

Guidance Note: Integrating the **RIGHT TO ADEQUATE FOOD** into food and nutrition security programmes



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THE
RIGHT
TO
FOOD



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PREFACE

There is wide consensus that every woman, man and child has the right to adequate food – this human right is enshrined in a number of international instruments and is repeatedly reaffirmed in the outcome documents of major international conferences and summits. There is also agreement that an approach grounded on the right to food and good governance is necessary for tackling the root causes of hunger and reducing the persistently high number of people suffering from hunger and malnutrition. Consequently, critical questions are: How can international commitments be translated into realities for people? and How can an approach based on the right to food make a difference?

This Guidance Note provides a brief practical outline of how to integrate the right to adequate food into food and nutrition security programmes, focusing on a number of key entry points identified by practitioners as the most relevant to their work. By looking at specific cases, the publication shares good practices and highlights some of the challenges encountered, thus offering important elements of responses to the questions raised in the previous paragraph.

The Guidance Note consolidates the right to food as both an objective and a tool for achieving food security for all. It shows that the right to food can provide an overarching framework that guides efforts to address hunger and malnutrition. At the same time, adopting an approach based on the right to adequate food in the design, implementation and monitoring of programmes increases the chances of enhancing the efficiency, effectiveness, impact and sustainability of efforts.

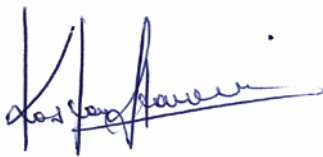
This publication is the result of two years of collaboration between FAO's Integrated Food Security Support Service (TCSF) and the Right to Food Team in the Agricultural Development Economics Division (ESA). It builds on the insights gained and recommendations formulated by practitioners and FAO staff during a joint workshop held in November 2011 in Rome. It is the result of a highly participatory process involving several rounds of consultations with workshop participants and FAO staff at Headquarters and in the field.

This tool builds a bridge between the normative dimensions of the right to food and practical work on programme design, implementation and monitoring at the country level. It is not a blueprint, neither does it provide recipes for quick wins. As countries advance in integrating this human right into their food and nutrition security programmes, new

knowledge will be generated and lessons will be learned. This tool is thus a first step in a longer process, and will need to be adapted to the specific situation of each country and developed further as progress is made towards the integration of the right to food into food and nutrition security programming.

At the time of finalizing this publication, FAO's policy assistance work in the area of food and nutrition security is undergoing important changes with a view to achieving better integrated efforts, improved efficiency, increased country ownership and durable outcomes. We encourage the use of this Guidance Note and hope that it will constitute a valuable tool for governments, civil society and staff involved in food and nutrition security programmes in their enhanced efforts to promote food and nutrition security for all.

Rome, October 2012



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The Guidance Note: Integrating the right to adequate food into food and nutrition security programmes is the result of an inter-departmental participatory process and close collaboration between the Integrated Food Security Support Service (TCSF) of the Policy and Programme Support Division and the Right to Food Team of the Agricultural Development Economics Division (ESA), with numerous contributions from practitioners and experts from the field and headquarters. It was authored by Carmen Lahoz and Enrique De Loma-Ossorio from the Instituto de Estudios del Hambre (IEH) in Madrid. A Steering group coordinated by Barbara Ekwall provided guidance to the process; it comprised Juan Carlos Garcia Cebolla (ESA), Karel Callens (TCSF), Jose Valls Bedeau (TCSF), and Serena Pepino (ESA). Barbara Ekwall had the overall responsibility for the preparation of the present Guidance Note, while the technical coordination was carried out by Serena Pepino and Jose Valls Bedeau.

A workshop jointly organized by ESA and TCSF in November 2011 was central to the development of this publication. Practitioners from 19 different countries generously shared experiences and lessons learned with integrating right to food into food and nutrition security programmes, exchanged information about practical implementation, and identified key entry points for the right to food in the context of their work. This workshop provided a platform for lively discussions on most critical aspects of the practical implementation of the right to food and represented a unique learning experience for all involved. FAO wishes to acknowledge the following persons who, in their capacity as organizers, resource persons, participants, reviewers, and case study presenters – and often in several of the above functions - contributed to the success of this workshop and to its follow-up: Medinat Oluwatoyin Adetunji, Sherry Ajemian, Carolin Anthes, Eleni Asmare, Madhy Bamba, Joseph Saidu Bangura, Dubravka Bojic, Dominique Bordet, Raquel Cabello, Rasik Chavez, Francisco Chimuco, Luisa Cruz, Vanessa Curcio, Enrique De Loma-Ossorio, Micheline Detraux, Barbara Ekwall, Juan Carlos Garcia Cebolla, Stefano Gavotti, Blanca Gil Antuñano, Ceren Gurkan, Fathi Hadhri, Franssen Jean, Carmen Lahoz, Delmy Linares, Luis Lobo, Cecilia LunaLopez, Margarida Marques, Jose Alegria Afonso Matsinhe, Frank Mischler, Christian Moscoso, Alick Nkhoma, Nidup Peljor, Serena Pepino, Ricardo Rapallo, Mauricio Rosales, Luisa Samayoa, Sanginboy Sanginov, Dieudonné Simon Savou, Biju Kumar Shrestha, Amélie Solal-Céligny, Vera Solís, Carolin Stevens, Jaap Van De Pol, Daniela Verona, Margret Vidar, Rista Yunana Yakubu, Yuan Yuegui, Deng Zhengrui.

Sisay Yeshanew and Simon Blondeau reviewed the final drafts of the Guidance Note, ensuring technical quality and coherence. Anna Doria Antonazzo, Annamaria Ausania and Carina Glendening provided administrative support throughout the process, while Tomaso Lezzi ensured the formatting and layout of the publication, which was edited by Jane Shaw.



1

BACKGROUND AND PURPOSE OF THE GUIDANCE NOTE

This section presents the Guidance Note as a practical tool for practitioners who want to integrate the right to food into food and nutrition security programmes.

It is generally agreed that every man, woman and child has the right to adequate food.¹ This agreement has been expressed in political statements at the global, regional and national levels. World food summits and declarations reflect the global commitment to the right to food, which has become part of international discourses on poverty, the economy and the environment, as highlighted in the Rio+20 outcome document.²

Many States have accepted the right to food as a legally binding obligation, including the 160 States Parties (as of September 2012) to the International Covenant on Economic, Social and Cultural Rights (ICESCR). An increasing number of countries have also enshrined the right to food in their national constitutions and legislation, thus taking a fundamental step towards the realization of this right. The right to food is being increasingly integrated into ordinary laws and policies relating to food and nutrition security (FNS).

Despite this international agreement, however, there is still a significant gap between formal recognition of the right to food in legislative and FNS frameworks and its practical implementation. Although relevant rights are clearly stated in legislation and policies, FNS programmes have difficulties in translating these commitments into development actions. Experiences in the design, implementation and monitoring of FNS programmes show that putting the right to food into practice is a complex issue and additional instruments are needed to facilitate this process.

1 This Guidance Note uses the shortened form “right to food” to mean the human right to adequate food as enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (OHCHR, 1966) and elaborated in General Comment No. 12 of the Committee on Economic, Social and Cultural Rights (CESCR, 1999). FAO’s Right to Food Glossary is available at http://www.fao.org/righttofood/kc/glossary_en.htm

2 <http://www.uncsd2012.org/thefuturewewant.html>

The objective of this Guidance Note is to provide brief practical orientations and share good practices on how to integrate the right to food into FNS programmes – both comprehensive “umbrella” FNS programmes and wide-ranging initiatives in the FNS sector. It is not designed to serve as a blueprint for integrating the right to food into FNS programmes, but instead provides practitioners with guidance and advice on selected issues, enabling them to participate effectively in the progressive realization of the right to food. The Guidance Note aims to facilitate the work of government officials responsible for designing, implementing and monitoring FNS programmes at the local and national levels; the FAO staff³ who provide technical assistance to these officials; and civil society organizations (CSOs) working in FNS.

The Guidance Note begins with a brief section explaining the different dimensions of the right to food, particularly its conceptual, legal and operational aspects. The following section presents tools, instruments and successful experiences of using these elements; identifies and illustrates the added value of integrating the right to food into FNS programmes; and highlights ways of achieving this integration. Good practices from FNS programmes in Latin America, Africa and Asia provide the basis for identifying four critical entry points, which are frequently ignored in the design and implementation of FNS programmes: understanding stakeholders’ roles and responsibilities; integrating legal aspects into FNS programmes; incorporating the right to food into FNS monitoring systems; and integrating recourse and claim mechanisms at the programme level. Finally, the Guidance Note summarizes main actions and recommendations for integrating the right to food into FNS programmes.

³ Programme managers working with the FAO Common Programming Framework (CPF), whose programme cycle is aligned with national planning and includes the human rights-based approach as one of its core principles.





2

UNDERSTANDING THE RIGHT TO FOOD

This section explains the different dimensions of the right to food, especially the conceptual, legal, political and operational frameworks.

2.1 LEGAL FRAMEWORK

According to the 1948 Universal Declaration of Human Rights (UDHR), the right to food is one of the human rights to which all human beings are inherently entitled. The first formal reference to this right was made in article 25 of the UDHR, which states: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food”.

In 1966, the ICESCR established the right to food as a legally binding right. Article 11 of the Covenant provides for this right in two paragraphs: the right to adequate food as part of the right to an adequate standard of living (Article 11.1); and the fundamental right to be free from hunger (Article 11.2) (Box 1).

For the 30 years that followed the adoption of the ICESCR, little progress was made towards the implementation of the right to food. In 1996, the World Food Summit asked the Committee on Economic, Social and Cultural Rights (CESCR) to clarify what the right to food meant and ways of implementing it. In 1999, CESCR issued General Comment No. 12 (GC12) (CESCR, 1999), which provides an authoritative interpretation of the right to adequate food. This was subsequently complemented by General Comment No. 15 on the right to water, which is inextricably related to the right to food (CESCR, 2002: 3).

GC12 helps governments to understand the different components of the right to food, and their own main obligations. According to CESCR, the right to 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” (CESCR, 1999: 6). It emphasizes the scope of this human right, which “shall not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients”. CESCR considers that the core content of the right to food implies “the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; the accessibility of such food in ways that are sustainable and

BOX 1. The right to food as a legally binding right: Article 11 of the ICESCR

- ◆ **Article 11.1** The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
- ◆ **Article 11.2** The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
 - ◆ To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
 - ◆ Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.



that do not interfere with the enjoyment of other human rights” (CESCR, 1999: 8). It also explains States’ obligations and recommends the adoption of national strategies “to ensure food and nutrition security for all, based on human rights principles that define the objectives, and the formulation of policies and corresponding benchmarks” (CESCR, 1999: 21).

2.2 CONCEPTUAL FRAMEWORK

The right to food, as any other human right, imposes certain *obligations* on States (Box 2). States Parties to the ICESCR are required to take steps towards the progressive realization of the right to food. The obligation to “realize progressively” recognizes that States may not be able to ensure full realization immediately, because of the right’s multifaceted nature or because of resource constraints. A State Party is therefore obliged to take concrete actions, to the maximum of its available resources, to move as expeditiously and effectively as possible towards the realization of the right to food (CESCR, 1990: 9).

States that are bound by an instrument protecting the right to food or that have incorporated this right into their domestic legal frameworks have an obligation to respect, protect and fulfil the right to food:

- ◆ The obligation to **respect** existing access to food and resources requires that States do not take any measures that result in preventing such access. Examples include FNS programmes that require respect of existing food culture and diversity.
- ◆ The obligation to **protect** requires States to take measures to ensure that companies, organizations and individuals do not deprive other individuals or groups of access to adequate food and resources. Examples include FNS programmes that promote legal support for landownership.
- ◆ The obligation to **fulfil** incorporates the duties of facilitating and providing the right to food and can only be realized progressively through allocation of the maximum resources available:
 - ◆ The obligation to **fulfil (facilitate)** means that States must proactively engage in activities intended to strengthen people's access to and use of resources and the means of ensuring their livelihoods, including their food security. It requires the State to take measures to identify marginalized and disadvantaged groups and to design policies and programmes that improve access to resources or income for these groups. Examples include extension services for small scale farmers, social protection systems and school feeding programmes.
 - ◆ The obligation to **fulfil (provide)** means that whenever an individual or group is unable, for reasons beyond her/his/its control, to enjoy the right to food through the means at his/her/its disposal, States have the obligation to fulfil this right directly, by providing resources that ensure individuals' access to food or by providing them with food (or money to buy food). This obligation also applies when individuals are victims of natural or human-incurred disasters and conflicts. It is a measure of last resort, when all other interventions to respect, protect and facilitate have failed. Examples include the distribution of food aid when needed.

