

METHODS TO MONITOR THE HUMAN RIGHT TO ADEQUATE FOOD

VOLUME I





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VOLUME I

Making the Case for Rights-Focused and Rights-Based Monitoring



FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

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Preface

*The right to adequate food is enshrined in the 1948 Universal Declaration of Human Rights and in a number of subsequent international and regional covenants. It has been reaffirmed by world leaders at the World Food Summits in 1996 and 2002 and concrete commitments were made to promote its progressive realisation. Since then governments and international civil society organisations have come together, under FAO's leadership, to pledge their renewed commitment to the realisation of the right to adequate food. In November 2004, the FAO Council adopted the "Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security" (from here on called **Right to Food Guidelines**), following a two-year long negotiation process, which was marked by active and constructive participation by civil society organisations and the international donor community. The entire process represented the first time that member states have worked together to draft such a document for any one of the economic, social and cultural right. It represents a milestone in the advancement of basic human rights.*

*The **Right to Food Guidelines** are intended to provide practical guidance and advice to states in establishing priorities and in implementing ways to promote, protect and fulfil the right to adequate food in their own countries. First and foremost, the **Right to Food Guidelines** present a broad normative framework within which this may take place. In practice, an **additional step** is required, that is, transforming their contents into practical tools for: (i) development planning, policy formulation, and programme and project design and implementation, and (ii) monitoring the implementation of all measures and actions that should contribute to the right to adequate food being realised over time for more people.*

*These two volumes of the **Methods to Monitor the Human Right to Adequate Food** contribute to this additional step. These volumes are part of a series of reference guides that the Right to Food Unit has prepared. They aim to be highly practical and to provide the most current and relevant methodological and operational information related to monitoring the right to adequate food. No recipes are presented but instead, methodological options are explained and discussed. Information regarding specific methods are summarised, and references to easily accessed sources of technical and methodological documentation are provided. In most cases, the methods included are already being applied in more general monitoring of food security, nutrition and poverty reduction.*

Volume I presents a broad framework for monitoring the protection and realisation of the right to adequate food, within the broader context of rights-based development. In "making the case" this volume attempts to contribute to a common understanding of what rights-focused monitoring and rights-based monitoring mean. Issues are introduced that will undoubtedly be involved in country-level monitoring of the right to adequate food. An analysis of likely opportunities and constraints can help to put in place strategic approaches. In-country monitoring the right to adequate food also involves

institutional issues that need to be considered and addressed, as well as analytical and methodological issues involved in rights-based monitoring. Finally, some hints are provided as to how to go about organising at country level to implement monitoring the right to adequate food, building on existing monitoring systems.

Volume II provides a detailed overview of various methods and approaches relevant to monitoring the right to adequate food. The primary target users of Volume II are expected to be technical staff in public sector institutions and civil society organisations that are responsible for planning and monitoring food security, nutrition, and poverty reduction policy development and programming, and of progress towards achievement of food security, nutrition and poverty related goals and targets. Volume II is meant to help make their work easier, more efficient and effective.

We consider both volumes to be “living” documents, in the sense that it is through in-country application and use that it will be possible to gauge needs to introduce changes and modifications in order to increase their usefulness. We expect these documents to be adapted to specific situations and refined as they are being implemented. We therefore kindly invite users to share with us their experiences with the use of these documents, as well as any comments and suggestions that will allow us to improve the contents, organisation and/or presentation of these volumes.

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The development and preparation of these two volumes on Methods to Monitor the Human Right to Adequate Food consisted of a participatory process that involved a number of collaborators as well as potential in-country users of these volumes. The process started off as a collaborative effort between the Right to Food Unit at FAO and the International Project on the Right to Food in Development (IPRFD) at the University of Oslo and Akershus University College in Lillestom, Norway. The lead author was Maarten Immink and co-authors were Wenche Barth Eide and Arne Oshaug. Other members of the IPRFD who made important contributions were: Asbjorn Eide, Bard A. Andreassen and Kaia Engesveen.

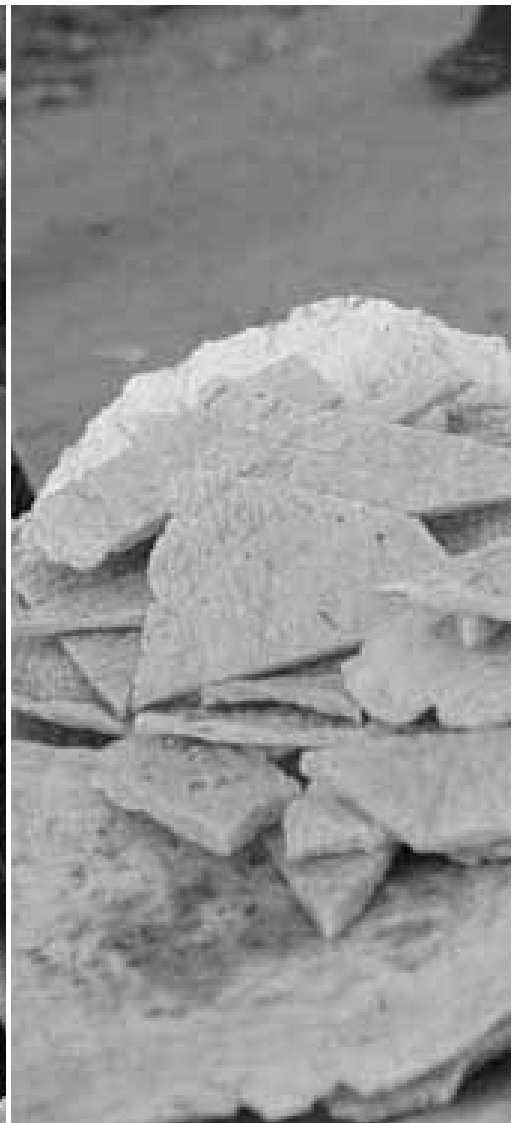
Members of the Right to Food Unit at FAO have made comments and provided important inputs on drafts: Margret Vidar, Frank Mischler, Barbara Ekwall, Mauricio Rosales, Isabella Rae, Dubravka Bojic Bultrini and Lidija Knuth. Other colleagues at FAO also reviewed various drafts, and made suggestions for improvements: Mark Smulders, Cristina Lopriore, Ricardo Sibrian, and Julian Thomas. Gabriele Zanolli undertook the lay-out work.

A number of drafts were submitted for comments to experts in food security, nutrition and human rights. The Office of the High Commissioner for Human Rights (OHCHR) in Geneva, and FIAN International in Heidelberg joined the collaboration and provided valuable inputs. Special mention is due of the contributions made by Rajeev Malhotra (OHCHR), and Flavio Valente, Ana Maria Suarez-Franco and Sandra Ratjen (all of FIAN International).

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List of acronyms

AGN	Nutrition and Consumer Protection Division
AIDS	Acquired Immune Deficiency Syndrome
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
ESC	Economic, Social and Cultural
ESCR	Economic, Social and Cultural Rights
FAO	Food and Agriculture Organization of the United Nations
FIAN	Food First Information and Action Network
FIVIMS	Food Insecurity and Vulnerability Information and Mapping Systems
HIV	Human Immunodeficiency Virus
IAWG	Inter-Agency Working Group
IDS	Institute of Development Studies
IGWG	Inter-Governmental Working Group
IPRFD	International Project on the Right to Food in Development
MDG	Millennium Development Goal
OHCHR	Office of the High Commissioner for Human Rights
PDSA	Participatory Service Delivery Assessment
RFM	Rights Focused Monitoring
RTFG	Right to Food Guidelines
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
WHO	World Health Organization



1. MONITORING THE HUMAN RIGHT TO FOOD – AN OVERVIEW

IN THIS CHAPTER WE SHALL:

- Review the human right to adequate food in the context of international human rights law.
- Place the right to adequate food in the context of rights-based development.
- Discuss the Right to Food Guidelines and specifically Guideline 17.
- Present an overview of some key questions that need to be considered for country level implementation of monitoring the human right to adequate food.

These *Methods to Monitor the Human Right to Adequate Food* are intended to assist countries that are committed to the protection and realisation for all of the human right to adequate food. The focus is on the need to continuously assess and to monitor the implementation of measures that are expected to make the human right to adequate food a reality for all. This means examining the results and impacts of development processes, and of policies, programmes and projects, against specific goals that have been set as desired outcomes for the enjoyment of economic, social and cultural rights. Where food insecurity exists, measures should be implemented to restore or create physical and economic access to adequate food for those who are food insecure. Monitoring can significantly contribute to protect the enjoyment of the right to adequate food for those who presently have it, and of the elimination of food insecurity and vulnerability for those who do not.

UNDERSTANDING THE HUMAN RIGHT TO ADEQUATE FOOD IN THE CONTEXT OF INTERNATIONAL HUMAN RIGHTS

The human right to adequate food became part of internationally recognised human rights in 1948 through the Universal Declaration of Human Rights Article 25. It was further elaborated as international human rights law through Article 11 of the International Covenant on Economic, Social and Cultural Rights adopted by the United Nations General Assembly in 1966. At present the International Covenant on Economic, Social and Cultural Rights had been ratified by 157 States. The right to food for all children is implied in Articles 24 and 27 of the Convention on the Rights of the Child, adopted by the United Nations in 1989, and now ratified by all States of the world with two exceptions.

Under international human rights law, States have the primary responsibility for their countries' economic and social development, and for the fulfilment of all human rights. States are therefore the primary duty bearers in implementing the right to adequate food, and are required, under the United Nations Charter, Articles 55 and 56, to cooperate with each other for that purpose.

BOX 1.1

Heads of State and Governments at the World Food Summit in Rome in 1996 reaffirmed:

"...the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger".

The United Nations Committee on Economic, Social and Cultural Rights has, in its General Comment No 12 on the Right to Food, stated that

"The right to adequate food is realised when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement".¹

Food is considered "adequate" when three conditions are fulfilled. These are:

- Daily food intake meets all nutritional requirements, quantitatively (energy content) and qualitatively (protein, vitamins and minerals content).
- The food is safe for human beings to eat and does not cause any disease.
- The food is culturally acceptable by those who consume it.

THE RIGHT TO ADEQUATE FOOD IN RIGHTS BASED DEVELOPMENT

What is rights-based development? One definition is:

"Human rights add significance to the agenda of development. They draw attention to accountability for the delivery of development benefits to all people, and lend legal and moral legitimacy and a sense of social justice to the objectives of human development"

The following specific and unique elements are all considered necessary for a human rights-based approach to development²:

¹ UNDP. *Human Rights in UNDP. A Practice Note.* New York, April 2005

² *Statement of Common Understanding, 2003*

- Assessment and analysis is critical in order to identify the claims of right holders and the corresponding obligations of duty bearers as well as for understanding the immediate, underlying, and structural causes that limit the realisation of human rights.
- Programmes assess the capacity of right holders to claim their rights, and of duty bearers to fulfil their obligations. They then develop strategies to strengthen and enhance these capacities.
- Programmes to monitor and evaluate both outcomes and processes are guided by human rights standards and principles.
- Programming is informed by the recommendations of international human rights bodies and mechanisms.

Rights to adequate food should also be integrated with additional human rights principles to support harmonised development processes. Such an integrated approach aims at:

- Equitable distribution of development benefits.
- Transparency in governance and in the use of public resources.
- Efficient and effective use of all resources.
- Non-discrimination in development processes.
- Gender equality.
- Strengthening capacity to implement human rights principles and practices.
- Effective mechanisms to hold those responsible accountable for meeting development, poverty reduction and human rights goals and targets.
- Informed participation by right holders (and/or their representatives) in development planning and policy and programme formulation, implementation, and monitoring.

The processes of making human rights a reality for all and the processes of development are recognised as interrelated and mutually reinforcing. By applying a ‘human rights lens’, development is understood as a people-centred process that aims to fully and totally respect the dignity and the full capacities of all human beings. Rights-based development involves the integration of human rights norms, standards and principles in all national plans, policies and development processes. Democracy, development, respect for and protection and fulfilment of human rights and fundamental freedoms are recognised to be interdependent and mutually reinforcing³.

The interrelatedness of human rights has definite implications for monitoring the right to adequate food. Some methodological tools are specific to monitoring the degree to which the right to adequate food is being fulfilled. Others may be applied to broadly monitor Economic, Social and Cultural Rights and those rights that enhance the enjoyment of the right to adequate food (such as freedom of speech and the right to organise).

³ *Vienna Declaration and Programme of Action, 1993*

However, taking all of these rights and principles into account can easily become an overwhelming monitoring agenda. Care should be taken that a framework to monitor the right to adequate food clearly indicates what other rights are to be included. For example, rights to water and to work, and the obligation to provide land when this is important for a chosen livelihood, may be included because they are considered to be essential for the enjoyment of the right to adequate food.

There is room for flexibility as each country develops its own monitoring framework, adjusted for its own realities. United Nations development bodies recently agreed on what is implied in human rights approaches to development cooperation and programming. They affirmed that all programmes of development cooperation, policies and technical assistance should further the realisation of human rights, that human rights standards and principles should guide all development cooperation and programming in all sectors, and that development cooperation should contribute to the development of the capacities of 'duty bearers' to meet their obligations, and of 'right holders' to claim their rights⁴. It was further stated that:

Human rights principles guide all programming in all phases of the programming process, including assessment and analysis, programme planning and design (including setting of goals, objectives and strategies); implementation, monitoring and evaluation.

Among these human rights principles are: universality and inalienability; indivisibility; inter-dependence and inter-relatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law. See Annex 1 for a brief explanation of these terms. We expand on these further on within the context of monitoring the right to adequate food.

