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(Final version)

Guaranteeing the human right to food

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A. Draft Resolution

1. The Parliamentary Assembly is struck by the extremely paradoxical phenomenon on the European continent as regards access to food: namely that hunger and malnutrition are still present even though there are ample supplies of foodstuffs. This coexistence 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 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. 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 at the forefront individuals, as holders of fundamental rights as regards access to food, this approach tends to prioritise economic potential and global agricultural activities, which compromises full recognition of the right to food for all.

Amendment 5

Tabled by Ms Olena KHOMENKO, Mr Jurgis KLOTIŃŠ, Mr Rostyslav TISTYK, Ms Iryna KONSTANKEVYCH, Mr Georgios STAMATIS, Mr Oleksii GONCHARENKO, Mr Paweł JABŁOŃSKI, Mr Markus WIECHEL, Ms Victoria TIBLOM

In the draft resolution, after paragraph 2, insert the following paragraph:

"The Assembly is deeply concerned about the impact of armed conflicts on global food security, particularly the ongoing war against Ukraine, which has significantly disrupted the production and export of grain and agricultural products. Recognising Ukraine as one of the world's key suppliers of these commodities, the Assembly notes that millions of people worldwide are facing famine or severe food insecurity due to these disruptions. It underscores the need to de-weaponise matters of food security, as actions that negatively affect the production and supply of food create global risks."

Amendment 6

Tabled by Ms Olena KHOMENKO, Mr Jurgis KLOTIŃŠ, Mr Rostyslav TISTYK, Ms Iryna KONSTANKEVYCH, Mr Georgios STAMATIS, Mr Oleksii GONCHARENKO, Mr Markus WIECHEL, Mr Paweł JABŁOŃSKI, Ms Victoria TIBLOM

In the draft resolution, paragraph 3, at the end of the second sentence, insert the following words:

"and by geopolitical tensions that disrupt traditional supply chains."

Sub-amendment 1 to amendment 6

Tabled by the Committee on Social Affairs, Health and Sustainable Development

In amendment 6, after the words "and by", insert the following words:

"climate change and"

Amendment 7

Tabled by Ms Olena KHOMENKO, Mr Jurgis KLOTIŃŠ, Mr Rostyslav TISTYK, Ms Iryna KONSTANKEVYCH, Mr Oleksii

GONCHARENKO, Mr Paweł JABŁOŃSKI, Mr Markus WIECHEL, Ms Victoria TIBLOM

In the draft resolution, paragraph 3, at the end of the third sentence, insert the following sentence:

"Additionally, conflicts that obstruct free navigation and access to ports exacerbate food insecurity."

Amendment 1

Tabled by Mr Oleksii GONCHARENKO, Ms Larysa BILOZIR, Ms Mariia MEZENTSEVA-FEDORENKO, Mr Rostyslav TISTYK, Ms Yevheniia KRAVCHUK, Ms Sally-Ann HART, Mr Serhii SOBOLEEV, Ms Iryna KONSTANKEVYCH, Mr Georgios STAMATIS

In the draft resolution, after paragraph 3, insert the following paragraph:

"The Assembly draws attention to the fact that 15 to 18% of agricultural lands are currently under temporary occupation, according to Ukrainian authorities. Many Ukrainian farmers and agricultural workers, who had taken loans before 2022 and were forced to leave their homes due to the occupation, now face a situation where their fields are either under occupation or destroyed by shelling. Despite these devastating circumstances, Ukrainian banks are not offering sufficient relief in the form of reduced or frozen loan payments."

Amendment 2

Tabled by Mr Oleksii GONCHARENKO, Ms Larysa BILOZIR, Ms Mariia MEZENTSEVA-FEDORENKO, Mr Rostyslav TISTYK, Ms Yevheniia KRAVCHUK, Ms Sally-Ann HART, Mr Serhii SOBOLEEV, Ms Iryna KONSTANKEVYCH

In the draft resolution, after paragraph 3, insert the following paragraph:

"The Assembly reiterates its condemnation of Russian aggression against Ukraine which severely worsened the situation with food security in Europe and in the world. Ukraine's agriculture sector, which once accounted for 10% of world wheat, 15% of corn and barley, and 50% of sunflower oil exports, has been severely impacted by constant shelling, fields mining and contamination."

4. 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.