The obligation to ensure **non-discrimination** is inherent to all human rights. It has to be applied immediately and should not depend on the availability of resources. States must never discriminate *de jure* or *de facto* against parts of their populations in ways that affect people's enjoyment of rights. FNS programmes may envisage affirmative or positive discrimination for the benefit of groups – mainly marginalized groups and women – that have historically experienced discrimination.

As human rights are interdependent, indivisible and interrelated, realization of the right to food may strengthen the enjoyment of other human rights, such as the rights to health, education or life.

BOX 2. Understanding States' obligations

When they first hear about the right to adequate food, many people assume that it means that governments have an obligation to hand out free food to everyone who wants it. In other words, they understand the right to adequate food as the right to be fed. This is a misunderstanding. The right to adequate food is primarily the right to feed oneself in dignity.

States' obligations do not mean that States should give free food to everyone, but that a State must:

- ◆ ensure – at least – that no one will suffer from hunger or severe malnutrition;
- ◆ provide enough food that is safe and nutritious to those who are not able to feed themselves, by either buying food surpluses from other parts of the country or seeking international aid;
- ◆ take immediate steps to end discrimination in access to food or resources for food production, such as land;
- ◆ take progressive steps, to the maximum of its resources, towards ensuring that everyone can feed her-/himself and his/her family in dignity (Amnesty International, 2010: 15).

States' obligations mean that the elimination or alleviation of hunger cannot be considered a matter of charity but a question of legal entitlement, where actions move from discretionary acts among governments, donors, non-governmental organizations (NGOs) and recipients to relations between duty bearers and right holders (De Schutter, 2012).

*For more information see the FAO e-learning course *A primer to the right to adequate food*
http://www.fao.org/righttofood/kc/dl_en.htm*

2.3 OPERATIONAL FRAMEWORK

The objective of developing an instrument to provide States with practical guidance on the progressive realization of the right to food emerged during the 2002 World Food Summit. As a result, the FAO Council established an Intergovernmental Working Group for the Elaboration of a Set of Voluntary Guidelines to Support the Progressive Realization of the Right to Food in the Context of National Food Security (IGWG) to design, discuss and negotiate such an instrument. The ***Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*** (Right to Food Guidelines) were adopted by consensus at the FAO Council meeting in 2004 (FAO, 2005).

Although the Right to Food Guidelines are not legally binding, they draw on international law and provide guidance on the implementation of existing obligations in the context of national FNS. Implementation of the guidelines is primarily the responsibility of States – including all organs of a State, individuals who hold public offices, and civil servants – but all members of civil society, including NGOs and the private sector, should contribute. The approval of the Right to Food Guidelines reflects a consensus among States to encourage the guidelines’ application when developing strategies, policies, programmes and activities.

Experience gained during recent years shows that the Right to Food Guidelines are a useful tool for translating right to food principles into practical recommendations for policies, institutions and legislation. The guidelines enhance policy coherence by covering 19 areas and clarifying the different roles that public institutions and stakeholders play in realizing the right to food. Mainstreaming⁴ and implementing the right to food are relatively new areas of work for most regional and national organizations working on FNS programmes.

The 2003 United Nations (UN) Statement of Common Understanding on the Human Rights-Based Approach was one of the first efforts to ensure that UN agencies, funds and programmes apply a consistent human rights-based approach to development cooperation and programming. It has become an important reference in operational schemes for the right to food and is reflected by FAO in the “three lenses approach” for mainstreaming the right to food:

- ◆ Achieving human rights as an explicit overall **objective**: FNS programmes should advance human rights standards and focus on the underlying root causes of food insecurity when identifying priorities.
- ◆ Ensuring that the programme cycle **process** (design, implementation, monitoring and evaluation) respects the human rights principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment and the rule of law (PANTHER, Box 3) to improve the efficiency and quality of outcomes.
- ◆ Promoting **rights**, obligations, responsibilities and accountability mechanisms by focusing on empowerment and capacity development, of duty bearers to meet their obligations and of right holders to claim their rights.

A right to food perspective requires that some unique aspects be considered when adopting a human rights-based approach to programming. These aspects include:

- ◆ situation analysis to identify the immediate, underlying and root causes of development problems;

⁴ Mainstreaming the right to food means consciously and systematically integrating the right to food and human rights principles into all aspects of the programme cycle.

- ◆ programmes that focus on marginalized, disadvantaged and excluded groups and that aim to reduce disparity;
- ◆ participation as both a means and a goal;
- ◆ programmes that support accountability to all stakeholders;
- ◆ monitoring and evaluation of both outcomes and processes.

BOX 3. PANTHER principles

Participation: All stakeholders, particularly the most vulnerable, have the right to participate in the assessment, decision-making, implementation and monitoring of strategies, policies and programmes that affect their FNS. To satisfy human rights principles, participation must be full, free and meaningful.

Accountability: Governments must be accountable to the people they serve. Rights can only be realized when they are effectively enforced. Achievement of effective accountability for the right to food is both a challenge, as it requires preventing impunity for right to food violations, and an opportunity, as it increases efficiency in the fight against hunger.

Non-discrimination: Discrimination on the grounds of race, language, religion, sex or other status is prohibited under international human rights law. This principle must be implemented in laws, policies and programmes that aim to realize the right to food.

Transparency: Transparency is closely related to the right to freedom of information. All stakeholders, particularly the most vulnerable, have the right to receive from the State all information related to decision-making processes about policies and programmes that might have positive or negative effects on the realization of their right to food.

Human dignity: Human rights are meant to protect human dignity. The implementation and exercise of the right to food must be in line with human dignity.

Empowerment: Empowerment is the process of increasing the capacities of right holders, especially the most vulnerable, to demand and exercise their rights effectively and to hold duty bearers accountable.

Rule of law: The rule of law principle holds that the government must obey the law in the same way as citizens do, and that any public institution taking action must have the legal authority to do so. The principle also relates to the availability of administrative, judicial and quasi-judicial recourse mechanisms, the independence of the judiciary and the consistency of domestic laws with human rights.







3 INTEGRATING THE RIGHT TO FOOD INTO FOOD AND NUTRITION SECURITY PROGRAMMES

This section is the central part of the Guidance Note. It discusses the advantages of adopting an approach based on the right to food and examines four key entry points for programme practitioners: the roles and responsibilities of stakeholders, legal aspects, monitoring, and recourse and claim mechanisms in the context of food and nutrition security programmes. It offers a wealth of information, cases, guidance and key recommendations.

Although the right to food is – to some extent – reflected in laws and public policies, it is not yet sufficiently implemented through strategies and programmes. Decision-makers and programme managers integrate the right to food and other human rights into programmes only when they perceive a clear rationale for – or advantage in – doing so. They therefore ask such questions as: What is the added value of integrating the right to food into FNS programmes? and What difference does a human rights-based approach make in FNS programmes?

The main rationale for integrating the right to food into FNS programmes is that it is an important way of ensuring the practical application of this human right. If critical elements of the right to food are not considered in FNS programmes, the commitment to human rights and the right to food is likely to remain rhetorical rather than leading to implementation. Including these elements in FNS programmes allows a shift from theory to practice.

Another important rationale for applying the right to food is instrumental. Integrating a human rights-based approach into FNS programmes leads to better and more sustainable development outcomes. The instrumental added value can be summarized as follows:

- ◆ **Adherence to commitments under international legal frameworks:** Integrating the right to food into FNS programmes helps States to translate standards enshrined in international frameworks into time-bound and achievable national results.
- ◆ **A holistic view:** Integrating the right to food provides a holistic view of programme contexts that considers households, communities, civil society and

local and national authorities and takes into account the social, political and legal frameworks that determine relationships among these entities, and the resulting claims, duties and accountabilities.

- ◆ **Participation and empowerment:** A human rights-based approach to FNS programmes seeks to: i) assist the participatory formulation of the programme by giving voice to the food-insecure; and ii) ensure that participatory and democratic processes are institutionalized locally and nationally, to increase people's access to and power in decision-making on issues that affect their lives and work.
- ◆ **Transparency and accountability:** Integrating the right to food into FNS programmes helps to identify not only what must be done but also who is responsible for doing it, thereby ensuring that the necessary capacities (or resources for developing lacking capacities) are available. A human rights-based approach helps make the programme formulation process more transparent, and empowers people and communities to hold accountable those with a duty to act, by ensuring effective remedies where programme services are not provided or where rights are violated.
- ◆ **Recognition of the obligations and responsibilities reflected in FNS strategies and programmes:** Strengthening the willingness and readiness of all people – both right holders (individuals and groups with valid claims) and duty bearers (State and non-State actors with correlative obligations) – to take up their responsibilities and fulfil their obligations towards each other.

In summary, integrating the right to food leads to more sustainable results for FNS programmes by:

- ◆ engaging stakeholders in dialogue, thus helping them to understand and assume their respective responsibilities and to hold relevant public services accountable;
- ◆ seeking consensus through participatory processes and focusing assistance on the most vulnerable and marginalized;
- ◆ anchoring entitlements under the right to food within a framework of laws and institutions;
- ◆ institutionalizing democratic processes;
- ◆ strengthening the capacities of responsible individuals and institutions to carry out their duties as expressed in local, national and international laws, policies and programmes.

There are some guiding questions for reviewing FNS programmes from a right to food perspective and identifying the ways in which an FNS programme can integrate this right. In Brazil, for example, the Standing Commission on the Human Right to Adequate Food has elaborated a list of such questions, which is summarized in Box 4.

BOX 4. Criteria for reviewing FNS programmes from a right to food perspective

When reviewing an FNS programme from a right to food perspective, the following questions need to be answered and analysed:

- ◆ What rights are foreseen in the programme, and what are the components of these rights?
- ◆ Who are the right holders in the programme? Do they know that they are entitled to claim their rights?
- ◆ Which public agents (duty bearers) are responsible for fulfilling the rights included in the programme – and the components of those rights? It should be clear which obligations are within the competence of civil servants, such as the obligation of non-discrimination.
- ◆ How effectively does the programme promote principles such as equity, universality, dignity, accountability, and active and informed participation of right holders?
- ◆ Are there clearly defined targets, indicators and time lines?
- ◆ Is the language used to disseminate information on the programme simple and accessible to right holders, particularly the most marginalized groups?
- ◆ Does the programme provide continuing capacity building on human rights for managers and other actors responsible for the programme, with a view to ensuring that their actions are based on a human rights perspective?
- ◆ Are administrative, quasi-judicial and judicial mechanisms used to strengthen implementation of the right to food by supporting government action, providing effective remedies, and clarifying the rights and obligations of right holders and duty bearers?
- ◆ Are accessible administrative claim mechanisms included in the programme's scope? Is there a need to create new instruments or strengthen existing ones?
- ◆ Are other claim mechanisms in place for addressing right to food violations? Are right holders properly informed on how to use these mechanisms, such as access to public policy councils, ombudspersons, public ministries and other rights protection institutions?

Source: adapted from FAO, 2011.



