

2. A MONITORING FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD

A monitoring framework for the right to adequate food can be built up from three components that distinguish this monitoring framework from more conventional frameworks. These three components are²:

- core content of the right to adequate food;
- state obligations; and
- human rights principles.

We shall briefly describe each component separately, and show how they fit into a more comprehensive framework that may provide guidance on how to monitor the right to adequate food, and what to focus on from a human rights' perspective.

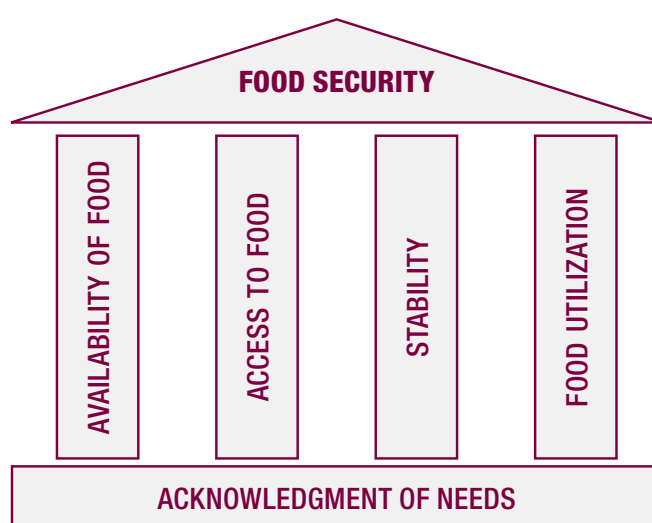
CORE CONTENT OF THE RIGHT TO ADEQUATE FOOD

From food security to the right to adequate food

The right to adequate food builds on the concept of food security and expands on it. This can best be seen by considering what is called: the *core content of the right to adequate food*. The right to adequate food places greater emphasis

² Readers are urged to read volume I and to consult Annex 1 of both volumes for further elaborations of these concepts. The three components of this framework are laid out in General Comment 12 of the UN Committee on Economic, Social and Cultural Rights.

on individual human beings rather than on the general term of “all people”³. The substantive attributes of the right to adequate food are basically the same as those of food security, which is defined by FAO as having four pillars: food availability, food access, stability in food availability and access, and the biological utilization of food. Food security is a technical concept and is needs-based. As we will elaborate further below, the rights-based approach broadens the scope of the food security concept, making the acknowledgement of human rights and the realization of the right to adequate food its prime objective.



The implications for monitoring the right to adequate food are based on operational definitions of the components of the right to adequate food. The core content is the main construct involved in rights-focused monitoring. It provides content to the questions related to whether or not the right to adequate food is increasingly being respected and protected, and is progressively being fulfilled in practice.

The main components of the core content of the right to adequate food are:

- The availability of food in quantities and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture.

Dietary needs implies that the diet as a whole contains a mix of sufficient nutrients for physical and mental growth, development and maintenance of the body, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and

³ It thus transforms the food security elements into a definition of an individual right: “The right to adequate food is realized 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” (General Comment 12, CESCR). See also Barth Eide (2005).

occupation. *Free from adverse substances* sets requirements for food safety⁴ and for a range of protective measures by both public and private means to prevent contamination of foodstuffs through adulteration, poor environmental hygiene, and/or inappropriate handling at different stages of the food chain. *Cultural or consumer acceptability* implies the need also to take into account perceived non-nutrient based values attached to food and food consumption, and to informed consumer concerns about available foods.

A further word on *adequacy*. Adequacy introduces fundamentally a conceptual and practical difference for monitoring the *right* to adequate food, as compared to more conventional monitoring frameworks of food security. The latter often involves measurements of average energy supply or *calorie equivalents*, which measure little about people's right to eat in terms of dietary patterns and meals that form part of their food culture. Food safety issues constitute an intrinsic part of rights-focused food security assessments and monitoring.

The concept of adequacy as an inherent dimension of the right moves the right to adequate food into the domain of 'nutrition'⁵. This refers thus to the fourth pillar in the usual definition of food security. Adequate nutrition is at times used as the ultimate *end point* of the processes of acquiring and consuming food, i.e. the nutritional status of the human being. It is also used as the overarching concept to describe the conditions that converge to determine the nutrition situation in a country, region or community. Nutrition encompasses more than food intake, food behaviour and the effects of food policies, as the nutritional status of the human being is also influenced by her or his health status and by general health conditions conditions, as well as by the degree of care provided to those who are unable to feed themselves due to age or physical condition.

