Linkages between food and human rights

The right to food is enshrined in the 1948 Universal Declaration of Human Rights (art. 25) and has been progressively reinforced within several international agreements, including the International Covenant on Economic, Social and Cultural Rights (1966), the UN Convention on the Rights of the Child (1989) and Convention on the Elimination of All Forms of Discrimination against Women (1979). The Rome Declaration, approved in 1996 during the World Food Summit, specified the Human Right to Adequate Food and Nutrition (HRAFN), that is, of all people to have access to a sufficient amount of safe and nutritious food. In 2002, guidelines were developed in support of government action to fulfil everyone’s right to adequate food, and (voluntary) guidelines on the right to food were adopted by FAO members in 2004.

The Sustainable Development Goal - SDG 2 - of the 2030 Agenda is focused on eradicating hunger and all forms of malnutrition, in addition to achieving food security and promoting sustainable agriculture. Interconnections with other human rights and SDGs are clear, since adequate nutrition contributes to reducing poverty and inequalities, promoting quality health and education, as well as gender equality – and, in turn, the progress in these areas is crucial to achieving greater food sovereignty and fostering the HRAFN.

Poverty is the primary cause of food insecurity, but both are exacerbated by factors such as violent conflict or climate change.
The phenomenon of hunger is underpinned by various inequalities (geographical, of income, gender, etc.) that are rooted in structural discrimination and imbalances in economic, social and political power. Generally, people or social groups who are historically left behind, who are at a disadvantage and/or who have less power – such as women, ethnic minorities, indigenous peoples, those at risk of social exclusion – are more affected by hunger and malnutrition. Fostering the human rights of women, for example, by reducing inequalities in access to goods (community, family and individual) and means of production (such as land ownership), is a key factor in improving the right to food everywhere in the world.

The countries most affected by food insecurity experience a vicious circle very difficult to break, as hunger, malnutrition and undernourishment have strong impact on health, education/learning and human development, in productivity and economic growth, and in the intensification of social tensions and conflicts – factors that in turn reinforce poverty and food insecurity.

Since this is critical to achieving many other human rights, one would expect determined action in reform, reorganisation and governance of global food systems in order to progress towards inclusive, fair and equitable development. Nevertheless, although humanity has the necessary resources to eradicate extreme poverty within a generation, including ending hunger and all forms of malnutrition, developments in recent years show an opposite trend and disregard of the underlying and systemic causes of food insecurity, which the COVID-19 pandemic has only exacerbated.

Globally, the number of people without access to adequate food has been progressively on the rise since 2017 and has worsened especially with the pandemic, interlinked with increasing humanitarian crises and forced displacement. There is also a growing prevalence of moderate or severe food insecurity, with 1 in 3 people in the world not having access to adequate and sufficient food. Sub-Saharan Africa (as share of the total population, with 66.2% in this situation) and Central and South Asia (in absolute number of people) are the most affected regions. In 2020 alone, the share of people suffering from hunger increased from 8.4% to 10.4% of the global population. In the short term, prospects for recovery are bleak in the face of growing impacts from climate change as well as the war in Ukraine. This means that not only the achievement of the right to food is further away, but also that other human rights are seriously compromised.
Human rights’ violations in the food system

A highly unequal distribution of food and productive resources, as well as the current organisation of food systems and functioning of supply chains raise questions about respect for human rights, justice and equality. This is because the global food system is more focused on markets and profit maximisation than on people’s needs, rights and dignity. The very basic conception of the system, by reducing food to a commodity to the detriment of food as a basic human need, undermines the objectives of food security and sovereignty.

Food systems have not responded to the needs of the poorest, most vulnerable and of most farmers, although these smallholders produce around 30% of the world’s food. These asymmetries have been exacerbated by the growing concentration of power in big agribusiness groups and transnational corporations that control global value chains, in which those at the beginning of the chain – farm workers, farmers and small-scale producers – have great difficulties in being heard, in protecting their rights and preserving livelihoods that enable a decent life. The mega-mergers in the agricultural and food sectors contribute to this concentration of power, with significant risks of worsening inequalities and human rights violations. The privatisation of seeds through the imposition of clauses for the protection of industrial property rights is also a threat to countries’ food sovereignty. Large multinationals in the food and agro-industrial sectors also have a greater capacity to influencing the laws that benefit them, thereby reproducing and perpetuating the system’s imbalance.