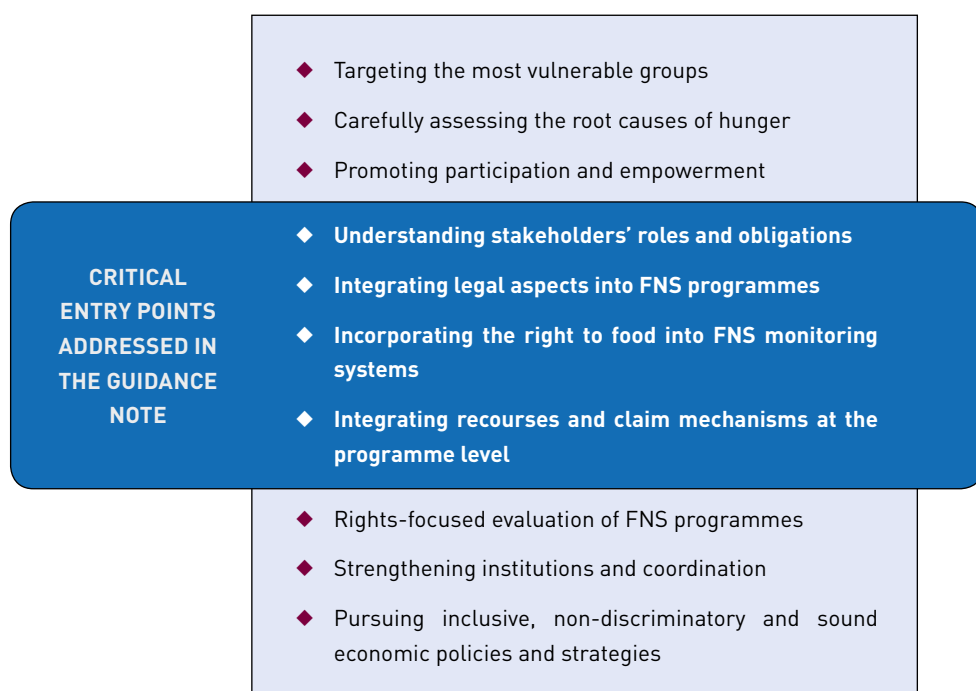
3.1 KEY ENTRY POINTS FOR PROGRAMME PRACTITIONERS

The Right to Food Guidelines make practical recommendations to States on how policies, institutions and legislation can integrate the right to food. These recommendations can be translated into concrete elements (Figure 1) that help practitioners to integrate the right to food into their FNS programmes.

Several of these components are usually taken into account when designing and implementing an FNS programme. However, some critical elements are frequently ignored because there is not enough experience of implementing them or because there are no practical tools for facilitating their integration. Based on lessons learned from a review of FNS programmes, this Guidance Note addresses four of these critical aspects – or entry points – for promoting better integration of the right to food into FNS programmes (Figure 1).

Each entry point is discussed with reference to relevant principles in the Right to Food Guidelines⁵ and is presented in four main sections: i) a conceptual framework; ii) practical action; iii) a summary of good practices; and iv) clues to achieving integration.

FIGURE 1. Core elements and entry points



⁵ Although the guidelines speak of what States should do and of States' responsibilities and capacities, State institutions and their personnel are not the only actors in the design, implementation, monitoring and evaluation of FNS programmes.

3.2 UNDERSTANDING STAKEHOLDERS' ROLES AND RESPONSIBILITIES

Conceptual framework

Integrating the right to food into FNS programmes requires a proper understanding of the roles and responsibilities of stakeholders, as well as stakeholders' active and inclusive involvement in all phases of the programme cycle (design, implementation, monitoring and evaluation) so that they can contribute to the achievement of the desired outcomes. The various stakeholders in FNS programmes, and their different roles, need to be identified during the first phase of programme design.

Identification of stakeholders: When a person has a human right, someone else, primarily the State, has a duty to respect, protect and fulfil that right. Identifying the actors and understanding their roles, obligations and responsibilities and the relationships between right holders and duty bearers should be at the centre of FNS programmes.

Who are the right holders? Every human being holds a right to adequate food. However, taking into account the principles of equity and non-discrimination that are enshrined in international human rights law and the Right to Food Guidelines, FNS programmes should focus primarily on the most vulnerable individuals and groups who are usually excluded from decision-making processes on FNS policies. Very often, these people are unaware of their own rights.

Who are the duty bearers? The primary duty bearer is the State, as it has the obligation to respect, protect and fulfil the right to adequate food. To the maximum of its available resources, the State is required to adopt appropriate legislative, institutional, budgetary, administrative and other measures for the progressive realization of the right to food.

As a duty bearer, the State includes all of its functions, such as parliament, government departments/ministries, local authorities, courts, the police, agricultural extensionists, nurses, teachers and any other workers delivering a service on behalf of the State. A State may also have an obligation towards people living in another State as the realization of the right to food may be affected by the conduct of State or non-State actors originating from abroad.

The State is also the ultimate duty bearer for the right to food, although other institutions, groups and individuals have intermediate responsibilities; for example, parents have a responsibility to care for their children and to provide them with adequate food. However, if parents cannot meet their responsibilities because they do not have access to the means of caring for or providing food for their children, the State should be liable for ensuring that the children have access to adequate food.

Recognizing the primary responsibility of States for the progressive realization of the right to adequate food, States are encouraged to apply a multistakeholder approach to national food security to identify the roles of and involve all relevant stakeholders, encompassing civil society and the private sector, drawing together their know-how with a view to facilitating the efficient use of resources.

Right to Food Guideline 6.1

When designing a programme, it is important to identify key right holders and duty bearers at all levels. Responsibilities include those at the household level (parents), community level (elders, religious leaders, health providers), local level (municipal officers, local government officials), national level (ministers, presidents) and international level (donors, international NGOs, UN agencies and foreign States).

Improving the roles and responsibilities of stakeholders: As duty bearers, States have the obligation to take steps – to the maximum of their available resources – to progressively realize the right to food. They have an immediate obligation to respect the right to food and guarantee that it is exercised without discrimination. States need to strengthen their capacities to implement these and other obligations, while all duty bearers must: i) be aware of their responsibilities for carrying out their duties; ii) have the authority to carry out those duties; and iii) have access to and control over the resources needed for meeting their obligations. Right holders need to have the necessary capacities to claim their rights. People need to be informed and empowered so as to participate fully in the exercise of their right to food.

Practical action

Some critical elements require specific consideration during the planning and implementation of an FNS programme, to improve the roles and responsibilities of duty bearers and right holders.

Awareness raising

Awareness raising on the right to food must be carried out from the outset of the programme cycle and should continue through all the programme phases *as part of the activities and expected results of programme implementation*.

Both right holders and duty bearers require awareness raising on the right to food, to strengthen duty bearers' knowledge of their obligations while assisting communities and right holders in demanding accountability.

States should raise public awareness of these guidelines and continuously provide and improve access to them and to relevant human rights laws and regulations, particularly in rural and remote areas.

Right to Food Guideline 11.10

States are encouraged to promote awareness of the importance of human rights, including the progressive realization of the right to adequate food

Right to Food Guideline 11.8

Duty bearers need to understand what the right to food means in practice, the structural causes of hunger, and appropriate ways of addressing these. Once they are fully aware, duty bearers may become more motivated to take action and accept their responsibilities.

Right holders need to know that they have rights and that they have to exercise their rights. Right holders should know how to hold duty bearers (primarily the government) accountable for the outcomes of their decisions, the management of public resources and programmes, and respect for the rule of law. Right holders need to be empowered so that they are able to demand their rights and to participate effectively in decision-making processes related to their food and nutrition situation.

Awareness raising on rights, duties and responsibilities must be an integral part of FNS programmes. Awareness raising strategies and activities should be specifically designed for each programme, taking into account the particular context, the causes of food insecurity to be addressed and the specific characteristics of the stakeholders, especially the most vulnerable. The design of an FNS programme must therefore include sufficient activities, resources and time for awareness raising. Information and transparency regarding stakeholders' roles in the programme, criteria for selecting beneficiaries, and the operational rules will make both institutions and beneficiaries more aware of their responsibilities and rights.

Analysis of roles and capacity development

Once right holders know their rights, they need the capacity to claim these rights and to take action to improve their own situations as far as possible with the means and assets available to them.

Once duty bearers know their obligations, they need the capacity to analyse the root causes of the food insecurity situation, design an efficient programme, and take the necessary steps to fulfil their obligations to the maximum of their available resources.

Role and capacity analysis (RCA)⁶ is a recommended tool for systematically identifying and organizing the roles and capacities of stakeholders with responsibilities under an FNS programme. Role analysis seeks to identify the relevant duty bearers, define their duties and assess their performance in meeting those duties. Complete or partial failure to meet duties may result from a lack of capacity on the part of duty bearers. The concept of capacity applied here is multi-dimensional and has five main components (Box 5 and Figure 2). Capacity analysis seeks to investigate why duty bearers do not meet their duties, which may be because of one or more of these components. Gaps in each of the components that prevent duty bearers from meeting their obligations should be identified and assessed so that remedial actions can be proposed.

FAO recommends the following checklist approach for guiding the two parts of RCA (FAO, 2008).

Role analysis:

- ◆ Who are the duty bearers in the realization of a specific human right in a specific setting? The identification of duty bearers must consider stakeholders at all levels, from the individual right holder to the State authority, which is

States should provide proper training to officials responsible for the implementation of the progressive realization of the right to adequate food.

Right to Food Guideline 11.9

States may wish to empower civil society to participate in the implementation of these guidelines, for instance through capacity building.

Right to Food Guideline 11.11

⁶ RCA was proposed by the UN System Standing Committee on Nutrition as a tool for developing process indicators for monitoring realization of the rights to food, health and care (FAO, 2008).

the ultimate duty bearer in human rights law. There is no set number of duty bearers to include; the selection varies from situation to situation.

- ◆ What are the specific obligations and responsibilities (duties) of duty bearers? This part of the analysis should generate a list of obligations and responsibilities for each group of duty bearers. While the State carries legal obligations under international human rights law, non-State actors also have responsibilities, which may or may not be formalized in national legislation and regulations. State obligations are traditionally categorized as respect, protection and fulfilment through facilitation, provision or promotion.
- ◆ How well do duty bearers perform in meeting their duties? Based on the lists of duties, it is necessary to investigate whether or not these obligations are being met.

Capacity analysis:

- ◆ Why are the identified duty bearers not meeting their responsibilities? The reason(s) may lie in one or more of the five components of capacity. A set of indicators may be developed for each element. While some indicators are universal, many are highly context-specific and their development should be based on a good understanding of the local situation. For example, in a school feeding programme, an indicator of motivation capacity could be the number of teachers who understand how the programme works and recognize its benefits. To measure communication capacity in a school feeding programme, indicators could include the number and quality of materials elaborated for disseminating the benefits of the programme and the number of meetings held with parents to discuss problems encountered during the programme's implementation.
- ◆ What are the capacity gaps that hinder duty bearers in meeting their obligations and responsibilities? Using the indicators, gaps in capacity are identified when observed (actual) capacity deviates from normative (desired) capacity. The primary aim of the analysis is to reveal these capacity gaps to guide the planning of a capacity development programme for change, targeting specific duty bearers.

Participation

Participation in the programme cycle process, including by parents, women and discriminated and excluded groups, is one of the human rights principles to be considered in FNS programmes. People who are poor and marginalized have the right to be consulted – including through their own representative institutions – to obtain their free, prior and informed consent. They also have the right to participate in identifying their problems, analysing ways of addressing these problems, and making the necessary decisions. Consultation, participation and decision-making processes should not be intimidating and should be conducted in a climate of trust.

