

Ensuring the Human Right to Food Through *A Food Policy for Canada*

Submissions to the Government of Canada

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Summary of Recommendations:

- **state in unequivocal terms that everyone living in Canada enjoys the human right to food**
- **take a rights-based approach by including robust avenues for participation of affected communities in the design, implementation and evaluation of any activities that flow from the policy**
- **outline specific benchmarks towards ensuring the full realization of the right to food for all living in Canada and identify programs and steps to achieve them**
- **implement robust monitoring and accountability measures involving participatory processes**
- **outline clear steps to be taken towards adopting national right to food legislation which would enshrine the right to food in law**

I. Introduction

Canada is one the largest food producers and wealthiest countries in the world, yet four million people living in Canada (12.7% of households), among them 1.15 million children, have trouble meeting their food needs.¹ This problem is far worse in northern and remote communities, where, in Nunavut, for example, two thirds of children are food insecure, meaning they lack consistent physical and economic access to sufficient, safe and nutritious food to meet their dietary needs.² Food insecurity takes a substantial toll on physical and mental health, engendering significant costs to the health care system.³

Food is a human right, and we all have the right to feed ourselves, our families and our communities in dignity. The federal government has a legal obligation to ensure the full realization of the right to food for all those living in Canada. As was indicated by former United Nations Special Rapporteur on the Right to Food, Olivier de Schutter, during his 2012 mission to Canada, we have the capacity to ensure domestic access to nutritious and culturally desirable food for all and achieve zero hunger.⁴ What we

¹ PROOF, *Monitoring Food Insecurity in Canada Fact Sheet* (2016).

² *Ibid.*

³ Statistics Canada, *Household Food Insecurity, 2011-2012* (2012), available at <http://www.statcan.gc.ca/pub/82-625-x/2013001/article/11889-eng.htm> (noting that “Recognized as an important public health issue in Canada, household food insecurity has been associated with a range of poor physical and mental health outcomes, for example, self-assessed poor/fair health, multiple chronic conditions, distress, and depression.”); PROOF, *The Impact of Food Insecurity on Health Fact Sheet* (2016); Olivier De Schutter, UN Special Rapporteur on the Right to Food, *The Right to an Adequate Diet: The Agriculture-Food-Health Nexus*, UN Doc. A/HRC/19/59 (2011). Research suggests that exposure to “severe food insecurity leaves an indelible mark on children’s wellbeing, manifesting in greater risks for conditions like asthma, depression, and suicidal ideation in adolescence and early adulthood.” PROOF, *Children in Food Insecure Households Fact Sheet* (2016).

⁴ Olivier De Schutter, UN Special Rapporteur on the Right to Food, *Visit To Canada from 6 to 16 May 2012, End of Mission Statement* (May 16, 2012); Olivier De Schutter, UN Special Rapporteur on the Right to Food, *Mission to Canada*, UN Doc. A/HRC/22/50/Add.1 (Dec. 24, 2012) [*hereinafter* “De Schutter, *Mission to Canada*”].

need is political commitment and the right laws, policies and institutions to make it happen. Olivier De Schutter's top recommendation was for Canada to adopt a right to food strategy, including a policy and legal framework, that would assist Canada in meeting its human rights obligations to ensure the full realization of the right to adequate food for everyone living in Canada.⁵ The Special Rapporteur's recommendations were subsequently endorsed by the United Nations Committee on Economic, Social and Cultural Rights at its 2016 review of Canada. The Committee expressed concern about continued malnutrition in Canada. While welcoming the information that Canada provided about the development of a national food policy, the Committee recommended "that the State party ensure the Food Policy is human rights-based and is developed in close collaboration with provinces, territories and indigenous peoples as well as in consultation with civil society organizations."⁶

Canada's new food policy provides an important opportunity to demonstrate this government's commitment to its human rights obligations. Hunger, food insecurity and malnutrition are not inevitable. And Canada has the means to ensure the right to food. Civil society organizations, experts and parliamentary committees in Canada have been urging the adoption of rights-based strategies to ensure the realization of rights to food, housing and freedom from poverty for many years.⁷ The national food policy provides an opportunity for the current government to demonstrate Canada's commitments to human rights and to meeting its international obligations. Now is the time for Canada to adopt a national food policy that upholds the right to food for all.

