Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
75
1949 - 2024
CONSEIL DE L'EUROPE

Resolution 2577 (2024)[1]

Guaranteeing the human right to food

Parliamentary Assembly

1. The Parliamentary Assembly is struck by the extremely paradoxical phenomenon on the European continent as regards access to food: hunger and malnutrition are still present even though there are ample supplies of foodstuffs. This co-existence of plenitude and hunger highlights persistent inequalities that affect access to healthy, adequate and sustainable food, despite the resources available.

2. The Assembly believes that climate change, by exacerbating extreme weather events, agricultural crises and disruptions to supply chains, is likely to further aggravate these inequalities and pose growing challenges to ensuring equitable and sustainable access to healthy, adequate and sustainable food, including to drinking water, in the decades to come.

3. The challenges surrounding food in Europe are major. People's access to reliable and sufficient sources of supply is often compromised by the absence of effective self-production systems and by climate change and geopolitical tensions that disrupt traditional supply chains. Distribution, processing and marketing systems are unbalanced, penalising small-scale food producers and failing to adequately protect their rights, in particular depriving them of fair remuneration. The market logic, which is predominant in certain regions of Europe, gives priority to commercial and agricultural interests, which are often in tension with the imperative of the right to food. Instead of placing individuals, as holders of fundamental rights as regards access to food, at the forefront, this approach tends to prioritise evaluating them according to their economic potential and their overall agricultural activities, which compromises full recognition of the right to food for all.

4. The Assembly is fully aware of the particular challenges Europe faces as a result of the war in Ukraine. According to the Ukrainian authorities, between 15% and 18% of Ukrainian agricultural land is currently under temporary occupation, while the lands of many Ukrainian farmers are now either occupied or destroyed. Ukrainian agriculture, which before the invasion accounted for 10% of global wheat and barley exports, 15% of corn exports and 50% of sunflower oil exports, has been severely affected by bombings, landmines and land contamination.

5. The Assembly is convinced that only a rights-based approach can provide a cross-cutting and consistent understanding of all the social, political, economic and cultural factors affecting access to food and reliably ensure that policies relating to food systems at all territorial levels are in line with the core content of the right to food for all.

6. The Assembly points out that this rights-based approach is underpinned by a robust framework in international law. The right to food is a fundamental human right enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights, which all Council of Europe member States have ratified and are bound to respect, protect and implement.

1. *Assembly debate* on 3 October 2024 (31st sitting) (see Doc. 16041, report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Simon Moutquin). *Text adopted by the Assembly* on 3 October 2024 (31st sitting).
See also Recommendation 2286 (2024).

7. General Comment No. 12 of the United Nations Committee on Economic, Social and Cultural Rights gives practical substance to the right set out in Article 11 of the covenant. This interpretation is recognised by the international community as authoritative. According to this definition, the right to food includes the basic guarantee of protection from hunger and the obligation of States to progress towards the full realisation of this right by ensuring that food is available, accessible, sustainable and adequate for everyone.

8. The Assembly notes that, on this basis, the United Nations bodies have, for more than twenty years, been developing tools to provide a framework and explain the specific features of an approach grounded in the right to food, with the aim of defining and raising awareness of this right and guiding States in the strategies to be adopted for its realisation.

9. The Assembly attaches particular importance to the conceptual and strategic framework developed by the High Level Panel of Experts on Food Security and Nutrition to transform food systems to meet the requirements of an approach based on the right to food and to enable progress to be made towards achieving all the United Nations Sustainable Development Goals.

10. In the Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the Food and Agriculture Organization of the United Nations (FAO) in 2004, States recognised the need to undertake a constitutional (or legislative) review that facilitates the progressive realisation of the right to adequate food. As far back as 1999, the United Nations Committee on Economic, Social and Cultural Rights recommended that States adopt a framework law as a major instrument in the implementation of their national strategy concerning the right to food.

11. The Assembly affirms that a constitutional right to food provides the strongest possible foundation, by setting an obligation for all with regard to the right to food. It would oblige public authorities to take measures to respect and to adopt the necessary laws, policies and programmes to ensure the respect for, the protection of and the progressive implementation of this constitutional right.

12. The Assembly further underlines the need to adopt framework laws that set out the necessary conditions for the governance of food systems, in line with the FAO's recommendations. These laws should cover intersectoral co-ordination, establish guiding principles to guarantee the right to food and include budgetary provisions for their implementation.

13. The Assembly notes, however, that none of the constitutions of the Council of Europe member States explicitly recognises a distinct right to food, and that there are few constitutions from which it can be deduced that the right to food is protected as a component of the right to dignity, health or the environment. Similarly, there are few legislative provisions that take a global view of the food chain based on the right to accessible, sustainable and adequate food.

14. Furthermore, the Assembly points out that positive food law, namely the standards applicable to the agrifood sector, food safety and consumer protection, has developed significantly in Council of Europe member States and in European Union law, although none of the branches of this law aims to ensure access to food for all.

15. The Assembly welcomes domestic legislation in many member States which has encouraged the practice of redistributing agricultural surpluses and unsold food from supermarkets and restaurants as food aid for the most vulnerable, also linking this practice to the fight against food waste. Schemes such as these enable the right to be fed, but do not necessarily go towards the goal of being able to obtain food to sustain one's needs in full autonomy.

16. In the light of these elements, the Assembly calls on Council of Europe member States to:

16.1. explicitly include the right to food in their constitutional provisions, including the right of access to drinking water. This constitutional recognition would guarantee a solid legal basis for the protection of this fundamental right, obliging all branches of government to place people's rights at the heart of food policies and to take concrete steps to respect, protect and progressively realise this right;

16.2. adopt national framework laws covering the right to food. These laws should provide a framework for and co-ordinate the different branches of law and public policies relating to food systems, in order to ensure a consistent and integrated approach that meets the requirements of available, accessible, sustainable and adequate food for all;

16.3. incorporate food security as a central component of their national and international strategies, which should include the creation of strategic food reserves, the strengthening of supply chains and support for local food production systems to mitigate the impact of global disruptions caused by climate change and geopolitical tensions;

16.4. give priority to a coherent legal framework to make food distribution, processing and marketing systems fairer and more stable, by reducing economic imbalances between public and private players, align agricultural issues with the objectives of the ecological transition and support farmers in this transition in an inclusive way, while ensuring fair remuneration and greater protection of their rights;

16.5. draw on the international legal framework provided by the International Covenant on Economic, Social and Cultural Rights and other existing international instruments, such as the FAO's voluntary guidelines on the right to food and the work of the High Level Panel of Experts on Food Security and Nutrition, so as to develop and implement national and local strategies aimed at the full realisation of the right to food in line with the United Nations' One Health approach, which interlinks the health of people, animals and ecosystems;

16.6. move from a charitable approach to food aid and food provision for the more vulnerable members of society towards a rights-based approach ensuring autonomous access to healthy, adequate and sustainable food for all. This shift should lead to diversification of the forms of food solidarity and to a situation where emergency aid is no longer seen as the primary response;

16.7. invest in technological innovations and modern and sustainable agricultural practices that enhance food production and supply chain efficiency, which is crucial for building resilient food systems capable of addressing global food security challenges.