

# LEGAL GUARANTES FOR THE HUMAN RIGHT TO HEALTHY FOOD

IBTISAM HAMEED MAJEED AL-KHAYLANI

LAW DEPARTMENT, FACULTY OF LAW AND POLITICAL SCIENCE, UNIVERSITY OF DIYALA  
EMAIL: ibtisamhameedmajeedalkhaylani@gmail.com

ASS. PROF. DR. HAIDER ABDULRAZAQ HAMEED

LAW DEPARTMENT, FACULTY OF LAW AND POLITICAL SCIENCE, UNIVERSITY OF DIYALA  
EMAIL: dr.haidarabd@uodiyala.edu.iq

## Abstract

Achieving healthy food security represents a fundamental expression of the state's commitment to human rights and a cornerstone of contemporary public policy. It transcends mere food provision to encompass human health, dignity, and the right to a clean environment and contamination-free food. This study highlights the national mechanisms that safeguard this right by examining the technical and regulatory frameworks managed by the Ministries of Environment, Health, and Agriculture. The first section addresses the technical and awareness tools used to prevent water and soil pollution, focusing on the Ministry of Environment's role in water monitoring through smart technologies such as real-time surveillance and drones, alongside environmental education initiatives targeting citizens from schools to local communities. This operates in coordination with the Ministry of Health, which oversees water source safety and issues health risk warnings. The second section emphasizes the Ministry of Agriculture's pivotal role in ensuring safe food through agricultural extension programs, pesticide regulation, and the implementation of recent laws, notably the 2024 Agricultural Land Lease Act. Challenges hindering the effectiveness of agricultural and food monitoring systems are analyzed, with proposed solutions including legislative reform, institutional integration, and the adoption of smart, unified surveillance. The study concludes that securing healthy food is not a sectoral responsibility but a comprehensive national vision requiring institutional collaboration, legislative updates, and a flexible, sustainable regulatory approach. This ensures individuals live in health and the state upholds the rule of law, at a time when the right to food is no longer a luxury but an existential necessity measuring governance quality.

## Key Terms and Concepts of the Study

Right to Healthy Food : The human right to access safe, nutritious, and uncontaminated food that ensures health and human dignity.

- 1) **Healthy Food Security** : A condition that guarantees the availability of sufficient, safe, and nutritious food for all individuals at all times, preserving their health and fundamental rights.
- 2) **Legal Guarantees** : A set of rules and legislations that ensure the protection of the right to healthy food by regulating enforcement mechanisms and accountability.
- 3) **Agricultural and Food Legislation** : Laws that regulate agricultural production, pesticide use, and food processing to ensure food safety and quality.
- 4) **Environmental Monitoring** : Mechanisms and procedures that monitor the quality of water, soil, and air to prevent food contamination and protect public health.

## INTRODUCTION

Since the existence of man on this earth, food has been the pillar of his existence, the condition of his survival, and the fuel for his growth in body, mind and spirit. It is not just a response to a physiological need, but an authentic manifestation of a supreme human value, and a basic pillar on which human dignity and the right to a decent life are built. The issue of healthy food in the modern era has become more complex and intertwined, as a result of the population explosion, climate changes, and the penetration of capital into food production and distribution chains, which imposed major legal and administrative challenges on states, requiring institutional

vigilance and tight legislation to ensure the safety of what is produced, imported and consumed, and from this perspective, this research sheds light on the legal guarantees. This research sheds light on the legal guarantees of the human right to healthy food, by analyzing the role played by the concerned authorities, primarily the Ministries of Health, Trade, Environment and Agriculture, as institutions that guard this right and sponsor its activation in practice. The research reviews the legal and regulatory frameworks that establish this right in Iraqi legislation, and discusses the challenges facing its realization, whether in terms of control of local and imported food, or in terms of environmental and agricultural awareness mechanisms, water control, and strategic planning for food security.

This scientific effort seeks to provide a comprehensive analytical reading of the concept of the right to healthy food and the legal and administrative guarantees framing it, in order to contribute to strengthening this right and safeguarding it from violation, and to consolidate a food justice worthy of human dignity, safeguarding the future and the health of the community.

### PROBLEMS OF THE STUDY

Although the right to healthy food is one of the basic rights guaranteed by international charters and national constitutions, including the Iraqi Constitution, the reality reveals a clear gap between the theoretical legal framework and the practical application of this right, in light of a clear deficiency in oversight mechanisms, overlapping powers, weak institutional coordination, lack of community awareness, and environmental and climatic challenges that affect food quality and safety.

In light of this, the study proceeds from the following question:

To what extent are the legal and administrative guarantees provided by the Iraqi legal system sufficient and effective in protecting the human right to healthy food?

The following sub-questions arise from this main question:

- What is the legal framework governing this right in Iraq?
- What is the role of the competent authorities - especially the Ministries of Health, Trade, Environment, and Agriculture - in ensuring this right?
- What are the main challenges facing the food control system?
- What are the proposed ways to enhance the effectiveness of legal guarantees to protect the right to healthy food?

### IMPORTANCE OF THE STUDY

The importance of this study stems from the fact that it addresses one of the basic rights related to human health and dignity, the right to healthy food, from a legal and administrative perspective, in light of the real challenges facing the food system in Iraq. The study contributes to shedding light on the shortcomings of legislation and control mechanisms, and provides practical proposals to enhance the effectiveness of legal guarantees, in order to support the state's efforts to protect public health and achieve sustainable food security.

Objectives of the study

- Analyze the legal framework governing the human right to healthy food in Iraqi legislation.
- Describe the role of the competent authorities - particularly the Ministries of Health, Trade, Environment and Agriculture - in protecting this right.
- Revealing the shortcomings of the legal and regulatory system related to food safety and quality.
- Highlight the environmental and administrative challenges that affect the effectiveness of guaranteeing this right.
- Propose legal and administrative mechanisms to enhance the effective protection of the human right to healthy food within a sustainable framework.

### METHODOLOGY OF THE STUDY

This study relies on the descriptive and analytical method, which is considered the most appropriate for studying legal and administrative phenomena related to preventive environmental health control, by analyzing the relevant legal and legislative texts, and comparing the administrative and control practices actually applied in Iraq with what is stipulated in the laws, such as Public Health Law No. (89) of 1981, Environmental Protection and Improvement Law No. (27) of 2009, and Consumer Protection Law No. (1) of 2010.

The study is also based on analyzing data and field reports issued by the Ministry of Health and relevant regulatory authorities to measure the effectiveness of health control in controlling food and its suitability for human consumption. The researcher relied on the content analysis method to reveal the shortcomings and flaws

in the regulatory procedures, in addition to pointing out the most prominent challenges facing these authorities, through the use of legal references, official documents, media materials, and published regulatory reports. The methodology adopted seeks to combine a theoretical framework with factual analysis in order to provide an accurate scientific conceptualization of the effectiveness of environmental health control in Iraq and its compatibility with constitutional standards and international conventions related to the human right to health and safe food.

## CHAPTER ONE

### THE CONCEPTUAL AND LEGAL FRAMEWORK OF THE HUMAN RIGHT TO HEALTHY FOODINTRODUCTION

#### INTRODUCTION

The right to healthy food is one of the most profound manifestations of human dignity, as it is no longer seen as a mere biological need, but rather as an inherent legal right linked to a dignified life and social justice. The right to healthy food is not just about quantitative sufficiency, but requires balance, safety ,quality, and cultural and religious respect.

This chapter addresses the conceptual and legal dimension of this right, starting with its definition and its components, and ending with the legislative framework that regulates it, with a focus on the Iraqi reality and its legal and institutional challenges. The human right to healthy food is a litmus test for the extent to which states are committed to protecting human beings and ensuring the conditions for their survival and dignity.

As a prelude to what follows, this chapter provides the theoretical basis for understanding healthy food as an indivisible right that intersects with other rights such as life, health, and a healthy environment.

#### Chapter One

##### The concept of healthy food and its legal dimensions

##### First: The conceptual definition of healthy food

**A healthy food is defined as :** That food that meets human needs for essential nutrients (proteins, vitamins, carbohydrates ,salts, fats) in sufficient and balanced quantities, without carrying risks to the physical or mental health of the individual, and according to the World Health Organization (WHO )<sup>(1)</sup> a healthy food is: "food that is sufficient in quantity and quality, safe from contamination, and balanced to ensure normal growth and an active and healthy life<sup>2)</sup>".

(According to the Food and Agriculture Organization of the United Nations (FAO) definition<sup>3)</sup>

---

<sup>1</sup> ( The World Health Organization (WHO) is a specialized agency of the United Nations, founded on April 7, 1948, and headquartered in Geneva, Switzerland. Its primary mission is to lead global action in public health, guide international health policy, and promote global health security.

The organization aims to achieve the highest attainable standard of health for all peoples and defines health as a state of complete physical, mental and social well-being ,not merely the absence of disease or infirmity. WHO plays a pivotal role in coordinating epidemic response, supporting national health systems, providing scientific guidance, and contributing to the development and implementation of health laws and policies.

The organization oversees several global programs and initiatives such as combating infectious diseases (such as AIDS, malaria, and COVID-19), non-communicable diseases (such as cancer and diabetes), nutrition promotion, maternal and child health, clean water, and food safety.

WHO is also the international technical authority in setting health standards, producing global statistics, publishing medical research, and working with governments, civil society and academic institutions to strengthen health structures and promote the right to health for all, including the right to healthy food as part of the right to life and human dignity.

<sup>2</sup> ( Dr. : Imam Mahmoud Al-Gamsi: Determinants of Arab Food Security, Ninth Conference of Agricultural Economists, Cairo, September.2001 ,  
Cairo, September.2001

<sup>3</sup> ( The Food and Agriculture Organization of the United Nations (FAO) is one of the oldest and most important specialized agencies of the United Nations, founded on October 16, 1945, and headquartered in Rome, Italy .Its core mission is to eradicate hunger, achieve food security, improve nutrition, and promote sustainable agricultural development globally. FAO supports member states in developing effective agricultural and food policies and strategies and provides them with accurate data and statistics on food production ,hunger and malnutrition rates, climate change challenges, and the use of natural resources. The organization also focuses on improving livelihoods in rural areas, where the majority of the food-insecure poor live and work.

One of its main roles is to:

- Assisting governments in enacting national agricultural and food policies.
- Strengthening resilience to climate change and its impact on agricultural production.
- Working to improve food quality and safety by adopting international scientific standards.
- Develop programs to combat hunger and malnutrition in cooperation with other international organizations.

" :Healthy food is that which is available, safe, nutritious, culturally acceptable, and sufficient to meet the nutritional needs of individuals ". Thus, healthy food is not only limited to providing sufficient quantities of food, but also requires safety, quality, variety, and freedom from harmful substances such as toxic pesticides, biological or chemical pollutants, as well as cultural and religious considerations related to the source of food and the way it is produced and traded.

Second: Legal Dimensions of Healthy Food

**The rights dimension :** From a legal perspective, healthy food is an integral part of the system of internationally recognized economic and social rights according to the International Covenant Convention<sup>(4)</sup> and intersects directly with the right to life, the right to an adequate standard of living, and the right to health. This legal linkage means that the state is legally and morally obligated to take measures to ensure that individuals have access to sufficient, safe and healthy food.

**The regulatory and legislative dimension (food rationing)** Ensuring healthy food requires strict national legislation that regulates:

- Production, circulation, import and export of food.
- Setting national food standards and specifications.
- Monitoring food establishments, warehouses and restaurants.
- Penalties for food adulteration or harmful trading.

These legislations are usually represented by food safety laws, consumer protection laws, public health laws, and related penal codes.

