



Human Rights Council Background Guide 2023

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NATIONAL MODEL UNITED NATIONS

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Dear Delegates,

Welcome to the 2023 National Model United Nations Germany Conference (NMUN • Germany)! We are pleased to introduce you to our committee, the Human Rights Council (HRC). Gamaliel Perez is the Director and Eniko Czentar is the Assistant Director. Gamaliel graduated with dual degrees in Political Theory and International Relations from the University of California San Diego. He has also worked as a political campaign manager and consultant for various State Assembly Members, as well as city council members in his local county. Eniko holds a Bachelor's Degree in Communication and Social Sciences and currently studies Global Communication at the University Erfurt, focusing on politics and society.

The topics under discussion for the Human Rights Council are:

1. Freedom of Expression and Access to Information in the Digital Age
2. Promoting the Right to Food in the Context of Conflicts and Violence

The United Nations Human Rights Council is the main specialized body whose mission is to promote and protect human rights around the world. The council has 47 Member States elected for staggered three-year terms on a regional group basis. The work of the committee is to assist governments in upholding the human rights they have committed to through expertise, technical trainings, and assisting administration of justice. In order to accurately simulate the committee, it will be key for delegates to focus on consensus building and provide policy recommendations and guidelines for improving the status of human rights across the globe.

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the Conference, each delegation will submit a Position Paper by 11:59 p.m. (Eastern) on 1 November 2023 in accordance with the guidelines in the [Position Paper Guide](#) and the [NMUN • Germany Position Papers](#) page.

Two resources, available to download from the [NMUN website](#), serve as essential instruments in preparing for the Conference and as a reference during committee sessions:

1. [NMUN Delegate Preparation Guide](#) - explains each step in the delegate process, from pre-Conference research to the committee debate and resolution drafting processes. Please take note of the information on plagiarism, and the prohibition on pre-written working papers and resolutions. Delegates should not start discussion on the topics with other members of their committee until the first committee session.
2. [NMUN Rules of Procedure](#) - include the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure.

In addition, please review the mandatory [NMUN Conduct Expectations](#) on the NMUN website. They include the Conference dress code and other expectations of all attendees. We want to emphasize that any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated. If you have any questions concerning your preparation for the committee or the Conference itself, please contact Estefani Morales Zanoletti at dsg.germany@nmun.org.

We wish you all the best in your preparations and look forward to seeing you at the Conference!

Sincerely,

Gamaliel Perez, Director
Eniko Czentar, Assistant Director

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Committee Overview

Introduction

The Human Rights Council (HRC) is the United Nation's (UN) primary body responsible for issues pertaining to human rights.¹ HRC serves to promote universal respect for all human rights and fundamental freedoms, effective governance within the UN system on human rights issues, and, if necessary, provide recommendations on human rights violations.²

Mandate, Functions, and Powers

HRC was established in 2006 with General Assembly resolution 60/251 on the "Human Rights Council", with its operational structures given further detail in 2007 in Human Rights Council resolution 5/1 on "Institution-building of the UN Human Rights Council".³ It is mandated to monitor, discuss and make recommendations on situations of human rights violations, establish international standards, and promote human rights.⁴ The UN has two forms of human rights monitoring mechanisms: treaty-based bodies and charter-based bodies.⁵ The ten treaty-based bodies monitor implementation of specific human rights treaties.⁶ In contrast, HRC is the primary charter-based body and, although its resolutions are not legally binding, it is able to monitor human rights across all UN Member States, rather than solely those which are party to specific treaties.⁷

HRC may mandate international commissions of inquiry or investigations into serious violations of human rights law.⁸ These non-judicial commissions allow violations to be recorded, reported, and ensure accountability in potential future judicial proceedings, including those held by the International Criminal Court.⁹ Commissions will also review legislative and institutional mechanisms to protect human rights and propose recommendations on how they may be strengthened.¹⁰ Separate to these commissions, Special Procedures are mechanisms that enable independent parties to report, monitor, and advise on country-specific or thematic issues being considered by HRC.¹¹ Each investigation has a mandate and a mandate holder, who is typically a Special Rapporteur, an independent expert, or a working group.¹² Special Procedures generally involved field visits, thematic studies, expert consultations and regular reports to HRC, as well as to the General Assembly.¹³

The Universal Periodic Review (UPR) is one of the most important functions of HRC.¹⁴ Each Member State submits a periodic review that assesses the fulfillment of its human rights obligations.¹⁵ The full

¹ United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006.

² United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006.

³ United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006; Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. p. 5.

⁴ Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015.

⁵ Office of the United Nations High Commissioner for Human Rights. *Instruments & mechanisms*. 2022.

⁶ Office of the United Nations High Commissioner for Human Rights. *Instruments & mechanisms*. 2022.

⁷ Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015.

⁸ Office of the United Nations High Commissioner for Human Rights. *International Commissions of Inquiry, Commissions on Human Rights, Fact-Finding missions and other Investigations*. 2022.

⁹ Office of the United Nations High Commissioner for Human Rights. *Commissions of inquiry and fact-finding missions on international human rights and humanitarian law: Guidance and practice*. 2015. p. 7.

¹⁰ Office of the United Nations High Commissioner for Human Rights. *Commissions of inquiry and fact-finding missions on international human rights and humanitarian law: Guidance and practice*. 2015. p. 7.

¹¹ Office of the United Nations High Commissioner for Human Rights. *Special Procedures*. 2022.

¹² Office of the United Nations High Commissioner for Human Rights. *Special Procedures*. 2022.

¹³ Office of the United Nations High Commissioner for Human Rights. *Special Procedures*. 2022.

¹⁴ Office of the United Nations High Commissioner for Human Rights. *Universal Periodic Review*. 2022.

¹⁵ Office of the United Nations High Commissioner for Human Rights. *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*. 2008. pp. 80-81.

cycle of the UPR process takes around four years and includes several steps.¹⁶ At the preparation stage, information is gathered that will form the basis of the review, including national reports, stakeholder submissions, and information prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR).¹⁷ At the review stage, documents are presented at the regular sessions of the working group on the UPR.¹⁸ At the stage of adoption and consideration, each Member State provides comments and the Member State under review can offer reservations on specific issues.¹⁹ Finally, during the follow-up stage, each Member State under review shows how effectively it has acted upon the recommendations.²⁰

Broadly speaking, the following non-exhaustive list summarizes HRC's mandate:

- **HRC will generally:** mandate investigative commissions on serious violations of human rights law; serve as a forum for dialogue on human rights; initiate Special Procedures, which may encompass field visits, studies, and reports; manage the Universal Periodic Review processes; receive reports via the Complaint Procedure; coordinate with non-governmental and civil society actors.²¹
- **HRC will not generally:** adopt legally binding resolutions or decisions; intervene operationally in situations of human rights violations.²²

Governance, Structure, and Membership

HRC is a subsidiary organ of the General Assembly and makes regular recommendations and reports, most often to the General Assembly's Third Committee.²³ It works closely with OHCHR and receives an annual report from the commissioner on ongoing situations and themes.²⁴ It is served by several sub-committees, including the Advisory Committee and various intergovernmental working groups on specific thematic areas.²⁵

The council consists of 47 Member States who are elected via a majority vote of the General Assembly through a direct and secret ballot.²⁶ Membership is based on equitable geographical distribution and a specific number of seats are designated to each geographic region.²⁷ During the first regular session of each year, HRC elects a President and four Vice Presidents to serve on its Bureau, who are responsible for the organization and procedural function of the committee.²⁸

¹⁶ Office of the United Nations High Commissioner for Human Rights. *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*. 2008. pp. 80-81.

¹⁷ Office of the United Nations High Commissioner for Human Rights. *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*. 2008. pp. 80-81.

¹⁸ Office of the United Nations High Commissioner for Human Rights. *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*. 2008. pp. 80-81.

¹⁹ Office of the United Nations High Commissioner for Human Rights. *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*. 2008. pp. 80-81.

²⁰ Office of the United Nations High Commissioner for Human Rights. *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*. 2008. pp. 80-81.

²¹ Office of the United Nations High Commissioner for Human Rights. *Special Procedures*. 2022; International Justice Resource Center. *UN Human Rights Council*. n.d.

²² Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. pp. 7, 18.

²³ United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006; Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. p. 18.

²⁴ Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. p. 7.

²⁵ Office of the United Nations High Commissioner for Human Rights. *Advisory Committee*. 2022.

²⁶ Office of the United Nations High Commissioner for Human Rights. *Membership of the Human Rights Council*. 2022.

