CHAPTER 1
A HUMAN RIGHTS-BASED APPROACH TO COMMUNITY AND PUBLIC NUTRITION

Theoretical Underpinnings and Evolving Experiences

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Outline

• Human rights in community nutrition
• Nutrition, social justice, and human rights
• Protecting human rights in the context of economic and social development
• Economic, social, and cultural rights especially relevant to nutrition
• Implementation of rights at the country level

Objectives

At the completion of this chapter you should be able to:

• Explain the origin of the concept of universal human rights
• Describe the Millennium Declaration and the Millennium Development Goals of the United Nations
• Understand the difference between a rights-based approach and a charity-based approach to nutritional problems
• Describe the UNICEF conceptual framework for the causes of malnutrition
• Explain your understanding of social injustice in relation to nutrition and health
• Explain the obligations of the state as a “duty-bearer”
• Describe the seven core principles of a human rights–based approach
• Describe the United Nations international human rights system
• Understand what is meant by a “right to food”
• Explain the terms progressive realization and available resources in relation to the right to food
1. **HUMAN RIGHTS AND COMMUNITY NUTRITION**

1.1 The Concept of Human Rights

Human nutrition was, for many years, viewed within a medical framework. In development circles, however, the emphasis has recently shifted towards a more integrated approach to addressing problems of human nutrition – within the concept of human rights. This approach recognizes that human nutritional status is not determined simply by biological factors but also by social and political forces. While these forces can work to promote good nutritional status, they can also contribute to glaring social inequalities, with the result that certain population groups become especially vulnerable to economic and social changes that affect their food security and nutritional health. When adequate nutrition is understood to be a right, then one can reasonably say of the undernourished that one of their human rights has been violated.

Human rights are grounded in values and moral principles that are deemed to apply to all human beings. These rights have been enshrined in international law and, in some cases, in the laws of specific nations. All people have the same human rights, regardless of their skin colour, gender, age, language, religion, political affiliations, national or ethnic origin, innate physical and mental endowments, level of education, wealth, social class, and so on. The overriding goal of an approach based on human rights is to identify and protect those who may have been overlooked, if not more or less deliberately ignored, in development processes that in fact put their interests and needs at risk. As Judith Asher (2004, p. 2) explains in *The Right to Health*, “When health is not described simply in terms of needs but also in terms of rights, governments find it far more difficult to justify the withholding of basic provisions and services on account of alleged financial constraints or because of discriminatory priorities” (Asher, 2004, p. 2).

A clear difference exists between a rights-based approach and one based on charity. The latter sees the world’s hungry and malnourished as passive recipients of handouts from the state or benevolent individuals or groups. Whereas charity depends on the moral will and compassion of the giver, who chooses to provide food to people who are hungry or who suffer from food insecurity, a rights-based approach regards hungry people as active citizens deserving of respect and dignity. A rights-based approach is founded on the belief that hunger and malnutrition are largely the product of man-made injustices, sometimes compounded by random factors such as natural disasters. Such an approach holds that it would be immoral of a state and its citizens to stand by and do nothing when people in danger of starvation. Such an approach therefore firmly establishes a legal obligation of states to address hunger and malnutrition.

1.2 Human Rights and the Legacy of the United Nations

Questions concerning the fundamental rights of human beings have been debated for centuries, but it was the United Nations (UN) that formulated the modern concept of universal human rights and made it a core element of international law. When the UN was founded, in 1945, the leaders of the world’s nations hoped that the atrocities of the Second World War would never be repeated. They therefore joined hands to establish this new international organization, with the goal of fostering peace and protecting all populations against insecurity and injustice. The work of the UN is founded on the principles outlined in the Charter of the United Nations, to which all member nations are expected to adhere. Chapter I, Article 1, of the charter lays out the organization’s overarching goals (see Box 1.1).

This first article sets as one purpose of the UN to encourage “respect for human rights and for fundamental freedoms for all.” Peaceful relations among nations are unlikely to be achieved, however, if gaping disparities exist in economic and social circumstances of the world’s people. Article 55, in Chapter IX (“International Economic and Social Cooperation”), accordingly recognizes that “conditions of stability and well-being,” in which respect for human rights can flourish, are essential to international harmony (see Box 1.2). The creation of such conditions depends in part on solving the problems that contribute to the economic and social gaps among nations, including poverty, disease, and malnutrition.
Box 1.1: Article 1 of the Charter of the United Nations

*The Purposes of the United Nations are:*

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Box 1.2: Article 55 of the Charter of the United Nations

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;
b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

Box 2.1: Article 55 of the Charter of the United Nations
c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Human rights and fundamental freedoms needed to be formulated more specifically, however. Thus, in 1948, the UN General Assembly formulated the Universal Declaration on Human Rights (UDHR), which was adopted on December 10 – a day that has come to be known as Human Rights Day. Article 1 of the UDHR states: “All human beings are born free and equal in dignity and rights.” In other words, human rights are innate. The UDHR contains general provisions for civil, political, economic, social, and cultural rights.

Starting in the early 1950s, however, the Cold War developed between capitalist nations and communist ones. The advent of the Cold War complicated the understanding of human rights as one integrated “package,” as individual UN member states adopted differing approaches to safeguarding these rights, privileging some over others. The Eastern bloc – the Soviet Union and communist Eastern Europe – took the position that it was the responsibility of the state to feed and care for its people but placed little value on personal freedoms, such as free speech. In contrast, Western states, led by the United States, strongly promoted civil and political rights, while limiting the state’s responsibility to secure the material well-being of its citizens. This divide prevailed until 1989, when the fall of the Berlin Wall precipitated changes that brought the Cold War to an end.

1.3 A Renewed Interest in Human Rights

The end of the Cold War made it possible to adopt a more unified perspective on human rights. In 1993, a World Conference on Human Rights was held in Vienna. It underlined that human rights are universal, interrelated, interdependent, and indivisible. Throughout the 1990s, interest in economic, social, and cultural
rights, alongside civil and political rights, was growing, as was the understanding that these rights should be understood as an integrated whole.