#### INSTITUTIONAL AND REGULATORY DIMENSION:

Healthy food is not achieved by simply enacting laws, but requires:

- Effective and independent regulatory bodies.
- Coordination between the ministries of health, agriculture, trade, and environment.
- An active role for civil society and the media in community oversight.
- A national-level inspection, analysis and quality control system.

III: The legal framework for healthy food in Iraq: Although there is no unified law under the name " Healthy Food Law ", the Iraqi legal framework includes several separate legislations dealing with aspects related to food safety and consumer health, including:

**.1Iraqi Public Health Law No. (89) of 1981 :** It includes articles<sup>(5)</sup> related to the suitability of food for human consumption.

---

FAO is also the custodian of the Codex Alimentarius Committee in partnership with the World Health Organization, which issues international standards for food safety and quality, making it a legal reference tool to protect the health of consumers and ensure fair trade in food products.

The organization is committed to contributing to the achievement of the Sustainable Development Goals (SDGs), particularly Goal 2: Zero Hunger, by supporting agricultural innovation, promoting equitable access to food, and improving sustainable production.

<sup>4</sup> ( International Covenant on Economic, Social and Cultural Rights (1966): It is an international agreement adopted by the United Nations in 1966 and entered into force in 1976. It aims to guarantee human rights in the areas of labor, education, health, social security, and an adequate standard of living, and obligates signatory states to take progressive steps to guarantee these rights to all individuals without discrimination. The ICCPR is part of the International Bill of Human Rights, along with the Universal Declaration and the Covenant on Civil and Political Rights.

<sup>5</sup> : ( Article 22 :Integrated and healthy food contributes to building a citizen's health and integration in physical and mental development.

The Ministry works in cooperation with the relevant authorities to achieve this goal by the following means:

First - Work on collecting information on the nutritional status of citizens and diagnosing the nutritional deficiencies they suffer from.

Second - Developing a food policy, in cooperation with other concerned ministries, for the purpose of providing quality and integrated food for all citizens.

Third - Identifying food additives that can be used and determining the rates of their addition to foodstuffs.

Fourth - Monitoring food contamination and determining the amount of legally permissible limits for various contaminants in food.

Fifth - Approving the addition of nutrients such as vitamins, minerals, proteins, amino acids and others to foods for the purpose of raising their nutritional level and determining the proportions of these additives.

Sixth - Work to guide and direct citizens in healthy nutrition.

Seventh - Work to provide nutritional care for children, pregnant women, nursing mothers and the elderly for the purpose of prevention or treatment of malnutrition.

Eighth - Technical supervision of the nutritional contents of meals served in nurseries, kindergartens, schools, laboratories, hospitals, convalescent homes, elderly care and other places determined by instructions issued by the Ministry.

Chapter Eight - Public Health Laboratories

Article 26

-The Central Public Health Laboratory shall do the following- :

First - Develop model standards for public health laboratories in the governorates of the country.

It stipulates that health authorities have the right to monitor food and the materials involved in its manufacture, and to destroy the spoiled ones.

#### CONSUMER PROTECTION LAW NO. (1) OF 2010

:It is considered one of the main legal pillars in ensuring healthy food, as it stipulates the consumer's right to obtain safe and sound food, and obliges producers and importers to provide clear and correct data on food products, and the law also stipulates penalties for violating standards or providing food that does not meet specifications.<sup>6</sup>

**.3The Central Organization for Standardization and Quality Control Law No (54) .of 1979 :** This agency is responsible for setting standards for food products and is a central authority in issuing and approving standards and specifications related to food quality and safety.

**.4Environmental and Agricultural Legislation :** Agricultural and environmental laws play an indirect role in protecting healthy food, by regulating the use of pesticides and fertilizers, and monitoring environmental pollution in food production chains.

#### FOURTH: LEGAL ISSUES IN THE IRAQI CONTEXT

Despite the existence of these texts, practice reveals real gaps in the legal and regulatory system, most notably:

- The fragmentation of competencies between different ministries and bodies, without effective coordination.
- The weakness of the modern legislative structure, as some laws are outdated and do not meet modern international standards in food safety.
- Inadequate application of deterrent penalties against those who trade, manufacture or distribute unhealthy food.
- Poor funding and technical equipment for regulatory laboratories.
- Low level of community awareness about food culture and the importance of healthy food.

Therefore, in order to effectively guarantee the human right to healthy food, Iraq must

1. Enact a unified food safety law, similar to the laws of countries that have established independent food safety authorities.
2. Strengthen institutional coordination between regulatory agencies.
3. Adopt international standards in food rationing (Codex Alimentarius)
4. Impose strict control over local markets and customs borders.

---

Second - Conducting the necessary biological, chemical and physical tests on foodstuffs ,water, beverages, medicines, pharmaceuticals, medical preparations, cosmetics and other raw materials that enter into their manufacture, as well as their preservation vessels, determined according to instructions before they are removed from customs or from the laboratory to determine their suitability for consumption or human use.

In the event that they are suitable for this, the laboratory provides the relevant owners in the social, mixed and private sectors with a health certificate that enables them to dispose of these funds, and in the event that they are not suitable for consumption or human use, they are destroyed or allowed to be re-exported to the microscope outside the country.

Third - Conducting investigations and laboratory research on imported materials produced locally to determine the extent of their impact on the health of citizens and submit reports thereon to the Ministry.

Chapter Six :Health control

Chapter One - General Health Control

Article 28: Public health laboratories are responsible for conducting periodic examinations on-

First - all food ,drink, medical and pharmaceutical preparations offered to citizens to determine their suitability for human consumption or use without harm to public health.

Second - operation halls, workers, equipment, materials, furniture and everything in these halls and their annexes.

Third - workers in the food industries and in the distribution, transportation, sale or presentation of their products in public stores to ensure that they are free of diseases or their causes.

Fourth - workers in the chemical industries to ensure their safety.

Fifth - cosmetics and pesticides to determine their suitability for use without harm to public health.

Article 35 : The competent health authority shall undertake the following-

First - monitoring imported and locally produced foods and ensuring their suitability for human consumption.

Second - monitoring food processing shops, including preparation, storage, sale and transportation of food.

<sup>6</sup> ( The Iraqi Consumer Protection Law No. (1) of 2010 is a legislation designed to protect the rights of Iraqi consumers and ensure the safety of goods and services provided to them, especially those related to their health and safety and their right to obtain correct and clear information. The law gives special importance to the issue of food safety and control, stating in Article (2) that one of its objectives is to protect consumers from fraud and misinformation and to ensure the safety of goods and their suitability for human consumption. Article (9) defines the prohibitions related to food commodities, including Displaying or selling expired items ,repackaging damaged food, hiding or changing the production and expiration date ,or introducing ingredients that are harmful to health. Article 10 stipulates penalties that include imprisonment, fines, or both for those who violate these provisions, with the possibility of confiscating or destroying unfit goods .This law is an important legislative tool to ensure the quality and safety of food in the Iraqi market.



5. Involve civil society organizations and universities in raising awareness and independent examination of food products.
6. Would you like me to continue writing the second section :The International Basis for the Human Right to Healthy Food at the same level of analysis?

## **RESEARCH II**

### **THE INTERNATIONAL BASIS OF THE HUMAN RIGHT TO FOOD IN INTERNATIONAL INSTRUMENTS**

The international recognition of the human right to food represents one of the most important transformations in the international human rights law system in the 20<sup>th</sup> century, as this right has become an integral part of universally recognized economic, social and cultural rights. This right has been enshrined through a set of basic international covenants, which obligate states to respect, protect and realize it, whether through internal legislative measures or through international cooperation.

#### **THE FIRST REQUIREMENT: THE RIGHT TO FOOD IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS**

The 1948 Universal Declaration of Human Rights<sup>(7)</sup> Article 25/1 of the Declaration states that "everyone has the right to an adequate standard of living which ensures the health and well-being of himself and his family, particularly with regard to food, housing, clothing and health care ".Although the Declaration has no legal obligation, it represents the highest moral and legal reference point on which subsequent international charters were based, and established the concept of food as a human right linked to dignity and social justice, not just a material need. From this perspective, states are required to respect and protect this right and enable individuals to access it, through a legislative and institutional system that promotes food security and ensures equitable and sustainable utilization of resources.

#### **THE SECOND REQUIREMENT: THE RIGHT TO FOOD IN THE INTERNATIONAL COVENANT ON ECONOMIC AND SOCIAL RIGHTS (1966)**

The 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) is one of the most important international legal instruments that explicitly obligated states to protect economic human rights, including the right to food. Article 11 of the Covenant fully recognizes this right, stating that everyone has the right to an adequate standard of living for himself and his family in terms of food, clothing and housing, and that States should take practical measures to improve the production and distribution of food and ensure its equitable distribution worldwide.

This article clearly shows that the right to food is not only understood as the physical availability of food, but as a comprehensive right that requires the state to intervene positively to ensure its adequacy, quality and accessibility ,including the economic, social and cultural dimension of this right. The Covenant also emphasizes that the responsibility for achieving food security does not only fall on the state internally, but extends to international obligations, especially with regard to justice in the distribution of global food resources.

To operationalize this text, the Committee on Economic, Social and Cultural Rights (CESCR) was established, which subsequently issued General Comment No (12) .of ,1999 providing a comprehensive definition of the right to food and outlining its essential elements:

- **Availability** :This means that the quantities of food should be available, diverse and sufficient for the entire population.
- **Accessibility** :Physical and economic accessibility, taking into account vulnerable groups, without discrimination.
- **Cultural Acceptability** :Respecting customs, traditions and cultural values in the quality and presentation of food.
- **Safety and Adequacy** :Food should be harmless and meet nutritional and health needs.

---

<sup>7</sup> ( **The 1948 Universal Declaration of Human Rights** :It is considered the first starting point in the international recognition of the human right to food ,because it was the first international document to recognize basic human rights comprehensively, including the right to an adequate standard of living. Article 25 of the Declaration states that everyone has the right to a standard of living that ensures the health and well-being of himself and his family ,including food, clothing, housing and medical care. This provision formed the legal and moral basis for recognizing the right to food as a human right, and paved the way for subsequent international conventions, such as the International Covenant on Economic, Social and Cultural Rights, which addressed this right in a more detailed and binding manner.

### **The third requirement: The right to food in sectoral agreements and other international conventions**

The international recognition of the human right to healthy food extends to a number of sectoral agreements and regional and international charters that addressed this right within specialized frameworks. The Convention on the Rights of the Child of 1989 (<sup>8</sup>) stipulated in its Article (24) (that states are obligated to ensure proper nutrition for children and reduce infant mortality through comprehensive health and nutrition policies, including family education).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (of 1979) also emphasized women's right to nutrition, especially during pregnancy and lactation,<sup>9</sup> which reflects a radical dimension to protect this right, and in the labor context, the International Labor Organization conventions addressed the need to provide an appropriate food and health environment for workers, especially in farms and factories that are directly related to food production or dealing with its materials.

**At the regional level**, the Arab Charter on Human Rights (2004<sup>10</sup>) Article 38 explicitly requires states to provide a decent standard of living that includes healthy food, while the African Charter and the European Charter of Social Rights refer to the close relationship between food and human dignity. This trend has also been reinforced by global initiatives such as the 1996 Rome Declaration on Food Security, which affirmed that food is a fundamental human right, and the 2030 Sustainable Development Goals, which prioritized ending hunger, achieving food security and improving nutrition, particularly in Goal 2. These agreements and initiatives show that the right to food is no longer confined to a single document, but has become a cross-cutting axis between different areas of human rights.