How can development processes be made more rights-based and contribute more specifically to the realisation of the human right to adequate food? In Part II of the Right to Food Guidelines, important elements of a development policy agenda are spelled out and are designed to foster an enabling environment. It is implied that development policies should address problems of:

- Unstable food supplies.
- Marketed foods being unsafe and culturally unacceptable.
- Inadequate access to food, specifically by food insecure and vulnerable population groups.
- Underlying causes for food insecurity and vulnerability.

⁴ The Statement was adopted by UN development bodies which met at the Interagency Workshop on Human Rights Based Approach in the Context of UN Reform, held in Stamford, May 2003.

Underlying basic causes for food insecurity and vulnerability within the context of low levels of development include:

- Low levels of investment in human capital (health, education).
- Poor conservation and management of natural resources.
- Non-functioning markets.
- Little investment in infrastructure.
- Little participation of the poor in policy decisions and programme implementation.
- Lack of access to affordable technologies and financial resources by the poor.
- Lack of policy and regulatory environments that are conducive to more equitable sharing of development benefits among different population groups.
- No enforcement of the rules of law, leading to high levels of corruption.

After a thorough assessment of its food insecurity, development and human rights situation, each country should establish its own policy priorities to address its most pressing problems.

THE RIGHT TO FOOD GUIDELINES

The Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (now referred to as “Right to Food Guidelines”) were adopted by the FAO Council in November 2004. Formulation of the Right to Food Guidelines followed a two-year process that included the establishment of an intergovernmental working group by the Council in 2002 following a recommendation by the World Food Summit.

BOX 1.2

The **objective** of the Right to Food Guidelines is to:

“...provide practical guidance to States in their implementation of the progressive realisation of the right to adequate food in the context of national food security, in order to achieve the goals of the Plan of Action of the World Food Summit...”

TYPES OF ACTIVITIES THAT ARE PROMOTED IN THE RIGHT TO FOOD GUIDELINES

The Right to Food Guidelines address a range of activities that states should ideally undertake in order to realise the human right to adequate food. They are divided into three sections. The first section explains the objective of the Right to Food Guidelines and refers to relevant international instruments, and explains what the right to adequate food and the achievement of food security mean. Section two deals with creating an enabling environment for the implementation of the right to adequate

food, assistance and accountability mechanisms and outlines the nineteen Guidelines, identifying a wide range of components integral to the realisation of the right to adequate food⁵. The third section refers to commitments that States, relevant international organisations and other stakeholders should make towards the fulfilment of the human right to adequate food, and to a range of actions they should undertake to meet those commitments.

RIGHT TO FOOD GUIDELINES AND MONITORING THE RIGHT TO ADEQUATE FOOD

Various guidelines deal with monitoring the realisation of the right to adequate food, and with evaluating the impacts of these measures. The importance of monitoring in a rights based way is recognised in *Guideline 17* (see Box).

Guideline 17 also develops an analytical and methodological agenda to monitor the realisation of the right to adequate food. Additional relevant aspects related to monitoring are covered in other guidelines. For example, (i) undertaking right-to-adequate food assessments to formulate a national human-rights based strategy (*Guideline 3.2*), (ii) establishing national intersectoral coordination mechanisms to monitor and evaluate policies, plans and programmes (*Guideline 5.2*), (iii) involvement of stakeholders, particularly communities and local government in monitoring and evaluating food production and consumption programmes (*Guidelines 10.3*), (iv) undertaking disaggregated food insecurity, nutrition and vulnerability analysis to assess forms of discrimination (*Guideline 13.2*), and (v) participation by civil society organisations and individuals in the monitoring activities of human rights institutions (*Guideline 18.1*).

WHAT EXACTLY IS RIGHTS-FOCUSED MONITORING?

In general rights-focused monitoring can be defined as:

Rights-focused monitoring within a country consists of periodic collection, analysis and interpretation, and dissemination of relevant information to assess the progress in the realisation of the right to adequate food among all members of society, and whether this is being achieved in ways compatible with human rights principles and approaches.

⁵ The themes of the nineteen Right to Food Guidelines are: 1 Democracy, good governance, human rights and the rule of law; 2 Economic development policies; 3 Strategies; 4 Market systems; 5 Institutions; 6 Stakeholders; 7 Legal framework; 8 Access to resources and assets; 9 Food safety and consumer protection; 10 Nutrition; 11 Education and awareness raising; 12 National financial resources; 13 Support for vulnerable groups; 14 Safety nets; 15 International food aid; 16 Natural and human-made disasters; 17 Monitoring, indicators and benchmarks; 18 National human rights institutions; 19 International dimension.

BOX 1.3 - GUIDELINE 17: Monitoring, Indicators and Benchmarks

17.1 States may wish to establish mechanisms to monitor and evaluate the implementation of these Guidelines towards the progressive realisation of the right to adequate food in the context of national food security, in accordance with their capacity and by building on existing information systems and addressing information gaps.

17.2 States may wish to consider conducting “Right to Food Impact Assessments” in order to identify the impact of domestic policies, programmes and projects on the progressive realisation of the right to adequate food of the population at large and vulnerable groups in particular, and as a basis for the adoption of the necessary corrective measures.

17.3 States may also wish to develop a set of process, impact and outcome indicators, relying on indicators already in use and monitoring systems such as FIVIMS, so as to assess the implementation of the progressive realisation of the right to adequate food. They may wish to establish appropriate benchmarks to be achieved in the short, medium and long term, which relate directly to meeting poverty and hunger reduction targets as a minimum, as well as other national and international goals including those adopted at the World Food Summit and the Millennium Summit.

17.4 In this evaluation process, process indicators could be so identified or designed that they explicitly relate and reflect the use of specific policy instruments and interventions with outcomes consistent with the progressive realisation of the right to adequate food in the context of national food security. Such indicators could enable States to implement legal, policy and administrative measures, detect discriminatory practices and outcomes, and ascertain the extent of political and social participation in the process of realizing that right.

17.5 States should, in particular, monitor the food-security situation of vulnerable groups, especially women, children and the elderly, and their nutritional status, including the prevalence of micronutrient deficiencies.

17.6 In this evaluation process, States should ensure a participatory approach to information gathering, management, analysis, interpretation and dissemination.

Rights-focused monitoring encompasses approaches that fully incorporate human rights principles in monitoring the formulation, funding, implementation and impacts of relevant policies, programmes, projects and community activities. They echo the human rights principles that should guide rights-based development, which are:

- Equity in terms of resource distribution, and of policy and programme impacts.
- No discrimination against any population groups.
- Transparency in public affairs and administration.
- Increased capacity among public officials with responsibilities related to the realisation of the right to adequate food (‘duty bearers’).
- Popular participation in the formulation of policies, programmes and other State actions.

- Mechanisms in place to hold public officials accountable for their performance.
- High degree of human rights awareness and capacity among all people ('rights holders').
- Adequate capacity within the regulatory and legal framework to process claims of rights violations.
- Full respect for the rule of law.

Information resulting from rights-focused monitoring provides guidance for the improved implementation of measures towards making the human right to adequate food a reality, and in ways that in themselves are fully consistent with human rights principles and approaches. This means that such implementation processes are equitable, non-discriminatory, transparent, participatory and inclusive. For example, implementation of right to adequate food measures should ensure equity in terms of resource distribution, should not discriminate against certain population groups, should guarantee transparency in public affairs, administration and decision making, and should ensure informed popular participation in the formulation of public policies and programmes. Information generated through rights-focused monitoring should foster accountability and respect for the rule of law, and should increase knowledge among food insecure and vulnerable groups about their right to adequate food, and about ways of claiming that right (as well as other rights).

WHAT DO WE MONITOR FROM A HUMAN RIGHTS PERSPECTIVE?

A monitoring framework maps out and identifies what to monitor, suggests what methods to apply, how to interpret the results, and what information and indicators to include. These issues are covered in much greater detail in Volume II. To illustrate what additional dimensions are introduced in conventional monitoring from a human rights' perspective, we include the following questions:

- Are the norms, standards and principles of international human rights treaties and instruments followed up in national policies, regulations and in development programmes and sector plans?
- Are there gaps in the achievement of human rights norms, and of targets and benchmarks, and what are the causes of non-achievement?
- Are public decision-making and the implementation of pro-food security and nutrition policy and programme measures transparent and in accordance with good governance principles?
- Are rights holders becoming rights claimants because mechanisms are in place to seek redress for violations of the right to adequate food?
- Does the monitoring information make it possible to hold state duty bearers accountable for inappropriate use of public resources and poor delivery of public services, and for decisions that adversely affect the realisation of rights? Does the monitoring information contribute to the understanding of reasons for poor public performance?

- Are decisions and actions by non-state actors that impact on the enjoyment of the human right to adequate food covered by the monitoring information?
- Does the monitoring information cover legal and institutional frameworks that condition the realisation of the human right to adequate food?
- Does the monitoring information focus on food-insecure and vulnerable groups and on the underlying causality in these groups of food insecurity, vulnerability and malnutrition, for efficient policy and programme targeting and for relevant and effective follow-up actions?
- Is the implementation of pro-food security and nutrition measures non-discriminatory, and is the distribution of benefits of policy and programme measures equitable?
- Are monitoring processes participatory and inclusive, and are all those who participate in monitoring empowered in the process so that they plan actions in line with their own priorities? In other words, is the monitoring process itself rights-based?

TWO ADDITIONAL MONITORING APPROACHES

Two additional approaches focus on monitoring compliance with state obligations and of individual or group violations. These two approaches are often linked and are more likely reflected in monitoring activities of civil society organisations. According to international human rights law, the state has legal and moral duties or obligations towards the country's inhabitants. These duties and obligations are spelt out in international agreements and covenants to which the state is a party. The State is bound by these obligations whether they are incorporated in domestic law or not. Three levels of state obligations related to the realisation of the right to adequate food are distinguished: (i) obligation to respect, (ii) obligation to protect, and (iii) obligation to fulfil. An expanded explanation of these state obligations is provided in Annex 1. Monitoring focuses on the extent to which the State (usually specific state institutions) is acting in accordance with these obligations.

This is often in concert with the violations approach, i.e. when someone's right to adequate food is violated. Such violations, when reported by the affected person or on her behalf by an organisation, to a human rights institution, may be investigated through judicial or quasi-judicial means. One part of the investigation will focus on how and why the State failed to respect, protect or fulfil the right to adequate food. Civil society organisations typically register cases of violations during given years. A change in the number of reported violations over time does not necessarily mean that more or less violations are taking place, or that the state performs better or worse with respect to its obligations. There is still relatively little country-level experience with these approaches, which also depend on the existence of judicial or quasi-judicial means available to claim the right to adequate food.

WHO ARE THE USERS AND PROVIDERS OF MONITORING INFORMATION?

The main user groups of monitoring information are government officials, civil servants, civil society groups representing right holders, and private sector actors (for example, food producers and processors). In each case, the specific information requirements of these individual user groups should be recognised and appreciated. Their information needs should be understood before information collection is undertaken. This will help ensure that the final information produced and disseminated is technically and socially accessible, and relevant to different user groups. The right to adequate food is a multi-faceted right that is intertwined with other economic, social and cultural rights, as well as political and civil rights. Monitoring the right to adequate food requires information from different sources at different levels, such as sector databases, censuses, national surveys, poverty and livelihood vulnerability analyses, policy analyses, programme assessments and evaluations, food security and nutrition situation analyses, etc. Rights-based monitoring also requires establishing an institutional framework that specifies:

- Those institutions and organisations that will participate in the main components of the monitoring process and how responsibilities for information collection and analysis are divided among these entities.
- Which institution will have primary responsibility for monitoring.
- How monitoring information will be exchanged (horizontally and vertically) among institutions and organisations at national and local levels.
- What existing institutional capacities are, as well as gaps in those capacities, to adequately undertake rights-based monitoring of the right to adequate food.
- How to ensure that monitoring information is directly linked to follow-up decision-making and action.

The institutional implementation framework has to be country-specific and requires the enactment of appropriate legislation, as resources are needed to support the framework. Ideally it will involve a strong partnership between government and civil society, and will be implemented within the context of a food and nutrition policy or strategy with solid human rights underpinnings. Institutional issues are further discussed later on.

TALKING THE SAME LANGUAGE – AN OVERVIEW OF COMMONLY USED TERMS

Before monitoring processes can be put in place, it is important that all persons and agencies that will play a role share a common understanding of the different terms that are typically used. Lack of a common understanding has been one of the stumbling blocks to implementing rights-focused monitoring to date. Key terms are reviewed in Annex 1.

2. THE MEANING AND APPLICATION OF RIGHTS-FOCUSED AND RIGHTS-BASED MONITORING

THIS CHAPTER COVERS:

- The various meanings of rights-focused monitoring.
- The meaning of rights-based monitoring.
- Discuss the Right to Food Guidelines and specifically Guideline 17.
- The additional elements that rights-focused monitoring brings to conventional monitoring.

WHAT DO WE UNDERSTAND BY RIGHTS-FOCUSED MONITORING?

Rights-focused monitoring can be understood in different ways and can be undertaken for different purposes.

Three different ways of considering rights-focused monitoring are specified here. One relates to planning and implementation processes and two focus on outcomes and their impacts on the realisation of a right.



Rights-focused monitoring of implementation processes and outcomes...

- involves monitoring the decisions, actions, and conduct of political, economic, social and institutional systems and actors that are expected to contribute to the realisation of rights,
- means monitoring the impact of measures that are expected to contribute to the progressive realisation of human rights, and
- involves assessing final impacts to determine whether or not human rights have been increasingly respected and protected, and are being fulfilled in practice.