Still, it took time to incorporate human rights into broader international debates and plans for economic and social development, including those rights particularly relevant to food security and nutrition. In 2000, at the turn of the millennium, the leaders of all UN member states gathered in New York for a “Millennium Summit,” which resulted in the Millennium Declaration. In this document, the leaders of the world’s nations agreed that, in addition to their responsibilities to their own populations, they had “a collective responsibility to uphold the principles of human dignity, equality and equity at the global level” and “a duty therefore to all the world’s people, especially the most vulnerable and, in particular, the children of the world, to whom the future belongs” (I, 2).

The Millennium Declaration also listed certain fundamental values seen as essential for good international relations in the twenty-first century: freedom, equality, solidarity, tolerance, respect for nature, and shared responsibility (I, 6). In order to translate these shared values into actions, they identified the following key objectives of special significance:

- Peace, security, and disarmament
- Development and poverty eradication
- Protecting our common environment
- Human rights, democracy, and good governance
- Protecting the vulnerable
- Meeting the special needs of Africa
- Strengthening the United Nations

These objectives were to be pursued in an integrated manner so that they would mutually reinforce each other.

Under the objective “Development and poverty eradication,” a series of development goals was listed, for the time being formulated in relatively broad terms. These goals included targets such as the reduction in the proportion of hungry people, of under-five mortality, and of maternal mortality. These goals were later refined and condensed into the eight Millennium Development Goals (MDGs), with specific targets set for 2015 (further described in section 2.6). But while these eight goals are widely used to promote and assess progress in different countries and the world, there is an unfortunate flaw in the way they were originally presented: they did not explicitly indicate how they were to be pursued, namely, in combination with the fourth objective, “Human rights, democracy, and good governance” (Alston, 2005). Many may have assumed that the link would automatically be recognized, but this is unfortunately not yet always the case. Many governments, as well as people in general, know relatively little about human rights, or they are not interested in them, or they may see them as running counter to their own political and economic interests. Nevertheless, from the end of the last century and into the new millennium, the world has witnessed a revitalized concern with human rights.

1.4 Human Rights and the Community

The term community has both a narrower and a wider meaning. The word is most often understood in its narrower sense, as referring to the locality in which an individual or a family lives and functions, such as a village. This sense of the term is important, because it suggests that a lot can be accomplished through alliances of people living and sharing the same conditions in a specific locality. There may, of course, be different interests within such a community, which can be a cause of conflict. Here, human rights should protect those weaker and sometimes marginalized groups.

But alliances among and/or on behalf of those sharing the same interests can stretch beyond circumscribed geographical areas. Thus we can think of a “community” in a more abstract manner – as a collection of groups who live in different localities but who have common goals that they wish to achieve. Examples would be a national, or even international, community of small-scale farmers, local fishermen, or women in city slums who have limited access to health care for themselves and their children. This understanding of

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community is useful in relation to the social inequalities that arise when certain groups lose out in the process of development. This chapter therefore gives a rather broad interpretation to the term community.

2. NUTRITION, SOCIAL JUSTICE, AND HUMAN RIGHTS

2.1 Shifting Perspectives on the Problem of Nutrition

Those who work in the area of community nutrition use several different terms to refer to their field: community nutrition, public health nutrition, and public nutrition. The distinction is to some extent historical, in that it reflects evolving perspectives on how best to approach the problem of undernourishment and other community health issues. The term used in this book, community nutrition, generally suggests a focus on specific interventions designed to help prevent disease and improve the health, nutrition, and well-being of individuals and groups within local communities. These communities may be defined by their setting, such as a village, school, or workplace), or they may consist of groups who have common health concerns, such as breast-feeding mothers. Community nutrition programmes are often sponsored by government agencies, but they may also involve international bodies such as the World Health Organization (WHO).

Closely allied with community nutrition is public health nutrition. Public health nutritionists are somewhat more likely to be employed in government departments and are commonly concerned with the application of public health principles (Hughes, 2003). As Beaglehole et al. (2004) point out, the concept of public health exists within an ethical framework, in that implicit in it is the recognition that individual choice is not free but is constantly constrained by environmental and socio-economic factors. This view of public health, they argue (2004, p. 2084), “affirms the positive obligations by governments and communities to protect and improve the health of all their citizens and is based on the assumption that all lives are of equal worth.” Such a perspective forges a link between public health and human-rights approaches.

The term public nutrition, which came into use in the mid-1990s, is more explicitly connected to the notion of human rights. It encompasses both community nutrition and public health nutrition but shifts the emphasis to collective problem solving and the development of integrated policy, with the goal of realizing the human right to adequate food (Beaudry & Delisle, 2005). A public nutrition approach draws on governmental organizations in many sectors (health, agriculture, education, trade, transport, planning), along with the human and material resources available within a country, and directs them towards the improvement of the nutrition, health, and well-being of the public at large (Rogers & Schlossman, 1997). As Beaudry et al. (2004, p. 375) explain, “Public nutrition targets research, training and intervention. In line with health promotion, it focuses not only on an assessment of the problems and the analysis of their determinants, but also, and above all, on the concerted action required by civil society, the private sector and the government to solve them.” Public nutrition thus involves collective action aimed at achieving sustained improvements in the nutritional status and overall health of the population. Such action requires formulating policies that address environmental issues, the need for agricultural development, social inequities, and substandard living conditions, while also promoting “the empowerment of individuals to adopt healthy food habits and to exercise better control over their health generally” (Beaudry et al., 2004, p. 375).

2.2 Recent Trends in Nutrition Policy

Over the past few decades, our understanding of the conditions necessary to the creation and maintenance of human nutritional health has likewise evolved. Nutrition now includes epidemiological studies of the prevalence and causes of malnutrition and ill health in various societies and population groups. Such studies provide the evidence base for interventions designed to improve nutritional status.