In this submission, we begin in Part II with a discussion of scope and content of the right to food. In Part III, we outline Canada's legal obligations towards the right to food, including the international legal instruments Canada's has ratified. Part IV provides details on what a right to food policy should include, relying on authoritative legal interpretations of Canada's domestic human rights obligations. Finally, Part V offers a number of concrete recommendations for the national food policy.

II. The Right to Food

The right to food is "the right to feed oneself in dignity".⁸ Recognized in the Universal Declaration of Human Rights, and numerous other international legal instruments, it is realized "when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement."⁹ The right to food is not the right to be fed and it is not

⁵ De Schutter, *Mission to Canada*, *supra* note 4.

⁶ CESCR Concluding Observations on Canada, UN Doc. E/C.12/CAN/CO/6 (2016), at para. 48.

⁷ See for example, the [HUMA Report](#) from May 2017 reporting on recommendations "that the national poverty reduction strategy be grounded in human rights, stipulating that it make explicit reference to Canada's international human rights obligations, and that a human rights lens be applied to the strategy's elements"; the [HUMA Report](#) (November 2010) recommending that an action plan on poverty "incorporate a human rights framework"; the [In from the Margins report](#) by the Standing Senate Committee on Social Affairs, Science and Technology, in which the Committee recommended "that the federal government explicitly cite international obligations ratified by Canada in any new federal legislation or legislative amendments relevant to poverty, housing and homelessness" (at p. 79); and the recent [What We Heard report](#) on consultations regarding a proposed federal housing strategy, noting the desire for "a human rights-based lens supported by appropriate legislation, policy and accountability mechanisms."

⁸ UN Office of the High Commissioner for Human Rights, [The Right to Adequate Food: Fact Sheet No. 34](#) (2010), at pp. 3-4.

⁹ UN Comm. on Econ., Social and Cultural Rights, *General Comment No. 12: The Right to Adequate Food*, UN Doc. E/C.12/1999/5 (May 12, 1999), at para. 6 [hereinafter "*General Comment No. 12*"]. See also G.A. Res. 217 (III) A, art. 25

about ensuring a “minimum package of calories, proteins and other specific nutrients.”¹⁰ Instead, the right to food is about “provid[ing] an enabling environment in which people can use their full potential to produce or procure adequate food for themselves and their families”,¹¹ and ensuring access at all times to “culturally acceptable food that is produced and consumed sustainably, preserving access to food for future generations.”¹²

In order to ensure an enabling environment for a person to meet their own needs, through their own efforts and resources, she or he “must live in conditions that allow him or her either to produce food or to buy it. To produce his or her own food, a person needs land, seeds, water and other resources, and to buy it, one needs money and access to the market.”¹³

To create this enabling environment, the right to food places three obligations on states. The first two obligations seek to ensure that individuals and families live in conditions that allow them to meet their own food needs. The obligation to *respect* requires states themselves “not to take any measures that result in preventing ... access” to adequate food.¹⁴ This could involve ensuring government programs, legislation and international agreements do not interfere with the availability of food or peoples’ access to adequate food, including country foods for Indigenous peoples. The obligation to *protect* requires “measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food”.¹⁵ This obligation could be met by regulating industry to ensure it complies with human rights norms and environmental standards.

The third obligation, the obligation to *fulfill*, has two components. First, where, despite the enabling environment, people cannot meet their food needs, the obligation to *fulfill* requires that the state take steps to provide access to food or to the means of procurement directly.¹⁶ Second, the obligation to *fulfill* requires the state to “proactively engage in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security”.¹⁷ Efforts towards meeting the obligation to *fulfill* could include the adoption of human rights-based social protection measures that cover costs associated with an adequate standard of living and the purchase of healthy, sustainable and culturally appropriate food. They may also include emergency food service provisions or agricultural extension services geared at sustainable farming practices. In these ways, the right to food requires the state to take action aimed at eliminating reliance on charity-based approaches to address food insecurity, such as food banks.

Universal Declaration of Human Rights (Dec. 10, 1948); International Covenant on Economic, Social and Cultural Rights, ¶ 2, Dec. 16, 1966, 993 U.N.T.S. 3, at art. 11 [hereinafter “ICESCR”]; Convention on the Rights of the Child, art. 24, Nov. 20, 1989, 1577 U.N.T.S. 3 [hereinafter “CRC”]; Convention on the Elimination of All Forms of Discrimination against Women, art. 12, Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter “CEDAW”]; Convention on the Rights of Persons with Disabilities, art. 28, Dec. 13, 2006, 2515 U.N.T.S. [hereinafter “CRPD”].