The first point refers to the processes of developing and implementing measures that are expected to impact on the realisation of the right to adequate food, the analysis and monitoring of these processes, and the application of human rights

principles. It means, for example, monitoring of public budgets from a rights' perspective by asking: do budget allocations and expenditures reflect the principle that states should take measures 'to the maximum of their available resources' for the realisation of economic, social and cultural rights⁶? Another example may be to monitor the implementation of a school feeding programme to see whether the programme reaches the most needy children, does not discriminate against children from certain population groups, is implemented with participation from parents and the community, and who can also hold school officials and local authorities accountable in case of poor performance and misuse of public resources.

Measures include policies, programmes and projects and other actions at national, local and community levels. Within this context, examples may include: a national food and nutrition policy or strategy, a poverty alleviation programme, a community-based project to increase food production, or programmes to improve access to rural markets or to public health services. Progressive realisation means that plans and policies are developed and implemented to make possible over a reasonable period of time the realisation of rights. It further recognises that this progress must be made within the resource constraints the state faces. Monitoring the progressive realisation of ESC rights requires benchmarks, set as a minimum threshold for the realisation of the rights. Benchmarks define where the country should be at specific points in time, as intermediate points towards reaching more long-term goals and targets. The Millennium Development Goals establish such targets, the achievement of which requires establishing benchmarks at specific points in time prior to 2015. With the violations approach, State actions are monitored to examine whether these in themselves result in violations of rights: the right to adequate food, and/or associated rights, such as right to employment, to land or to productive means to access adequate food. For example, a government programme to relocate a community of small farmers because of the need to construct a dam may seriously affect the community's access to productive resources and hence negatively affect their capacity to acquire adequate food, perhaps further aggravating their vulnerability to food insecurity and malnutrition. In other words, rights-based monitoring also examines whether there are regressions in the realisation of the right to adequate food and/or any associated rights.

WHAT DO WE UNDERSTAND BY RIGHTS-BASED MONITORING?

The focus of rights-based monitoring is on the monitoring process itself. The monitoring process needs to be transparent. Right holders and their representatives should have an equal opportunity to participate in the monitoring process, and their participation should empower them. Right holders and duty bearers should have full access to monitoring results and outcomes, thus enabling them to act on this information. This is sometimes referred to as "evidence-based decision making".

⁶ Article 2, Committee on Economic, Social and Cultural Rights



Rights-based monitoring

Means analysing the monitoring process to see if it is rights compliant and is conducted in ways that are consistent with human rights principles and approaches.

A typical monitoring process generally consists of at least five sets of activities. These are:

- Information organisation (including constructing indicators).
- Information (data) gathering from primary and secondary sources.
- Processing and transformation/tabulation of information.
- Information analysis and interpretation.
- Information sharing and dissemination (reporting).

It will be indicated throughout which meaning is being referred to. A complete monitoring framework would include the three RFM meanings, which are considered complementary. The monitoring framework should also include monitoring methods and approaches that are human rights based. Thus, a comprehensive monitoring framework should include indicators that cover all four of the above purposes or objectives. Which approach applies at a given instance depends on the specific purpose for which monitoring is undertaken, and on the mandate of the in-country institutions that will be undertaking rights-based monitoring tasks.

Most importantly, the rights-focused monitoring concept should not be understood too rigidly, otherwise it may too difficult to apply in practice. Implementation of a rights-focused monitoring framework should also proceed in an incremental way, building on what already is in place in terms of relevant information systems. We shall return to this issue below.

WHAT DOES RIGHTS-FOCUSED MONITORING ADD OVER AND ABOVE CONVENTIONAL MONITORING?

In summary then, what are the additional elements that are introduced by applying human rights principles and approaches in monitoring? What is the “value added” of rights-focused monitoring over and beyond traditional monitoring and evaluation. The important points are:

- Rights-based development provides a comprehensive analytical framework that reflects economic, social, cultural and political factors in the design of the monitoring system.

- A rights-based approach to development integrates the norms, standards and principles of international human rights treaties and instruments, and requires that these are followed up in national policies and development programmes.
- By definition, rights-based approaches address gaps between norms and reality, and helps to identify how public policies and programmes, or activities by non-state actors, may impede the enjoyment of human rights.
- Human rights based monitoring requires transparency and allows rights-holders to hold duty-bearers accountable for the delivery of public services to realise the human right to adequate food.
- It also increases transparency in the way that policy measures are implemented and public resources are used, and thus makes it easier to assess how the State responds to emerging needs. This in turn identifies areas in which the capacity of duty-bearers to deliver services may need to be strengthened.
- Monitoring processes strengthen the capacity of right holders to claim their rights, and to plan actions in line with their own priorities and needs.
- Under a rights-focused monitoring approach, information is gathered that assesses: the legal and institutional framework for the realisation of the right to adequate food, whether steps have been taken to legally incorporate the human rights provisions of international treaties and conventions that the country has ratified, and whether adequate institutional arrangements are in place to implement those provisions.
- The impact of relevant policy measures are monitored and assessed over time and compared to established targets and benchmarks related to the progressive realisation of the right to adequate food.
- Special emphasis is placed on monitoring food insecure and vulnerable groups, particularly by analysing the underlying causes that lead to their suffering from food insecurity and/or vulnerability to food insecurity, so that they may be better targeted to benefit from right to food measures.
- The principle of non-discrimination is upheld and firmly integrated in monitoring decisions, actions, and conduct of political, economic, social, and cultural institutions, and in the allocation of public resources, thereby enhancing social and gender equity.

3.

PUTTING RIGHTS-FOCUSED AND RIGHTS-BASED MONITORING OF THE RIGHT TO ADEQUATE FOOD INTO PRACTICE

IN THIS CHAPTER THE READER WILL FIND:

- Checklists of potential opportunities and challenges to implementing rights-focused monitoring.
- Ways to take advantage of opportunities to promote rights-focused monitoring.
- Ways to address challenges and constraints.
- Lessons learned from specific country experiences.

What needs to be done to get from the normative statements contained in the Right to Food Guidelines to truly implementing rights-focused monitoring of the right to adequate food at country level? Opportunities and challenges will differ among countries. These should systematically be assessed. It is also useful to learn from available country level experiences, even if these are limited.

UNDERSTANDING OPPORTUNITIES AND CONSTRAINTS TO IMPLEMENTING RIGHTS-FOCUSED MONITORING

The development and implementation of a rights-focused monitoring process is likely to encounter difficulties or challenges that need to be overcome. This is inevitable. But there are also likely to be many opportunities that facilitate the rights-focused monitoring process and enhance the advancement of rights-based development.

Opportunities and constraints are likely to be found at national, regional and local levels. An assessment of the situation should be made early on with respect to the country-specific opportunities and difficulties, to make best possible use of those opportunities, and to give adequate attention to ways in which difficulties may be overcome.

We list below some potential opportunities and challenges, some of which may be found to be present in a specific country. This checklist should assist with the assessment of the situation with respect to introducing and implementing rights-focused monitoring.

A CHECKLIST OF POSSIBLE OPPORTUNITIES

Opportunities to implement rights-focused monitoring are directly tied to country level commitments to the realisation of economic, social and cultural rights. Where true commitment to the realisation of these rights exists, the need to have adequate monitoring information will become clear, and in fact is consistent with this commitment.

Checklist of Opportunities

- RIGHT TO ADEQUATE FOOD IN NATIONAL CONSTITUTIONS
- POLICY COMMITMENTS TO FOOD SECURITY, POVERTY REDUCTION, SOCIAL DEVELOPMENT
- POLITICAL REFORMS AND DEMOCRATISATION PROCESSES
- HUMAN RIGHTS MAINSTREAMING EFFORTS
- STRONG OR EMERGING POPULAR MOVEMENTS

The human right to adequate food is explicitly or implicitly enshrined at present in the constitutions of 23 countries. Efforts are also underway in a few countries to have constitutional amendments adopted that recognise the right to adequate food. This opens up in those countries political space that can be capitalised on by ensuring that the relevant constitutional provisions translate into national legislation, policies, strategies and programmes. This in turn requires monitoring whether this is indeed happening.

Democratisation processes in a number of countries, facilitated by increasing decentralisation towards sub-national levels of policy and programme implementation by government, make possible more effective participation by rights holders and duty bearers at local level in policy dialogues, and programme formulation and monitoring. It is also recognised that the local conditions that give rise to food insecurity and malnutrition, and to vulnerability to food insecurity and malnutrition, need to be analysed and understood, so that locally developed actions will be more effective.

This means that monitoring systems can be designed that: are relevant to the information needs of local decision makers and stakeholders for follow-up actions, are participatory and more inclusive.

Food security and poverty reduction are increasingly becoming national policy priorities, in part because of large-scale efforts in some countries by civil society and technical cooperation agencies to galvanise national efforts around these issues. International efforts to mobilise policy responses (for example, to achieve

the Millennium Development Goals), have also increased demand for human rights to be put on the political agenda. Monitoring the right to adequate food can be more easily inserted when monitoring of food security and poverty reduction goals and targets is foreseen as part of policy or strategy implementation. There is a body of accumulated and relevant experience with rights-oriented advocacy work by civil society and other social actors.

Rich experience exists with regards to, for example, gender mainstreaming as a human rights issue. Such parallel and complementary human rights efforts offer opportunities for learning. They represent relevant examples from which lessons to promote the right to adequate food, and the need for rights-focused monitoring of the right to adequate food, can be drawn. In a few countries, like Brazil, civil society is well organised and effectively engages in pro-right to adequate food advocacy work. All these advocacy efforts can benefit in turn from monitoring information to make them more effective.

Popular and grass roots movements in some countries are growing in terms of influence. This in turn, at least potentially, opens up new spaces at the grass roots level for self-determination and for claiming of rights. Turning these new social spaces into effective areas of grass roots action requires, among other things, monitoring information that is produced at grass roots level, or through grass roots participation in monitoring of public programmes and local projects.

A CHECKLIST OF POSSIBLE CHALLENGES

One or more of the following challenges may be encountered at country level, but not necessarily all. Some of these apply more generally to the realisation of the human right to adequate food, but have practical implications for how the right to adequate food will be monitored. Others constitute more specific constraints to the implementation of rights-focused monitoring at country level. By reviewing them here it will be easier to anticipate their impact at the country level and to prepare accordingly, when they are indeed encountered. A few suggestions along these lines follow this section.

Checklist of Challenges

- POOR UNDERSTANDING THE CONCEPT OF RIGHT TO ADEQUATE FOOD
- INSTITUTIONAL LIMITATIONS
- POLITICAL COMMITMENTS AND SENSITIVITIES
- WEAK INFORMATION SYSTEMS
- LOW TECHNICAL MONITORING CAPACITY

Understanding the right to adequate food concept

Government officials and others poorly understand the true meaning and significance of “the right to adequate food” and what is required to make it a reality. The concept is often equated with the act of directly providing food to all who do not have adequate access. This is unrealistic in most cases and may be seen as threatening to the achievement of government priorities. How authorities understand and act upon compliance with the right to adequate food makes a big difference. Rights-focused monitoring, and the application of human rights principles and approaches are unlikely to be implemented under these conditions.

Institutional limitations

There are a number of challenges with institutional limitations. Fragmented institutional responsibility for food security often leads to fragmented monitoring responsibilities and uncoordinated monitoring activities. There is also often a strong tendency for governmental institutions, donor agencies, and even academia to be fragmented along sectoral lines. This poses a barrier to developing an integrated monitoring framework, which is important since the causes of food and nutrition insecurity are complex, interrelated and demand integrated solutions. Public officials are often unaware of what their obligations and duties are in fulfilling the right to adequate food, because State obligations are not yet directly tied to specific positions. Obligations may be subject to individual interpretation, and persons occupying specific posts change over time. This makes it difficult to hold public officials accountable when monitoring their performance.

Many countries lack an institutional culture of monitoring with respect to human rights. There may be different reasons for this: (i) a lack of political commitment to human rights, (ii) civil servants, at all levels of the government bureaucracy, lack competence to deal with social and economic issues as human rights issues, and (iii) the lack of commitment to monitoring allows duty bearers to avoid being held accountable for poor performance.

Political commitments and sensitivities

The discontinuity of governments and of government policies and programmes is a fact of life. In practical terms, what is to be monitored with respect to policies and programmes towards the realisation of the right to adequate food also changes over time. It demands that information systems must be flexible as to what they measure and analyse. Political commitments are often not followed by implementation. Monitoring can reveal this lack of action, which may negatively affect the level of political support for right to adequate food measures. Political

considerations may also influence the selection of indicators to be applied in monitoring. This may mean that those criteria which are most relevant to rights-based monitoring and the right to adequate food are not included because they cover politically sensitive issues, or may measure lack of progress.

Weak information systems

Monitoring of the right to adequate food should build on existing information systems. Some of the problems that may be encountered are: (i) gaps in geographic coverage, (ii) low validity of the data, (iii) long delay in data availability, and (iv) incompatibility among different data sets with respect to geographic or household-level identification, thereby limiting the extent to which data sets can be linked. These are factors that need to be remedied if rights-focused monitoring is to analyse, for example, equitable outcomes of policy and programme measures. The development, implementation and maintenance of solid information systems require considerable human, financial and organisational resources. These may not sufficiently be available in developing countries, often also requiring donor funding and international technical assistance. This in turn brings into question the sustainability of information systems and of long-term monitoring.

Technical capacity to monitor the right to adequate food

Rights-focused monitoring requires technical knowledge and experience in monitoring and evaluation and expertise in human rights principles and approaches. Capacity in both may be lacking at country level. Technical material to guide the development and implementation of information systems that is available at country level, such as handbooks and manuals, are often not user-friendly, and consequently are not used or are accessible only to a small technical group. So far these materials do not cover methods of rights-focused monitoring. Lastly, monitoring information also needs to be generated at local and community levels. This is precisely where capacity is most often the weakest, and also where resources for capacity strengthening are usually the most limited as national level needs are given higher priority.