There has been a steadily growing awareness of the need to link economic, agricultural, and health issues with nutrition. Since the early 1990s, the important issues of food availability and food access have been widely studied and are now accepted as part of mainstream nutrition science and practice, with implications for food and nutrition policy. Interest in these areas developed during the 1990s in part through a series of global conferences organized by UN agencies, some of which were directly focused on food and nutrition. In 1992, the World Health Organization (WHO) and the Food and Agriculture Organization (FAO) jointly organized the International Conference on Nutrition, hosted by the FAO, in Rome (FAO, 1992). Then came

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CHAPTER 1

the important “World Food Summit” in 1996, followed by the “World Food Summit: Five Years Later” in 2002, and a third “World Summit on Food Security” in 2009, also hosted by FAO in Rome (FAO, 1996, 2002a, 2002b, 2009a, 2009b). All were particularly significant regarding the further development of a human rights approach to food and food security.

2.3 The Global and National Food Security Situation

In 2013, the FAO estimated that 842 million people were undernourished (FAO, 2013, p. 8). Thus, around one in eight people in the world are likely to have suffered from chronic hunger, not having enough food for an active and healthy life. The vast majority of them live in developing regions. However, enough food exists to feed everyone in the world. In fact, notwithstanding disparities, most countries possess enough food to feed their population. In reality, most hunger is due to poverty and inequalities in food access.

Food security is not merely a matter of having enough food to supply energy. Food security is defined as having physical and economic access to food that is of sufficient quantity and nutritional quality to satisfy dietary needs (implying an adequate macro- and micronutrient intake) and that is safe and culturally acceptable (FAO, 1996). In other words, it is not enough simply to prevent undernutrition: people everywhere are entitled to a diet that will not cause obesity and associated chronic diseases, such as diabetes. Access to such a diet is often impossible for people living in poverty, as cheap foods are often energy dense but nutrient poor. Food security can only be achieved when individuals and households have the resources needed to obtain nutritionally adequate food. In an urban environment, this normally means having enough money to buy healthy foods; in a rural environment, it often means that people must have the agricultural resources to produce food, as well as money to purchase what they cannot grow themselves.

2.4 The Causes of Malnutrition: The UNICEF Conceptual Framework

Nutritional status and well-being depend on both dietary intake and overall health status. There are, however, many varied causes or determinants of malnutrition, as shown in the UNICEF conceptual framework (see Figure 1.1). Several important features of this framework should be noted. First, it is generic and thus can be used to analyse malnutrition in any context. That is, it does not apply only to specific situations. The framework includes a number of possible causes of malnutrition, and some, but not necessarily all, of these causes will apply in a given context. Second, information about the relative contribution of the varied causes of malnutrition in a specific context can be determined using this framework. Finally, the possible causes of malnutrition are presented in a hierarchy. This allows us to analyse the causes of malnutrition at different levels, as follows:

- The obvious immediate causes of inadequate food and nutrition intake and possible confounding infectious disease factors
- The underlying causes that can be clustered around food insecurity or inadequate access to food, inadequate care of the vulnerable, and inadequate control and prevention of disease, including adverse environmental sanitary conditions and inadequate health services
- The basic causes of malnutrition related to the resources available within a society and how they are used and controlled

Those who exercise power do not always use available resources – natural, financial, organizational, or human – in the best interests of those most in need of them. In practice, the distribution of resources is determined by prevailing economic, ideological, and political conditions. A change in the underlying and basic causes of malnutrition and hunger will therefore require redressing fundamental social, economic, and political inequities. In other words, nutrition should be seen as a problem area that may require solutions at a variety of levels – the individual, the household, the local community, and the broader society.

2.5 Social Injustice

Social injustice means that individuals or groups of people are treated very unequally: they do not have the same access to resources or opportunities, such as schooling, paid work, or good health care. The huge
discrepancies in the average standard of living in different countries, as well as the discrepancies within countries, are of great concern, for two reasons. First, enormous numbers of people have an unacceptably low standard of living; this results in malnutrition, poor mental and physical development, ill health, and premature death. Second, it is now clear that in addition to the direct material deprivation suffered by those with a low standard of living, the presence of inequalities in society also leads to increased malnutrition, poor mental and physical health, and premature death. Globally and for practically all countries in the world there is enough food to satisfy people’s energy requirements. Thus, the fact that there are nearly one billion people who are undernourished tells us about the extent of social injustice on a vast scale.

A human rights approach has the aim of eliminating social injustices. As we saw earlier in this chapter, Article 1 of the UDHR reads: “All human beings are born free and equal in dignity and rights.” The fulfilment of human rights and the elimination of social injustices, including hunger and malnutrition, would be ensured in a fair society, in terms of social and health policies and political and economic arrangements. In a report published in 2008, the WHO Commission on Social Determinants of Health called attention to existing inequities in global health and issued a call for change (see Box 1.3).

![Figure 1.1: The UNICEF conceptual framework for understanding the causes of malnutrition. Adapted from The State of the World’s Children (UNICEF, 1998).](image-url)
Box 1.3: A New Global Agenda for Health Equity

Our children have dramatically different life chances depending on where they were born. In Japan or Sweden they can expect to live more than 80 years; in Brazil, 72 years; India, 63 years; and in one of several African countries, fewer than 50 years. And within countries, the differences in life chances are dramatic and are seen worldwide. The poorest of the poor have high levels of illness and premature mortality. But poor health is not confined to those worst off. In countries at all levels of income, health and illness follow a social gradient: the lower the socio-economic position, the worse the health.