²⁷ Office of the United Nations High Commissioner for Human Rights. *Membership of the Human Rights Council*. 2022.

²⁸ Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. p. 6.

Annotated Bibliography

Office of the United Nations High Commissioner for Human Rights. *Commissions of inquiry and fact-finding missions on international human rights and humanitarian law: Guidance and practice*. 2015. Retrieved 18 October 2022 from:

http://www.ohchr.org/Documents/Publications/Col_Guidance_and_Practice.pdf

One of the key components of HRC's work is its ability to mandate commissions of inquiry or investigations into serious violations of human rights law. This guide outlines the role of these inquiries, how they function, and how they report their findings. Delegates will find this guide useful in understanding how one of the main pillars of the committee's work is translated into action.

Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. Retrieved 18 October 2022 from:

https://academy.ishr.ch/upload/resources_and_tools/SwissGuide_HRC_en.pdf

This handbook, created by the Permanent Mission of Switzerland to the United Nations, serves as an extremely useful introduction to the Human Rights Council. It outlines HRC's key purposes, its working practices, its mandate, and the standard flow of its committee sessions. Delegates can utilize this guide to gain a very practical, detailed summary of how HRC functions, both in theory and practice.

United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006. Retrieved 17 October 2022 from: <https://undocs.org/en/A/RES/60/251>

This General Assembly resolution is the founding document of the Human Rights Council. It was established as a replacement for its predecessor, the Commission on Human Rights, as a subsidiary body of the General Assembly. This resolution articulates HRC's primary purpose and mandate, its reporting mechanisms, and membership structure. This resolution will allow delegates to gain a firsthand understanding of the context in which HRC was established and what its core objectives were established to be.

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Office of the United Nations High Commissioner for Human Rights. *Commissions of inquiry and fact-finding missions on international human rights and humanitarian law: Guidance and practice*. 2015. Retrieved 18 October 2022 from: http://www.ohchr.org/Documents/Publications/Col_Guidance_and_Practice.pdf

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Office of the United Nations High Commissioner for Human Rights. *Special Procedures*. 2022. Retrieved 18 October 2022 from: <https://www.ohchr.org/en/hr-bodies/hrc/special-procedures>

Office of the United Nations High Commissioner for Human Rights. *Universal Periodic Review*. 2022. Retrieved 18 October 2022 from: <https://www.ohchr.org/en/hr-bodies/upr/upr-main>

Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. Retrieved 18 October 2022 from: https://academy.ishr.ch/upload/resources_and_tools/SwissGuide_HRC_en.pdf

United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006. Retrieved 18 October 2022 from: <https://undocs.org/en/a/res/60/251>

1. Freedom of Expression and Access to Information in the Digital Age

*“With the right policies in place, digital technology can give an unprecedented boost to sustainable development, particularly for the poorest countries. This calls for more connectivity; and less digital fragmentation. More bridges across digital divides; and fewer barriers. Greater autonomy for ordinary people; less abuse and disinformation”.*²⁹

Introduction

The right to freedom of expression and opinion is a fundamental human right that serves as a base for the fulfillment and protection of other human rights established under international law.³⁰ This right is also accompanied by the right to access information.³¹ Universal access to information is an integral part of freedom of expression, as informed citizens are able to determine and assess how their governments adhere and uphold their human rights.³² In order for this to happen, information must be available for everyone to seek, receive, and share freely without interference.³³ This includes any actions that can disrupt the flow of information, or actions taken by governments in efforts to censor information access, including restricting access to digital spaces.³⁴

While the increase in digital connectivity since the advent of COVID-19 helped to increase access to many resources, it has also added to the digital divide.³⁵ The digital divide refers to the global population still without proper access to internet services due to several factors including accessibility of digital infrastructure, affordability, and digital training on how to navigate the internet.³⁶ There are 2.7 billion people globally without digital connections, with most people being located in developing and least developed countries.³⁷ During the COVID-19 pandemic global internet activity increased by 40%.³⁸ This surge in digital connectivity resulted in 60% of the world’s population being online, despite the majority of these people being located in developed countries.³⁹

Simultaneously, the increases to access to the internet and digital spaces has also come with a rise in hurtful online activity.⁴⁰ Increases in hate speech, as well as disinformation, have caused new concerns over digital access and information and its relation to freedom of expression.⁴¹ Increasing global connectivity and greater observance of human rights in the digital space is a priority of the Secretary-General and the work of the international community.⁴²

²⁹ United Nations Department of Economic and Social Affairs. *With 2.7 billion people still left offline, UN Forum to find solutions for creating a human-centred and resilient digital future*. 2022.

³⁰ United Nations. *Freedom of Expression, a Fundamental Human Right*. 2022.

³¹ Ibid.

³² United Nations. *International Day for Universal Access to Information*. 2022.

³³ Ibid.

³⁴ Ibid.

³⁵ United Nations Department of Economic and Social Affairs. *With 2.7 billion people still left offline, UN Forum to find solutions for creating a human-centred and resilient digital future*. 2022.

³⁶ United Nations Development Programme. *The Evolving Digital Divide*. 2021.

³⁷ United Nations Department of Economic and Social Affairs. *With 2.7 billion people still left offline, UN Forum to find solutions for creating a human-centred and resilient digital future*. 2022.

³⁸ United Nations. *Our Common Agenda: Report of the Secretary-General*. 2021

³⁹ United Nations Development Programme. *The Evolving Digital Divide*. 2021.

⁴⁰ United Nations Department of Economic and Social Affairs. *With 2.7 billion people still left offline, UN Forum to find solutions for creating a human-centred and resilient digital future*. 2022.

⁴¹ Ibid.

⁴² United Nations. *Our Common Agenda: Report of the Secretary-General*. 2021

International and Regional Framework

The right to freedom of expression and opinion are mentioned in several international human rights treaties and conventions.⁴³ Freedom of expression as a human right is enshrined in the *Universal Declaration of Human Rights* (UDHR) adopted in 1948.⁴⁴ Article 19 states that everyone has the right to freedom of opinion and expression; and “to seek, receive, and impart information and ideas through any media regardless of frontiers”.⁴⁵ The UDHR also establishes, the right to “access of information”.⁴⁶ Further strengthening this norm of the “right to expression” is its mention in the *International Covenant on Civil and Political Rights* (ICCPR) in 1966.⁴⁷ The rights of people to be protected from retaliation due to their opinion and its expression are also protected under the *International Covenant on Economic, Social, and Cultural Rights* (1966) under article 2.⁴⁸ The right to expression is further protected for youth under article 15 of the *Convention on the Rights of the Child* (1989) which protects the right of children for freedom of peaceful assembly.⁴⁹ In addition, the right to information access is also supported by the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (1998) under article 6 stating that access to information regarding the support and fulfillment of human rights is a fundamental freedom.⁵⁰ This right was further reinforced and expanded upon in a more modern perspective through *General Comment No. 34* by the Human Rights Committee (2011).⁵¹ This reinforced the right that people have to form their own opinions and express them without consequence or punishment from the state or other actors.⁵² The second point reinforced by *General Comment No. 34* is the concept of “any frontier” which applies to any written or expressed form of information and media.⁵³ While the inclusion of digital and social media are not explicitly stated, media platforms have shifted from print to digital publications and require the same protections as previous frontiers of media.⁵⁴

The right to expression and opinion are crucial to the protection and strengthening of all other human rights, as well as a critical component of protecting people from violence.⁵⁵ The *International Convention on the Elimination of All Forms of Racial Discrimination* (1965) under article 5 states that freedom and expression are rights to be protected for everyone without the influence of racial discrimination.⁵⁶ In addition, it has also been referenced in the *Convention for the Elimination of All Forms of Discrimination Against Women* (1979).⁵⁷ Article 7 states that women must be protected and afforded the same

⁴³ United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ United Nations, General Assembly. *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*. 1966

⁴⁸ United Nations, General Assembly. *International Covenant on Economic, Social and Cultural Rights (A/RES/2200. (XXI))*. 1966.

⁴⁹ United Nations, General Assembly. *Convention on the Rights of the Child (A/RES/44/25)*. 1989.

⁵⁰ United Nations, General Assembly. *Declaration on the Rights and Responsibilities of Individuals (A/RES/53/144)*. 1998.

⁵¹ United Nations, Human Rights Committee. *General Comment No. 34*. 2011.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ United Nations, General Assembly. *International Convention on the Elimination of All Forms of Racial Discrimination (A/RES/2106 (XX))*. 1965.

⁵⁶ Ibid.

