Introduction

In realizing its commitment to Colombian society to promote, monitor, follow up and demand the fulfillment of Economic, Social and Cultural Rights (ESCR), the Colombian Platform for Human Rights, Democracy and Development (PCDHDD, Plataforma Colombiana de Derechos Humanos, Democracia y Desarrollo) has, in the past few years, expressed deep concern about the current situation of the Right to Food (RTF) in Colombia.

PCDHDD and other collaborating organizations², with the support of FIAN International and Welthungerhilfe, have made a significant effort in providing a comprehensive analysis of the aforementioned situation using a methodology devised by the two supporting organizations³ which is based on the Right to Food Voluntary Guidelines (VG)⁴. It should be noted that these Guidelines constitute the most significant advance on global level in terms of establishing a basic blueprint to be utilized by the States in order to properly fulfill their obligations under the RTF.

The report “HUNGER AND VIOLATIONS OF THE RIGHT TO FOOD IN COLOMBIA. Second Report on the Situation of the Right to Food in Colombia” is the result of this joint effort. It is based on extensive information of various sources, apart from that generated by State bodies: press, human rights organizations, experts in the discussed topics and highly renowned academic institutions.

Prior to briefly presenting some of the most relevant conclusions regarding the analyzed VG⁵, it should be stressed that the report holds the view that the food issue should be perceived as a process (“food process”) rather than as the final step by which human beings satisfy their nutritional needs. Accordingly, during the elaboration of national, regional and local studies on the levels of fulfillment of the RTF, some aspects should be more thoroughly examined, such as: the production, transformation, generation and application of knowledge, cultural and social structuring around the food process and its relation with the environment.

The report also highlights the importance of ensuring that Food Sovereignty, Autonomy and Security cease to be mere formal concepts to

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² For instance, the Observatory for Food and Nutritional Security (Observatorio de Seguridad Alimentaria y Nutricional); Comisión Interfranciscana; and FUNDAEXPRESIÓN; as well as experts of the Center for Popular Research and Education (CINEP, Centro de Investigación y Educación Popular).
⁵ The document “HUNGER AND VIOLATIONS OF THE RIGHT TO FOOD IN COLOMBIA. Second Report on the Situation of the Right to Food in Colombia” analyzes 12 of the 19 VG: “Democracy, good governance, human rights and the rule of law” (Guideline 1); “Strategies” (G 3); “Market systems” (G 4); “Stakeholders” (G 6); “Access to resources and assets” (G 8); “Food safety and consumer protection” (G 9); “Nutrition” (G 10); “Education and awareness raising” (G 11); “Support for vulnerable groups” (G 13); “Natural and human-made disasters” (G 16); and, “Monitoring, indicators and benchmarks” (G 17). There is no separate chapter on the guideline “Legal framework” (G 7), as its content has been discussed throughout the report.
become principles of social struggle and, more importantly, even **standards to assess the social realization of the RTF**. For this purpose, the international community interested in the RTF issue must recognize that this right cannot be regarded as fully realized as long as these standards of social realization are not met with regard to the monitored populations.

**Democracy, good governance, human rights and the rule of law**

For many years, Colombian men and women have suffered the effects of an armed conflict which has a political, social and economic character. This conflict has had an extremely negative impact on the effective realization of their human rights, particularly of their ESCR. Among the latter, the RTF is undoubtedly one of the most often and severely violated rights.

The State of Colombia ratified the International Covenant on Economic, Social and Cultural Rights in 1968 and has also signed several conventions, agreements and declarations on food issues and the RTF. It has also incorporated related articles into its Constitution.

However, very little progress has been made in terms of bringing about the structural, economic and policy changes necessary so that society and the State can guarantee both the full realization of the RTF and access to justice to ensure the justiciability of this right for its holders.

On that note, with the exception of a few judicial decisions regarding issues such as the preservation of natural resources, the payment of maintenance for children, food protection for prisoners and support for internally displaced persons, Colombia still lacks a broad, explicit and unambiguous normative framework with regard to the obligations to respect, protect and fulfil the RTF which must be assumed by State entities, private individuals, national and foreign economic interests as well as by society at large.

**Strategies**

The lack of genuine commitment by the State of Colombia towards the RTF results in the absence of a public policy consistent with the protection of this right. To a large extent, the problem lies in the unwillingness of the State to recognize that the country is experiencing a real food crisis, which not only leads to outrageous hunger rates (see “Nutrition”), but also to vulnerability and lack of protection for the rural sector which produces food.