HOW TO ASSESS OPPORTUNITIES AND CHALLENGES TO IMPLEMENTING RIGHTS-FOCUSED MONITORING?

The opportunities and challenges to developing and implementing rights-focused monitoring of the right to adequate food should be assessed in each specific country setting. Not all opportunities and challenges outlined above will be present in one country. Some of the potential challenges are not unique to the implementation of rights-focused monitoring. Particularly institutional constraints

and weak information systems affect the quality of monitoring of socio-economic policies and programmes, including of food security, nutrition and poverty reduction measures. Volume II provides more details, information, tools and methods that can be applied in assessing country level opportunities and challenges. For example, a “Strengths, Weaknesses, Opportunities and Constraints” analysis can be an useful tool to explore the opportunities and challenges that are present in the legal, political, economic, social and institutional environment for the realisation of ESCR, including the right to adequate food, and consequently for monitoring of the right to adequate food.

Additional assessments will provide inputs for the formulation of a rights-focused monitoring strategy and work plan aimed at addressing identified challenges. These include:

- Assessment of the existing food security and nutrition related information systems and ongoing monitoring activities.⁷
- Assessment of existing institutional roles and capacities (human, technical and financial) in relation to the needs of a rights-focused monitoring system.⁸
- Implementation of reporting procedures that ensure openness and transparency in the monitoring process.⁹
- Identification of rights-focused monitoring information users, a clear understanding of their information needs as rights holders and duty bearers, and identification of information gaps.¹⁰

HOW TO ADDRESS COUNTRY LEVEL CHALLENGES?

A few lessons have been learned with respect to putting the right to adequate food into practice at country level, and these may also be applicable to the implementation of rights-focused monitoring of this right. Country studies conducted in Uganda, Brazil, South Africa, India and Canada allow us to distil some critical lessons and experiences¹¹.

A brief synopsis of lessons learned is provided in Annex 2. Here we build on those lessons to make some recommendations for strategic approaches to address challenges to the implementation of rights-focused monitoring at country level. As will become clear these approaches are mutually reinforcing.

7 *Volume II, chapter 7;*

8 *Volume II, chapter 4;*

9 *Volume II, chapter 9;*

10 *Volume II, chapter 7.*

11 *FAO. Implementing the Right to Adequate Food: The Outcome of Six Case Studies. IGWG RTFG Information Paper No. 4. Rome, June 2004. In spite of the title, only five countries were involved.*

Strategic approaches to implement rights-focused monitoring

- ✓ CREATE AN ENABLING POLICY ENVIRONMENT FOR THE RIGHT TO ADEQUATE FOOD
- ✓ INTRODUCE RIGHTS-FOCUSED MONITORING IN ONGOING MONITORING OF FOOD SECURITY, NUTRITION AND POVERTY
- ✓ STRENGTHEN INSTITUTIONAL CAPACITIES TO MONITOR
- ✓ DEVELOP AND IMPLEMENT AN AWARENESS RAISING AND PUBLIC EDUCATION STRATEGY
- ✓ MOBILISE NATIONAL RIGHT TO ADEQUATE FOOD “CHAMPIONS”
- ✓ FOSTER CIVIL SOCIETY-GOVERNMENT PARTNERSHIPS

Create an enabling policy environment

Mainstreaming of human rights principles and approaches in national planning and policy documents is presently ongoing in a number of countries. Other countries have expressed an interest in this. There are several motivating forces. As indicated above, a number of countries have the right to adequate food enshrined in their constitutions. With respect to the mainstreaming process, much can be learned from current efforts to mainstream food security and nutrition in national planning and policy formulation. In fact, mainstreaming of right to adequate food should team up with mainstreaming efforts related to food security and nutrition issues. This is already starting to happen in a few countries in Eastern Africa, for example. It is clear that capacity strengthening, public education and awareness raising, and advocacy can contribute significantly to mainstreaming efforts. If issues related to the right to adequate food are included in food security and nutrition planning and policy documents, it creates a demand for rights-focused monitoring information within the context of those strategies and policies.

Introduce human rights approaches in ongoing monitoring

The ultimate goal is for rights-focused monitoring and rights-based monitoring to become standard routine activities. Rights-focused monitoring should build on ongoing monitoring activities and should add value to these processes by introducing rights-based approaches. The relevance of rights-focused monitoring, as part of monitoring and evaluation activities, is more easily demonstrated when major policy initiatives, strategies and action plans have a clear focus on right to food issues. Monitoring of the implementation of the National Food and Nutrition Strategy in Uganda, for example, envisages applying rights-based approaches, in line with the human rights underpinnings of the National Food and Nutrition Policy.¹²

¹² Government of Uganda. *National Food and Nutrition Policy*. Kampala, 2003. *National Food and Nutrition Strategy*. Kampala, 2005.

Strengthen institutional capacities

Capacity building is a cross-cutting activity that is likely needed by all individuals, groups, households, communities, civil society organisations and government institutions. Practitioners in charge of, or involved in, monitoring measures related to the right to adequate food in general, need to have the capacity to assume their respective responsibilities. In recent years it has become more fully appreciated that to fulfil duties within a human rights framework necessitates capacity in several different areas. In essence, capacity is understood to mean to:

- Be motivated and clearly understand the relevance and importance of what you have to do.
- Have a degree of autonomy based on delegated authority.
- Be empowered with adequate access to human, financial and organisational resources.
- Possess the needed skills to undertake the tasks for which you are held responsible, including: technical skills, managerial skills, communications skills, and appropriate knowledge and insights commensurate with the duties they are being asked to undertake.

The Food Insecurity and Vulnerability Information and Mapping Systems (FIVIMS) is an inter-agency initiative that aims to assist countries with strengthening their information systems for the assessment and monitoring of food insecurity and malnutrition situations¹³. The overall goal is “to reduce food insecurity and vulnerability through better inter-agency and national coordination and networking on food security information systems”.

Most of the country level FIVIMS activities aim at strengthening capacities in the provision and utilisation of food security and nutrition information. Some of the analytical tools developed under the Food Insecurity and Vulnerability Information and Mapping Systems banner are discussed in Volume II within the context of rights-focused monitoring. In addressing identified weaknesses in national information systems, it is advisable to team up with the FIVIMS initiative and its national partners, and seek support in strengthening institutional capacities. This is recommended in the Right to Food Guidelines (see Guidelines 13.1 and 17.3).

Awareness building and public education

Awareness building among right holders and duty bearers is essential in order to operationalise the right to adequate food at country level. People can only participate meaningfully if they have appropriate and credible information and if they are aware of the issues that affect their right to adequate food.

¹³ *FAO-FIVIMS. Guidelines for National FIVIMS. Background and Principles. IAWG Guidelines Series No. 1. Rome, FAO, 2000.*

This also extends to the implementation of rights-based monitoring. Information providers (duty bearers) should clearly understand how to incorporate rights-based approaches in their monitoring activities. Right holders and duty bearers, as end-users of rights-focused monitoring information, should also understand how monitoring information can be used and interpreted to help them in their own sphere of action and respective responsibilities. In order to enable institutional decision makers and technical staff to become fully aware of rights-based monitoring approaches, and to help them link these to their own ongoing monitoring activities, specific efforts have to be undertaken including:

- Formulation of a well-articulated advocacy and communications strategy directed at managerial and technical staff with responsibilities for monitoring food security, nutrition and the incidence of poverty.
- Outlining how rights-based approaches can be incorporated into ongoing monitoring activities as part of an overall strategy, through the adoption of progressive and incremental ways that build capacity over time and respect resource constraints.
- Helping rights holders (or their representatives) understand how they can become active partners in rights-based monitoring.

National human rights institutions, such as the South African Human Rights Commission and the Uganda Human Rights Commission, as well as Non Governmental Organisation right-to-food networks that exist in India, Brazil and Uganda, for example, undertake awareness building activities targeted at both right holders and duty bearers. Human rights education can be promoted through the formal school system, and through professional and in-service training, as well as at community level in poor areas.

Mobilising right-to-food “champions”

Often individuals are encountered who are aware of, and feel a personal commitment to, a cause they believe in. They may actively engage in advocacy on an individual basis, or as members of a group that has identified with that cause. These persons, particularly when they enjoy a certain personal status and universal recognition, may be called “champions”¹⁴.

Often they are easily identified, because of their high profile due to current or past accomplishments in their respective fields. Among them may be individuals who are committed to furthering human rights. If properly approached in transparent ways, these individuals may become powerful spokespersons for a right to food movement, and for the need to monitor progress with the realisation of the right to adequate food.

¹⁴ Examples may include: ex-presidents, award-winning actors/actresses, known literacy or sports figures, renounced scientists.

Civil society-government partnerships in monitoring the right to adequate food

Partnerships between government and civil society are increasingly recognised as important in the development and implementation of food security, nutrition and poverty reduction programmes. Community-based and non-governmental organisations, operating effectively at sub-national and community levels, are often more successful in reaching those most in need than government agencies. In some countries, civil society organisations play a significant role in monitoring the realisation of the right to adequate food.

This is the case in Brazil, where currently civil society-government partnerships are strong. Civil society organisations also develop and apply assessment and monitoring methodologies that are more participatory and more adapted to measure causes of food insecurity and malnutrition at local levels. Rights-based monitoring should take full advantage of government-civil society partnerships and appropriately incorporate relevant methodologies that are applied by non-governmental organisations.

4. DEFINING ANALYTICAL AND METHODOLOGICAL AGENDAS

IN THIS CHAPTER WE COVER:

- An analytical agenda.
- A methodological agenda, both part of implementing monitoring of the right to adequate food.

These agendas are derived from the various meanings of rights based monitoring, as explained in chapter 2.

The various meanings of rights-focused monitoring introduce additional analytical and methodological dimensions into conventional monitoring.¹⁵ A first element that right focused monitoring introduces relates to the way that outcomes and impacts of policy measures and programmes are analysed. The human rights concern is with the distributional effects and the question of who benefits and who does not. Equity requires that the neediest are targeted with the highest priority. This in turn means that the neediest are identified, are located and that the reasons why they are poor, food insecure and/or vulnerable are clearly understood.

The universal and permanent fulfilment of the right to adequate food is a long-term goal that needs to be achieved in stages. By establishing benchmarks and short-term goals, it is possible to introduce remedial actions when the trend towards the long-term goal is off. The monitoring question then becomes whether a certain benchmark has been achieved.

Rights-focused monitoring also involves assessment over time to see whether the implementation processes of pro-right-to-food measures and the provision of public services conform to human rights principles. This was called process monitoring in chapter 2, where it was indicated what needs to be monitored from a human rights perspective. To capture human rights dimensions of implementation processes requires the development of rights-focused indicators.

Development and testing of rights-focused indicators should thus become part of a methodological agenda. To ensure that the monitoring process itself is rights-

¹⁵ *The Right to Food Guidelines* also introduce analytical and methodological agendas. See, for example, *Guidelines* 3.2, 13.2 and 17.2 – 17.4.

based, i.e. participatory, inclusive and empowering creates a need to develop and adapt methodologies for use by different groups, including rights holder groups with little technical knowledge or experience.

Lastly, the Right to Food Guidelines themselves also introduce an analytical and methodological agenda. For example, Guideline 3.2 (assessment of national legislation, policy and administrative measures, and programmes), Guideline 13.2 (disaggregated analysis of food insecurity, vulnerability and nutritional status of specific population groups) and Guidelines 17.2–17.4 (right to food impact assessments, development of process, impact and outcome indicators).

TOWARDS AN ANALYTICAL AGENDA

An analytical agenda

- ✓ IDENTIFICATION AND CHARACTERISATION OF FOOD INSECURE AND VULNERABLE POPULATION GROUPS
- ✓ TARGETS AND BENCHMARKS TO MONITOR ACHIEVEMENTS IN REALISING THE RIGHT TO FOOD
- ✓ POLICY AND PROGRAMME IMPACT ANALYSIS FOR THE RIGHT TO ADEQUATE FOOD
- ✓ ANALYSIS OF PRO-RIGHT TO FOOD BUDGETARY ALLOCATIONS AND EXPENDITURES

Several lines of analyses can be prioritised when reviewing the relevant Right to Food Guidelines. Assessing the legal, institutional and policy environment of implementing right to adequate food measures is another line of analysis. We deal with this topic in greater detail in the next chapter. A methodological guide for this analysis is available in the form of a compendium volume in this Methodological Toolkit¹⁶. We have selected the following analysis for a brief discussion here:

- Food security and vulnerability situation analyses¹⁷ that include the identification and characterisation of food insecure and vulnerable population groups. These analyses provide baseline information that allows planners and other decision makers to establish targets and benchmarks, against which to monitor progress over time.
- Establishment of an inventory of policies, programmes and projects relevant to the realisation of the right to adequate food, and an analysis of their impacts and distributional effects, particularly on food insecure and vulnerable groups.

¹⁶ FAO. **Guide to Conducting a Right to Food Assessment**. (draft, 2008).

¹⁷ Volume II, chapter 5.

Analysis of budgetary allocations and expenditures to assess and monitor the extent to which political commitments towards the realisation of the right to adequate food are backed by public resource allocations and actual expenditures.

Who are the food insecure and vulnerable?

This is a critical question for rights-focused monitoring. In spite of poverty reduction strategies and policies in many countries, the food-insecure and vulnerable are often poorly identified and the reasons for their being food insecure are not reflected in policy and programme designs. Pro-poor policies and strategies often lack well-defined target groups mainly because the development paradigms that are used to shape such policies are not people-centred. The rights-focused monitoring approach stresses the clear identification and characterisation of food-insecure and vulnerable groups. This in turn may contribute to improved and more effective designs and better targeting of pro-poor policies and programmes.

