



RIGHT TO FOOD ASSESSMENT CHECKLIST

Assessing the Right to Food
in the National Development Context





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RIGHT TO FOOD GUIDELINE 3.2:

“The elaboration of these strategies should begin with a careful assessment of existing national legislation, policy and administrative measures, current programmes, systematic identification of existing constraints and availability of existing resources.”

I. BACKGROUND

By ratifying the International Covenant on Economic, Social and Cultural Rights, Governments have accepted the obligation to respect, protect and fulfil the right to food. These obligations can for example be realized by adopting laws and regulations, drafting policies and strategies, implementing programs and establishing new institutions.

Therefore it is a basic requirement that the State conducts a comprehensive assessment to identify how many food insecure are in the country, where they are and why they are deprived of their right to food. Such assessments are very important as they often help countries to obtain the necessary information, on the one hand, by designing longer term right to food strategies and, on the other hand, by deciding on immediate measures to ensure freedom from hunger and to foster an enabling legal, policy and institutional environment.

A number of different assessments were undertaken in several countries in the past. The assessments conducted so far were mostly general assessments on the food security situation in the country and did not specifically focus on or include the right to food dimension and the State obligation to respect, protect and fulfil the right to food.

To change this in the future and to encourage more States to assess the right to food situation in their country, the FAO Right to Food Unit invited a small group of experts to come together and collect and discuss the experiences made so far in right to food assessments and to create a right to food assessment checklist.

In July 2009 the experts Olivier de Schutter (Special Rapporteur on the Right to Food), Flavio Valente (FIAN International), Carole Samdup (Rights&Democracy), Aliro Omara (Advisor and former member of the Human Rights Commission in Uganda), Carlota Merchan (Prosalus) as well as Barbara Ekwall, Mauricio Rosales, Frank Mischler, Henri Josserand and Mark Smulders from FAO met in Rome to draft a first version of the right to food assessment checklist. The first version was sent around to a wider group of right to food experts for consultation and comments. Additionally, it was tested in a number of countries and the experiences led to further changes and adaptations to make the checklist more applicable for the users.

Together with the already released GUIDE TO CONDUCTING A RIGHT TO FOOD ASSESSMENT (available at www.fao.org/righttofood), the now updated checklist shall assist governments as well as stakeholders in structuring and conducting future right to food assessments. It shall complete general assessments by including the right to food dimension. Even if the assessment checklist is quite comprehensive, it is not a blue-print and it must be adapted to the national situation and national issues and focal points have to be identified.

The updated checklist is structured in three parts: The first part contains the leading questions which relate to the methodology of the assessment and to general food security data (I. Background). The second part assesses the actual right to food context in the country and outcomes so far of processes related to the legal framework, strategies, policies, programs and the institutions and monitoring bodies (II. Focusing on the right to food). The leading questions in

the third part of the checklist focus on processes, on how the outcomes above are being achieved. They relate to human rights principles and are relevant for all State measures, both right to food specific and other measures. Applying these principles contribute to policy coherence, better governance and increased efficiency public action in view of achieving food security for all (III. Ensuring policy coherence).

To further develop and improve the right to food assessment checklist, we would be very grateful to receive further comments, inputs and feedback on this latest version of the right to food checklist.

ASSESSMENT METHODOLOGY

- Is the assessment of the right to adequate food explicitly mentioned as the objective of the assessment?
- Is the assessment undertaken in a participatory manner as recommended in the Right to Food Guidelines 2.2 and 5.1? Are the food insecure or their representatives part of the assessment team?
- How will the results of the assessment be presented, published, distributed and used?
- How will the results of the assessment be implemented in national policies and laws?

ANALYSIS OF THE FOOD SECURITY AND POVERTY SITUATION

- Who are the food insecure? Where are they located? Why are they deprived from their right to food (underlying and root causes)?
- What is the percentage and number of undernourished population? Are particular groups affected? How has this percentage evolved in the past years?
- What is the percentage and number of undernourished children? How has this percentage evolved in the past years?
- What is the percentage and number of population with iodine, iron, zinc and vitamin A deficiency? How has this percentage evolved in the past years? Are particular groups affected?
- What is the Gini coefficient and how has it evolved over the previous years?
- What Human Development Index, how has it evolved over the previous years, how does it compare to countries with similar gross economic indicators?
- Is information about access to food disaggregated by sex and age available (e.g. to assess the food availability within families)?

