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Mandate of the Special Rapporteur on the right to food

Working visit to Mexico by the Special Rapporteur on the right to food

14-15 November 2013

The Special Rapporteur on the right to food, Olivier De Schutter, conducted a working visit to Mexico from 14 to 15 November 2013, at the invitation of the Government. The objective of the visit was to review, jointly with relevant Government officials, efforts made to address the recommendations made to the Government of Mexico in the context of the official country visit carried out by the Special Rapporteur from 13 to 20 June 2011.

The Special Rapporteur would like to express his sincere appreciation to the Government for the open and constructive spirit of the dialogue and the commitment demonstrated to giving serious consideration to recommendations by his mandate, as a special procedure of the United Nations Human Rights Council.

During the visit, the Special Rapporteur met with representatives of the ministries and civil society organizations he had also met with during his visit in 2011. Consultations with Government authorities took the form of a one-day workshop combined with bilateral meetings with key ministries: Ministry of Social Development (SEDESOL); Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA); and the National Council for the Evaluation of Social Development Policy (CONEVAL). The Special Rapporteur also met with parliamentarians of the Mexican parliamentary front on the right to food.

The workshop, held on 14 November and convened jointly with the Government and OHCHR, gathered more than 50 participants, representing 10 ministries as well as OHCHR and FAO. It focused on recent developments in Mexico with regard to (1) the institutional and policy framework for the realization of the right to food; (2) the promotion of adequate diets and the relationship with agricultural production, environmental sustainability and health; and (3) mechanisms of monitoring and accountability in the implementation of public policies.

During the various meetings, the Special Rapporteur noted with appreciation that a range of measures had been initiated in response to recommendations made to the Government in 2011 (contained in document A/HRC/19/59/Add.2). In particular, he would like to note the following developments:

Legislative, institutional and policy framework

As was highlighted by Government officials, the visit of the Special Rapporteur had been instrumental in facilitating the completion in October 2011 of the constitutional reform process which enshrined the right to food in the national constitution.¹ As was the case during his June

¹ A development also applauded by the Special Rapporteur in a media statement issued on 13 October 2011: <http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=11491&LangID=S>. The reform amended articles 4 and 27, which now provide that “Every person has the right to adequate food to maintain his

2011 visit, the Special Rapporteur once again met with parliamentarians. He was delighted that he could have an exchange with members of the national parliamentarian front against hunger (*Frente Parlamentario contra el Hambre México*), created in December 2011. Compared to other similar parliamentarian fronts created in other Latin American countries in recent years, a unique feature of the Mexican front was that it allowed for the participation of civil society representatives. The Special Rapporteur learned that the parliamentarian front had recently taken the initiative to prepare a draft framework law on the right to food. The draft was currently being reviewed by experts of various professions and constituencies (allowing to take into account the views of the health care practitioners and nutritionists, of agronomists, of NGOs, of peasant organizations and others). It should be presented as draft bill, following these broad consultations. The Special Rapporteur very much welcomed this initiative and the inclusive and participatory process of formulating the draft law proposal, in line with recommendations he had made following his 2011 visit.

Another important development discussed with Government representatives was the National Crusade Against Hunger (CNCH) strategy launched in January 2013. One important aspect of this initiative was that it established an institutional framework to strengthen coordination of policies across different ministries and sectors. The national system for the crusade against hunger, *Sistema Nacional para la Cruzada contra el Hambre (SINHAMBRE)*, is established by a Presidential Decree. It includes four main components: (1) an inter-ministerial commission (*Comisión Intersecretarial*), with the participation of 16 ministries and three official institutions, focusing respectively on the situation of- women, the family and indigenous peoples),² to coordinate actions and programmes; (2) a system of coordination, through integral agreements (*acuerdos integrales para el desarrollo incluyente*), between Government agencies at the Federal, State and municipal levels; (3) a National Council (*Consejo Nacional de la Cruzada contra el Hambre*), chaired by the Ministry of Social Development (SEDESOL) and composed of representatives of the civil society, the private sector, academia and international institutions; and (4) Community Committees of the beneficiaries of social programs (*Comités Comunitarios integrados por beneficiarios de programas sociales*), who participate in the implementation and monitoring of social programmes. Moreover, the Special Rapporteur notes that in April 2013 a Committee of Experts for the CNCH was established. The Committee is to be composed of at least 10 academics with relevant expertise, including on the right to adequate food, and it will serve in an advisory role, with a mandate to make proposals to improve policies and programmes to meet the objectives of the CNCH.³

It is too early to assess the effectiveness of the CNCH strategy. Moreover, in its current phase, the strategy is still limited in scope: in its first phase, it covers 400 out of 2,461 municipalities, targeting 7.4 million people in a situation of extreme poverty and food insecurity (these figures may be compared to estimated totals, in 2012, of 9.8 million people living in extreme poverty and 27.4 million people in a situation of food insecurity (*carencia alimentaria*)).⁴ The Special Rapporteur welcomes the effort to ensure a more coherent and integrated approach to combating food insecurity and hunger by ensuring the direct involvement of communities in identifying solutions to local problems, which remains fundamental for the success of the CNCH. He also

or her wellbeing and physical, emotional and intellectual development. The State must guarantee this right” (Art. 4) and “Sustainable and integral rural development (...) will also have among its objectives that the State guarantees sufficient and timely supply of basic foods as established by the law” (Art. 27, Clause XX).