It does not have to be this way and it is not right that it should be like this. Where systematic differences in health are judged to be avoidable by reasonable action, they are, quite simply, unfair. It is this that we label health inequity. Putting right these inequities—the huge and remediable differences in health between and within countries—is a matter of social justice. Reducing health inequities is, for the Commission on Social Determinants of Health, an ethical imperative. Social injustice is killing people on a grand scale. (WHO Commission on Social Determinants of Health, 2008: Executive Summary)

2.6 The Millennium Development Goals (MDGs)

As explained above, as part of an effort to reduce social injustice, in the year 2000 the countries of the world agreed on the Millennium Declaration, out of which evolved the eight Millennium Development Goals (MDGs). These goals and their associated targets are shown in Box 1.4. As we suggested in section 1.3, the MDGs need to be promoted in the context of human rights, democracy, and good governance; this was the idea brought forward in the Millennium Declaration. It is therefore important that the principles of an approach based on human rights are applied in all efforts to reach the MDGs. The question of human rights will be discussed below, in section 3. As students or as nutrition professionals, we can reflect on how the MDGs can be achieved as we read through the eight MDGs and their associated targets. We should also consider the extent to which success in reaching several of the MDGs depends on developments in nutrition programmes and services. Nutritionists and dietitians can actively use the MDGs to promote their causes and help politicians and planners see the direct links to good nutrition status.

The UN estimates that there have been significant advances towards meeting the MDGs, albeit with important setbacks in some areas. For example, regarding child mortality (MDG 4), annual deaths of children under 5 years of age fell to 8.8 million in 2008, down by 30% from 1990. Similarly with Goal 1 and its target to reduce hunger, children’s nutrition has improved: the percentage of underweight children is estimated to have declined from 25% in 1990 to 16% in 2010. However, 104 million children are still undernourished. Stunting in children under 5 years old has decreased globally from 40% to 27% over the same period. In the UN Africa Region, unfortunately, the number of stunted children is projected to increase from 45 million in 1990 to 60 million in 2010.

Box 1.4: Millennium Development Goals

<table>
<thead>
<tr>
<th>Goal 1: Eradicate extreme poverty and hunger</th>
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<tbody>
<tr>
<td>Reduce by half the proportion of people living on less than a dollar a day</td>
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<tr>
<td>Reduce by half the proportion of people who suffer from hunger</td>
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<th>Goal 2: Achieve universal primary education</th>
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<tr>
<td>Ensure that all boys and girls complete a full course of primary education</td>
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<tr>
<th>Goal 3: Promote gender equality and empower women</th>
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<tr>
<td>Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015</td>
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Goal 4: Reduce child mortality
• Reduce by two thirds the mortality rate among children under five

Goal 5: Improve maternal health
• Reduce by three quarters the maternal mortality ratio

Goal 6: Combat HIV/AIDS, malaria, and other diseases
• Halt and begin to reverse the spread of HIV/AIDS
• Halt and begin to reverse the incidence of malaria and other major diseases

Goal 7: Ensure environmental sustainability
• Integrate the principles of sustainable development into government policies and programmes
• Reverse loss of environmental resources
• Reduce by half the proportion of people without sustainable access to safe drinking water
• Achieve significant improvement in the lives of at least 100 million slum dwellers by 2020

Goal 8: Develop a global partnership for development
• Develop further an open, rule-based, predictable, and non-discriminatory trading and financial system
• Include a commitment to good governance, development, and poverty reduction – nationally and internationally
• Address the least developed countries’ special needs
• Include tariff and quota-free access for their exports
• Enhance debt relief for heavily indebted poor countries
• Cancel official bilateral debt
• Give more generous official development assistance for countries committed to poverty reduction
• Address the special needs of landlocked and small island developing states
• Deal comprehensively with developing countries’ debt problems through national and international measures
• Make debts sustainable in the long term
• Develop decentralized productive work for youth
• Cooperate with developing countries
• Provide access to affordable essential drugs in developing countries
• Cooperate with pharmaceutical companies
• Make available new technologies, especially information and communications technologies
• Cooperate with the private sector

NOTE: Since the MDGs were formulated, a proposal for a worldwide goal for the prevention and control of chronic diseases of lifestyle has been made (Strong et al., 2005); the target is a 2% reduction per year in death rates attributable to the major chronic diseases of lifestyle (heart disease, stroke, cancer, diabetes, and chronic respiratory diseases).

2.7 Nutrition Professionals: Exploring a Human Rights–Based Approach
The abolition of hunger and malnutrition should be a priority for the governments of all developing countries. From both a nutritional and a human rights perspective, it is important that the current substantial differences in living standards, nutrition, and health are significantly reduced. This will require the coordinated input of many sectors and departments and will be important in achieving the MDGs.

There is also a strong case for using an approach based on human rights in community nutrition. Human rights provide a specific perspective and opportunity that nutrition professionals need to be aware of when addressing nutritional problems (Maunder & Khoza, 2007). A rights-based approach to nutrition aims to ensure that the resources in a country are managed and utilized justly and equitably; this will help to secure
adequate nutrition and health for all. This applies at both a community and household level. Such an approach may be pursued in the context of national constitutional rights, or, if they do not exist, of international human rights law – the majority of countries have now ratified the human rights conventions relevant to food and nutritional health.

Nutrition professionals need to have an understanding of their countries’ obligations – constitutional or otherwise – for the achievement of human rights, as will be explained in section 3.2. More specifically they need to understand the meaning of a human rights perspective on nutrition and food security. Nutrition professionals need to work with government agencies and institutions, non-governmental organizations, and civil society in the development and implementation of programmes promoting the right to adequate food and other rights important in the promotion of good nutrition and health.

3. PROTECTING HUMAN RIGHTS IN THE CONTEXT OF ECONOMIC AND SOCIAL DEVELOPMENT

3.1 Human Rights as Goals and Means in Development

To understand what can be gained by applying a human rights approach to community nutrition, some basic information is first needed about the nature and meaning of human rights. Such information is not an end in itself; rather, it will open a window to a different way of thinking and working with national and human development as the realization of human rights. We may also think of the realization of human rights as the condition for development. Thus we can view human rights both as goals and also as means to national and human development.

3.2 Rights and Duties

When people have a right, there are always others who have a duty to help fulfil that right. Who, then, have rights and can thereby be named “right-holders,” and who have duties and therefore become “duty-bearers”?