Food security and vulnerability situation analysis, targets and benchmarks

Information is needed with which duty bearers can be held accountable for lack of progress in national goals and targets, and through which ways can be identified to improve and accelerate progress in the future. Central to this process is establishing targets and benchmarks. Often countries have adopted international targets, such as halving the number of hungry by the year 2015, reducing the number of underweight under-five children by 50 percent or halving the percent of children and women suffering from iron-deficiency anaemia. Food security, nutrition and vulnerability situation analyses can help adjust these international targets within a specific national context, so that they become national targets.

Policy and programme inventories and impacts¹⁸

Policy and programme formulation and implementation processes are part of rights-focused analysis. These should also be directly linked to appropriate corrective measures to:

- Improve policy and programme targeting of the most needy.
- Reduce or mitigate negative effects on achieving the right to adequate food.
- Strengthen positive effects.
- Provide inputs for the formulation of new policies, programmes and projects that are human rights based in their intended impact.

¹⁸ *Volume II, chapter 5.*

Analysing the implementation of political commitments through budget analysis¹⁹

Political commitments to the right to adequate food are expressed in domestic policies, laws and regulations, and should be reflected in public budgets. A high level of commitment should translate into a significant portion of public resources being allocated to, and expended on, measures that aim to further the right to adequate food. When the results of a public budget analysis are appropriately and widely disseminated, it provides information that rights holders and others can use to hold policy decision makers, planners and public budget managers accountable when budgetary allocations and expenditures, and trends therein, are not in line with the expressed political commitments. Public budget analysis can be a good monitoring tool of implementation processes. It generates process indicators that can be useful to:

- Assess the implementation of specific policy instruments.
- Detect in particular discriminatory implementation procedures.
- Analyse whether allocations and expenditures are consistent with the progressive realisation of ESCR.

TOWARDS A METHODOLOGICAL AGENDA

A methodological agenda

- DEVELOPMENT AND TESTING OF RIGHTS-BASED INDICATORS
- IDENTIFICATION OF MONITORING INFORMATION USERS AND USES, AND OF INFORMATION PROVIDERS
- DEVELOPMENT AND IMPLEMENTATION OF PARTICIPATORY MONITORING APPROACHES

Three cross-cutting methodological issues related to rights-focused monitoring and rights-based monitoring have been singled out here, and these are: identification, development and testing of appropriate indicators, identification of users and uses of monitoring information, and participatory monitoring approaches.

These cross-cutting issues are directly linked to the question: How to monitor from a human rights' perspective? As before, separate chapters are included in Volume II that elaborate further on these methodological issues.

¹⁹ Volume II, chapter 4.

Identification and development of indicators for rights-focused monitoring²⁰

Many of the technical discussions related to monitoring of economic, social and cultural rights centre on indicators. It is useful to bear in mind, however, that the identification of indicators, and the development of indicator lists, are necessary, but not sufficient conditions for the implementation of an effective monitoring system. Indicator sets relevant to food insecurity, vulnerability and poverty can be found internationally and in many countries, and should be drawn upon for rights-focused monitoring when appropriate. Such indicators are often more likely to cover the impacts or outcomes of right to adequate food measures, rather than the processes by which such measures are implemented. As a first step, available indicators and their actual use should be assessed. Many outcome indicators generated by conventional food security monitoring systems are applicable for monitoring the actual progress in realising the right to adequate food. They may not all be suitable for assessing, for example – the enjoyment or denial of the right to adequate food at the household or individual level. Yet, this is precisely what rights-focused monitoring is concerned with: to understand the distributional effects of policy measures and programmes, and thus outcomes: whose right to adequate food is not being respected, protected or fulfilled?

Identifying and developing indicators to monitor the right to adequate food requires several specific inputs. These are:

- A conceptual-analytical framework that specifies what is to be monitored.
- A set of guiding human rights principles and methodological considerations that help in the selection of indicators.
- An inventory of candidate indicators that are already being produced as part of ongoing monitoring activities.
- An assessment of these indicators as to their relevance in relation to the monitoring framework and the possibility of consistently being constructed and analysed in accordance with human rights principles.
- Other normative principles or standards, internationally agreed to and relevant to what is to be monitored (some of which may already be used in ongoing monitoring activities).²¹
- A gap analysis to assess what is needed to close the gap(s) between desirable outputs and outcomes (norms) and actual outputs and outcomes.
- Additional indicators that need to be identified or constructed in order to complete the monitoring framework.

The identification and application of indicators should start from what already exists. This should normally be the approach in rights-focused monitoring: building upon what is already in place, but looked at through a ‘human rights lens’. The

²⁰ Volume II, chapter 3.

²¹ For example, the set of norms agreed to as to what constitute good breastfeeding practices (see the so-called Baby Friendly Hospital Initiative launched by WHO and UNICEF in 1990).

modification of indicators already in use or in construction, and the development of additional indicators should be done incrementally so as not to overburden ongoing monitoring activities. The identification of appropriate indicators should directly involve all stakeholders including programme managers, legislators, as well as representatives of food-insecure and vulnerable groups. The indicators should correspond to the monitoring questions of different user groups who participate in the monitoring process.

Identification of users and uses of rights-focused monitoring information²²

In the effort to contribute to “evidence-based decision making”, it is necessary to identify:

- *Who* the end users of rights-focused monitoring information are, and *for what purposes* they need rights-focused monitoring information.
- What can be done to assist the different stakeholder groups to *transform* rights-focused monitoring information into better and more effective decisions and actions?

Communication and transparency are critical between both duty bearers and rights holders. Structured and continuous dialogue between information users and providers can contribute to ensuring that rights-focused monitoring information is:

- Timely.
- Relevant to duty-bearers’ responsibilities and their information needs.
- Technically and socially accessible to targeted information users.
- Is appropriately disseminated to different users groups.

Right holders and their representatives constitute an important rights-focused monitoring information user group. The right to information is essential to claim all other rights. Access to information empowers and gives real meaning to ‘participation’. If appropriately disseminated, ways in which right holders may use rights-focused monitoring information include:

- Reaffirmation and claiming of their rights.
- Participation in public policy debates and consultations.
- Participation in social control mechanisms to hold duty bearers accountable.
- Planning self-reliant actions to address their prioritised problems.
- Political and social mobilisation efforts.
- Acquisition of greater awareness and understanding of their human rights.

A monitoring system is rights-compliant when information outputs are directed at specific right holder groups, and when the content and dissemination methods fully take into account the constraints to information access that these groups face (such as literacy constraints or language differences). An interesting example from Uganda is presented in the following box.

²² Volume II, chapter 7

BOX 4.1 - The Importance of Public Information A 'Communications Lesson' from Uganda

*In Uganda each year the national budget preparation phase ends with so called Budget Day in June. On that day, the national budget is officially launched. Two days later, a newspaper insert comes out in two prominent newspapers (**The Monitor** and **New Vision**), called **Budget Highlights**, which attempts to explain in lay terms what is contained in the year's budget. The insert is also translated in four local languages (paid for by the newspapers), and appropriately inserted on a regional basis. A second publication called **The Uganda Budget 200x/200x – A Citizen's Guide** comes out annually and targets citizens at national, local and community levels. The publication is prepared in English and eight local languages. The content and translations are tested and validated as being appropriate for community level before dissemination. The publication is distributed through local government. The Office of Information and Communication of the Ministry of Finance, Planning and Economic Development in Kampala prepare both publications.*

Participatory monitoring approaches²³

The Right to Food Guidelines suggest that the monitoring process itself be participatory and inclusive, i.e. that it be rights-based. Often, both participation in the monitoring process and access to the monitoring information, are limited to small technical groups. Participation can be directly by individual rights-holders, or indirectly through organisations that represent rights-holders' interests, such as consumer protection and advocacy agencies, ombudsmen, human rights commissions and community-based organisations. The meaning of participation can range from people being asked to provide information, to being consulted on certain issues, all the way to people initiating and undertaking the monitoring process, and directly benefiting from the monitoring results linking these to follow-up actions decided on by them. In the last case, people become empowered through learning, their capacity for self-determination is respected, and their capacity to claim rights and hold government officials accountable is enhanced. Participatory monitoring (and evaluation) has been around for some time now. There is considerable documentation both on participatory monitoring techniques and tools, as well as on experiences with their application. The techniques and tools are further described in Volume II. A few examples are listed below²⁴.

Much can be learned from documented approaches and tools in designing participatory monitoring systems. If truly participatory, it may be difficult to talk

²³ Volume II, chapter 8.

²⁴ Institute of Development Studies. "Participatory Monitoring and Evaluation : Learning from Change". IDS Policy Briefing No. 12, November 1998. "Brief Notes on the Essence and Use of Participatory Service Delivery Assessment (PDSA) in Zanzibar". Zanzibar Economic Bulletin, Vol. 3, No.1, January-March 2005. Institute of Development Studies. "The Power of Participation: PRA and Policy". IDS Policy Briefing No. 7, August 1996.

of “designing a system”, as methodologies are adapted by those engaging in monitoring. It is also possible that some organisations in the country are already applying participatory monitoring methods, and if so, this should be capitalised on.

BOX 4.2 - Examples of participatory monitoring tools

Example 1: Zambia

CARE/Zambia wanted to implement community projects that responded to communities’ needs, while at the same time learning more from project implementation. Applying wellbeing ranking and other participatory methods, a baseline was established in scores of villages. Changes in the worst and best-off families were being monitored to assess project impacts and plan new initiatives. Joint analysis by villagers and project staff encouraged communities to take actions on their own.

Example 2: Zanzibar

A participatory service delivery assessment was recently piloted in Zanzibar, as part of monitoring and evaluating the Zanzibar Poverty Reduction Plan (now called Zanzibar Strategy for Growth and Poverty Reduction or Mkuza). The main instrument was the citizen’s report card that was first introduced in 1993 in India. This instrument collects user feedback information on the provision of public services. It becomes a monitoring instrument when periodically applied. In the Zanzibar pilot the focus was on public education and water delivery among poor population groups. Even the results of the pilot prompted the Department of Water to revive wells for use in the dry season, thus addressing water scarcity, and the Ministry of Education to start installing toilet facilities in schools.

Example 3: Indonesia

Maps as an instrument of participatory rural assessments have reportedly been used by farmers in Indonesia to monitor pest infestations and plan appropriate actions as part of integrated pest management programmes.

5. LEGAL AND INSTITUTIONAL SETTINGS FOR MONITORING THE RIGHT TO FOOD

IN THIS CHAPTER WE COVER:

- Legal and institutional issues that may be relevant for implementing rights based monitoring.
- Ways to promote institutional participation and coordination in the monitoring process.

Legal and institutional settings in a country help determine what to monitor. Institutional mandates and capacities will also determine how the right to adequate food can be monitored, and which institutions participate in this process.

MONITORING THE LEGAL FRAMEWORK TO REALISE RIGHTS

The national legal framework should be conducive to the protection and promotion of all human rights. This framework essentially consists of the country's constitution, laws and regulations, customary law, and institutions with the responsibility to respect, protect and fulfil human rights. This legal framework is the basis for rights holders to claim their right to adequate food relying on legal provisions, recourse mechanisms, jurisprudence and institutional remedies. Assessing and then monitoring changes in the legal framework is an important contribution to turn rights holders into rights claimants. It can also bring about discussion and dialogue about changes needed to make the legal environment more accessible. Courts can play a monitoring role in assessing whether a particular administrative decision, policy or piece of legislation violates the right to adequate food. Capacity strengthening of courts to play a role in monitoring the right to adequate food should be considered in each country. In turn, court proceedings can be monitored for cases filed and cases resolved, and their outcomes. In practice, however, not many cases concerning the right to adequate food are submitted to courts. One outstanding example is from India (Box). Assessment of the relevant legal and regulatory arrangements is an important first step²⁵. The analysis should indicate what parts of these arrangements require adjustments. For example, in some countries this process starts with the introduction of a constitutional amendment. Implementation of the changes to be introduced in the legal framework need to be monitored.

²⁵ Volume II, chapter 4

INSTITUTIONAL FRAMEWORKS TO MONITOR THE RIGHT TO ADEQUATE FOOD

One of the first priorities in designing a national level rights-focused monitoring framework is the analysis of existing legal and administrative frameworks to determine their level of adequacy. Behind every effective and functioning monitoring system is a solid legal and administrative framework. Firstly, a set of criteria is needed against which to examine existing institutional conditions and to help to identify gaps that will need to be addressed. The analysis should include an examination of the various institutions that are likely to be involved, their institutional mandates and their degree of authority (as provided for by law), their capacity to gather information and undertake analysis and assessment, as well as their official reporting responsibilities.

BOX 5.1 - An example from India

The landmark case concerning the right to food is the People's Union for Civil Liberties (PUCL) petition to the Supreme Court filed in 2000, in response to starvation deaths in rural areas, especially in the drought-affected areas of Rajasthan and Orissa. The petitioners claimed that the State failed to properly implement the famine code and had thus violated the constitutional right to life and the right to food. In 2003, in its Interim Order, the Supreme Court acknowledged the violation of the constitutional right to life by interpreting it in the light of Article 47 of the Directive Principles and the State's duty to raise the level of nutrition and the standard of living of its people. The Court also issued several orders to Central and State governments to take measures to improve the situation; these included orders for the opening times of ration shops, the provision of grain at the set price to families below the poverty line, the publication of information about nutrition-related schemes and the progressive introduction of midday meal schemes in schools. The Court recognised that all benefits provided for by the relevant nutrition-related schemes are legal entitlements, and thus redress can be sought in case of violations.

