



State of the
**RIGHT TO FOOD
AND NUTRITION**
Report

2020



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-  People's Health Movement (PHM) *South Africa*
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- POSCO** Pratirodh Sangram Samiti (Anti-POSCO People's Movement, PPSS) *India*
- REDSAN CPLP** Rede da Sociedade Civil para a Segurança Alimentar e Nutricional na Comunidade de Países da Língua Portuguesa (Regional Civil Society Network for Food and Nutrition Security in the Community of Portuguese-Speaking Countries, REDSAN-CPLP) *Portugal*
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ACRONYMS & ABBREVIATIONS

ACHPR	African Commission of Human and Peoples' Rights	ICESCR	International Covenant on Economic, Social and Cultural Rights
CBD	Convention on Biological Diversity	ILO	International Labor Organization
CESCR	UN Committee on Economic, Social and Cultural Rights	IPC	International Planning Committee for Food Sovereignty
CEDAW	UN Convention on the Elimination of all Forms of Discrimination against Women	IPCC	Intergovernmental Panel on Climate Change
CEDAW Committee	UN Committee on the Elimination of Discrimination against Women	ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
CFS	UN Committee on World Food Security	LMO	living modified organism
CONSEA	National Council for Food and Nutrition Security (Brazil)	MENA	Middle East and North Africa region
CSM	Civil Society and Indigenous Peoples' Mechanism for Relations with the UN Committee on World Food Security	NCDs	non-communicable diseases
CSO	civil society organization	NGO	non-governmental organization
ETOs	extraterritorial human rights obligations	RtFN	human right to adequate food and nutrition
EU	European Union	SDGs	Sustainable Development Goals
FAO	Food and Agriculture Organization of the United Nations	SOFI	State of Food Security and Nutrition in the World (Annual Report)
GMO	genetically modified organism	TNC	transnational corporation
GM	genetically modified	UK	United Kingdom
GNRtFN	Global Network for the Right to Food and Nutrition	UN	United Nations
IACHR	Inter-American Commission on Human Rights	UNDROP	UN Declaration on the Rights of Peasants and Other People Working in Rural Areas
IACtHR	Inter-American Court of Human Rights	UNSG	United Nations Secretary-General
		UPR	Universal Periodic Review
		US / USA	United States of America



EXECUTIVE SUMMARY

Without a doubt, 2020 will be remembered for the impact of the COVID-19 pandemic and subsequent crises. As large swathes of the population in all regions of the world plunge even further into a state of food insecurity, the most marginalized and vulnerable who live on the fringes of society are hit the hardest. The pandemic has exposed the results of decades of failed policies that cut people's social and labor rights, leaving them at the mercy of food banks and other charities. But COVID-19 is also a symptom of a broader problem: the ailing industrial food system destroys the environment and creates the conditions for the propagation of zoonoses, whilst producing ultra-processed foods that put people's health at higher risk of non-communicable diseases such as obesity and diabetes, which in turn make them more vulnerable to the SARS-CoV-2 virus.

The structural causes of hunger and malnutrition, however, predate the COVID-19 pandemic. Attacks on human rights, including on the right to adequate food and nutrition (RtFN) by authoritarian governments across regions continued during the second half of 2019 and earlier this year. The 2020 [*State of Food Security and Nutrition \(SOFI\) report*](#) confirms that hunger continues to be on the rise. The number of additional undernourished people is up by 10 million in the past year and by 60 million since 2014. After revising China's undernourishment estimates of the past two decades, there is a downward shift in the estimated global hunger figures to 690 million people, but this does not change the upward trend observed during the past years, SOFI insists. The consequences of the COVID-19 pandemic could push an additional 83 to 132 million people into hunger. However, SOFI makes clear that even without the negative effects of COVID-19, the Zero Hunger by 2030 target of Sustainable Development Goal (SDG) 2 is an illusion. These figures only confirm the pressing need to protect human rights at a time when accountability mechanisms are gravely undermined, and transnational corporations (TNCs) continue to capture governance spaces. This has been emphasized by a [*recent report of the High Level Panel of Experts \(HLPE\) of the UN Committee on World Food Security \(CFS\)*](#), calling for food security and nutrition thinking to urgently prioritize the right to food and a food systems analytical framework in the context of the SDGs 2030 Agenda.

“There is no going back to normal” is the strong converging claim from civil society, social movements and communities worldwide. As this report illustrates, they have already started organizing for the transformation of food systems, which implies claiming and strengthening the rights of small-scale food producers who produce most of the food we consume. In the face of a looming food crisis, the [*UN Committee on World Food Security \(CFS\)*](#) has a vital role to play; it has produced [*key instruments on the realization of the right to adequate food and nutrition*](#), which States now need to urgently implement.

The manner in which hunger and malnutrition is monitored also needs an overhaul. Monitoring needs to include a RtFN- and food sovereignty-based approach that looks at issues pertaining to different forms of discrimination and disenfranchisement, which is absent from SOFI (see [2019](#) and [2020](#) critiques). As in the previous edition, this *State of the Right to Food and Nutrition* report seeks to complement SOFI by providing a human rights analysis of policies and laws that respect, protect, and fulfill the RtFN. The aim is to look beyond the numbers, by taking a

moment to consider insights from struggles on the ground across regions, a perspective too often left out from discussions on food insecurity.

This is a publication by the [Global Network for the Right to Food and Nutrition \(GNRtFN\)](#), supported by its secretariat [FIAN International](#). It focuses on developments taking place between approximately July 2019 and July 2020. However, where relevant and left out from last year's edition, certain events prior to July 2019 have also been included. The report does not claim to be exhaustive, but rather covers countries, regions, and cases from which input was received, and where the GNRtFN members are active.

STRENGTHENING THE RIGHT TO FOOD AND NUTRITION AT THE INTERNATIONAL LEVEL

Human rights continue to be under attack by States throughout different regions. As states of emergency were declared almost worldwide to contain the pandemic, some countries witnessed many more setbacks for human rights. Some States have used this as an opportunity to take disproportionate measures that restrict human rights, which led UN Secretary-General (UNSG), António Guterres, to speak about a [“human rights crisis”](#). At a time when the international human rights system represents the only avenue for accountability, the Office of the High Commissioner for Human Rights (OHCHR) suffered [further budgetary constraints](#), which affected some of the Treaty Bodies and Human Rights Council activities throughout 2019 and 2020. The [strategic partnership agreement signed between the World Economic Forum \(WEF\) and the UN](#) for the implementation of the 2030 Agenda for Sustainable Development is an especially worrisome illustration of the increasing corporate capture of the UN.

Despite this situation, hope in human rights multilateralism has been upheld by CSOs and movements converging from all sectors at the Human Rights Council to draft a [treaty on TNCs and other business enterprises with respect to human rights](#). The 5th session of negotiations surprisingly saw fewer attacks from EU States, although it is still difficult to engage many industrialized States that oppose binding regulations for TNCs.

Today, the intergovernmental process that is most relevant to the RtFN remains the [Draft Guidelines on Food Systems and Nutrition](#) and the policy recommendations on agroecological and other innovative approaches for sustainable food systems within the context of the CFS. Both documents, which will guide governments regarding the much-needed transformation of the industrial food system, represent to date the most important process in the context of the [UN Decade of Action \(DoA\) on Nutrition \(2016-2025\)](#), which is still lacking momentum and meaningful actions. The [Civil Society and Indigenous Peoples' Mechanism \(CSM\)](#) of the CFS and the [International Planning Committee for Food Sovereignty \(IPC\)](#) continue to play a key role in pushing for agroecology as a way to transform food systems. CSM and IPC will continue to advocate this paradigm shift also in the context of the [2021 Food Systems Summit](#) announced in December by the UNSG.

**THE RIGHT TO FOOD AND NUTRITION:
WHERE AGRARIAN, CLIMATE AND ENVIRONMENTAL JUSTICE MEET**

The outbreak of zoonoses, such as SARS-CoV-2, has further highlighted the **intrinsic link between the predominant industrial food system, climate change, and eco-destruction**. This year's report includes a spotlight which focuses on Environmental and Climate Justice, mirroring the theme of the 2020 issue of the **Right to Food and Nutrition Watch** (the flagship publication of the GNRtFN). It explores the convergence between agrarian justice and climate justice, with established agrarian movements such as **La Vía Campesina** and more recent climate movements like **Extinction Rebellion** and **Fridays for Future** joining forces in calling States to take immediate action. In this scenario, the RtFN constitutes a place of convergence for these movements, as well as a powerful tool to address the climate crisis. Increasingly, the right to adequate food and nutrition and other related rights, are being included in environment and climate instruments and vice-versa; the **Convention on Biological Diversity (CBD)** and the **Intergovernmental Panel on Climate Change (IPCC)** both recognize the importance of protecting seed and land tenure security of small-scale food producers for the climate and environment. Likewise, the **CFS Tenure Guidelines** and the recent **UN Declaration on the Rights of Peasants and Other Peoples Working in Rural Areas (UNDROP)** are essential for the effectiveness and legitimacy of climate protection measures. The interconnectedness between environmental and climate justice and the RtFN is illustrated by the case of coastal communities in Las Barras in Honduras, who lost their food sovereignty due to rising sea levels, and subsequently face malnutrition.

"HUMAN RIGHTS CRISIS" EXACERBATED BY COVID-19 PANDEMIC

In all regions, government lockdown measures to contain the COVID-19 pandemic have had dramatic consequences, leading to a **global food emergency**. Vulnerable populations have been hit particularly hard. Informal labor workers, who account for a large proportion of the workforce in the world, saw their sources of income disappear overnight, with little or no social protection to fall back on. With the closure of schools, the World Food Programme (WFP) estimates that **310 million** children missed out on daily school meals which they depend on. Europe, home to some of the supposedly wealthiest cities in the world, has not been spared by this sudden increase in food insecurity. In Geneva, Switzerland, **unprecedented staggering waiting lines at food banks** exposed gaps in the social protection system, and the vulnerability of the large undocumented migrant population. Rural populations, such as peasants, small-scale fishers and Indigenous Peoples have also suffered disproportionately from government containment measures. Closing farmers' markets among others, whilst large supermarkets remain open, is a discriminatory measure against these communities as well as against many consumers who can no longer access fresh, diverse and healthy food. In **India**, fisherfolk have been left out of the government's relief package to the profit of the prawn farming and fisheries export sector, and in Uganda, farming activities continue yet fishing has been restricted, thus challenging the right to food and nutrition.

Against this backdrop, the trend of authoritarianism observed especially in India, the Philippines and Malawi, continues to restrict civil society and public participation in human rights accountability. Progressive constitutional reforms ena-

bling the justiciability of economic, social and cultural rights (ESCR) were slowed down in Sri Lanka due to the difficult political scenario following last year's elections. Authoritarian and anti-RtFN decisions were also observed in Brazil, which will most probably [return to FAO's Hunger Map](#) after leaving it in 2014. Killings of human rights defenders continue to be rampant in Colombia, Mexico, Honduras and Brazil, which are the [deadliest countries in the world for environmental and land rights defenders](#). Protests against austerity measures and claims for social justice were observed in Ecuador, Chile as well as in countries from the Middle East and North African (MENA) region. Additionally, the MENA region still faces structural challenges to the realization of the RtFN, such as conflicts, occupation, displacements, blockades and water scarcity.

OVERVIEW OF POLICIES AND LAWS BORN OUT OF STRUGGLES ON THE GROUND

Despite these difficult times for the realization of the right to adequate food and nutrition, the report shares stories of how communities in all regions refuse to be passive victims, and are organizing and contributing to the adoption of policy and legal frameworks that support the RtFN. In the midst of the COVID-19 pandemic, people have been developing both solidarity and RtFN accountability actions. In South Africa, the [C19 People's Coalition](#) – a civil society collective – has emerged to protect vulnerable communities during the pandemic by linking small-scale food producers with urban communities facing difficulties in accessing food. In [Mexico](#) and [Nepal](#), rural communities undertook legal actions to claim their RtFN and demand food relief from their authorities, given that these are times of emergency. For some communities who have been enduring quasi-lockdown situations prior to the outbreak of COVID-19, it is imperative to develop resilient and local food systems. The report presents the case of [urban and peri-urban agriculture in Gaza, Palestine](#), as a strategy to strengthen people's food sovereignty in light of climate change and military occupation. Conscious of the structural violence and discrimination faced by rural women, an international working group comprising feminist organizations and peasants, fisheries and Indigenous movements was launched in mid-2019, producing a [useful tool](#) to advance the rights of rural women.

The report additionally highlights the positive decisions supporting the RtFN that arise from regional human rights systems. The Africa Commission on Human and Peoples' Rights has adopted a [resolution](#) on the RtFN, which strongly reaffirms the importance of national legal frameworks and calls for the banning of genetically modified organisms (GMOs). In a historic [decision](#), the Inter-American Court of Human Rights (IACtHR) declared for the first time violations of the RtFN (among other rights) of the Indigenous communities of Lhaka Honhat Association by Argentina. At the national level, Togo has become one of the rare countries in the world to ban the import and use of glyphosate or agrochemicals containing this compound, as a measure to protect the environment and public health. In Nepal, organizations have been strengthening local accountability mechanisms for the rights enshrined in the national constitution, in particular the right to food sovereignty. Additional positive national developments include Paraguay's [Law on the Defense, Restoration and Promotion of Peasant Family Farming](#), and the inclusion of agroecology, food and the promotion of native seeds in Honduras' national climate adaptation plan.



INTRODUCTION



THE COVID-19 PANDEMIC: SYMPTOM OF AN AILING FOOD SYSTEM

The year 2020 will be remembered as a turning point in world history due to the COVID-19 pandemic and subsequent hardships. Yet what this global outbreak uncovers was there all along. Akin to the global food crisis, which made headlines in 2008 but had been simmering for a while, the COVID-19 pandemic is a dire reminder that people and communities around the world live in permanent crisis. It reveals that the crisis is a consequence of decades of neoliberal policies and practices that exacerbate disparity and discrimination. Those population groups that were already marginalized due to their socio-economic status, gender, ethnicity or geographical location (be it urban or rural), are the most affected and, today, face an even higher risk of food insecurity.

The multifold crisis has exposed the structural impoverishment of large parts of the population who are increasingly dependent on charities and food banks due to the dismantling of public social security, labor protection standards, and human rights in general. Panic-buying, food shortages and food speculation have tested the limits of an industrial food system that depends on globalized food chains and is controlled by a handful of large transnational corporations, exposing deep cracks and inequities in humanity. When it comes to short supply circuits, in many parts of the world, States have hindered access to nutritious food by closing peasant and other food markets on the basis of containment measures. Closures are coupled with the fast digitalization of food through supermarket online platforms and electronic payment programs. This, again, negatively impacts the most vulnerable because they do not necessarily have access to such technologies.