⁵⁷ United Nations, General Assembly. *Convention on the Elimination of All Forms of Discrimination against Women*

opportunity as men to express their opinions without fear of retaliation or violence.⁵⁸ The right to freedom of expression is mutually dependent on access to information and requires both parts to be fulfilled and upheld.⁵⁹ In doing so, it allows for further achievement of other human rights and the upholding of justice in a human rights view.⁶⁰

Role of the International System

The protection and promotion of expression in the digital age is highly complex and encompasses multilateral efforts cross the international system.⁶¹ In efforts to address the status of the right to freedom of expression, the United Nations Commission on Human Rights established the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in 1993.⁶² The mandate of the Special Rapporteur is to promote and protect the right to freedom of opinion and expression in accordance with international human rights standards both offline and online.⁶³ The Special Rapporteur conducts its work through annual reports on the status of the right to freedom of expression as well as country reports where findings of credible violations are presented to the General Assembly and HRC through fact finding missions.⁶⁴ A recent report by the Special Rapporteur titled, *Disinformation and freedom of opinion and expression during armed conflicts*, discusses several key issues in addressing and protecting freedom of expression in a digital space and the responsibilities of both Member States and Media Companies.⁶⁵ The recommendation made by the Special Rapporteur states that access to information should be seen as a necessary right for survival during armed conflict, and governments should not use armed conflict as an opportunity to censor and silence voices of criticism.⁶⁶ The HRC has also adopted resolution 44/24 in 2020, “Role of States in countering the negative impact of disinformation on the enjoyment and realization of human rights”, supporting the Special Rapporteur and reinforcing the responsibility of Member States to assist in enacting policies to support this work.⁶⁷ The HRC additionally adopted, *The Right to Privacy In the Digital Age*, in 2018 establishing the right to privacy as a human right in the digital landscape.⁶⁸ This also reinforces the role of states in protecting this digital human right and extends to limitations of social media companies and data protections.⁶⁹ Civil society organizations also contribute to protection of freedom of expression with watchdog efforts from organizations such as Amnesty International that consistently report and spread awareness of censorship efforts.⁷⁰ Human Rights Watch also engages in public awareness campaigns and reports abuses of freedom of expression.⁷¹

There continues to be other work on protecting and promoting freedom of expression, such as the finding of the High-Level Panel on Digital Cooperation convened by the Secretary-General that presented its

(A/RES/34/180). 1979.

⁵⁸ Ibid.

⁵⁹ United Nations. *Our Common Agenda: Report of the Secretary-General*. 2021.

⁶⁰ Ibid.

⁶¹ United Nations Development Programme. *The Evolving Digital Divide*. 2021

⁶² United Nations Human Rights Office of the High Commissioner. *About the Mandate*. 2023.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ United Nations General Assembly. *Disinformation and Freedom of Opinion and Expression During Armed Conflicts*, (A/77/288). 2022.

⁶⁶ Ibid.

⁶⁷ United Nations, Human Rights Council. *Role of States in countering the negative impact of disinformation on the enjoyment and realization of human rights (A/HRC/Res/49/21)*. 2022.

⁶⁸ United Nations, Human Rights Council. *The Right to Privacy in the Digital Age (A/HRC/39/29)*. 2018.

⁶⁹ Ibid.

⁷⁰ Amnesty International. *Tunisia: President Saied must immediately stop his political ‘witch hunt’*. 2023.

⁷¹ Human Rights Watch. *Free Speech*. 2023.

findings in 2020.⁷² It presented five recommendations for achieving greater digital cooperation including 1) Build an inclusive digital economy and society, 2) develop human and institutional capacity, 3) protect human rights and human agency, 4) promote digital trust and security, and 5) foster global digital cooperation.⁷³ Additionally, the *Joint Declaration of Media, Freedom, and Democracy* is a multilateral partnership by the African Union (AU), the Organization of American States (OAS), the HRC, and Organization for Security and Cooperation in Europe (OSCE) for the protection and preservation of media credibility and the protection of the freedom of expression.⁷⁴ The African Commission on Human and Peoples Rights also adopted the *Declaration of Principles on Freedom* in 2020 to improve and include the right to information and protection of freedom of expression in digital spaces for the AU.⁷⁵ In addition, the OAS has also published its report *Guide to guarantee freedom of expression regarding deliberate disinformation in electoral contexts*, providing policy recommendation to its Member States to address and protect freedom of expression during electoral cycles.⁷⁶ The Council of Europe has also published its own findings titled, *The Impact of Digital Technologies on Freedom of Expression*, emphasizing detailing the importance of transparency and accountability in the digital age.⁷⁷ In 2015 the United Nations Educational, Scientific, and Cultural Organization (UNESCO) declared 28 September as “International Day for universal Access to Information which was later adopted by the General Assembly in 2019.”⁷⁸

The Impact of Disinformation and Misinformation

A recent challenge to the increased access of digital spaces is the advent of more opportunities for the dissemination of fake news and false information.⁷⁹ There are two distinct categories of this, the first is disinformation.⁸⁰ While there is no universally accepted the definition of disinformation, HRC recognizes disinformation as the purposeful spreading of false information and news to deliberately harm.⁸¹ Some forms of disinformation can result in hatred, discrimination, and lead to violence.⁸² Misinformation is the spread of false information without explicit intent to cause harm.⁸³ The spread of misinformation is harmful as it can make disinformation campaigns more powerful, by making the false information being spread seem credible.⁸⁴ Findings suggest that a majority of disinformation campaigns are targeted specifically against groups, institutions, or individuals for political reasons, often times when they are in vulnerable positions such as election cycles or public campaigns.⁸⁵ Disinformation can be designed to mislead others and violate human rights, including the right to privacy and freedom of individuals to seek, receive, and impart information. This can be critical in times of emergency and armed conflict.⁸⁶ Disinformation also poses a threat to media clarity, and can be weaponized into disinformation campaigns which can

⁷² United Nations General Assembly. *Road map for digital cooperation: implementation of the recommendations of the High-level Panel on Digital Cooperation Report of the Secretary-General (A/74/821)*. 2020.

⁷³ Ibid.

⁷⁴ United Nations Human Rights Special Procedures. *Joint Declaration on Media Freedom and Democracy*. 2022.

⁷⁵ African Commission on Human and Peoples Rights. *Declaration of Principles on Freedom of Expression 2019*. 2020.

⁷⁶ Organization of American States. *Guide to guarantee freedom of expression regarding deliberate disinformation in electoral contexts*. 2019.

⁷⁷ Council of Europe. *The Impact of Digital Technologies on Freedom of Expression*. 2022.

⁷⁸ United Nations. *International Day for Universal Access to Information*. 2022.

⁷⁹ United Nations, Human Rights Council. *Disinformation and Freedom of Opinion and Expression (A/HRC/47/25)*. 2021.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ United Nations, Human Rights Council. *Role of States in countering the negative impact of disinformation on the enjoyment and realization of human rights (HRC/49/L.31/Rev.1)*. 2022

result in threats to the safety and well-being of journalists.⁸⁷ Since 2016, 477 journalists have been killed, according to the United Nations Educational Scientific and Cultural Organization (UNESCO).⁸⁸

The spread of false information or “fake news” has also been weaponized to attack journalists’ credibility.⁸⁹ Additionally, an increasing number of governments have taken more aggressive legislative actions against “fake news” and disinformation.⁹⁰ This has resulted in an increase of journalists being incarcerated on “false news” charges.⁹¹ According to a submission from the Committee to Protect Journalists, a non-profit organization dedicated to promoting press freedom and protection of journalists, at least 34 journalists were arrested under charges of ‘fake news’ and disinformation in 2020, compared to just one in 2012.⁹² Journalists have increasingly become the target of censorship and disinformation creating hostile environments where proper and accurate reporting places them at risk.⁹³ This demonstrates that addressing the issue of disinformation, misinformation or “fake news”, can be a complex one.⁹⁴ Solutions cannot be one size fits all, as some governments have taken advantage of these laws to further silence critics, while others struggle to find any solutions at all to combat its proliferation.⁹⁵

HRC has adopted several resolutions to try and address these issues. In a resolution the HRC adopted in 2022, the Council recommended that states create responses to disinformation that comply with international human rights law and that they ultimately promote, protect, and respect individuals’ freedom of expression.⁹⁶ Another step the UN system has taken to combat false accusations or allegations is the *Rabat Plan of Action* (2012), focused on setting a threshold before states can justify restrictions or arrests against journalists for their work.⁹⁷ The *Rabat Plan of Action* outlines six categories to determine the validity of disinformation allegations against journalists by assessing 1) social and political context, 2) status of speaker, 3) intent to cause action, 4) content of speech, 5) how far it has been spread, and 6) likelihood of harm.⁹⁸ Despite this, some governments continue to weaponize their own legislation to target journalists.⁹⁹ From April to June of 2023, Tunisian authorities have cited vague legislation on cybercrimes and counter terrorism to arrest and convict six journalists for allegedly spreading false information.¹⁰⁰ These restrictions placed upon the journalists are not compliant with the *Rabat Plan*, and have all been related to stories of critique aimed at the president.¹⁰¹ Since 2021, 21 similar cases have been reported of journalists being targeted in Tunisia.¹⁰²

⁸⁷ Ibid.

