

Mandate of the Special Rapporteur on the right to food

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the right to food pursuant to Human Rights Council resolution 22/9.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning **allegations of starvation and situations of extreme malnutrition in 15 besieged and hard-to-reach locations throughout Syria.**

According to the information received:

Approximately 400,000 people living in 15 besieged locations throughout Syria are trapped in desperate circumstances and in urgent need of emergency assistance. As the conflict continues, the plight of those already living in constant fear of deadly snipers or bombardment is now reportedly compounded by the threat of starvation, with parties on all sides of the conflict continuing to entirely or heavily restrict access to essential supplies.

With many families unable to move, and food becoming scarce, expensive, and risky to access, over 4 million Syrians living in hard to reach areas are reportedly faced with starvation and hunger that will only continue to deteriorate as winter sets in. Reports indicate that without access to food, besieged communities are enduring immense suffering with allegations suggesting that in the town of Madaya alone 23 people, including children, have starved to death since December, while many others are suffering from acute malnutrition. The 42,000 people remaining in the besieged town are at risk of further hunger and starvation once emergency food supplies run out.

While access was granted to allow supplies to be delivered to the towns of Madaya, Foah and Kefraya on 11 and 14 January, reports suggest that the United Nations and its humanitarian partners have only been able to deliver 10 per cent of all requests for UN inter-agency convoys to the 400,000 people in besieged areas, which is down 5 percent as compared to just over a year ago. Madaya last received a joint UN/SARC/ICRC convoy on 18 October 2015 and medical evacuations in December, but has been reportedly inaccessible since then despite numerous requests for access.

While I do not wish to prejudge the accuracy of these allegations, I am deeply concerned at the reported suffering of the afore-mentioned besieged populations, particularly at the reported cases of starvation and extreme malnutrition. I take this opportunity to remind your Excellency's Government that the right to food does not cease in times of conflict, indeed it becomes more crucial as a result of the acute vulnerabilities of individuals and communities.

According to the Committee on Economic, Social and Cultural Rights (CESCR) the obligation to respect existing access to adequate food requires States parties to refrain from taking any measures that result in preventing such access. 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. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including their access to land in order to ensure their food security (CESCR General Comment No. 12, para. 15). Paragraph 54 of the General Comment No. 12 also emphasizes that '[t]he denial of access to food to particular individuals or groups [...], the prevention of access to humanitarian food aid in internal conflicts or other emergency situations' constitute violations of the right to food. Article 54 of Protocol I and Article 14 of Protocol II of the Geneva Conventions note that "to use starvation as a method of warfare would be to provoke it deliberately, causing the population to suffer hunger, particularly by depriving it of its sources of food or of supplies."

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above mentioned allegations.
2. What measures has the Government taken to ensure that the affected populations receive unrestricted access to adequate and nutritious food as a matter of priority.
3. Please provide information on measures that the Government plans to take to ensure that affected populations gain access to emergency food supplies on a regular basis and that the non-recurrence of the afore-mentioned human rights violations will be guaranteed.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

I am intending to publicly express my concerns within 48 hours as I am of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Hilal Elver
Special Rapporteur on the right to food