The COVID-19 pandemic is not only a powerful reminder that the industrial food system is unfit for purpose, it also alerts us that this model poses an imminent threat to life on earth. As warned by the [United Nations Environment Programme \(UNEP\) in a 2016 report](#), the destruction of biodiversity and wild ecosystems caused by extensive monoculture production and intensive livestock farming has facilitated the spread of diseases originating in animals (zoonosis), as exemplified by the 2009 H1N1 Influenza virus and the current SARS-CoV-2 (commonly known as COVID-19). It is this very same food system that lies behind COVID-19 mortality risk factors. Obesity, diabetes and other non-communicable diseases brought on by the consumption of ultra-processed foods, along with lung diseases caused by exposure to agrochemicals, have been shown to be the [foremost risk factors for COVID-19](#).

Faced with this situation, civil society organizations (CSOs), social movements and communities have rallied around a message that resonates worldwide: “there is no ‘going back to normal’”. The COVID-19 crisis, which is multifold and complex, is another wake-up call for the need for public policies that fundamentally change how our societies are organized and how the economic system operates. More importantly, it brings to light the urgent need to transform our current food systems, moving away from an industrial food production model that causes environmental damage, towards more resilient ways of growing and distributing

food that ultimately reduce hunger and malnutrition. To this end, States need to better protect the rights of the world's main food producers, such as peasants, Indigenous Peoples and other people working in rural areas. All in all, this means that the right to adequate food and nutrition (RtFN), and human rights in general, are protected in the face of corporate interests and authoritarian regimes.

In the midst of the COVID-19 pandemic, communities from all regions are self-organizing and contributing to the adoption of policies, legal frameworks and actions that support the RtFN. For example, in [South Africa](#), [Spain](#) and [Colombia](#), solidarity groups have emerged to connect peasants, impacted by the closure of markets, with urban communities who have difficulties in accessing food. Beyond solidarity actions, vulnerable populations left out from government aid or support programs have been using RtFN accountability mechanisms to demand food provisions. In [Chiapas, Mexico](#), 114 people filed an “*Amparo*” request (a legal action to request the protection of constitutional rights) on behalf of children and teenagers who have not received any kind of support since the health emergency was declared.

In [Nepal](#), a Public Interest Litigation was filed to demand food relief, on the basis of the RtFN, for those stranded in the capital city and unable to reach their villages due to the lockdown measures. The urgent transformation towards resilient and local food systems is an imperative for certain communities enduring quasi-lockdown situations prior to the outbreak of COVID-19. In Palestine's Gaza Strip, [urban and peri-urban agriculture](#) (see Insight Box 3.5.2) represents a strategy to strengthen people's food sovereignty despite climate change, military and other measures in the context of occupation. These solutions and proposals demonstrate the centrality of local food systems for marginalized people, and set a trend for a people-led transformation of the industrial food system.

At a time when human rights are most needed, many States have used the health emergency situation as an excuse [to take disproportionate measures](#) that restrict public participation and the enjoyment of many human rights. Attacks against human rights defenders have also been intensified. In the absence of accountability at the national level, regional human rights mechanisms and international human rights systems become crucial. More than ever, in the face of the global upsurge of hunger and malnutrition, [the UN Committee on World Food Security \(CFS\) has a fundamental role](#) to play as the foremost international governance space to have developed substantial policy guidance on the implementation of the RtFN. Reformed after the watershed moment of the 2008 food crisis, the CFS needs to be strengthened. The committee is best placed to assess the root causes of hunger and malnutrition, develop solutions, and build bridges with other relevant policy spaces, precisely because it provides those most impacted by food



insecurity and malnutrition with a voice in decision-making. Now is the time for States to step up the implementation of invaluable policy recommendations adopted by consensus by Member States at the CFS over the past decade, as they make up a human rights-based approach that can mitigate the terrible effects of the upcoming food crisis.

**STATE OF THE RIGHT TO FOOD AND NUTRITION:
A TOOL FOR PEOPLES' MONITORING**

The Food and Agriculture Organization's (FAO) *State of Food Security and Nutrition (SOFI) report* confirms the trend in increasing figures of people globally affected by hunger and malnutrition, observed since several years. An additional 10 million people went hungry last year in comparison to 2018, SOFI reports. Due to the impacts of the COVID-19 pandemic, the increase in undernourished people could reach between 83 to 132 million in 2020. Estimated at 2 billion people, food insecurity at the global level has also been consistently on the rise since 2014. However, a human rights approach remains absent from SOFI's analysis on these figures (see 2020 SOFI critique), which focuses on economic slowdowns, the unaffordability of healthy diets, the desert locust outbreaks, and the inefficiency of food production to explain such increase. This fails to acknowledge the structural trends observed last year of open attacks to human rights and regressive policies by authoritarian governments, for example in Brazil, the Philippines and Sri Lanka. Driven by international financial institutions and/or trade agreements, Ecuador, Honduras, Indonesia and Morocco witnessed an increase in neoliberal policies that reduce social and labor protections and dispossess rural communities from their access to natural resources. Without a doubt, these policies are additional causal factors behind the increase in SOFI's numbers.

The *State of the Right to Food and Nutrition* report was born out of the need to develop tools to monitor hunger and malnutrition whilst taking into account issues of discrimination linked to socio-economic status, gender, race/ethnicity, disenfranchisement, patterns of ownership and access to land, labor and capital. Its aim is to provide more qualitative assessments of wellbeing and human capabilities. The real 'experts' are those most affected by food insecurity and malnutrition, and therefore they need to be included, if they are to define the monitoring methodology, set the agenda, and consequently engage in policy-making. This food sovereignty-based approach to the RtFN is in stark contrast with the dominant approach to monitoring exemplified by SOFI, which is based on a list of quantitative factors that are linked to agricultural production, calorie intake, income, and food-related expenditures, among other factors.

This second edition of the State of the Right to Food and Nutrition Report is part of a broader **Peoples Monitoring** Initiative of the **Global Network for the Right to Food and Nutrition** (GNRtFN). It seeks to develop alternative monitoring methods that go beyond the numbers, and assess, through more qualitative analysis, the structural and root causes of RtFN violations and related rights. This monitoring exercise is vital to ensure coherence across policy and institutional monitoring spaces.

The 2020 State of the Right to Food and Nutrition Report therefore seeks to provide a RtFN analysis to hunger and malnutrition, by shedding light on new RtFN

policy and legal developments from the last year (July 2019 – July 2020) and from around the world. To this end, the report shares stories from the ground that offer a deeper analysis, based on concrete cases of on-going struggles and accomplishments of people and communities claiming their RtFN and strengthening its protection at all levels. This annual report should not be understood as a counter-report to the SOFI report, but rather as complementary. It provides a stronger food sovereignty- and human rights-based assessment often left out by SOFI. The State of the Right to Food and Nutrition report considers RtFN monitoring to be an exercise that consists in exposing the underlying structural issues that cause hunger and malnutrition, rather than in collecting masses of often corporate-supported statistical data, which ultimately ignores lived experiences worldwide.

The report opens with an overview of RtFN-related processes and frameworks that have advanced at the global level. The dismantling of human rights protection by certain governments, coupled with current states of exception due to the health emergency, requires strong international monitoring and accountability mechanisms more than ever. This section is followed by a spotlight on Environmental and Climate Justice, which, like the previous edition, echoes the 2020 issue of the *Right to Food and Nutrition Watch*, “Overcoming Ecological Crises: Reconnecting Food, Nature and Human Rights”, equally a publication by the GN-RtFN. The final and core section of the report is a summary of laws and policies, including new developments as well as regressions, and specific struggles for the RtFN by regions: Africa, Americas, Asia, Europe and the Middle East and North Africa region (MENA).

This report was drafted in collaboration with the members of the GN-RtFN, and complementary information was made available by other partner organizations from different regions. Information was largely collected through questionnaires and individual interviews with key informants, as well as from some small group consultations. The report covers developments taking place between July 2019 and July 2020 (when the 2020 SOFI report was released), although where relevant, certain events prior to July 2019 have sometimes been included. The report does not seek to be exhaustive in its coverage, but rather focuses on countries, regions, and cases from which input was received, and where the GN-RtFN members are present and active.



01

INTERNATIONAL DEVELOPMENTS

The *2019 State of the Right to Food and Nutrition report* warned about the increasingly negative climate for human rights due to regressive policies and practices adopted by authoritarian governments annulling human rights achievements, cuts in government contributions to the UN Human Rights system, and the growing participation and funding role of transnational corporations (TNCs) in human rights spaces.

The status of human rights remains as unsettled as last year; so far in 2020 many governments have demonized human rights in their fight against the COVID-19 pandemic. In late April, as governments imposed states of exception during the outbreak of the pandemic, UN Secretary-General (UNSG) António Guterres raised concerns about the looming social and economic crisis, but more so about the imminent “**human rights crisis**”. “Human rights cannot be an afterthought in times of crisis [...] human rights can and must guide COVID-19 response and recovery”, he said. However, this human rights appeal to States stands in stark contrast to the continuous **financial constraints** faced by the Office of the High Commissioner for Human Rights (OHCHR). The OHCHR received only 3,3% of the 2020 UN’s regular budget, which almost led to the cancellation of several Treaty Body sessions. The decreasing budgetary allocation to the United Nations Office in Geneva (UNOG) has forced the Human Rights Council to reduce its meetings and consequently suppress all general debates for the June 2020 Council session.

Stronger international human rights bodies are needed to respond to the “human rights crisis” caused by government responses to COVID-19. Because of the current lack of accountability mechanisms and participatory spaces induced by the state of emergency declared at the national level, the UN Human Rights System is, more than ever, a critical space for access to justice and RtFN advocacy for CSOs and grassroots movements.

Nonetheless, this past year witnessed important decisions that strengthened the RtFN in regional human rights systems. In November 2019, the African Commission on Human and Peoples Rights (ACHPR) adopted *Resolution 431 “Right to Food and Nutrition in Africa”*, which calls for the banning of genetically modified organisms, the end of resource grabbing and the inclusion of small-scale food producers in policy design regarding the RtFN (See Insight Box 3.1.2). In a groundbreaking **ruling**, the Inter-American Court of Human Rights (IACtHR) recognized for the first time violations of the right to food, water, healthy environment and cultural identity of Indigenous Peoples from the Lhaka Community in a case opposing them to Argentina (See Insight Box 3.2.3). In its decision, which will undoubtedly set a precedent, the IACtHR makes reference to the *UN Declaration on the Rights of Peasants and Other People Working in Rural Areas* (UNDROP) as a legal source also applicable to Indigenous Peoples.

The COVID-19 pandemic has placed the pressing issue of transforming unsustainable and unhealthy food systems even higher up on the agenda. **Research** demonstrates that cross-species transmission of infectious diseases, like the current SARS-CoV-2, is linked to the fragility of ecosystems and loss of biodiversity caused to a large extent by practices of the industrial food system: e.g. the use of pesticides, the spread of extensive monocultures, and the expansion and inten-

sification of industrial livestock farming. This very same industrial food system lies behind the proliferation of obesity worldwide, one of the most important risk factors of COVID-19 mortality.

In this sense, the UN Committee on World Food Security (CFS) continues to be a key inclusive space for the holistic understanding of the RtFN, and can become the first intergovernmental body to create globally agreed standards that guide governments on how to transform industrial food systems towards sustainable, diverse and healthy food systems. Between July and November 2019, six regional consultations on the Zero Draft *Guidelines for Food Systems and Nutrition* took place with the strong engagement of the *Civil Society and Indigenous Peoples' Mechanism* (CSM) of the CFS, calling, among other things, for the support of agroecology as a new paradigm to transform food systems. Furthermore, the Guidelines should be firmly anchored in the RtFN and related human rights, and emerge from these regional consultations to ensure regional perspectives and enhance country ownership.

The momentum surrounding food systems and nutrition was reinforced with the announcement in December 2019 of a *Food Systems Summit scheduled for late 2021* hosted by the UNSG. However, serious concerns surround the preparation of the summit. The involvement of the World Economic Forum (WEF) in the organization of the summit was indicated in a concept note circulated during the High-Level Political Forum in New York in 2019. *The appointment of Ms. Agnes Kalibata*, current President of the Alliance for a Green Revolution in Africa (AGRA) as Special Envoy of the UNSG for the Summit is of further concern and raises an issue of conflict of interest with regards to the stated purpose of the summit. Whilst welcoming the timeliness of this Summit, CSOs addressed these concerns to the UNSG in a *letter that received over 500 endorsements*.

The negotiations on the Guidelines for Food Systems and Nutrition remain the most important process within the context of the *UN Decade of Action (DoA) on Nutrition* (2016-2025). To this date, only Brazil, Ecuador and Italy have made *commitments under the DoA* and the number of *Action Networks* set up by States remains unchanged since February 2019, with little information regarding actions taken by the networks as well as modalities of engagement (two by Brazil, one by Norway and one joint by France and Australia). The upcoming mid-term review of the DoA on Nutrition in 2020 represents an opportunity to change this current course, and generate more meaningful actions and momentum around the DoA than what it achieved during the past five years.

A human rights-based approach to the transformation of food systems involves the respect, protection and realization of the rights enshrined in *UNDROP*. For its 1st anniversary in December 2019, 13 UN human rights experts, including Special Rapporteurs and treaty body members, called on States to step up its implementation by paying particular attention to rural women and girls, who play a key role in the realization of the RtFN but nonetheless represent 70% of the world's hungry. *The statement* also recommended the creation of a UN Voluntary Fund for peasants and other people working in rural areas to support their participation in the activities of the UN system as well as the creation of a new Special Procedure on the rights of peasants and other people working in rural areas.

The protection of peasant seed systems is a core element of UNDROP and finds its legal source in article 9 on farmer's rights of the *International Treaty on Plant Genetic Resources for Food and Agriculture* (ITPGRFA). This article importantly protects farmers' right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture as well as their right to save, use, exchange and sell farm-saved seed or propagating material. Its implementation has however been hampered by intellectual property rights over seeds. Although the eighth meeting of ITPGRFA's Governing Board in November 2019 failed to take action regarding the further implementation of article 9, the mandate of the Ad-Hoc Technical Expert Group (AHTEG) on farmers' rights was extended, with the additional participation of two representatives of peasants' and Indigenous Peoples' organizations.

The outbreak and spread of new pathogens transmitted from animals to humans like SARS-CoV-2 (commonly known as COVID-19) witnessed this year is an additional consequence of the loss of biodiversity and environmental destruction. Biodiverse and functional ecosystems, as well as human's capacity to cohabit with living species are fundamental in order to ensure the availability of nutritious, sustainable and culturally adequate food. This relationship was at the core of the *Intergovernmental Panel on Climate Change (IPCC) special report Climate and Land* published in August 2019. The report calls for urgent changes in food systems, and highlights how climate change is affecting all four pillars of food security: availability (yield and production), access (prices and ability to obtain food), utilization (nutrition and cooking), and stability (disruptions to availability). Nevertheless, some of the projected scenarios in the report, such as the need to massively rely on bioenergy, clearly conflict with land rights and food needs. The report additionally falls short in addressing the power and negative impact of agribusiness.