¹⁰ *Ibid.*

¹¹ UN Office of the High Commissioner for Human Rights, *supra* note 8, at pp. 3-4.

¹² Olivier De Schutter, UN Special Rapporteur on the Right to Food, *The Transformative Potential of the Right to Food*, UN Doc. A/HRC/25/57, at para. 2.

¹³ UN Office of the High Commissioner for Human Rights, *supra* note 8, at pp. 3-4.

¹⁴ *Ibid.*

¹⁵ *General Comment No. 12*, *supra* note 9, at para. 15.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

In meeting the obligations to *respect, protect* and *fulfill* the right to food, states are required to focus particular attention on marginalized groups, including through the creation of special programs aimed at their realization of the right to food.¹⁸

The right to food also places a number of procedural requirements on the state in relation to policy-making. These are nicely summarized by the UN Food and Agricultural Organization's "PANTHER framework", which says that all policy-making should ensure: Participation, Accountability, Non-discrimination, Transparency, Human dignity, Empowerment and the Rule of law.¹⁹ Key among these requirements is an ongoing requirement to engage all those individuals and groups that will be affected by policies, programs and legislative frameworks in the drafting, implementation, review and revising of policies, programs and legislation.

States are not required to ensure full realization of the right to food at once. The right to food is to be progressively realized.²⁰ This means that states are required to continually try to do better: to reduce/prevent food insecurity, to ensure better health outcomes and to increase the sustainability of the food system etc. However, progressive realization is not an excuse for inaction. International law stipulates that a state should "use all the resources at its disposal in an effort to satisfy, as a matter of priority ... minimum obligations"²¹ including ensuring freedom from hunger.²²

Finally, the right to food has extraterritorial dimensions. It places obligations on the Canada to *respect, protect* and *fulfill* human rights extraterritorially through international cooperation and assistance as well as through regulating state conduct and the conduct of Canadian third parties, including corporations registered in Canada, when they act abroad.²³

III. Canada's Legal Recognition of the Right to Food

Canada has made commitments towards ensuring the full realization of the right to food for all those living in Canada. In 1976 Canada ratified the *International Covenant on Economic, Social and Cultural Rights*, which enshrines 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".²⁴

In addition, Canada has ratified numerous other international legal instruments which enshrine the right to food for particular segments of the population, including the *Convention on the Elimination of Discrimination Against Women*, *Convention on the Rights of the Child*, and the *Convention on the*

¹⁸ *Ibid.* at para. 28.

¹⁹ UN FAO The Right to Food Unit, *Guide to Conducting a Right to Food Assessment* (FAO The Right to Food Unit, 2009), at Box 2.1.

²⁰ *General Comment No. 12, supra* note 9, at para. 6.

²¹ *Ibid.* at para. 17.

²² *Ibid.* at paras. 14 and 17.

²³ *Ibid.* at paras. 36-37. For more on Canada's extraterritorial obligations see: Maastricht Principles on the Extraterritorial Obligations of States in the Area of Economic, Social, and Cultural Rights (2012).

²⁴ ICESCR, *supra* note 9, at art. 11.

Rights of Persons with Disabilities.²⁵ These treaties place binding obligations on the government to respect, protect and fulfil the right to food.

Canada has acknowledged its obligation to ensure the full realization of the right to food in *Canada's Action Plan for Food Security (1998): In Response to the World Food Summit Plan of Action*.²⁶ Canada also acknowledged its obligations when it joined the consensus adoption of the Food and Agriculture Organization of the United Nations (FAO) *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*.²⁷ Furthermore, the *Voluntary Guidelines* were unanimously adopted by all member states of the FAO Council, including Canada. They provide detailed guidelines on national implementation of the right to food, including what should be included in a national right to food strategy/policy. The CFS will be conducting an audit of national implementation of the *Voluntary Guidelines* at its 45th session in fall 2018. All countries, including Canada, will be assessed as part of this process and Canada's record – which currently shows no efforts at national implementation of the right to food or the *Voluntary Guidelines* – will be placed before the CFS for public scrutiny.

