



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by the International Commission of Jurists, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2011]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Nutrition and models of production: advancing the right to adequate food**

The fundamental role of agricultural and in particular food production models in the realisation of the human right to adequate food is recognised in article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), that guarantees the right to an adequate standard of living, including the right to adequate food and the right to be free from hunger. In particular, article 11(2)(a) spells out the obligation of States to “improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources”.

Considering the normative content of the right to adequate food, in particular as defined by the Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment 12 (1999), it is clear that the issue of food production models relates not only to the availability of food but also to their sustainability and adequacy.<sup>1</sup>

In his 2009 report to the General Assembly, the Special Rapporteur on the right to food, Olivier de Schutter, explored the impact on the right to food of agribusiness activities, including the obligations of States, and responsibilities of private actors, with regard to their relationship with suppliers. It focused on two vulnerable groups, namely agricultural workers and smallholder farmers. The Special Rapporteur noted his intention to develop in future reports other dimensions of agribusiness practices, including their impact and role in relation to the promotion of environmental sustainability in food production as well as to nutrition and consumer protection.

### **Sustainability of food production**

In his report to the 16<sup>th</sup> session of the Human Rights Council (A/HRC/16/49), the Special Rapporteur takes stock of scientific research and experiences of various actors in the field of alternative models of food and agricultural production, and in particular of agroecological models.

The International Commission of Jurists (ICJ) welcomes the work of the Special Rapporteur on this issue. The ICJ supports his recommendation to prioritise policies that ensure sustainability in access to food, as part of the obligation of States parties to the ICESCR to take steps – to the maximum of their available resources – towards the full realisation of the rights enumerated within the ICESCR. As highlighted by the Special Rapporteur, and in line with the provisions of article 11(2)(a) of the ICESCR, States are obliged to reform their agrarian systems and methods of production so as to ensure the most efficient development and utilisation of natural resources.

In the light of current and future challenges to food security worldwide, sustainability of food production is not only an environmental issue but also, more than ever, a right to food and human rights issue. The search for solutions to the global food crisis that has triggered a reinvestment in agriculture represents a unique opportunity to consider policy choices that are the most enabling for State compliance with obligations under the right to food of present and future generations.

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<sup>1</sup> General Comment 12 (1999), CESCR, UN Doc. E/C.12/1999/5, paragraph 7.

## Food adequacy, nutrition and consumer protection

An outstanding issue that would greatly benefit from work by the Special Rapporteur on the right to food concerns nutrition, namely the promotion of “healthy diets”, consumer protection and the role of agribusiness, including, and especially, the role of food processors and retailers in these efforts.

To be “adequate” – according to the definition provided in General Comment 12 of the CESCR – food must be available “in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture”.<sup>2</sup> In addition, General Comment 14 on the right to the highest attainable standard of health interprets the right to health, as defined in article 12(1) of the ICESCR, as “an inclusive right extending... to the underlying determinants of health, such as... an adequate supply of safe food, nutrition”.<sup>3</sup>

The number of deaths worldwide attributable to non-communicable diseases (chronic diseases including cancer, cardio-vascular diseases and diabetes), and intimately linked to unhealthy diets as a major risk factor, has now exceeded the number of deaths due to communicable diseases. According to the World Health Organisation, the four main noncommunicable diseases, namely cardiovascular diseases, cancers, chronic respiratory diseases and diabetes, are “the world’s biggest killers, causing an estimated 35 million deaths each year - 60% of all deaths globally - with 80% in low- and middle-income countries”.<sup>4</sup>

In that context, there is a compelling need to determine the role of nutrition and adequate food in the prevention of non-communicable diseases, as well the role, obligations and responsibilities of all actors in these efforts.

In this perspective, the International Commission of Jurists would like to draw the attention of the Human Rights Council and of States on the relevance of the work of the Special Rapporteur on the right to food for upcoming debates as per the decision entailed in the UN General Assembly resolution A/RES/64/265 to hold a high-level meeting of the General Assembly in September 2011 on the prevention and control of non-communicable diseases;

## Call for action

The International Commission of Jurists urges the Human Rights Council to:

- Support the work of the Special Rapporteur on the right to food in providing guidance, from a right to food and human rights perspective, to States and to other relevant actors, including international organisations and business actors, as to the type of policies in the field of food production that are conducive to the realisation of the right to adequate food;
- Support future work of the Special Rapporteur on the issue of nutrition, and in particular in determining obligations of States, and responsibilities of other actors, under the right to adequate food;
- Ensure coherence and coordination between its work and the upcoming debates on the issue of non-communicable diseases at the General Assembly in September

<sup>2</sup> General Comment 12 (1999), CESCR, UN Doc. E/C.12/1999/5, paragraph 8.

<sup>3</sup> General Comment 14 (2000), CESCR, UN Doc. E/C.12/2000/4, paragraph 11.

<sup>4</sup> WHO, 2008-2013 Action Plan for the Global Strategy for the Prevention and Control of Noncommunicable Diseases, p.5

2011, by anchoring these debates within the human rights framework applicable to the prevention and control of non-communicable diseases.

- The ICJ encourages the Special Rapporteur on the right to food to consider, where appropriate, the role of agribusiness practices in environmental sustainability of food production.
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