

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.