



FIAN
INTERNATIONAL

LEGAL TOOLKIT: COVID19 & THE RIGHT TO FOOD

A LIST OF INTERNATIONAL
LEGAL OBLIGATIONS

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1. INTRODUCTION

The impact of COVID-19 on people's human right to food and nutrition (RTFN) has fueled different types of legal actions around the world. FIAN international shares the following non-exhaustive list of relevant international legal sources with the purpose of contributing to such actions as well as other related political and legal strategies around the right to food. For an extensive monitoring assessment, see FIAN International's [first preliminary](#) and [second monitoring report on the impact of COVID-19 on people's human right to food and nutrition](#). The reports are constantly being updated. They include specific examples of violations to the right to food and nutrition and relevant legal actions¹.

The document is structured according to a number of different situations identified by FIAN International and allies. In particular, those that arise from measures taken by states in their efforts to contain and stop the spread of the virus. Under each situation we have included: 1. the name of the relevant international legal instrument; 2. the number or paragraph of the applicable article; and 3. a short indication of soft or hard legal character. Even though soft law is not considered to be binding in international human rights law, soft law generally rests on customary international law and international treaties. Soft law has been therefore incorporated as a source able to provide with interpretative guidance to binding law and effectively impact the decisions of policy makers and judicial decisions.

2. GENERAL NORMS OF INTERNATIONAL LAW APPLICABLE IN EMERGENCY SITUATIONS:

A. Limitation clauses on Economic Social and Cultural Rights (ESCR):

The International Covenant on Economic Social and Cultural Rights (ICESCR) contains a general limitation clause, whereby the States Parties may subject the rights affirmed by the Covenant "only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society" (Art. 4). These requirements (determination by law; compatibility with the nature of the rights; general welfare purpose) condition and limit restrictions on economic, social and cultural rights.

Article 4 should be interpreted harmonically with the prohibition of retrogressive measures implicit in article 2.1. Of ICESCR, according to which, States have to implement ESCR as soon as possible and with the maximum of available resources, it is broadly recognized that there is a *prima facie* prohibition of retrogressive measures. Therefore, if states adopt retrogressive measures, they have the burden to proof that such measures are in line with the Covenant.

¹ <https://www.fian.org/en/press-release/article/covid-19-marks-beginning-of-looming-food-crisis-2300>

In several of its General Comments the Committee on Economic, Social and Cultural Rights (CESCR) has established the conditions that states have to accomplish, in order to proof such coherence between retrogressive measures and the ICESCR, its necessity, reasonability and proportionality. These are:

- a) The measures were necessary to achieve a goal of public interest;
 - b) A careful assessment between the adopted measures and the goal to be achieved has been carried out and proportionality is guaranteed;
 - c) The measures are coherent with the nature of ESCR;
 - d) The state has assessed the impact that the adopted measures will have on ESCR;
 - e) The state has considered the allocation of all available resources to the achievement of the public interest goal.
 - f) The measures have been adopted by law;
 - g) The measures do not have a discriminatory effect, especially for the marginalized and disadvantaged groups of the society, or if the negative impact is not avoidable, affirmative measures were taken to ensure substantive equality;
 - h) The affected shall have the right to participate in the adoption of the measures and the possible alternatives;
 - i) The measures shall be subjected to an independent review;
 - j) There is a prohibition to adopt measures that negatively affect the minimum essential levels of the right; and
 - k) The measures have been subjected to an independent review mechanism.
- Source:** this criteria is based in CESCR, General Comments: [No. 13 par. 45](#); [No. 14 par. 32](#); [No. 15 par. 19](#); [No. 17 par. 27](#); [No. 18 par. 21](#) and 44; [No. 19 par. 42](#). *Soft law emanating from ICESCR as hard law.*

B. Non-derogability of ESCR:

[CESCR General Comment 14, paras 43, 44 and 47](#) states that the “core obligations” in paragraph 43 are non-derogable. As per the Committee in paragraph 44, states’ responsibilities towards the obligations listed in paragraphs 43 and 44 are “of comparable priority”, and therefore treated equivalently.