Access to information and information sharing among different public institutions should ideally be mandated by law, and be considered in designing the rights-focused monitoring framework with the various institutional stakeholders to be involved.

A checklist of institutional attributes

- A CLEAR MANDATE
- ADEQUATE AND IDENTIFIABLE HUMAN AND FINANCIAL RESOURCES
- A WORK PLAN THAT SPECIFIES TIME-BOUND OUTPUTS
- A STRONG DISSEMINATION PLAN TARGETING DIFFERENT STAKEHOLDERS
- A HIGH LEVEL OF CREDIBILITY
- GOOD ACCESS TO ALL RELEVANT SOURCES OF INFORMATION
- ADVISORY COMMITTEES WITH HUMAN RIGHTS AND TECHNICAL EXPERTISE
- GOOD ADVOCACY AND COMMUNICATIONS CAPACITY

A checklist against which to assess attributes and responsibilities of an institution with primary responsibility to monitor the realisation of human rights may cover the following²⁶:

- a. The institution/organisation should have a clear mandate for monitoring the right to adequate food. This mandate should be endorsed at the highest level (for instance, by Parliament), explicitly stated in the Constitution (as is the case in South Africa), or enshrined in specific legislation. The institutional mandate should be widely known and understood by key stakeholders.
- b. The institution/organisation should have adequate and identifiable human and financial resources to undertake the monitoring tasks.
- c. There should be a well-defined work plan on the basis of which the institution/organisation can be held accountable for the production and dissemination of rights-focused monitoring information outputs.
- d. The institution/organisation should be organised in such a way that the monitoring information outputs easily reach key stakeholders at all levels in both the government and in non-governmental sectors. It is important that such monitoring information effectively influences decision-making, planning and programming.
- e. The institution/organisation should have a high level of credibility in the eyes of both those with responsibilities to act upon the monitoring information, as well as right holders. It should be seen as objective and independent, free from political influence. The realisation of human rights should be a major part of its institutional agenda.
- f. The institution/organisation should have effective access to all relevant information, and be able to rely on existing information networks in both the government and non-governmental sectors. It should have both the mandate and the capacity to verify the validity of the information received from all sources.
- g. The institution/organisation should, as part of its mandate, establish advisory committees that represent specific expertise in both technical and human rights aspects needed to monitor the right to adequate food.
- h. The institution/organisation should have a good communications and advocacy strategy in place when its mandate provides for pro-active promotion of the realisation of the right to adequate food. Monitoring information should likewise be designed to input into the communications and advocacy strategy.

It is unlikely that any one single institution (or unit within an institution) will meet all of the above criteria. Nor may it be wise to concentrate all monitoring functions in one institution. Nevertheless, efforts should be made to approach the high institutional standards outlined above. The term “institution”, as used here, refers not only to government institutions, but can include other agencies such as non governmental organisations and faith-based organisations.

²⁶ These approximately follow the so-called Paris Principles of 1991 which provide reference points for establishing and operating human rights institutions.

There may exist different institutional situations with respect to responsibilities to generate monitoring information, to monitor progress, and to implement pro-right-to-adequate food measures. This is compounded by a diverse food security mandate among various institutions, as pointed out in chapter 4. One way to overcome some of these *inter-institutional aspects* is to strengthen an inter-institutional network to monitor the right to adequate food, with some institutional members identified as primary or leading monitoring institutions or organisations, and others as associated institutions that may undertake specialised and highly technical tasks, the results of which feed into the overall monitoring function. Several scenarios are possible.

One scenario would be where a human rights institution assumes a central monitoring role, relying largely on information generated by associated institutions, such as line and planning ministries, statistical offices, poverty monitoring units, and Non Governmental Organisations. Technical monitoring expertise may have to be seconded to the human rights institution. A *second* scenario may be where monitoring is part of the mandate of an inter-ministry body, like a national food security and nutrition council, that relies on information from various sources. The human rights institution should be a member of this body. Such a council would need a technical secretariat, with capacity to analyse information including from a human rights perspective. For example, staff from a human rights institution can be seconded to this technical secretariat. A *third* scenario is where most of the monitoring of the realisation of human rights is undertaken by a network of non-governmental agencies, in first instance, monitoring government efforts to realise human rights. Civil society organisations often rely on government statistics to monitor the realisation of human rights, though they may have means to generate additional information and/or to verify government statistics. Rather than being an antagonistic relationship, efforts should be made that this eventually leads to a government-civil society partnership in monitoring and ultimately in the implementation of pro-right-to-adequate food measures. This is what happened in Brazil: civil society networks first undertook monitoring of government actions. At present a great deal of the monitoring role has been assumed by the National Food Security Council (and similar councils at state level), two-thirds of its members are from civil society and one third from the government sector. Academic institutions often conduct food security and nutrition related research. Primary monitoring institutions may also rely on research results from universities and research centres. Research institutions are usually seen as being independent and neutral, and generate normative information that may serve as standards to be used in rights-based monitoring.

Below is a look at a few concrete country examples that illustrate how various agencies may take on specific tasks and responsibilities in the rights-based monitoring process (Box). The case from South Africa is a special one, and even the process in Brazil has many unique features.

STRENGTHENING THE SUSTAINABILITY OF MONITORING THE RIGHT TO ADEQUATE FOOD

The lack of sustainability has repeatedly been identified as hindering monitoring information systems at country level. National information systems are often at least partially dependent on donor funding. This may be true for sector information systems, national surveys, population or agricultural censuses. Sustainability has political, social, institutional, technical and financial dimensions that are closely interrelated. Capacity strengthening can contribute to institutional and technical sustainability. An information system that is politically and socially supported, that has a strong institutional base or network, and that produces relevant, timely and technically sound information outputs, will most likely have adequate financial resources on a long-term basis.

BOX 5.2 - Examples of agency tasks and responsibilities in Right based monitoring

Example 1: Brazil

In Brazil, the Ministerio Publico has a clear mandate to monitor the realisation of economic, social and cultural rights. However, it seems to lack adequate human and financial resources to undertake necessary monitoring tasks itself, while the Office of the National Rapporteur for the Right to Food, Water and Rural Land monitors rights violations and reports these to the Ministerio Publico for follow-up action.

Example 2: South Africa

The South African Human Rights Commission is constitutionally mandated to monitor the realisation of all human rights (not only the right to adequate food), is autonomous and has unlimited access to information from all government departments. The Commission reports to, and can make legislative proposals to the Parliament. As an independent organisation, South Africa Human Rights Commission obtains information from line ministries and other duty bearers, analyses the information and issues a public report to Parliament.

Example 3: Brazil

A network of Non Governmental Organisations, social associations and institutions in Brazil called Fórum Brasileiro de Segurança Alimentar e Nutricional, undertakes research and fieldwork to generate and analyse information related to food and nutrition. The outputs produced by the network and individual members are used for policy and programme proposals and for monitoring. This type of networking – through the establishment of collaborative links among different agencies is a model that should be encouraged in all countries.

Experience to date suggests that the likelihood of successful monitoring will be enhanced through:

- An inclusive and participatory process, involving key stakeholders (monitoring information providers and users).
- A good communication process which clearly articulates the value added of the information system in integrating human rights principles and approaches in existing monitoring activities.
- An early demonstration of what the information system is capable of producing in response to information needs on the part of various users.
- A realistic and transparent assessment of the information system, and a clear identification of what is needed to improve the system's efficiency and effectiveness.

Applying these ideas may help to improve the chances of successful, more meaningful and long-term realisation of the right to adequate food and other economic, social and cultural rights.

6. GETTING STARTED

SOME IDEAS ARE PRESENTED IN THIS CHAPTER:

- About how to go about introducing at country level rights based monitoring as part of conventional monitoring of food insecurity, malnutrition and poverty.

Effective implementation of the Right to Food Guidelines at country level requires the development of an implementation strategy that covers awareness raising, advocacy, public education and communication, capacity strengthening, the role of civil society, and rights based monitoring. Awareness raising, public education and promotion of human rights, including the right to adequate food, and the development and implementation of rights-focused monitoring must go hand in hand. Rights-focused monitoring of the right to adequate food only makes sense when there are real political and social commitments to human rights. This way we can also expect the monitoring process itself to be rights compliant, and the monitoring information to be useful to further the fulfilment of human rights. The creation of an enabling human rights environment, by means of a process that is owned by the country and by the principal stakeholders at different levels, is the first necessary step. Creation of an enabling human rights environment is not the primary responsibility of monitoring practitioners.

However, rights-focused monitoring information can in turn contribute to creating an enabling human rights environment if the information outputs are well targeted in reaching important decision makers, and are relevant and timely.

HOW DO WE GET STARTED?

There is no set way as conditions to implement human rights measures, and to develop and strengthen food security information systems will differ from country to country. Nor is there a lot of in-country evidence to learn from at present. Country-specific opportunities and challenges need to be clearly understood up-front. For

example, a programme of capacity strengthening for rights-focused monitoring and rights-based monitoring ideally should begin with an institutional assessment to determine existing needs for capacity strengthening. The assessment should not only consider human resource factors, but also institutional and financial factors, and should concentrate on those institutions and organisations that have clear duties to generate, synthesise, manage, analyse and disseminate information for monitoring. Assessment results can then provide the basis for the formulation of a strategic ‘capacity strengthening’ work plan. This plan may include:

- Skills-building.
- Knowledge acquisition.
- Technological or methodological development.
- Improved communications.
- Internal reorganisation to establish clear job responsibilities and lines of authority.
- More effective ways of information sharing among institutions and organisations.

One approach that may be considered is to convene a small inter-institutional working group to develop a rights-based monitoring system. This was done in Uganda within the context of monitoring implementation of the Uganda Food and Nutrition Strategy.

BOX 6.1 - Developing a rights-focused monitoring module in Uganda

To develop and operationalise the monitoring module of the 2005 Uganda Food and Nutrition Strategy, an inter-institutional working group was convened by the Secretariat of the Plan for the Modernisation of Agriculture. The group consisted of a representative of the following institutions: Uganda Human Rights Commission, Ministry of Finance, Planning and Economic Development (Poverty Monitoring and Analysis Unit), Ministry of Agriculture, Animal Industry and Fisheries, Ministry of Health, Uganda Bureau of Statistics, and the Food Rights Alliance Network (a Non Governmental Organisation network).

The working group was mandated by high level management in each institution to ensure continuous participation in the group’s work. The group was assisted by a national consultant hired by FAO. The final output to be produced was a practical toolkit to monitor Ugandan Food And Nutrition Strategy implementation, applying rights based approaches. The first task that the group completed was a work plan that outlined specific tasks to complete and outputs to produce within a given timeline, and assigned specific responsibilities to members of the group. The group periodically reported to the Plan For The Modernisation Of Agriculture Sub-committee on Food and Nutrition Security and consulted its members individually when needed.

For such an inter-institutional working group to function well requires:

- A clear description of the tasks to be undertaken by the group, and of the results to be produced within a given time line.
- Technical guidance as needed in the form of on-the-job training.
- Creation of awareness and understanding at high management levels of the right to adequate food concepts and principles, of the importance and relevance of rights-based monitoring and of the monitoring outputs that the system will or can produce.
- Participation in the inter-institutional working group by individual staff members from different institutions to be mandated by high-level management in participating institutions.

As the Uganda case demonstrates, it is also helpful when there is a specific context within which the rights-focused monitoring module is to be developed, in this case the need to monitor the implementation of the Uganda Food and Nutrition Strategy. It is a good starting point, making the monitoring outputs “demand-driven” and thus providing guidance as to what to monitor. A more comprehensive rights-focused monitoring system can over time build on such a specific module.

In the case of Brazil, current efforts in developing a rights-based monitoring system are guided by the needs to monitor the implementation and outcomes in sixteen policy priority areas related to food and nutrition security. These policy areas in total encompass 59 programmes. Participation of monitoring practitioners in the working group is fundamental, in order to see what needs to be introduced in routine or ongoing monitoring activities to make the monitoring process rights-based and the information outputs relevant to monitoring the right to adequate food.

Institutional leadership is another important ingredient. An institution should convene the working group with strong ties to key institutions and organisations, and should continuously consult stakeholders at national and sub-national levels, and provide feedback on progress in its work to those institutions and organisations. This will facilitate the eventual implementation of the rights-based monitoring system, as those same institutions and organisations will participate as providers of monitoring information and/or as users. It means that some of the institutional issues outlined in chapter 5 also need to be attended to with some priority.

ANNEX 1.

CLARIFICATION OF RELEVANT AND COMMONLY USED TERMS

FOOD SECURITY

Food security exists when all people have, at all times, physical, social and economic access to sufficient, safe and nutritious food that meets their dietary energy requirements and food preferences for an active and healthy life. Household food security means that all members of the household are food secure.

Food insecurity exists when people lack adequate physical and economic access to sufficient, safe and nutritious food for normal growth and development, and for active and healthy lives. Household food insecurity means that one or more members of the household are food insecure. Food insecurity can be caused by unavailability of food, lack of sufficient purchasing power to acquire and/or produce sufficient, safe and nutritious foods.

At the household level, inappropriate acquisition and distribution, and/or inadequate use of foods can contribute to food insecurity of one or more members. People or households that suffer from periods of a lack of physical and economic access to sufficient, safe and nutritious foods, while having adequate access at other times, are still considered food insecure. Food insecurity can thus be chronic (at most or at all times), seasonal, or transitory when an extraordinary event occurs that negatively affects food access after which adequate access is restored (see Vulnerability to food insecurity). When people or households suffer from food insecurity, their right to adequate food is not realised, even if the food insecurity condition is temporary. Only when people or households are food secure do they fully enjoy their right to adequate food.