In the international legal system of human rights protection and promotion the state is the primary duty-bearer, with obligations towards all people under its jurisdiction to help them realize their human rights. This applies to states that have formally agreed to – or “ratified” – a human rights convention. But what is “the state”? First, there is the state authority proper, which is the government ministers or other politicians; their role as duty-bearers is to prepare laws that promote human rights as well as the policies for implementing them. In addition, there are many other duty-bearers on behalf of the state. They consist of institutions and individuals through whom the central or local government works to execute laws and implement policies and programmes: for example, by delivering various services according to state authority commitments. Governance is a term used to mean “the act of governing.” Good governance has come to mean governing based on some clearly expressed values, which ought explicitly to include human rights as primary.

A community nutritionist or dietitian, who is an employee of a government-run district health station or clinic, has a duty to help realize human rights within their scope of work. To assess whether this actually happens must be done with an understanding of the often quite limited capacity of many institutions and their staff. For example, in nutrition within primary health care, the limitations may arise from broader shortcomings in the health delivery system, such as insufficient training and resources.

Community nutritionists can help clarify obligations of the state by gathering and analysing data that can be used to expose shortcomings and indicate better solutions to nutrition problems. Nutritional data are irrefutable as evidence of whether the rights to food, health, and care have actually been fulfilled, or whether efforts towards it are at least going in the right direction. Community nutritionists can also show respect for exposed people and groups by drawing them into analysing and working on their own situation and helping them clearly understand that they have rights that can be claimed.
3.3 Where Do We Find Human Rights – and How Are They Used?

3.3.1 The meaning of human rights “instruments,” binding and non-binding

The word *instrument* has different meanings. In the present context it can be a certain law; in international law it is typically called a *convention* (or treaty), in national law it is the constitution or specific legislation, or official directives of various kinds set by the government.

Generally, an international instrument is either “binding” or “non-binding.” A binding convention (or treaty) requires that (1) the state should incorporate its content into its own legislation and also implement it in practice, and (2) the state should periodically report on its implementation to special committees set up by the UN to monitor how this is followed up in various countries.

In human rights work, binding human rights conventions as well as numerous non-binding declarations have been issued over the years. A declaration is a statement from participants at a meeting of the UN or other organization expressing broad agreement on some issues of concern and how to address them. There may also be *codes of conduct* on how governments should behave, and there may be *guidelines* for more specific action. In neither case is there an explicit obligation to follow up, as is the case for a binding convention. These so-called “soft-law” human rights instruments can only guide governments already interested in trying to meet the human rights of everybody, and especially help vulnerable people and communities to act on their own situation.

3.3.2 “Signatures” versus “ratification” of binding human rights instruments

At the time of formulation and initial adoption of a human rights convention (or treaty) by the UN General Assembly, a member state may sign the convention. This means the member state has the intention to later fully accept the convention by ratifying it. For that to happen, the convention must first go through the main legislative body in the home country, usually the parliament. Here there may be different political opinions about whether the country should ratify the convention. If it decides not to ratify, the country is not bound by the convention. If it decides to ratify, the country becomes a *State Party* to the convention. This move has important implications for how the government should govern that country in the best interests of its people. It will also be exposed to regular monitoring by specific committees set up for that purpose for each convention, called human rights convention committees or human rights treaty bodies. The country’s own compulsory reports, as mentioned above, become one of several tools those committees have for such monitoring. At the same time, civil society organizations are invited to submit reports.

This system of ratification and monitoring is a potentially forceful means for human rights defenders in exposing what their governments do or not do in the interest of people’s human rights of all kinds. All state and alternative reports, as well as the committees’ concluding observations on each country, are freely available on the internet. Community nutritionists can be important actors in gathering and analysing information that can eventually be used by these committees, whether through formal or informal channels.

3.3.3 The key international human rights instruments

An overview of key international human rights instruments is shown in Figure 1.2. The origin is the United Nations Charter, adopted at the birth of the organization in 1945, serving as its “constitution.” The human rights parts (some cited in section 1) were further spelled out in the Universal Declaration of Human Rights in 1948, followed by two international conventions in 1966, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Together the three are called the International Bill of Human Rights.

The overview includes the numbers of ratifications by UN Member States (as of November 2010) for each of the binding instruments. As regards the UDHR, it is established that any state that wants to be and is accepted as a member of the UN automatically thereby commits itself to adhere to both the UN Charter and the UDHR.
### Figure 1.2: Overview of the key international human rights instruments. Numbers in parentheses are the date of adoption by the UN General Assembly and the date of entry into force. Boxes indicate those instruments especially relevant to nutrition.

**Source:** Adapted from Eide and Kracht, 2005, with the number of ratifications updated as of 1 November 2010.

#### 3.3.4 Regional human rights instruments

There are also regional human rights instruments that further underpin the international ones, but adapt and enrich them according to special circumstances in the regions. So far there are general human rights instruments (charters, conventions) in the African, Inter-American, and European regions, but not yet in the Asian region.

#### 3.3.5 The nature and categories of obligations of a state

In states that have ratified a human rights convention, the government must help ensure the rights of individuals and their families. How can this be generally expressed in terms of duties or obligations? In international human rights language, three categories of obligations have been identified for the state: to *respect*, to *protect*, and to *fulfil* a certain right, where *fulfil* has been divided into *facilitate* and *provide* (Eide A, 1987; CESCR, 1999). This categorization is particularly important in the case of economic, social, and cultural rights, and will be illustrated for the right to adequate food in section 4.

### 3.4 A Human Rights–Based Approach to Development Efforts

#### 3.4.1 Basic needs and human rights

A rights-based approach to development efforts focuses on the fact that the rights of access to certain goods and services are regarded as human rights. It implies, as we have seen, that the state has an obligation to respond to human needs and that people can claim and defend these rights. This differs from the “basic needs approach,” which often views people as passive objects and recipients of protection and care. A rights-based approach, by contrast, recognizes people as active and participatory subjects. But rather than replacing a needs-based approach, a rights-based approach therefore adds value to it by empowering people – especially

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the most marginalized – to demand justice as a right rather than as charity, participate in policy formulation, and hold accountable those who have a duty to act (UNHCHR, 2006).