Availability of food also includes "the possibilities either for feeding oneself directly from productive land or other natural resources, or for well functioning distribution, processing and market systems" that can "move food from the site of production to where it is needed in accordance with demand". Monitoring must therefore explicitly measure the various forms of food procurement and of 'feeding oneself' and the results must be analysed within the context of adequacy.

- Access to adequate, safe and culturally acceptable foods in ways that are sustainable and that do not interfere with the enjoyment of other human rights.

Economic accessibility implies that food costs for an adequate diet should not threaten or compromise other basic needs. Economic accessibility applies to any acquisition pattern or entitlement through which people obtain 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

⁴ Food safety is addressed in *Right to Food Guideline 9*.

⁵ There is no direct provision in the ICESCR for 'the right to nutrition'.

must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly people, the physically disabled, for persons with persistent medical problems, including the mentally ill. Victims of natural disasters, people living in disaster-prone areas and other specially disadvantaged groups may need special attention and sometimes priority consideration with respect to access to food.

- Long-term stability in food availability and access implies ecologically sustainable food availability, and economically and socially sustainable food access.

Sustainability refers to long-term and stable food availability and access, and implies that adequate food is available and accessible for present as well as future generations⁶. A direct link is established between ecological, economic and social conditions that represent a threat in the long-run to food supplies and food access. This brings into focus the need for sector policies that adequately address such vulnerability risk factors in the both the short- and long run.

The core content thus provides the normative attributes of the right to adequate food, i.e. what must be true in order for the right to adequate food to be realized. In reality actual conditions are likely to fall short of meeting all elements of the core content. A comprehensive analysis will be required of the reasons why actual conditions fall short. Practitioners should have at their disposal a reasonable set of methods that allows them to generate monitoring information that covers all attributes of the core content. Appropriate indicators for each attribute need to be identified or developed. For example, at the immediate level of this framework, information about actual food intake by different groups is obtained by means of one or more dietary assessment methods (see Annex 3 of this volume).

STATE OBLIGATIONS

The right to food matrix: a systematic normative approach

The “right to food matrix” was first used as a frame of thinking about how to operationalise state obligations for various economic, social and cultural rights⁷. The matrix links the categories of state obligations of *respect*, *protect* and *fulfil* (*facilitate* and *provide*) to the normative core content of the right to adequate food. Thus, the matrix permits a systematic operationalisation of the core content, in the form of a set of attributes of the right to adequate food (as derived from the composite concept of food security), as well as the actual state obligations at the different levels by identifying – in the cells of the matrix – specific policy and programme measures and other actions to help realize the right to adequate food.

⁶ Recognised in General Comment 12.

⁷ Eide et al., 1991 ; Oshaug et al, 1994.

The matrix can be used as a framework to guide collective thinking of on the kind of policies and measures that will help realise the right to adequate food, and what structural, process and outcome indicators should be constructed for rights-focused monitoring. It can also serve to identify existing policies and activities and make this the point of departure for selecting and prioritising indicators, and conducting rights-focused analysis and monitoring of policies and programmes and of their impacts on the realization of the right to adequate food. We return to this point below.

FIGURE 1: The Right to Food Matrix⁸

Normative Principles (FS Attributes)		FOOD SECURITY				
		ADEQUATE FOOD			SUSTAINABLE SUPPLY OF ADEQUATE FOOD	STABLE ACCESS TO ADEQUATE FOOD
		Dietary adequacy (Quantity, Nutritional Quality)	Safe for human beings to eat	Culturally acceptable	Environmentally and economically sustainable food systems	Physical and economic access to food within the household's livelihood
Categories of State Obligations						
RESPECT						
PROTECT						
FULFIL	Facilitate					
	Provide					

HUMAN RIGHTS PRINCIPLES

Human rights principles are discussed in some detail in volume I and in Annex 1 of that volume. The reader is advised to review these principles again, in case

⁸ Adapted from Oshaug et al (1994).

necessary. We shall here briefly indicate how these principles relate to the above framework and to its contents, that is, the policies, programmes and other state actions that fall under the different levels of state obligations and relate to the various components of the core content of the right to adequate food. The principles are involved in both the outcomes and implementation processes of policies, programmes and state actions, and provide a normative basis on which to assess and monitor their outcomes and ways of implementing them.