## **SECTION III**

### **THE RELATIONSHIP BETWEEN HEALTHY FOOD AND OTHER RIGHTS (RIGHT TO LIFE, RIGHT TO HEALTH, RIGHT TO A HEALTHY ENVIRONMENT)**

The human right to healthy food is an indivisible core of the indivisible human rights system, as it cannot be isolated from other fundamental rights to which it is organically and integrally linked. It is not only an independent right, but also a means and condition for the realization of other rights, most notably: The right to life, the right to health, and the right to a healthy environment. In this sense, ensuring healthy food is not only reflected in the standard of living, but also in the overall legal structure that addresses human dignity and the integrity of human existence.

#### **FIRST REQUIREMENT: THE RELATIONSHIP BETWEEN HEALTHY FOOD AND THE RIGHT TO LIFE**

The right to life is the first pillar on which the human rights system is based, as stipulated in Article ((3)) of the Universal Declaration of Human Rights and Article (6) of the International Covenant on Civil and Political Rights. Article (3) of the Universal Declaration of Human Rights and Article (6) of the International Covenant on Civil and Political Rights as a right that cannot be infringed under any circumstances, and "life" is not understood in the modern legal framework as mere physical survival, but includes the enjoyment of a decent, healthy and safe life.

---

<sup>8</sup> ( **The 1989 Convention on the Rights of the Child (CRC)** (is an international treaty adopted by the UN General Assembly on November 20, 1989, and entered into force on September 2, 1990. It is the first legally binding international document that recognizes all civil, political, economic, social, economic, social and cultural rights of children. It aims to protect children's rights and promote their well-being, and enshrines key principles, including non-discrimination and the best interests of the child: Non-discrimination, the best interests of the child, the right to life and development, and the right of the child to express his or her views. The Convention has been ratified by most countries around the world, making it one of the most widely accepted international treaties in the history of international law.

<sup>9</sup> ( **Article 12** :The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted by the United Nations General Assembly on December 18, 1979, and entered into force on September 1981. 3 The Convention is an "international constitution on women's rights" and aims to eliminate all forms of discrimination against women in the political, economic, social, cultural and civil spheres.

.1 States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

.2 Notwithstanding the provisions of paragraph 1 of this Article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, providing free services where appropriate, as well as adequate nutrition during pregnancy and lactation.

<sup>10</sup> ( **The Arab Charter on Human Rights** :It is a human rights document adopted by the Council of the League of Arab States at the summit level in May 2004 and entered into force on March 16, 2008 after it was ratified by a number of member states. The charter aims to promote and protect human rights and fundamental freedoms in the Arab world, in line with the principles of Islamic law and international conventions.

Thus, depriving people of food or exposing them to unfit or contaminated food is a direct violation of the right to life.

International courts (such as the European Court of Human Rights) emphasize that states have an obligation to prevent life-threatening risks, including food shortages or contamination, both in normal circumstances and during emergencies. Wrong agricultural policies or negligent food control can lead to death or serious harm, which falls within the scope of state responsibility.

#### THE SECOND REQUIREMENT: THE RELATIONSHIP BETWEEN HEALTHY FOOD AND THE RIGHT TO HEALTH

The right to health is one of the economic and social rights enshrined in Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which states:

"The right of everyone to the enjoyment of the highest attainable standard of physical and mental health".

Health cannot be achieved without adequate, safe, and balanced food, as unhealthy food is one of the direct causes of the spread of chronic diseases (diabetes, heart disease, cancer, poor growth.(...

As **such**, any breach of food quality and safety is a clear violation of the human right to health.

International standards require countries to develop preventive food policies as part of their national health plans, including:

- Inspection of imported and local food.
- Monitoring the use of preservatives and pesticides.
- Enforcing clear nutritional labeling of foods.
- Providing healthy food is not only a human right, but also a duty of the state as part of its public health obligations.

This includes fighting hunger, providing school lunches, and free nutrition programs for vulnerable groups such as children, women, and refugees.

#### THIRD REQUIREMENT: THE RELATIONSHIP BETWEEN HEALTHY FOOD AND THE RIGHT TO A HEALTHY ENVIRONMENT

The right to a safe and secure environment has become one of the modern rights recognized under international law, as it has been recognized in international environmental declarations (e.g. Stockholm 1972<sup>(11)</sup> and Rio 1992<sup>(( 12)</sup>) and subsequently enshrined in UN regulations as the "right to sustainable development". Pollution of the agricultural environment (pesticides, industrial waste, chemicals) has a direct impact on food safety and consumer health, and the depletion of environmental resources (such as groundwater and soil) leads to a decline in food quality, diversity, and quantity.

- Using contaminated water to irrigate crops.
- Raising livestock near chemical factories.
- The accumulation of solid waste near food markets.
- All of these factors jeopardize food quality and pose a double threat to both the environment and food.

The Stockholm Convention and climate conferences have committed countries to take urgent action to ensure a healthy environment that produces safe food and prevents contaminants from moving up the food chain.

Today, this linkage is reinforced by the concept of "ecological food security" that integrates public health, environment and food.

### CHAPTER TWO

#### THE ROLE OF HEALTH ADMINISTRATIVE CONTROL TO ENSURE THE HUMAN RIGHT TO HEALTHY FOOD

---

<sup>11</sup> ( The United Nations Conference on the Human Environment ,held in Stockholm, Sweden, in June 1972, was the first international declaration to place the environment at the center of global development concerns. The declaration emphasized that humans are at the center of environmental issues and linked environmental protection to the right of future generations to live in a clean and healthy environment. It also laid down the first principles of what is known today as sustainable development.

<sup>12</sup> ( Declared during the United Nations Conference on Environment and Development (Earth Summit) in Rio de Janeiro, Brazil, it was a continuation and development of the Stockholm Principles. It focused on the balance between economic growth and environmental protection and emphasized the principle of "common but differentiated responsibilities" between developed and developing countries. The Declaration included 27 principles aimed at achieving sustainable development, and one of its most prominent outcomes was the adoption of Agenda 21, the Convention on Biological Diversity ,and the Convention on Climate Change



Health surveillance is an essential element in enhancing the quality of life and protecting public health, as it represents a cognitive intersection between several fields such as epidemiology, nutrition, and social sciences, which requires effective coordination between state institutions and civil society to develop and implement effective surveillance policies, especially in the field of food safety and quality.

Although international conventions have recognized the right to healthy food, the Iraqi Constitution does not include an explicit provision guaranteeing this right, making health monitoring an important legal tool to ensure its minimum level. Contemporary jurisprudence and legislation have recognized food safety as an obligation of the producer and all those who intervene in the food supply chain.

This regulatory role is one of the necessary foundations for protecting the human right to healthy food, ensuring compliance with health standards, and limiting food fraud, thus contributing to achieving health and food security for society.

## THE FIRST REQUIREMENT

### THE ROLE OF THE MINISTRY OF HEALTH IN ENSURING THE HUMAN RIGHT TO HEALTHY FOOD

After 2003, Iraq witnessed a radical economic transformation from a closed economy due to the blockade to an open economy without adequate regulation, which led to the influx of large quantities of goods, especially foodstuffs, without effective oversight or accurate quality controls. This openness was accompanied by a sudden improvement in the incomes of employees, which increased consumption rates and led to the flooding of the local market with imported food products at the expense of national production, with a decline in the quality and safety of food.

In light of this reality, health surveillance has become a necessary tool to ensure consumer protection, especially with the increasing entry of food of unknown origin or not conforming to health specifications. The role of the Ministry of Health is pivotal in this context, by setting regulatory policies, applying safety standards, and supervising food inspection and control, as one of the most important legal guarantees that ensure the human right to healthy and safe food.

Accordingly, this requirement addresses the role of the Ministry of Health - as well as the Ministry of Commerce - in activating the legal and administrative protection mechanisms for this right, and ensuring the availability of safe food in line with health and human rights standards.

#### Section I: Local Food Control

Local food control is one of the main pillars of protecting public health and ensuring the safety of food commodities produced within the country. This control represents a legal and executive tool that enables the competent authorities to monitor the food chain from production until it reaches the consumer, ensuring its conformity with health and preventive standards.

**Health surveillance is defined as:** "a set of policies and procedures taken by government agencies and competent organizations to control diseases and risks associated with food and the environment, with the aim of protecting human health."<sup>13</sup>

**Another definition states that it is:** "Control activities carried out by institutions such as the Ministry of Health, municipalities, and food and drug authorities, including environmental monitoring, inspection of food facilities, and ensuring the safe disposal of waste."<sup>14</sup>

**Food control is:** "A mandatory regulatory measure implemented by national or local authorities by law to ensure that food produced and distributed conforms to safety and quality requirements, is suitable for human consumption, and is accurately labeled in accordance with legal controls."<sup>15</sup>

This control is considered one of the most prominent guarantees of the human right to healthy food, as it plays a preventive role in reducing food contamination and commercial fraud, and contributes to enhancing consumer confidence in the national food system.

## TYPES OF HEALTH CONTROL ON LOCAL FOOD

Health control over local food is an essential tool to ensure the human right to safe and healthy food, and it is practiced through three main forms that complement each other:

<sup>13</sup> Dr. Dr. Muhammad Maqbool Ghadifan Al-Muwad, The impact of health control on food safety and consumer health, Arab Society Journal for the Publication of Scientific Studies, Issue 21, 2023, p. 25.

<sup>14</sup> Dr. Shahid Muhammad Abdul Halim Samara, The importance of health control to achieve a safe environment for the community, Arab Society Journal for the Publication of Scientific Studies, Issue 78, 2024, p. 1241.

<sup>15</sup> Food and Agriculture Organization of the United Nations (FAO), World Health Organization (WHO), Food Control System Assessment Tool and Terminology Guide, Rome, Italy, 2020, p. 17.

## FIRST: PREVENTIVE HEALTH CONTROL

It aims to prevent diseases and poisonings before they occur, by monitoring food and potential environmental sources of contamination, and anticipating risks through technical and legislative measures. This control is <sup>16</sup> based on the Iraqi Public Health Law No. (89) of 1981, especially in its third article.

<sup>17</sup>The Iraqi food system lacks the application of the HACCP (Hazard Analysis and Critical Control Points) system, although it is the most important international tool to ensure food safety at all stages of production and distribution.

## SECOND: THERAPEUTIC HEALTH SURVEILLANCE

It is concerned with providing treatment and health care to citizens in the event of food-related injuries or diseases, in order to limit their spread and minimize their effects. The Iraqi Constitution of 2005 emphasized this aspect in Article (31), as a right guaranteed by the state.<sup>18</sup>

## THIRD: ENVIRONMENTAL HEALTH SURVEILLANCE

This control focuses on environmental factors that affect food safety, such as water, air, storage and transportation methods, and works to reduce environmental pollutants and monitor food facilities. It is based on the Environmental Protection and Improvement Law No. (27) of 2009, which obligated the state to prevent pollution in all its forms. The role of this control extends to all stages of food handling, starting from <sup>19</sup> production and manufacturing, through storage and transportation, and ending with distribution, to ensure that these processes comply with the approved health and environmental standards, and this control is practiced by the health inspection bodies of the Ministry of Health, in coordination with the regulatory authorities. In coordination with other regulatory agencies such as the Baghdad Municipality and municipal departments,<sup>(20)</sup> the Ministry of Health draws samples of local foods such as dairy products, canned goods and juices, analyzes them in public health laboratories, and when they are found to violate specifications, administrative measures are taken against them, which may lead to closure or referral to the judicial authorities.<sup>21</sup>

Local food control is one of the core tasks of the Ministry of Health within the framework of administrative control to protect public order, especially in the health aspect, as administrative control is not limited to maintaining order, but also includes protecting individuals from health risks and ensuring the safety of food in circulation. The Ministry, through its supervisory departments, monitors the extent to which food establishments such as factories, bakeries, markets and restaurants comply with the legal health conditions, in accordance with the Public Health Law No. (89) of 1981 as amended, which imposes preventive measures to prevent the circulation of harmful or adulterated food and requires workers in the food sector to undergo periodic medical examinations <sup>(22)</sup>.