⁸⁸ United Nations Educational Scientific and Cultural Organization. *Observatory of Killed Journalists*. 2023.

⁸⁹ Committee to Protect Journalists. Submission from the Committee to Protect Journalists to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in response to the Call for Submissions: Disinformation and freedom of opinion and expression. 2021.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid.

⁹³ United Nations, Human Rights Council. *Reinforcing media freedom and the safety of journalists in the digital age (A/HRC/50/29)*. 2022.

⁹⁴ Committee to Protect Journalists. Submission from the Committee to Protect Journalists to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in response to the Call for Submissions: Disinformation and freedom of opinion and expression. 2021.

⁹⁵ Ibid.

⁹⁶ United Nations, Human Rights Council. *Role of States in countering the negative impact of disinformation on the enjoyment and realization of human rights (HRC/49/L.31/Rev.1)*. 2022

⁹⁷ United Nations Human Rights Office of the High Commissioner. *OHCHR and freedom of expression vs incitement to hatred: the Rabat Plan of Action*. 2023.

⁹⁸ Ibid.

⁹⁹ United Nations Office of the High Commissioner of Human Rights. *Tunisia: Crackdown on Media Freedoms*. 2023.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ibid.

States and social media companies must act collaboratively, and carefully, to enact policies to remove harmful and false information digital spaces without unjustifiably attacking individual journalists.¹⁰³ The Special Rapporteur recommended that social media companies act with transparency and consistency across all regions.¹⁰⁴ Media companies hold responsibility in combating disinformation, which can then help to protect journalists and strengthen human rights.¹⁰⁵ It is recommended that media companies participate in the removal of disinformation on their platforms, and monitor their content which can discredit the findings of journalists or organizations, and place them danger.¹⁰⁶ In addition, there needs to be greater protection against third party monitoring tools that puts the lives of journalists directly at risk.¹⁰⁷

Impunity, or lack of consequences for violence against journalists, is also a challenge in keeping them safe.¹⁰⁸ Often times no efforts are made to bring perpetrators of violence against journalists to justice.¹⁰⁹ Some of this lack of action stems from governments not having the resources necessary to fully investigate these crimes.¹¹⁰ Lack of political will is another obstacle, as some governments and state authorities have participated themselves in attacking journalists.¹¹¹ As a result, it can be difficult to find a good balance in finding solutions to tackling disinformation and misinformation, while protecting journalists who are critical to improving the ecosystem that provides access to information for all.¹¹²

Bridging the Digital Divide

The digital divide keeps millions of people around the world without the access to information they need to make informed decisions about their lives and hinders their right to freedom of expression.¹¹³ Closing the digital gap has been a key focus of Secretary-General Antonio Guterres who has placed major emphasis on achieving global connectivity by 2030.¹¹⁴ Increased digital connectivity in rural communities has led to overall increases in living conditions.¹¹⁵ It has also increased access to previously inaccessible services like healthcare, online markets, and access to previously blocked information.¹¹⁶ Efforts to increase accessibility to those in rural areas is critical for closing the digital gap.¹¹⁷ Some of the Secretary-General's recommendations to close the digital divide have been to invest in further developing digital tools such as easier access to databases and websites and incentivizing further digital infrastructure development.¹¹⁸ The digital gap is especially visible since the COVID-19 pandemic, where an increase in

¹⁰³ United Nations General Assembly. *Disinformation and Freedom of Opinion and Expression During Armed Conflicts*, (A/77/288). 2022.

¹⁰⁴ Ibid.

¹⁰⁵ United Nations, Human Rights Council. *Reinforcing media freedom and the safety of journalists in the digital age* (A/HRC/50/29). 2022.

¹⁰⁶ United Nations, Human Rights Council. *Reinforcing media freedom and the safety of journalists in the digital age* (A/HRC/50/29). 2022.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Committee to Protect Journalists. Submission from the Committee to Protect Journalists to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in response to the Call for Submissions: Disinformation and freedom of opinion and expression. 2021.

¹¹³ United Nations. *Freedom of Expression, a Fundamental Human Right*. 2022.

¹¹⁴ United Nations Department of Public Information. *Guterres calls for end to digital divide, stressing 'tremendous opportunities' ahead*. 2023.

¹¹⁵ United Nations, Department of Economic and Social Affairs. *With 2.7 billion people still left offline, UN Forum to find solutions for creating a human-centred and resilient digital future*. 2022.

¹¹⁶ Ibid.

¹¹⁷ United Nations, Department of Public Information. *Guterres calls for end to digital divide, stressing 'tremendous opportunities' ahead*. 2023.

¹¹⁸ United Nations. *Our Common Agenda Policy Brief 5 A Global Digital Compact — an Open, Free and Secure Digital Future for All*. 2023.

internet accessibility and resources online created new opportunities for everyone, including those in rural communities.¹¹⁹

While some communities may lack access to information due to connectivity access, other people have had digital access purposefully restricted by their governments.¹²⁰ Power outages and blackouts are increasingly used to target the capability of citizens to express their concerns digitally, as well as receive new information coming from outside of their communities.¹²¹ These tactics are actively being used across both authoritarian and democratic regimes, which use them to counter protests and suppress the expression of opinions in assembly.¹²² In 2021 there were 182 recorded internet shutdowns in 34 countries, an increase from 2020 which saw 159 shutdowns in 29 countries.¹²³ Similarly, access to information has been restricted by bandwidth throttling, the intentional slowing down of internet speed by internet service providers, in areas where protests are expected to occur in efforts to stop organizers from being able to communicate.¹²⁴ From 2016 to 2021 there have been at least 768 government-ordered internet disruptions with an additional 55 blackouts being reported.¹²⁵

These actions are consistent with the findings from the Special Rapporteur which demonstrate that almost half of all internet shutdowns from 2016 to 2021 were directed toward protests and political crisis.¹²⁶ Shutdowns are often a marker of human rights violations as they are intended to disrupt acts of freedom of expression and restrict freedom of movement, assembly, and political intervention.¹²⁷ There were at least 52 elections disrupted by blackouts which are often used by candidates to influence the outcome of elections.¹²⁸ Shutdowns have also been used as a precursor to military or forceful action by states as a means to prevent any evidence or footage of its actions from being spread on digital platforms.¹²⁹ HRC resolution 44/24 further explores how internet shutdowns negatively effect other human rights.¹³⁰ During blackouts economic hardships can be exacerbated, and areas of high tension are much more likely to see violence and conflict emerge.¹³¹ Furthermore, blackouts actively deny necessary services to local populations such as emergency services, health information, mobile financial assets, education, and in many cases, transportation.¹³² Due to these detrimental effects, the HRC condemns blackouts, as the harm caused to local populations outweigh any potential benefits to their governments.¹³³

¹¹⁹ United Nations, Department of Public Information. *Internet upgrade breathes new life into rural areas, new UN report finds*. 2021.

¹²⁰ Ibid.

¹²¹ United Nations, Department of Public Information. *Internet blackouts now 'entrenched' in certain regions, rights council hears*. 2021.

¹²² Ibid.

¹²³ United Nations, Department of Economic and Social Affairs. *With 2.7 billion people still left offline, UN Forum to find solutions for creating a human-centred and resilient digital future*. 2022.

¹²⁴ United Nations Department of Public Information. *Internet blackouts now 'entrenched' in certain regions, rights council hears*. 2021.

¹²⁵ Ibid.

¹²⁶ United Nations, Human Rights Council. *Internet shutdowns: trends, causes, legal implications and impacts on a range of human rights (A/HRC/50/55)*. 2022.

¹²⁷ Ibid.

¹²⁸ United Nations, Human Rights Council. *Internet shutdowns: trends, causes, legal implications and impacts on a range of human rights (A/HRC/50/55)*. 2022.

¹²⁹ Ibid.