The current Food and Nutritional Security Policy 2006-2015 (PSAN, *Política de Seguridad Alimentaria y Nutricional 2006-2015*) is far from being coherent with a human rights perspective, even if human rights are mentioned in its discursive structure. For instance, this policy does not include the obligations of the State nor the judicial mechanisms to which citizens should have access in the event that the State violates the RTF or fails to protect rights holders against abuses by third parties. Furthermore, as the report demonstrates, the PSAN has been torpedoed by the State itself insofar as the legal and budgetary framework necessary to properly implement the policy has been prevented from being established.

Accordingly, the programs and initiatives promoted by the State mostly involve short term welfare measures which are extremely specific (which is contrary to the universality of the right to food) and irregular. They do not set up participatory mechanisms for rights holders or spaces for citizen supervision either. Moreover, the real impacts of such initiatives on their beneficiaries and on society at large are to a great extent unknown.

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6 To learn more about this issue, see Chapter I, “Food process and standards of social realization of the RTF” (“Proceso alimentario y escalas de realización social del DA”), of the mentioned report.

7 Article 44: Food is a basic right of children; articles 64 and 65: The State must protect the domestic production and marketing of food crops.


Market systems

In recent times, the market - and in more general terms, the mechanisms for domestic transactions of foods - have been structured in Colombia in a way that limits the production and exchange possibilities of rural families. The access to food of both the rural and urban population is also constrained.

After the economic liberalization of the beginning of the 1990s, which represented the imposition of the neoliberal model and the collapse of a large part of the country’s rural sector, the most recent governmental development plans10 initiated and consolidated a strategy known as “The social management of land” (“El manejo social del campo”). This strategy promotes regionally focused, export-oriented production chains, the consolidation of regional competition agreements, rural entrepreneurial projects and the expansion and recovery of lands to cultivate certain products regarded as economically relevant.

Overall, this initiative aims to strengthen the competitiveness of the country and some of its regions in the global market, particularly with regard to a small number of items and products which constitute the so-called “apuesta agroexportadora”11, that is the Government’s strategy to promote the export of some agricultural products.

The described measures have resulted in the lack of protection affecting the traditional rural sector which does not come within the strategy, and thereby in a greater dependency on imports for basic foods (see Table No. 1).

<table>
<thead>
<tr>
<th>FOOD</th>
<th>SOURCE</th>
<th>YEAR</th>
<th>Variation 1980 → 2006 (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corn</td>
<td>Production</td>
<td>1980</td>
<td>853.560</td>
</tr>
<tr>
<td></td>
<td>Import</td>
<td>1990</td>
<td>192.640</td>
</tr>
<tr>
<td>Wheat</td>
<td>Production</td>
<td>1980</td>
<td>45.690</td>
</tr>
<tr>
<td></td>
<td>Import</td>
<td>1990</td>
<td>639.832</td>
</tr>
<tr>
<td>Legumes</td>
<td>Production</td>
<td>1980</td>
<td>133.700</td>
</tr>
<tr>
<td></td>
<td>Import</td>
<td>1990</td>
<td>41.548</td>
</tr>
</tbody>
</table>

On top of that, some governmental measures prohibited, apparently due to reasons of “public health”, the commercialization, distribution and use of some of the low cost/high nutritional value products which played a central role in the basic diet of lower-income Colombian men and women. Moreover, the production of such foodstuffs was a source of work and income for many people. Some examples are the prohibition on raw milk13 (not controlled by the large pasteurization

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11 The products encompassed by this strategy are: oil palm, cacao, rubber, macadamia, cashew, pitahaya, mango, lime, feijoa (also known as pineapple guava or guavasteen), avocado, cape gooseberry (physalis), pineapple, passion fruit, naranjilla, blackberry, sweet granadilla, tamarillo (tree tomato), chili, asparagus, shallot, broccoli, cauliflower, some types of lettuce, artichoke, forest products, tobacco, cotton, red potato, beef, dairy products, farmed shrimp, tilapia fish, special coffee beans, flowers, sugar, banana, baby banana and other types of banana, and agrofuels. See: Ministry of Agriculture and Rural Development (Ministerio de Agricultura y Desarrollo Rural). “Apuesta Exportadora Agropecuaria 2006 – 2020”. Bogotá. 2006. Available in Spanish at: http://www.corpoica.org.co/SitioWeb/Archivos/Publicaciones/APUESTAEXPORTADORA.pdf

12 Table based on data from: FAO. FAOSTAT. http://faostat.fao.org/ [Date of consultation: 17/III/2009]

13 Decree 2838/2006 of the Ministry of Social Protection (Ministerio de Protección Social)
companies who have the monopoly over milk), foods derived from the coca leaf\textsuperscript{14} and chicken reared for meat\textsuperscript{15}.