BOX 5. Capacity analysis of duty bearers and right holders

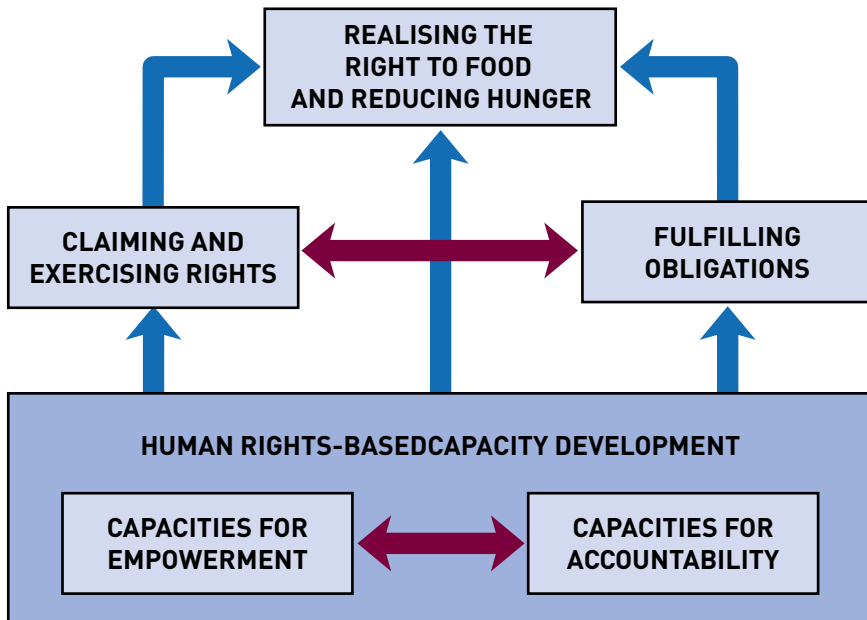
In a human rights approach, most individuals involved in a programme have both rights and duties. All individuals therefore need capacity both to claim their rights and to fulfil their duties. The following components can help to identify capacity gaps and define effective ways of building the necessary capacities:

- ◆ **Responsibility/motivation/commitment:** This capacity refers to the acknowledgement by an individual (or organization) that he/she/it *should* do something about a specific problem. It means acceptance and internalization of a duty, and is often justified in legal or moral terms.
- ◆ **Authority:** This capacity refers to the legitimacy of an action, when an individual or group knows that she/he/it *may* take that action. Laws, formal and informal norms and rules, traditions and culture largely determine what is or is not permissible. The structure of authority reflects a society's power relations.
- ◆ **Access to and control of resources:** Having this capacity means that the person or organization *can* act, because he/she/it has the necessary resources to do so:
 - ◆ **human resources:** skills, motivation, will power, knowledge, experience, time, etc.;
 - ◆ **economic resources:** land, natural resources, tools, technology, income, credit, etc.;
 - ◆ **organizational resources:** formal and non-formal organizations such as family, CSOs, NGOs, administrative structures, institutions, etc.
- ◆ **Communication:** This is the capacity to gain access to information and communication systems, and is crucial for individuals and organizations in carrying out their responsibilities and connecting to functional networks that are able to address critical development issues.
- ◆ **Rational decision-making and learning:** This capacity implies the ability to make evidence-based assessments and logical analyses of the causes of a problem. Actions should be based on decisions that are informed by analysis.

Through a series of matrices in which these components are analysed for different duty bearers and right holders, it is possible systematically to assess and identify the capacity gaps that need to be addressed to ensure an impact on realization of the right to food.

For more information see Johnson, 2003.



FIGURE 2. Capacity analysis for realization of the right to food

Although participation has been part of development work for several decades, the difference under a human rights perspective is that participation should be free and meaningful and based on rights, rather than being merely an additional element in good development programming. Participation of right holders and duty bearers should be considered both a necessary part of the development process, as it ensures national/local ownership of the process, and a priority outcome. Facilitating dialogue among stakeholders and their participation in decision-making processes is an objective in itself.

Meaningful participation can be achieved if local, regional and national governments address right holders' demands in their spheres of competence, policies and development plans. It also requires strengthening local and community-based structures that facilitate right holders' participation.

States should provide information to individuals to strengthen their ability to participate in food-related policy decisions that may affect them, and to challenge decisions that threaten their rights.

Right to Food Guideline 11.5

Sometimes, meaningful participation in FNS programmes is based on small but critical aspects, which programme managers need to detect and promote. Examples of these aspects include using adequate and accessible means (linguistic, cultural, etc.) to disseminate and implement the programme among potential beneficiaries, or organizing frequent meetings with the most vulnerable to give them a voice and listen to their needs and interests.

Good practices

This Guidance Note includes two good practices that illustrate the importance of understanding the roles and responsibilities of right holders and duty bearers. The first is Junior Farmer Field and Life Schools (JFFLS) in Mozambique, which provide a good example of participation and empowerment of orphans and vulnerable teenagers living in communities where HIV/AIDS has had a high impact (Box 6 and Annex 1). The second illustrates the role of municipalities in implementation of the Zero Malnutrition programme in the Plurinational State of Bolivia as a successful example of duty bearers fulfilling their obligations (Box 7 and Annex 2).

The JFFLS programme aims to build capacities and empower right holders, including vulnerable girls and boys, and participation in all stages of the programme cycle is essential. The JFFLS programme identified the capacity needs of orphans and vulnerable boys and girls, and developed awareness raising and training programmes to fill these gaps.

BOX 6. JFFLS in Mozambique – empowering vulnerable children and youth

The JFFLS initiative aims to empower orphans and vulnerable youth living in communities where HIV/AIDS has had a strong impact on FNS.

JFFLS offer an agricultural and life skills learning programme that provides vulnerable children and youth with the knowledge and skills they need to improve their opportunities for the future. In the process, children are empowered, thus gaining self-confidence and acquiring positive values regarding gender and human rights.

JFFLS guiding principles include human rights principles such as child protection, gender equity, non-discrimination, participation, inclusion and accountability. They also draw heavily on the Convention on the Rights of the Child and other human rights treaties.

JFFLS provide a very good example of an initiative that empowers the members of an extremely vulnerable group – orphans and other vulnerable children and youth – to participate in decision-making processes that concern their own future. The children's opinions are taken into consideration not only in the planning and implementation of activities while they are in the schools, but also in building their future livelihoods and reducing their economic insecurity. In JFFLS, children learn their rights and are empowered to claim them.

This case study is analysed and discussed in Annex 1.



BOX 7. Zero Malnutrition programme in the Plurinational State of Bolivia – municipalities fulfilling their obligations in tackling malnutrition

The Bolivian Government has taken concrete steps towards fulfilling its right to food obligations through the adoption of new laws, the strengthening of participation and the creation of a wide range of programmes for food security.

One of the most relevant actions is the recent reform of the National Council for Food and Nutrition (CONAN), chaired by the country's President with the participation of nine ministries and civil society, and aimed at promoting an FNS policy and national programmes focusing on the realization of the right to food. CONAN has a Technical Committee (CT-CONAN) composed of delegates from the ministries and civil society, and a Technical Secretariat under the responsibility of the Ministry of Health and Sports. Coordination has been decentralized to departmental and municipal councils (CODANs and COMANs).

A flagship initiative of CONAN is the Zero Malnutrition programme (*Programa Multisectorial Desnutricion Cero – PMDC*), which seeks to eliminate malnutrition among children under five years of age, with special emphasis on those under two. CONAN's strategy for implementing PMDC is to strengthen the role of COMANs through specific FNS actions and financial support to the municipalities (US\$50 000), to be invested in municipal projects, prioritizing those that address the root causes of malnutrition.

The main results achieved include municipalities' increased awareness of the dimensions and implications of malnutrition, municipal authorities' commitment to the programme, the allocation of budgets for PMDC and food security activities, approval of COMAN regulations and action plans based on the PANTHER principles, and the insertion of COMANs into the institutional structure at the municipal level

In this context, the Association of Women Mayors and Women Municipal Council Workers of Bolivia (*Asociación de Alcaldesas y Concejales de Bolivia – ACOBOL*) set up a partnership with CONAN to: i) ensure that malnutrition assessments at the local level include a right to food and gender analysis; ii) train women council workers to prioritize PMDC in their municipalities' planning and budgeting processes; and iii) raise awareness among the women's male colleagues of the importance of tackling child and maternal malnutrition.

Municipalities faced capacity limitations in reducing malnutrition, but capacity development has contributed significantly to PMDC implementation and has generated the basis for the future development of a new food and nutrition policy coordinated by CT-CONAN within the framework of the recent Law on Productive Community Agriculture Revolution (Law 144).

This case study is analysed and discussed in Annex 2.



The programme aims at increasing beneficiaries' knowledge and skills to provide them with economic opportunities for the future and positive values regarding the right to food and other human rights.

Municipal food and nutrition councils (COMANs) in the Plurinational State of Bolivia are playing a key role in tackling child and maternal malnutrition in municipalities. Most COMANs recognize that malnutrition affects the children in their municipalities, accept their responsibilities, and allocate increasing funds to the sectors related to FNS – agriculture, health, and water and sanitation.

Clues for practitioners

Box 8 lists some clues for increasing understanding of stakeholders' roles and responsibilities.

BOX 8. Clues for understanding stakeholders' roles and responsibilities

- ◆ Identify key (or primary) right holders and duty bearers in the programme design.
- ◆ Explicitly integrate awareness raising, capacity development and the participation of right holders and duty bearers into the results framework (including objectives, results, activities and indicators), providing sufficient resources and time for doing so within the programme.
- ◆ Include role and capacity analysis as part of problem analysis in the programme design, to identify the interventions needed to build right holders' capacities and to improve duty bearers' performance.
- ◆ Ensure information sharing and transparency concerning stakeholders' roles in programme structures.
- ◆ Make sure that the most vulnerable individuals and groups participate in all stages of the programme cycle.



3.3 INTEGRATING LEGAL ASPECTS INTO FOOD AND NUTRITION SECURITY PROGRAMMES⁷

The right to food complements FNS programmes not only through the adoption and implementation of human rights principles, but also through the legal aspects of human rights. This section explains the reasons why integrating legal aspects into FNS programmes is so important and how it can be done in practice.

Conceptual framework

Integrating legal aspects into FNS programmes is important and has practical implications, as outlined in Table 1.

TABLE 1. Importance and practical implications of integrating legal aspects into FNS programmes

Integrating legal aspects into FNS programmes is important because	In practice this means
<ul style="list-style-type: none"> ◆ Programmes need to be familiar with the normative framework as they may benefit from provisions in the law or be otherwise affected by the law; 	<ul style="list-style-type: none"> ◆ understanding legal frameworks and customary laws (legal assessments);
<ul style="list-style-type: none"> ◆ The legislative protection of the right to food can be a tool for consolidating a programme or an institution; 	<ul style="list-style-type: none"> ◆ incorporating specific actions to support normative developments (legal support);
<ul style="list-style-type: none"> ◆ FNS programmes can influence normative developments with a view to creating a conducive environment for further FNS initiatives. 	<ul style="list-style-type: none"> ◆ anchoring FNS programmes through legal means, such as strengthening them by turning them into laws.

The effectiveness of an FNS programme often depends on the legal environment at the national level and the influence exerted by customary laws. It is therefore important to understand how legal frameworks affect FNS programmes from the beginning (legal assessment). In turn, FNS programmes can influence legal frameworks, either by integrating specific actions to address legal issues or by anchoring themselves through legal means.

⁷ This Guidance Note does not include guidance for legal drafters and reviewers in developing or strengthening national legal and institutional frameworks for the right to food. For this purpose, see FAO, 2009.

Practical actions and good practices

Assessing legal frameworks: A legal framework consists of interrelated components such as international treaties to which a State is a party, constitutions, and statutory and customary laws. FNS programmes need to assess and analyse all of these components and identify the extent to which the legal framework influences (positively or negatively) the food security situation and responds to the needs of affected vulnerable groups. Such assessment should be carried out during programme design, with a view to providing the basis for formulating results and activities, and sometimes for identifying the necessary conditions for achieving objectives.

Assessment of the legal framework determines whether the framework facilitates or hampers the implementation of a particular FNS programme, and helps identify areas that require further study and research, leading to proposals for legislative changes and institutional reforms.⁸

Customary laws also have an important role and sometimes interplay with statutory laws in areas that are relevant to the right to food. In particular, access to resources such as land and water may be regulated by customary laws. The extent to which customary laws influence the realization of the right to food should also be analysed in the legal framework assessment.

Analysis of international obligations and their incorporation at the national level:

This analysis consists of a general description of international human rights obligations regarding the right to food, and the applicability of these obligations to the country where the FNS programme will be implemented. It should include:

- ◆ an overview of relevant global and regional human rights treaties ratified by the State, including information on articles that explicitly or implicitly protect the right to food in the FNS programme’s focus areas; for example, for an FNS programme focusing on children, the Convention on the Rights of the Child – which recognizes the child’s right to adequate nutritious food and clean drinking-water – is relevant;
- ◆ understanding the direct applicability of international law at the national level, how the right to food enshrined in international treaties is protected and incorporated in domestic law, and the ways in which individuals can claim their rights; for example, an FNS programme focusing on child nutrition would analyse the integration in domestic legislation and the level of application of the International Code of Marketing Breastmilk Substitutes, adopted by the Member States of the World Health Organization in 1981, which affirms “the right of every child and every pregnant and lactating woman to be adequately nourished”.

8 Among the core elements of a right to food assessment defined in FAO, 2009a, this Guidance Note focuses on: i) understanding the legal and institutional environment within which policy and programme measures have to be implemented, and the potential risks that could jeopardize people’s enjoyment of the right to adequate food; and ii) understanding the implementation processes and impacts of existing (or proposed) policy and programme measures, and appreciating the need for policy and programme redesign to facilitate the realization of the right to adequate food.