¹³⁰ United Nations, Human Rights Council. *Impact of new technologies on the promotion and protection of human rights in the context of assemblies, including peaceful protests (A/HRC/44/24)*. 2020.

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ibid.

Conclusion

The digital age has presented new opportunities and challenges to the rights to freedom of expression and the right to access to information.¹³⁴ The advent of misinformation and disinformation poses threats to those rights through the spreading of fear, hatred, and “fake news”, as well as posing direct danger to the lives of journalists.¹³⁵ The digital divide also poses a great challenge too, and while efforts to bridge gaps in connectivity will bring greater access to information, it can also expose them to its harmful effects.¹³⁶ While the HRC is making attempts to address these issues, it is clear that nuanced approaches will be necessary to ensure the observance of human rights in the digital age. This includes through the creation and implementation of legislation to tackle disinformation, an increase in resources to ensure perpetrators of violence against journalists are held accountable, online literacy is expanded, and true freedom to access to information is preserved.¹³⁷

Further Research

Delegates should consider asking what are the barriers to access of digital spaces within their own countries? How can those barriers be overcome by the year 2030? What is needed to be able to counter disinformation? What part do social media platforms have to play in its dissemination? What role do states have in ensuring online protections and in upholding human rights? If a state engages in blackouts or targets journalists, what can be done? How should states and companies improve collaboration to regulate the harmful effects of the internet? What sets of international standards or governance can protect human rights digitally?

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United Nations, Human Rights Council. *Disinformation and Freedom of Opinion and Expression (A/HRC/47/26)*. 2021. Retrieved 14 May 2023 from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/085/64/PDF/G2108564.pdf?OpenElement>

This source will serve as a useful guide to the complexities and differences of the type of information attacks that can be present. This source will also provide an explanation of how misinformation can hinder the fulfillment of human rights. In addition, this can help with how the right to expressions and disinformation fall under the human rights perspective and its impact on several other human rights.

United Nations, Human Rights Council. *Reinforcing Media Freedom and the Safety of Journalists in the Digital Age (A/HRC/50/29)*. 2022. Retrieved 14 May 2023 from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/304/10/PDF/G2230410.pdf?OpenElement>

This report provides delegates a broader understanding of how journalists have often become the target or retaliation in the fight for freedom of expression. Journalists play pivotal roles in both freedom of expressions as well as access to information as they are the primary source for many digital spaces of information. Recently however they have come under more attack as states will often charge them with misdemeanor and civic codes or attack and allow violence against them.

United Nations, Human Rights Council. *Disinformation and freedom of opinion and expression during armed conflicts (A/77/288)*. 2022. Retrieved 14 May 2023 from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/459/30/PDF/N2245930.pdf?OpenElement>

¹³⁴ United Nations Department of Economic and Social Affairs. *With 2.7 billion people still left offline, UN Forum to find solutions for creating a human-centred and resilient digital future*. 2022.

¹³⁵ United Nations, Human Rights Council. *Reinforcing media freedom and the safety of journalists in the digital age (A/HRC/50/29)*. 2022.

¹³⁶ United Nations, Human Rights Council Office of the High Commissioner. *Access to reliable information sources is the obvious antidote to disinformation, Special Rapporteur on freedom of opinion and expression tells Human Rights Council*. 2021.

¹³⁷ Ibid.

This source will give delegates a clearer understanding of the complexities of upholding the freedom of expression and access to information and why it's difficult to do at a state level. Will also describe the role that states have as well as the legal ability to restrict expression and the limitations of those actions against their own citizens. This document also discusses the role media companies have in addressing misinformation as well as ensuring that transparency is being supported for information available.

United Nations, Human Rights Council. Role of States in countering the negative impact of disinformation on the enjoyment and realization of human rights (A/HRC/RES/49/21). 2022. Retrieved 14 May 2023 from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/304/10/PDF/G2230410.pdf?OpenElement>

This resolution dictates and outlines the roles and responsibilities of States in preventing the mass spread of misinformation. It also outlines the actions it cannot enact such as being the ones to purposefully spread misinformation in efforts to limit freedom of expression of information access. It also directs states to lead in interacting with media companies to ensure they are not allowing misinformation campaigns that affect their citizens and online users.

United Nations, Human Rights Council. *Promotion and protection of the right to freedom of opinion and expression (A/76/258)*. 2021. Retrieved 14 May 2023 from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/212/16/PDF/N2121216.pdf?OpenElement>

This report details the gender disparities present in the treatment of women and girls in freedom of expression and access to information. This report will also give examples of how much more affected women are by expressing their opinions and the retaliation they often face. They are also much more likely to be actively censored or discredited due to their gender and the most vulnerable targets for attacks.

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<https://www.undp.org/blog/evolving-digital-divide>

2. Promoting the Right to Food in the Context of Conflicts and Violence

“War means hunger. Armed conflict is a key factor driving food insecurity around the world.”¹³⁸

Introduction

The right to food is defined as 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 ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear.”¹³⁹ As such, the right to food and the concept of food security are built on four dimensions: availability, access, utilization, and sustainability.¹⁴⁰ The availability dimension means that food has to exist in the first place; food has to be cultivated, harvested, produced, and/or sold.¹⁴¹ Accessibility refers to everyone being able to access and afford food without prejudice to their health or social status.¹⁴² Adequacy implies that food is fit for human consumption and fulfills their nutritional needs.¹⁴³ The final dimension, sustainability, ensures the stability of availability, access and adequacy of food for future generations.¹⁴⁴

According to the *Global Report on Food Crises 2023*, 258 million people in 58 countries or regions faced acute food insecurity, or were in need of urgent food assistance in 2022.¹⁴⁵ Acute food insecurity is defined as, “food insecurity found in a specified area at a specific point in time and of a severity that threatens lives or livelihoods, or both, regardless of the causes, context or duration.”¹⁴⁶ Food insecurity is to be separated from acute hunger, which is recognized as food deprivation over a definable period causing discomfort or pain.¹⁴⁷ Conflict and insecurity are the second leading cause of hunger and food insecurity after economic shock, affecting 117.1 million people in 19 countries.¹⁴⁸ As global economic concerns worsen, both hunger and violence impacts on all levels of the food systems are likely to expand, exacerbating these trends.¹⁴⁹ Therefore, the impact of wars, armed conflicts, and other forms of violence on food security is increasingly coming to the forefront, as addressed by the United Nations (UN) Secretary-General in his statement of 23 May 2023.¹⁵⁰ In this context, the right to food provides the legal framework for the achievement of food security and nutrition for all.¹⁵¹

Food systems include, “all actors and activities involved in the production, storage, aggregation, transport, processing, distribution, marketing, disposal and consumption of food”, and are highly affected by both systemic and personal violence.¹⁵² The UN Special Rapporteur on the right to food addresses the distinct forms of violence in the food systems and each of their manifestations in order to realize the right to

¹³⁸ UN, Secretary-General. “Secretary-General’s remarks to the Security Council - on the Protection of Civilians in Armed Conflict”. 2023.

¹³⁹ United Nations, Committee on World Food Security. *About the right to food and human rights*.

¹⁴⁰ United Nations, Committee on World Food Security. *OHCHR and the right to food*.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ FSIN and Global Network Against Food Crises. *Global Report on Food Crises*. 2023. p. 7.

¹⁴⁶ Food and Agriculture Organization of the United Nations, et. al. *The State of Food Security and Nutrition in the World (SOFI)*. 2023. p. 200.

¹⁴⁷ Welthungerhilfe. *Hunger: Facts and Figures*.

¹⁴⁸ FSIN and Global Network Against Food Crises. *Global Report on Food Crises*. 2023. p. 8.

¹⁴⁹ United Nations, World Food Programme, et. al. *Hunger Hotspots*. 2023. p. VII.

¹⁵⁰ UN, Secretary-General. *Secretary-General’s remarks to the Security Council - on the Protection of Civilians in Armed Conflict*. 2023.

¹⁵¹ UN, High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security. *Food security and nutrition building a global narrative towards 2030*. 2020. p. XV.