As can be seen, the State discourages food production for domestic consumption (which is usually carried out by small-scale peasants), while it promotes a rural policy to the benefit of the large export agribusiness companies.

**Stakeholders**

Apart from governmental bodies, which are directly in charge of designing food, rural and agricultural production policies, further stakeholders regarding the RTF in Colombia are: urban populations, rural populations (including peasant, indigenous and Afro-Colombian communities), social organizations (including peasant, indigenous, Afro-Colombian, labour and consumers organizations, among others), national and international social organizations and NGOs dedicated to defending human rights, academic circles, international organizations with specific focuses (such as the Red Cross, UNHCR, PAHO-WHO, FAO and UNPD, among others) and State institutions, such as the Office of the Ombudsman and the Attorney-General’s Office.

Nevertheless, the coordination between these groups and entities to devise a joint strategy in favour of the RTF is very weak, partly due to the lack of State commitment to human rights and, in particular, to the RTF.

In addition to the absence of such spaces of coordination, the State of Colombia also lacks official mechanisms to disseminate information about the decision-making processes planned for adoption with regard to the food issue. Furthermore, it does not have the political will to develop and launch real democratic consultation mechanisms related to the design, implementation and monitoring of public policies regarding the RTF. As a consequence, the voices, interests, claims, knowledge, expert testimonies and proposals of interested social organizations or sectors are not being taken into account. Moreover, there is no real and effective participatory mechanism in place for organizations - which in any case are not even encouraged to participate or become involved in the process.

In addition, there are no deliberation mechanisms concerning laws which, in some way or other, could affect the RTF or the access to tools and/or resources necessary to implement it. In the particular case of laws, decrees and other rules regarding the food issue, these are usually imposed and not agreed by consensus. They are also mostly based on information biased in the direction Government $\rightarrow$ segment of civil society (that which has access to electronic media or to the official or private channels closely related to the State, to publications of Congress, etc.), thereby making a debate based on the suggestions and observations in the direction civil society $\rightarrow$ Government impossible.

**Access to resources and assets**

One of the State obligations under the RTF is to ensure that food producers have an adequate access to the resources necessary to carry out their economic activities. Among these resources are land, work, water, genetic resources, technical assistance, training, financing, health and infrastructure.

The report analyzes the access of the rural population to four resources which are fundamental for their sustainability as food producers: income, land, credit and genetic resources.

With regard to the concentration of income, Colombia shows extremely high levels of inequality: with 0.58, it has the second highest GINI coefficient of the region (only surpassed by Bolivia)\textsuperscript{16}. This means that the richest 20% of the population concentrates 62.7% of the national income.

\textsuperscript{14} Internal Circular of 29/1/2007 of the National Institute for Drug and Food Surveillance (INVIMA, Instituto Nacional de Vigilancia de Medicamentos y Alimentos).

\textsuperscript{15} Resolution 957/2008 of the Colombian Agriculture and Livestock Institute (ICA, Instituto Colombiano Agropecuario) and Decree 4287/2007 of the Ministry of Social Protection.

while the poorest 20% receives barely 2.5% of it\textsuperscript{17}. Obviously, this inequitable distribution of income entails that a great part of the Colombian population does not have adequate access to assets and services to enjoy a decent life.

Furthermore, the GINI coefficient of land concentration is 0.85\textsuperscript{18}, meaning that Colombia is also in this respect one of the most unequal countries in the world. The situation is so severe that only 0.06% of land holders own 53.5% of the rural area\textsuperscript{19}. Such a high concentration of land ownership negatively affects the opportunities of production of the small-scale rural economy, the access to productive assets such as land, tenure of property titles, as well as their capacity to resist the expropriating capacities of large landowners, transnational corporations and organized crime. All of this has negative impacts on the preservation of the country’s food sovereignty.