PRIORITY OF HUNGER REDUCTION

- Is the fight against hunger a government priority? How is this priority reflected in national laws, policies, strategies and programs?
- To what extend is the freedom from hunger and the right to adequate food part of this priority?

II. FOCUSING ON THE RIGHT TO FOOD

CESCR GENERAL COMMENT 12:

“The right to adequate food, like any other human right, imposes three types or levels of obligations on States parties: the obligations to respect, to protect and to fulfil. In turn, the obligation to fulfil incorporates both an obligation to facilitate and an obligation to provide. The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters.”(15)

LEGAL FRAMEWORK

- Has the State ratified the ICESCR or any other international or regional treaties guaranteeing the right to food?
- Has the State ratified international treaties and agreements which have a direct or indirect impact on the right to food (e.g. trade regulations)?
- To what extent is the right to food recognized in the constitution, framework laws, laws, by-laws in the country? Which are the sectoral laws that have an impact on the food security situation of the most vulnerable and to what extent do they promote or impede access to food?
- Does the legislation recognize the state’s obligation to respect, protect and fulfil the right to food?
- Does the legislation include provisions on education and awareness?
- Is the implementation of the existing legal framework effective? Which elements are conducive or impede its efficiency?
- Are effective administrative, quasi-judicial and judicial recourse mechanisms in place and are they accessible?
- Are there appropriate remedies in place enabling victims of right to food violations to obtain redress?

STRATEGIES, POLICIES AND PROGRAMS

- Does the country have a comprehensive right to food strategy? Does it implicitly or explicitly mention the right to food as objective?
- Does it encompass the obligations of the State and the responsibilities of all stakeholders, including the private sector?
- Does it include a definition of the right to food?
- Is the strategy based on a comprehensive assessment of the national food security context, including of the existing constraints and availability of resources?

- Are the formulation and implementation of national strategies for the right to food in compliance with the principles of accountability, transparency, people's participation, legislative capacity and the independence of the judiciary?
- Does the strategy give particular attention to prevent discrimination, including guarantees of full and equal access to economic resources, particularly for women?
- Does the strategy foresee the establishment of appropriate institutional mechanisms?
- Does the strategy set out the responsibilities and time-frame for the implementation of the necessary measures?
- What policies, action plans and programs are put in place to implement the strategy at national, regional and sub-regional levels? How is coherence ensured between national, regional and sub-regional levels?
- Do the policies and programmes effectively respect, protect and fulfil the right to food, particularly of the neediest and most vulnerable segments of society?
- Is the state allocating and using the maximum of its available resources to realize the right to food at national, regional and sub-regional levels?
- Is the state undertaking regular reviews of national strategies, policies and programmes related to ensure that they effectively respect, protect and fulfil the right of everyone to adequate food? Are such reviews undertaken at regional and sub-regional levels?
- Which mechanisms are in place to guarantee coherence of sectoral strategies, policies and programs with the overall objective to realize the right to adequate food at national, regional and sub-regional levels?
- Does the country have and use Food Security Information Systems (for monitoring and early warning)?
- Does the country have the means to assess a crisis and design a response including targeting (even if based on an appeal)?
- Does the country have the capacity to implement a response consistent with right to food?
- Does the strategy give space for communities, CSOs and NGOs to participate in designing, reviewing and monitoring the strategies, policies and programs?

INSTITUTIONS AND MONITORING BODIES

- Which are the relevant public institutions responsible for the implementation and monitoring of the right to food at the national, regional and sub-regional levels?
- Is there a specific institution entrusted with the overall responsibility for promoting, overseeing and coordinating the application of the Right to Food Guidelines?
- Are there other institutions, such as human rights commissions or ombudspersons, mandated to monitor the right to food and to deal with violation cases? Are they independent? Do they have the financial and human resources to comply with their mandate?
- How do these institutions achieve the coordination and coherence of the different policies and legislation, guarantee participation and ensure the protection of victims? How do these institutions fulfil their mandate at national, regional and sub-regional levels?
- How do they ensure that State measures and activities by third parties do not negatively impact on the right to food?