C. Requirements for permissible derogation under the International Covenant on Civil and Political Rights (ICCPR)

- a. Existence of a public emergency;
- b. Principle of conformity with international obligations;
- c. Principle of proportionality;

d. Strict necessity

General Comment No. 29 of the Human Rights Committee (HRC) makes clear that the requirement of strict necessity relates to the duration, geographical coverage and material scope of the derogation. In particular, in relation to the duration of a derogation, the HRC states that "measures derogating from the provisions of the Covenant must be of an exceptional and temporary nature".

Principle 54 of the Siracusa Principles on the Limitation and Derogation Provisions in the ICCPR (which have been endorsed by the United Nations Economic and Social Council) states that "[t]he principle of strict necessity shall be applied in an objective manner. Each measure shall be directed to an actual, clear, present, or imminent danger and may not be imposed merely because of an apprehension of potential danger".

e. Principle of non-discrimination.

Source: United Nations, HRC (2001). [General Comment No. 29 Article 4: Derogations during a State of Emergency](#). 31 August. CCPR/C/21/Rev.1/Add.11. *Soft law emanating from ICCPR as hard law*.

D. Interdependence and indivisibility of human rights:

Most international legal frameworks recognize the indivisibility of human rights, implying that most violations of civil and political rights protected in the ICCPR and other instruments can simultaneously lead to violations of economic, social and cultural rights. This is very pertinent in the current crisis, as blatant restrictions on movement and labor and other civil, political rights through quarantine and social distancing measures by states have a direct impact on the realization of several ESCR, including the RTFN.
Source: [Vienna Declaration and Programme of Action 1993](#). *Soft law*.

3. PROTECTING RTFN IN SITUATIONS OF ARMED CONFLICT AND PROTRACTED CRISES

International Humanitarian Law (contained in four Geneva Conventions of 1949, two Additional Protocols of 1977, other bilateral/multilateral agreements and Customary International law) finds application in international and non-international armed conflicts. A strict criterion exists for the classification of a situation of violence as an armed conflict and, therefore, IHL will not apply to internal disturbances or isolated acts of violence. Once an armed conflict is said to exist under IHL, the following rules of IHL will govern/impact access to food and provide civilian protection from military action.

Source: [Geneva Convention \(III\) relative to the Treatment of Prisoners of War](#), Art. 20 and 26; [Geneva Convention \(IV\) relative to the Protection of Civilian Persons in Time of War](#), Article 23, Article 36, Article 49, Article 55, Article 89; [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts](#)

[\(Protocol I\), Article 54; Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\), Article 14, Article 13 \(1\) and Article 3, common to the four Geneva Conventions.](#) *Hard law.*

United Nations Security Council unanimously adopted resolution 2417 in 2018 ([S/RES/2417 \(2018\)](#)) condemning the starving of civilians as a method of warfare — as well as the unlawful denial of humanitarian access to civilian populations. The Council also highlighted the important link between conflict and hunger and called on all parties to armed conflict to comply with their obligations under international humanitarian law regarding the protection of civilians and on taking care to spare civilian objects.

Source: [UNSC Resolution 2417](#). *Hard law/Binding on All Member States*

Until December 6, 2019, the Rome Statute of the International Criminal Court (ICC), made intentional starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willful impediment of relief supplies as provided for under the Geneva Conventions, a war crime when committed in international armed conflicts. At the 18th Session of the Assembly of States Parties of the ICC on 6 December 2019, it was unanimously agreed to amend the Statute to include the intentional starvation of civilians during non-international armed conflicts as well.

Source: [Rome Statute of the International Criminal Court](#). Art 8. *Hard Law/Binding on State Parties*

The Committee on World Food Security (CFS) endorsed the Framework for [Action for Food Security and Nutrition in Protracted Crises \(FFA\)](#) a policy guideline in 2015 to help secure food security in situations of protracted crises. The FFA represents the first global consensus on how to support the progressive realization of the right to adequate food during protracted crises. It recognizes the need to achieve coherence between humanitarian, development, and peace-building efforts that address underlying causes of food insecurity and malnutrition within a human-rights approach.

Source: [Framework for Action for Food Security and Nutrition in Protracted Crises \(FFA\)](#). *Soft law.*

4. FOOD PROCUREMENT

"The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement" "personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised".

“7. The concept of adequacy is particularly significant in relation to the right to food since it serves to underline a number of factors which must be taken into account in determining whether particular foods or diets that are accessible can be considered the most appropriate under given circumstances for the purposes of article 11 of the [ICESCR]...The precise meaning of “adequacy” is to a large extent determined by prevailing social, economic, cultural, climatic, ecological and other conditions.”

