

**ACHPR/Res. 431 (LXV) 2019 : Resolution on the Right to Food and Nutrition in Africa**

***The African Commission on Human and Peoples' Rights (the Commission), meeting at its 65th Ordinary Session held from 21 October to 10 November 2019, in Banjul, The Gambia:***

**Recalling** its mandate to promote and protect human and peoples' rights under the African Charter on Human and Peoples' Rights (the African Charter);

**Recalling** that the African Charter enshrines Economic, Social and Cultural Rights, in particular in Articles 14, 15, 16, 17, 18, 21 and 22;

**Considering** Article 14 of the African Charter on the Rights and Welfare of the Child which requires States to ensure the provision of adequate nutrition and combat disease and malnutrition within the framework of primary healthcare through the application of appropriate technology for children.

**Considering** the Declaration of the Pretoria Seminar on Economic, Social and Cultural Rights in Africa, the Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples Rights, the State Party Reporting Guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples Rights;

**Recalling** the Commission's Resolution ACHPR/Res. 374 (LX) 2017 on the Right to Food and Food Insecurity in Africa;

**Cognisant** that, as underscored in the Commission's jurisprudence *SERAC & CESR v Nigeria*, the right to food is inherent in the right to life, the right to health and the right to economic, social and cultural development under the African Charter; and that this right is realised when everyone alone or in community with others has physical and economic access at all times to adequate food or means of its procurement and is free from hunger even in times of natural or other disasters;

**Recalling** that food insecurity is a first and overarching result of protracted crises, natural disasters, climate-related shocks, and conflicts;

**Recalling** that in many African countries, land and water grabbing, and the privatisation of natural resources result in forced evictions, mass displacement, food insecurity, and human rights abuses;

**Concerned** that, malnutrition which includes conditions such as under-nutrition, micronutrient deficiencies or excess, overweight, obesity and other diet-related non-communicable diseases seriously affects the health and well-being of individuals;

**Concerned** that some parts of Africa are burdened with a high prevalence of undernourishment due to economic and environmental challenges.

**Concerned** that most prisoners do not receive adequate food to meet their energy and nutrient requirements.

**Concerned** that the gradual advent of genetically modified organisms has associated risks which may threaten sustainable food production and locally-produced food.

**Recognising** that women play a crucial role in maintaining and or improving rural livelihoods and strengthening rural communities, but they are more likely to live in poverty and be affected by malnutrition;

**The Commission calls on States Parties to:**

1. Take appropriate policy, institutional and legislative measures to ensure the full enjoyment of the right to food which includes constantly accessible and quality food that meets the requirement of nutrition and cultural acceptability;
2. Promote and strengthen multi-sector and gender inclusive platforms at the national level, with the full and meaningful participation of small-scale food producers, farmers, livestock farmers and fishermen to develop, implement, and monitor policies towards the realisation of the right to food and nutrition;
3. Design policy responses and interventions in situations of protracted crisis, conflicts and natural disasters to protect vulnerable, disadvantaged and marginalised groups in order to realise their right to food and nutrition;
4. End the practice of resource grabbing affecting farming, fisheries, forests, and pastoralist communities, and move towards an equitable management of these resources (natural, material and financial) by strengthening community rights, benefit sharing policies, and enacting strong and binding legislations;
5. Ensure that prisoners have access to adequate food for them to fully enjoy their fundamental rights to physical and mental health;
6. Foster local and organic food production and consumption, including by banning the use of genetically modified organisms; and
7. Strictly regulate the importation of foreign food items as well as the promotion and marketing of industrialised and highly processed foods.

**Done in Banjul, The Gambia, 10 November 2019**