The absence of binding international human rights standards obliging States to hold businesses, in particular TNCs, to account for their negative impact on the RtFN and other human rights is one of the most critical gaps in international human rights law. After decades of campaign, today a broad spectrum of CSOs represent the driving force in negotiations for a *UN treaty on transnational corporations and other business enterprises with respect to human rights*. The fifth round of negotiations took place in October 2019 on the basis of a *revised draft treaty* comprising 22 articles. Although there still remains difficulty in engaging 'industrialized' States behind this process, this latest session witnessed a significant shift, with considerably less resistance voiced by EU States and in general a broader proactive participation in debates from States. *The Global Campaign to Dismantle Corporate Power* and the *Treaty Alliance* continued to play an important role in mobilizing approximately 200 CSOs from different

areas of work across regions and ensuring the participation of some 90 States during this fifth session. Ensuring that the legally binding instrument includes a substantial gender perspective throughout all its provisions has been the crucial contribution of [The Feminists for a Binding Treaty](#) (F4BT), in particular with regards to the articles concerning impact assessments and redress.

In a context where TNCs and their related philanthropic organizations are more and more provided with an institutional role in multilateral governance, this UN treaty process also has a democratic purpose to counter ‘corporate capture’ and to reclaim peoples’ and States’ sovereignty over business interests. The phenomenon of ‘corporate capture’ within the UN reached a pinnacle in June 2019, when a [Strategic Partnership Agreement was signed between the WEF and the UN](#) to accelerate the implementation of the 2030 Agenda for Sustainable Development. Considering large corporations as strategic partners or stakeholders in discussions surrounding the RtFN fails to recognize their responsibility in the exploitation of workers and destruction and grabbing of natural resources, which violate a whole series of human rights. In an [open letter](#), over 400 CSOs called on the UNSG to end this agreement and instead increase the role of peoples and communities who are the real human rights holders and for whom the UN should serve.

A circular photograph showing the aftermath of a natural disaster. In the foreground, there is a sandy area littered with debris, including broken concrete blocks and twisted metal. In the middle ground, several buildings are in various states of ruin. One building has a partially collapsed roof, and another has a large section missing, revealing the interior. A tall palm tree stands prominently in the center-right. The background shows more damaged structures and a clear blue sky.

02

CLIMATE AND
ECO-DESTRUCTION

This SPOTLIGHT is aligned with the theme of the 2020 issue of the *Right to Food and Nutrition Watch*, the flagship publication of the GNRtFN. Titled “Overcoming Ecological Crises: Reconnecting Food, Nature and Human Rights”, the new issue will be available as of 16 October 2020 in English, Spanish, French and Portuguese at www.righttofoodandnutrition.org/watch.

Global solidarity for environmental and climate justice is gaining momentum. Social movements, both the ‘old’ workers and agrarian movements (such as *La Vía Campesina*) as well as the ‘new’ climate movements (such as *Fridays for Future* and *Extinction Rebellion*), are loud and clear in calling upon world leaders to take immediate action against the escalating ecological and climate crisis. Yet, how much longer will the window remain open to prevent the worst impacts? And how can the RtFN help humanity address the global climate crisis?

The prevailing food production system is one of the major drivers of the climate crisis and directly affects the enjoyment of the RtFN. Social movements have been denouncing the destructive food production model for a long time. *According to the Intergovernmental Panel on Climate Change (IPCC)*, industrial agriculture and tree plantations account for 23% of the total anthropogenic greenhouse gas (GHG) emissions.

Eco-destruction and climate change are putting immense pressure on global food security, water availability, health and housing. The negative impacts threaten the enjoyment of a wide range of human rights, such as the rights to life, adequate food and nutrition, housing, health, water and cultural rights, among others. Despite these alarming threats, serious actions addressing the climate crisis have yet to be taken. In its 2018 *special report on 1.5°C*, the IPCC warned that “pathways that overshoot 1.5°C run a greater risk of passing through the ‘tipping points’, thresholds beyond which certain impacts can no longer be avoided even if temperatures are brought back down later”.

THE COVID-19 CRISIS: SYMPTOM OF THE CLIMATE CRISIS

The COVID-19 pandemic underlines that risk cannot be wished away, and that delaying science-based measures to effectively address risk imposes devastating costs to national economies. The rapid course of the pandemic and its dramatic socio-economic implications offers compelling evidence that a lack of certainty should not be the reason for delaying essential *precautionary measures*. The world cannot wait until the severity of climate change and eco-destruction becomes visible to everyone’s eye. The dislocation and economic hardship imposed by the COVID-19 pandemic are harbingers of the calamities that climate change and eco-destruction are entailing and will further unleash if we fail to put an end to the degradation of natural resources, curb our fossil fuel consumption and resulting emissions of greenhouse gases (GHG), and to support those most affected.

The COVID-19 crisis has left a clear message: there is an urgent need for changes in current food systems. Industrial production must give way towards more resilient means of food cultivation and distribution. **Social movements and CSOs** promote agroecology as an answer to the environmentally harmful industrial food production system, and a solution to combat climate change and eco-destruction. Agroecology can contribute to the realization of the right to adequate food and nutrition, as highlighted by **former Special Rapporteur on the Right to Food, Olivier de Schutter, in 2011**. For example, agroecology can increase productivity with less external inputs (e.g. pesticides) and reduce land degradation, promote on-farm fertility generation and decrease peasants' dependency on external inputs.

The global rush for land and natural resources has also contributed to the outbreak of Covid-19. This **penetration of humans into the primary forests** and the **destruction of wild ecosystems** paved the way for previously boxed-in pathogens to spill over into livestock and human communities. The pandemic illustrates the broken relationship of humans with the natural world.

The COVID-19 pandemic has underlined the significance of human rights – in particular in times of crisis – by unmasking how crises amplify existing inequalities and structural discrimination. The people who suffer most from a crisis are usually those who are already vulnerable and marginalized, albeit having contributed least to the causes. The environment and climate crisis is exacerbating resulting injustices associated with unequal access to resources and means of adaptation, as well as severe consequences for the poor and vulnerable people. In that regard, the principle of **'common but differentiated responsibilities'** can and should guide international cooperation. Accordingly, those countries that have been a major part of the causes of the climate problem should be the ones to take the lead in fixing it and to support the needs of the most affected people by climate-related impacts.

STRENGTHENING THE RIGHT TO FOOD AND NUTRITION TO ADDRESS THE CLIMATE CRISIS

Incorporating human rights in the design and implementation of climate protection measures is indispensable to achieving social and environmental justice. The **2015 Paris Agreement** marked a significant turning point by linking climate action with an explicit reference to human rights. A **joint public statement** of five human rights treaty bodies, ahead of the UN Secretary General's New York Climate Summit in September 2019, underscored the importance of State's human rights obligations to counter climate change. The **UN High Commissioner for Human Rights also increased her advocacy, speaking of** climate crimes and human rights violations. Despite these calls, the last UN Climate Change Conference of Parties (COP 25) in December 2019 ended without adequate answers to the pressing climate crisis.

Environmental and climate instruments are increasingly addressing human rights. Some agreements (such as the **1992 Convention on Biological Diversity (CBD)** and **2004 International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)**) make specific references to threats to food security and are

relevant to the protection of the right to food and nutrition. The CBD recognizes certain rights of Indigenous Peoples and local communities, including their traditional knowledge, innovations and practices. However, shortcomings are still significant with respect to the rights protection of affected people and communities as well as substantive States obligations.

In order to fill these gaps, social movements of small-scale food producers, Indigenous Peoples and CSOs, aiming to advance the Food Sovereignty agenda at the global and regional level, are mobilizing under the [International Planning Committee for Food Sovereignty \(IPC\)](#) to seize the opportunity of [the post-2020 Global Biodiversity Framework \(GBF\)](#). Recognizing the essential role of small-scale food producers as guardians and stewards of biodiversity in the climate struggle is one of their major priorities. This means also, for instance, pushing for the legal recognition of rural communities' tenure and management systems as a precondition for their ability to protect and develop biodiversity as well as the protection and implementation of their human rights (such as the rights over seeds). The [IT-PCRFA](#) provides here an essential basis for recognizing and protecting peasants' rights over seeds whose [“innovations \[...\] \[are\] seen as the foundation of all modern plant breeding”](#) and are a key contribution to protecting biodiversity.

Social movements and Indigenous Peoples have been advocating land rights and tenure security for a long time. They have also opposed prevailing climate change narratives (such as market-based climate initiatives), as they are likely to exacerbate existing land concentration, landlessness and powerlessness. Put another way, respecting the right to land as recognized by the international human rights framework (such as the [Tenure Guidelines](#), [UNDROP](#), [UNDRIP](#), among others) is essential to both the effectiveness and legitimacy of climate protection measures.



Climate justice goes hand in hand with agrarian justice. The longstanding struggles of agrarian and rural movements for land reform are facing more challenges through the escalating ecological and climate crisis. Land becomes an even more contested and scarce resource with dominant land- and carbon market-based 'solutions' (such as climate smart agriculture), propagated by the players in the neoliberal market. Land, however, plays a crucial role in the reduction of GHG emissions, as the [IPCC also pointed out in a special report on climate change and land](#) in 2019. The IPCC identified land tenure security and sustainable food production practices as key to restoring eco-system services and biodiversity. Moreover, the IPCC makes an essential contribution to the climate justice debate by recognizing land (access, control and use) as an important part of responses to climate change.

Attention is also growing at the international policy agenda on dangerous chemicals as a global human rights concern. Efforts on regulating industrial chemicals, pesticides and wastes (such as the [1989 Basel Convention](#) and [1998 Rotterdam Convention](#)) remain inadequate to address both the magnitude and risks posed by dangerous substances. In 2017, the Special Rapporteur on the Right to Food and the Special Rapporteur on Dangerous Substances and Wastes pointed in a [report](#) to the harmful impact of pesticides for the environment as well as the adverse effects on the enjoyment of human rights, in particular the right to adequate food and nutrition and the right to health. They emphasized the denials of the agroindustry of the hazards of certain pesticides and proposed the elaboration of a new instrument to phase out highly hazardous pesticides. Despite pressure from CSOs such as [Pesticide Action Network](#), the proposal has yet to be taken up by relevant international institutions.

Over the years, [UN Treaty Bodies](#) have emphasized how States' human rights obligations go beyond their borders, in particular in addressing climate change and eco-destruction. In a [statement](#) issued in September 2019, five UN Treaty Bodies clearly reiterated States' extraterritorial obligations (ETOs) to respect, protect and fulfill the human rights of all peoples, in accordance with articles 55 and 56 of the UN Charter. In particular, ETOs can play an important role in counterbalancing the power of transnational corporations by holding them accountable for their 'dirty' fossil fuel-based agribusiness and other activities that have made significant contributions to the concentration of GHG in the atmosphere and resultant human rights harms. Social movements and CSOs around the world demand [corporate polluters to take up responsibility](#) for the damage they have been causing to the environment, climate and people.



In the climate space, the [Koronivia Joint Work on Agriculture \(KJWA\)](#) marks a crucial step to addressing the vulnerability of agriculture to climate change and resultant food security issues. Established by the *United Nations Framework Convention on Climate Change* (UNFCCC) COP23 in 2017, the KJWA provides an entry point for participating governments and CSOs to engage on promoting agroecology as a leading sustainable adaptation method. The KJWA, with [contributions from environmental NGOs](#), has the potential to inform discussions leading to an agriculture decision at the next COP26 that attaches importance to small-scale producers and their agroecological practices. Rural communities and food insecure people must be at the center of climate negotiations and participate in important decision-making processes.

UNDROP should also play a prominent role in tackling the mounting climate and biodiversity crisis. UNDROP recognizes the rights of rural communities, who are among those who suffer most from climate change impacts. The reali-

zation of these rights, especially the effective implementation of peasants' right to land and to a **healthy environment**, is a key to effective actions tackling the global ecological and climate crisis.

The right to food and nutrition is essential to achieving social, environmental and climate justice. Countering the industrial food production system by promoting sustainable and rights-based solution-approaches, with grassroots organizations and movements at the center, will be a pivotal step towards increasing food security, restoring biodiversity and overcoming the global climate emergency.

INSIGHT 2.1
LAS BARRAS COMMUNITIES IN HONDURAS:
RESISTING AGAINST RISING SEA LEVELS

Rising sea levels are putting at risk the lives of coastal communities in Honduras. Two hundred and fifty people from the coastal communities of Las Barras de Motagua and Las Barras de Cuyamel in the municipality of Omoa find themselves currently living under a state of public calamity as a consequence of rising seawater levels and the intrusion of seawater to the communities' lands. Affected by this direct impact of climate change, many inhabitants of these communities have progressively been forced to abandon their destroyed homes, with permanent resettlement as the only viable option. Although not recognized under international law, climate refugees are a reality within the communities of Las Barras: many of the young inhabitants of these communities find themselves displaced and are increasingly migrating to the United States.

For these peasant and fishing communities, the quasi-impossibility to grow crops and produce food due to flooding of agricultural lands, and the salinization and erosion of soil, seriously threaten their means of livelihood. This is particularly relevant, as fish stocks (fish being a crucial food source in the area) have already declined due to the contamination of seawater and the large-scale fishing industry. The destruction of the communities' housing means that several families are forced to live cramped in precarious shelters or semi-destroyed houses. Water and sanitation infrastructures have also been destroyed and rendered the access to clean water practically impossible. The lack of means of livelihood and these insalubrious living conditions have led to widespread malnutrition and other health problems among these communities.

Over the years, the National Contingency Commission and other organizations working in the area such as the Red Cross, the Omoa Conservation Organization (*Cuerpos de Conservación de Omoa*) and the Menonita Social Action Commission (*Comisión de Acción Social Menonita*) have been continuously observing the intrusion of seawater to areas inhabited by the communities and its subsequent impact on their livelihood. These organizations have made several recommendations to the competent authorities based on Honduras' law on the national system of

risk management. This law aims to protect the life of all citizens and their dignity in the face of all types of emergencies and disasters. The law binds all public entities by requiring them to allocate financial, human and technological resources in order to comply with its provisions and protect peoples' lives.

As a consequence, in 2014, the local authority declared the area inhabited by the communities of Las Barras del Motagua and Las Barras Cuyamel in a state of public calamity, uninhabitable and of high risk. Despite this decision and the urgency of the situation, and concrete proposals by the Honduran Alliance for Climate Change, to develop a more proactive and comprehensive policy, no meaningful measures have been taken to date in order to ensure the permanent and sustainable resettlement of these affected families, based on a human rights approach.

INSIGHT 2.2
VOICES FROM THE GROUND: THE IMPACT OF CLIMATE CHANGE
ON SMALL-SCALE FISHERIES IN PAKISTAN

Fatima is a small-scale fisherwomen from Ibrahim Haidery in Karachi, Pakistan. Saima Zia, from the Crofter Foundation in Pakistan, collected her testimony:

“Climate change has had a profound effect on the lives of small fishermen and fisherwomen. It has disrupted the fishing season, increased the sea level, and reduced the availability of fish. Ultimately, it decreased the number of small-scale fishers because they were not able to sustain their livelihood through fishing, thereby forcing many of their wives to take up jobs in small factories.