With concerns to the access of credit, it is widely known that the credit policies intended for the rural sector are prioritized for those sectors favoured by the aforementioned strategy “apuesta agroexportadora” of the current administration. Consequently, small-scale food producers have little chance of having access to credit benefits and, if they are given credit, it is at the expense of putting their scarce resources at risk. In addition, the recent scandal regarding the “Programa Agro Ingreso Seguro”, an agricultural subsidy program, publicly revealed that millions in credits were allocated to political supporters of the current President and the former Minister of Agriculture, to wealthy business families, and to bankers and criminals, in order to promote production schemes alien to the food needs of the country.

Moreover, the State of Colombia does not view the access, use and ownership of resources and knowledge as an inalienable right of the country and/or the communities to which they belong; it rather addresses this issue from an extractive, profit-oriented perspective. Accordingly, the country’s natural resources, including genetic ones, are targets of a quick process of grabbing, commercialization, traffic and lack of protection by the State.

Likewise, the State of Colombia has been reluctant to adopt effective measures to control the use, sowing, sale and marketing of genetically modified products. Through its laws\textsuperscript{20}, it has also facilitated the penetration of transnational corporations into the sector and the use of genetically modified seeds and products.

In short, the situation described shows how the traditional population that is responsible for the domestic production of food faces increasing obstacles to gain access to and autonomous control of the resources necessary for their productive activity, which is directly linked with the country’s availability of food.

### Food safety and consumer protection

Even though Colombia has a broad normative framework for the protection of food consumers, its legal and institutional implementation through the National Institute for Drug and Food Surveillance (INVIMA, Instituto Nacional de Vigilancia de Medicamentos y Alimentos) is deficient and even permissive towards threats such as the importation and consumption of genetically modified foods.

It should be stressed that a large part of the measures described in the report aim to regulate the production and marketing of food products according to market rules, rather than to protect consumers as holders of the RTF who deserve an adequate food.

\textsuperscript{17} Ibid., p. 284.
\textsuperscript{19} IGAC and CORPOICA. Zonificación de los conflictos de uso de las tierras en Colombia. Bogotá. 2002.
\textsuperscript{20} As for example resolutions 464 and 465 (2007), which allowed the cultivation of three types of genetically modified corn (produced and commercialized by the transnational corporations Monsanto and Dupont) in the departments of Tolima, Huila, Córdoba and Sucre.
The State of Colombia adopted the Codex Alimentarius (Decree 977) in 1998, which obliges authorities to provide better monitoring of the nutritional quality, safety and origin of foodstuffs. Nevertheless, consumers are not given guarantees regarding the veracity of the information provided by the media, the powerful advertising industry, economic groups or large industries who usually promote products (very often their products) whose nutritional quality or appropriateness is doubtful, or which, in the dynamic of consumerism, do not meet the condition of cultural adequacy which is an essential element of the RTF.

Nutrition

The nutritional situation of the Colombian population is extremely discouraging. The last national and regional study showed that at least 41% of Colombian households are affected by food insecurity\(^{21}\). This figure is even higher in rural areas, with 58.3%.

The conditions of women and children are also concerning: 45% of women of child-bearing age and 33% of children aged under five are anaemic. Among the latter age group, at least 21% of children suffer some type of malnutrition.

The figures regarding hidden hunger (micronutrient deficiency) are even more alarming, as can be seen from Table No. 2.

As expected, vulnerable populations are more severely affected by hunger and malnutrition. For instance, 51.9% of the households of internally displaced persons suffer food insecurity. The latter figure rises to 67.4%\(^{23}\) among displaced persons of indigenous origin.

The described situation is not only detrimental to the quality of life and to the developmental potential of the affected individuals; it also results in alarming mortality rates. Recent studies show that between 15,000 and 40,000 persons die every year in Colombia due to the direct or indirect consequences of hunger\(^{24}\).

Between 1996 and 2005, the rates of hunger increased by 2.3% in Colombia, a tendency which is opposite to that of Latin America as a whole, where hunger decreased by 12.5% during that period\(^{25}\).

It is worth pointing out that, despite this evidence, the State of Colombia refuses to admit that it is experiencing a food crisis and to adopt the necessary structural measures and public policies to achieve the full realization of the RTF for the millions affected.

Education and awareness raising

The State of Colombia has not adopted a specific policy to promote, train and raise awareness on

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\(^{22}\) Table based on data from ICBF: op cit No. 21.


