

## REGIONAL EXPERIENCE IN PROTECTION OF THE RIGHT TO FOOD IN PUBLIC INTERNATIONAL LAW

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The need to protect human rights declared by the world community is the undisputed prerogative of public international law. The norms underlying these processes are largely enshrined in contractual law and are customary often. The equator of the twentieth century was marked by the consolidation of basic provisions for the protection of human rights since the development and adoption in 1948 of the Universal Declaration of Human Rights. Its importance for the development of human rights activities in this area is undeniably important and somewhat unique. By forming a document that was of a recommendatory nature in accordance with general practice, the world community revolutionized the understanding of the importance of protection and observance of human rights. Among the variety of rights, special attention, in our opinion, deserves rights that meet basic human needs.

Article 25 of the Universal Declaration of Human Rights states that “everyone has the right to a standard of living adequate for food, including food... which is necessary for the maintenance of health and well-being” [1]. Thus, the right to food is protected along with other basic human rights. This means that states are committed to respecting, protecting, promoting and enforcing this right, which in turn requires the creation of certain tools and institutions to oversee states. Article 11 of the International Covenant on Economic, Social and Cultural Rights of 16 December 1966 defines the respective obligations of states not only to provide the population with food at the appropriate level, but also to take into account the international component – cooperation in production, storage and distribution, agricultural sector reforms, resource allocation, international trade [2].

The region has an influence on the realization of the right to food, and therefore, there is a need for regionally enshrined food rights. The relevant right is not enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms and therefore cannot be protected in the European Court of Human Rights. It is also absent in the American Convention on Human Rights. However, the Additional Protocol to the American Convention on Human Rights in the Field of Economic, Social and Cultural Rights (San Salvador Protocol) contains a separate Article 12, which enshrines the right to food. This article defines the right of every person to adequate nutrition and the obligation of states to promote its implementation through the eradication of malnutrition, improving methods of production, supply and distribution of food, promoting international cooperation in this area. This is a separate issue for the protection of the right to food for the elderly, who cannot afford it on their own (Article 17).

The African Charter on Human and Peoples' Rights also does not contain direct rules on the protection of the right to food, although indirectly, this can be said in accordance with the provisions of Art. 16, which deals with the right to the best physical health, which is impossible without a balanced diet. The right to food of target groups in the African region, including children, is enshrined in the African Charter on the Rights and Welfare of the Child. According to Article 14 signatory states are committed to combating disease and malnutrition. Protocol to the African Charter on Human and Peoples' Rights on Women's Rights in Africa in Article 15, entitled “The right to food security”, clearly states that States parties guarantee women the right to food and adequate nutrition.

The focus on food security in Africa is primarily due to the region's lack of food security. Historical background, climatic conditions, financial condition of developing African countries requires special attention to food in the region.

Examining the key sources of regional law in the field of human rights protection, we concluded that most of them, including the European, American, and African conventions, do not have provisions on the protection of the right to food for all, which technically makes it impossible to protect this right in judicial institutions. In addition, the rights of certain, particularly vulnerable groups are largely protected. Thus, the declarative nature of international protection of the right to food is obvious.

### References

1. Universal Declaration of Human Rights : adopted and proclaimed by the United Nations General Assembly in Paris on 10 December 1948 ( General Assembly resolution 217 A). URL: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> ( date of request : February , the 2nd, 2022)
2. International Covenant he Economic , Social and Cultural Rights : adopted and opened for signature , ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 into force 3 January 1976, in accordance with Article 27). URL: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx> ( date of request : February , the 22nd, 2022)