Source: [CESCR General Comment No. 12](#). Paras. 6, 7, 8 and 13. *Soft law emanating from ICESCR as hard law*. [Voluntary Guidelines on the Right to Food in the Context of National Food Security \(FAO Right to Food Guidelines\)](#). *Soft law*. [International Covenant on Economic, Social and Cultural Rights](#) (1966), Article 11. *Hard law*.

5. ACCESS TO FOOD INFORMATION

“.. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information.”

Source: [ICCPR \(1966\)](#), Article 19. *Hard Law*.

“The Committee interprets the right to health, as defined in article 12.1, as an inclusive right extending... [To] access to health-related education and information. Accessibility of information includes the right to seek, receive and impart information and ideas concerning health issues.”

Source: [General Comment 14 of the CESCR on The Right to the Highest Attainable Standard of Health \(Art. 12\)](#). Para. 11. *Soft Law emanating from ICESCR as hard law*.

On the right to information: “1. Peasants and other people working in rural areas have the right to seek, receive, develop and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products. 2. States shall take appropriate measures to ensure that peasants and other people working in rural areas have access to relevant, transparent, timely and adequate information in a language and form and through means adequate to their cultural methods so as to promote their empowerment and to ensure their effective participation in decision-making in matters that may affect their lives, land and livelihoods.”

Source: [United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas](#) (UNDROP) (2018). *Soft law*.

6. NUTRITION

“Access to nutritionally adequate and safe food is a right of each individual”

Source: [The World Declaration on Nutrition, adopted by the International Conference on Nutrition \(1992\)](#) Para.1. *Soft Law*

7. FOOD PRICES

On States Obligations: “1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the rights set forth in the present Declaration that cannot be immediately guaranteed. (e) Improving the functioning of markets at the global level and facilitating timely access to market information, including on food reserves, in order to help to limit extreme food price volatility and the attractiveness of speculation.”

Article 16. 5. “States shall take appropriate measures to strengthen the resilience of peasants and other people working in rural areas against natural disasters and other severe disruptions, such as market failures.”

Source: [UNDROP](#) (2018). *Soft Law*.

8. FOOD DISTRIBUTION

"Food that is distributed is of sufficient quality and is safely handed so as to be fit for human consumption". The key indicators for this standard include the absence of food-borne diseases, the absence of complaints on the part of the beneficiary population, the existence of quality controls, etc.

Source: [The Sphere Project, General Nutritional Support Standard 2](#), relating to Minimum Standards in Nutrition. *Soft law*.

"the States Parties to the present Covenant [...] shall take [...] the measures [...] which are needed [...] 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 [...]".

Source: Article 11(2) (a) of the [ICESCR](#). *Hard law*.

The obligation to facilitate also applies in natural and manmade emergency situations. For e.g. in armed conflicts, international humanitarian law explicitly affirms that States have an obligation to grant free passage to humanitarian relief and to facilitate the work of the humanitarian agencies and the distribution of food aid.

Source: [Fourth Geneva Convention](#), arts. 23 and 59(3); [Additional Protocol I](#), Art. 70(2) & [Additional Protocol II](#), Art. 18. *Hard law*.

States have a joint and individual responsibility, in accordance with the Charter of the United Nations, to cooperate in providing disaster relief and humanitarian assistance in times of emergency, including assistance to refugees and internally displaced persons.

Source: [CESCR General Comment No. 12](#), para 38. *Soft Law emanating from ICESCR as hard law*.

9. QUARANTINE, SOCIAL DISTANCING, TRAVEL BANS AND FOOD

The [Siracusa Principles](#), adopted by the UN Economic and Social Council in 1984, and UN HRC general comments on [states of emergency](#) and [freedom of movement](#) provide authoritative guidance on government responses that restrict human rights for reasons of public health or national emergency. Any measures taken to protect the population that limit people's rights and freedoms must be lawful, necessary, and proportionate. States of emergency need to be limited in duration and any curtailment of rights needs to take into consideration the disproportionate impact on specific populations or marginalized groups.

Under the International Health Regulations (2005) (IHR), binding on all World Health Organization (WHO) member states, health measures “shall not be more restrictive of international traffic and not more invasive or intrusive to persons than reasonably available alternatives” [(4), Art. 43].

