



Republika ng Pilipinas
Komisyon ng Karapatang Pantao
(Commission on Human Rights)

Position Paper
of the
Commission on Human Rights of the Philippines
on the Voluntary Guidelines to Support the
Progressive Realization of the
Right to Adequate Food in the Context of National Food Security

INTRODUCTION

RIGHT TO FOOD AS A HUMAN RIGHT

The right to food is a human right, protected under international human rights and humanitarian laws. Relevant international instruments include the following:

Article 25, Universal Declaration of Human Rights

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 11, International Covenant on Economic, Social and Cultural Rights

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 14, Convention on the Elimination of All Forms of Discrimination Against Women

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

x x x

- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Article 27, Convention on the Rights of the Child

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

International Humanitarian Law

Part IV - Civilian Population

Article 14 - *Protection of objects indispensable to the survival of the civilian population*



Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works.

Part II - *Humane Treatment*

Article 5 - *Persons whose liberty has been restricted*

1. In addition to the provisions of Article 4, the following provisions shall be respected as a minimum with regard to persons deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained:

- (a) the wounded and the sick shall be treated in accordance with Article 7;
- (b) the persons referred to in this paragraph shall, to the same extent as the local civilian population, be provided with food and drinking water and be afforded safeguards as regards health and hygiene and protection against the rigours of the climate and the dangers of the armed conflict;

Additionally, General Comment No. 12 and General Comment No. 15 offer precise legal interpretation describing the normative content and the respective state obligations under the right to adequate food and water, respectively.

SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD REPORT

However, as the Special Rapporteur on the right to food has reported, despite the numerous commitments of Governments to eradicate malnutrition, widespread hunger and malnutrition persist throughout the world, as do violations of the right to food. The Food and Agricultural Organization of the United Nations (FAO) shows that progress in reducing world hunger has virtually come to a halt. In fact, data from 1998 to 2000 estimate that the number of undernourished people around the world increased to 840 million. Promises made by Government at the World Food Summit in 1996 to halve the number of victims of undernourishment are not being met. Few countries have been able to report progress. It is still a tragedy that every seven seconds a child under the age of 10 dies directly or indirectly of hunger somewhere in the world and more than 2 billion people worldwide suffer from "hidden hunger", or micronutrient malnutrition. Children and adults are left mentally and physically stunted, deferred or blind, condemning them to marginal existence. Hunger repeats itself through the generations, as undernourished mothers give birth to children who will never fully develop, condemning whole countries to underdevelopment. All this in a world which, according to FAO, already produces more than enough food to feed its population. (February 2004 Report submitted by Jean Ziegler, in accordance with CHR resolution 2003/25).

While no doubt that an additional new legal instrument may be useful if it will serve as a present guideline for the implementation of the right to adequate food, the instrument subject of the present discussion does not meet said criteria. The purpose is laudable but the provisions of the Voluntary Guidelines fail to meet its objective.

If at all, it should only be made to apply to non-state parties.

The foregoing considered, the Commission objects and finds the voluntary guidelines unacceptable as guide by State parties on the implementation of the right to food.

Accordingly, let copies of this position paper be furnished the Department of Foreign Affairs (DFA); Department of Agriculture (DA); Office of the President (OP) and Local Government Units (LGU) for their information and guidance in complying with treaty obligations.

Done this 2nd day of June, 2004 at Quezon City, Philippines.


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