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### Table No. 2. Hidden hunger in Colombia as per cent of total population, year 2005\(^{22}\).

<table>
<thead>
<tr>
<th>TYPE OF DEFICIENCY</th>
<th>Year 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vitamin A</td>
<td>32</td>
</tr>
<tr>
<td>Vitamin C</td>
<td>22.6</td>
</tr>
<tr>
<td>Zinc</td>
<td>62.3</td>
</tr>
<tr>
<td>Calcium</td>
<td>85.8</td>
</tr>
</tbody>
</table>
Economic, Social and Cultural Rights; with the exception of particular efforts being made by the Office of the Ombudsman to update and contextualise laws, no progress has been achieved in the promotion of the RTF.

This is not only an obstacle to the understanding of rights by civil society, but also to the incorporation of knowledge and responsibilities of those who, as public officials, must watch over their fulfilment.

In addition, most of the resources earmarked for technical training do not reach small-scale producers; they are instead channelled into those initiatives that fit into the “apuesta agroexportadora”, characterised by the high concentration of resources and by repeating the patterns of poverty in the rural areas of Colombia.

Support for vulnerable groups

Vulnerable groups in Colombia are victims of a wide range of human rights violations, even though the State, according to article 13 of the Constitution, must especially protect those individuals who are “in obviously vulnerable circumstances”.

As presented in the report, indigenous, Afro-Colombian, ethnic and displaced communities are not only subjected to increasing restrictions to their right to food, but are also affected by the impacts of the armed conflict, grabbing of their lands and neglect by the State.

The problem with the most negative impact on the food situation of these communities concerns the access to, use of and control over land and its resources, many of which are related to food processes that characterize and identify them as distinct groups.

Nevertheless, the State of Colombia has refused to devise strategies to protect and promote the rights of these communities. The little progress made has been due to rulings of the Constitutional Court, which the competent State authorities have not always obeyed with the due promptness and responsibility. The severe circumstances suffered by the displaced population and the repeated appeals of the Court urging the State to fulfil its obligations after the passing of Sentence T 025 of 2004, are just an example in this respect.

Natural and human-made disasters

The State of Colombia has improved its organizational and reaction capacities regarding natural tragedies and emergencies. Among the measures planned by the Government are not only prevention and risk management actions at local and regional level; they also include food assistance for disasters relief. From 2004 to 2008, the percentage of funds directed to food assistance in the context of disaster relief programs ranged between 11.5% and 27.9% of the total financial assistance provided to the affected population by the National Calamity Fund (Fondo Nacional de Calamidades).

Unfortunately, there is currently no action strategy in place to address human-made emergencies, many of which have been provoked by the State itself. Some cases in which the State played the main role in triggering human-made emergencies or disasters include the food blockades, the lack of protection for the displaced population and the violations of the rights to land, territories and resources of rural communities.

Monitoring, indicators and benchmarks

The State of Colombia lacks reliable and specific goals, indicators and systems to monitor the levels of realization of the RTF.

In a State which has no public policy that is consistent with the RTF, the absence of the above-mentioned indicators and mechanisms is just a further sign of the lack of commitment of the State towards the right of all Colombian men and women to be free from hunger.

With regard to the monitoring of the nutritional situation of the Colombian population, it is essential to mention the progressive, though not

flawless, role of the Colombian Institute for Family Welfare (ICBF, Instituto Colombiano de Bienestar Familiar) and its National Survey on the Nutritional Situation in Colombia 2005 (ENSIN, Encuesta Nacional de la Situación Nutricional en Colombia). This survey, which will be repeated in 2010, has become an important benchmark when it comes to assessing the nutritional reality of the country. It is hoped that its results, once finalized, will be spread quickly and escape possible manipulations by the instances of power who do not wish the severity of the food and nutritional crisis to be exposed and disseminated through media.

Final conclusion on the pertinence of the report

It is extremely important to carry out analysis such as the one presented in the report with the methodological and research support of collaborating or co-participating organizations so that the holders of the right to food can monitor its levels of implementation, alert the authorities about deficiencies in the public policy and also suggest substantial changes when such policy is regarded as totally inconsistent with a human rights perspective.

This research effort will be repeated in the years to come, increasing both the number of voluntary guidelines to be analyzed as well as that of collaborating organizations and experts.