3.4.2 Process and outcome

A basic needs approach can be implemented by merely aiming for a desired goal or outcome regardless of how that outcome is achieved. But a human rights–based approach also requires attention to a good process leading to that outcome. This may be critical for achieving the end result and for sustaining it. As described below, applying certain values drawn from core human rights principles in designing a project or programme or in organizing a particular service may go a long way to ensuring a process that is respectful of the felt needs and contributions of the groups in question, and that may therefore have a chance of being sustained after the external project or programme has ended.

3.4.3 Core principles of a right-based approach

There are seven core principles of a rights-based approach. These are participation, accountability, non-discrimination, transparency, human dignity, empowerment, and the rule of law. As coined by the FAO, the first letter in each principle forms the acronym PANTHER. The principles are not mere rhetorical or inspirational values: they are preconditions for a meaningful and dignified human existence:

1. Participation underscores the importance of involving all players in decisions affecting their lives and the development of their own well-being. It is based on the notion, mentioned above, that people must not be treated as passive objects but as active participants in decisions affecting them. A rights-based approach emphasizes active, free, and meaningful participation of all affected segments of society. In the context of community nutrition this means people should be consulted when conducting surveys and gathering statistics. Furthermore, they should be involved in developing and implementing nutrition policies affecting their communities.

2. Accountability is a particularly important democratic and human rights principle. The state, as the primary duty-bearer, can be held accountable for its commitments and promises that are relevant to the realization of the right to food. A rights-based approach encourages the development of targets, indicators, and benchmarks to measure progress. These are essential preconditions to holding governments accountable. In keeping with human rights norms, they must be developed with participation of the community members.

3. Non-discrimination requires that the guaranteed right to food be essentially the same for every person. People must therefore not be treated unequally, or discriminated against, on the basis of age, race, gender, sex, culture, or religion. In the context of nutrition, this can mean that people of certain cultural groups must not be deprived of their traditional ways of producing food.

4. Transparency is closely associated with accountability. It means making information publicly accessible and available. When nutrition-related policies are being developed, the state should consult with the public. People should also be provided with essential information about the decision-making process and who is accountable and responsible for what.

5. Human dignity is an essential principle of a rights-based approach. It refers to the absolute and inherent worth that people possess simply because they are human, not by virtue of any social status or particular powers. It is concerned with the dignified treatment of all. It discourages the notion of charity or handouts, because of the indignity this can entail for poor and marginalized groups. It encourages an environment in which people can obtain food through dignified work.

6. Empowerment is concerned with the ability of people to meaningfully participate in decisions affecting their lives. This means, for example, that people must be made aware of services they are entitled to and the associated responsibilities attached to receiving those services.

7. The rule of law deals with legal issues and redress mechanisms. It encourages the government and society to respect the rights of individuals. If people’s rights are violated, there must be means of redress available, such as administrative mechanisms, “tribunals,” or the courts. The rule of law also refers to the environment in which people are working, and it is a safeguard against arbitrary use of state authority and lawless acts of
both individuals and organizations. For example, it is not possible for school feeding schemes to function well and achieve their objectives if there is theft of the food stocks.

Some of these principles, especially participation and transparency, have existed for decades in typical “development language.” The specificity of human rights lies in the absolute and non-negotiable emphasis on the principles of human dignity, non-discrimination, accountability, and – by implication – respect for the rule of law. While human rights principles are derived from ethical and moral values, they have potentially a much stronger foundation in that these values have been transformed into legal principles and can be used to defend the rights of the most vulnerable groups in society and make it more likely that such groups will enjoy the fruits of economic and social development.

Finally, an approach based on human rights deviates from many conventional development approaches in that it (1) sets clear demands to governments to do what they have promised and (2) finds ways to hold a government accountable for its promises.

3.5 Claiming One’s Rights: What Options Exist?

The realization of human rights depends on good governance at all levels of the state and requires that the people themselves or their representatives (in parliament, in local government) be listened to and enabled to participate in democratic decision-making. It means they must be able to voice their concerns, ideas, and demands via their own organizations, such as non-governmental organizations (NGOs) and community-based organizations (CBOs).

Politicians are expected to take these considerations into account, but whether they eventually do is another story. If they don’t, then rights-holders should be able to claim their rights through so-called remedial measures. This could consist of bringing, for example, right-to-food violations before the courts. But there are also many other possible recourse mechanisms through which to claim one’s rights and obtain reparation for violations. In a number of countries, such functions are exercised by national ombudsmen or human rights commissions.

4. ECONOMIC, SOCIAL, AND CULTURAL RIGHTS ESPECIALLY RELEVANT TO NUTRITION

4.1 From Causality to Normative Analyses and Aspirations

We have now presented some basic information regarding human rights. We shall now bring it all back to nutrition. How can human rights provide a new perspective on problems of hunger and malnutrition in all forms and contribute to their solution, given that the problems are often rooted in social inequalities and injustice?

The conceptual framework shown in Figure 1.1 depicted a range of immediate, underlying, and basic causes of malnutrition. We can talk about a similar range of conditions for achieving good nutrition, conditions that permit the realization of the rights to adequate food, to good health, and to adequate care. Human rights law obliges a government to ensure that the resources of the country (or province, district, or municipality) are controlled, managed, and utilized in a way that benefits the whole population. This requires policies and measures that guarantee the basic conditions for the realization of these rights, which in turn become the underlying conditions for an individual’s adequate food intake and absence of disease – those immediate conditions for good nutritional status that all community nutritionists will strive to ensure.