The organisation of various agri-food supply chains enables situations that can be classified as violations of the right to adequate food and other human rights. These violations are more frequent and prolonged in countries with lower development levels and greater fragilities, as these usually have less consolidated labour, environmental and social legislation, less stringent regulations on economic activities (resulting from great need for development and attracting investors), or simply lack the capacity for monitoring and implementing existing legal frameworks. On top of this, pressure from agribusiness relies on the complicity of some governments, which assign, sell or lease land to large companies under more favourable conditions and without safeguarding human rights issues – Brazil’s role in the Amazon being one of the best-known cases.

One of the most frequent violations is the disrespect for labour rights along supply chains.

The need to produce food at low prices not only generates great inequality in profit distribution (as producers receive the least along the entire chain) but often violations of labour rights – ranging from job insecurity and lack of legal/social protection for workers in the agri-food sector, to harmful working conditions for health or safety, child
Labour, labour exploitation and human trafficking. Sometimes, hiring more vulnerable groups, such as migrants, is a strategy that contributes to perpetuate these violations, as their social and legal status make exploitation easier and contestation more difficult.

Land grabbing is also a human rights’ violation and a growing phenomenon in developing countries, propelled by the transnational business expansion in the agri-food sector. The expropriation of small farmers and indigenous communities from their lands without their consent or real prior consultation is increasingly frequent in the case of large investment and trade projects, which deprive people of housing, work and livelihoods, generating the forced displacement of communities and harming their food sovereignty. Intimidation and persecution of local communities’ activists and/or environmental protection defenders is also on the rise, particularly in countries in Asia and Latin America.

These events are favoured by the growing demand for agricultural raw materials on world markets, with increasing pressure on land in the developing world, for various purposes that range from the beauty and cleaning products industries (where palm oil plays an important role, for example), to animal feed in the context of an increasingly intensive and polluting agricultural industry (with soy production as the main protagonist), or the production of biofuels to meet climate goals. Notably, the European Union’s demand for commodities such as palm oil, meat, soy, cocoa, wood, rubber and other processed products or services has had social and human impacts abroad, including on land grabbing.

All of this coincides with the weakness of mechanisms for an effective application of international standards and norms in this matter. The principle of “free, prior and informed consent” of those who have legitimate tenure rights and may be affected by decisions (e.g., investment, land use, etc.) is still often neglected. The UN Guiding Principles on Business and Human Rights (2011) is the current most comprehensive framework on responsible business conduct but it would be important to enact a globally binding treaty (currently under discussion).

The European Union’s rules and regulations are stricter than in other advanced regions and countries (such as the United States), but it is still difficult to monitor or sanction human rights abuses caused by or associated with business activity, investment and trade with third countries. Important steps have been taken for adopting binding legislation for business actors in Europe and abroad, notably on the issue of due diligence in environment and human rights, but several voices have being raised on the lack of ambition, little coverage of the envisaged legislation and the weak protection of labour rights in global value chains.

It would be important that this legislation encompass the diversity of stakeholders in this area (including companies that provide products and services to the EU, financial institutions and investment funds), as well as the various relationship and partnership instruments with partner countries, so that, as European consumers, we can be sure that the agri-food products consumed did not involve human rights violations at any point of the chain (direct or indirect trade relationships, investment chains, etc.). The reinforcement of liability and redress mechanisms for non-compliance in concrete instruments would also be an improvement, including clear and simple mechanisms for complaints and claims by actors who feel their rights are being denied by cooperation, trade and investment agreements, thus allowing local communities to have more information and tools to access justice and protect their rights. Only then will it be possible to ensure a comprehensive and effective contribution to food security in the world, anchored in a human rights approach.
Brief of the project Our Food. Our Future, that advocates for sustainable change in the food system and fair agricultural supply to combat global problems, implemented by a European coalition of 23 civil society organisations.

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