These measures represent a preventive form of administrative control that seeks to prevent harm before it occurs and strikes a balance between protecting public health and ensuring the freedom of individuals to trade food without compromising health standards. This control also enhances consumer confidence in local products, reduces food-related diseases, and is considered one of the legal guarantees of the human right to healthy and safe food, in accordance with constitutional principles and relevant international agreements.

Within the framework of proactive control, the ministry adopts awareness programs for farms and factories on hygiene and storage conditions, and supervises the issuance of health conformity certificates, which is a prerequisite for marketing products in the Iraqi market. Veterinary control plays an important complementary

<sup>16</sup> ( )Dr. Radwan Hassan Al-Obaidi, Food Contamination and the resulting damages, Dar Al-Fikr University, Alexandria, Egypt, 2014, pp. 298-299.

<sup>17</sup> ( )Dr. Amer Abdul Rahman Al-Sheikh Zahir, Food Hygiene Theoretical Part, University of Baghdad - Faculty of Agriculture -Department of Food Science, 2017, p. 119.

<sup>18</sup> ( )See: Article (31) of the Constitution of the Republic of Iraq in force for the year 2005.

<sup>19</sup> ( )See: Article (9/II) of the Environmental Protection and Improvement Law No. (27) of 2009, published in the Iraqi Gazette, No. (4142) on January 25, 2010, the fifty-first year, which stipulates) II: Provide measurement and monitoring devices for pollutants according to their nature and record the results of the measurements in a register for this purpose so that the Ministry can obtain them. In the absence of such devices, the Ministry shall conduct measurements with its own devices with offices, consultants and laboratories that it approves, subject to the Ministry's control and audit.

<sup>20</sup> ( )Salam Abdulwadood Obaid Al-Lami, The role of consumer protection agencies in Iraqi laws, Iraqi University Journal, Vol. 32, No. 7, 2007, p. 463.

<sup>21</sup> )Republic of Iraq, Public Health Law No. (89) of 1981 Directive No. (8) of 1981, quoted in Dr. Samer Abdul Sattar Amin, Health Control Manual, Ministry of Health - Department of Public Health - Health Control Section, 2nd edition, 2012, p. 114.

<sup>22</sup> )Dr. Khalid Rashid Al-Naqib, Health Law and Health Services Management in Iraq, Dar Ibn Al-Athir for Printing and Publishing, Mosul, 2011, p. 89.

role, especially in monitoring meat and dairy products, by examining livestock before and after slaughter, and ensuring that slaughterhouses meet health conditions

<sup>23</sup>However, this control still faces real challenges, most notably administrative corruption and the lack of qualified technical staff, which allows the passage or settlement of some corrupt materials in illegal ways, which threatens public health and undermines the effectiveness of the state's role in protecting the citizen's right to safe food

## SECTION II: CONTROL OF IMPORTED FOOD (MEAT AND OTHERS)

The control of imported food, especially meat, represents one of the essential axes to ensure the human right to healthy food, especially in light of the increasing expansion of the import movement, the multiplicity of its sources, and the increasing cases of adulteration and counterfeiting.

### I: THE LEGAL FRAMEWORK GOVERNING OVERSIGHT

The control of imported food in Iraq is based on a number of constitutional and legislative provisions, most notably Article (31) of the Iraqi Constitution of 2005, which guarantees the right to health care<sup>(24)</sup>, the Consumer Protection Law No. (1) of 2010, which obliges the competent authorities to prevent the entry of harmful goods, in addition to the Customs Law No. (23) of 1984 as amended and the Public Health Law No. (89) of 1981, in addition to the technical and supervisory role played by the Standardization and Quality Control Agency in checking the conformity of food items with approved specifications<sup>25</sup>.

### SECONDLY: CONTROL AND INSPECTION MECHANISMS

Control begins from the moment the shipment arrives at the border crossings, where health certificates are reviewed from the country of origin, and samples are taken for laboratory testing by the Ministries of Health and Agriculture and the Ports Authority. Prior health permits and refrigerated transportation are also <sup>26</sup> required. The Ministry of Agriculture has set strict conditions, including that the exporting countries are free of epidemic diseases and that the meat conforms to Iraqi Standard Specification No. (1185). The challenges are the lack of technical cadres, slow procedures, and weak control over the commitment of suppliers.<sup>27</sup>

### THIRD: REGULATORY CHALLENGES

The control of imported food faces a number of challenges, most notably poor coordination between the concerned authorities, the absence of a unified supervisory body, and the lack of qualified laboratories at some border crossings. Administrative corruption<sup>(28)</sup>, excessive reliance on visual inspection, and weak electronic tracking procedures constitute serious loopholes that threaten food safety and consumer health<sup>(29)</sup>.

### FOURTH: IMPLICATIONS OF WEAK OVERSIGHT

<sup>30</sup>Weak oversight leads to an influx of unfit food into the market, causing serious food diseases and weakening the citizen's confidence in regulatory institutions. It also threatens national food security, harms local products, and perpetuates impunity in the absence of accountability. <sup>31</sup>Therefore, addressing these gaps requires deep

<sup>23</sup> It should be noted that Iraqi legislation, such as the Public Health Law of 1981, imposed legal obligations on the owners of food establishments, most notably obtaining health licenses and periodic inspection certificates, which gives inspectors a legal cover to exercise their oversight. The involvement of civil society organizations in community monitoring has become an urgent necessity, as it plays a role in exposing violations, educating citizens about their health rights, and strengthening popular control as a complementary tool to the official authorities in protecting public health and combating spoiled food.

<sup>24</sup> (See: Article (31) of the Constitution of the Republic of Iraq of 2005.

<sup>25</sup> )Dr. Samer Abdul Sattar Amin, source. Samer Abdul Sattar Amin, previous source, p. 231.

<sup>26</sup> )Dr. Samer Abdul Sattar Amin, op. cit. Dr. Samer Abdul Sattar Amin, op. cit. p. 174.

<sup>27</sup> (Dr. Samer Abdel-Sar Amin, op. cit. Dr. Samer Abdul Sattar Amin, previous source, pp. 174 - 175.

<sup>28</sup> )Dr. Waleed Abdul Ghaffar Mohammed Reda Al-Shahib, Promoting human rights by protecting the consumer from environmental, health, legal, administrative and corruption pollution: A reference study, Iraqi Journal of Market Research and Consumer Protection, Volume 12, Issue 1, 2020, p. 100.

<sup>29</sup> The New Arab, Damaged food in Iraqi markets at the expense of health, on 2/2/2025/28, available on the Internet and the link below <https://www.alaraby-co-uk.cdn.ampproject.org/v/s/www.alaraby.c> Date of visit on 5/28/2025.

<sup>30</sup> Dr. . Samer Abdul Sattar Amin, Ibid, pp. 170.186- 185-

<sup>31</sup> Food and Agriculture Organization of the United Nations (FAO) and World Health Organization (WHO), op. cit. p. 9.

legal and administrative reform to ensure the effective application of food safety standards and the protection of basic human rights:

## THE SECOND REQUIREMENT

### THE ROLE OF THE MINISTRY OF COMMERCE IN ENSURING THE RIGHT TO HEALTHY FOOD

The Ministry of Trade is one of the most prominent government agencies responsible for supporting food security in Iraq, as it plays a key role in regulating the import and distribution of foodstuffs and ensuring their quality and safety, especially in light of the economic fluctuations that cast a shadow on vulnerable groups. This role includes managing the ration card system and supervising the movement of the local market in coordination with other relevant ministries.

#### SECTION I: THE ROLE OF THE MINISTRY OF COMMERCE IN SECURING RATION CARD ITEMS

The ration card is one of the state's most important tools to ensure a minimum level of food security for low-income groups. The Ministry of Commerce is committed to ensuring the viability of food items distributed under this system by adopting standard specifications and accurate laboratory tests that ensure quality and safety. The Ministry also relies on control procedures that limit manipulation and fraud, and imposes strict control over its warehouses in cooperation with the Ministries of Health, Planning and Environment and the Ministry of Standardization and Quality Control.

The series of preventive measures includes all stages of supply, starting from contracting, importing with official certificates, storing materials in a regulated hygienic environment, and transporting them in qualified vehicles that ensure the safety of foodstuffs. Specialized committees have been allocated to supervise these stages in order to enhance the efficiency of the system and protect the health of citizens, as stipulated by the Iraqi constitution and international conventions.<sup>32</sup>

#### SECOND: DISTRIBUTION MECHANISMS AND FIELD FOLLOW-UP

The distribution phase is essential to the success of the ration card system, so the ministry has developed mechanisms to ensure that items reach citizens according to specific timetables and quantities. Field teams affiliated with the commercial control supervise the performance of agents and conduct unannounced tours to verify compliance with the conditions, and channels have been established to receive complaints and address them legally.<sup>33</sup>

Despite these measures, the ministry faces challenges related to the quality of the items provided to citizens, as there are frequent complaints about the poor quality of some ration items, forcing citizens to sell them and buy better quality alternatives, which affects social justice. Violators are punished in accordance with the current food law, and penalties are imposed on them, up to the withdrawal of licenses in case of harm to consumer health.<sup>34</sup>

This role is based on the Ministry of Commerce Law No. 37 of 2011, which emphasizes the ministry's responsibility to provide goods and services and achieve food security.<sup>35</sup> However, the realization of the right to healthy food depends not only on the quantities distributed, but also on their quality and nutritional value, which requires developing regulatory policies and adopting digital solutions such as an electronic tracking system to ensure transparency and efficiency.

<sup>32</sup> See: Article (2) of the Food Law No. (29) of 1981 as amended by Law No. (4) of 2011, Chapter II - Standards and Advisory Body, which states that (I) The standards issued by the Central Organization for Standardization and Control on food are the basis for food control.

In the absence of national specifications, the competent health authority may adopt Arab or international specifications issued by specialized Arab or international organizations.

Third - In the absence of national, Arab or international specifications, the competent health authority may determine the requirements to be met in food in cooperation with the Central Organization for Standardization and Quality Control or any other competent authority, and these requirements shall be published in the Official Gazette

<sup>33</sup> : Article (3) of the Bylaws of the General Company for Foodstuffs Trade No. (2) of 2022, which stipulates that ( - The company exercises the following tasks: - First: Importing and marketing foodstuffs. Second: Securing the strategic storage of foodstuffs.

Third: Contributing to the implementation of the ration card. Fourth: Practicing commercial and economic activities that contribute to supporting the national economy.

Fifth: Engaging in investment activity for the company's projects.

<sup>34</sup> Dr. . Shaker Abdul Hadi Hussein, previous source, p. 30.

<sup>35</sup> -See: Article (2/I) of the Ministry of Commerce Law of 2011, published in the Iraqi Gazette - No. 4227, 2012, p. 3, which states" :The Ministry aims to First, to formulate the internal and external trade policy in line with the general economic policies of the state(.

**In light of the above**, assessing the performance of the Ministry of Commerce in this area reveals the need to harmonize the administrative aspect with constitutional and international obligations to ensure the human right to adequate, safe and nutritious food, as an indivisible right from the system of economic and social rights.