5. The Assembly notes 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.
6. 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.
7. 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.
8. The Assembly attaches particular importance to the conceptual and strategic framework developed by the High-Level Panel of Experts on Food Security and Nutrition for transforming 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 Sustainable Development Goals.
9. In the Voluntary Guidelines on the right to food adopted by the United Nations Food and Agriculture Organisation (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

Amendment 8

Tabled by Ms Olena KHOMENKO, Mr Jurgis KLOTIŃŠ, Mr Rostyslav TISTYK, Ms Iryna KONSTANKEVYCH, Mr Oleksii GONCHARENKO, Mr Markus WIECHEL, Mr Paweł JABŁOŃSKI, Ms Victoria TIBLOM

In the draft resolution, after paragraph 8, insert the following paragraph:

"The Assembly emphasises the critical importance of ensuring that armed conflicts do not impede global food security. It acknowledges that conflicts can significantly disrupt the production and export of grain and other agricultural products, leading to increased hunger and malnutrition worldwide. The Assembly underscores the necessity of de-weaponising matters of food security by ensuring free, full and safe navigation in international waters, restoring access to affected ports, and expanding the transportation of essential goods by sea. Initiatives aimed at facilitating the safe and continuous export of agricultural products from conflict-affected regions, such as the Black Sea Grain Initiative and Ukraine's humanitarian programme "Grain from Ukraine", should be supported and implemented without undue delay or time limitations to mitigate global food insecurity.

Economic, Social and Cultural Rights recommended that States adopt a framework law as a major instrument in the implementation of their national strategies concerning the right to food.

10. 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 obliges public authorities to take measures to respect and protect it by adopting the necessary laws and policies and programmes which will ensure the respect, protection and progressive implementation of this constitutional right.
11. The Assembly further underlines the need to adopt framework laws setting out the 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.
12. 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.
13. On another note, 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.
14. The Assembly welcomes domestic legislation in many member States which has encouraged the redistribution of agricultural surpluses and unsold food from supermarkets and restaurants as food aid for the most vulnerable, linking also 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.
15. In the light of these considerations, the Assembly calls on Council of Europe member States to:
 - 15.1. 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 and would oblige 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;
 - 15.2. 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

Amendment 9

Tabled by Ms Olena KHOMENKO, Mr Jurģis KLOTIŅŠ, Mr Rostyslav TISTYK, Ms Iryna KONSTANKEVYCH, Mr Oleksii

available, accessible, sustainable and adequate food for all;

GONCHARENKO, Mr Markus WIECHEL, Mr Paweł JABŁOŃSKI, Ms Victoria TIBLOM

In the draft resolution, after paragraph 15.2, insert the following paragraph:

"incorporate food security as a central component of their national and international strategies that should include the creation of strategic food reserves, strengthening of supply chains, and support for local food production systems to mitigate the impact of global disruptions;"

**Sub-amendment 1 to amendment 9
Tabled by the Committee on Social Affairs,
Health and Sustainable Development**

At the end of amendment 9, insert the following words:

"caused by climate change and geopolitical tensions"

- 15.3. 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, aligning agricultural issues with the objectives of the ecological transition and supporting farmers in this transition in a inclusive way, while ensuring fair remuneration and greater protection of their rights;
- 15.4. 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 Voluntary Guidelines on the right to food of the FAO 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 objective, which interlinks the health of people, animals and ecosystems;
- 15.5. 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, to a situation where emergency aid is no longer seen as the primary response.

Amendment 3

Tabled by Mr Oleksii GONCHARENKO, Ms Larysa BILOZIR, Ms Mariia MEZENTSEVA-FEDORENKO, Mr Rostyslav TISTYK, Ms Yevheniia KRAVCHUK, Ms Sally-Ann HART, Mr Serhii SOBOLIEV, Ms Iryna KONSTANKEVYCH, Mr Georgios STAMATIS

In the draft resolution, after paragraph 15.5, insert the following paragraph:

"develop legal mechanisms for providing targeted assistance to Ukrainian farmers affected by the full-scale invasion, for instance, temporary payment freezes, and restructuring of the loans taken before 24 February 2022."

Amendment 4

Tabled by Mr Oleksii GONCHARENKO, Ms Mariia MEZENTSEVA-FEDORENKO, Mr

**Rostyslav TISTYK, Ms Yevheniia KRAVCHUK,
Ms Iryna KONSTANKEVYCH**

*In the draft resolution, after paragraph 15.5,
insert the following paragraph:*

*"work closely on developing supporting
programmes and targeted assistance for the
farmers and rural households in Ukraine that
were affected by the Russian war of aggression.
Such programmes can include providing grants
and loans for the farmers, providing assistance
in the sphere of de-mining and other relevant
initiatives."*

Amendment 10

**Tabled by Ms Olena KHOMENKO, Mr Jurgis
KLOTIŅŠ, Mr Rostyslav TISTYK, Ms Iryna
KONSTANKEVYCH, Mr Georgios STAMATIS,
Mr Oleksii GONCHARENKO, Mr Markus
WIECHEL, Mr Paweł JABŁOŃSKI, Ms Victoria
TIBLOM**

*In the draft resolution, after paragraph 15.5,
insert the following paragraph:*

*"invest in technological innovations and modern
agricultural practices that enhance food
production and supply chain efficiency that are
crucial for building resilient food systems
capable of addressing global food security
challenges."*