- ◆ **Analysis of national and customary laws:** The right to food may be recognized by a constitution, but more specific protection is normally ensured at statutory levels, mainly through sectoral legislation. However, legislation in sectors related to FNS is often wide-ranging and complex. The analysis therefore needs to draw up an inventory of laws and norms and identify the most relevant, which will vary according to the contents and goals of the FNS programme. A general set of criteria to focus on during the assessment is provided in Box 9.

BOX 9. Defining inventories of relevant laws that affect FNS programmes

- ◆ Select the laws most directly related (promoting or hampering) to FNS.
- ◆ Examine linkages between the FNS programme and sectoral laws and regulations.
- ◆ Start with the laws that are most directly related to the core content of the FNS programme.
- ◆ Conduct brainstorming sessions with key informants from key line ministries, human rights institutions and the office of the ombudsperson to draw up an initial – or validate a final – inventory of laws and regulations.
- ◆ Examine similar assessments conducted in other countries and adapt the process and results to the context of the country concerned.



Once regulatory frameworks have been identified, the actors involved in developing the programme should foresee four possible situations:

- ◆ Laws do not exist.
- ◆ Laws exist but they address the right to food or related issues only partially; for example, they do not address the most vulnerable groups, land tenure issues, etc.
- ◆ Laws based on rights principles exist but are not fully or efficiently implemented, owing to lack of political will, institutions, capacity, financial resources, etc.
- ◆ Laws that hinder the realization of the right to food are being implemented; for example, through administrative systems that exclude certain groups from access to benefits.

Two additional issues should be analysed:

- ◆ the process for elaborating legislation, to understand the extent to which human rights principles are incorporated; an interesting experience from the Philippines is described in Box 10;
- ◆ the government budget approval process as it affects spending to address FNS in the country, and the role of political powers in budget governance.

The analysis enables actors to detect gaps in the legislation and the legal aspects that might interfere with the implementation of FNS programmes for realizing the right to food.

BOX 10. Assessing human rights principles through legal assessment in the Philippines

Assessment of the legal framework governing the right to food in the Philippines, carried out in 2008, included human rights-based analysis of the design process for food and food security laws.

The way in which laws were crafted was considered to be as important as the laws' stipulations, because the law-making process usually has a great influence on essential aspects of a law.

The assessment analysed 37 laws to determine the extent to which human rights principles had been applied during their design. Based on the PANTHER principles, the following indicators were selected:

- ◆ **Participation:** Number of meetings of the legislative committee, number of members of the committee, and participation of interest groups (government, CSO, media, etc.).
- ◆ **Accountability:** Members' attendance of committee meetings, and duration of meetings.
- ◆ **Non-discrimination:** Inclusion of women in committee meetings.
- ◆ **Transparency:** Public availability of draft laws and committee documents written in appropriate language and terminology.
- ◆ **Human dignity:** Consideration of the draft laws' impacts on the most vulnerable groups.
- ◆ **Empowerment:** Encouragement and involvement of the most vulnerable groups in the law-making process.
- ◆ **Rule of law:** Provisions for offences, and penalties.

In general, the Philippines' law-making process failed to meet these human rights principles.

Source: FAO, 2008a.



Customary laws are difficult to assess because they require a proper understanding of social and cultural environments at the local level. If possible, tensions between customary laws and human rights principles should be identified – customary laws can be discriminatory. Assessment of customary laws should examine whether right to food problems originate from the content of these laws or their interface with statutory laws and whether or not these problems require specific actions under the FNS programme to ensure food security for all.

Legal support in FNS programmes: Issues related to the right to food have to be addressed at several stages during the design and implementation of an FNS programme. Legal specialists can provide relevant support during the design of the FNS programme, when the legal context is assessed to define objectives, results, activities and hypotheses for the successful formulation of the programme.

Human rights expertise and legal assistance are also needed during the implementation of the programme. The type(s) of expertise required depend(s) on the scope of the FNS programme (national or local), the capacity gaps among duty bearers and right holders, and the root causes of violations of the right to food.

For example, at the *national level*, human rights and legal experts may:

- ◆ assist in the elaboration or amendment of national legislation to comply with international agreements related to FNS;
- ◆ advise on coherence among sectoral and general laws affecting FNS issues;
- ◆ propose changes to FNS laws that do not encompass right to food principles;
- ◆ support the drafting of legislation that takes social and cultural realities into account.

At the *local level* they may:

- ◆ help prevent conflicts through negotiation among stakeholders;
- ◆ support civil society and communities in negotiations with public administrations and private companies, such as on land and water issues and on access to government programmes and services, seeds, subsidies and social protection programmes;
- ◆ help build interfaces between customary and statutory laws and construct right to food laws that recognize the social and cultural realities at the local level.

In remote areas of many developing countries, individuals and communities lack knowledge about laws and rights, and access to claim mechanisms. Despite national commitments to human rights, problems remain unresolved because judicial systems are not always accessible to the poorest.

If the FNS programme foresees conflicts or disputes involving the protection, respect and fulfilment of the right to food, legal (or paralegal) support will be needed. Obtaining such assistance should be a priority in communities and territorial contexts where such conflicts are likely, as a way of preventing and solving them.

The Sierra Leone case study in Box 11 demonstrates the value of paralegal support, the importance of creating dispute resolution mechanisms at the community level, the role of paralegals in mediating conflicts with third parties, and paralegals' contribution to ensuring respect and protection of the right to food.

BOX 11. Creating community-based dispute resolution mechanisms for mediation and resolution of food security and right to food challenges in Sierra Leone

The provision of paralegal services free of charge to a community in Sierra Leone enabled local solutions to challenges while reinforcing accountability and transparency. Led by the Access to Justice Law Center, the experience demonstrates an alternative way of resolving disputes between citizens or communities and public administration officials where formal litigation is too costly, inaccessible or not culturally acceptable.

The experience evolved in four stages:

1. raising awareness on rights, and introducing the role of paralegals in the community;
2. establishing voluntary community oversight boards whose members act as a gateway to the community and a communication channel between the law centre's mobile paralegals and the community;
3. identifying, discussing and mediating cases through paralegals;
4. referring complex or unresolved issues to the supervising attorney at the law centre.

Mediation involved community members, third parties linked to the State and stakeholders operating in the district. The 11 reported cases involving food security included:

- ◆ a case in which paralegals were able to resolve a dispute between a landowner and the Sierra Leone Agricultural Research Institute;
- ◆ a case against a construction company that had appropriated properties belonging to three community members and destroyed crops on these properties by depositing gravel, without compensating the landowners; this case holds promise of obtaining positive results through paralegal involvement; it implicates the Sierra Leone Roads Authority and requires the cooperation of the Kambia District Council.

Community members have been empowered to report issues that affect their livelihoods and that would otherwise have been neglected. A process in which communities assume control in addressing these issues has been initiated through the establishment of community oversight boards to monitor the activities of paralegals and assess whether these activities bring benefits; to provide information to the community; and to create a learning environment for peaceful mediation of disputes involving food, through awareness raising on rights.



The skills and capacities that FNS programme staff need to address legal assistance differ between the national and local levels. While expertise on legal documentation, procedures and policy awareness is essential at the national level, negotiation abilities, a sociological background and knowledge of local culture are required at the local level. Programmes have to invest in the training of paralegals to improve their understanding of legal issues and enable them to resolve complex situations with support from lawyers.

Anchoring FNS programmes in legal frameworks: FNS programmes are often planned and implemented by executive powers, so are seen as government rather than State initiatives. This may have adverse effects on the participation of right holders and the accountability of duty bearers. The involvement of legislative organs in FNS programmes provides the basis for ensuring the budget and institutional governance that are needed for sustained public action, while parliamentarians play a key role in assigning resources for the implementation of FNS programmes.

BOX 12. School Feeding Programme in Brazil – building a legal framework for an FNS programme

Brazil's National School Feeding Programme (*Programa Nacional de Alimentação Escolar* – PNAE) has been implemented since the 1950s. It started as a school feeding campaign in a few schools supported by international donors, it now serves 46 million children and is entirely financed from the national budget.

PNAE has gradually improved in effectiveness, support (per student), scope (education levels and schools), targeting (more support to indigenous groups), food diversity and quality (cultural acceptability), monitoring of food procurement and distribution processes, and contribution to local and national development. It has also progressively increased its resources, focus on specific groups and learning from experience, civil society participation in decision-making, and accountability.

PNAE is a very interesting example that shows how a programme can gradually expand in scope and complexity through learning and taking into account positive and negative experiences from all over the country. The process culminated in approval of the School Feeding Law in 2009 (Law No. 11.947), reflecting all these experiences in a legal framework.

This evolution followed a rights-based approach that respected right to food principles (participation, accountability, non-discrimination, etc.), resulting in sound mechanisms and strong institutions for implementation of the right to food, which are now reflected in an effective legal framework. The law establishes school feeding as a right. This process is considered one of the best examples of intersectoral and practical implementation of a right to food approach.

This case study is analysed and discussed in Annex 3.



Anchoring FNS programmes in legislation reinforces the roles of legislative and executive powers in decision-making and clarifies their mandates in complex FNS programmes, ensures space for effective planning and monitoring, facilitates the development of instruments for channelling the necessary resources, and guarantees the sustainability of institutional arrangements.

However, experience demonstrates that FNS processes are unlikely to be maintained over time and that FNS laws are not enforced – and thus become ineffective – unless policies and institutions receive strong political support and the public participates in the drafting of laws and policies, thereby establishing their legitimacy.

Successful laws for enforcing the right to food often consolidate processes that were initially supported by low-range normative instruments that have obtained more resources and grown over the years through increased participation and institutional capacities. This is the case of the National School Feeding Programme in Brazil (Box 12 and Annex 3), which after a long process of learning through experience is regulated through an effective law that enshrines human rights principles.

This example shows how implementation of the right to food is a progressive process that takes a long time and how an FNS programme can achieve long-term objectives when clear milestones and short-term goals are set and reached along the way.

Clues for practitioners

Box 13 lists some clues for integrating legal aspects into FNS programmes.

BOX 13. Clues for understanding stakeholders' roles and responsibilities

- ◆ Include legal assessments in the design of an FNS programmes, to:
 - ◆ detect which legal aspects (e.g., customary laws) might interfere with implementation;
 - ◆ define whether changing the legal framework should be a priority issue.
- ◆ Identify the legal support needed for implementing the programme – legal experts, negotiators, trained paralegals, etc. – taking into account the programme's scope, the capacity gaps of duty bearers and right holders, and the root causes of violations of the right to food.
- ◆ Define clear milestones and short-term goals to be achieved gradually on the way to realizing the long-term objective of anchoring the FNS programme in legal grounds.



3.4 INCORPORATING THE RIGHT TO FOOD INTO FOOD AND NUTRITION SECURITY MONITORING

Most FNS programmes apply standard monitoring systems in which tools and indicators provide managers with information about the main constraints as well as the level of achievement of activities, results and outcomes. Rather than standard monitoring, this section of the Guidance Note focuses on the additional aspects that an FNS programme should consider when integrating the right to food into monitoring. The issues proposed in this section are to be included in existing programme monitoring frameworks.

States may wish to establish mechanisms to monitor and evaluate the implementation of these guidelines towards the progressive realization 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.

Right to Food Guideline 17.1

Conceptual framework

Integrating the right to food into the monitoring of an FNS programme implies complementing existing monitoring systems with two additional perspectives.

Human rights-focused monitoring analyses:

i) processes – decisions, actions and behaviours – during implementation of the programme that are expected to have an impact on the realization of the right to food; and
ii) outcomes, to determine whether or not human rights have been increasingly respected and protected and are being fulfilled in practice. For example, in a school feeding programme, this would mean analysing whether or not the programme reaches the neediest children, discriminates

against children from certain population groups, and is implemented with participation from parents and the community, and whether or not school officials and local authorities are held accountable for poor performance or misuse of public resources.