² The National Institute for Women (*Instituto Nacional de las Mujeres*); the National System for Integral Family Development (*Sistema Nacional para el Desarrollo Integral de la Familia*); the National Commission for the Development of Indigenous Peoples (*Comisión Nacional para el Desarrollo de los Pueblos Indígenas*).

³ See: http://www.sedesol.gob.mx/work/models/SEDESOL/Cruzada/9_COMITE_DE_EXPERTOS.pdf.

⁴ CONEVAL, Resultados de pobreza en México 2012, at:

<http://www.coneval.gob.mx/Medicion/Paginas/Medici%c3%b3n/Pobreza%202012/Pobreza-2012.aspx>.

welcomes the way the strategy was subject to continuous monitoring and evaluation by CONEVAL.

Investment in agriculture

Representatives of the Ministry of Agriculture highlighted how measures were being taken to better align agricultural policies and programmes with the objectives of addressing rural poverty and food insecurity, in line with the objective of the national crusade against hunger to increase both food production and the incomes of smallholders. In particular, the Special Rapporteur took note of measures which would go in the direction of addressing his earlier recommendations, including with the objectives of: (a) ensuring a more equitable distribution of resources, with more focus given to supporting the productivity and livelihoods of smallholders, rather than large-scale producers; (b) building up new capacity for rural extension services; (c) ensuring that Government food support programmes such as Diconsa and Linconsa source more of the food supplies locally from small-scale producers; and (d) ensuring that small-scale producers are able to participate in and have their voices heard in the process of developing agricultural policies.

Social protection and conditions of employment

With regard to his previous recommendations to strengthen social programmes by making them more rights-based, the Special Rapporteur noted that steps had been taken in this direction, with the emphasis on community participation in the CNCH strategy. He also welcomed the stated intention of the Government to move towards a universal social security scheme, which would include unemployment insurance.

The Special Rapporteur recalled his earlier recommendations concerning the importance of ensuring a minimum wage guaranteeing workers a living wage.

Tax to discourage 'junk food'

The Special Rapporteur was pleased to learn about new initiatives of the Government to give priority to addressing the problem of high levels of overweight and obesity, including through campaigns of nutritional education, the promotion of local production-consumption of fresh food, and the introduction of a new tax on soft drinks and 'junk food' by 2014. The tax, approved by the Mexican Senate on 30 October 2013, increases to 8 percent the Special Tax on Production and Services (STPS) on high-calorie foods, containing 275 calories or more per 100 grams, such as sweets, candies, chocolates, ice cream, cookies, beer and bottled soft drinks. The Special Rapporteur recalled his recommendation that such taxation should be part of a broader series of measures. In particular, taxes should be combined with the subsidization of poor communities' access to safe portable water and more healthy foods, including fresh fruit and vegetables. He welcomed, in this regard, one step taken in this direction through the decision to allocate funds to the provision of safe drinking water in all schools. Equally important was to also take into account the how agricultural and trade policies may affect people's access to healthy diets.

Development-based evictions and displacement

The Special Rapporteur recalled his recommendations to carry out a review of the procedures in place to ensure adequate consultations with communities affected by large-scale development projects, including ensuring that the communities concerned are given a real possibility to influence the decision-making process.

Reviewing the impact of genetically modified crops

In 2011, the Special Rapporteur had recommended that a precautionary approach was advisable with regard to the field testing and commercialisation of genetically modified (GMO) maize in Mexico. In this regard, he noted that the first requests for the commercialization of GMO maize in Mexico had been made in September 2012, and that several such requests were currently pending. The Special Rapporteur welcomed the reliance by the Twelfth Federal District Court for Civil Matters of Mexico City of the precautionary principle. In response to a public interest action (*acción colectiva*) opposing the commercialization of GMO maize which was filed by a group of individuals and organizations against the Ministries of Agriculture and Environment, the Federal Government, and the corporations that applied for permits to plant and commercialize GMO maize against the commercialization of GMO maize, the District Court took an interim measure, ruling on 10 October 2013 that the genetically modified corn posed a risk of imminent harm to the environment and ordering a suspension of the delivery of permits for the cultivation of GMO maize.

The Special Rapporteur underlines his earlier recommendation that decisions on this matter should be based on an independent scientific analysis of the ecological, agronomical, social and economic impacts of introducing genetically modified crops. In this regard, he noted that the inter-ministerial National Commission for Knowledge and Use of Biodiversity (CONABIO) and the National Institute of Ecology and Climate Change (INECC) have both advised against the commercialization of GMO maize in Mexico.

The Special Rapporteur on the right to food renews his thanks to the Mexican Government for having facilitated the working visit of 14-15 November 2013. He was encouraged by the collaborative spirit in which the dialogue took place, as well as by the commitment of the authorities to the eradication of hunger and malnutrition in the country and the shift to more healthy diets, particularly for children. He looks forward to the continuation of the dialogue and is confident that Mexico shall further deepen its collaboration with the next appointee of the Human Rights Council on the right to food.

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Olivier De Schutter was appointed the UN Special Rapporteur on the right to food in March 2008 by the United Nations Human Rights Council. He is independent from any government or organization, and he reports to the Human Rights Council and to the General Assembly. All reports are available on <http://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx>. The Special Rapporteur can be contacted at sffood@ohchr.org