

## Food In International Human Rights Law



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The right to adequate food as a human right was first formally recognized by the United Nations in the Universal Declaration of Human Rights (UDHR) from 1948, as a part of the right to a decent standard of living. In the UDHR Article 25 it was stated that:

The human right to adequate food is recognized in several instruments under international law. The International Covenant on Economic, Social and Cultural Rights deals more comprehensively than any other instrument with this right. Pursuant to

article 11.1 of the Covenant, States parties recognize “The right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous Improvement of living conditions”, while pursuant to article 11.2 they recognize that more immediate and urgent steps may be needed to ensure “the fundamental right to freedom from hunger and malnutrition”. The human right to adequate food is of crucial importance for the enjoyment of all rights. It applies to everyone; thus the reference in Article 11.1 to

“himself and his family” does not imply any limitation upon the applicability of this right to individuals or to female-headed households.<sup>1</sup>

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, and housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

The right to adequate food is realized when every man, woman and child, alone or in community with others, has the physical and economic access at all times to adequate food or means for its procurement. Also, the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively

adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.

Historically, national and international responses to problems of malnutrition have been based on compassion and the recognition that reducing malnutrition can be of considerable benefit to the society as a whole. These responses have ranged from small local feeding programs to large- scale international actions involving the United Nations Children’s Fund, the World Bank, the World Food Program, and many nongovernmental organizations. Now, however, there is increasing recognition that adequate food is a human right, and thus there is a legal obligation to assure that all people get adequate food. As indicated in the preceding section, the articulation of the human right to adequate food in modern international human rights law arises in the context of the

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<sup>1</sup> COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS  
Twentieth session Geneva, 26 April-14 May 1999.

broader human right to an adequate standard of living. The Universal Declaration of Human Rights of 1948 asserts in article 25(1) that "everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family, including food." In the International Covenant on Civil and Political Rights, which came into force in 1976, article 1, paragraph 2 says, "In no case may a people be deprived of its own means of subsistence." In addition, article 6 says, "Every human being has the inherent right to life". This clearly implies the right to adequate food and other necessities for sustaining life.<sup>2</sup>

As well as, article 24 also says that States Parties shall take appropriate measures. "To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding."

Finally, with full recognition of the human right to adequate food in a world of democratic global governance, we would expect that more of the world community's attention and resources would be devoted to addressing the concerns of weaker nations and weaker persons.

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<sup>2</sup> "FOOD IS A HUMAN RIGHT" George Kent Department of Political Science University of Hawai'i Honolulu, Hawai'i 96822 U.S.A. kent@hawaii.edu June 13, 2004 .