The use of isolation and quarantine by governments to stop the spread of COVID-19 is not illegal per se under international human rights law. Governments must, however, fulfill certain conditions before interference with a civil or political right on public health grounds survives scrutiny under international law. Public health measures that infringe on civil and political rights must (1) be prescribed by law; (2) be applied in a non-discriminatory manner; (3) relate to a compelling public interest in the form of a significant infectious disease risk to the public's health; and (4) be necessary to achieve the protection of the public, meaning that the measure must be (a) based on scientific and public health information and principles; (b) proportional in its impact on individual rights to the infectious disease threat posed; and (c) the least restrictive measure possible to achieve protection against the infectious disease risk.

Source: [Siracusa Principles on the Limitation and Derogation of Provisions in the ICCPR](#) (UN Doc. E/CN.4/1984/4). *Soft law*.

[International Health Regulations \(2005\)](#) (IHR) art. 43. *Hard law/Binding on Member States*

10. RELEVANT TO INFORMATION AND PROTESTS ON FOOD AND/OTHER ON ESCR

A. ICCPR (limited restrictions to civil & political rights)

Article 4: 1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not

inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

B. Right to Liberty of Movement

Article 12.1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

C. Right to Freedom of Expression - also relevant to due anti-fake-news legislation

Article 19. 1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

D. Right to Freedom of Association

Article 22. 1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national

security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

*** These rules are also relevant for other topics including freedom of speech; misuse of “anti-fake-news” legislation by governments; mass surveillance; misuse of personal data, human rights defenders.

Source: [ICCPR](#) (1966), Articles 4, 12. *Hard Law*.

E. Peasants and Other People in Rural Areas

“1. Peasants and other people working in rural areas have the right to freedom of thought, belief, conscience, religion, opinion, expression and peaceful assembly. They have the right to express their opinion, either orally, in writing or in print, in the form of art, or through any other media of their choice, at the local, regional, national and international levels...”

4. States shall take all necessary measures to ensure protection by the competent authorities of everyone, individually and in association with others, against any violence, threat, retaliation, de jure or de facto discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise and defence of the rights described in the present Declaration.”

Source: [UNDROP](#) (2018). *Soft law*.

F. Women

“Article 15.4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile”.

Source: [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW) (1981). *Hard law*.

G. Human Rights Defenders

“Article 11: Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics...”

Article 17: In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and

freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”

Source: [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms \(1999\)](#). *Soft law*.

11. COUNTER EXCLUSION REGARDING CERTAIN AFFECTED GROUPS

A. Rights of all Migrant Workers and Members of their Families

Article 28: Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned. Such emergency medical care shall not be refused them by reason of any irregularity with regard to stay or employment.

Source: [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#) (1990). *Hard Law*.

B. Right of Persons with Disabilities

Article 11: Situations of risk and humanitarian emergencies States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

Source: [Convention on the Right of Persons with Disabilities](#) (2006). *Hard Law*.

C. Refugees and Internally Displaced Persons

States have a joint and individual responsibility, in accordance with the Charter of the United Nations, to cooperate in providing disaster relief and humanitarian assistance in times of emergency, including assistance to refugees and internally displaced persons. Each State should contribute to this task in accordance with its ability. The role of the World Food Programme (WFP) and the Office of the United Nations High Commissioner for Refugees (UNHCR), and increasingly that of UNICEF and FAO is of particular importance in this respect and should be strengthened. Priority in food aid should be given to the most vulnerable populations.

Source: [CESCR General Comment No. 12. Para. 38](#). *Soft Law emanating from ICESCR as hard law*.

12. FAO VOLUNTARY GUIDELINES TO SUPPORT THE PROGRESSIVE REALIZATION OF THE RIGHT TO ADEQUATE FOOD IN THE CONTEXT OF THE NATIONAL FOOD SECURITY

Guideline 3.3 These strategies could include objectives, targets, benchmarks and time frames; and actions to formulate policies, identify and mobilize resources, define institutional mechanisms, allocate responsibilities, coordinate the activities of different actors, and provide for monitoring mechanisms. As appropriate, such strategies could address all aspects of the food system, including the production, processing, distribution, marketing and consumption of safe food. They could also address access to resources and to markets as well as parallel measures in other fields. These strategies should, in particular, address the needs of vulnerable and disadvantaged groups, as well as special situations such as natural disasters and emergencies.

