible is essential. So too is monitoring rights and guaranteeing access to justice, especially for extraterritorial violations.

Geopolitical borders cannot be an excuse for human rights violations; merely encouraging private food industry actors to adhere to guiding principles will not remedy the power-asymmetries and conflicts of interest that undermine the right to food.

This concentration of power into the hands of a few corporate actors reflects a widening global inequality gap, which contributes to the inequitable distribution of food and productive resources. Realizing the right to food requires States to adopt economic reforms that translate the promise to “leave no one behind” into concrete policies aligned with human rights obligations; demonstrate the political will and financial commitment to implement the Sustainable Development Goals; and prioritize solutions to the global drivers of hunger and malnutrition in ways that counter nationalist policies.

Such solutions include more responsible investment in emerging agricultural technologies that are adequately regulated according to the “precautionary principle;” they also include greater investment in agroecology and traditional knowledge, demonstrating a shift away from dangerous chemical pesticides and intensive production methods.

Women, youth, human rights defenders and the scientific community must be afforded greater protections. These populations are critical to the future of our food systems and the universal realization of the right to food, but their human rights are too often compromised. Between 2017 and 2018, for example, the United Nations verified 431 killings of human rights defenders, journalists and trade unionists in 41 countries between 2017 and 2018 (see E/2019/68). Civil society cannot allow impunity for human rights violations committed against human rights defenders and cannot shy away from fighting for rights in fear of retaliation (see A/74/159).

Civil society must rise up as food citizens, calling for a new, integrated food system based on democracy, participation, and ecological principles, and which reconnects consumers to producers, even as demographics shift to urban areas.

This Council also has a role to play. In recent years human rights have been under attack owing to emerging nationalism, populism and predatory global capitalism. World powers are retreating in their historical commitment to human rights, and United Nations institutions are consequently experiencing extreme financial shortfalls, especially OHCHR and regional human rights mechanisms such as the inter-American human rights system. Institutional fragmentation and silos within and between the Rome-based organizations and the Geneva-based human rights mechanisms, in particular, have further weakened efforts to mainstream human rights into food policy agendas (A/74/164, para. 52).

More cohesive, coordinated action between New York, Rome and Geneva that builds upon the findings of this Council, the special procedures, the treaty bodies and the universal periodic review is vital for the effective promotion human rights. This will also lead to greater policy coherence throughout the United Nations institutions and greater support for the realization of the right to food.

Mr. President, Distinguished delegates,
I will turn now to my three country visits reports:

Azerbaijan

Vigorous economic growth and social transformation over the past 20 years have turned Azerbaijan into an impressive upper middle-income country. However, the fragility of Azerbaijan's economy because of its heavy dependence on oil and gas production highlights a need for diversification by increasing investments in the non-oil sector. Therefore, the Government is focusing its efforts on developing the country's agricultural potential and on increasing productivity to guarantee economic stability. This is still in its early stages and needs to incorporate a human rights-based approach to ensure food security and sustainable agriculture and food systems.

In the past two years, Azerbaijan has made impressive efforts to establish new institutions such as the State Agency for Food Safety and has introduced new laws, policies and programmes for the development of the agricultural sector, food security and food safety. The challenge now is to ensure implementation of the goals, through the allocation of adequate budgets, and securing growth that benefits to all.

In spite of positive achievements, the emergence of a free market economy has contributed to the country's recent impressive progress, this growth has not been sufficiently inclusive and agricultural development has not yet benefited the whole of society and inequality is one of the stumbling blocks in the struggle to eliminate poverty, hunger and malnutrition.

Smallholder farmers are extremely vulnerable and often cannot survive their livelihood from their own farms. Therefore, they have to take 'day jobs' in the oil and service sectors.

Also, policy-making process in the area of agriculture and food systems, suffers from public consultation that hinders efforts to bring about improvements. Without involvement of small holder farmers, and other stake holders, programmes and projects will fail to take adequate account of the real human, environmental, and social impact of the agricultural sector. Human rights based approach to food security requires such an involvement.

Many farmers also face severe water shortages and pollution, especially in transboundary rivers that flow across the border from Armenia, and climate change in the region.

Farmers have problems about access to quality seeds, adequate machinery, modern irrigation systems, and issues access to market. Farmers are also frequently faced with financial difficulties when arranging loans and subsidies.

The next 10 years are going to be crucial. Azerbaijan should concentrate its efforts on achieving self-sufficiency and strengthen its independence from big agricultural powers and companies to safeguard food security in the country. To achieve this, it is crucial to increase the market competitiveness of small farmers. The challenge now is to ensure that the right to food is provided for all, and the goals are implemented, through the allocation

of adequate budgets, and securing growth that benefits all levels of society. This is still in its early stages and needs to incorporate a human rights-based approach to ensure food security for all sustainable agricultural system.

Zimbabwe

From 18 to 28 November 2019, I conducted an official mission to Zimbabwe at the invitation of the Government. Throughout my mission, I found that despite the constitutional protection of the right to food and a sophisticated set of human-rights based national laws and policies, man-made starvation is slowly making its way in the country, with more than 60% of the population now considered food-insecure due to extreme poverty, high inflation and poor agricultural productivity, among other causes.

While acknowledging the strong commitment to a zero hunger policy expressed by all my interlocutors in the Government, I am worried that the situation in Zimbabwe is slowly getting to a point of man-made starvation. Political polarization, the economic and financial crisis, economic sanctions and erratic climatic conditions all contribute to the storm of food insecurity currently facing the country. Today, Zimbabwe counts amongst the four highest food insecure places, alongside conflict ravaged countries.