Among small-scale fishers' families in Pakistan, most of the household chores are borne by women, such as looking after household expenses, the children's education, health, as well as seeing to the family's happiness and addressing their woes. Small-scale fishers do not consume the fish they catch; it is their source of income. When there is no catch or it is too small, their condition is worse than that of daily laborers. Most small-scale fishers and their families do not have access to three regular meals a day. Most of the food in their house is what fishers bring home that day.

Through its advocacy campaigns, Pakistan Fisherfolk Forum, a member of World Forum of Fisher Peoples (WFFP), has been advocating for a sustainable fisheries policy to be formulated at the provincial level to mitigate the effects of climate change. It also demands the abolition of several coal power plants and dams in Pakistan and calls for environmentally friendly renewable energy generation.”





03

REGIONAL OVERVIEW

Africa continues to suffer from endemic hunger and malnutrition. With 250 million undernourished people, it is the region of the world witnessing the largest increase this past year according to the most recent SOFI figures. At this rate, and without considering the impact of COVID-19, by 2030 Africa could overtake Asia and become the region with the highest proportion of undernourished people.

The restrictions on movement and closure of informal food markets ordered by many African governments due to the COVID-19 pandemic have harshly affected livelihoods and access to food. Such markets represent both considerable work opportunities as well as sources of fresh and healthy food for Africans living in urban areas. In rural areas, small-scale fishers have been disproportionately impacted. For instance, in **Uganda**, whilst farming is considered an essential activity authorized by the government during this emergency period, fishing has been restricted. Similarly, in **South Africa**, the vast majority of coastal and inland fishers who operate informally have been criminalized for not holding the required permits. Food accessibility is at risk in the region due to the reduction of income on the one hand, and the increase of food prices observed in different countries on the other. In **Kenya**, peasants have been left with no choice than to destroy their crops and euthanize livestock because of dumping and denied access to markets.

Certain governments have used this exceptional period to push through development projects benefiting large corporations. Since the outbreak of COVID-19, expansive mining activities in South Africa's Tormin mine have continued despite many appeals. At the height of the pandemic, the South African Department of Environment, Forestry and Fisheries (DEFF) officially doubled the minimum emission standards of sulphur dioxide, changing the limit from 500mg/Nm³ to 1000mg/Nm³.

Africa continues to witness a rise in authoritarianism accompanied by the suppression of civil society voices and spaces, which further impact RfFN-related legislative developments on the continent. In **Malawi**, civil society was violently attacked during protests following the elections, which were marred with irregularities. A surge in violent and repressive practices throughout countries has also taken place in the context of lockdown measures, with peasant and fishing communities criminalized for practicing livelihood activities.

The COVID-19 pandemic has, nevertheless, also demonstrated the resilience of Africans, for instance, through actions of solidarity. In the face of the emerging food crisis in South Africa, a civil society collective named C19 People's Coalition was recently formed to protect vulnerable communities by organizing food deliveries and also linking small-scale food producers to urban communities facing difficulties in accessing food. In **Zimbabwe**, peasants have stepped up their production in order to meet the growing supply shortages of large-scale producers, demonstrating the resilience of peasant food systems, especially in times of crisis.

¹ Additional information for this chapter was provided by *ONG Floraison*, Togo

At the regional level, the most notable progress towards the strengthening of the RtFN, comes from the African Commission on Human and Peoples Rights (ACHPR) which, in November 2019, adopted [*Resolution 431 entitled Right to Food and Nutrition in Africa*](#) (See Insight Box 3.1.2). The resolution calls on African States to include small-scale food producers in the development, implementation and monitoring of policies towards the realization of the RtFN at the national level. It will hopefully inspire governments to develop or reinforce national legal frameworks to advance the RtFN and other related rights.

The ACHPR's resolution furthermore makes a strong recommendation to States to ban the use of genetically modified organisms (GMOs). After being the first West African country to introduce GMOs, experiments were silently conducted in **Burkina Faso** in 2019 on [*genetically modified \(GM\) fungi aimed at killing mosquitos*](#). After the [*failed attempt to introduce GM cotton between 2008 and 2016*](#), the country continues to serve as a testing ground for GM technologies. Over the years, civil society organizations have brought these as well as other claims related to the RtFN to the UN Human Rights system. The resulting achievements in advocacy gained momentum at the national level with the adoption in November 2019 of the *National Action Plan 2019-2022* for the implementation of the [*recommendations made by UN Treaty Bodies*](#) as well as in the context of the [*Universal Periodic Review*](#) (UPR). This action plan, adopted by the Ministry of Human Rights and Civic Promotion, will represent a space for CSOs to engage with government institutions to further advance the RtFN, which is one of the stated objectives of the plan. The plan, for example, foresees the adoption of a framework law on the right to food and the inclusion of this right in the Constitution. Furthermore, the National Action Plan lays down steps to protect peasant communities from forced evictions.

In **Mali**, the multi-actor platforms on the governance of natural resources continued to yield positive results. The final draft of the *National Seed Policy*, which includes a chapter on peasant seeds and farmer-managed seed systems, will likely be approved in 2020. The policy includes clear peasant-led demands on the multiplication of peasant seeds, quality control systems and the need for community-controlled registries. Once adopted, the policy opens the door for a revision of the seed law (or complementary legislation on peasant seeds/peasant seed systems). In addition, Malian peasant organizations and CSOs continued to mobilize for the implementation of the *Law on Agricultural Land* ([*Loi Foncière Agricole*](#), 2017), which recognizes customary and collective tenure rights of communities, and provides these with the same degree of legal protection as individual land ownership. To this effect, this year the Malian *Convergence against Land Grabbing* (*Convergence Malienne contre l'Accaparement des Terres*, CMAT) initiated the establishment of Village Land Commissions in several communities. According to the 2017 *Law on Agricultural Land*, these commissions are the entities in charge of managing customary lands, based on a charter of principles developed through



participatory processes at the community level. Particular emphasis has been put on ensuring the representation of women and youth in the process as well as the Commissions.

The use of violence against CSOs and human rights defenders protesting in the aftermath of the rigged election by the current government made headlines in **Malawi** last year. The Constitutional Court annulled the election results earlier this year, with new elections to take place in June this year, which represents a positive decision given the fragile democratic context in the country. The Right to Food Bill advocated by CSOs over the last few years is still at the cabinet-level waiting to be adopted, before being sent to the National Assembly for vote. Despite the continuously shrinking space for civil society participation in policy debates, CSOs continued to advocate for the legal protection and monitoring of the RtFN. The Malawi Right to Food Network has engaged in the UPR process of Malawi to also push for a speedy enactment of a new draft Land Bill in order to protect customary land tenure. The upcoming SDGs Voluntary National Review of Malawi will provide an additional space for advocacy.

Steps are being taken in **Nigeria** towards stronger protection of customary land rights. The Nigerian constitution recognizes the concept of “legitimate tenure rights” to cover those tenure rights that are not officially recognized and/or registered. Yet the current legal framework governing land tenure known as the *Land Use Act* of 1978 has fundamental lapses that can make land acquisition processes cumbersome and subject to manipulation and abuse. A *Model Land Use Bill* has therefore been proposed by communities and CSOs to address these gaps and is currently under review in the Cross River State House of Assembly.

Strict restrictions on movement in **Uganda** as a consequence of the COVID-19 health emergency have impacted fishing communities, whose activity remains prohibited whilst farming is permitted. There have been reports of small-scale fishers around Lake Victoria criminalized and allegedly beaten by the army for attempting to secure a means of livelihood for themselves and their families. In a continent witnessing a push for the use of agrochemicals and GMOs, an important legislative advance took place with the enactment of the *National Environment Act* in 2019. The law represents a crucial step in the fight against GMOs, as it provides for compensation for environmental harm that arises from the use of pesticides and other agrochemicals, which usually accompany the use of GMOs. The law also requires prior environmental risk assessments of proposed projects, which may significantly affect the environment or use of natural resources.

Togo has become the second country in Africa to ban glyphosate, a controversial herbicide recognized to be harmful to the health of humans, animals and the environment more broadly. In December 2019, the Togolese Ministry of Agriculture, Animal Production and Fisheries adopted *Order 183/19 on the Prohibition on the Import and Use of Glyphosate and Any Product Containing It*. The order furthermore sets a twelve-month moratorium period for the disposal of glyphosate or any product containing it introduced in Togo before December 30, 2019. Any person contravening the provisions of the order will see the products seized and face prosecution. This order is an opportunity for civil society to strengthen their struggle against GMOs in Togo.

INSIGHT 3.1.1

KAWERI CASE: 19 YEARS OF STRUGGLE FOR REDRESS AFTER BRUTAL EVICTION

In August 2001, the inhabitants of the four villages of Kitemba, Luwunga, Kijunga and Kiryamakobe in Uganda (approximately 4,000 people) were violently expelled from 2524 hectares of land that they had been living on for years. The Uganda People's Defence Force army forced them to leave their premises because the semi-statal Uganda Investment Authority's (UIA) intent to lease it to the Kaweri Coffee Plantation Ltd., a 100% subsidiary of Neumann Kaffee Gruppe (NKG) based in Hamburg, Germany. The inhabitants were threatened and forced to leave at gunpoint and several of those being evicted were beaten in the process. The soldiers set houses on fire and demolished them, including the fully equipped private clinic of the community and six churches. Movable properties were looted and crops were cut down and uprooted. The Kitemba primary school (a formal school of the villages) has since been used as the headquarters of Kaweri/NKG Coffee plantation.

This brutal forced eviction has led to the violation and abuse of many human rights, namely ***the rights to food and nutrition, to water, to adequate housing, to health, to education and to participate in cultural life***. As a consequence, many of the evicted live today in extreme poverty near the Kaweri/NKG Coffee plantation without access to their land, which was their means of livelihood.

Although some of the evictees have tried to survive in other areas of Uganda, others have found temporary access to land in part of the neighboring village and have built a new settlement (Kyengeza). These small plots of land are nevertheless insufficient to provide them with adequate food to satisfy the needs of their families. Other evictees work as informal laborers in surrounding fields or in the Kaweri/NKG Coffee plantation. However, hunger and malnutrition are rampant even among these evictees who receive a small income. Unfortunately, there is no guarantee that those evictees who managed to buy new land with their own means will not be evicted for the second time. The second eviction of ***Joyce Namakula*** demonstrates the extent of land tenure insecurity in Uganda and the ongoing human rights violations of the evictees.

In 2002, the evictees took their case to Uganda's High Court. 19 years have passed since the eviction and the evictees are still waiting for justice. In July 2019, the High Court judge ordered a court mediation between both parties (plaintiffs and defendants). However, disagreement remains regarding the compensation offered by the Ugandan State, which does not include land compensation. Some evictees have opted to accept the compensation offer from the Ugandan government due to the hardships they experience, while others are willing to continue the legal battle in court.

As a State Party to the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) Uganda has received *recommendations from the Committee on Economic, Social and Cultural Rights* (CESCR), which in 2015 expressed its concern “about the case of Mubende District whose inhabitants were evicted from their homes in 2001 in the context of the Kaweri Coffee plantation and about the fact that so far the legal redress they could obtain did not include restitution of land rights”. The Committee recommended the State to “take immediate measures to ensure that the rights of the Mubende community are restored [...].” In addition, Uganda voted in favor of UNDROP in December 2018, which protects peasants and other people working in rural areas from evictions and recognizes their rights to land and water.

The evictees are determined that they will continue their struggle until redress is done.

INSIGHT 3.1.2

RESOLUTION FROM THE AFRICAN COMMISSION ON HUMAN AND PEOPLES RIGHTS ON THE RIGHT TO FOOD AND NUTRITION

In its efforts to promote the right to adequate food and nutrition, the African Commission on Human and People’s Rights in its 65th ordinary session held in Banjul, Gambia, adopted *Resolution 431 entitled Right to Food and Nutrition in Africa*. Among its highlights, the Resolution recognizes the importance of national RtFN legal frameworks, as well as the full participation of small-scale food producers, farmers, livestock farmers and fisherfolk in the design and monitoring of the realization of the RtFN. In a region witnessing a push in policies which *promote commercial seed systems and GMOs to the expense of peasant seed systems*, thereby exacerbating hunger and malnutrition, the adopted resolution calls on States Parties to foster local and organic food production and consumption by banning GMOs, and regulating the promotion and marketing of industrialized and highly processed foods. Furthermore, the resolution recognizes the importance of women in maintaining and improving rural livelihoods and urges the promotion and strengthening of multi-sector and gender inclusive platforms at the national level.

Strengthening the RtFN becomes evermore critical in Africa as hunger and malnutrition continue to rise. The COVID-19 pandemic has shown the resilience of African people and the extent to which they are able to cope without global food systems. The ACHPR-adopted resolution on the RtFN is timely as it promotes agro-ecology and the creation of sustainable food systems based on peasants’ knowledge whilst linking them to local consumers. The resolution therefore *calls into question industrial food systems* that disrupt traditional farming communities, and cause climate destruction and human rights violations.

In recent times, the Americas have faced political and social turmoil: people have flocked to the streets following elections and other political developments. In **Bolivia**, in November a [coup d'état](#) was declared after the elections, bringing back memories of the continent's military past. **Chile** witnessed the biggest protests since the end of the Pinochet dictatorship, with millions calling for social and political change. Brazilian peasant women together with Indigenous women organized [Latin America's largest rural women workers' march](#), the 'Daisies' March' (*Marcha das Margaridas*).

Hunger has continuously risen during these past years in the Americas, with an additional 9 million undernourished people between 2015 and 2019 in Latin America and the Caribbean according to the recent SOFI report. The region has also witnessed the world's biggest increase in food insecurity rates, from 22.9% in 2014 to 31.7% in 2019.

According to the [latest report on human rights defenders by Front Line Defenders](#), two-thirds of the total killings of human rights defenders worldwide took place in Latin America, where impunity remains the norm. The deadliest countries are **Colombia, Brazil, Honduras** and **Mexico**, ranking 1st, 3rd, 4th and 5th respectively worldwide. Violence against women is rampant. Poverty, hunger and the violation of the right to food and nutrition continue to be key structural factors behind [mass migration in the continent](#).

The COVID19-crisis has strongly impacted the region. **Brazil** has reported high numbers of cases, and the United States became the world's epicenter of the pandemic in May. The Black population and other minorities have been disproportionately affected. As in other regions with high proportions of informal workers, the lockdown measures have had a dramatic impact on the realization of the RtFN.

Amidst these challenges, civil society and social movements in the Americas continued to fight for the RtFN and food sovereignty in a variety of ways, building on the region's progressive human rights and RtFN legislation and policies from recent history.