Canada has also committed itself to adopting a national plan for the realization of the 2030 Agenda for Sustainable Development. Goal 2 affirms a commitment to: “End hunger, achieve food security and improved nutrition and promote sustainable agriculture.”²⁸ Canada is committed to a number of targets with respect to this goal, which can only be ensured through rights-based approaches to addressing hunger.²⁹

Despite all these clear commitments and steps taken to define the scope and content of the right to food, Canada has yet to adopt any policy or legislative document including the right food.

²⁵ CRC, *supra* note 9; CEDAW, *supra* note 9; CRPD, *supra* note 9.

²⁶ Government of Canada, *Canada's Action Plan for Food Security (1998): In Response to the World Food Summit Plan of Action* (1998), at p. 6.

²⁷ U.N. Food & Agric. Org., *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* (2004) [hereinafter “*Voluntary Guidelines*”]. For more on the process of negotiating the *Voluntary Guidelines* and their purpose, see Jean Ziegler, Special Rapporteur on the Right to Food, *Economic, Social and Cultural Rights: The Right to Food*, U.N. Doc. E/CN.4/2005/47 (Jan. 24, 2005), at paras. 27-33.

²⁸ See <https://sustainabledevelopment.un.org/sdg2>.

²⁹ These targets, include but are not limited to: “2.1 By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round; 2.2 By 2030, end all forms of malnutrition ...; 2.3 By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment; 2.4 By 2030, ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters and that progressively improve land and soil quality; 2.5 By 2020, maintain the genetic diversity of seeds, cultivated plants and farmed and domesticated animals and their related wild species ...”. *Ibid.*

IV. Right to Food Strategies and Policies

Human rights law clearly provides that states should adopt national strategies, policies and framework legislation to ensure the right to food.³⁰ Many countries have adopted new laws and policies as part of a comprehensive approach to ensuring the progressive realization of the right to food for all living in their territories.³¹

National food policies that integrate the right to food or take a rights-based approach:³²

- recognize that adequate and sustainable access to nutritious and culturally acceptable food is a human right
- recognize that individuals are rights holders, not beneficiaries of discretionary policy
- recognize that the realization of the right to food is an obligation of the state
- create programs, developed through participatory processes, geared at the realization of the right to food, including programs geared at marginalized communities, sustainable food production and instituting living wages
- identify which government body is responsible for which programs and outcomes
- ensure adequate budgeting and the allocation of resources
- seek coordination and coherence across different governmental bodies
- commit to conducting right to food assessments of other legal frameworks
- include independent accountability mechanisms for state actions and omissions including introducing monitoring procedures to assess the implementation of right to food policies
- provide for complaint procedures and effective remedies for rights holders
- avoid policies and actions that contribute to violations of the right to food
- apply principles of participation, transparency, and non-discrimination to the formulation of policies, regulations and laws
- recognize that all human rights are indivisible, interdependent, and interrelated; and
- create avenues for participatory policy making in an ongoing basis

³⁰ *General Comment No. 12*, *supra* note 9, at para. 15. The *Voluntary Guidelines*, which Canada helped to negotiate and unanimously approve, also detail the importance of policy frameworks in national implementation of the right to food.

³¹ Nadia Lambek & Priscilla Claeys, *Institutionalizing a Fully Realized Right to Food: Progress, Limitations, and Lessons Learned from Emerging Alternative Policy Models*, (2016) 40 Vermont LR 743; Nadia Lambek, FIAN Int'l, *10 Years of the Right to Adequate Food Guidelines: Progress, Obstacles and the Way Ahead* (2014); Margret Vidar et al., U.N. Food. & Agric. Org., *Legal Developments in the Progressive Realization of the Right to Adequate Food* (2014); Lidija Knuth & Margret Vidar, U.N. Food. & Agric. Org., *Constitutional and Legal Protection of the Right to Food Around the World* (2011); Olivier De Schutter, U.N. Special Rapporteur on the Right to Food, *From Charity to Entitlement: Implementing the Right to Food* (2012); Olivier De Schutter, U.N. Special Rapporteur on the Right to Food, *A Rights Revolution: Implementing the Right to Food in Latin America and the Caribbean* (2012); Olivier De Schutter, Special Rapporteur on the Right to Food, *Interim Rep. of the Special Rapporteur on the Right to Food*, U.N. Doc. A/68/288 (Aug. 7, 2013).