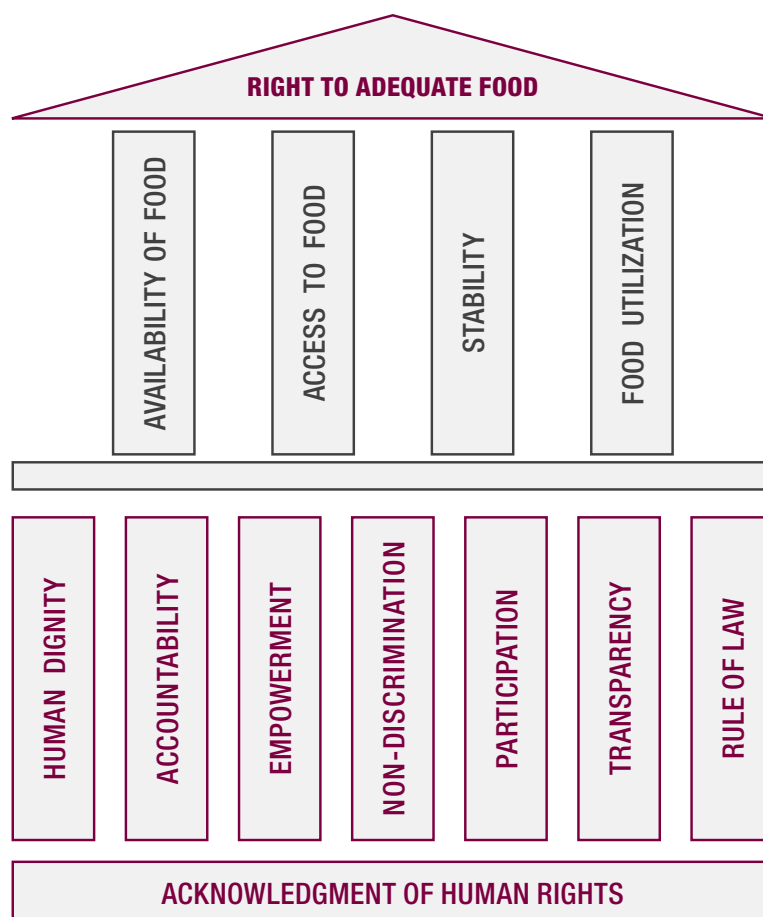
Briefly, **equity** demands that the outcomes/benefits are equitably distributed, i.e. in accordance with relative needs of different people or groups. Those who have greater needs should receive a greater share of the total benefits. **Equality** means that all who are eligible participate on an equal basis and that no one is excluded on any ground or otherwise is discriminated against. State actions should not discriminate and should afford everyone equal treatment.

Checklist of Human Rights Principles

- EQUITY
- EQUALITY AND NON-DISCRIMINATION
- TRANSPARENCY
- ACCOUNTABILITY
- RULE OF LAW
- HUMAN DIGNITY
- PARTICIPATION AND INCLUSION
- EMPOWERMENT
- RECOURSE MECHANISMS

Decision-making should be a **transparent** process, with decisions open to anyone to examine, and management of resources should be in accordance with rules and regulations known and understood by all. Those who have specific public responsibilities should be held **accountable** if their performance is not in line with those responsibilities in such areas as delivery of public services, administration of public resources, or protection of human rights. All policies, programmes and other state actions should be in full compliance with the **rules of law**, which apply to everyone irrespective of position or status. Total respect for **human dignity** should be afforded to any action that is implemented, and in effect should be promoted. All implementation processes should be **participatory** and **inclusive**, meaning that rights holders or their representatives participate in well-informed ways in formulation, implementation and monitoring of policies and programmes, and are fully consulted in formulating other state actions. Participatory and

consultative processes should be **empowering**, by contributing to rights holders' understanding of relevant issues, and to their capacity for self-determination. They should enable them to effectively participate as equal partners in decision-making.



Lastly, rights holders, individually or as a group, who feel that a right has been violated as a result of State action, should have access to the means of seeking **recourse** and, if justified, the violation should be undone.

Recourse means can consist of judicial, quasi-judicial or administrative claim mechanisms, or some other way of claiming a right (depending on what right is involved – the right to adequate food in many countries can often not be claimed by judicial means).

APPLYING THE RIGHT TO FOOD MONITORING FRAMEWORK

To recapitulate, using the framework as a guide, the following should be the object of rights-focused monitoring of the right to adequate food:

- The core content of the right to adequate food, and its various components.
- Policies, programmes, and other government actions.
- Legal and institutional factors that condition the impacts of policies, programmes and government actions, the way these are formulated and implemented, as well as the way state obligations are fulfilled (or not).
- Public resources allocated to implement policies, programmes and other government actions, including how budget allocations impact on the legal and institutional environment of the right to adequate food.