## SECOND BRANCH

### THE MINISTRY OF COMMERCE'S OVERSIGHT OF IMPORTED HEALTHY FOOD (FRUITS, VEGETABLES, CANNED FOOD)

Imported food plays a key role in covering the needs of the Iraqi market, especially in light of the increasing reliance on fruits, vegetables and canned products coming from abroad, and here the vital regulatory role of the Ministry of Commerce is evident in ensuring the quality and safety of these products, according to the approved health standards, in order to preserve the human right to healthy and safe food, and prevent the leakage of harmful or contaminated substances to the consumer.

The Ministry, through its specialized departments, carries out multiple responsibilities, starting with regulating imports, through technical and laboratory examination, coordination with health and customs authorities, and ending with the withdrawal of violating materials from the market. These tasks are part of the state's obligations to achieve food security.

#### FIRST: THE LEGAL BASIS FOR THE MINISTRY OF COMMERCE'S OVERSIGHT OF IMPORTED FOOD

The Ministry of Commerce's tasks in controlling imported food are based on several basic legislations, most notably:

The Ministry of Commerce Law No. (37) of 2011, which authorizes the ministry to regulate markets and ensure consumer protection from non-conforming goods.

The Consumer Protection Law No. (1) of 2010, which obligated official bodies to ensure the quality of products, provide accurate information about them, and prevent the circulation of adulterated or harmful substances<sup>(36)</sup>.

The Central Agency for Standardization and Quality Control Law No. (54) of 1979 (as amended), which grants the agency the authority to cooperate with the Ministry of Commerce to apply standards to imported goods.<sup>(37)</sup>

This legal system complements the Ministry of Commerce's regulations for importing foodstuffs, which require prior approvals, certificates of origin and validity, in addition to subjecting shipments to technical and laboratory tests before they enter the market.

This legal framework is a direct reflection of the state's constitutional duties to protect public health and ensure the elements of decent living, in accordance with Articles (30) and (31) of the 2005 Constitution of the Republic of Iraq<sup>(38)</sup>.

#### SECOND: CONTROL AND INSPECTION MECHANISMS FOR IMPORTED FOODSTUFFS

The Ministry of Trade is the central body responsible for overseeing the safety of food imported into Iraq, especially those that enter the daily food basket, such as fruits, vegetables and canned food. The Iraqi legislator has assigned the Ministry a number of control tasks that start at border crossings, include qualitative and laboratory testing, and culminate in the decision to allow or reject goods to enter the local market<sup>(39)</sup>.

<sup>40</sup>The Ministry relies on close coordination with the Central Organization for Standardization and Quality Control, which is authorized to examine imported samples in accordance with Law No. (54) of 1979, as amended, and ensure that they conform to Iraqi standards, which is the first line of defense against the entry of unfit or contaminated products.

In addition, the Ministry of Trade instructions require importers to submit official documents such as certificates of origin, original invoices, and technical reports from recognized international laboratories as a condition for obtaining an import permit. Specialized technical teams supervise the visual inspection at the

<sup>36</sup> -<sup>1</sup>See: Articles (2-3) of the Ministry of Commerce Law No. (37) of 2011, published in the Iraqi Chronicle, No. 4227, 2012.

<sup>37</sup> See: Article (2) of the Law of the Central Organization for Standardization and Quality Control No. (54) of 1979, as amended, which stipulates (III - Raising productive efficiency through quality control and quality control on local and imported goods and products. Fourth - Protecting consumers and producers, as well as protecting the environment and public health and safety).

<sup>38</sup> -<sup>1</sup>See: Articles (30-31) of the 2005 Constitution of the Republic of Iraq.

<sup>39</sup> Dr. Samer Abdul Sattar Amin, source. Dr. Samer Abdul Sattar Amin, previous source, p. 231.

<sup>40</sup> See: Article (3) of the Central Organization for Standardization and Quality Control Law No. (54) of 1979.



ports of entry and temporarily detain goods until the results of laboratory tests are issued, ensuring that non-conforming food is prevented from leaking into the market<sup>(41)</sup>.

These control measures embody the state's obligations to guarantee the right to safe and healthy food, in line with Article 30 of the 2005 Constitution, which obliges the state to ensure the elements of a decent life, primarily safe food. The Ministry relies on a broad legal framework that includes the Ministry of Commerce Law No. 37 of 2011, the Agricultural Quarantine Law No. 76 of 2012, as amended, and the Public Health Law No. 89 of 1981, in addition to international standards, especially those issued by the Codex Alimentarius Commission<sup>(42)</sup>.

The task of supervising imported food is also assigned to the General Company for Foodstuffs Trade, a governmental company affiliated with the Ministry, established by Bylaw No. 2 of 2022, which is a self-funded economic unit. The company has core competencies such as importing and marketing foodstuffs, securing strategic storage, and contributing to the implementation of the ration card system, making it a direct partner in ensuring food quality and safety under the supervision of the ministry.

This role is implemented through technical and health inspection mechanisms in cooperation with the Ministry of Health and the Central Organization for Standardization, to ensure that imported materials are free of contaminants or any health violations, in support of the constitutional right to safe food, and in accordance with local and international standards in this field.

One of the most prominent forms of this role is stipulated in Food Advisory Authority Decision No. 128, which requires the submission of a health certificate confirming that foodstuffs are free of genetic modification or genetically modified organisms (GMOs), whether destined for the public or private sector. The decision also obliged the regulatory authorities to provide advanced laboratory equipment to test these materials, and to cooperate with international organizations such as the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) to qualify national cadres specialized in testing genetically modified foods.

In this context, the Ministry of Commerce implements strict import and control systems, in cooperation with relevant authorities such as the Ministry of Agriculture and the Border Ports Authority, to ensure that imported fruits, vegetables and canned foods are free of pesticides and contaminants. The ministry issues import approvals within controls that adhere to international phytosanitary and food standards.

Thus, it is clear that the Ministry of Commerce is not limited to a regulatory role in the market, but is a pivotal party in protecting public health and the national economy by ensuring the safety of imported food, in line with Iraq's constitutional and international obligations towards the human right to healthy food.

### III: Regulatory Challenges and their Impact on Ensuring Healthy Food

Despite the regulatory and supervisory efforts made by the Ministry of Trade to control the quality of imported foodstuffs, there are real and practical challenges that hinder the achievement of comprehensive and effective control, especially with regard to vegetables, fruits, and canned foods that are directly consumed by the Iraqi citizen.

One of the most prominent of these challenges is the weak technical and human resources at border crossings. Many crossings suffer from a clear shortage of rapid testing equipment and specialized laboratories, which leads to delayed test results or is limited to formal procedures without actual verification of the quality and safety of food. The legislator sought to address some of these issues through the Agricultural Quarantine Law No. (76) of 2012, as amended by Law No. (3) of 2020, which stipulates in Article (9/III) that "Materials that do not require an inspection certificate from the country of origin shall be subject to inspection in the agricultural quarantine", which reflects an attempt to close regulatory gaps in the early stages of entry of goods<sup>(43)</sup>.

However, the reality of regulatory performance indicates an urgent need to reconsider regulatory mechanisms, specifically in terms of strengthening technical capabilities, standardizing procedures, and activating the principles of transparency and accountability to ensure real protection of the human right to healthy food. This is evidenced by the decision of the Food Safety Advisory Board No. (159) dated 13/4/2009, which discussed monitoring reports that revealed the entry of food commodities not conforming to Iraqi standards, which were withdrawn from the Zarbatiya border crossing by the Wasit Health Department, in the absence of an effective monitoring mechanism and prior coordination between the concerned authorities<sup>(44)</sup>.

One of the qualitative challenges raised by the Commission in the same resolution was the incident of contamination of milk imported from China with the toxic substance melamine, which necessitated an emergency intervention represented by preventing the entry of Chinese animal and plant food products and

<sup>41</sup> See: Article (15) of the Bylaws of the Public Company for Foodstuffs Trade No (54) of 1979; Article (15) of the Bylaws of the General Company for Foodstuffs Trade No. (2) of 2022, published in the Iraqi Gazette of Facts No. (4678) of 2022.

<sup>42</sup> (Dr. Amer Abdul Rahman Al-Sheikh Zahir, previous source, p. 225.

<sup>43</sup> See: Article (1) of the Bylaws of the General Company for Foodstuffs Trading No. (2) of 2022.

<sup>44</sup> See: Article (3) of the Bylaws of the General Company for Foodstuff Trading No (2) of 2022; Article (3) of the Bylaws of the General Company for Foodstuffs Trading Law No. (2) of 2022.

requiring the submission of health certificates proving that they are free of toxins. This incident revealed the inadequacy of preventive testing tools and the weak capacity for early detection of contaminants, highlighting the urgent need to develop a system of laboratory control and investigation of emerging contaminants.<sup>45</sup>

In a similar context, the Salah al-Din Health Department revealed the presence of about 100 tons of expired high-protein biscuits intended for vulnerable groups, indicating a clear defect in the food supply and distribution chain, as well as weak subsequent control of food after it enters the country. The competent committee recommended that samples be withdrawn and examined by public health laboratories and the Central Organization for Standardization and Quality Control to ensure the safety of consumers.

Based on these facts, several structural challenges in the regulatory system are evident, the most important of which are <sup>(46))</sup>:

- **Weak institutional coordination between the concerned regulatory authorities.**
- **The absence of specialized testing centers at some border crossings.**
- **Lack of early laboratory testing.**
- **Delays in detecting hazardous substances and pollutants.**
- **Lack of a unified national mechanism that defines the regulatory procedures to be followed at all ports of entry.**

Overlapping mandates between regulatory bodies, such as the Ministry of Health, the Ministry of Agriculture, and the Border Ports Authority, leads to duplication of procedures, weakens the effectiveness of oversight, and increases the likelihood of leakage of non-conforming foodstuffs. The Audit Bureau has reported that food shipments have entered the country without completing the required tests or adhering to legal procedures, which raises serious concerns about the state's ability to protect consumers.

The impact of administrative corruption cannot be overlooked, which represents one of the biggest obstacles to effective oversight, as dishonest practices may lead to the passage of infringing shipments in exchange for personal benefits, which undermines the entire regulatory system and is a direct violation of the constitutional rights to health and food emphasized in Articles (30) and (31) of the Iraqi Constitution.

Thus, ensuring the safety of imported food is not limited to enacting legislation or issuing instructions, but requires a cohesive regulatory structure, institutional integration, investment in technical and human resources, as well as promoting practices of integrity and transparency to ensure the human right to healthy and safe food, in accordance with Iraq's constitutional and international obligations.

## SECTION II

### NATIONAL MECHANISMS FOR SOLVING FOOD SECURITY

#### INTRODUCTION

In light of the increasing challenges that threaten food and health security, there is an urgent need to activate effective national mechanisms that contribute to ensuring that people enjoy their constitutional right to healthy food. These mechanisms include a set of legislative, regulatory and technical measures that the competent government agencies, led by the Ministries of Environment, Health, and Agriculture, are committed to implementing, with the aim of addressing the sources of food contamination at their roots, whether in water or soil or at the stages of production, transportation and storage.

These efforts are based on multiple axes, including protecting the environment and natural resources, enhancing community awareness, and developing control and inspection systems in line with the requirements of sustainable development and preserving the quality of food resources, especially in light of the growing demand for food and the increasing environmental and health challenges associated with it.

In order to familiarize ourselves with the aspects of this topic, this research will be addressed through two main requirements:

First Requirement: Technical mechanisms to ensure the human right to healthy food.

The second requirement: The role of the Ministry of Agriculture in maintaining healthy food security.

#### THE FIRST REQUIREMENT

##### TECHNICAL MECHANISMS TO ENSURE THE HUMAN RIGHT TO HEALTHY FOOD

<sup>45</sup> See: Article (3) of the Agricultural Quarantine Law No (2) .of 2022: Article (3) of the Agricultural Quarantine Law No. (3) of 2020, published in the Iraqi Facts Gazette, No. 4577, 2020.