The COVID-19 crisis and [Black Lives Matter](#) protests in May this year shed light on the strong prevalence of inequities and systemic racism in the **United States (US)** that leave tens of millions in persistent hunger and poverty. More than 54 million people, including 18 million children, may experience [food insecurity in 2020](#) due to the pandemic. Food insecurity rates remain particularly high among Black, Indigenous, and Latinx groups, and in many major cities there is also a [clear disparity between the COVID-19-related death rates](#) of these groups in comparison to other racial/ethnic groups. According to the Centers for Disease Control and Prevention (CDC), [Black Americans are disproportionately affected](#) by the virus due to their higher likelihood of having pre-existing conditions, which are rooted in structural racism and some of which are caused by the lack of ad-

² Additional information for this chapter was provided by [Human Rights Clinic, University of Miami School of Law](#)

equate nutritious foods available to communities of color. Similarly, for **Indigenous communities** the lack of adequate housing conditions and difficult access to health centers reduce their ability to exercise social distancing and access COVID-19 testing facilities. Policy responses to the pandemic have neglected the concerns of some of the most vulnerable, including low-income and immigrant families who will be forced to rely on overwhelmed charitable food organizations.

In **Mexico**, during the Mexican presidential elections in 2018, the candidate Andrés Manuel Lopez Obrador promised to **ensure the country's food sovereignty**. However, during his first year in office he has come up against several challenges. A new Right to Food Bill is yet to be negotiated at the Congress of the Union, whereas the former right to food bill that was questioned by CSOs remains stuck in the senate. Towards the end of 2019 attempts were made to pass substantial reforms on the Federal Law on Plant Varieties. The legal reform did not make it through the chamber of deputies but CSOs are concerned future attempts will result in privatizing peasants' seed systems.

As previously reported, despite having a relatively advanced legal, policy and institutional framework for food security and the RtFN, **Guatemala** displays some of the worst indicators on hunger and malnutrition in the Americas, especially among rural and Indigenous communities. It was estimated that **2.3 million Guatemalans could be at risk of malnutrition in 2020**, a figure that may rise even further in the context of the COVID-19 crisis. Guatemala is one of the few Latin American members of the Scaling Up Nutrition (SUN) initiative. **As civil society has critiqued**, SUN's strong emphasis on medicalized and product-based approaches are primarily reactive and fail to include measures aimed at prevention that address the structural causes of malnutrition, beyond the first 1000 days. In 2014, Guatemalan social movements achieved the **derogation of Law 19-2014 for the Protection of New Varieties of Plants** through popular mobilization. However, attempts continue to be made to push in this direction. In March 2019, the Ministry for Economy published a *Biosafety Technical Regulation for Living Modified Organisms (LMO) for Agricultural Use*, despite opposition by social organizations. In November 2019, various Indigenous ancestral authorities filed an unconstitutionality claim against a series of agreements related to seeds, LMOs and biotechnology adopted by the Ministry of Agriculture, Livestock and Food and the Ministry of Economy. In March 2020, the Constitutional Court ruled the temporary suspension of these Ministerial Agreements and called on government institutions to present a detailed report of their actions, and to hold a public hearing, which was suspended in late March due to the COVID-19 crisis.

The struggle to protect peasant's seeds took place along similar lines in **Honduras**. The 2012 **Law on Protection of New Plant Varieties** –



the ‘Monsanto Law’ – gives advantages to large corporations’ commercial seed varieties whilst limiting farmers’ rights to save, sell, and exchange seeds. Similar to developments in Guatemala, a recourse of unconstitutionality against this law **was presented in 2018**, but the decision regarding its admissibility is still pending. Climate change and eco-destruction is one of the biggest threats to the food sovereignty of Indigenous and peasant communities in the country (See Insight Box 2.1). CSOs members of the Honduran Alliance on Climate Change (*Alianza Hondureña por el Cambio Climático*, AHCC) were able to conduct effective advocacy work to integrate a human rights perspective into the national climate adaptation plan, which incorporates agroecology, the concept of food sovereignty, the promotion of native seeds, and the perspective of Indigenous Peoples and vulnerable groups. To ensure the territorial outreach of this plan, three similar municipal adaptation plans were developed with budgets allocated for their implementation at the municipal level. A positive development took place in August 2019, when 54 women and their families, gathered in the ‘Movement of Women 10th June’ in Atlántida (Northern Honduras), finally received land titles they had been claiming for over two decades, as a result of which they faced major challenges and human rights abuses. They are one of the first female peasant cooperatives to achieve this in the country.

Colombia continues to suffer from a wide deficit regarding normative frameworks related to the RtFN. There is no explicit recognition of this right in the Constitution, nor any public policy currently integrating such an approach. CSOs have been promoting a series of bills that seek to promote healthy eating environments, and to encourage school environments that offer adequate meals. The industrial sector has strongly opposed these bills, as reflected in their interference within the Colombian Congress during the legislative process. In spite of this national trend, at the end of 2019, the city of Cartagena de Indias approved an agreement ordering the city authorities to develop a public policy in favor of healthy food environments in all city schools. Furthermore, FIAN Colombia has led the process of drafting and building alliances for a bill seeking to implement the *Special System for the Progressive Guarantee of the Right to Food* in Colombia, one of the State’s commitments under Chapter 1 on *Comprehensive Rural Reform of the 2016 Peace Agreement*. The bill will be presented to Congress in July 2020. At the end of 2019, public pressure mounted for the current government to step up the implementation of the Peace Agreement during a series of national strikes, which gathered unprecedented crowds. The country visit **report** of the UN Special Rapporteur on human rights defenders, Michel Forst, highlighted the worrying situation of human rights defenders. Colombia was the country with the highest number of murdered human rights defenders in Latin America in 2019, with social leaders and ethnic communities defending land and environmental rights most at risk.

Brazil has been one of the most affected countries by the COVID-19 pandemic, aggravating even more the ongoing attacks to human rights and dismantling of food policies under the leadership of President Jair Bolsonaro. The country **could probably return to the FAO Hunger Map**, after leaving it in 2014. According to **experts and organizations**, as of 2020, almost 7% of the population is now facing hunger and living in extreme poverty. This situation is a consequence of authoritarian decisions by the government to shut down the National Council on Food Se-

curity and Nutrition (CONSEA) and to drastically reduce the 2019 budget by 77% for food policies, such as the *Family Farming Food Procurement Program (Programa de Aquisição de Alimentos da Agricultura Familiar)* in comparison to 2014. The current president has also vetoed financial support to family farmers, artisanal fishers, and land reform settlers severely affected by the pandemic, after Congress decided to include them in the Emergency Basic Income initiative spearheaded by many social movements and CSOs. The government has continued to extend tax exemptions on the commercialization of pesticides and it has approved 607 new pesticides (118 in the space of two months during the COVID-19 pandemic). Government attacks on the rights of Indigenous Peoples continued, including in April 2020 via *Normative Instruction n. 09 of the National Indian Foundation (Fundação Nacional do Índio, FUNAI)*, the governmental body responsible for protecting and implementing Indigenous rights. Combined with *a draft bill on land regularization (n.2633/2020) recently presented by the government*, such measures in reality facilitate the invasion of Indigenous territories still in the process of being identified and homologated, and also ease the regularization of land arising from illegal deforestation and land-grabbing. These blatant attacks against peasants, indigenous peoples, and traditional communities and peoples are unsurprising, considering the comments by the Education Minister during an official meeting in April 2020 stating that he “**hates Indigenous Peoples**”. During the same meeting, the Environment Minister proposed to take advantage of the pandemic to **advance the government’s anti-environmental agenda**.

Recent public policies, ministerial agreements and executive decrees in **Ecuador** have provoked notable social discontent due to budgetary readjustments that are detrimental to the working class. In October 2019, the government announced new economic and labor measures through *Presidential Decree 883* which had been outlined in a letter of intent to the International Monetary Fund earlier that year, in March 2019. These measures included the end of subsidies on fuel, which would subsequently increase fuel prices as well as food prices. Indigenous Peoples and peasant movements played an important role in the 12-day nationwide mobilization that followed, resulting in a repeal to the presidential decree, but not without persecution, imprisonment of social leaders, and loss of lives. The province of Guayas was badly hit by a dramatic wave of infections and deaths due to COVID-19. In the midst of the pandemic, several ministries and offices were either merged or scrapped following decrees, which consequently weakened the State’s response to the pandemic. Government response measures gave preference to supermarket chains as the main suppliers of food, **at the expense of peasants and other small-scale food producers** who, conversely, received little State support, despite their importance for the food sovereignty of many communities and for the population’s access to food in general. Conscious of the relationship between high malnutrition rates and lack of access to land and seeds, in October 2019 the **CESCR recommended that Ecuador** adopt measures to



ensure the redistribution of land in favor of the most disadvantaged population groups, and to protect the rights of the peasants and Indigenous Peoples to save, use, exchange and sell their seeds.

In **Paraguay**, although the *National Human Rights Plan* approved in 2013 includes strategies related to the right to food, no progress has been made in its implementation. Since the conservative government of Mario Abdo Benítez took office in 2018, the lack of a rights-based approach in social policies has been accentuated, as has the absence of mechanisms for social participation in public policies, including agrarian, food, and nutritional programs. Despite the government's aggressive policy on forced evictions in rural and urban areas, *Law No. 6286/19 on the Defense, Restoration and Promotion of Peasant Family Farming* was enacted in May but has yet to be implemented. In an unprecedented decision at the international level, the **UN Human Rights Committee condemned Paraguay** in the "Yeruti case" for the contamination of a peasant community's natural resources due to pesticides, which violates their right to life in an individual complaints procedure. The rapidly unfolding food crisis resulting from the COVID-19 pandemic lockdown measures has highlighted the lack of a government social protection system. Indigenous and urban communities in particular have reported situations of hunger, in the absence of adequate food benefits from the State. Community-organized solidarity soup kitchens have been the main response from communities to address the lack of State support.

INSIGHT 3.2.1

A REPORT ON THE REGIONAL IMPACT OF PESTICIDES

The Latin America and Caribbean (LAC) region is an internationally renowned commodity exporter of products such as coffee, meat, agrofuels or tobacco. This has produced an expansion of monocultures based on the intensive use of agrochemicals and genetically modified seeds, which impact the RtFN in different and complex manners. Faced with this regional reality, all LAC FIAN sections and groups from Brazil, Colombia, Ecuador, Guatemala, Haiti, Honduras and Mexico decided to join forces in preparing a regional study on the impact of the growing use of agrochemicals on human rights, in particular the RtFN. The report compiles information from academia as well as data collected from the eight FIAN sections in their respective countries.

The study highlights how agrochemicals impact the RtFN in broad and multiform ways, which affects entire food chains and processes, from production and processing to consumption and nutrient absorption. They impact all components of the RtFN, including adequacy, availability, accessibility and sustainability of food. These impacts not only affect humans and local environments, but entire eco- and food systems spanning across time and generations. Human exposure to agrochemicals can cause chronic diseases, genetic modifications and can even

contaminate breast milk, which impacts the RtFN of next generations. Similar trans-generational impacts of agrochemicals are of course also observed amongst animals.

Beyond their direct impact on water and food contamination, agrochemicals lie at the heart of the predominant agro-industrial production model, which is geared towards the export of monocrops, leads to land-grabbing, and destroys rural communities' natural resources throughout LAC. The use of agrochemicals is accompanied by a discourse surrounding "scientific progress" in food production, which attempts to denigrate peasant agriculture and agroecological approaches. The report also alerts us on the influence and interference of agrochemical transnational corporations in policy discussions related to food systems, which exclude people's interests from public debates and undermine democracies. This corporate capture is exemplified by government practices witnessed throughout LAC which facilitate the use of agrochemicals, provide for their tax exemption, and on the other hand, criminalize those resisting against agrochemicals.

The report serves as a strong advocacy tool for communities, movements and organizations in LAC. It includes a thorough list of recommendations to States, as well as to regional and international human rights systems. It calls on States to put an end to the practice of aerial fumigations, which have devastating impacts on entire communities. National human rights institutions and national health agencies should play a bigger role in monitoring the impacts of agrochemicals. Finally, States in the region should commit to transforming food systems, so that they are free from the use of agrochemicals, protect the livelihoods of rural communities, and promote the production of healthy food.



INSIGHT 3.2.2

LANDMARK DECISION BY THE INTER-AMERICAN COURT OF HUMAN RIGHTS ON THE RIGHT TO FOOD AND NUTRITION

For the first time in its over 40 years of existence, the Inter-American Court of Human Rights (IACtHR) declared on February 6, 2020 the direct violations of the rights to food, to water, to a healthy environment and to cultural identity of the Indigenous communities members of the association Lhaka Honhat in a case against Argentina. The Court additionally recognized the inter-dependency of these rights, explicitly defending a holistic approach to human rights.

The association includes the Indigenous Peoples Wichí (Mataco), Iyjwaja (Chorote), Komlek (Toba), Niwackle (Chulupí) and Tapy'y (Tapiete). Their struggle for the formal recognition of their ancestral territories started many years ago. In 1984, with the support of the Argentinean human rights organization CELS, they initiated requests for the identification of their territories by national authorities. Without success, and after presenting the case to the Inter-American Commission of Human Rights (IACHR) in 1998, the case was brought to the Inter-American Court in 2018, where over 10,000 members of the Lhaka Honhat Indigenous association began a new endeavor in holding the State accountable.

This case undoubtedly consolidates the Court's jurisprudence on cases involving Indigenous Peoples: the decision declared the violation of their right to collective territorial property, systematically violated by the State, that allowed for the deforestation of the area, carried out interventions in their territories without their free, prior and informed consent, and historically denied their right to judicial protection and to a fair trial. The judges also established a direct connection between the violation of their right to collective territories and its direct impact on the realization of their right to food, water, healthy environment and cultural identity.

Although the recognition of the violation of such relevant economic, social, cultural and environmental rights (ESCER) comes very late in the Court's history, it sets an important legal precedent not only for the Inter-American Human Rights System, but also for the UN and African Human Rights Systems. This milestone decision, even if not unanimous among the current members of the Court, is a 'one-way ticket' and should benefit many other cases involving the violation of ESCER in the region.

Authoritarianism continues to challenge democratic systems in many countries of the region. In **India**, a crackdown on civil liberties in the state of Jammu and Kashmir was observed before and after the Indian government revoked its special status guaranteed in the Constitution and split the state into two union territories in August 2019. In **Sri Lanka**, the new political scenario after the presidential elections in November 2019 brought to a halt constitutional reform efforts. Journalists and other media workers are being subjected to harassment, intimidation and surveillance. The ‘war on drugs’ in the **Philippines** exercised by the Duterte regime, has led to the death of approximately **27,000 Filipinos**, and an increase of the use of violence against the population, the political opposition, and civil society. Despite some advancement, primarily regarding legal and policy frameworks on the RtFN, practical barriers to their effective implementation and for civil society participation in holding states accountable in several countries have not been overcome.

The recent SOFI hunger and food insecurity figures for Asia remain staggering. With 381 million undernourished people in 2019 estimated by SOFI, Asia continues to host the overwhelming majority (55.4%) of people suffering from hunger in the world. The region is also home to 54% of stunted children in world.

With the outbreak of the COVID-19 pandemic, governments in most Asian countries took drastic measures to contain the spread of the virus. While these seemed necessary, certain governments have used the crisis to restrict democratic rights, specifically targeting human rights defenders. In a region where the overwhelmingly majority of people’s livelihoods depend on the informal economy, the disease and lockdown measures struck in particular those already vulnerable and marginalized due to stark inequalities related to class, social privilege, ethnicity, gender, occupation and age.

