

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).

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