Guideline 16.5 States should make every effort to ensure that refugees and internally displaced persons have access at all times to adequate food. In this respect, States and other relevant stakeholders should be encouraged to make use of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement.

Guideline 16.6 In the case of natural or human-made disasters, States should provide food assistance to those in need, may request international assistance if their own resources do not suffice, and should facilitate safe and unimpeded access for international assistance in accordance with international law and universally recognized humanitarian principles, bearing in mind local circumstances, dietary traditions and cultures.

Source: [FAO Right to Food Guidelines](#) (2004). *Soft Law*.

13. RIGHTS OF PEASANTS AND OTHER RURAL PEOPLES

Article 16. 5. States shall take appropriate measures to strengthen the resilience of peasants and other people working in rural areas against natural disasters and other severe disruptions, such as market failures.

Article 23. 3. States shall guarantee access to health facilities, goods and services in rural areas on a non-discriminatory basis, especially for groups in vulnerable situations, access to essential medicines, immunization against major infectious diseases, reproductive health, information concerning the main health problems affecting the community, including methods of preventing and controlling them, maternal and child health care, as well as training for health personnel, including education on health and human rights.

Source: [UNDROP](#) (2018). *Soft law*.

“Article 14.2. 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”. This includes: “(b) to have access to adequate health care facilities, including information, counselling and services in family planning”.

Source: [CEDAW \(1981\)](#). *Hard law*.

“15. States parties should eliminate all forms of discrimination against disadvantaged and marginalized groups of rural women. For example, States parties should ensure that disadvantaged and marginalized groups of rural women including indigenous; afro-descendent; ethnic and religious minorities; female heads of household; peasant; pastoralists; fisherfolk; landless; migrant; and conflict-affected rural women are protected from intersecting forms of discrimination and have access to education, employment, water and sanitation, health care, etc. States parties should develop policies and programmes ensuring the equal enjoyment of rights by disabled rural women, including by ensuring accessibility of infrastructures and services. States parties should similarly ensure that older rural women have access to social services, adequate social protection, as well as economic resources and empowerment to live life with dignity, including through access to financial services and social security.”

Source: [CEDAW General recommendation No. 34](#) on the rights of rural women (2016). *Soft Law emanating from CEDAW as hard law*.

14. FOOD EMERGENCIES

The [Food Assistance Convention](#) (2012), was adopted to improve the effectiveness, efficiency, and quality of food assistance in preserving the lives and alleviating the suffering of the most vulnerable populations, especially in emergency situations, by strengthening international cooperation and coordination, in particular among the Parties and stakeholders.

Article 14. Impact Assessment and Minimizing Adverse Impacts 1. Each Contracting Party, as far as possible and as appropriate, shall: (e) Promote national arrangements for emergency responses to activities or events, whether caused naturally or otherwise, which present a grave and imminent danger to biological diversity and encourage international cooperation to supplement such national efforts and, where appropriate and agreed by the States or regional economic integration organizations concerned, to establish joint contingency plans.

Source: [UNCBD](#) (2006). *Hard law*.

15. STATES REGULATIONS IN THE CONTEXT OF BUSINESS ACTIVITIES

24. This obligation also requires directing the efforts of business entities towards the fulfilment of Covenant rights. In designing a framework on intellectual property rights, for instance, that is consistent with the Universal Declaration of Human Rights and with the right to enjoy the

benefits of scientific progress stipulated in article 15 of the Covenant, States parties should ensure that intellectual property rights do not lead to denial or restriction of everyone's access to essential medicines necessary for the enjoyment of the right to health, or to productive resources such as seeds, access to which is crucial to the RTFN and to farmers' rights. States parties should also recognize and protect the right of indigenous peoples to control the intellectual property over their cultural heritage, traditional knowledge and traditional cultural expressions. In supporting research and development for new products and services, States parties should aim at the fulfilment of Covenant rights, for instance by supporting the development of universally designed goods, services, equipment and facilities, to advance the inclusion of persons with disabilities.

Source: [CESCR General Comment n. 24 \(2017\)](#). *Soft Law emanating from ICESCR as hard law.*

16. INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

“Article 55 With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote...b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation...”

Source: [Charter of the United Nations \(1945\)](#). *Hard law.*