During my mission, I also received serious allegations that the distribution of lands or food had been being manipulated for political ends throughout the last two decades, favoring those who support the ruling political party.

As food insecurity and land mismanagement increase the risks of civil unrest, I urged the Government to adopt the necessary measures to deliver its zero hunger commitment without any discrimination, to reduce the country's dependence on food importation, especially given the volatility of foreign exchange rates. Relying on maize as the main staple food simply hinders the fight against malnutrition.

It is vitally important for the country to create the conditions for the production of its own food and the protection of traditional seeds, to ensure the country's self-sufficiency, food sovereignty and preparedness for climate shocks. In order to do that, the Government should initiate a master plan for a sustainable and nutrition-sensitive food production system which will take into account the country's natural resources and climatic conditions with a view to diversify the diet of its people.

Good fiscal and economic governance could change the course of Zimbabweans' economic and social conditions, particularly their right to food.

The Government should also fulfil the obligation of the right to food by providing food assistance throughout this emergency period and ensure that social safety nets are established for the most deprived segments of its population, without any form of discrimination and with respect to the principles of transparency, accountability and participation in decision-making. The right to food cannot be effectively implemented without a democratic order respecting all sets of rights, including civil and political rights.

The international community, together with the government and opposition parties, must urgently scale up its humanitarian assistance and provide for most of the resources needed to eliminate hunger and malnutrition with a view to put an end to this spiraling crisis before it morphs into a full-blown social unrest. I also urge the USA and the EU to put an end to all unilateral economic sanctions and conditionalities which, in my view, have contributed to an overall environment of corruption, business uncertainty and food insecurity for the most vulnerable segments of the population. While acknowledging that these sanctions are very targeted and were put in place in the early 2000s because of an overall deterioration of the human rights and economic situation in the country, it is my opinion that they create a very adverse environment for the international trade and foreign investment that the country so desperately needs.

Italy

Although the right to food is not explicitly mentioned in the Italian legal framework, it is implicitly embedded in its Constitution. At regional level many food policies to enforce right to food are also emerging. Italy has also demonstrated its commitment and active role in engaging with international human rights mechanisms.

The country however faces a number of challenges to fully realize the right to food for all. Italy is still recovering from the 2007/2008 economic crisis, and many families have gone from middle-income to low-income. With an unemployment rate of 9,8%, the country is affected by consistent poverty rates with a total of 5 million people living in extreme poverty, 1.8 million of whom are children. The government has implemented several programmes and adopted legislation to combat poverty.

In 2019 the Government also introduced the law “Reddito di cittadinanza”, or Guaranteed Minimum Income law, a social welfare provision that guarantees that beneficiaries have a temporary income sufficient to live on, provided they meet certain conditions.

The current agricultural landscape presents on one side the large land holdings and intensive production systems, mostly located in the North, with an average of 80/100 hectares per farm; while on the other, a large group of smallholder farmers, particularly located in the South, where average farm size is 5 to 8 hectares. Agriculture is still the main source of income for many small-scale farmers.

The Government has carried out several reforms to protect its small holder farmers. For example, Italy has approved law 141/2015 to facilitate “social farming” to increase protection towards biodiversity and agro-ecology.

Similarly, a number of initiatives are currently ongoing to facilitate and stimulate the engagement in agriculture of youth and women, such as law 109/96 on the confiscation of goods (including land) from mafia to be given in concession for social or production purposes.

Italy is the second country in the European Union to pass an elaborate national law to **regulate the loss and waste**. The Legge Gadda (166/2016) has facilitated the collection and donation of food surplus to non-profit entities, incentivizing innovation and requiring local administrations to provide fiscal incentives. However, redistribution cannot be considered as a valid long-term strategy against food poverty and insecurity.

A number of issues still hamper the sustainable growth of the agriculture and agro-processing sector. Among them, the most pressing ones include: criminal and fraudulent activities in the food system; falsification of needed criteria in order to access the subsidies of the Common Agricultural Policy; the dumping and/or burning of contaminating products in the rural areas and rivers; the use of counterfeit pesticides that are often sprayed by workers without adequate safety measures and polluting environment and agriculture produce; and the increase in food-frauds are among some of the major problems.

Small holder producers are struggling with the low prices paid by large distributors that lead to farmers' suicides and bankruptcies.

The conditions of agriculture workers are also a pressing issue. Some of them are exploited and underpaid. This is particularly severe for migrant workers, during harvest season, and even more if they are undocumented.

Italy also suffers from some forms of malnutrition. Large socio-economic disparities exist in obesity. Women with poor education are 3 times more likely to be overweight than more educated women. Unhealthy diets are one of the main causes of overweight in children and adults. The Government has however implemented a number of commendable practices to foster healthy nutrition in the country.

School canteens are a link between the right to education and the right to food as well as a policy to fight poverty. In nine regions, more than 50% of the pupils do not have the school canteen service and the disparities of fees among municipalities is huge. The improvement of the food security of Italian children will inevitably require the increase in the number of schools that offer full time options and free school meals for those who cannot afford it.

Italy presents many outstanding good practices that foster the progressive realization of the right to food. It is my hope that the Government will upscale, improve and mainstream these existing practices and programmes that can truly make a great difference in achieving the right to food for all in the country. Thank you. END.