³² See generally *General Comment No. 12*, *supra* note 9; *Voluntary Guidelines*, *supra* note 27; Olivier De Schutter, *The Transformative Potential of the Right to Food*, UN Doc. A/HRC/25/57 (2014); Olivier De Schutter, *Building Resilience: A Human Rights Framework for World Food and Nutrition Security*, UN Doc. A/HRC/9/23 (2008).

V. A National Food Policy for Canada: Recommendations

Canada has yet to acknowledge the right to food in any legislation or give any domestic legal authority to the right to food in Canada. The occasion of Canada's first national food policy is a perfect time to do so. In this section, we outline key elements that should be included in Canada first national food policy. In outlining these recommendations, we also wish to echo the broader set of recommendations made by Olivier De Schutter in his 2012 report to the UN Human Rights Counsel.³³ A list of these recommendations can be found in Appendix A.

First, the national food policy should state in unequivocal terms that everyone living in Canada enjoys the human right to food. It should also detail that the Federal Government has obligations towards those living in Canada to ensure accessible, available, adequate and sustainably produced food for all as well as a responsibility to work collaboratively with provinces and territories to comply with shared human rights obligations.

Second, the national food policy should take a rights-based approach by including robust avenues for participation of affected communities in the design, implementation and evaluation of any activities that flow from the policy. The policy should also include a commitment to transparency, independent accountability and non-discrimination, as well as recognize the interdependence and universality of all human rights, and ensure rights-holders access to effective remedies.

Third, the national food policy should outline specific benchmarks towards ensuring the full realization of the right to food for all living in Canada. The policy should then list programs and steps aimed at achieving those benchmarks, including detailing which governmental body will have responsibility over which steps and addressing how federal budgets will allocate sufficient resources to achieve all aims and fund programs contained in the policy. The steps and programs to be implemented should include but should not be limited to the following:

- An ongoing national review of Canada's legal and policy frameworks that govern the food system. The aim of the assessment should be to ensure the frameworks: (a) contribute to the realization of the right to food and include rights-based principles, (b) provide for access to justice and effective remedies for non-compliance, and (c) work towards policy coherence and cooperation between different levels of government and across the governance of different segments of the food system (including supply/production matters, food processing/distribution/marketing/waste and access issues such as food insecurity/income insecurity/poverty).³⁴ The policy should also provide provisions for recommending necessary changes to legal and policy frameworks that arise from the review.
- A review of Canada's international trade and investment agreements to ensure that they are fully coherent with and support public programs that enhance respect for human rights, including the right to food, both within Canada and abroad.

³³ De Schutter, *Mission to Canada*, *supra* 4, at pp. 20-21.

³⁴ The assessment should address the governance of all aspects of the food system, including the production, processing, distribution, marketing and consumption of safe food. It should also address health, education, employment and social protection. *General Comment No. 12*, *supra* note 9, at para. 25.

- Steps to ensure adequate and comprehensive national data is collected on food insecurity, for example by making the food insecurity section of the Canadian Community Health Survey mandatory.
- Benchmarks with clear goals and timelines for reduction and elimination of hunger and malnutrition.

Fourth, robust monitoring and accountability measures should be put in place to ensure all programs and aims of the national food policy are properly monitored, evaluated and assessed on a regular basis. These monitoring and accountability measures should be implemented through participatory processes.

Fifth, the policy should include clear steps to be taken towards adopting national right to food legislation. This legislation would enshrine in law the right to food, detail corresponding obligations of the federal government and create a complaint mechanisms for individuals and communities to address right to food violations. It would also include provisions for effective remedies, at least to systemic violations of the right to food.³⁵

VI. Conclusion

Ensuring the right to food in the national food policy will take Canada in an important direction towards ensuring an adequate standard of living and a life with dignity for so many living in Canada. It will move us away from a reliance on charity as a means for addressing food insecurity, and instead establish that in Canada access to adequate, available, accessible and sustainably produced food is a human right inextricably linked to the right to life, dignity, personal security and equality. It will signal Canada's commitment not only to ensure that no one is food insecure, but that the government takes seriously its obligations to ensuring the human right to food for all.

The drafting of a national food policy is an important moment for Canada to become a world leader in upholding the right to food. It is also a momentous opportunity to improve the lives of over four million people living in Canada who face food insecurity, to build a more sustainable food system, and to ensure the right to food for all individuals, families and communities in Canada, today in the future.