- Are civil society organizations and individuals encouraged to contribute to monitoring and coordination activities?
- To what extent are these institutions monitoring the food insecurity situation of vulnerable groups, especially women, children and the elderly?
- How do coordination mechanisms and human rights institutions interrelate to ensure synergies and efficiency in their work?
- Do they perform and comply with their obligation to realize the right to food?

III. ENSURING POLICY COHERENCE

CESCR GENERAL COMMENT 12:

“The formulation and implementation of national strategies for the right to food requires full compliance with the principles of accountability, transparency, people’s participation, decentralization, legislative capacity and the independence of the judiciary. Good governance is essential to the realization of all human rights, including the elimination of poverty and ensuring a satisfactory livelihood for all.” (23)

TARGETING:

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, ARTICLE 2.2.:

NON-DISCRIMINATION AND ATTENTION TO VULNERABLE GROUPS:

Discrimination in the enjoyment of human rights is prohibited on any ground, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Particular attention needs to be given to those groups who cannot enjoy their rights as fully as other groups.

- Do the planned or existing legislation, strategies, policies and programmes clearly identify vulnerable groups and is their impact on these groups being assessed in a systematic manner?
- To what extent do the planned or existing legislation, strategies, policies and programmes specifically target vulnerable groups and respond to causes of food insecurity? Do they pay special attention to the right to food of women?
- Are any groups or individuals intentionally or unintentionally excluded from programs due to racial or other discrimination?
- What positive action is taken to end existing discriminatory practices?
- Does implementation reach rural areas and cover rural population?
- Does the policy explicitly or not improve the conditions of the vulnerable?
- Are there any groups with special cultural food habits and practices? How is ensured that their right to food is realized?

ACCOUNTABILITY:

- Do state officials (duty bearers) know about the right to food and are they aware of their obligations to respect, protect and fulfil the right to food?
- Are the roles and obligations of government agencies spelt out explicitly? How is institutional accountability and transparency guaranteed through legislative, administrative and other measures?
- Do the right holders, especially the food insecure, know about their human right to food and ways to hold the State accountable for it?

- Are accountability mechanisms established, accessible and known by duty bearers and right holders? How is it ensured that the duty bearers and right holders know about these accountability mechanisms?
- Are administrative claims mechanisms available when implementing legislation, strategies and policies? Are they systematically established for the implementation of programs?
- How accessible are the recourse mechanisms to the poor and marginalized and how effective are they?

IMPACT ASSESSMENT/ ADAPTABILITY:

- Is the impact of legislation, strategies, policies and programs regularly reviewed in view of their contribution to the realization of the right to food?
- Which mechanisms and institutions guarantee that new policies and laws do not violate the right to food?
- Is the impact assessment participatory? How is participation guaranteed, especially for the most vulnerable?
- Are steps taken to remedy any possible weakness in legislation, strategies, policies and programs?

EMPOWERMENT:

- Are the rights holders aware of the right to food and the possibilities to claim this right and hold the state accountable?
- Are the duty bearers aware of the right to food and the possibilities to claim this right and hold the state accountable?
- Is there a common understanding of what constitutes a violation of the right to food?
- Is there freedom of expression, information, association and other political rights? Are human rights defenders protected?
- Do people have access, economically and physically, to information and accountability mechanisms? To what extent is legal advice and representation at the disposal of the food insecure?
- Does the State offer appropriate information, education and training that promote the access to the right to food?
- Are civil society organizations and NGOs, especially those representing the interests of the food insecure, involved in the design, implementation and monitoring of legislation, strategies, policies and programs?
- Do the people know about their entitlement and understand what constitutes a violation of the right to food?

PARTICIPATION:

- Is there a legal requirement for participation of the food insecure or their representatives in the design, implementation and monitoring of legislation, strategies, policies and programs?
- Is participation free and meaningful?
- To what extent can right holders actually participate? Are right holders excluded from participation because of language, distance, time, budget etc.?
- What is the role of civil society in policy design, implementation, and monitoring of the right to food?
- To what extent are right holders, including the most vulnerable individuals, effectively involved in design, implementation and monitoring of programmes that concern them?