EXAMPLE 1:

A high level government delegation has just returned from an international conference on the right to adequate food. Members of the executive and legislative branches of government publicly re-affirm the government's commitment to the progressive realization of the right to adequate food, and to the state's international obligations to the right to adequate food as a signatory party to the ICESCR and other international agreements.

A few hypothetical examples may help to demonstrate and clarify. In **Example 1** monitoring should focus, in the first place, on the overall achievement over time in improving the various components of the core content of the right to adequate food, particularly among food insecure and vulnerable population groups. However, measurable changes may not be apparent in the short-run.

What may be more apparent is whether the government puts into place measures that are in line with the various categories of state obligations towards the right to adequate food, or introduces changes in existing measures. For example, new norms and standards may be introduced to protect consumers from harmful foods, thus improving access to safe foods (protection obligation).

New programmes are formulated and implemented to improve crop productivity among subsistence farmers in isolated areas (facilitation obligation). The nutrient content of food rations supplied to internally displaced populations in camps is improved and measures are put in place for the timely delivery of food rations (provision obligation). The ways by which these measures are implemented by government should not encroach on any human right (respect obligation).

EXAMPLE 2:

A newly formulated food security policy has as one of its objectives to increase access to food by resource-poor urban and rural households by means of increased household purchasing power. A number of high priority policy measures are identified in the policy to achieve this objective. These policy measures include: small scale enterprise development, micro-finance programmes, vocational training, and special employment programmes for people who are physically challenged, women and for persons living with HIV/AIDS.

Monitoring in **Example 2** is more narrowly focused on a food security policy and its impact over time. The impact of the policy is measured against its objectives, in this case, increased food access among poor urban and rural households. If the underlying logic of the policy is correct, then: (a) low household purchasing power is a main constraint for food access in this population, and (b) the policy measures to be implemented should result in greater household purchasing power. The policy primarily corresponds to the state's obligation to facilitate. What to monitor in this case? Rights-focused monitoring should focus on monitoring:

- The formulation and implementation processes of programmes or policies, to examine whether these comply with human rights principles, and if not, to propose remedial actions.
- The impact of policy measures on the household purchasing power in the target groups of poor urban and rural households.
- Food access by these households, as one component of the core content of the right to adequate food.

The monitoring information could be expanded, of course, to measure changes in other components of the core content, such as, improved intake of safe and more nutritious foods, even if this was not an explicit objective of the policy⁹.

EXAMPLE 3:

The population of a large rural area is to be re-settled to make room for a new airport facility. The people have not been consulted about this, and just have been informed of these impending plans. Most people are subsistence farmers who depend for a large share of household food supplies on their own-grown crops. Child malnutrition is highly prevalent in this population. Plans are to establish small industries close to the re-settlement villages to create employment, as crop production in the re-settlement areas is not possible.

⁹ One measurement problem that relates to policy impact analysis is the attribution problem that is discussed in chapter 5.

Example 3 represents a case in which rights-focused monitoring can potentially make a significant contribution to turning this into a positive human rights experience, by safeguarding people's enjoyment of their right to adequate food. The re-settlement plans, if implemented, may represent a threat to people's livelihood, may make people more vulnerable to food insecurity, and children more vulnerable to malnutrition, among other things. So far it represents a failure on the part of the State (or the authority that decided on the re-settlement plans) to respect people's right to self determination and participation, and to protect people's right to adequate food (and possibly other ESCR).

The process should start off with an assessment of the current situation *before* the re-settlement plans are put into effect. The assessment or situation analysis should focus on: (a) livelihood conditions of the to-be-resettled population, (b) the various components of the core content of the right to adequate food, (c) factors that introduce vulnerability in livelihoods and food security, (d) institutional aspects and the process by which decisions were made by relevant institutions as well as their capacity to implement the plan, and (e) the details of the re-settlement plan.

Rights-based assessment and monitoring means participation by the people or their representatives, and full access to the assessment information, which should allow the people to make their own assessment and make counter-proposals to the re-settlement plan. The pre-settlement assessments serve as information against which to monitor what happens to the population and the institutions involved, if and when the re-settlement plan is implemented and beyond.

Assuming that the re-settlement plan is implemented, as originally designed or is modified as a result of people's counter proposals, monitoring should be undertaken in participatory, empowering and transparent ways and focus on, among other things:

- implementation processes of the employment creation programmes: to examine if these processes are rights-based; re-settled people's participation in these programmes, and the benefits that they provide; are the modifications in the re-settlement plan that were agreed upon between the people and the government institutions really implemented?
- re-settled households' access to safe and nutritious food, including by young children, and food intake patterns evaluated against cultural food preferences.
- the capacity of the institutions that implement the re-settlement plan and of the employment creation programmes.
- the conduct of government officials: implementation of actions designed to better respect and protect people's rights.