³⁵ General Comment No. 12, which is considered a legally authoritative interpretation of the ICESCR, details that states should “consider the adoption of a framework law [enshrining the right to food into national law] as a major instrument in the implementation of the national strategy.” *General Comment No. 12, supra* note 9, at para. 29.

Appendix A:

Recommendations from Olivier De Schutter, UN Special Rapporteur on the Right to Food, Mission to Canada, UN Doc. A/HRC/22/50/Add.1 (Dec. 24, 2012).

the availability, accessibility and adequacy (including cultural appropriateness) of food as well as non-discrimination.⁶⁰

IX. Conclusions and recommendations

69. By recognizing access to sufficient and adequate food as a legal entitlement, the right to food provides an important tool for combating hunger and malnutrition. It protects the rights of people to live with dignity and ensures that all have either the resources required to produce enough food for themselves or a purchasing power sufficient to procure food from the market. It imposes obligations on the State, requiring that individuals and communities have access to recourse mechanisms when these obligations are not met. The right to food also requires that States identify the hungry and malnourished by adequate food insecurity and vulnerability mapping, and that they adopt policies that remove the obstacles to its enjoyment by each individual. Consistent with this understanding of the right to food as a human right, the Special Rapporteur offers the following recommendations:

(a) Formulate a comprehensive rights-based national food strategy clearly delineating the responsibilities of public officials at the federal, provincial/territorial, and municipal/local levels, identifying the measures to be adopted and the associated time frames, and ensuring that initiatives adopted at municipal and provincial levels, particularly for the rebuilding of local food systems, are adequately supported; as part of this strategy, create a nationally funded children and food strategy (including school-feeding food literacy and school garden programmes) to ensure that all children, at all times, have access to healthy and nutritious food; launch the process of adoption of a framework law on the right to food, for the regular updating of the Canadian food strategy;

(b) Revise social assistance levels to correspond to the costs of basic necessities required to enjoy the human right to an adequate standard of living, establishing the market basket measure (MBM) as a federal guideline for provincial and territorial social assistance schemes; revise the system of housing benefits to ensure that the poorest families are not obliged to sacrifice food in order to pay for the non-compressible and non-divisible costs of housing; re-establish a national programme with specific cash transfers for social assistance and social services that includes universal entitlements and national standards and lays down a legally enforceable right to adequate assistance for all persons in need,⁶¹ seeking inspiration from the success of the Old Age Security programme;

(c) Set the minimum wage as a living wage, as required under the International Covenant on Economic, Social and Cultural Rights and consistent with ILO Conventions No. 99 (1951) and No. 131 (1970), particularly as regards the requirement that the minimum wage should be fixed taking into consideration, inter alia, “the needs of workers and their families, taking into account the general level of

⁶⁰ Indigenous peoples cannot be discriminated against in the exercise of their rights, embodied in, inter alia, the Convention on the Elimination of All Forms of Racial Discrimination, art. 5, and the United Nations Declaration on the Rights of Indigenous Peoples, art. 2. See also Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, para. 18.

⁶¹ E/C.12/CAN/CO/4-5, para. 40.

wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups;”⁶²

(d) Accord status to those Aboriginal peoples unrecognized as such under the Indian Act in order to enable all Aboriginal peoples to have access to land and water rights to which they are entitled; encourage the federal, provincial and territorial governments to meet, in good faith, with indigenous groups to discuss arrangements to ensure access to land, natural resources, Nutrition North Canada and the right to food, among others; accept the request of the Special Rapporteur on the rights of indigenous peoples to undertake an official country visit;

(e) In the organization of marketing for agricultural products, institute limits on the allowable size of an operation established with provincial marketing boards and place caps on the value of quotas, as done in Ontario, Québec and the Maritime provinces; consider creative ways to de-capitalize the quotas in order to ensure that supply management can also benefit farmers employing non-conventional (organic) methods, such as establishing separate quotas for speciality products, creating an exemption for direct marketing, or targeting speciality markets in allocating processing; and favour the entry of new farmers;

(f) Apply human rights criteria in reporting as per the 2008 ODA Accountability Act, and human rights norms and standards in determining international cooperation priorities and implementing programmes; take steps to ensure that Canada’s international policies do not have a negative impact on the realization of the right to food.

⁶² ILO Convention No. 131 (1970), art. 3 (a).