

## **Holding Governments Accountable for the Right to Adequate Food and Nutrition at the International Level**

### **UN Human Rights Treaty Bodies**

The UN Committee on Economic, Social, and Cultural Rights (CESCR), the UN Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW), and the UN Committee on the Rights of the Child (CRC) are UN human rights treaty bodies made up of independent experts with the mandate to interpret specific international conventions (through the issuing of General Recommendations and Comments) and monitor the implementation of States' human rights obligations under these specific treaties. These bodies are created by the treaty that they monitor and are accountable to the States parties of those treaties.

The process for monitoring States' compliance with their human rights obligations under each treaty entails the periodic review by the Committees of reports submitted by States parties on their compliance with the treaty. Civil society involvement in all phases of this reporting and monitoring process, through the drafting and submission of parallel reports, written and oral statements during the Committees' sessions in Geneva, and briefings and bilateral talks with Committees' members, is crucial in order to ensure that Committees' members are able to get a full picture of the situation on the ground and that rights-holders have a voice in a process that can otherwise be perceived as being far removed. Direct advocacy to the Committees should be aimed at the inclusion of specific recommendations related to the right to adequate food and nutrition in their Concluding Observations.

At a later stage, this meaningful involvement of civil society is crucial for the follow-up process. Indeed, civil society organisations can and should ensure the continuous monitoring of in the implementation of the Concluding Observations by States parties.

## **Universal Periodic Review**

The UPR is a mechanism of the UN Human Rights Council that periodically examines the human rights performance of all UN Member States. It is the first international human rights mechanism to address all countries in relation to their human rights performance regardless of whether they have ratified a particular treaty. Civil society can interact with the UPR in a similar manner as they do with the human rights treaty bodies.

## **Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR)**

Under the OP-ICESCR, victims of violations of economic, social and cultural rights (ESC rights) who are unable to seek relief for their claims within their own country, can seek redress at international level by filing a complaint with the Committee on ESCR. The Committee then assesses the case and makes recommendations. While the Committee is not a court and can therefore not order State action, a recommendation by the Committee can strengthen the public and legal struggle of the victims. The OP-ICESCR can be used if, for example, a government enters into an agreement with a company to lease a large amount of land, or to develop a monoculture or a mining project, at the expense of local communities, and if, as a result, the communities lose access to housing, food and/or ties to their ancestral land without having been appropriately consulted and compensated. In such cases, the State is in violation of its international obligations because it has not respected or protected the fundamental rights of its citizens. Victims of such circumstances often have only limited recourse to their national courts, or they might not receive adequate compensation for their claims from those courts as a result of pressure exerted by state authorities or judges that decide in favor of business interests over the rights of residents.

The OP-ICESCR has been on the agenda of FIAN and other international human rights organizations for almost 30 years, as it gives competence to the ESCR Committee to examine complaints from individuals who claim violations of rights protected under the Covenant on ESCR, such as violations of the right to adequate food and nutrition. After the OP-ICESCR entered into force on 5 May 2013, the work of advocacy organizations has concentrated in ensuring that the maximum number of States ratifies the treaty, as it is only States that have ratified the Protocol that can be examined under the OP-ICESCR.

## **CEDAW General Recommendation on Rural Women**

Rural women constitute one-fourth of the world's population. Their contributions are vital to the well-being of families and communities, and of local and national economies. They are central to the development of rural areas: they account for a great proportion of the agricultural labour force, produce the majority of food grown, especially in subsistence farming, and perform most of the unpaid care work in rural areas. Despite some improvements in rural women's status in both developing and developed countries, their rights and priorities remain insufficiently addressed in legal frameworks, national and local policies, budget, as well as in investment strategies at all levels, with implications for the human right to adequate food and nutrition of all.

According to its mandate to interpret the CEDAW Convention through the elaboration of General Recommendations, in October 2013, the CEDAW Committee officially began the process of elaborating a "General Recommendation on Rural Women". The purpose of this General Recommendation is to provide appropriate and authoritative guidance to States Parties on the measures to be adopted to ensure full compliance with their obligations to protect, respect and fulfil the rights of rural women, which are currently contained in CEDAW's Article 14.

The text of the General Recommendation is being drafted by the CEDAW Committee, with input from selected actors, including civil society. The final draft should be adopted in an upcoming session of the CEDAW Committee and will be an important step in that it will be the first international instrument specifically addressing the rights of rural women. In addition, the process of elaborating the General Recommendation can deepen the dialogue and alliance among different constituencies and groups of rural women and provide us with a unique opportunity to ensure that the official text reflects the interdependence of women's human rights and a holistic understanding of the human right to adequate food and nutrition.

## ***Colombian Afro-descendant Peasant Women Make Demands to UN CEDAW Committee in Geneva<sup>1</sup>***

Afro-descendant peasant women in the Cauca region of Colombia experience continuous violations of their human right to adequate food and nutrition (RtAFN) due to the expansion of the agro-industrial sugarcane sector and lack of adequate safeguards for accessing land for agricultural production. For years, members of the Community Peasant Council of Palenque Monte Oscuro (CCCPMO) have been making demands to the Colombian State to grant them access to the lands they lost as a result the sugar cane expansion and related land grabbing, so that they may engage in productive work and realize their RtAFN.

As part of its work with the affected women in Colombia, FIAN International and FIAN Colombia in 2013 submitted a report to the CEDAW Committee<sup>2</sup> and supported Adelaida Molina, member of the affected communities, to take part in the Committee's review of Colombia to bring attention to the struggle of afro-descendant peasant women in her community at the international level.

As a result of the effective engagement of the affected women of Monte Oscuro and supporting civil society in the monitoring process, the CEDAW Committee's Concluding Observations to the Colombian State included, among other relevant recommendations, the need to eliminate the various barriers faced by Afro-Colombian women in their access to land. These concluding observations can and are being used at the national level by the women of Monte Oscuro to put pressure on the Colombian government to grant them access to their lands.

Once the CEDAW General Recommendation on Rural Women is adopted by the CEDAW Committee, the affected women of Monte Oscuro will be able to make use of this instrument in their national advocacy efforts. Furthermore, if Colombia were to ratify the OP-ICESCR, affected community members would be able to file a complaint to the Committee on ESCR and seek redress at the international level.

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<sup>1</sup> For more information on the Monte Oscuro case, please visit:

[http://www.fian.org/library/publication/detail/mujeres\\_campesinas\\_colombianas\\_de\\_descendencia\\_africana\\_presentan\\_sus\\_demandas\\_ante\\_el\\_comite\\_de\\_la-1/](http://www.fian.org/library/publication/detail/mujeres_campesinas_colombianas_de_descendencia_africana_presentan_sus_demandas_ante_el_comite_de_la-1/).

<sup>2</sup>Available at:

[www.fian.org/fileadmin/media/publications/INFORME\\_ALTERNATIVO\\_AL\\_INFORME\\_DE\\_EL\\_ESTADO\\_COLOMBIANO SOBRE LA IMPLEMENTACION DE LA CONVENCION PARA LA ELIMINACION DE LA DISCRIMINACION CONTRA LAS MUJERES.pdf](http://www.fian.org/fileadmin/media/publications/INFORME_ALTERNATIVO_AL_INFORME_DE_EL_ESTADO_COLOMBIANO SOBRE LA IMPLEMENTACION DE LA CONVENCION PARA LA ELIMINACION DE LA DISCRIMINACION CONTRA LAS MUJERES.pdf)