NUTRITION SECURITY

Nutrition security means that a person enjoys at all times an optimal nutrition condition for an active and healthy life. An optimal nutrition condition is relative to age, desired life style, and physiological condition, and covers both quantitative

(dietary energy requirements) and qualitative (protein, mineral and vitamin requirements) aspects. Persons who at no time, or who at some times only, enjoy an optimal nutrition condition, are nutritionally insecure. As with food insecurity, nutrition insecurity can be chronic (at all or at most times), seasonal or transitory. Persons can be nutritionally insecure due to food insecurity, or due to non-food causes, such as poor health and sanitation conditions that result in certain diseases that affect the absorption of food by the body. Particularly relevant to the nutrition security of small children are childcare and feeding practices that negatively affect children's nutrition condition. Nutrition security means the enjoyment of the right to adequate food and of the right to health.

VULNERABILITY TO FOOD AND NUTRITION INSECURITY

Vulnerability refers to the presence of factors that place people at risk of becoming food insecure or malnourished, including factors that affect people's capacity to deal with, or resist, the negative impact of risk factors on people's access to adequate food and/or on their nutrition conditions. Vulnerability thus combines exposure to one or more risk factors, and the capacity to withstand the effects of that risk or those risks. People or households that are exposed to certain risks, but have adequate capacity to deal with those risks and maintain or quickly recover adequate access to food, are not considered vulnerable.

On the other hand, people or households that have little or no capacity to safeguard their access to food, even when confronted with a minimal risk factor, are considered vulnerable or even highly vulnerable. Vulnerability can be thought of in terms of degrees, depending on the combination of: (i) the extent of exposure to risks (and the types of risks) and (ii) the capacity to compensate for the effects of those risks on the adequacy of food access or on one's nutrition conditions. Food insecure people or households are also vulnerable, because any exposure to a risk will further aggravate their food insecurity condition.

External risks factors to which vulnerable groups may be exposed are far ranging. They include:

- Climatic and environmental changes: droughts, floods, environmental degradation, deforestation.
- Demographic and economic changes: rapid population growth, sharply rising consumer prices or falling producer prices.
- Health and diseases: hiv/aids pandemic, high malaria incidence, plant pests,
- Wars and armed conflicts.
- Laws, policies and regulations that adversely affect the resource-poor.

Examples of risk factors for food security in selected countries

Droughts, floods, deforestation and soil erosion, as well as inadequate agricultural and economic policies, have been identified as significant risk factors for food availability in Guatemala. The sharply falling coffee prices over the last years has markedly increased the vulnerability of the rural landless in Central America due to loss of employment. The rapid rate of urbanisation in Mexico, with over 82 percent of the population estimated to be living in urban areas by 2030, increasingly affects food access for a significant share of the population. Rapid population growth constitutes a risk factor for per capita food availability in Bangladesh.

The progression in the HIV/AIDS pandemic in most countries in Sub-Saharan Africa represents an increasingly serious risk factor for food security for the poor, especially as incidence rates are the highest among the population in the productive age range. Local armed conflicts and full-scale wars in many regions of Africa displace population groups and separate them from their assets (land) and economic means of livelihoods (employment). Consequently, their capacity to maintain their livelihoods and cope with other risks is sharply reduced.

HUNGER

Hunger has been referred to as an uneasy or painful sensation that is caused by a recurrent and involuntary lack of access to sufficient food²⁷. Hunger can lead to malnutrition (defined below) and is usually the consequence of food insecurity. In the US, a distinction has been made when measuring food insecurity and hunger, i.e. people may be food insecure without being hungry. In this case, food insecurity refers to a continuous concern about acquiring sufficient food that is not necessarily associated with a sharp reduction in food intake. In developing countries, the reduction in food intake as a result of food insecurity among the poor normally means that people are hungry. Hunger has also been described in terms of degrees of severity, i.e. the extent to which people are forced to reduce their daily food intake.

HIDDEN HUNGER

Hidden hunger refers to sustained deficiency in vitamins and mineral intake in relation to a person's requirements. The most prevalent deficiencies globally are in intakes of iron, iodine and vitamin A. It is estimated that worldwide about 2 billion people suffer from iron deficiency (the vast majority are women and children), over 1.5 billion from iodine deficiency and 800 million from vitamin A deficiency.

²⁷ Eileen Kennedy. *Qualitative measures of food insecurity and hunger*. In: *Proceedings – Measurement and Assessment of Food Deprivation and Undernutrition. International Scientific Symposium, Rome June 2002*. FAO, 2003 (pages 165-180).

These deficiencies can be present even when daily energy intakes are adequate. It is referred to as "hidden" because often there are no visible signs (in mild to moderate cases), and the persons suffering from these deficiencies are unaware or do not have enough information to identify physical symptoms associated with these deficiencies (in more severe cases).

UNDERNOURISHMENT

Undernourishment means a level of food intake with an energy content that consistently fails to meet the dietary energy requirements of a person. In the same way, overnourishment means a daily energy intake that consistently exceeds energy requirements. Children and adults, whose body weight significantly, and for an extended period, exceeds their normal weight, are thus overnourished. Dietary energy requirements of an individual are determined by the energy needs for normal body functions, and by energy needs to maintain good health and normal activity. Dietary energy requirements vary with age, gender and life style. They also vary between individuals of the same age and gender, as life styles and activity levels vary. At the same time, as life styles and activity levels change over time for the same person, so do her/his daily energy requirements, including for short periods of time, such as in seasonal agricultural labour.

Household level survey data on food intake are often not available at country level. To estimate the daily energy intake for a country, FAO uses the data from food balance sheets to measure the daily energy available for human consumption, or daily energy supply, which is thus an indirect measure of daily energy intake. The prevalence of undernourishment, or food deprivation, is then estimated for countries by applying mathematical formulas to approximate the distributions in the population of daily energy requirements and of the daily energy supply²⁸. Per capita Daily Energy Supply and the prevalence of undernourishment are used to monitor over time the country's food security position.

UNDERNUTRITION

People suffer from undernutrition when they are undernourished, and/or when they poorly absorb or when their bodies make poor use of, the dietary energy, protein, vitamins and minerals contained in the foods they consume. Poor absorption most often is due to the person suffering from one or more diseases. For example, when children suffer from high worm loads, they poorly absorb and utilise energy, proteins and minerals and vitamins, and often suffer from undernutrition, even

²⁸ Loganaden Naiken. *FAO methodology for estimating the prevalence of undernourishment*. In: *Measurement and Assessment of Food Deprivation and Undernutrition. Proceedings - International Scientific Symposium, Rome June 2002*. FAO, 2003 (pages 7 – 26 and appendices).

when their daily intake of these is in line with their normal, worm-free requirements. Undernutrition has thus food and non-food causes, which in turn points to the importance of enjoying both the right to adequate food and of the right to health.

MALNUTRITION

People suffer from malnutrition when they have a physiological condition that may be caused by a consistently deficient intake of energy, protein, and/or of vitamins and minerals, or by a consistently excessive intake of these, relative to their requirements. Malnutrition thus refers comprehensively to all forms of under or over-nourishment, and/or of consistent deficiency in the intakes of proteins, vitamins and minerals.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

All human rights are characterised as political, civil, economic, social or cultural rights. The political and civil rights are defined in the 1966 International Covenant on Political and Civil Rights, and include the right to self-determination, the right to freedom of opinion and expression, the right of association and assembly, the right to name and nationality, and the right to freedom from arbitrary interference with privacy, family and home. Economic, social and cultural rights are defined in the 1966 International Covenant on Economic, Social and Cultural Rights, and further through interpretations by the UN Committee on Economic, Social and Cultural Rights as expressed in General Comments. Economic, social and cultural rights include: right to adequate living conditions, right to education, right to health, right to adequate food, right to housing, right to work, right to social security, right to participate in cultural life, and right to benefit from science and intellectual property.

PROGRESSIVE REALISATION OF THE RIGHT TO ADEQUATE FOOD

Unfortunately, in most countries there are hungry people – worldwide over 800 million. Their rights to adequate food are violated. Yet it is highly unrealistic to think that measures can be put into place immediately so that hungry people can start enjoying their right to adequate food. So the notion of “progressive realisation” means that over time the number of hungry people continuously diminishes. It is incumbent on States to take actions, and put in place measures, so that the number of hungry people diminishes over time at a rate that is commensurate with maximum efficiency in the allocation of available resources. When States periodically report to the Committee on Economic, Social and Cultural Rights on progress with the realisation of ESCR, they need to show that the progress is in line with the best and maximum use of national resources.

CORE CONTENT OF THE RIGHT TO ADEQUATE FOOD

The core content of the right to adequate food consists of:

- Economic and physical access to food.
- Food availability.
- Food adequacy.

Economic accessibility implies that personal or household food costs for an adequate diet should be at a level such that the satisfaction of other basic needs is not compromised. Economic accessibility applies to any acquisition pattern or entitlement through which people procure their food and is a measure of the extent to which it is satisfactory for the enjoyment of the right to adequate food. Physical accessibility implies that adequate food must be accessible to everyone. Victims of natural disasters, people living in disaster-prone areas and other disadvantaged groups may need special attention, and sometimes priority consideration, with respect to access to adequate food. Economic and physical accessibility must be stable, meaning that food access must not fluctuate much over time, once it is at adequate levels (See Food Security).

Food availability or supply must be adequate to meet food demand (at optimal levels), and food systems must be environmentally and economically sustainable. Food systems that make food available to the consumers consist of food production (including food production for self consumption by the household), processing, distribution and marketing, and all these processes must be efficient, have long-term economic and environmental viability, and not produce ecological damage. Otherwise, long-term food security is compromised (See Vulnerability to Food Insecurity). For food (intake) to be "adequate", it must fulfil three basic conditions:

- The diet must meet all nutritional requirements, both quantitatively (energy content) as well as qualitatively (protein, vitamins and minerals content).
- It must be safe for human beings to eat and not cause any disease.
- The food must be culturally acceptable to those who consume it.

HUMAN RIGHTS PRINCIPLES AS DEFINED IN THE STATEMENT OF COMMON UNDERSTANDING (MAY 2003)²⁹

The human rights principles are: (i) universality and inalienability; (ii) indivisibility; (iii) inter-dependence and inter-relatedness; (iv) non-discrimination and equality; (v) participation and inclusion; (vi) accountability and the rule of law.

²⁹ Report of the Interagency Workshop on a Human Rights Based Approach in the Context of UN Reform. Stamford, May 2003.

- **Universality and inalienability:** Human rights are universal and inalienable. All people everywhere in the world are entitled to them. The person in whom they inhere cannot voluntarily give them up. Nor can others take them away from him or her. As stated in Article 1 of the Universal Declaration of Human Rights, “All human beings are born free and equal in dignity and rights”.
- **Indivisibility:** Human rights are indivisible. Whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked, a priori, in a hierarchical order.
- **Inter-dependence and Inter-relatedness.** The realisation of one right often depends, wholly or in part, upon the realisation of others. For instance, realisation of the right to health may depend, in certain circumstances, on the realisation of the right to education or of the right to information.
- **Equality and Non-discrimination:** All individuals are equal as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.
- **Participation and Inclusion:** Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realised.
- **Accountability and Rule of Law:** States and other duty bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved right holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

NON-DISCRIMINATION

Any discrimination in access to food, and in access to means and entitlements to acquire food, on the grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of economic, social and cultural rights constitutes a violation of the International Covenant on Economic, Social and Cultural Rights.

Policies, programmes and institutions need carefully to be examined to detect discriminatory outcomes and effects that they may produce when benefiting certain groups at the expense of others. Strategies to eliminate discrimination in access to food should include: guarantees of full and equal access to economic resources, particularly for women, including the right to inheritance and the ownership of land and other property, credit, natural resources and appropriate technology; measures to respect and protect self-employment and work which provides a remuneration ensuring a decent living for wage earners and their families; maintaining registries on rights to land.

GENDER SENSITIVITY

In many countries, women and girls are more often victims of rights violations. Although men and women are generally equal before the law, women are usually discriminated against in access to food, land, credit and other means of production. Applying a gender sensitive approach means going beyond equality in the legal system, by considering the differences in living conditions and interests of women and men from the outset, and in a consistent manner, when formulating and implementing a social policy, programme or project. This also implies the promotion of compensatory measures in order to achieve de facto equality in accordance with Article 4, Convention on the Elimination of All Forms of Discrimination against Women.

PARTICIPATION

Participation is a fundamental principle for human rights and should be applied when the rights are being interpreted and developed as well as when States develop their programmes aimed at realising the rights. When stakeholder groups participate in policy formulation, programmes and in decisions related to human rights, it is more likely that people's needs and demands are appropriately met. The right to participation can take many forms: political participation (political rights), social participation (civil rights) and economic participation (economic, social and cultural rights).

EMPOWERMENT

Participation and empowerment are closely linked; the latter makes the former meaningful. Empowerment means that an individual has the capacity to make effective choices, and thus has the capacity to effectively translate choices into desired actions and outcomes. The individual's capacity to make effective choices is conditioned by: (i) ability to make meaningful choices, recognising the existence of options, and (ii) the opportunities that exist in the person's formal and informal

environment. Empowerment can either refer to a process: are efforts being made to empower people; or to the outcome of a process: have people effectively been empowered?

STATE OBLIGATIONS

According to international human rights law, the State has legal and moral duties or obligations towards the country's inhabitants. These duties and obligations are usually spelt out in international agreements and covenants to which the State is a party, and these may or may not be incorporated in domestic law. Three levels of State obligations with respect to the realisation of the right to adequate food are distinguished:

- Obligation to respect.
- Obligation to protect.
- Obligation to fulfil.