¹⁵² UN, Human Rights Special Procedures. *Violence and food systems*. 2022. p. 1.

food.¹⁵³ Furthermore, it focuses on different manifestations of systemic violence that disproportionately affect certain population groups, such as the impact of sexual and gender-based violence on women or LGBTQ people.¹⁵⁴

International and Regional Framework

Within the UN system, the right to food is addressed in several international documents and treaties.¹⁵⁵ The *Universal Declaration of Human Rights* (1948) includes the right to food indirectly in art. 25 on the right to healthy adequate living standards.¹⁵⁶ The right to adequate food and the right to be free from hunger is explicitly guaranteed in the legally binding *International Covenant on Economic, Social and Cultural Rights* (ICESCR) of 1976.¹⁵⁷ State parties to ICESCR, “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food [...] [and] the fundamental right of everyone to be free from hunger”, as well as the need of the actions and measures to be taken to achieve this.¹⁵⁸ The Committee on Economic, Social and Cultural Rights (CESCR) further elaborated on the right to food in its *General Comment No. 12* in 1999, in which CESCR develops the understanding of the right to food further and outlines the responsibilities and commitments of State parties in regard to the prosecution of this right.¹⁵⁹

The *Fourth Geneva Convention* (1949) provides the framework for the protection of human rights in armed conflicts.¹⁶⁰ The Convention addresses therefore the need to ensure adequate food and nutrition for all and in art. 23 it guarantees the free passage of essential food provisions in armed conflicts, while art. 89 secures an adequate daily ration of food and sufficient water for internees.¹⁶¹ The *Additional Protocols of a 1977 to the Geneva Conventions* explicitly include, that the “starvation of civilians as a method of warfare is prohibited” as well as attacking, destroying, removing or rendering food, agricultural land used for food production, crops, livestock, drinking water facilities and supplies, and irrigation works.¹⁶²

In 1996 the Member States adopted the *Rome Declaration and the World Food Summit Plan of Action*, affirming that “a peaceful, stable and enabling political, social and economic environment” is a prerequisite for states to prioritize the right to food.¹⁶³ The Declaration addresses poverty, conflict, terrorism, corruption, and environmental degradation as major contributors to food insecurity and included seven commitments to promote food security and nutrition, including non-violence and peaceful means of conflict prevention and resolution.¹⁶⁴ In 2024, both the Food and Agriculture Organization (FAO) and the Committee on World Food Security (CFS) will celebrate the 20th anniversary of the adoption of the *Voluntary Guidelines on the Right to Food*, which refer to the realization of this right in national

¹⁵³ United Nations, Human Rights Council. *Conflict and the right to food: Report of the Special Rapporteur on the right to food. Michael Fakhri (A/HRC/52/40)*. 2022. p. 2.

¹⁵⁴ United Nations, Human Rights Council. *Conflict and the right to food: Report of the Special Rapporteur on the right to food. Michael Fakhri (A/HRC/52/40)*. 2022. p. 11.

¹⁵⁵ United Nations, Committee on World Food Security. *International Standards: Special Rapporteur on the right to food*.

¹⁵⁶ United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948. p. 7.

¹⁵⁷ United Nations, General Assembly. *International Covenant of on Economic, Social and Cultural Rights*. 1976. p. 4.

¹⁵⁸ Ibid.

¹⁵⁹ United Nations, Committee on Economic, Social, and Cultural Rights. *General Comment 12 (E/C.12/1999/5)*. 1999. p. 5.

¹⁶⁰ *Geneva Convention relative to the Protection of Civilian Persons in Time of War*. 1949. p. 170.

¹⁶¹ Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts. *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 4)*. 1977.

¹⁶² *Geneva Convention relative to the Protection of Civilian Persons in Time of War*. 1949. p. 198.

¹⁶³ Food and Agriculture Organization of the United Nations. *Report of the World Food Summit*. 1996. p. 1.

¹⁶⁴ Ibid.

strategies.¹⁶⁵ The Guidelines focus on the design, implementation, and monitoring of the right to food and address not only Member States but all relevant stakeholders, such as civil societies, and contribute by recommending policy guidelines on related issues, such as legislation and market or providing education.¹⁶⁶

Food security and nutrition are also addressed in the resolution *2030 Agenda for Sustainable Development* and its “Sustainable Development Goals” (SDGs), adopted by the General Assembly in resolution 70/1 (2015) and is especially outlined in SDG 2 (zero hunger).¹⁶⁷ In addition, food security in the context of conflict and violence is included in SDG 16 (peace, justice and strong institutions), which stands for the achievement of global peace and eliminating all dimensions and levels of violence.¹⁶⁸

Specific forms of violence in the food systems, such as gender-based violence are further included in agreements of international law, such as the *Beijing Declaration and Platform for Action* or the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), which ensure the enjoyment and access to food regardless of gender.¹⁶⁹ Moreover, the disproportionate impact of conflict on women and girls, affecting all aspects of their lives, has been addressed several times by the Security Council.¹⁷⁰ For example, resolutions 1325 and 2493 of the Security Council aim to develop and adopt a gender-sensitive approach to conflict and provide for women's equal participation in all phases of peace processes.¹⁷¹

Role of the International System

The Human Rights Council fully recognizes the right to food as a human right.¹⁷² Furthermore, it reinforces the importance of the right to food in the context of violence and conflict, considering this to be one of the most pressing issues, given the high number of human rights violations in armed conflict zones.¹⁷³ The Council addresses the implementation of the right to food in several ways, including the establishment of special procedures to protect it.¹⁷⁴ In 2000, the Human Rights Council's predecessor, the Commission on Human Rights, established the mandate of a Special Rapporteur on the right to food.¹⁷⁵

The Special Rapporteur carries out his mandate in different ways, including the preparation of annual informing reports to the Human Rights Council and the General Assembly, country visits to specific situations relating to the right to food, and constant communication and dialogue with Member States and other relevant actors.¹⁷⁶ In his latest report *Conflict and the right to food: Report of the Special Rapporteur on the right to food, Michael Fakhri (2022)*, the Special Rapporteur addressed the distinct forms of violence and human rights violations in the food systems and proposed solutions to addressing these at a

¹⁶⁵ Food and Agriculture Organization of the United Nations. *The Right to food*.

¹⁶⁶ Food and Agriculture Organization of the United Nations. *Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security*. 2004.

¹⁶⁷ UN, General Assembly. *Transforming Our World: the 2030 Agenda for Sustainable Development (A/RES/70/1)*. 2015. p. 14.

¹⁶⁸ United Nations, General Assembly. *Transforming Our World: the 2030 Agenda for Sustainable Development (A/RES/70/1)*. 2015. p. 14.

¹⁶⁹ United Nations, OHCHR. *The Right to Adequate Food*. 2010. p. 14

¹⁷⁰ United Nations Entity for Gender Equality and the Empowerment of Women. *Security Council Resolutions on Women, Peace and Security*. p. 1.

¹⁷¹ United Nations Entity for Gender Equality and the Empowerment of Women. *Security Council Resolutions on Women, Peace and Security*. p. 1.

¹⁷² United Nations, Committee on World Food Security. *Special Rapporteur on the right to food*.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

national, regional and international level.¹⁷⁷ In regard to armed conflicts, he urged Member States to not allow any form of starvation and recognize, that regardless of the role in conflict, starving is a violation of human rights.¹⁷⁸ Furthermore, he suggested following the guidance of the Right to Food Guidelines and implementing its policies.¹⁷⁹

The global realization of the right to food stands at the center of the CFS's mandate since its reformation in 2009 that reflected the key role of global governance for food security in implementing the right to food.¹⁸⁰ CFS works together with other intergovernmental organizations to make food accessible to all and aims to provide an international platform for dialogue between Member States and other relevant stakeholders.¹⁸¹ To further address the right to food CFS established the *Framework for Action for Food Security and Nutrition in Protracted Crises* (CFS-FFA) in the context of the Right to Food Guidelines, which aims to strengthen the protection of human rights and provide guidance for crisis-prevention and recovery of the food systems.¹⁸² The Secretariat of CFS is funded jointly by Rome-based agencies, such as FAO, the International Fund for Agricultural Development (IFAD) and the World Food Programme (WFP).¹⁸³

As a specialized agency of the UN dedicated to achieving food security and nutrition for all, FAO has provided technical guidance and tools to support Member States in integrating the right to food into their national strategies.¹⁸⁴ FAO addresses the integration of the right to food into principles, such as participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law through a human rights-based approach.¹⁸⁵ Within FAO, the Right to Food Team assists all relevant stakeholders in the implementation of the Right to Food Guidelines by providing them with different methods and instruments to realize the right to adequate food as a fundamental human right.¹⁸⁶

Alongside FAO, IFAD was established to act as a global development and financing initiative to step up the fight against hunger and poverty in rural areas, particularly in developing countries.¹⁸⁷ In the context of the right to food, IFAD focuses on the availability dimension through food production and agricultural development, especially in fragile countries facing various forms of violence, such as gender inequality or the impact of climate change on food systems.¹⁸⁸ In 2021 IFAD implemented 207 programs or projects, 49% of which directly benefited women and 22% improving young people's life.¹⁸⁹ IFAD launched an enhanced program, titled *Adapting to Smallholder Agriculture*, which aims to create the resilience of rural populations to climate change, with a particular focus on targeting the most marginalized and vulnerable women, men, youth and indigenous communities and the process of food production.¹⁹⁰

Food insecurity is further addressed by international humanitarian organizations, like the WFP.¹⁹¹ WFP was established in 1961 to achieve the eradication of hunger and deliver humanitarian food assistance in

¹⁷⁷ United Nations, Human Rights Council. *Conflict and the right to food: Report of the Special Rapporteur on the right to food. Michael Fakhri (A/HRC/52/40)*. 2022. p. 2.