In **India**, hunger has posed a greater risk than the COVID-19 pandemic itself due to the inadequate distribution of essential commodities, and a hike in prices coupled with the loss of income after lockdown measures were ordered. **Millions of migrant workers**, the majority Dalits (occupational castes) and Adivasis (tribal peoples), have been the most affected due to discrimination on the basis of their caste and ethnicity, and have been quarantined in camps or stranded far from home with no money nor food. The hundred million Adivasis who depend on the sale of minor forest produce as a means to guarantee their traditional livelihoods are also amongst the hardest hit, with the lockdown disrupting distribution chains and exacerbating their already fragile condition. The **Supreme Court decision in February 2019**, ordering the eviction of all tribal peoples and forest-dwellers whose claims to forest land had previously been rejected, sparked protests of tens of thousands of people, leading **the Central Government to finally acknowledge** that most rejections were illegal and the result of abuse of power by forest officials. While the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act* is yet to be fully implemented, the latest draft

³ Additional information for this chapter was provided by the *Pakistan Kissan Rabta Committee* (PKRC), the *Crofter Foundation* and the *Pakistan Fisherfolk Forum*

amendment (March 2020) to the Environment Impact Assessment Notification under the 1986 *Environment Protection Act* may **weaken the public hearing process** by reducing the time required for the public to respond and time for public hearing process to be completed. Regressive measures limiting civil society spaces continued in 2019 and 2020. The right to information – which is a basic human right that underpins good governance and democracy – has been **undermined** with the enactment of the *Right to Information (Amendment) Bill* in 2019. Although seemingly insignificant, the amendment scraps the previously fixed tenure and salaries of the Chief Information Commissioners and Information Commissioners. The tenures and salaries are now decided on a case-by-case basis by the government, who has the power to arbitrarily remove or replace these positions as suits them politically.

Threats to the RtFN in **Indonesia** continue to arise from the government's pro-business policy, which jeopardizes rural communities access to and tenure of natural resources and weakens labor and social protection of workers. A **controversial omnibus bill on job creation** was submitted to the House of Representatives in February 2020. The bill, initiated by the Government of Indonesia intending to promote business and attract investment is under heavy criticism by social movements and CSOs who see potential threats to Indonesia's democracy (as the bill gives a stronger role to central government) and people's human rights, given the lack of people's participation. **Opponents of the bill** are also concerned that the bill will accelerate economic digitalization and privatization, and increase the role of foreign investments in Indonesia. This bill will also revise many laws related to agriculture and food, and eliminate crucial provisions for the RtFN under these laws.

As many households in **Pakistan** depend on food production, fisheries and livestock rearing for their livelihoods, the disruption in the supply chain of agricultural inputs due to the COVID-19 pandemic created many challenges. Informal workers, who account for approximately 75% of the country's workforce, have faced unemployment without any access to social security, forcing them to compromise on their access to healthy food. Restrictions on the movement of agricultural workers limited their **availability for the harvesting season of wheat in March**, which experts believe might have a cascading effect on the region's food security. After collective efforts of Pakistan Kissan Rabita Committee (PKRC) and labor organizations, the Government finally launched the **Ehsaas Emergency Cash Program** – a one time financial assistance of \$75 USD to 12 million families, insufficient to cover all those in need. The 50 billion rupees relief package for farmers has also been criticized for failing to directly target and relief farmers, rather than pesticide and seed companies already offering their products at a subsidized price. Access to and control over natural resources is closely linked to the realization of the RtFN for the majority of population in Pakistan. Yet, **thousands of small farmer families own less than 5 acres each**, while a **handful of large land-owners own and control** thousands of acres of land. Today, the RtFN situation in Pakistan remains critical: **44% of children are stunted**, and **over 50% of women of reproductive age suffer from anemia**. **75% of women are involved in the agricultural sector**, primarily in dairy and livestock, and play multi-dimensional roles in sowing, planting and harvesting, yet 60% of their work is not paid and they do not have land rights.

In **Nepal**, after the country became the first in Asia to guarantee right to food and food sovereignty as fundamental rights in its 2015 Constitution, followed by the endorsement of a [*Right to Food and Food Sovereignty Act in 2018*](#), legal frameworks have been further developed. At the national level, the Ministry of Agriculture and Livestock Development started a process to finalize regulations to guide authorities in the implementation of the act. At the provincial and local levels, governments have initiated legal and policy reforms to guarantee the right to food and food sovereignty as well as other rights enshrined in the national constitution. The government of Karnali province passed the *Food Production, Right to Food and Food Sovereignty Bill* on June 10, 2020. The government of Sudur Paschim Province enacted the *Provincial Environment Protection Act 2075 (2018)* that makes environmental impact assessments compulsory, and instructs all its local governments to integrate Food and Nutrition Security Plans in their budgets, plans and programs. Three local governments, namely Gajuri Rural Municipality of Dhading district, Thalara Rural Municipality, and Bitthar Chir Rural Municipality of Bajhang district have formulated Local Food and Nutrition Security Strategic Plans and allocated a budget for their implementation. Local governance levels have also played an important role during the COVID-19 pandemic, which, like in many countries, has affected the livelihoods of rural communities and those engaged in the informal sector. The National Human Rights Commission has formed a Joint Committee including representatives from the Nepal Bar Association, the NGO Federation and the Federation of Journalists, as well as FIAN Nepal, to monitor the impact of COVID-19 on the livelihood of vulnerable individuals, groups and communities at local, province and national level.

In **Bangladesh**, a draft *Right to Food Act* prepared by the Law Commission in 2016 has not advanced any further. According to statistics of the Planning Commission, social safety net programs entailing direct food distribution to the poor and marginalized only cover a third of the total population in need. Of concern is a recent directive prohibiting NGOs to include the words “indigenous” or “Adivasi” in their titles. This directive further halts the implementation of [*ILO Convention 169 on Indigenous and Tribal Peoples*](#), which the Bangladesh’s NGO Affairs Bureau considers a threat to national security. Furthermore, article 23a of the Constitution of Bangladesh excludes any explicit reference to the recognition of the Adivasis population or Indigenous Peoples by only recognizing the “unique local culture and tradition of the tribes, minor races, ethnic sects and communities”.

In June this year, the OHCHR presented a [*comprehensive report*](#) on the human rights situation in the **Philippines**, following UN Human Rights Council resolution 41/2 on the promotion and protection of human rights in the Philippines. The report expresses concern on the killings of human rights defenders and persistent impunity for human rights violations taking place in the context of President Duterte’s ‘War on Drugs’ and increasing use of violence, including against civil society. Given this difficult context, CSOs have yet to assess the substantial



impact that the signing by the president of *Executive Order 101 on Zero Hunger* in January 2020 will have on eradicating hunger and realizing the RtFN. Serious doubts also concern the extent to which the Zero Hunger Inter-Agency Task Force will integrate demands from peasants and other rural communities (see Insight Box 3.3.2). Peasants, farmworkers, women, urban poor, and CSOs continued to demand the *revocation of the 2019 Rice Tariffication Law*, referred to as the *Rice Liberalization Law* by opposition groups, which replaces quantitative restrictions on rice imports with a 35% tariff for ASEAN imports and a 50% tariff for non-ASEAN imports. Rice imports, especially from Thailand and Vietnam, sell at prices that local farmers cannot compete with. As a consequence of this law, which also removed regulatory functions from the National Food Authority regarding import permits, the Philippines became the world's largest rice importer in 2019, aggravating conditions of poverty and hunger among rice producers and rural communities in the country.

Sri Lanka has made progress in recent years in tackling the nutritional situation of children, although malnutrition remains widespread in the war-torn areas of the north and east, as well as among tea plantation workers. The rate of 9% malnourished people is low compared to other countries in the region, however, the case for acute malnutrition among children under five years of age is 15%, one of the highest in the world. The constitutional reform efforts initiated in 2016, aimed at providing equal justiciability status to economic, social and cultural rights, have been stalled due to the difficult political situation witnessed since 2018. With the new political scenario after the November 2019 elections, civil society organizations fear increasing threats and that positive constitutional amendments and reforms might be reversed if the current regime gets a 2/3rd majority in the parliament at the general election to be held on 5th August 2020.

INSIGHT 3.3.1

LOCAL ACCOUNTABILITY EXAMPLES - NEPAL

Nepal is one of the few countries in the world where the human right to food and food sovereignty are enshrined in the constitution with a respective law in place. The rights to work, housing, health care, clean environment, social security as well as the rights of women, children, Dalits and people with disabilities are also enshrined in the constitution. In order to eradicate hunger, the government has developed different strategies, such as the *National Zero Hunger Challenge Action Plan* and a strategy to implement the SDGs. There is also an array of benefits foreseen for marginalized and particularly affected groups, such as programs and services for the economic uplifting of women, targeted programs for Indigenous Peoples and Dalits, programs to avail land certificates and/or housing facilities, provisions for drinking and irrigation water, earthquake reconstruction, farming support and other schemes.

However, the implementation of these programs is usually weak, often due to the lack of awareness of both beneficiaries and duty bearers about legal frameworks, policies and the resulting obligations and rights. FIAN Nepal has successfully undertaken a series of actions to hold local authorities accountable, which range from capacity development and empowerment of affected communities to case-based advocacy and relationship building with government, parliament members, political parties, as well as the active involvement of the National Human Rights Commission. In this context, the support of local level food coordination committees and local/district right to food networks is key. Activities at this level have entailed the critical analysis of right to food related legislation, the inclusion of community demands in local level planning processes, such as the food security and nutrition security plans.

As a result of these monitoring and collective advocacy activities, several affected communities are increasingly accessing government services and resources, and government bodies have been strengthening their downward accountability for their respective implementation. For example, after organizing delegations and submitting memorandums to concerned ministries, the earthquake affected community of Dakshinkali Municipality in Kathmandu benefited from the implementation of a drinking water project worth 55000 euros. The municipality of Budhinanda in Bajura district allocated a budget for free medical treatment for women and elderly ex-bonded laborers (Haliyas). The Chepang Community in Bhimphedi Rural Municipality, Makwanpur district, who had been deprived from accessing earthquake reconstruction support due to lack of land title certificates, has been included in the beneficiary list, after the National Reconstruction Authority (NRA) decided to provide access to reconstruction facilities based on informal tenure rights.

INSIGHT 3.3.2

CAN THE ZERO HUNGER TASK FORCE ACHIEVE FOOD SECURITY IN THE PHILIPPINES?

On January 10, 2020, Philippine’s President Rodrigo Duterte signed ***Executive Order (EO) No. 101*** creating an Inter-Agency Task Force on “Zero Hunger” that aims to eradicate food insecurity and malnutrition in the country. The EO also foresees to rationalize government policies, initiatives and projects pertaining to zero hunger by formulating a National Food Policy and by coordinating, monitoring and evaluating the performance of responsible government agencies. The EO builds on the rationale of a ***Zero Hunger Bill*** (currently pending at the Congress Lower House) that ambitiously targets zero hunger by 2030. KATARUNGAN, a member organization of the GNRTFN, has serious doubts that the EO will achieve its objectives to directly mobilize government resources that address the root causes of persistent hunger in the country. This is reflected in the lack of participation of the rural poor, marginalized people and civil society in the design of the EO. The EO also omits essential local laws that tackle hunger as direct counterpart legislations to the International Covenant on Economic, Social and Cultural Rights. More importantly, the EO fails to attend to alarming concerns, in relation to the eradication of poverty and malnutrition, such as decreasing budget allocations and political support to assert longstanding reform programs (e.g. *Agrarian Reform Law, Indigenous People’s Rights Act* and the recently enacted social amelioration program of the Magna Carta for the Poor). KATARUNGAN therefore believes that Duterte’s EO will merely remain another hollow populist act that maintains the status quo, without tackling the structural causes that sustain hunger and malnutrition in the Philippines.

INSIGHT 3.3.3

INDEBTEDNESS AND LANDLESSNESS: CONSEQUENCES OF COVID-19 IN CAMBODIA

The COVID-19 pandemic is exacerbating the ongoing over-indebtedness crisis caused by the booming microfinance sector in Cambodia, putting severe pressure on the livelihoods of the poorest people, stressed ***FIAN Germany in a recent report. A joint statement*** by 134 civil society groups in Cambodia is warning of a looming “dispossession crisis”. Over 2.5 million Cambodians are indebted to microfinance institutions (MFIs). Many are unable to pay back neither their loans nor the interest, due to loss of



employment and significant income reductions, a result of the economic collapse that followed the coronavirus pandemic. The country's textile industry and its mainly female workforce are particularly affected. In Cambodia, land titles are commonly held as collateral for microloans with high interest rates but due to unemployment, many Cambodians are unable to pay back the microfinance loans and may be forced to sell their land. Thus, the crisis could lead to more landlessness and violations of the right to adequate food and nutrition. European and German development banks (e.g. the German KfW, European Investment Bank, Austrian Development Bank and the Dutch FMO) as well as the German Federal Ministry for Economic Cooperation and Development are among the major funders of microfinance loans in Cambodia. Lack of regulation of the microfinance sector have already ***led to numerous human rights abuses before the crisis***, including coerced land sale and ***debt-driven migration***, among others, and exacerbated land tenure insecurity. Civil society groups are urging the government and MFIs in their ***statement*** to suspend “all microfinance loan repayments and loan interest accrual for at least three months” as well as to return “land titles to their rightful owners”. FIAN Germany calls on those financial institutions to support the indebted households in Cambodia through debt relief and debt forgiveness in order to prevent a deepening of the crisis and further disruption of their livelihoods.

The harsh impact on the RtFN of the COVID-19 pandemic and corresponding confinement measures did not spare Europe. On the contrary, this crisis exposed the important levels of structural poverty within European populations, notably due to decades of austerity policies, employment ‘flexibilization’ and the dismantling of the welfare State. Food banks around the region were submerged with people queuing, and sometimes camping the night before, to receive a small bag of basic food aid. The crisis furthermore shed light on the fragility of the predominant industrial food system to feed European populations, with striking images of empty supermarket shelves, whilst peasant markets throughout countries were ordered to close.

More than ever, CSOs across Europe are promoting and supporting different legal initiatives aimed at addressing these RtFN violations and realizing food sovereignty, which starts with the strengthening of peasant agriculture, and therefore the rights of European peasants both at the national and EU level.

Food-related policies at the **European Union (EU)** level have been scattered throughout the different portfolios of the EU Commission, such as agriculture, health, environment, development and consumers’ protection. The new Commission took office at the end of 2019, under the newly appointed presidency of Ursula von der Leyen, and quickly launched its *Farm to Fork Strategy* (F2F Strategy), a flagship initiative of the new *European Green Deal*. Although the F2F Strategy, officially presented on 20 May 2020, is an attempt at EU level to approach food and sustainable food systems holistically by setting out regulatory measures “to create more efficient, climate-smart systems that provide healthy food, while securing a decent living for EU farmers and fishermen”, the strategy does not fully consider peasants and other small-scale food producers who provide concrete proposals to foster food sovereignty. This new strategy furthermore fails to integrate the principles and rights enshrined in UNDROP. EU peasant movements and CSOs are remaining alert as the F2F Strategy promotes research, innovation, technology and investment provisions which will most certainly provide agribusinesses and new genome technology enterprises to play a major role.