<sup>46</sup> Dr. Samer Abdul Sattar Amin, same source and page .

In its quest to achieve food security, the state is adopting a set of specialized technical mechanisms that aim to limit the sources of contamination of food, water and soil, and ensure their safety through control, monitoring and continuous analysis. This vital role is played by multiple entities, most notably the Ministry of Environment and the Ministry of Health, through their regulatory and research departments, as well as the role of community awareness campaigns in directing individuals' behavior towards healthy patterns of consumption of food and environmental resources.

Accordingly, this requirement will be divided into two sections:

**Section I:** The role of the Ministry of Environment in monitoring rivers and streams.

**Second branch:** The role of environmental awareness in preserving healthy water.

**Section I: The role of the Ministry of Environment and the Department of Environment in monitoring rivers and streams**

The Ministry of Environment is the national body responsible for developing policies and implementing measures related to the protection of environmental resources, especially water resources, which are the backbone of food security in Iraq.<sup>47</sup> The monitoring of rivers and streams is of vital importance in light of the increasing levels of pollution due to indiscriminate discharges of industrial, domestic and agricultural waste, which threatens water quality and negatively affects human health and food safety.

The environmental regulatory role is divided into three main axes: Policies and legislation, the executive tasks of the Department of Environment, and the challenges that hinder the effectiveness of water control.

**First: The role of the Ministry of Environment in setting policies and regulating water control**

The Ministry of Environment is the main authority in formulating national policies to protect water from pollution. The Environmental Protection and Improvement Law No. (27) of 2009, especially Article 14<sup>48</sup>, is one of the most important legislations that prohibit the discharge of effluents to water resources without treatment, ensuring compliance with local and international environmental standards. This policy includes prohibiting the connection of sewage networks to stormwater drainage networks and prohibiting the discharge of wastes into rivers and lakes unless they are subjected to treatment.

**THE MINISTRY ALSO UNDERTAKES THE FOLLOWING TASKS**

Preparing national strategies to combat water pollution, as stated in the "National Strategy for Environmental Protection (2022-2030)", which devotes a section to the protection of Iraqi rivers<sup>(49)</sup>.

- Developing technical regulations and standards related to measuring water quality and determining acceptable levels of pollutants.
- Coordinating efforts between relevant government agencies, such as the Ministries of Agriculture, Health, and Water Resources, to achieve integrated control.

**SECONDLY: DUTIES OF THE DEPARTMENT OF ENVIRONMENT AS AN EXECUTIVE BODY**

The Department of Environment represents the executive arm of the ministry, and works through its directorates in the governorates to implement field monitoring through:

- 1) **Environmental monitoring of water:**<sup>50</sup> Taking periodic samples from rivers and analyzing them in the laboratory to monitor levels of chemical and bacterial pollution

<sup>47</sup> (↪) See: Article (14) of the Environmental Protection and Improvement Law No. (27) of 2009, published in the Iraqi Gazette, No. 4142, 2010, which stipulates that First: The discharge of any domestic, industrial, service or agricultural effluents into the surface and underground internal water resources or Iraqi marine areas unless the necessary treatments are carried out on them to ensure that they conform to the specifications specified in national environmental legislation and international conventions. This includes all discharges, whether continuous, intermittent or temporary, and taking the necessary measures to prevent pollution from land to the marine area, whether by water, air, directly from the coast or from ships and airplanes. II: Connecting or discharging the sewers of homes, factories and other activities to storm water drainage networks(.

<sup>48</sup> (↪) See: Article (14) of the Environmental Protection and Improvement Law No. (27) of 2009, published in the Iraqi Gazette, Issue 4142, 2010, which stipulates that First: The discharge of any domestic, industrial, service or agricultural effluents into the surface and underground internal water resources or Iraqi marine areas unless the necessary treatments are carried out on them to ensure that they conform to the specifications specified in national environmental legislation and international conventions. This includes all discharges, whether continuous, intermittent or temporary, and taking the necessary measures to prevent pollution from land to the marine area, whether by water, air, directly from the coast or from ships and airplanes. II: Connecting or discharging the sewers of homes, factories and other activities to stormwater drainage networks(.

<sup>49</sup>) Dr. Samer Abdul Sattar Amin, Health Education Guide for Health Control Workers, Ministry of Health Department - Public Health - Health Control Section, 2012, pp. 83-84.

<sup>50</sup>- See: Article (30) of the Public Health Law No. (89) of 1981 as amended, which states" :Expanding the establishment of environmental laboratories that specialize in conducting various physical, chemical and biological laboratory tests to investigate water, air and soil pollutants.

- 2) **Facility inspections:** <sup>51</sup>Inspecting factories and hospitals to ensure that their waste is not discharged directly into waterways
- 3) **Environmental Impact Assessment:** Studying the potential impacts of development projects on water quality before they are licensed.<sup>52</sup>
- 4) **Periodic reporting:** Reporting to the competent authorities on pollution indicators and proposing corrective measures<sup>53</sup>
- 5) Official reports have revealed that pollution rates in some rivers have increased by more than 40%, as a result of weak monitoring and the deterioration of the infrastructure of water treatment facilities.

### THIRD: CHALLENGES FACING ENVIRONMENTAL CONTROL OF WATER

Despite organizational and legislative efforts, the Ministry of Environment and the Department of Environment face a set of fundamental challenges, most notably<sup>54</sup>:

- 1) Lack of funding and modern equipment needed to monitor and analyze water in the field <sup>55</sup>(
  - 2) Weak enforcement of environmental legislation due to the lack of coordination with judicial agencies.
  - 3) Lack of specialized technical staff in governorates and remote areas.
  - 4) Indiscriminate discharge of wastewater in areas that lack treatment networks<sup>56</sup> (
- Added to these challenges is the lack of environmental culture, especially among farmers, who may use pesticides and fertilizers in a way that harms ground and surface water without realizing the environmental impact.

In response to these challenges, the ministry has adopted a new approach based on "smart environmental monitoring," which includes<sup>57</sup> (

- 1) Installing Real-time Monitoring stations on the Tigris and Euphrates rivers.
- 2) Using drones to monitor remote areas.
- 3) Establishing mobile laboratories to immediately test water samples at contaminated sites.
- 4) Developing a national digital database to monitor environmental pollution geographically.
- 5) The principle of "environmental justice" has also been adopted to ensure that remote villages and deprived areas are included in the monitoring, preventing efforts from being concentrated only in city centers.

On the other hand, the application of Article (482) of the Iraqi Penal Code, which criminalizes the use of toxic and harmful substances in the environment, is an important element in supporting the efforts of the Ministry of Environment in protecting rivers from illegal practices, such as fishing using poisons or chemicals, as these acts have direct effects on the safety of the food system and public health <sup>(58)</sup>.

### SECTION II: AWARENESS AND ITS ROLE IN PRESERVING HEALTHY WATER

Environmental awareness is one of the core pillars of the country's strategy to protect water resources, in addition to legislation and technical control, as raising the level of awareness among individuals and communities is an effective tool in reducing harmful behaviors that contribute to water pollution, thereby enhancing food and health security in the country. In this context, the complementary role of the Ministry of Environment and the Ministry of Health is highlighted through education, control and community guidance campaigns, which we will present in two main axes

#### FIRST: THE ROLE OF THE MINISTRY OF ENVIRONMENT IN RAISING ENVIRONMENTAL AWARENESS TO PRESERVE HEALTHY WATER

<sup>51</sup>) Republic of Iraq ,Iraqi Ministry of Environment, Iraqi Water Quality Report 2021, Environmental Planning Department, Baghdad, pp. 23-30.

<sup>52</sup>- Dr. . Dr. Anissa Akhal Al-Ayoun, op. cit. p. 101.

<sup>53</sup> ) Dr. Badria Saleh Abdullah, The Role of Environmental Governance in Achieving Environmental Security in Iraq (2007-2024), Hammurabi Journal of Studies, Issue 52 ,Thirteenth Year, University of Baghdad - Center for Strategic and International Studies, 2024, p. 118.

<sup>54</sup>- M . Ibrahim Harbi Ibrahim, Food Security Policies in Iraq, Journal of Rafidain University College of Sciences, Issue 37, Central Technical University - Baghdad, 2016, pp.220-219 .

<sup>55</sup>- M.M. Hadi Faisal Saadoun, Environmental pollution in Iraq and its impact on health and health security, Journal of the Faculty of Basic Education - University of Diyala ,Volume 24, Issue 102, 2018, p. 411.

<sup>56</sup>) See: Parliamentary Health and Environment Committee, Environmental Performance Report, 2022, p. 12 .And also: World Health Organization (WHO), Water pollution and its impact on public health, 2020.

<sup>57</sup>- M . M . Hasnaa Riad Abbas, The Role of Technology and Renewable Energy in Building a Sustainable Environment in Iraq, Al-Rasid Magazine, Research and Strategic Studies Unit, Issue 1, First Year, 2024, pp. 9-10-11.

<sup>58</sup>- Thamer Ramadan Amin, Nisreen Ahmed Abdullah, The crime of genocide of fish wealth and aquatic life: Legal procedures and political distancing, Thesis Journal - Legal Studies, Volume 5, Issue 2, Fifth Year, Thesis House for Scientific Publishing , 2020pp. 54-55.

### 1. Media awareness through the national media

The Ministry of Environment seeks to integrate environmental awareness concepts into national development policies, considering that the right to clean water is an integral part of the right to a healthy environment. Therefore, the Ministry implements media campaigns through television and radio channels and social media platforms, with the aim<sup>59</sup>.

- <sup>60</sup>Explain the dangers of pollution of rivers and streams.
- Highlight the impact of polluted water on human health and food safety.
- Directing citizens to proper behaviors in the use of water <sup>61</sup>.

## CONTRIBUTION OF CIVIL SOCIETY ORGANIZATIONS

Civil society organizations contribute to promoting environmental awareness through:

- Organizing workshops and awareness seminars in rural areas and villages <sup>62</sup>.
- Distributing simple brochures on the relationship between water hygiene and food quality.
- Launching youth campaigns to clean rivers and streams.
- Cooperating with schools to instill environmental awareness in school activities.

## INTEGRATING ENVIRONMENTAL AWARENESS INTO SCHOOL CURRICULA

The Ministry of Environment has worked in cooperation with the Ministry of Education to incorporate environmental concepts into educational curricula, especially at the primary and intermediate levels, where the importance of water and the impact of pollution on health are taught, in addition to organizing educational trips to water sources. School programs such as "Friends of the Environment" have also been launched to encourage students to practice positive environmental practices, despite some challenges such as lack of resources, poor follow-up, and lack of infrastructure in some schools <sup>(63)</sup>.

## FIELD ENVIRONMENTAL AWARENESS

Local environment directorates undertake field visits to health facilities, fuel and sewage stations, with the aim of assessing their compliance with environmental standards, and transferring these results to the concerned authorities to take the necessary measures<sup>64</sup>.

## SECOND: THE ROLE OF THE MINISTRY OF HEALTH IN ENVIRONMENTAL AND HEALTH AWARENESS RELATED TO WATER

The Ministry of Environment seeks to enhance the protection of water resources and preserve their quality by reviewing and updating legislative and regulatory frameworks ,including working to update the River Maintenance Law No. (25) of 1967, in line with the nature of water in Iraq and contemporary environmental conditions, in order to keep pace with the changes that have occurred in water sources due to urbanization, climate change and increased sources of pollution<sup>65</sup>.