¹⁷⁸ United Nations, Human Rights Council. *Conflict and the right to food: Report of the Special Rapporteur on the right to food. Michael Fakhri (A/HRC/52/40)*. 2022. p. 19.

¹⁷⁹ Ibid.

¹⁸⁰ United Nations, Committee on World Food Security. *Making a difference in food security and nutrition*.

¹⁸¹ Ibid.

¹⁸² Food and Agriculture Organization. *Framework for Action for Food Security and Nutrition in Protracted Crises*.

¹⁸³ United Nations, World Food Programme. *Rome-based agencies*.

¹⁸⁴ Food and Agriculture Organization of the United Nations. *About FAO*.

¹⁸⁵ Food and Agriculture Organization of the United Nations. *FAO's role in the fulfilment of the Right to Food*.

¹⁸⁶ Food and Agriculture Organization of the United Nations. *Right to Food*.

¹⁸⁷ International Fund for Agriculture and Development. *Vision*. n.d.

¹⁸⁸ Ibid.

¹⁸⁹ International Fund for Agriculture and Development. *IFAD Annual Report*. 2021. p. 11.

¹⁹⁰ Ibid. p. 41.

¹⁹¹ United Nations, World Food Programme. *Mission*.

response to needs.¹⁹² It plays a huge role in emergency relief, development assistance and special operations, as more than 60 % of its work takes place in conflict-affected countries.¹⁹³ WFP practically implements the right to food in areas directly affected by conflict and violence, by delivering food and strengthening the “resilience of people and communities affected by protracted crises”, for example by setting up nutrition programs for school children or breastfeeding women.¹⁹⁴ In addition, civil society organizations, including humanitarian and development aid initiatives, contribute greatly to the realization of the right to food by providing expertise, engaging and collaborating with relevant stakeholders, such as Member States, CFS, or WFP, and promoting shared responsibility of joint work.¹⁹⁵

Addressing violence in food systems

Violence and conflicts are the leading causes of acute hunger in the world.¹⁹⁶ The Special Rapporteur on the right to food considers violence in the context of food as the outcome of an unbalanced relationship between two parties in which one party dominates, demeans, or exploits the other, affecting the right to food, for example through unfair working conditions in food systems.¹⁹⁷ Violence can be personal, targeting one person specifically, or systemic, affecting the whole food system.¹⁹⁸ Systemic violence hinders people’s “access to the necessities of life: land, seeds, water, fair and stable markets and dignified work” and appears in different forms, such as discrimination, bodily harm, or assault against a person’s physical and mental integrity, including in erasure and ecological violence.¹⁹⁹ Violence in food systems therefore encompass all aspects of food systems at every level.²⁰⁰ This encompasses those who face unsafe working conditions in farms, factories, or in kitchens.²⁰¹ The spread of industrial food production, which has led to the spread of monocultural food production, can be considered violent as it has had disastrous effects on crop diversity.²⁰² People continue to fight for and defend land territory used for the production of food, and armed conflicts lead to a rise of hunger and increased famine.²⁰³ The Special Rapporteur on the Right to Food has provided recommendations to addressing violence in food systems, however, these recommendations can be hard to implement and achieve.²⁰⁴

In particular, armed conflict, is both cause and consequence of food insecurity, exacerbating inequalities based on different factors such as gender or income, and affecting the most vulnerable people the most.²⁰⁵ Conflicts can cause the loss to adequate food, which forces people to leave their homes or seek refuge in communities where they can reestablish this access.²⁰⁶ Member States are recommended to analyze armed conflicts in the context of food security, in order to ensure the right to food despite

¹⁹² United Nations, World Food Programme. *Mission*.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ Khadka, S. R. *The role of civil society in accelerating global actions for a world free of poverty through partnerships*. 2018. p. 2.

¹⁹⁶ United Nations, Committee on World Food Security. *Reducing inequalities for food security and nutrition*. 2023. p. 86.

¹⁹⁷ United Nations, Committee on World Food Security. *Call for input: Violence and the right to food*. 2023.

¹⁹⁸ United Nations, Human Rights Council. *Conflict and the right to food: Report of the Special Rapporteur on the right to food. Michael Fakhri (A/HRC/52/40)*. 2022. p. 3.

¹⁹⁹ Ibid.

²⁰⁰ Office of the United Nations High Commissioner for Human Rights. *Violence and Food Systems*. n.d.

²⁰¹ Ibid.

²⁰² Ibid.

²⁰³ Ibid.

²⁰⁴ Ibid.

²⁰⁵ United Nations, Committee on World Food Security. *Reducing inequalities for food security and nutrition*. 2023. p. 86.

²⁰⁶ FSIN and Global Network Against Food Crises. *Global Report on Food Crises*. 2023. p. 150.

conflicts.²⁰⁷ Member States are also recommended to follow the guidance of CFS-FFA and the Right to Food Guidelines, however, these can be difficult to implement.²⁰⁸

Inequality or discrimination in food systems, another form of violence within food systems, is mainly caused by denying or hindering people's access to food or the means and entitlements to obtain it.²⁰⁹ In order to address this form of violence in the food system, the Special Rapporteur recommends Member States “devote their national food pathways to ensuring substantive equality for all people of ability” without regard to someone’s socioeconomic class, legal status, age, gender, race other discriminatory categories.²¹⁰ The Human Rights Council works together closely with the Special Rapporteur and the Security Council addressing different types of human rights violations and urges Member States to implement the right to food into their national strategies following the policy recommendations of CFS.²¹¹ But following those recommendations will need national strategies to be devised and implemented, so that violence within food systems can be tackled holistically.²¹² It also often begins with Member States recognizing the right to food.²¹³

Land rights are necessary for the realization of the right to food for all, as their lack “lead to conflict and environmental degradation when competing users fight for control of these resources.”²¹⁴ This is another form of violence in food systems, and are products of structural inequalities.²¹⁵ To prevent exploitation, dispossession and occupation of land in food systems, and the rights of Indigenous People, the right to self-determination must be protected through international commitments.²¹⁶

Gender-Based Violence and Food Insecurity

Sexual and gender-based violence in the context of food manifests itself as part of discrimination, as well as bodily harm or assault against a person’s physical and mental integrity.²¹⁷ Gender-Based Violence (GBV) includes sexual, physical, mental, and economic harm targeting people based on their gender.²¹⁸ Violence against women is the most common form of GBV.²¹⁹ As a result, women are denied social, economic, civil and political rights and power, making them profoundly vulnerable to the impact of food insecurity.²²⁰

Women make up 36% of the global agricultural workforce in food systems.²²¹ Yet as a result of discrimination, they have limited right and ownership to land and livestock while having lower income and holding lower positions than men.²²² Women are often the target of violence, especially during armed

²⁰⁷ United Nations, Human Rights Council. *Conflict and the right to food: Report of the Special Rapporteur on the right to food. Michael Fakhri (A/HRC/52/40)*. 2022. p. 19.

²⁰⁸ Ibid.

²⁰⁹ FSIN and Global Network Against Food Crises. *Global Report on Food Crises*. 2023. p. 150.

²¹⁰ United Nations, Human Rights Council. *Conflict and the right to food: Report of the Special Rapporteur on the right to food. Michael Fakhri (A/HRC/52/40)*. 2022. p. 19.

²¹¹ Ibid.

²¹² Ibid.

²¹³ Kimmerling, et. al. *Addressing Food Crises in Violent Conflicts*. 2021.

²¹⁴ United Nations, Human Rights Council. *Conflict and the right to food: Report of the Special Rapporteur on the right to food. Michael Fakhri (A/HRC/52/40)*. 2022. p. 15.

²¹⁵ Ibid. p. 18.

²¹⁶ Ibid. p. 20.