A normative framework such as that shown in Figure 1.3 will suggest the factors that may affect the immediate as well as the underlying conditions for good nutrition. It will also suggest changes that are needed at several more basic levels – local, national, or international. Many of these changes are beyond the scope of what nutritionists and dietitians are able to accomplish on their own, but this framework will help them understand both the constraints and opportunities that influence their work. This in turn will help them make that work as effective as possible, preferably in collaboration with people employed in other sectors who carry out complementary analyses and action.
4.2 The Human Right to Adequate Food: Legal Provisions and Evolving Interpretations

Each of the three underlying conditions for good nutrition or nutritional well-being in Figure 1.3 is reflected in human rights law. Here we focus on the meaning of the right to food (the same kind of reasoning applies to the other two rights).

The state has an obligation to take reasonable measures to ensure the right to food. In common with other economic and social rights, the realization of the right to food is constrained by important notions such as “progressive realization” and “to the maximum of a country’s available resources.” Most states can normally only help realize the right progressively, over time. However, a plan should be made with clear targets as well as indicators and benchmarks for ascertaining progress. At the same time, the urgent needs of those in desperate circumstances must be addressed as far as possible on an urgent basis. Some states use the “available resources” constraints to justify why they cannot fulfil a right. Such an argument becomes unacceptable, however, when their budget clearly favours privileged groups in society at the expense of disadvantaged groups, such as children and women.

We are not talking here about people being given access to food on demand – the requirement is for the state to create environments conducive to people being able to feed themselves through their own labour, whether in production or other work that ensures sufficient revenue (Khoza, 2007). Or, in the words of the UN Special Rapporteur on the right to food, Olivier De Schutter (2010, p. 1):

The right to food is not primarily the right to be fed after an emergency. It is the right, for all, to have legal frameworks and strategies in place that further the realization of the right to adequate food, as a human right recognized under international law. By directing the adoption of these policies, the right to food is a compass to ensure that policies are geared towards alleviating hunger and malnutrition.
Having examined the situation in various countries, De Schutter also points to the importance for countries to give “concrete meaning to the right to food principles in their constitutions, laws, courts, institutions, policies and programmes, and for various food security topics, such as fishing, land, focus on vulnerable groups, and access to resources.” And he concludes: “These processes, while much less visible than plain increase in food production, are key steps for lasting progress” (De Schutter, 2010, p. 1).

4.3 The Right to Food Guidelines

At the second World Food Summit in 2002, a decision was made to develop a practical tool for governments to use in taking action to help realize the right to food. The process led to the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security. Adopted by the FAO Council in 2004 (FAO, 2005), these guidelines are now commonly known as the Right to Food Guidelines.

Nineteen of the Right to Food Guidelines cover a broad area of concerns and issues, with Guideline 10 dealing specifically with nutrition. However, all the others are also relevant to nutrition at different levels of societal organization, and all can be fitted into the normative framework described above. They provide measures that practitioners can choose from, according to their different professional domains and specialties. Besides Guideline 10, students and professionals in community nutrition will also find ample inspiration in many of the other guidelines, some dealing also with economic aspects, including the role of market forces. The Right to Food Guidelines are now frequently referred to and made use of in the international debate and action on the right to food. Combined with the Millennium Development Goals described earlier in this chapter, the Right to Food Guidelines will be useful in community nutrition with regard to most of the dimensions dealt with in this book.

4.4 Other Material of Use in a Human Rights–Based Approach to Community Nutrition

A lot of other material is helpful for the promotion of nutrition in the community, especially as regards its dietary dimensions. Here we briefly mention three organizations involved in using a human rights approach: the FAO, the WHO, and the Food First Information and Action Campaign (FIAN). Links that can provide useful material from these three sources are provided at the end of this chapter, in the “Additional “Resources” section.

The FAO is the most active UN agency in promoting and enriching the right to adequate food concept. In 2005, it established a Right to Food Unit – from 2009 called the Right to Food Team – to further promote the right to food, among other things through developing educational material and various tools for use in practical work.

The WHO has not as yet developed specific health-related aspects of nutrition in terms of human rights; however, the organization has an excellent Health and Human Rights Team whose role is to:

- strengthen the capacity of the WHO and its member states to integrate a human rights–based approach to health,
- advance the right to health in international law and international development processes, and
- advocate for health-related human rights.

The Food First Information and Action Campaign (FIAN) is the most significant non-governmental organization working solely with the right to food – or “The right to feed oneself,” which is their slogan. FIAN has its headquarters in Heidelberg, Germany, and works in many countries, producing a wealth of interesting country-based information.

4.5 Other Rights of Immediate Relevance to Community Nutrition

Good nutrition involves more than having enough food and water of adequate quality. Achieving good nutrition is especially challenging in areas prone to infectious or chronic nutrition-related diseases where the
sanitary environment and personal hygiene is poor, or in areas where income-earning activities of mothers compete with their time for caring for their young children. All this impacts both on the biological and psycho-social dimensions of an individual’s nutritional status and general well-being.

But there are also other economic, social, and cultural rights with important direct impact on the food and feeding situation in a family. These include the right to adequate clothing, housing, and to the continuous improvement of living conditions. Each of these rights is within the concerns of a community nutritionist. Where conditions are unacceptably poor, community nutritionists can help draw awareness to this amongst politicians, international organizations, public planners and programmers, civil society groups, and the general population.

Finally, a range of other human rights may impact nutrition even more significantly, such as the right to work, right to social security, and right to free speech – to mention just a few. A broad, open mind allows a community nutritionist/dietitian to see his or her own work in the context of social, economic, cultural, civil, and political failures while also looking for opportunities by which conditions can be reported and hopefully addressed.

5. IMPLEMENTATION OF RIGHTS AT THE COUNTRY LEVEL

There is no blueprint for the realization of the right to adequate food and other nutrition-relevant rights at the national level. Nevertheless, as we have seen, the conceptual developments and refinements over recent years – of the right to food as well as economic, social, and cultural rights more generally – have served to identify a number of key principles that now make it easier to analyse and plan for a rights-based approach to community nutrition in any country. Common denominators are the different categories of obligations of states for economic, social, and cultural rights in general that were described in section 3, and those particular attributes of a right to adequate food that were described in section 4.