The three examples together indicate what is to be monitored, what analytical methods need to be applied in rights-focused monitoring of the right to adequate food, and what indicators need to be defined. Chapters 4 through 6 provide an overview of these methods, while chapter 3 deals with the issue of indicators.

THE RIGHT TO FOOD GUIDELINES AS A MONITORING FRAMEWORK

A new monitoring tool has recently been developed, specifically for use by non-governmental organizations¹⁰. The tool is structured around the *Right to Food Guidelines*. For each guideline in the VG, a checklist of questions is provided in the tool. Depending on the contents of the guideline, guidance on possible indicators with which to record responses is also provided. The tool was designed as a means for non-governmental organizations to monitor the implementation and outcomes of the measures and state actions promoted in the various guidelines. Thus, many of the questions relate to fullfilment or non-fullfilment of state actions, and responses can easily be converted into yes/no indicators.

The contents of the guidelines cover structures, processes and outcomes. Thus, responses can appropriately be converted into structural, process or outcomes indicators (see next chapter). By way of examples, small parts of the tool are excerpted below (Box). The tool was validated with groups of end users in a number of countries before being finalised.

Once the tool has been applied, the information it generates can be used for the following purposes by non-governmental organizations:

- Establish dialogue with state officials for the purpose of promoting changes in public policies and/or in government structures, and getting new actions implemented to address problems that involve the right to adequate food.
- Call general attention to state performance and actions in promoting the right to adequate food, and in relation to respecting, protecting and facilitating the right to adequate food.
- Prepare reports with respect to specific violations of the right to adequate food and to demand from government redress for those violations.
- Prepare periodic reports (“shadow reports”) for presentation to international human rights bodies, such as the UN Committee on Economic, Social and Cultural Rights (see Chapter 9 and Annex 6).

¹⁰ FIAN International (2007).

BOX 2.1 - Selected Excerpts from the FIAN Monitoring Tool**Guideline 5: Institutions**

- *Does the state have competent and efficient institutions specifically designed to implement the right to food?*
 - i. *Do these institutions have a mandate to promote, mainstream or monitor the implementation of the right to adequate food within the administrative and governmental framework and within society as a whole?*
- *How do the institutions carry out their responsibilities with regard to the right to food?*
 - i. *Are there complaint mechanisms in place in order to challenge administrative decisions that have a bearing on the right to food? Are these effective and accessible?*

Guideline 9: Food safety and consumer protection

- *Are there legal regulations available on consumer protection?*
 - i. *Are there constitutional, legal regulations or administrative acts on consumer protection?*
 - ii. *Are these in accordance with the human rights principles of adequacy, availability and accessibility?*
- *Are there institutions in charge of supervising the quality of food (in the processes of production, storage, distribution and marketing, and consumer protection)?*
 - i. *Do these institutions have competence to control food quality, in order to confirm food safety, and to control prices and marketing conditions in order to protect and enable access to food?*
 - ii. *Do these institutions control the food distributed among the most vulnerable groups through food networks and do they guarantee transparency?*

Guideline 14: Safety nets

- *Are there food security networks enshrined in the legal system or in public policies?*
 - i. *What provisions or programmes regulate these networks?*
 - ii. *Are there human, administrative and financial resources in place to ensure the effective functioning?*
 - iii. *Are they really addressing the most needy population groups?*
- *What percent of the population threatened by hunger and malnutrition is in fact covered by adequate safety nets (social assistance, social transfers)?*
- *What share of GNP is allocated to social transfers that secure a minimum food consumption for all?*



BOX 2.1 - Selected Excerpts from the FIAN Monitoring Tool - Cont.**Guideline 15: International food aid**

- *Are there national regulations establishing criteria for the use of food aid?*
 - i. *Are there competent institutions to specifically evaluate international food aid?*
 - ii. *Does the state have a policy which foresees measures to prevent food aid from destroying national production or creating dependency on the domestic markets?*
 - iii. *Are there mechanisms to ensure that food aid reaches those needing it and does not get lost in the domestic market?*
- *Are there national programmes for food control and distribution of food aid resources control according to human rights principles?*
 - i. *Are international food aid programmes transparent and do they use an accountability system?*
 - ii. *Are programmes non-discriminatory for the target population?*
 - iii. *Do programmes take into consideration the vulnerable conditions of the groups receiving aid, meet their nutritional needs and comply with the food habits of the groups?*

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