The State obligation with **respect** to the right to adequate food is often wrongly interpreted to mean that the State must provide everyone with food at all times. The obligation to respect the existing access to adequate food requires states not to take any measures that result in preventing anyone from adequate access to food. The obligation to **protect** requires measures by states to ensure that enterprises or individuals do not deprive individuals of their access to adequate (including safe) food. The obligation to fulfil contains two dimensions: to **facilitate**, and to **provide**. The obligation to facilitate means that the state must pro-actively engage in activities intended to strengthen people's access to and utilisation of resources and means to ensure their livelihoods and food and nutrition security. The obligation to provide adequate food is seen as a last resort, usually in emergency situations, when the right to life is in jeopardy. International food aid, and drawing down of national grain reserves, are means by which States provide food to population groups at risk of suffering from hunger and malnutrition, either due to natural (droughts, floods), or man-made causes such as complex emergencies.

OBLIGATIONS AND RESPONSIBILITIES OF STATE AND NON-STATE ACTORS

State obligations are contained in very general terms in international human rights law. Details had to be developed over time, increasingly through a normative process which involves State practice, facilitated and strengthened by the dialogue of the state parties with the treaty monitoring bodies. It has also been influenced by normative developments within intergovernmental bodies, in particular the United Nations, the specialised agencies and a few others. To fulfil their evolving human rights obligations, States should adopt national law and administrative regulations reflecting international normative developments, and update these as the international normative development proceeds. Can non-State actors be considered duty bearers under international human rights law? Since that law is addressed to States, it binds only States. However, part of the obligations

undertaken by states is to impose duties on private persons under national law. This can be illustrated by two examples:

- The right to adequate food involves the right to safe food. This implies a State obligation to adopt legislation imposing duties on private food producers to ensure that only safe food is marketed.
- The Convention on the Rights of the Child imposes obligations on States to adopt legislation to ensure that parents respect and fulfil the rights of the child. Although legal responsibility of non-State actors only arises as a consequence of domestic law, they will be considered as duty bearers responsible for human rights compliance, even when domestic law has failed to establish the corresponding legal duties. It can be said that they are morally responsible even when not legally responsible.

OBLIGATIONS OF CONDUCT

These obligations refer to States complying with their obligations to respect, protect and fulfil rights.

OBLIGATIONS OF RESULTS

The obligation on the part of the State to work towards the right to adequate food (and other ESCR) progressively being enjoyed by increasing numbers of people constitutes an obligation of result.

DUTY BEARERS

The State has the primary responsibility with respect to the realisation of human rights. State agents at all levels and in all capacities are primary duty bearers with respect to the realisation of the right to adequate food. These range from the head of state, to civil servants in public institutions, to public service providers (teachers in public schools, medical personnel in public hospitals, health centres and posts, extension agents, public safety personnel), and anyone else who is an employee of a public institution. These individuals have a delegated duty, and the State can be held accountable for any act or omission that these individuals undertake in their official capacity.

Non-State actors (civil society, private sector) may acquire duties when the State imposes such duties by means of national legislation and regulations. For example, to protect consumers, the State may put into force certain food safety standards and impose duties on the private food industry to adhere to those food standards in producing and marketing certain foods.

RIGHTS HOLDERS

All members of society hold rights upon birth, and for the remainder of their lives. Through empowerment and participation, rights holders can become rights claimants, i.e. understand their rights and have access to the means to claim those rights. Rights may also legitimately be claimed on behalf of rights holders by their representatives, when the former do not have adequate access to the means to claim rights. Claiming rights when rights are violated or not enjoyed also requires that institutions, such as courts, a human rights commission, and/or a national office of the ombudsperson, are in place and effectively functioning. Such claims mechanisms have real meaning when their decisions can effectively be enforced.

MONITORING

Monitoring is a broad and extensive topic. Many definitions of monitoring can be found in the development literature. Monitoring can take place at national, local and community levels, and of policies, programmes, projects and community actions. We highlight here some main elements of conventional monitoring, as identified by the World Bank ³⁰.

Monitoring

- *Is a continuous activity that systematically uses information.*
- *Measures achievement of defined targets and objectives within a specified timeframe.*
- *Provides feedback on implementation processes, and implementation problems.*
- *Tracks resource acquisition, allocation and expenditures, and the production and delivery of services.*

Monitoring and evaluation are often mentioned together, and are sometimes used interchangeably because they are seen as closely integrated functions or sets of activities. Others may argue that monitoring and evaluation are separate functions, in part because the information is generated for different uses and different users. It is possible to see these activities as complementary parts of an integrated information producing and disseminating system.

³⁰ Valadez, Joseph and Bamberger, Michael (Eds.). *Monitoring and Evaluating Social Programs in Developing Countries. A Handbook for Policymakers, Managers and Researchers. EDI Development Studies. The World Bank. Washington, D.C., 1994.*

STRUCTURAL INDICATORS

Structural indicators measure whether or not appropriate legal, regulatory and institutional structures are in place that are considered necessary or useful for the realisation of a human right. This refers to national law, constitutions, regulations and legal, policy frameworks and institutional organisation and mandates.

Examples include: the legal status of the right to food and related rights, such as to health and to education, mandates of institutions with responsibilities for the core content of the right to adequate food, food security and nutrition policies and strategies, etc. Most structural indicators are qualitative in nature, and a number of structural indicators may be evaluated by a simple “yes“ or ”no“ answer, e.g. if a particular law or policy is in place or not. However, sometimes these yes/no answers need follow-up questions and additional clarification to capture qualitative dimensions of the law or policy.

For example, whether the food security and nutrition policy specifically targets food insecure and vulnerable groups, and policy measures are adequate to address the underlying causes of food insecurity and vulnerability in those groups. Structural indicators monitor the State obligations of conduct, i.e. the effort the government has put forth towards the realisation of a human right.

PROCESS INDICATORS

Process indicators provide information on the processes by which human rights are implemented, specifically through laws, policies, programmes, regulatory measures, etc. These indicators are designed to assess how, and to what degree, activities necessary to attain objectives specific to certain rights are put into practice, and the progress of these activities over time.

Process indicators capture: (i) the quality of a process in terms of its adherence to the key human rights principles (is the process non-discriminatory, accountable, participatory and empowering, and can duty bearers be held accountable?), and (ii) the type of policy instruments, and public resource allocations and expenditures invested to further the progressive realisation of a specific right. As with structural indicators, process indicators measure aspects of the State obligations of conduct.

Examples, within the context of the right to adequate food, include: land and environmental laws conducive to efficient food production by smallholder farmers, food safety and consumer protection laws and regulations, food and nutrition programmes targeted at vulnerable population groups, rural infrastructure programmes, targeted food prices subsidies, and improving access to food among the resource-poor by means of income generation programmes.

OUTCOME INDICATORS

Outcome indicators provide summary information on the extent of realisation of a human right. These indicators assess the status of the population's enjoyment of a right, and thus measure the results achieved by means of policies, programmes, projects, community actions, and others.

Outcome indicators relate more directly to the realisation of a right, i.e. a "substantive right" with a clearly defined content. Indicators that measure the various components of the core content of the right to adequate food are outcome indicators. As there may be a series of processes contributing to a single outcome, it becomes useful to make a distinction between process and outcome indicators.

Example: if adequacy of dietary intake is used as an outcome indicator, it might be useful to look at process indicators on food safety, income generation, nutrition education, that are linked to producing this particular outcome. Outcome indicators measure the state's obligations of result.

BENCHMARKS

States can set benchmarks as mid-term goals against which to monitor over time achievements and progress. In applying human rights principles, benchmarks are important as part of mechanisms with which rights holders can hold duty bearers accountable for poor progress and lack of achievement. Benchmarks can be formulated in relation to outcome, structural and process indicators, and are usually expressed as a quantitative and verifiable goal to be achieved at a specific point in time. Benchmarks should periodically be assessed to examine whether states' capacities and use of available resources are adequately taken into consideration, i.e. whether the set benchmarks are realistic, or require adjustments (either up or down).

Reference sources:

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ANNEX 2.

WHAT CAN BE LEARNED SO FAR FROM COUNTRY EXPERIENCES?

The systematic rights-based monitoring of the right to adequate food is still not yet commonly implemented in many countries. So for this reason, there is still little in the way of empirical evidence and practical experience from which to learn. Fortunately, a few lessons have been learned with respect to operationalising the right to adequate food at country level, and these can be applied to the implementation of rights-based monitoring. Five country studies, conducted in Uganda, Brazil, South Africa, India and Canada, have allowed us to distil some critical lessons and experiences. These case studies were conducted specifically to examine the degree to which the right to adequate food has been realised in each country, but were not specifically conducted to examine the food security and vulnerability monitoring systems in those countries in detail.

Five distinct over-arching ‘lessons’ were gleaned from these case experiences and specifically identify the need for:

- Awareness building.
- Identifying the food insecure and vulnerable.
- Developing rights-based monitoring indicators.
- Capacity strengthening.
- Promoting a strong role of civil society in monitoring the right to adequate food.

NEED FOR AWARENESS BUILDING

Awareness building among rights-holders and duty-bearers is essential in order to operationalise the right to adequate food at country level. People can only participate meaningfully if they have appropriate and credible information and if they are aware of the issues that affect the human right to adequate food. This conclusion also extends to the implementation of rights-based monitoring. Information providers

(duty bearers) should clearly understand how to incorporate rights-based approaches in their monitoring activities. Right holders, and duty bearers as end-users of rights-focused monitoring information, should also understand how monitoring information can be used and interpreted to help them in their own sphere of action and respective responsibility.

National human rights institutions, such as the South African Human Rights Commission and the Uganda Human Rights Commission, as well as non governmental organisation right-to-food networks, which exist in India, Brazil and Uganda, undertake awareness-building activities targeted at both right holders and duty bearers. Human rights education can be promoted through the formal school system, and through professional and in-service training, as well as at community level in poor areas. The challenge is to find ways to de-technify and de-mystify the monitoring information field and to ensure that it is user friendly for all stakeholders involved.

THE NEED TO IDENTIFY THE FOOD INSECURE AND VULNERABLE

In spite of poverty reduction strategies and policies in many countries, the food-insecure and vulnerable are often poorly identified and the reasons for their food insecurity are not reflected in policy and programme designs. Pro-poor policies and strategies often lack well-defined target groups mainly because the development paradigms that are used to shape such policies are not people-centred. Thus, with a rights-focused monitoring approach, the identification and characterisation of food-insecure and vulnerable groups needs to take centre stage, and so contribute to improved design and better targeting of pro-poor policies and programmes.

RIGHTS-FOCUSED MONITORING INDICATORS

Particular rights-related process indicators still need to be identified. Process indicators to monitor the appropriateness and effectiveness of policy, legal and administrative institutional frameworks that correspond to and reflect the realisation of the right to adequate food still need to be developed and agreed upon. Other process indicators that can be used to monitor budgetary practices, public participation, public service delivery and the implementation of food security, nutrition and poverty reduction programmes are also needed. The identification of appropriate indicators should directly involve all stakeholders including programme managers, legislators, as well as representatives of food-insecure and vulnerable groups. Again, the latter must be involved through ways in which these vulnerable groups, or their representatives, really feel that their participation is meaningful and their voices have been truly listened to, rather than for duty bearers to just check off that 'participatory approaches' have been used and these groups 'consulted'.

CAPACITY STRENGTHENING

There is a very critical need for capacity strengthening so that policies are well implemented and programmes are well targeted in line with policy priorities to address food and nutrition problems in food insecure and vulnerable groups. Within a human rights framework, capacity strengthening should target both right holders and duty bearers in both public and private sectors. This directly involves strengthening capacity for rights-based monitoring and joins both technical and human rights expertise, creating capacity at grass-roots levels for meaningful participation in subsequent monitoring processes.

ROLE OF CIVIL SOCIETY IN MONITORING THE RIGHT TO ADEQUATE FOOD

Partnerships between government and civil society are increasingly recognized as important in the development and implementation of food and nutrition programmes. Community-based and non-governmental organisations, operating effectively at sub-national and community levels, are often more successful in reaching the poor than government agencies. In some countries, civil society organisations play a significant role in monitoring the realisation of the right to adequate food, particularly among the food insecure and vulnerable, such as in Brazil. These organisations also develop and apply assessment and monitoring methodologies that are more participatory and more adapted to measure underlying causes of food insecurity at local levels. Rights-based monitoring should take full advantage of government-civil society partnerships and appropriately incorporate relevant methodologies that are applied by non-governmental organisations, thereby taking advantage of, and leveraging, the monitoring-relevant information that these organisations may generate.



METHODOLOGICAL TOOLBOX ON THE RIGHT TO FOOD

The purpose of the Methodological Toolbox is to provide a practical aid for the implementation of the Right to Food Guidelines.

It contains a series of analytical, educational and normative tools that offer guidance and hands-on advice on the practical aspects of the right to food. It covers a wide range of topics such as assessment, legislation, education, budgeting, and monitoring. It emphasises the operational aspects of the right to food and contributes to strengthening in-country capacity to implement this right.

METHODOLOGICAL TOOLKIT ON RIGHT TO FOOD:

1. GUIDE ON LEGISLATING FOR THE RIGHT TO FOOD
2. METHODS TO MONITOR THE HUMAN RIGHT TO ADEQUATE FOOD [VOLUME I - VOLUME II]
3. GUIDE ON CONDUCTING RIGHT TO FOOD ASSESSMENT
4. RIGHT TO FOOD CURRICULUM
5. GUIDE ON RIGHT TO FOOD BUDGET ANALYSIS



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