But each situation presents a more or less different picture and challenge according to context, just as the UNICEF conceptual framework indicates. For a country or a population group within it, the economic situation, the culture and customs, religion, the prevailing political ideology at any time, attitudes to gender, and other factors all set limits to and/or open opportunities or conditions for how far human rights, including the right to food, will be respected, protected, and fulfilled. Nutrition professionals need to work with human rights practitioners in promoting and protecting the right to food (Maunder & Khoza, 2007).

Since the mid-1990s there has been considerable and increasing interest in giving the right to food a more concrete and operational content. Whilst there is an international framework for the right to food and nutrition security in several international human rights instruments, the implementation at the national and global level is lacking, despite adequate food supplies. Progress has been made in some countries but this needs further development. Intersectoral and interdisciplinary work are required to ensure that legal frameworks, policy frameworks, programmes, the involvement of civil society, awareness, capacity building, and resource allocation will fulfil the rights to adequate food and nutritional health.

As a community nutritionist you can play a critical role in these endeavours. Keep that in mind when studying the rest of this book.

DISCUSSION QUESTIONS AND EXERCISES

1. Identify which MDG and specific associated targets demand special attention to nutrition in order to be achieved.
2. Outline the international historical milestones of the human rights conventions and declarations relevant to the right to adequate food.
3. What does it mean when a government signs and/or ratifies a human rights convention?
4. List the main principles of a rights-based approach and explain the meaning of each.
5. Does every person have the right to be fed by the state? Explain your answer.
6. Explain what is meant by “the right to food” in the context of your country.
7. Based on your observations and personal experiences, discuss how well the right to food is being realized in your country.
8. Design a normative framework depicting the conditions needed to ensure good nutrition in the context of a household, with reference to the human rights involved. Use the normative framework in Figure 1.3 as a starting point.

9. Compare what your country’s constitution has to say about human rights with the Universal Declaration of Human Rights.

10. Discuss the importance of capacity in relation to responsibilities.

11. Discuss whether you would consider community nutritionists employed by the government to be duty-bearers. If yes, what are the implications of this?

12. Use the matrix shown in Table 1.1 (below) to give examples of the obligations of the state with regard to the right to adequate food. You should be able to fill in at least some of the empty boxes from your own knowledge and experience. You can also discuss possible answers with colleagues and friends, who can contribute ideas and thereby help provide a “rich picture” of the constraints and opportunities that surround the right to food. You may also wish to consult the Right to Food Guidelines referred to in section 4.3, which can be downloaded from the FAO Right to Food home page, www.fao.org/righttofood. These guidelines (which are available in six languages) bring a wealth of ideas and suggestions for policies and measures that can be included in the matrix.

Table 1.1: The right to food matrix: an aid to conceptualization for analysis and planning.

<table>
<thead>
<tr>
<th>NORMATIVE PRINCIPLES (food security attributes)</th>
<th>FOOD SECURITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adequate food</td>
<td>Sustainable supply of adequate food</td>
</tr>
<tr>
<td>Sufficient in quantity and nutritional quality</td>
<td>Safe for human consumption</td>
</tr>
<tr>
<td>Environmentally and economically sustainable food systems</td>
<td>Physical and economic access to food that is within a household’s means</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CATEGORIES OF STATE OBLIGATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESPECT</td>
</tr>
<tr>
<td>PROTECT</td>
</tr>
<tr>
<td>FULFIL</td>
</tr>
<tr>
<td>Facilitate</td>
</tr>
<tr>
<td>Provide</td>
</tr>
</tbody>
</table>

REFERENCES


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**ADDITIONAL RESOURCES**

**United Nations**


**Office of the UN High Commissioner for Human Rights**

General website: www.ohchr.org


*General Comment No. 4 on the Right to Adequate Housing:* http://www.unhchr.ch/tbs/doc.nsf/0/4694d91a937821c12563ed0053547e

*General Comment No. 12 on the Right to Adequate Food:* http://www.unhchr.ch/tbs/doc.nsf/0/3d02758c707031d-58025677f03b73b9


*General Comment No. 15 on the Right to Water:* http://www.unhchr.ch/tbs/doc.nsf/0/a5458d1d1bbd713fc1256cc400389e94

**UN Special Rapporteur on the Right to Food**

General website: www.srfood.org

The current SR on the right to food is Hilal Elver of Turkey; she is the third to fill this position since it was established in 2000. His website contains a wealth of information through his various reports to the UN Human Rights Council and the General Assembly, as well as speeches, documents, and briefing notes.

**Food and Agriculture Organization of the United Nations (FAO)**

General website: www.fao.org

Right to food site: www.fao.org/righttofood

See especially the link to the Right to Food Guidelines (FAO, 2005). These are available in six languages. See also:

- The Right to Food Methodological Toolbox, which offers a series of downloadable publications, including a guide for conducting a right to food assessment, information about methods of monitoring, a guide to legislating for the right to food, and an outline for curriculum development: http://www.fao.org/righttofood/knowledge-centre/rtf-methodological-toolbox/en
World Health Organization (WHO)
General website: http://www.who.int
This includes:
- 25 Questions & Answers on the Right to Health, and
- Human Rights, Health, and Poverty Reduction Strategies, a tool for health policy-makers to design, implement, and monitor a poverty reduction strategy through a human rights-based approach.

Foodfirst Information and Action Network (FIAN)
This is the world’s largest non-governmental organization working specifically on the right to food in its many dimensions. Its head office is in Heidelberg, Germany. There are national FIAN organizations in many countries.
General website: www.fian.org

Books
Eide WB & Kracht U, eds. Food and Human Rights in Development.
These two volumes contain a large number of original contributions from human rights, development, and right to food experts working in various disciplines and sectors. The books can be ordered from the publisher, Intersentia (http://www.intersentia.com/).


A wealth of other useful sources, many relating to the larger global issues of current concern, such as climate change, land grabbing, biofuel production, and food trade, can be found simply by searching the Web for “the right to food.”

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