Human rights-based monitoring analyses: the monitoring process itself and whether or not it is compliant and consistent with human rights, thus ensuring that the programme management cycle upholds the principles of participation, accountability, transparency and non-discrimination. In practical terms, this means ensuring the participation of duty bearers and right holders in defining (or making substantial inputs into) results frameworks and monitoring systems for measuring programme success. As agents of change, right holders should contribute to setting the criteria for measuring progress by participating in the development of indicators. Formal consultation on indicators should take place with the government and civil society, and time and resources should be allocated for these consultations at the beginning of programme design. When information on the results framework and indicators is available, right holders can participate in monitoring progress by providing feedback to the FNS programme, such as through access to information from notice boards and project leaflets, radio and feedback mechanisms such as community-based monitoring groups, feedback hotlines and surveys (UNDP, 2008).

Transparency and accountability imply that right holders have access to monitoring results, as this information allows them to hold duty bearers accountable for the delivery of programme services. Monitoring information also enables duty bearers to act accordingly, thus facilitating evidence-based decision-making.

Practical action

This section describes the practical elements to be considered when integrating the right to food into the monitoring of FNS programmes, focusing on the establishment of indicators.

The three main types of indicators for human rights monitoring at the programme level are summarized in Box 14. Standard FNS monitoring systems centre mainly on result/outcome indicators, which frequently fail to capture the human rights dimensions of realizing the right to food. Integrating the right to food into FNS monitoring implies that existing outcome indicators need to be reformulated and additional indicators developed for analysing the process undertaken and measuring the progress made towards the realization of the right to food.

The establishment of indicators in a right to food monitoring framework should integrate both human rights-*focused* and human rights-*based* perspectives. To integrate human rights-focused monitoring, FNS programmes need indicators that do the following:

1. Measure changes in the political, institutional and legislative frameworks that affect the programme:

Human rights-focused monitoring needs verifiable and time-bound targets and benchmarks for measuring and reporting progress in realizing the right to food. Such targets and benchmarks should guide programmes and help improve them. For example, indicators should investigate: How does a school feeding programme relate to policy priorities? What legislative mandate exists for the programme? What budgetary appropriations are made, and do these come from the regular budget or a special budget? What are the budgetary contributions, obligations or commitments to the programme of the different levels of government?

2. Measure the achievement of impacts, objectives and outcomes:

Human rights-focused monitoring tracks the impact of programmes and how these impacts are achieved. For example: Is a school feeding programme designed to address one or more major nutrition problems that affect the majority of children? How does the programme contribute to reducing nutrition problems among school-age children? Does the programme target the children who suffer most from food and nutrition problems and food-related diseases, such as coeliac disease and diabetes? How effectively does the programme

States may also wish to develop a set of process, impact and outcome indicators ... so as to assess the implementation of the progressive realization 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

Right to Food Guideline 17.3

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 realization 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.

Right to Food Guideline 17.4

BOX 14. Indicators for human rights monitoring

Indicators in human rights monitoring *measure the contextual dimensions* in which an FNS programme is implemented (through structural indicators), to identify not only *what is occurring* (through the outcome indicators traditionally measured in FNS programmes), but also *why/how is it occurring* (through process indicators, which need to be incorporated into most FNS programmes).

Structural indicators measure the extent to which the right to food is included in legal and institutional frameworks and development and poverty reduction strategies that affect the implementation of policy measures and FNS outcomes. Structural indicators are integrated into FNS programmes that aim to bring changes in national policies, laws or strategies. For example, an FNS programme may aim to achieve legal access to land for women, or prioritization of the most needy in development strategies.

Outcome indicators, also referred to as results indicators, monitor progress towards targets and provide alerts when progress is not reaching the expected levels. At the programme level, if monitoring is limited to outcome indicators – and does not also examine the process of reaching those outcomes – there will be no information about what remedial actions are needed to enhance progress.

Process indicators provide information to verify the scope and quality of the programme services for communities, families and individuals; ensure that attention is given to the most vulnerable; and inform on how support is provided. Indicators identify the need for corrective policy, legal, administrative and/or operational measures for improving programme implementation and aligning it with human rights principles and approaches. These indicators are also referred to as indicators of conduct, as they inform on duty bearers' performance in meeting their respective responsibilities.

This classification of indicators is not precise. It is important to note that the same indicator may be used as a process indicator in one monitoring exercise and an outcome indicator in another. For example, the outcome indicator for an agricultural extension programme may be enhanced food crop productivity among smallholder farmers, which could also be used as a process indicator for realization of the right to food by measuring how well the agricultural extension service is performing towards FNS outcomes.

For more information see FAO, 2008.



target specific population groups among the food-insecure and vulnerable? What criteria and indicators are used for targeting (individual, geographic, nutrition status, etc.)? Are eligibility criteria for programme benefits discriminatory or applied in discriminatory ways? Are there negative programme effects? If so, who is affected?

- 3. Measure the impacts of programmes on right holders' capacities to claim their rights and duty bearers' capacities to meet their obligations,** and – ideally – on the relationships between right holders and duty bearers (HREA, 2007; UNDP, 2008): This includes evaluating how the programme has led to changes in performance and actions among right holders and duty bearers and how it has influenced the quality of mechanisms for ensuring mutual accountability, such as the existence of mechanisms that oblige decision-makers to explain their decisions, the level of engagement, and the existence of bottom-up influences on the programme's agenda and development. For example, in a school feeding programme, to assess the capacities of right holders through evidence that participants have the knowledge and skills to obtain access to programme information and to increase programme accountability, the following questions may be asked: What mechanisms are in place for joint decision-making on and monitoring of the school feeding guidelines? Are they effective? How is constant communication between duty bearers and the community maintained? Is there a social control mechanism, such as a programme committee or a community council, to monitor the programme's implementation and quality? Is there evidence that programme staff have been asked to account for their performance? To assess duty bearers' capacities, the following questions may be asked: Do the different duty bearers understand their respective responsibilities regarding the programme? If so, is there evidence that they act accordingly? Does the programme routinely assess duty bearers' capacity to assume their responsibilities, and make efforts to strengthen that capacity? If so, whose capacities are strengthened and is there evidence that this leads to better performance?

Integrating human rights-*based* monitoring implies the following:

1. The establishment of indicators conforms to human rights principles in three practical ways (HREA, 2007), by:
 - ◆ being participatory, transparent and empowering for those involved;
 - ◆ involving those affected by the programme (especially vulnerable groups);
 - ◆ helping to ensure accountability for programming.

For example: How do right holders participate in decision-making regarding the design and implementation of a school feeding programme? Is the programme designed or altered on the basis of genuine consultations with right holders? Does the programme consider children's feedback regarding its effectiveness?

2. Indicators that have been agreed are periodically reviewed and updated, if needed, in direct consultation with right holders.
3. Indicators:
 - ◆ are disaggregated to detect inequities and discrimination among characteristics such as sex, age, educational attainment, ethnicity and race, location, income quintile, and other relevant social criteria;
 - ◆ identify the forms and quality of participation through the participation mechanisms available to communities and of which communities are aware; the regularity of participation; attendance rates; and the composition of participation;
 - ◆ detect government response through the extent to which the government acts on recommendations;
 - ◆ perceive levels of satisfaction with programme services among affected communities;
 - ◆ are easy to understand for non-technical people, such as parents, teachers and children in a school feeding programme.

Measuring the extent to which programmes reflect human rights principles requires both quantitative indicators, such as the numbers of consultations with children and of mechanisms for encouraging parents' participation in the programme, and qualitative indicators, such as the views of right holders (e.g., children) and duty bearers (e.g., the Ministry of Education and municipalities). Qualitative information highlights the perceptions of the programme among targeted individuals and groups. This kind of information is not often readily available, and primary data might need to be collected through surveys, interviews and focus group discussions with affected communities. For example, a survey may show that a certain percentage of a particular group is satisfied or dissatisfied with the diversity of food provided in a school feeding programme or with the quality of the service.

Good practices

An innovative initiative for monitoring recently put into practice within Ecuador's Nutrition Action Strategy is outlined in Box 15 and described in greater detail in Annex 4. Although this initiative has not yet been evaluated, it is already realizing important achievements. One of the key elements of its success is its monitoring system, which includes human rights principles. However, efforts are needed to overcome limitations, which emphasize the importance of considering the establishment of a rights-based approach to monitoring as a long-term, continuous process that should highlight awareness raising for policy-makers, training on human rights for staff, and the participation of right holders and duty bearers in defining the monitoring process.

BOX 15. Nutrition Action Strategy in Ecuador – participation and accountability through rights-based monitoring

Following the approval of the Food Sovereignty Framework Law in 2008, the Government of Ecuador developed the Nutrition Action Strategy (*Estrategia Acción Nutrición – EAN*) to facilitate the restitution of the right to adequate food.

EAN is a national strategy for the sustainable reduction of child malnutrition based on intersectoral coordination, which requires the active participation of public institutions, civil society and the private sector. The main goal is to eradicate stunting and anaemia among children under five years of age by 2015. The strategy involves several programmes and projects, and encourages cooperation by articulating national and local-level policies aimed at tackling nutrition problems in 29 priority communities (indigenous communities in mountain territories).

Although it has been operating for only four years, this initiative is already obtaining interesting results. One of the key elements of its success is its rights-based monitoring system, which was developed to oversee the implementation of EAN programmes. Two elements differentiate this monitoring system: i) it monitors the fulfilment of duty bearers' obligations to facilitate civil society participation and right holders' responsibilities in EAN implementation; and ii) it was designed to create public value through transparency and accountability regarding public actions.

Regular monitoring at the local level involves public institutions and civil society in jointly evaluating and discussing progress towards the achievement of goals. An alert system, based on a traffic light scheme, has been designed to keep decision-makers informed on programme achievements.

The success of this monitoring system is due to its participatory nature in which local findings are used to facilitate and enhance decision-making at the national level. This has contributed greatly to improved management and coordination of policies among institutions in the social sector. The system promotes capacity building, learning and improved accountability.

Limitations in the monitoring system relate to the capacities and culture of participants; the complexity of the system; the uneven involvement of State institutions at the local and national levels; and the need to make greater use of lessons learned in public policy-making. Efforts are needed to mainstream a rights approach through the development of process indicators, a greater focus on the most vulnerable groups and their participation, accountability of duty bearers, and the inclusion of claim mechanisms for right holders.

This case study is analysed and discussed in Annex 4.



Clues for practitioners

Box 16 lists clues for incorporating the right to food into FNS monitoring.

BOX 16. Clues for incorporating the right to food into FNS monitoring

- ◆ Complement FNS monitoring standards with analysis of the impacts of processes and outcomes on the realization of the right to food (human rights-focused monitoring) and of how consistent the monitoring process is with human rights principles (human rights-based monitoring).
- ◆ Dedicate time and resources to involving right holders and duty bearers in elaborating the monitoring framework at the outset, including by ensuring their participation in the development of indicators and their access to monitoring results.
- ◆ Incorporate verifiable and time-bound targets and benchmarks in policies, institutions and laws, to measure and report progress in realizing the right to food.
- ◆ Provide indicators that measure the achievements of FNS programmes by focusing on the ways in which results/outcomes contribute to the realization of the right to food, such as through targeting, positive discrimination or the specific roles of different actors.
- ◆ Integrate indicators that measure changes in right holders' capacity to claim their rights and duty bearers' capacity to meet their obligations.
- ◆ Ensure that there are agreed indicators for:
 - ◆ detecting inequities and discrimination (through data disaggregation);
 - ◆ identifying forms of participation;
 - ◆ detecting government response to participants' demands;
 - ◆ perceiving levels of satisfaction;
 - ◆ ensuring easy understanding on the part of non-technical people.



3.5 INTEGRATING RECOURSE AND CLAIM MECHANISMS AT THE PROGRAMME LEVEL

A right is of no use if it cannot be claimed. Implementation of the right to food requires establishing recourse mechanisms that enable right holders to hold governments and public institutions accountable for the implementation of laws, policies, strategies and programmes.