Sub-amendment 1 to amendment 10

**Tabled by the Committee on Social Affairs,
Health and Sustainable Development**

*In amendment 10, after the word "modern",
insert the following words:*

"and sustainable"

Amendment 11

**Tabled by Ms Olena KHOMENKO, Mr Jurgis
KLOTIŅŠ, Mr Rostyslav TISTYK, Ms Iryna
KONSTANKEVYCH, Mr Oleksii
GONCHARENKO, Mr Markus WIECHEL, Mr
Paweł JABŁOŃSKI, Ms Victoria TIBLOM**

*In the draft resolution, after paragraph 15.5,
insert the following paragraph:*

*"support international and regional initiatives
aimed at facilitating the export of agricultural
products from conflict-affected areas, such as
the EU "Solidarity Lanes" initiative, to ensure
that global food supply chains remain resilient
and that agricultural goods reach those in need.
Member States should collaborate to implement
and expand such initiatives, enabling the import
and export of essential goods to and from
Ukraine."*

B. Draft Recommendation

1. The Parliamentary Assembly refers to its Resolution... (2024) "Guaranteeing the human right to food". It notes that the Council of Europe was active in the past in promoting a human rights approach to healthy food in co-operation with other international organisations such as the World Health Organisation (WHO) and the European Union (then the European Economic Community).
2. Despite past activities such as the Partial Agreement in the Social and Public Health Field and work on consumer health and food quality, the Council of Europe is today less present in this area, in which the European Union now takes the lead in the development of food law, with the focus on food safety and consumer protection.
3. The Assembly considers that in complement to legislation on food safety and consumer protection, there is room for a wider approach reflecting the full complexity of the issues linked to access to food as a fundamental right.
4. The Assembly is convinced that only a holistic human rights-based approach, centred on the right to food, can ensure the transition to sustainable and inclusive food systems.
5. The Assembly highlights in this respect that the right to food is recognised in international law as an autonomous human right, interdependent and indivisible with other human rights (in particular the right to an adequate standard of living, the right to a healthy environment, the right to water, the right to health, the rights of farmers and the rights of workers in food systems).
6. The human rights framework which has thus developed in international law places the requirements of food availability, accessibility, sustainability and adequacy at the heart of the approach. It is based on the principles of participation, accountability, non-discrimination, transparency, human dignity, the rule of law and solidarity. It also pays particular attention to inequalities at all stages of the food chain and makes it possible to define the shared rights, duties and responsibilities of States, the food industry and, potentially, individuals.
7. The Assembly believes that this approach, fully in line with the core values of the Council of Europe, is an essential

Amendment 12

Tabled by Ms Olena KHOMENKO, Mr Jurgis KLOTIŅŠ, Mr Rostyslav TISTYK, Ms Iryna KONSTANKEVYCH, Mr Oleksii GONCHARENKO, Mr Markus WIECHEL, Mr Paweł JABŁOŃSKI, Ms Victoria TIBLOM

In the draft recommendation, after paragraph 3, insert the following paragraph:

"The Assembly recognises that armed conflicts can have profound adverse effects on global food security. The war against Ukraine serves as a stark example of how disruptions in one region can lead to increased food insecurity worldwide. The Assembly stresses the importance of de-weaponising food security matters to prevent global risks associated with the production and supply of food."

lever which the Council of Europe together with other international organisations should (re)activate as a basis to work for the right to food for all.

8. The Assembly therefore recommends that the Committee of Ministers:

8.1. reclaim the subject of the right to food as an autonomous right that is interdependent with the right to a healthy environment, for example by including it in the building blocks for the new Council of Europe strategy for the environment announced in 2024 on the basis of Appendix V of the Final Declaration of the Reykjavik Summit of Heads of State and Government;

8.2. re-establish institutional synergies with the Food and Agriculture Organisation (FAO) and the World Health Organization (WHO) in order to identify areas of complementarity;

8.3. invite the Steering Committee for Human Rights to explore the possibility of supplementing the Organisation's normative framework to guarantee the right to food.

Amendment 13

Tabled by Ms Olena KHOMENKO, Mr Jurģis KLOTIŅŠ, Mr Rostyslav TISTYK, Ms Iryna KONSTANKEVYCH, Mr Georgios STAMATIS, Mr Oleksii GONCHARENKO, Mr Markus WIECHEL, Mr Paweł JABŁOŃSKI, Ms Victoria TIBLOM

In the draft recommendation, paragraph 8.2, replace the words "in order to identify areas of complementarity" with the following words:

"and other relevant international bodies to identify areas of complementarity and to address the challenges posed by armed conflicts to global food security, including ensuring safe navigation for agricultural exports and supporting initiatives that facilitate the movement of food supplies from affected regions."