²¹⁷ United Nations, Committee on World Food Security. *The Right to Adequate Food*. 2010. p. 14.

²¹⁸ United Nations High Commissioner for Refugees. *Gender-Based Violence*.

²¹⁹ United Nations, United Nations Entity for Gender Equality and the Empowerment of Women. *Ending violence against women*.

²²⁰ United Nations, Committee on World Food Security. *The Right to Adequate Food*. 2010. p. 14.

²²¹ Food and Agriculture Organization of the United Nations. *The status of women in agrifood systems*. 2023. p. xxvi.

²²² Food and Agriculture Organization of the United Nations. *Women in agriculture*.

conflicts, and are often left out of conflict prevention, resolution efforts, and agricultural development.²²³ Furthermore, women are especially at risk of harassment at work, job loss during economic instability, and domestic abuse when they are unable to provide adequately for their families.²²⁴

In his latest report, the Special Rapporteur addressed GBV in the context of the right to food.²²⁵ He highlighted the need for the enforcement of the zero-tolerance policy for sexual harassment as well as the implementation of the *International Labour Organization Right of Association (Agriculture) Convention, 1921 (No. 11)*, which establishes union membership and protects agricultural workers from sexual and gender-based violence and harassment as solutions.²²⁶ He further proposes the full implementation of CEDAW which ensures women equal access to work, land, credit, income and social security and provides incorporating them in decision-making processes within food systems.²²⁷ The protection of women's rights, the equitable distribution of natural resources and the elimination of gender inequalities strengthens the food systems.²²⁸ These protections can then empower women to make decisions related to their nutrition, which can impact the well-being of their families, which often leads to intergenerational repercussions to the right to food.²²⁹

Gender-based violence also affects the LGBTQ+ community, despite that fact there is currently no formal recognition of the LGBTQ+ community and their identities in international law.²³⁰ Additionally, LGBTQ+ communities lack explicit representation in human rights frameworks.²³¹ This community faces discrimination and can be denied access to food, based on discrimination.²³² These measures not only lead to food insecurity and human rights violations, but also lead to exclusion, abuse, stigmatization or arrest.²³³ In the context of food security, the human rights protections of LGBTQ+ people need to be strengthened in order to reach global food security and nutrition for all.²³⁴

The Human Rights Council addresses gender inequalities, and supports the inclusion of women in agricultural development, conflict prevention, and resolution efforts.²³⁵ The Council aims to better understand and manage gender-based constraints and works together closely with other international organizations, such as the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the Security Council, on mainstreaming a gender perspective in food security programs.²³⁶

²²³ Human Rights Watch. *Women and Armed Conflict*.

²²⁴ United Nations, Human Rights Council. *Conflict and the right to food: Report of the Special Rapporteur on the right to food. Michael Fakhri (A/HRC/52/40)*. 2022. p. 11.

²²⁵ Ibid. p. 12.

²²⁶ Ibid. p. 12.

²²⁷ UN, General Assembly. *Convention on the Elimination of All Forms of Discrimination against Women*. 1979. p. 5.

²²⁸ United Nations, Human Rights Council. *Conflict and the right to food: Report of the Special Rapporteur on the right to food. Michael Fakhri (A/HRC/52/40)*. 2022. p. 11.

²²⁹ Ibid.

²³⁰ Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts. *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 4)*. 1977.

²³¹ United Nations, Department of Public Information. *Fight Racism: LGBTQI+*. n.d.

²³² United Nations, Human Rights Council. *Conflict and the right to food: Report of the Special Rapporteur on the right to food. Michael Fakhri (A/HRC/52/40)*. 2022. p. 9.

²³³ Ibid. p. 9.

²³⁴ United Nations, Department of Public Information. *Fight Racism: LGBTQI+*. n.d.

²³⁵ United Nations, Security Council. *Women, Peace and Security (S/RES/1325)*. 2000. p. 3.

²³⁶ United Nations, United Nations Entity for Gender Equality and the Empowerment of Women. *Human Rights Council*. n.d.

Conclusion

The right to food provides the human rights framework for the realization of food security and nutrition, through the four dimensions of: availability, accessibility, adequacy and sustainability.²³⁷ The Human Rights Council works closely with other UN entities, such as CFS and FAO, alongside humanitarian aid organizations and civil society, on the implementation of the right to food.²³⁸ To address distinct forms of violence and conflict in the food systems, Member States are encouraged to follow the guidance of the Right to Food Guidelines and CFS-FFA and develop national strategies, which aim to strengthen human rights, reduce inequalities, and support crisis prevention and the recovery of food systems.²³⁹ To achieve the full realization of the right to food and ensure food security and nutrition for all, gender inequalities in food, especially those affecting women and LGBTQ+ communities, should also be reduced, and their rights and participation in agricultural development should be protected.²⁴⁰ Without ensuring the right to food, the world cannot guarantee the right to adequate life, and this is fundamental and vital for the international community.²⁴¹

Further Research

By further researching and understanding this topic delegates might consider the following questions: How can Member States implement the right to food effectively? How can Member States eliminate different types of violence from the food systems? In what ways can national strategies and plans be developed to eliminate various aspects of violence within food systems? How do these instances of violence affect different population groups, such as women, etc.? How do these acts of violence affect the economic impact of food?

Annotated Bibliography

United Nations, Human Rights Council. *Conflict and the right to food: Report of the Special Rapporteur on the right to food. Michael Fakhri (A/HRC/52/40)*. 2022. Retrieved 22 July 2023 from: <https://www.undocs.org/en/A/HRC/52/40>

This document is the most recent report of Michael Fakhri, the Special Rapporteur on the right to food, addressing the topic of conflict and the right to food. Fakhri focuses on four specific forms of violence (discrimination and inequality, bodily harm or assault against a person's physical and mental integrity, ecological violence and erasure) and makes recommendations to the Member States on how to eliminate these at all levels of the food systems. Delegates can use this information to get an overview of the current problems and issues caused by conflict and violence in ensuring the right to food for all and read specific proposal of the Special Rapporteur on solving them.

United Nations, Office of the High Commissioner for Human Rights. *About the mandate: Special Rapporteur on the right to food*. Retrieved 22 July 2023 from: <https://www.ohchr.org/en/special-procedures/sr-food/about-mandate>

This "About the mandate: Special Rapporteur on the right to food" website helps to understand the role of the Special Rapporteur and his mandate in ensuring food security worldwide. Delegates will find this resource useful to read about the Special Rapporteur's responsibilities and scope of his mandate. This source further provides an overview of published resolutions on the right to food.

²³⁷ United Nations, Committee on World Food Security. *OHCHR and the right to food*.

²³⁸ United Nations, Committee on World Food Security. *Special Rapporteur on the right to food*.

²³⁹ Food and Agriculture Organization of the United Nations. *Framework for Action for Food Security and Nutrition in Protracted Crises*.

²⁴⁰ United Nations, Department of Public Information. *Fight Racism: LGBTQI+*. n.d.

²⁴¹ United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948. p. 7.

United Nations, Office of the High Commissioner for Human Rights. *International Standards: Special Rapporteur on the right to food*. n.d. Retrieved 22 July 2023 from: <https://www.ohchr.org/en/special-procedures/sr-food/international-standards>

This website provides an overview of the international and regional legal framework on the right to food. It lists the most important articles of international and regional agreements, treaties and covenants ranging from the international human rights level in general to the regional level for vulnerable groups most affected by food insecurity. Delegates can utilize this information to get familiar with international standards and principles regarding the right to food in accordance with international humanitarian law.

United Nations, Office of the High Commissioner for Human Rights. *The Right to Adequate Food*. 2010. Retrieved 22 July 2023 from:

<https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>

This document, published in 2010 by FAO not only defines the right to food and its essential elements, but the obligations of Member States to ensure this right as well. This information will help delegates to better understand what the right to food means and how it affects different groups. Further, delegates get an insight into the responsibilities of the Member States and other relevant stakeholders, as well as the effective implementation of the right to food at an international, regional and national level.

United Nations, Food and Agriculture Organization. *The status of women in agrifood systems*. 2023. Retrieved 22 July 2023 from: <https://www.fao.org/3/cc5343en/cc5343en.pdf>

This latest report, published by the FAO in 2023, is extremely important as it addresses gender gaps in food systems, with a special focus on the situation of women. Gender-based violence in the context of food security is most often directed against women, who face many restrictions and forms of discrimination and harassment. This report makes concrete suggestions on how to involve women in agricultural development, conflict prevention and resolution efforts, and how to mainstream gender equality in the context of food security.

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