Conceptual framework

Recourse mechanisms can be judicial (or quasi-judicial), political or administrative:

- ◆ **Judicial** mechanisms involve taking action to courts of law, while *quasi-judicial* mechanisms comprise procedures and actions taken through such institutions as ombudspersons or human rights commissions with a mandate to monitor the realization of human rights and to receive complaints. FNS programmes can contribute to the realization of the right to food by strengthening the roles and actions of these judicial and quasi-judicial institutions so they can bring the demands of right holders and civil society to the attention of State powers.
- ◆ **Political** mechanisms refer to ways of advancing claims within local, regional or national politics, especially when issues scale up in volume to become part of political discourse. The potential power of elections to replace politicians is the ultimate tool. Examples of political claim mechanisms are the creation of CSOs to promote the right to land in Brazil's Movement of Rural Workers without Land (MST) in 1979, or the social movement in Cochabamba (Plurinational State of Bolivia) to fight for the right to water during the period 2000–2005. FNS programmes can contribute to the empowerment of such groups by strengthening their technical (legal) capacities and negotiation skills. Political mechanisms also include social groups' participation in the monitoring of FNS policies and programmes, such as by Brazil's Food and Nutrition Security Council (CONSEA) (Annex 3).
- ◆ **Administrative** mechanisms are the practical and operational level mechanisms through which rights can be claimed. FNS programmes link government policies to the demands of civil society or beneficiaries, and can contribute significantly to realization of the right to food by using these links to administrative mechanisms. FNS programmes should therefore be able not only to implement effective FNS policies, but also to bring to governments citizens' demands and claims for the realization of their rights.

States are invited to consider, in accordance with their domestic legal and policy frameworks, whether to include provisions in their domestic law, which may include their constitutions, bills of rights or legislation, to directly implement the progressive realization of the right to adequate food. Administrative, quasi-judicial and judicial mechanisms to provide adequate, effective and prompt remedies accessible, in particular, to members of vulnerable groups may be envisaged.

Right to Food Guideline 7.2

Practical action

FNS programmes can incorporate specific actions to strengthen political, judicial and extra-judicial recourse mechanisms into their goals and activities. Integrating claim tools into FNS programmes usually implies *incorporating administrative recourse mechanisms at the implementation level* to ensure that decision-makers take corrective measures, for example, in the delivery of services such as social safety nets or school feeding programmes (FAO, 2011). Administrative procedures designed for regulating a programme include the registration and classification of claims, research and follow-up on these claims, and official responses to claimants.

Another important aspect at the programme level is that a right can only be claimed when citizens, communities and families understand both the right and the relevant claim mechanisms. FNS programmes therefore need to inform citizens about programme policies and regulations and how to use claim mechanisms.

To incorporate recourse mechanisms into an FNS programme, there is need to:

- ◆ ensure that the programme provides participants with clear information about:
i) its scope and activities; and ii) the rights and obligations of all stakeholders in its implementation;
- ◆ provide accessible administrative claim mechanisms that enable right holders to demand their rights through those responsible for the programme;
- ◆ ensure that programme staff understand these mechanisms and that right holders are properly informed on how to use them;
- ◆ ensure that corrective measures are taken without delay.

Good practices

Oportunidades, a national cash transfer programme in Mexico, offers an interesting and practical example of how to integrate an administrative claim mechanism into an FNS programme (Box 17 and Annex 5). This experience illustrates the complexity of the mechanism, the long process involved and the importance of having a well-defined operational programme structure with clearly identified roles for the different levels.

BOX 17. *Oportunidades* programme in Mexico – integrating a claim mechanism into an FNS programme

Oportunidades, originally named *Progresa* when first launched in 1997, is Mexico’s principal anti-poverty programme and focuses on alleviating poverty by helping poor families in rural and urban communities. The programme invests in human capital, such as child education, health and nutrition, by providing conditional cash transfers to households. A 2011 evaluation found that over the previous ten years, the programme had multiplied the number of households it supports, to reach 5.8 million (or approximately 30 million individuals).

Originally, the programme adopted a highly centralized approach for the selection of communities and beneficiaries, to by-pass local intermediaries and ensure targeting of the poorest groups. This made the programme transparent “upwards” to policy-makers but not “downwards” to beneficiaries. Between 2000 and 2003, it changed substantially by adopting a new approach that emphasizes citizens’ rights. A Citizen Attention Service was created to allow citizens to register questions and file complaints about service delivery. By 2003, the programme had received 72 000 communications from citizens, most of which were requests for information about programme operations, although more than 15 percent were complaints and reports of abuse of power by *Oportunidades* staff or health and education personnel. Between 2004 and 2008, the Citizen Attention Service progressively increased both the number of enquiries it received (by 300 percent) and the proportion of complaints and reports of malpractice, which indicates increases in programme outreach and credibility.

Since 2008, *Oportunidades* has significantly improved its mechanisms for providing citizens with information on how to claim their rights, as (potential) beneficiaries of the programme, and how to meet their responsibilities, and has strengthened the monitoring and claim systems to increase the transparency and clarity of operational rules.

Oportunidades recognizes participants’ right to participate, and gives them opportunities to point out problems and abuses in operations. However, to avoid political misuse, the programme is still strongly centralized, so beneficiaries’ involvement in decision-making processes is limited. *Oportunidades* needs more time to consolidate itself and overcome these limitations.

This case study is analysed and discussed in Annex 5.



Clues for practitioners

Box 18 outlines clues for integrating recourse and claim mechanisms at the programme level.

BOX 18. Clues for integrating recourse and claim mechanisms at the programme level

- ◆ During the early stages of implementation:
 - ◆ establish an administrative recourse mechanism;
 - ◆ ensure that the mechanism is accessible to participants;
 - ◆ ensure that programme staff understand the mechanism;
 - ◆ provide participants with information on their rights and responsibilities within the programme.
- ◆ During implementation, ensure that corrective measures are taken without delay.
- ◆ Define clear operational structures and roles for the different programme levels involved in implementing recourse mechanisms.







4

FINAL REMARKS

This final section summarizes the main action points and recommendations for integrating the right to adequate food into food and nutrition security programmes.

Despite wide agreement that every human being has the right to adequate food, most States' ratification of or accession to the ICESCR, and the increasing inclusion of the right to food in domestic laws and policies, there are still gaps in the practical implementation of this right.

Putting the right to food into practice by integrating it into FNS programmes is a complex issue that requires political commitment, knowledge and skills for implementing the right, strong institutions, civil society participation, and access to justice and recourse mechanisms for right holders. It is worth investing time and resources in this venture as FNS programmes that apply a right to food approach have better and more sustainable outcomes in reducing food insecurity and improving nutrition.

Government officials responsible for designing, implementing and monitoring FNS programmes at the local and country levels sometimes apply right to food principles by targeting the most vulnerable groups, analysing the underlying causes of hunger, developing policies and strategies that integrate the right to food, promoting participation and empowerment, etc. These elements are essential for integrating the right to food into FNS programmes. However, other critical elements are frequently overlooked, partly because there is insufficient knowledge and guidance on how to incorporate these elements and partly because there are no practical instruments for facilitating integration. This Guidance Note examines four entry points that are often neglected or ignored, and identifies good practices and key questions to help programme managers to incorporate the right to food into the design and implementation of FNS programmes. Lessons learned from case studies and clues provided in this Guidance Note should always be adapted to the particular context.

As mentioned at the beginning, the Guidance Note has not been developed as a blueprint for integrating the right to food into FNS programmes. Instead, it offers guidance on how to incorporate important elements into an FNS programme cycle. It bases its advice on an understanding of the difficulties in realizing the right to food over a short period,

and emphasizes that integrating the right to food into FNS programmes through a longer-term learning process involving the active participation of all interested parties will definitely contribute to the implementation of the right to food.

This Guidance Note is a first step in the development of a dynamic instrument that will benefit from constant feedback, sharing of experiences, documentation of best practices, identification of additional entry points and development of innovative instruments and mechanisms. ***Together we can make it happen!***

ANNEXES: GOOD PRACTICES

ANNEX 1: JUNIOR FARMER FIELD AND LIFE SCHOOLS IN MOZAMBIQUE – EMPOWERING VULNERABLE CHILDREN AND YOUTH

The Junior Farmer Field and Life School (JFFLS) initiative aims to empower orphans and vulnerable teenage girls and boys (12 to 18 years of age) living in communities where HIV/AIDS has had a strong impact on FNS. These children grow up without the possibility of learning about farming and other survival skills from their parents – skills that could enable them to earn a living or avoid risky behaviours that might increase their vulnerability to food and nutrition insecurity.

JFFLS seek to improve the livelihoods of vulnerable boys and girls and to provide them with opportunities for the future, while minimizing the risk of negative coping behaviours. To increase the self-esteem and livelihood prospects of vulnerable children and youth, JFFLS impart agricultural knowledge and life skills.

JFFLS apply a hands-on, out-of-classroom, agriculture and life skills learning programme. The knowledge and skills not only empower children and youth economically, but also help them gain self-confidence and become responsible citizens with positive values regarding gender and human rights issues.

At the JFFLS, agricultural training covers both traditional and modern agricultural practices. As well as modern agricultural skills, youth also learn indigenous agricultural techniques, to maintain traditional knowledge about local crops, medicinal plants and biodiversity.

JFFLS cover basic entrepreneurship skills and education to provide economic alternatives for the future. Boys and girls are encouraged to develop the problem solving and decision-making skills that are necessary for earning a living and other aspects of life.

JFFLS emphasize life skills because many of the children attending the schools do not have parents to guide them in living a healthy and balanced life. JFFLS address such

issues as HIV/AIDS awareness and prevention, gender equity, child protection, nutrition education, good hygiene and the prevention and treatment of human, crop and livestock diseases. Efforts are made to ensure that the different needs of boys and girls are identified and met by the schools' life skills components.

JFFLS guiding principles draw on such instruments as the ICESCR and the Convention on the Rights of the Child (CRC) and include the following.

Child protection and security: The CRC states that children need special care and protection because they are often very vulnerable. Accordingly, governments must take action to ensure that children's rights are respected, protected and fulfilled. One of the objectives of JFFLS is to support and protect children by providing a safe learning environment, social support, and relief from the children's daily cares and stresses. Protecting children from destitution and the threat of HIV/AIDS while they are developing into adults creates the conditions for them to realize their potential.

Gender equity: In JFFLS, gender equity means that girls and boys have equal chances to have their human rights realized, fulfil their potential, contribute to economic, socio-cultural and political development, and benefit from the results. This principle draws clearly on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted to ensure and reinforce the human rights of women. The CEDAW establishes the right of women to "equal treatment in land and agrarian reform as well as in land resettlement schemes" (Article 14.2g).

Participation: Participation is the process of communication among development agents and local men, women, girls and boys, in which local people (including boys and girls) take the leading role in analysing the current situation and planning, implementing and evaluating development activities. Under the CRC, children have the right to help make the decisions that affect them and to have their opinions taken into account.

Addressing vulnerability: JFFLS address the vulnerability of girls and boys to HIV infection, and the specific needs of communities already affected by HIV/AIDS. In households affected by HIV/AIDS or other chronic illnesses, there are fewer healthy adults to support more dependent people, and the burden of care is often shifted to women and girls. Adults and children who lack food and income security often resort to damaging and high-risk survival strategies, such as selling off land or exchanging sex for food or cash. Children are especially at risk and therefore represent specific concerns and challenges.

Removing stigma and discrimination: One of the guiding principles of all human rights conventions is non-discrimination, which means that children should neither benefit nor suffer because of their race, colour, gender, language, religion, origin, personal opinions, caste, property, disability, birth or other status, such as children who are HIV-positive or who have parents or care givers who are infected. All children have the right to equal access to education, food, health and social services and full inclusion in community life.

Right to food: In the JFFLS initiative, States and relevant international organizations are encouraged to support the right to adequate food of vulnerable girls and boys attending the schools. While States and international organizations, particularly the World Food

Annexes

Programme (WFP), provide direct food support to children in the schools, thus fulfilling their obligation to fulfil/provide, JFFLS provide training, education and livelihood strengthening to improve the children's future access to resources and income.

The schools build the self-confidence and problem solving skills of students by enabling them to decide for themselves what steps are required, such as for coping with crop pests or diseases, and to defend these decisions among their peers, through open discussion.

The JFFLS initiative is a very good example of empowering an extremely vulnerable group – orphans and other vulnerable children and youth – in decision-making processes that concern their future. Children's opinions are taken into consideration not only in the planning and implementation of activities while the children are in school, but also in building their future livelihoods and reducing their economic insecurity. In JFFLS, children learn their rights and are empowered to claim them.