The persistent high level of people living in poverty or at risk of poverty (20%) in **Belgium** directly impacts the RtFN. During the last year, over 450,000 people, in particular single women with children, depended on food aid. This issue as well as the increasingly precarious situation of Belgian peasants, under pressure from the food industry and particularly affected by burnouts and suicides, were highlighted during the review of the State by the CESCR in February 2020. The Committee’s recommendation to adopt a normative framework on the RtFN should hopefully boost the *Framework Law Proposal on the State’s Legal Obligation to Implement the Right to Adequate Food*, which has not witnessed any further developments from the Federal Parliament.

The city of Geneva in **Switzerland** captured international media attention with

⁴ Additional information for this chapter was provided by the *Centre for Ecology and Energy (Centar za ekologiju i energiju)*, Bosnia and Herzegovina, and *Collectives Baladre (Coordinación Baladre)*, Spain.

images of thousands of people queuing during an entire day in the context of the COVID-19 pandemic to receive a free bag of food aid worth 20 Swiss Francs. These images exposed the RtFN violations suffered by important levels of the population falling through the cracks of the welfare safety net in one of the world's richest cities. The closure of peasant markets and prohibition to sell seeds and plants, whilst supermarkets remained open and packed with people panic-buying, exposed the fragility of the industrial food system in times of crisis, and the risk of bankruptcy facing many peasants. Some months prior to the outbreak of the pandemic, the CESCR during its review of Switzerland expressed concern regarding the programmatic and non-justiciable nature of economic, social and cultural rights under the Swiss legal system. The Committee furthermore recommended the establishment of a federal minimum wage to guarantee a decent standard of living for all workers and their families as well as obligatory due diligence standards for Swiss businesses. On this latter issue, the *Responsible Business Initiative*, which proposes a constitutional amendment regarding mandatory human rights due diligence and liability of transnational corporations, will finally be put to popular vote at the end of 2020 or early 2021. If rejected, the parliament's counterproposal, which only requires Swiss TNCs to produce an annual report, will enter into force.

After having launched a consultation on RtFN legislation in 2018, the **Scottish** government published an [analysis of the responses received during the consultation process on its Good Food Nation Policy \(Proposals for Legislation\)](#). The introduction of the *Good Food Nation Bill* for the 2019-2020 term was a commitment of the government, however, due to the current pandemic and Scottish parliament's need to debate and introduce emergency COVID-19-related legislation, the [Bill will no longer be introduced during this parliamentary term](#).

In **France**, the Crop Protection Industry Association (UIPP), which includes Bayer, Syngenta, BASF and all crop protection product manufacturers located in France, [took a case to the Constitutional Council in December 2019](#) by claiming the unconstitutionality of article 83 of the [2018 French Law on Food \(EGalim\)](#), in particular its infringement on the principle of freedom of enterprise. This provision of EGalim "prohibits, from 2022 onwards, the production, storage and circulation of plant protection products containing active substances not authorized in Europe for reasons related to the protection of human or animal health or the preservation of the environment". In a landmark [decision](#), the Constitutional Council claimed that the disputed provision of the law is in conformity with the French Constitution. Furthermore, the council highlighted the extraterritorial dimension of the constitutionally valid objectives of protecting both human health

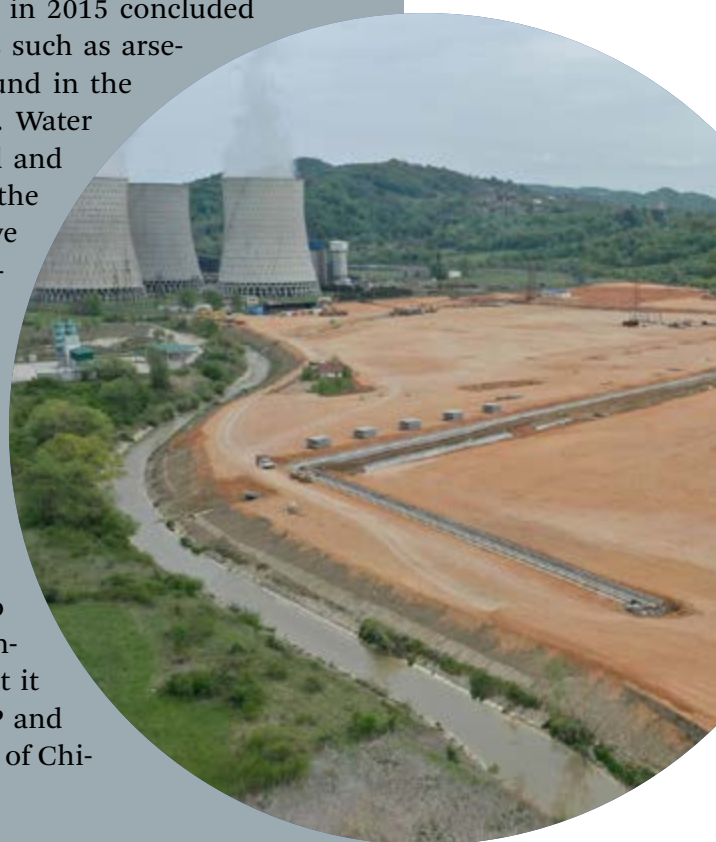


and the environment, in France and worldwide. Concerning the planned French law on tenure of agricultural land, the Minister for Agriculture stated during a National Assembly Committee meeting that the law will probably not be adopted before the end of the current presidential term in May 2022 **due to “lack of time”**.

In **Greece**, due to the Covid-19 pandemic, peasants and farmers have been suffering from the closing of the entire HoReCa (hotels, restaurants, catering) sector, as an important part of their products remains idle. In the meantime, since the beginning of 2020, the **offers in Greek food banks have increased by 50%** (as compared to the same period last year). The already critical situation from a RtFN perspective of the over 115,000 migrants and refugees across the country – many of whom live in overcrowded reception and identification centers or derelict camps (both on mainland Greece and on islands) – has worsened in the context of the current pandemic.

INSIGHT 3.4.1
IMPACTS OF COAL MINING ON THE RIGHT TO FOOD
AND NUTRITION IN BOSNIA AND HERZEGOVINA

Tuzla is the third largest city in Bosnia and Herzegovina, with surrounding areas characterized by one of the largest coal basins in the country. It is also home to the Tuzla Thermal Power Plant (TPP), the largest coal power plant operated by Elektroprivreda Bosne i Hercegovine (EP-BiH) since 1963. A *study* conducted by *Centar za ekologiju i energiju (The Center for Ecology and Energy – cee)* in 2015 concluded that a high concentration of heavy metals such as arsenic, cadmium, chrome and nickel was found in the soil, making it unsuitable for agriculture. Water and sediments were equally contaminated and polluted with heavy metals, jeopardizing the water eco-systems even further. Excessive amounts of lead in were also found in vegetables sold in local markets. Tested hair samples showed the presence of highly toxic heavy metals, resulting most probably from food intake (nutrition) and exposure to the living environment (anthropogenic sources). Pollutants in the areas have also increased cancer incidence in the area. The Government of Bosnia and Herzegovina not only turned a blind eye to the plight of inhabitants, violating local inhabitants’ RtFN and the right to water, but it also welcomed a Chinese loan for the TPP and the building of another power plant as part of China’s Belt and Road Initiative.



The authorities and EPBiH claim that the new investment is a replacement capacity that would reduce air pollution since the new power plant would replace the old one, which would be shut once the new power plant is built. However, the pollution from ash disposal sites would continue to contaminate water and agricultural land in the surrounding area for at least 40 years, if not longer. Through their resistance, local communities have so far succeeded in pushing back the attempts of EPBiH to open a new ash disposal site in their neighborhood. However, Gezhouba, a Chinese state-owned enterprise plans to start with the construction of the new TPP as soon as the COVID-19 restrictions are lifted, as there would be increased pressure from the side of EPBiH and state authorities to open the new ash disposal site. Unfortunately, experience has shown that state authorities have always prioritized the financial interests of state-owned companies over the protection of their citizens' human rights.

INSIGHT 3.4.2 PROPOSALS AND RESPONSES IN THE CONTEXT OF THE COVID-19 PANDEMIC

The lockdown measures ordered by European governments have thrown millions into 'food poverty', now struggling to access food as a consequence of job losses and cracks in the social safety net. In light of this situation, responses to hunger and financial hardship of European households will need to look beyond food banks and charities and require government measures which guarantee people's RtFN. Civil society organizations, and social and peasant movements have been putting forward proposals which respond to the food emergency, but that also seek to transform food systems and policies in the long term.

For instance, in **France**, *a coalition of peasant and social movements and other CSOs* have called for a 'social security for food', which would complement the current French social security regime. As for the health social security system, the objective of this food social security is to guarantee the right of all to access fresh, local and health food of their choice by providing an allocation of €150 per month per person. Too often, such foods remain a luxury for low incomes families who are more likely to consume ultra-processed food products. This food social security scheme would therefore serve as a lever for the transformation of French food systems by supporting French peasants and food producers that respect a list of criteria defined by the social security fund.



The **United Kingdom (UK)**'s largest food bank charity, the *Trussell Trust*, has reported an 81% increase in people experiencing destitution and hunger since the same period last year. A 59% increase of people in need between February and March 2020 has been reported by food banks in the *Independent Food Aid Network (IFAN)*, which also estimates at 200,000 the number of children having to skip meals due to the low income of their families. In this context, after months of campaigning, the *Children's Food Campaign* backed by *Sustain UK* achieved a U-turn in the government's policy regarding free school meals for some 1.3 million children throughout the UK. The *£120 million COVID Summer Fund* represents a £15 per week per child support provided by the government's national voucher scheme.

However, hunger within British households will not disappear after the lockdown. Sustain UK and other organizations have been calling for a long-term *Household Food Security Plan* which ranges from adequate wages to social security benefits. The landmark *Agriculture Bill*, currently passing through Parliament represents a step to support farmers in using agroecological practices which produce healthy food and tackle the climate and environmental emergency.

Spain's government has implemented, earlier than planned due to the COVID-19 pandemic, a *minimum income scheme*, which will support an estimated 850,000 households and 1.6 million people living in poverty. Households could receive between €451 and €1,015 per month depending on their size. This poverty-alleviating measure, however, has certain conditions attached to it, including an online claiming system, which could exclude many families and individuals from accessing it. At a different level, local governments and social movements are going beyond this 'food security' approach, and have adopted policies and proposals that overcome this crisis by strengthening their food sovereignty and transforming food systems. For instance, through its food sovereignty policy and public procurement program, *the local government of the Balearic Islands* has bought 105 tons of fresh food products from small-scale local food producers which have been distributed as food aid to approximately 63,000 people of the islands. Already prior to the COVID-19 crisis, the local government has been using its public procurement policy as a tool to strengthen the RtFN and food sovereignty, for example, by applying a similar approach regarding the procurement of public school meals. Prior to the minimum income scheme, the coordinating organization of collectives Baladre (*Coordinación Baladre*) had been proposing a *universal unconditional basic income system* to be implemented at the local level that would not be solely an individual entitlement. With food sovereignty in mind, they had envisaged a basic income that would be shared between individuals and the community, thereby contributing to the construction of community-based food systems.



In **Italy**, the pandemic has drawn attention, once more, to the precarious situation of migrant agricultural workers. Since the beginning of the pandemic, it became clear that there was a ***risk of a shortage of migrant agricultural labor force*** needed for the functioning of Italian agricultural and food system. In the agricultural labor market, the number of irregular contracts is estimated at about 164,000 units all over the country. Government measures have not dealt with the structural precarious working conditions or with the informal settlements where thousands of migrant workers live. ***Peasants' organizations and CSOs have called on Italian authorities*** to guarantee the regularization of all migrant workers so as to provide them with formal employment contracts, on the basis of the rights enshrined in UNDROP, in particular the right to a decent standard of living, to safe and healthy working conditions, and access to safe drinking water and sanitation, social security and adequate housing.



In addition to facing long-standing, structural challenges to the realization of the RtFN, several countries in the MENA region are mired in conflicts, occupation, displacement, blockades, lack of democratic governments, as well as a high level of military and development interference by other states. The MENA region is heavily dependent on imports to meet rising demand for food, particularly cereals. Factors such as **water scarcity or shortage, dearth of arable land** and unsuitable climate and environmental conditions for large-scale agriculture – further exacerbated by climate change – have contributed to the region’s dependence on imports and fragile state of food security.

Despite these issues, people living in this region continue to resist, organize and mobilize against authoritarian regimes to assert their basic rights. The year 2019-2020 witnessed **widespread protests across the MENA region: in Lebanon, Iraq, Algeria and Egypt**. Some protests were met with brutal violence from authorities. Although varying from country to country, protestors shared common grievances, from rampant corruption to austerity measures, and from growing repression of rights to economic stagnation. These protests, which were **mainly peaceful**, led to the ousting of political leaders in some countries (e.g. in **Algeria** and **Lebanon**), sparked promising political transitions in others, and also underscored the powerful impact of collective solidarity and grassroots democracy.

The onset of the COVID-19 pandemic has compounded existing difficulties for war-torn countries with a non-existent or severely impaired healthcare and governance structure. Physical distancing in overcrowded refugee camps is nearly impossible and there is a growing scarcity of basic utilities like clean water and soap. Lockdown and transport restrictions, disruption of food chains and decline of economic activity have increased food prices, leading to an **increase in food insecurity and hunger**. In an appeal issued in March 2020, UN Secretary-General António Guterres **called for a global ceasefire**, urging warring parties across the world to lay down their weapons in support of the bigger battle against COVID-19. Highlighting an additional important barrier to effective humanitarian assistance, the former UN Special Rapporteur on the Right to Food, Ms. Hilal Elver, also called for the immediate lifting of **international sanctions to prevent** hunger crises and protect citizens’ fundamental right to sufficient and adequate food. Some states have also called for a total lift of sanctions, writing a **joint letter** to the Secretary-General and the President of the Security Council and proposing **a draft resolution** at the General Assembly.

The year 2020 marked 53 years since the occupation of the **Palestinian Territory** and 13 years since the blockade of Gaza. The Israel-imposed blockade on the **Gaza Strip** has not only devastated the local economy but also grossly violated several other human rights of Palestinians, including their RtFN. As an occupied territory, several impediments such as confiscation of land, daily attacks from military occupation or from settlers, demolition of homes and tents and forced

⁵ Additional information for this chapter was provided by the *Democratic Association of Moroccan Women (Association Démocratique des Femmes du Maroc, ADFM)*, *Centre for Sustainable Development and Environment (CENESTA)*, the *Gaza Urban and Peri-Urban Agriculture Platform (GUPAP)*, the *North African Network for Food Sovereignty* and the *Union of Agricultural Work Committees (UAWC)*.

evictions, prevent locals from accessing land and water resources. In addition to this, farmers do not enjoy sufficient protection under Palestinian policies to produce and market their products. Local farmers are instead governed by trade agreements (*OSLO Accords and Paris Protocol*) that give the right to the occupier to market their products in the Palestinian market, thereby competing and threatening local produce. Palestinian women, who contribute more than 70% to the agricultural sector, are most affected by these issues, since social restrictions further prevent some women from owning or inheriting land.