## HEALTH EDUCATION THROUGH HEALTH INSTITUTIONS

Health education units in health departments work to implement awareness-raising programs for citizens, including:<sup>66</sup>

- Introducing diseases transmitted through contaminated water, such as cholera, typhoid, and viral hepatitis.

<sup>59</sup>- Dr. . Dr. Anissa Akhal Al-Ayoun, op. cit. p. 96.

<sup>60</sup>) Republic of Iraq ,Ministry of Justice - Department of Human Rights, National Plan for Human Rights in Iraq 2021-2025, p. 115.

<sup>61</sup>- M . Ola Abdulaziz Mohammed, op. cit. p. 571.

<sup>62</sup>- Rong Odeh Abbas ,Legal Regulation of Civil Society Organizations, Master's Thesis, Faculty of Law, Al-Nahrain University, Iraq, 2013, pp. 51-61.

<sup>63</sup>) Republic of Iraq ,Iraqi Ministry of Education, Environmental Curriculum Development Plan, 2022 ,p. 4. Also: UNICEF, Environment in School Education, 2021, p. 12.

<sup>64</sup>( Dr. . Wafaa Jaafar Al-Mahdawi, Hafez Abdul Amir Amin, Environmental Challenges in Iraq: Ways to address them from the German experience, Iraqi Journal of Economic Sciences ,Issue 32, 10th year, 2012, pp. 159-160.

<sup>65</sup>) Republic of Iraq ,Ministry of Environment, National Strategy for the Protection and Improvement of the Environment in the Republic of Iraq 2024-2030, p. 178.

<sup>66</sup>- M . M . Nawar Jalil Hashim, op. cit. p. 176.



- Spreading prevention methods such as boiling or filtering water before use.
- Providing preventive advice, especially in rural areas.

## 2. Environmental testing of water sources

Environmental teams at the Ministry of Health supervise the collection of water samples from various sources (rivers, liquefaction networks, filtering stations), and analyze them in the laboratory to ensure their suitability, and in cases of contamination, immediate alerts are sent and coordination with municipal and environmental authorities to take the necessary measures, and classify areas according to degrees of risk<sup>67</sup> (

### AWARENESS CAMPAIGNS IN SCHOOLS AND THE COMMUNITY

<sup>68</sup>In cooperation with the Ministry of Education, the Ministry of Health organizes environmental lectures in schools, in addition to awareness campaigns in neighborhoods and popular areas to educate residents on how to monitor contaminated water and respond appropriately in cases of mass poisoning

### RAISING AWARENESS IN EMERGENCIES AND AFFECTED AREAS

In water crises, the Ministry issues urgent recommendations, including

- Refrain from drinking suspect water.
- Use bottled or sterilized water.
- Sterilize domestic water with chlorine.

<sup>69</sup>It also distributes personal water purification equipment to affected families, in cooperation with international organizations, and organizes guided community trainings to act during environmental disasters, in accordance with the recommendations of the World Health Organization <sup>(WHO)</sup>

## THE ROLE OF THE DEPARTMENT OF AGRICULTURE IN MAINTAINING HEALTHY FOOD SECURITY

### SECTION I: NATIONAL AWARENESS FOR FARMERS

Agricultural awareness is one of the vital pillars of the national agricultural policy, as it represents the first line of defense to protect healthy food security by improving farmers' farming and production practices. The Ministry of Agriculture bears a direct responsibility in this field, through activating agricultural extension programs and transferring knowledge and sustainable agricultural techniques, which contributes to reducing the health risks associated with unsafe agricultural production <sup>(70)</sup>.

#### B

Agricultural awareness is defined as an educational process that aims to transfer information and technical expertise to farmers to enable them to adopt sound and safe agricultural practices, which contributes to improving the quantity and quality of production, reducing environmental pollution, and achieving food security. This role leads to establishing a culture of responsible agriculture and avoiding the excessive or indiscriminate use of pesticides and fertilizers, in line with the principles outlined in the Ministry of Water Resources Law, especially Article (3), which emphasizes the sustainable use of natural resources <sup>71</sup>

### SECOND: MECHANISMS FOR IMPLEMENTING AGRICULTURAL AWARENESS PROGRAMS

In implementing agricultural awareness programs, the Ministry of Agriculture relies on a set of field and educational means and mechanisms, most notably:

1) **Field visits:** Agricultural advisors follow farmers in the field and provide direct practical guidance on farming methods, pest prevention, and improving soil quality and irrigation.

<sup>67</sup>- Dr. . Samer Abdul Sattar Amin, op. cit. p. 262.

<sup>68</sup>) Republic of Iraq ,Iraqi Ministry of Health, Healthy Schools Program, 2023, p. 9. And also: UNICEF ,Educating children about the environment and water, 2022, pp. 13-16 .

<sup>69</sup>- M . M . Hadi Faisal Saadoun, op. cit., 412.

<sup>70</sup>- See: Article (3/VII) of the Ministry of Water Resources Law No. 50 of 2008, published in the Iraqi Gazette No. 4098, 2008, which stipulates (Seventh - The introduction of modern technologies and geographic information systems (GIS) to develop work methods in the ministry and train technical and administrative staff to achieve water management and utilization by advanced scientific methods.)

<sup>71</sup>- See :Article (3/8) of the Ministry of Water Resources Law No. (50) of 2008, which stipulates (Raising public awareness of the importance of preserving and optimally utilizing water resources ,protecting them from pollution, and expanding the base of public participation and civil society organizations in the ministry's activities.)

2) **Seminars and workshops:** Periodic meetings are organized in agricultural areas, especially rural areas, to train farmers on the latest agricultural techniques and clean production methods.

3) **Publications and media:** Simplified publications and awareness brochures are distributed, in addition to radio and television programs that aim to communicate agricultural knowledge to the widest segment of farmers<sup>72</sup>

4) **Partnership with universities and research institutions:** To benefit from the results of agricultural research in developing training and extension programs.

#### **Third: Challenges facing agricultural awareness programs**

Despite the importance of agricultural awareness programs, they face several obstacles that hinder their effectiveness, most notably:

1) **Lack of funding:** Limited budgets negatively affect the ministry's ability to implement large-scale programs.

2) **Lack of qualified technical staff:** The agricultural extension sector suffers from a severe shortage of experienced and adequately trained extension workers.

3) **Poor infrastructure:** Many regions lack extension centers and advanced technical equipment, which reduces the efficiency of outreach programs<sup>73</sup>.

#### **Fourth: The role of agricultural awareness in enhancing food security**

Agricultural awareness plays a pivotal role in supporting the food security system:

Raising the efficiency of agricultural production: By introducing modern farming techniques that increase the quality of crops and minimize losses.

1) **Reducing post-harvest losses:** By introducing farmers to proper storage and transportation methods.

2) **Supporting sustainable agriculture:** By encouraging the use of natural resources without depletion, and protecting soil and water from pollution.

3) **Ensuring food safety:** By spreading the culture of safe use of pesticides and fertilizers, and encouraging organic and chemical-free farming.

#### **Fifth: The Ministry of Agriculture's efforts to ensure safe agriculture**

The Ministry of Agriculture implements many policies and measures within the framework of preventive awareness, including

1) **Encouraging the use of safe pesticides and fertilizers licensed by the Ministry of Health and Environment**, thus reducing the cumulative impact of chemicals in food.

2) **Launching specialized awareness programs on organic farming**, irrigation water management, clean harvesting, and safe storage of agricultural products.

3) **Control the markets of agricultural materials:** To ensure the safety of seeds, fertilizers and agricultural medicines in circulation, and that they are free from contaminants or plant diseases.

4) **Supporting agricultural scientific research:** By funding university projects and research centers that focus on developing pest-resistant varieties without the need for toxic pesticides.

#### **The second branch**

##### **National objectives in agricultural control systems to protect the human right to healthy food**

The Ministry of Agriculture is one of the pivotal institutions in achieving healthy food security, as it has a legislative and executive role in managing agricultural resources and monitoring production to ensure the provision of safe and healthy food for citizens.<sup>74</sup> This responsibility stems from a comprehensive national vision based on an integrated system of laws and policies, foremost of which is the Agricultural Land Leasing Law No. (24) of 2024, which granted the Ministry the authority to lease large areas of agricultural reform lands up to (5000<sup>6</sup> dunums to companies, associations and individuals, with the possibility of exceeding this area with the approval of the Council of Ministers.

This measure represents an important step towards encouraging sustainable agricultural investment, achieving local production that covers part of the food gap and contributes to achieving food sovereignty and reducing dependence on imports, which is in line with the state's goals of guaranteeing the right to healthy food.

##### **First: Legal frameworks supporting agricultural control systems**

The national legislative framework is a key tool for regulating the relationship between the state and agricultural investors, by

- Ensuring the stability of long-term agricultural investment through a 25-year renewable lease period, which encourages the establishment of development projects that include plant and livestock farming, using modern irrigation techniques and clean farming.

<sup>72</sup>) Republic of Iraq ,Ministry of Environment, National Strategy for Environmental Protection in the Republic of Iraq 2024-2030, pp. 23-24.

<sup>73</sup>- M . Ibrahim Harbi Ibrahim, op. cit. p. 226.

<sup>74</sup>) See: Agricultural Land Lease Law No. (24) of 2024, published in the Iraqi Facts Gazette, No.2024 ,4797 .

- Achieving integration between the agricultural sectors by supporting plant and animal production simultaneously, thereby enhancing food quality and safety.
- Activating the Agricultural Credit Fund Law No. (28) of 2009, which is a strategic financing tool that provides soft loans to farmers and small farmers to improve their productive capacities and adopt sustainable agricultural methods that minimize the use of harmful pesticides and chemicals and enhance the quality of the food produced.

### **Second: The general framework of agricultural control systems in Iraq**

Agricultural and food control systems are one of the pillars of the national policy to protect consumer health and ensure food safety. The Ministry of Agriculture is responsible for implementing these systems in coordination with the Ministries of Health, Environment and Trade, through the following tasks

Issuing legislation and regulations that specify the standard specifications for agricultural and foodstuffs. <sup>(75)</sup>

Conducting laboratory tests on crops and livestock products to analyze them and make sure they are free of contaminants or toxic substances.

Monitoring production and distribution through periodic inspections of farms, factories and markets to ensure compliance with environmental and health standards. <sup>76</sup>

### **Third: National Objectives for Healthy Food Control Systems**

Through these systems, the Iraqi government seeks to achieve a set of vital objectives, the most important of which are:

Ensuring food safety and ensuring that all agricultural and food products in circulation are safe and suitable for human consumption.

Protecting public health from foodborne diseases, such as gastrointestinal diseases or chemical poisoning.

Enhance confidence in local products and improve their competitiveness in local and international markets.

Compliance with international standards and facilitating the export of agricultural products through adherence to international food safety standards. <sup>77</sup>

### **IV: Challenges facing agricultural and food control systems**

Despite the extreme importance of surveillance systems, they face multiple challenges that hinder their effectiveness, most notably:

1) **Lack of qualified technical staff:** This weakens the supervisory capacity and affects the accuracy of the inspection.

Poor infrastructure of agricultural laboratories: Some laboratories lack the modern equipment and chemicals needed to accurately analyze samples. <sup>78</sup>

2) **Overlapping powers between regulatory agencies:** As a result of the lack of institutional coordination between the ministries of agriculture, health, environment, and trade, causing duplication of efforts and lack of effective accountability.

## **FIFTH: WAYS TO STRENGTHEN AGRICULTURAL AND FOOD CONTROL SYSTEMS**

To address these challenges and enhance the effectiveness of agricultural control systems, the following measures are proposed:

- **Improve laboratory infrastructure:** By modernizing equipment, providing advanced technical equipment, and linking laboratories to a centralized data network to improve the speed and accuracy of results <sup>(79)</sup>.