Earlier this year, the United States Administration, unveiled their Middle East Peace Plan (MEPP), which heavily sides with Israel and in effect makes Palestine devoid of any genuine **political autonomy thereby compounding existing difficulties**. The so-called ‘Deal of the Century’, which, in effect, legitimizes human rights abuses by Israeli authorities and strips Palestinians of their **right to self-determination**, was outrightly denounced by Palestinian authorities and civil society as being grossly inadequate and far from being **a fair and just resolution** to the decades-old conflict. The plan also gave a green light to **Israeli annexation of the Jordan Valley**, a region that comprises almost a third of the West Bank and holds the most fertile land. Furthermore, a big part of the region is **already controlled militarily by Israel**, allowing it to divert water from the River Jordan to illegal settlements and **ignore the needs of Palestinians in the West Bank**. The River Jordan, which forms the West Bank’s eastern border with Jordan and **feeds over 80,000 hectares (197,684 acres) of agricultural lands and fish farms**, will be further separated from the future Palestinian state if the annexation of the Jordan valley takes place. Since the presentation of this plan, attacks against Palestinians **have also intensified**.

Over nine years of morbid conflict in **Syria** has had a devastating impact on the human rights of people including their RtFN. For Syrians, the past year was marked by sieges, conflict-induced displacement, loss of livelihood, soaring food prices, destruction of civilian architecture, and a fast-deteriorating economic situation. **Deliberate starvation of civilians** was employed as a weapon of war and **reports** highlighted burning of vital agricultural land and crops. The upsurge in hostilities in northwestern Syria, sparking **mass displacement of over 600,000 civilians**, has also affected food aid distribution, in a country, where **more than 11 million people** require humanitarian assistance. Around six months ago, the World Food Program (WFP) estimated **7.9 million Syrians as food insecure**, an increase of 22% in just one year. This figure has now increased to a record **9.3 million people** as food prices soar, and people battle the pandemic. Due to funding shortfalls in Syria, WFP has already been forced to **reduce the amount of calories in food baskets**. Given the 2-3 months procurement lead time to have the commodities in-country ready for distribution, **WFP requires \$ 122 million USD by July 2020**.

As a humanitarian crisis continues to loom large over the country, a quest



for justice and accountability seems to be crystalizing for victims of the Syrian conflict in the form of a **significant trial initiated in Germany**. Using the principle of universal jurisdiction, German prosecutors and rights groups have brought a criminal case against key Syrian officials of the Assad regime in Koblenz, Germany for war crimes committed during the Syrian conflict. This is a very significant criminal trial, considering the extent of brutalities inflicted on civilians during conflicts, which often escape with impunity.

The people of **Yemen** are experiencing one of the world's worst humanitarian crisis, and a severe violation of their rights, including the RtFN. A COVID-19 outbreak in Yemen will not only exacerbate existing challenges but also create a humanitarian catastrophe of an **unthinkable magnitude**. With a shattered health system – under-resourced and tattered by years of conflict – Yemen is **inadequately prepared** to care for Covid-19 patients and contain the spread of the virus. Since 2015, parties to the conflict have also targeted medical facilities as well as medical personnel – **threatening, detaining, abducting and killing several health workers**. In April 2020, the **Saudi-led coalition extended a unilateral ceasefire** in Yemen by one month to support efforts to contain the coronavirus pandemic, even as fighting persists in the war-torn country.

Additionally, the operation of WFP in Yemen is also facing a critical funding shortage with WFP **halving the aid** they give to people in parts of Yemen controlled by the Houthi movement from mid-April, after donors cut funding over concerns that the Houthis are hindering aid deliveries.

The right to food has been given a concrete legal basis in **Iran**, by way of its inclusion in the **Iranian constitution**, and adoption of related frameworks and sectoral laws, such as the **National Seed And Seedling Document (2009)**, **Urban Health Law (1951)**, etc. Additionally, direct applicability of international treaties ratified by Iran to its domestic jurisdiction has been included. The government also has a series of programs to support vulnerable and low-income groups, according to which they are paid monthly cash subsidies, and in special cases, non-cash subsidies, which include necessities and food. However, lack of political will, lack of awareness, and other institutional and structural constraints sometimes hinder the realization of the RtFN in Iran. Additionally, since some years, the Government has made a policy-shift tilting towards the development of industrial agriculture, which has led to increased use of fertilizers and pesticides, more pollution of water and soil, as well as endangered food safety. Civil Society has been very instrumental in helping people realize their RtFN. In addition to their direct support to vulnerable and low-income families, CSOs also lobby the government to renew Iran's political commitment to adopt and implement policies that ensure the progressive realization of the RtFN.

Iran has been one of the countries most severely hit by COVID-19 in the Middle East. At the beginning of the COVID-19 crisis, the Iranian government implemented **financial support packages** to vulnerable and low-income families and subsidized some food products such as wheat, sugar, rice, oil, milk, etc.. To prevent the outbreak of the epidemic, the Iranian government imposed some restrictions. However, these were flexible enough for farmers to adapt and access farms and markets whilst considering health protocols. Due to the closure of borders

and the decrease in demand on the domestic market, the prices of some farmers' products decreased and farmers endured economic losses. Moreover, the continued imposition of crippling economic sanctions on Iran severely undermines the ordinary citizens' fundamental right to sufficient and adequate food as well as their access to medicines. Broad restrictions on financial transactions have drastically constrained the ability of Iranian entities to finance humanitarian imports, including agricultural inputs. While there exist exemptions for humanitarian imports in US legislation, [Human Rights Watch](#) found that these sanctions are so strict that, in practice, many countries and banks prefer **not to risk doing even humanitarian trade** with Iran, in fear of incurring legal action.

Owing to their proximity to Europe and richness in natural resources, **Northern African countries** have been considered as strategic trading partners for the EU, leading them to transform their agricultural sector. In **Morocco**, protests took place throughout 2019 in various cities to denounce 10 years of the **government's Green Morocco Deal** encouraged by the World Trade Organization (WTO), aimed at supporting the export-oriented agri-business sector, which has led to a surge in land-grabbing and **negative impacts on the food sovereignty of peasants** and other rural communities. The government presented earlier this year **Green Generation 2020-2030 (Génération Green 2020-2030)**, which represents a continuity of its previous agriculture policy.

Tunisia is currently holding negotiations on a *Deep and Comprehensive Trade Agreement* (DCFTA) with the EU, which will imply free trade on agricultural products. A first consequence of these negotiations has been the adoption in 2019 of a **Law on Food Safety**, very closely aligned to the EU's food safety regulations. Although the law has a public health objective, it undoubtedly **aims at facilitating exports to the EU and will generate different types of costs on small-scale food producers**, and ultimately increase food prices.

The situation of farmers in **rural areas of Tunisia** during the pandemic has been particularly worrying. Confinement and curfew measures have restricted mobility of food producers such as farmers, fishers and cattle breeders, paralyzing rural dynamics and creating a negative impact on production and commercialization. Government-enacted permits that allowed movement very quickly turned into bribery and corruption mechanisms. The closing down of livestock markets also had severe consequences on small and medium-scale farmers, who usually turn to selling one or two sheep to fund their activities or survive a crisis.

This region also plays a pivotal role when it comes to the extractive sector. In the case of **Occupied Western Sahara**, extractivism is one aspect of colonial control. Highlighting the exacerbating impact of COVID-19 on natural resources, which already face acute **commodification and privatization**, the **North African Food Sovereignty Network** has denounced the use of neoliberal policies and capitalist exploitation of peoples and nature through **a statement** from their Regional Secretariat.

INSIGHT 3.5.1

THE STRUGGLE OF SOULALYATE WOMEN FOR THE RECOGNITION OF THEIR LAND TENURE RIGHTS IN MOROCCO

The Soulalyate women protest movement was born in April 2007 when one of the community's women requested support from the Democratic Association of Moroccan Women (*Association Démocratique des Femmes du Maroc, ADFM*) to denounce the exclusion of women from compensation due to the transfer of their community's collective land.

In Morocco, 12 million hectares of land are governed by inalienable collective tenure rights held by 4631 ethnic communities. These lands represent the largest land reserves of the country and have essentially been governed until 2019 by a law dating from 1919 that was enacted by the French Protectorate in Morocco. This law, however, has left unchanged complex customary and ancestral practices that in most cases do not recognize women as beneficiaries of collective tenure rights.

Following profound demographic and social transformations taking place within Moroccan society since its independence, the life and status of Soulalyates could no longer be governed by custom nor by the good will of ethnic community representatives (exclusively men until recently). The outdatedness of the traditional patriarchal family model and increasing transfer of these lands for public infrastructures or private investment projects have aggravated the economic and social vulnerability of uncompensated Soulalyates who are predominantly rural and lack their own resources.

Determined and supported by ADFM, the Soulalyate women formed a national movement for their recognition as tenure rights-holders, on a par with men, in order to own and enjoy the use of land and receive compensation in case of its transfer.

After strong nationwide mobilizations and advocacy activities undertaken thanks to ADFM's experience, two ministerial circulars recognized the right of Soulalyate women to be compensated just like men should their land be transferred. As a result of the promulgation of the 2011 Constitution, a circular in 2012 had already integrated their right to land. These useful circulars have nevertheless been difficult to implement due to their administrative character and to opposition by others.

After many years of struggle, the adoption of *Law 62-17* in August 2019 on the administrative control of ethnic communities and governance of their resources stipulates



that ethnic community members, both men and women, have rights to the entirety of the resources of their community (article 6), and have the right to access representative bodies of their community (article 9).

The Soulalyate movement is a milestone in the history of Morocco, and beyond. It shares the story of the collective empowerment of predominantly rural women who developed capacities to resist different forms of pressure and self-organize to provoke change. It is also the story of a feminist conscience in terms of the transition from “I, Soulalya” to “we, Soulalyates” which challenges the subordination of women beyond the issue of their tenure rights in order to claim other rights, such as the right to participation. For the first time in the country’s history, some 30 women sit in representative bodies of their community, which previously would have been exclusively filled by men.

Challenges remain with regards to power dynamics within families and communities, but this represents without a doubt a substantial gain for Soulalyates and Moroccan women.

INSIGHT 3.5.2
URBAN AND PERI-URBAN AGRICULTURE IN GAZA:
A COPING STRATEGY

The COVID-19 pandemic has put to test the resilience of food systems all around the world. Some communities, however, have had to endure forms of lockdown long before the outbreak of the pandemic in order to ensure their food security, as is the case for the people of Gaza living under an occupation and in a situation of protracted crisis.

Since the second Intifada (2000-2001), access and mobility restrictions have been imposed on Gazans. Since 2007, the Gaza Strip has been even more tightly closed off, resulting in exceptional conditions where both imports and exports of goods are very restricted and irregular. Restrictions on the access to fishing areas are in place for the approximately 3,800 fishermen of Gaza. There is also restricted access to 55km² of some of the most fertile agriculture land near the northern border, affecting access to land for approximately 20% of Gazan farmers.

Responses to poverty and food insecurity in Gaza by donor agencies have focused on prioritizing more food imports, food assistance or donations, which have created forms of dependency and increased people’s vulnerability in the face of food price and availability fluctuations. Agricultural development projects have also increased dependency on fruit and vegetable imports by focusing on cash crops for export.

In this context, the *Gaza Urban and Peri-Urban Agriculture Platform (GUPAP)* promotes the development of a *resilient Palestinian agricultural sector* that seeks to contribute in making Gaza more food sovereign, less dependent and vulnerable to climate change or military and other occupational measures. As a consequence, urban agriculture has become a resilience strategy for many families in Gaza. Today, between 15-20% of houses in Gaza have their own (rooftop) gardens, where mainly women grow vegetables and some fruits using techniques of vertical agriculture and, in some cases, small-scale hydroponic techniques. Many households also raise livestock such as chickens, goats or rabbits. As water access and quality represent a major challenge in Gaza both for human consumption and agriculture, urban rainwater harvesting systems and ponds have been developed for irrigation. Due to restrictions to accessing the sea, which considerably reduces access to quality fishing areas, some 50-100 ponds are also used for urban fishing and fish breeding.

With a rapidly growing urban population, 90% of agriculture in Gaza can be considered urban or semi-urban, yet legal frameworks, government and international organization's strategies continue to prioritize rural agricultural development approaches. This is also reflected in the lack of involvement of municipalities and other local governance spaces in agricultural development in order to strengthen local urban food systems.

Set up in 2013, GUPAP aims at advocating for agricultural policies that recognize this reality in order to enhance the resilience, sustainability and food sovereignty of Gazans.



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- Page 43 _____ FIAN India
- Page 46 _____ Benjamin Kumpf
- Page 49 _____ FIAN Belgium
- Page 50 _____ Centar za ekologiju i energiju /
Center for ecology and energy
- Page 51 _____ Fernando Fernández Such
- Page 52 _____ Pixabay
- Page 53 _____ FIAN Belgium
- Page 55 _____ Gaza Urban & Peri-Urban Agriculture Platform (GUPAP)
- Page 58 _____ Association Démocratique des Femmes du Maroc (ADFM)
- Page 60 _____ Gaza Urban & Peri-Urban Agriculture Platform (GUPAP)

Without a doubt, 2020 will be remembered for the impact of the COVID-19 pandemic and subsequent crises. The pandemic has exposed the results of decades of failed policies that cut people's social and labor rights, leaving them at the mercy of food banks and other charities. But COVID-19 is also a symptom of a broader problem: the ailing industrial food system destroys the environment and creates the conditions for the propagation of zoonoses, such as the current SARS-CoV-2 virus. The structural causes of hunger and malnutrition, however, predate the COVID-19 pandemic. The 2020 State of Food Security and Nutrition (SOFI) report confirms that hunger continues to be on the rise. SOFI makes clear that even without the negative effects of COVID-19, the Zero Hunger by 2030 target of Sustainable Development Goal (SDG) 2 is an illusion. "There is no going back to normal" is the strong converging claim from civil society, social movements and communities worldwide. As this report illustrates, they have already started organizing for the transformation of food systems, which implies claiming and strengthening the rights of small-scale food producers who produce most of the food we consume.

This second edition of the State of the Right to Food and Nutrition Report seeks to provide an insight into how the right to food and nutrition is being advanced in some parts of the world, and violated in others, and how communities, movements and organizations are organizing against retrogressive state actions. Published by the Global Network for the Right to Food and Nutrition, with the support of its secretariat FIAN International, this report strives to generate a dialogue with the figures presented in the SOFI, and to contribute an important, but often ignored perspective to the global debate on food insecurity.

Visit the Global Network for the Right to Food and Nutrition website:
www.righttofoodandnutrition.org