- **Establishing a unified national authority for food safety:** Coordinating between the different regulatory bodies and developing a national roadmap for integrated agricultural control.

<sup>75</sup>- See: Article (2/I) (of Law No. (46) of 2012 regulating the circulation of agricultural materials ,which stipulates: (I) Regulating the circulation of agricultural materials and ensuring their conformity: Organizing the circulation of agricultural materials and ensuring their conformity with the required specifications.

<sup>76</sup> Article (10) (of the same law :Article (10) of the same law, which stipulates" :First: The inspector may enter warehouses and shops to ensure the validity of the specifications of the agricultural materials contained therein

Second : If the inspector suspects that the agricultural materials in stores and shops do not meet the applicable conditions and specifications, he shall take samples of them for analysis and examination against a receipt and ask the owner to place the suspected materials in a special place and seal them with red wax.

Third : The inspector shall deliver the samples to the competent authority, and that authority shall perform the analysis and examination and report the result to the inspector within periods specified by instructions issued by the Minister.

Fourth : The sale of the materials stipulated in Clause (II) of this Article shall be prohibited until the result of the analysis and examination appears

Fifth : If the result of the analysis and examination is sound, the inspector shall decide to lift the seizure of the seized materials(.

<sup>77</sup> Food and Agriculture Organization of the United Nations, World Health Organization, Food Control System Assessment Tool, Rome, 2020, p. 6.

<sup>78</sup> Republic of Iraq ,Ministry of Planning, National Development Plan 2024-2028, p. 22.

<sup>79</sup> Republic of Iraq ,Ministry of Planning, National Development Plan 2024-2028, p<sup>22</sup>.

- **Utilizing international support:** Through cooperation with specialized international organizations such as the Food and Agriculture Organization (FAO) and the World Health Organization (WHO), in order to enhance the technical and technical capabilities of national authorities.
- **Adopting smart control systems:** Using modern technology, such as direct monitoring systems via satellites and drones, to monitor any environmental or health violations at the stages of agricultural production and distribution.

## CONCLUSION

The right to healthy food has become one of the most important fundamental rights, whose importance is not limited to the biological or human aspect, but goes beyond that to form a central pillar of national security and sustainable development. Through this research, it was found that this right is not realized by slogans alone, but through a coherent legal and regulatory system, in which state tools are efficiently activated and efforts are integrated between the ministries of agriculture, health, environment and trade, to ensure access to safe and sound food for every citizen.

The analysis revealed that the challenges that hinder the realization of this goal - from weak oversight and overlapping powers to inadequate legislation or lack of community awareness - require urgent national action that restructures regulatory policies, promotes transparency and accountability, and invests in awareness and scientific research as a means to protect human health. The realization of this right is not just a legal obligation, but an expression of the state's commitment to the dignity of its citizens, and a moral duty that is translated into every regulatory procedure, every piece of legislation enacted, and every policy implemented. In this sense, the right to healthy food is the cornerstone of a healthy society, an informed citizenry, and a thriving economy. Let's preserve our resources, protect our environment, and build a food culture based on safety and responsibility, so that together we achieve the great equation: Healthy food... For a healthy society and a prosperous nation.

## RESEARCH FINDINGS

- 1) It is clear that the right to healthy food is a fundamental right that is closely linked to the right to life, health and a healthy environment. It is recognized by international conventions and affirmed by national constitutions, including the Iraqi Constitution in Articles (30) and (31), which obliges the state to develop effective policies to protect it and ensure that every citizen enjoys it without discrimination.
- 2) The study showed that the Ministry of Commerce, despite its supervisory role, faces major challenges in controlling the quality of imported food, most notably: Weak technical capabilities at border crossings, lack of coordination between the concerned authorities, and the existence of legal and organizational gaps, which led to the leakage of non-conforming food commodities into local markets.
- 3) The study showed that environmental pollution, especially water pollution, represents a direct threat to food safety, as environmental reports revealed high levels of pollution in rivers and streams as a result of negligence and random disposal of waste, which calls for strengthening the role of the Ministry of Environment and the Department of Environment in monitoring and control, modernizing testing tools and applying "smart environmental control".
- 4) The results confirmed that community awareness is one of the essential tools to ensure the sustainability of water resources and food safety, as the media and educational efforts of the Ministries of Environment, Health and Education contribute to establishing positive environmental behavior among citizens and raising awareness of the seriousness of pollutants and their impact on human health.
- 5) The study found that the Ministry of Agriculture plays a vital role in ensuring healthy food through agricultural extension and production control programs, and the effectiveness of these programs lies in their ability to change the behavior of farmers and motivate them to use modern agricultural techniques and safe fertilizers and pesticides.
- 6) The study showed that the weak laboratory infrastructure and the lack of specialized technical cadres represent a major obstacle to the activation of food control systems in Iraq, which requires structural reform in the food safety system, and legislative and administrative development to enhance the efficiency of this control in accordance with national and international standards.
- 7) The study showed the importance of establishing a unified national food safety authority to coordinate regulatory efforts between ministries and relevant authorities, in order to enhance transparency, prevent overlapping powers, and ensure effective protection of the right to healthy food.

## RECOMMENDATIONS

- 1) Establish an independent national authority for food safety, with responsibility for coordinating between the ministries of agriculture, health, trade, and environment, and unifying regulatory efforts on food in terms of production, import, and distribution, to ensure effective oversight and prevent overlapping powers and decisions.
- 2) Modernizing the infrastructure of environmental, agricultural and health laboratories, providing them with advanced analytical equipment, and training specialized technical cadres to increase the efficiency of food testing and early detection of contaminants at all stages of the food chain.
- 3) Adopting a smart monitoring system for water and food resources, through the use of real-time monitoring techniques, drones, and geo-digital databases to monitor water quality and agricultural and industrial activities that affect food safety.
- 4) Strengthening community and environmental awareness programs by integrating the concepts of food security and the right to healthy food into school curricula, activating national and community media, and expanding the role of associations and organizations in environmental and agricultural education.
- 5) Supporting agricultural extension programs and expanding them to include all governorates, with a focus on spreading the culture of organic farming, the proper use of fertilizers and pesticides, and encouraging farmers to apply Good Agricultural Practices (GAP), as it has a direct impact on improving food quality.
- 6) Reviewing and developing national legislation related to food and water safety, especially with regard to regulating the use of chemicals in agriculture and industry, updating environmental protection laws, and ensuring their consistency with international standards in this field.
- 7) Expanding the scope of periodic checks on imported products, tightening control at border crossings, preventing the entry of any food shipment before ensuring its conformity with national health and environmental specifications, and strengthening the powers of inspection and control teams.
- 8) Funding and supporting scientific research in the field of food security and environmental health, by encouraging universities and research centers to develop sustainable and safe technologies for agricultural and food production, and building national databases based on scientific indicators to monitor risks.
- 9) Developing integrated health and environmental emergency plans to deal with food crises or water pollution, including the provision of sterilization and purification materials, media mechanisms for rapid community awareness, and ensuring the continued flow of healthy food during disasters and climate crises.
- 10) Incorporate the principle of environmental justice into government policies, to ensure that environmental and food control reaches rural and remote areas, and is not limited to urban centers, to ensure that all groups include their right to healthy food.

## REFERENCES

### FIRST: ACADEMIC BOOKS AND ARTICLES

- 1) Ibrahim, Harbi Ibrahim. Food Security Policies in Iraq. Journal of Rafidain University College of Science, Central Technical University - Baghdad, 2016.
- 2) Al-Imam, Mahmoud Al-Jamsi. Determinants of Arab Food Security. Ninth Conference of Agricultural Economists, Cairo, 2001.
- 3) Anissa, Akhal Al-Ayoun. [Ibid].
- 4) Badria, Saleh Abdullah. The Role of Environmental Governance in Achieving Environmental Security in Iraq. Hammurabi Journal of Studies, No. 52, 2024.
- 5) Hasnaa, Riad Abbas. The role of technology and renewable energy in building a sustainable environment in Iraq. Al-Rasid Journal, First Year, 2024.
- 6) Khalid, Rashid Al-Naqib. Health Law and Health Services Management in Iraq. Dar Ibn Al-Athir for Printing and Publishing, Mosul, 2011.
- 7) Radwan, Hassan al-Obeidi. Food contamination and the resulting damages. University Thought House, Alexandria, Egypt, 2014.
- 8) Rong, Odeh Abbas. Legal Organization of Civil Society Organizations. Master's thesis, Al-Nahrain University, Baghdad, 2013.
- 9) Samer, Abdul Sattar Amin. Health Surveillance Manual. Iraqi Ministry of Health, second edition, 2012.
- 10) Salam, Abdulwadood Obaid al-Lami. The Role of Consumer Protection Agencies in Iraqi Laws. Iraqi University Journal, 2007.
- 11) Shahid, Mohammed Abdul Halim Samara. The importance of health monitoring to achieve a safe environment for the community. Arab Society Journal for the Publication of Scientific Studies, Issue 78, 2024.
- 12) Amer, Abdul Rahman Sheikh Zahir. Food Hygiene - Theoretical Part. Baghdad University, Faculty of Agriculture, Department of Food Science, 2017.
- 13) Ola, Abdulaziz Mohammed. [Previous source].



- 14) Muhammad, Maqbool Gadivan Almadawad. The impact of health control on food safety and consumer health. Arab Society Journal for the Publication of Scientific Studies, Issue 21, 2023.
- 15) Wafa, Jaafar Al-Mahdawi, and Hafez, Abdul Amir Amin. Environmental Challenges in Iraq - Learning from the German Experience. Iraqi Journal of Economic Sciences, 2012.
- 16) Walid, Abdul Ghaffar Mohammed Reda Al-Shahib. Promoting human rights by protecting consumers from environmental pollution. Iraqi Journal of Market Research and Consumer Protection, Volume 12, Issue 1, 2020.
- 17) Hadi, Faisal Saadoun. Environmental pollution in Iraq and its impact on health and health security. Journal of the Faculty of Basic Education - University of Diyala, 2018.

#### SECONDLY: INTERNATIONAL CHARTERS AND ORGANIZATIONS

- 1) Universal Declaration of Human Rights, United Nations General Assembly, 1948.
- 2) International Covenant on Economic, Social and Cultural Rights, United Nations, 1966.
- 3) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), United Nations, 1979.
- 4) Convention on the Rights of the Child (CRC), United Nations, 1989.
- 5) Arab Charter on Human Rights, League of Arab States, 2004.
- 6) Stockholm Declaration, United Nations Conference on the Human Environment, 1972.
- 7) Rio Declaration on Environment and Development, Earth Summit, 1992.
- 8) World Health Organization (WHO), Geneva, founded 1948.
- 9) Food and Agriculture Organization of the United Nations (FAO), Rome, founded 1945.
- 10) Codex Alimentarius Commission, a joint venture between FAO and WHO.

#### III: IRAQI LAWS AND LEGISLATION

- 1) Iraqi Public Health Law No. 89 of 1981.
- 2) Consumer Protection Law No. 1 of 2010.
- 3) Environmental Protection and Improvement Law No. 27 of 2009.
- 4) The Central Organization for Standardization and Quality Control Law No. 54 of 1979.
- 5) Ministry of Water Resources Law No. 50 of 2008.
- 6) Agricultural Quarantine Law No. 3 of 2020.
- 7) Agricultural Land Lease Law No. 24 of 2024.
- 8) Agricultural Materials Regulation Law No. 46 of 2012.
- 9) Food Law No. 29 of 1981 (amended 2011).