ANNEX 2: ZERO MALNUTRITION PROGRAMME IN THE PLURINATIONAL STATE OF BOLIVIA – MUNICIPALITIES FULFILLING THEIR OBLIGATIONS IN TACKLING MALNUTRITION

Since coming to power in January 2006, the current Bolivian Government has demonstrated strong political commitment to realizing human rights and eradicating hunger. The new Constitution, adopted in 2009, includes a range of human rights protections, including of the right to food. It makes 16 references to food in articles related to food security, food sovereignty and the right to food. The government has taken concrete steps towards fulfilling its right to food obligations through the adoption of new laws, the strengthening of participatory spaces and the creation of a wide range of programmes dedicated to the improvement of food security.

For example, reforms of the National Council for Food and Nutrition (CONAN) in April 2006 and June 2012⁹ led to the new objectives of promoting and coordinating the participation of public sector institutions and civil society in the formulation of a food and nutrition policy, and promoting the development, dissemination and follow up of national programmes for advancing the human right to food. CONAN is chaired by the President of the Plurinational State of Bolivia and its members are the Ministers of the Presidency, Development Planning; Public Economy and Finances; Health and Sports; Rural and Land Development; Education; Production Development and Plural Economy; Water and Environment; and Justice.

CONAN has a Technical Secretariat under the responsibility of the Ministry of Health and Sports, and a multisectoral Technical Committee (CT-CONAN) composed of delegates from the nine ministries and representatives of civil society, mainly from the *Confederación Sindical Única de Trabajadores Campesinos de Bolivia* (CSUTCB) and the *Confederación Nacional de Mujeres Campesinas, Indígenas y Originarias de Bolivia "Bartolina Sisa"* (CNMCIQB BS). CT-CONAN is responsible for the elaboration and follow-up of the policies defined by CONAN.

Institutional coordination has been decentralized to the departmental and municipal levels. The creation of Departmental Food and Nutrition Councils (CODANs) and Municipal Food and Nutrition Councils (COMANs) reinforces the comprehensive, multisectoral implementation of programmes and projects at these levels.

COMANs are coordination instances between municipal governments and CSOs whose objective are to improve progress in realization of the right to food at the municipal level. COMANs' functions are to advise, analyse, plan and support the implementation of FNS programmes that promote traditional knowledge and practices, and to define monitoring and evaluation strategies.

⁹ Decrees 2866 and 1254.

The Zero Malnutrition programme (*Programa Multisectorial Desnutricion Cero – PMDC*) is one of CONAN's flagship initiatives and is included in the 2007 National Development Plan. The programme adopts a right to food approach and seeks to eliminate malnutrition in children under five years of age, with special emphasis on those under two. The programme reaches the 166 municipalities with the highest rates of food insecurity and malnutrition. Strengthening COMANs is one of CONAN's strategies for implementing PMDC, based on three main initiatives:

- ◆ right to food promotion through projects implemented by CT-CONAN with FAO support (Right to Food Team);
- ◆ the Children, Food Security and Nutrition Programme (*Infancia, Seguridad Alimentaria y Nutrición – ISAN*) promoted by the Millennium Development Fund of the United Nations (MDG-F);
- ◆ financial support to municipalities to improve and achieve sustainability of PMDC activities through lump sums of US\$50 000 for municipalities (Incentivo Municipal) to invest in projects, particularly those addressing the root causes of malnutrition.

The main results achieved include:

- ◆ increased awareness in municipalities where malnutrition affects large numbers of children and could have very negative impacts on the municipality's future;
- ◆ municipal authorities' commitment to PMDC;
- ◆ allocation of municipal budgets for PMDC activities and other food security priorities, such as water, smallholder agriculture and education;
- ◆ approval of COMAN regulations and action plans based on PANTHER principles;
- ◆ insertion of COMANs into the institutional structure at the municipal level;
- ◆ improved understanding of COMANs' roles and the mechanisms they require;
- ◆ dissemination of right to food principles in guides for municipal authorities and social leaders, and a guide for strengthening COMANs.

In addition to these efforts, the Association of Women Mayors and Women Municipal Council Workers of Bolivia (*Asociación de Alcaldesas y Concejales de Bolivia – ACOBOL*) set up a partnership with CONAN to implement PMDC at the municipal level¹⁰ and to ensure that local-level malnutrition assessments include right to food and gender analysis.

ACOBOL started providing women council workers with training on ensuring that PMDC is prioritized in their municipalities' planning and budgeting processes. ACOBOL's members then raised their male colleagues' awareness on the importance of tackling child and maternal malnutrition within their communities.

¹⁰ Supported by the Government of Canada through the United Nations Children's Fund (UNICEF).

However, municipalities face capacity limitations in reducing malnutrition: insufficient funding, poorly trained staff, lack of personnel, planning that focuses on infrastructure, and municipal bureaucracy. Many actors highlighted problems securing assistance from government departments and ministries or the international community. Causes of these problems included heavy bureaucracy, policies that do not reflect people's needs and interests, and a lack of assistance in addressing these needs and interests.

Despite the many obstacles undermining municipal actors' capacity to act on shared concerns, municipalities have achieved more integrated and participatory municipal planning, targeted external funding, proactive fundraising, and the promotion of unique approaches that improve project outcomes and sustainability.

Capacity development for municipalities has contributed significantly to PMDC implementation and has generated the basis for development of a new food and nutrition policy coordinated by CT-CONAN within the framework of the Productive Community Agriculture Revolution (Law No. 144, *Ley de la Revolución productiva comunitaria agropecuaria*, adopted in June 2011).

ANNEX 3: SCHOOL FEEDING PROGRAMME IN BRAZIL – BUILDING A LEGAL FRAMEWORK FOR AN FNS PROGRAMME

School feeding is one of the oldest Brazilian food programmes, originating from a proposal made by Josué de Castro in the 1940s. As one of the world's most important school feeding programmes in terms of scope – it serves 46 million children – it has universal coverage and is considered one of the main forms of ensuring access to food for lower-income families in Brazil (IBASE, 2008).

Over half a century, Brazil's school feeding programme has gradually improved its effectiveness in support (per student), scope (education levels and number of schools), targeting (increasing support to indigenous groups), food diversity and quality (cultural acceptability), monitoring of food procurement and distribution, and contribution to local and national development.

Approval of the School Feeding Law in 2009 resulted from a process that is considered one of the best examples of intersectoral and practical implementation of a right to food approach. Universal access to food, cultural diversity and attention to the nutrition deficiencies of vulnerable groups are among the law's guiding principles (Law 11947, 16/06/09, Article 2).

The law establishes school meals as a right for students at public schools, while creating an institutional link between the food offered and family farming in nearby regions. The law and the negotiations that preceded its approval by the National Congress resulted from wide experience in implementing the school feeding programme and broad participation in the programme's formulation (CONSEA, 2009).

The National School Feeding Programme (*Programa Nacional de Alimentação Escolar* – PNAE) provides an example of how a programme can gradually assume more responsibilities. The legal framework that supports it is based on learning from and consideration of positive and negative experiences from all over the country. The following paragraphs provide a summary of this process.

From its beginnings in 1955 until 1993 – first under the responsibility of the Ministry of Health and then under the Ministry of Education from 1981 – PNAE was a centralized programme, in which local governments had marginal or no roles in food procurement, distribution, quality control, management and menu planning.

In 1994, Law 9.913 (12/07/94) defined roles in PNAE for municipal governments, to address weaknesses in centralized school feeding operations, such as their failure to ensure premium quality or respect the dietary habits and tastes of local students. This law obliged each municipality or state government to create a school feeding committee (*Conselho de Alimentação Escolar* – CAE) to function as the main body for PNAE implementation at the local level.

In 1997, a National Fund for the Development of Education (FNDE) was created to provide financial resources for school meals in every municipality. In 1998, financial transfers from FNDE to local governments became automatic (US\$0.07/student/day), facilitating local food procurement by local governments.

In 2001, Provisional Law 2178 (28/06/2001) decreed that these transfers were to be paid as ten instalments a year, with each instalment expected to cover food needs for 20 schooldays. Local governments were obliged to spend 70 percent of the transferred amount on basic foodstuffs, preferably acquired from local producers to enhance local economies. As a result of this decentralization process, community participants developed food provision procedures that involve both government and non-governmental institutions and have contributed to the establishment of the current school feeding programme and the law that regulates it.

When the Zero Hunger initiative started in 2003, the PNAE allocation was raised to US\$0.08/student/day for municipal or state-run *crèches*, preschools, primary schools and philanthropic schools, and US\$0.12 a day for schools in indigenous people's reserves and *quilombos*. From 2003 until approval of the current law in 2009, there was a gradual increase in the amount of support, reaching US\$0.15/student/day, or US\$0.30 in indigenous people's reserves and *quilombos*. Overall resources for PNAE increased from approximately US\$500 million in 2003 to US\$1.17 billion in 2009.

In 2006, the Framework Law on Food and Nutrition Security (LOSAN) was enacted and the human right to adequate food was clearly stated. The right to food approach reinforced FNS efforts in Brazil by introducing a legal basis and human rights principles. LOSAN called for implementation of a national system of food and nutrition security, which articulates policies for ensuring that all the population has access to high-quality food, regularly and in adequate quantities. The law requires state governments to be involved in food production, commercialization, storage and education and to guarantee access to water and food. It also involves states in the establishment and operation of school feeding programmes, among other activities.

LOSAN was adopted in 2009 and expanded PNAE to secondary school students and youth and adult education – increasing the number of students served from 36 million to an estimated 46 million – while making it compulsory that at least 30 percent of the food used by PNAE is procured directly from local or regional family farmers (Maluf, 2010).

Throughout this process, PNAE has overcome difficulties in its design and learned from its errors and achievements. The presence of CAEs in states and municipalities is the primary mechanism for transferring federal government resources. CAEs have had an important impact on reducing the misappropriation of funds. Their objectives are to:

- ◆ control allocations of money for school meals, avoiding opportunities for corruption;
- ◆ verify that purchases made by the local council arrive at the schools;
- ◆ analyse the quality of the food purchased;
- ◆ ensure that food supplies are properly stored and maintained.

Brazil's PNAE illustrates a case in which a programme gradually becomes more complex and broader in scope and is eventually supported by a legal framework. The programme has developed progressively by increasing resources, focusing on specific groups and learning from experience, involving wide participation in decision-making by civil society. This process, which applies an approach based on rights-based principles (participation, accountability, etc.), has resulted in sound mechanisms and strong institutions for implementation of the right to food, reflected in an effective legal framework.

ANNEX 4: NUTRITION ACTION STRATEGY IN ECUADOR – PARTICIPATION AND ACCOUNTABILITY THROUGH RIGHTS-BASED MONITORING

Based on its new Constitution of 2008, which contains several human rights provisions, in 2009, Ecuador approved a national Food Sovereignty Framework Law (*Ley Orgánica del Régimen de la Soberanía Alimentaria* – LORSA) firmly rooted in right to food principles. For instance, the law focuses on the most vulnerable by setting time frames and obligations for the government to realize the right to food of indigenous people. One of the most important aspects of LORSA is its attention to the human rights principle of participation (Chapter V). People can only realize their right to food when they are able to participate meaningfully and freely in the decisions that affect them and their future.

LORSA has facilitated integration of the right to food into FNS policies and programmes. In nutrition, actions focus on restitution of the right to nutrition (SENPLADES, 2009) through the integral Nutrition Action Strategy (*Estrategia Acción Nutrición* – EAN). EAN follows an intersectoral and participatory approach, involving central and local governments and civil society. Based on local capacities, EAN focuses on improving nutrition status in 29 counties in rural indigenous mountainous territories through intersectoral public action, strengthening the capacities of local governments and the participation of civil society and the private sector. The main goal is to eradicate stunting and anaemia among children under five years of age by 2015.

The Ministry of Coordination and Social Development (MCDS) leads EAN, in collaboration with the Ministries of Public Health, Housing, Economic and Social Inclusion, Education, and Agriculture and Fisheries, the National Children’s Council, provincial and municipal governments, county councils, church assemblies and NGOs.

According to the FAO Regional Office for Latin America, although this strategy will not be evaluated until 2013, it is already providing some interesting results towards the achievement of nutrition indicators. One of its key elements is its human rights-based monitoring system. Two characteristics differentiate this system from standard monitoring processes:

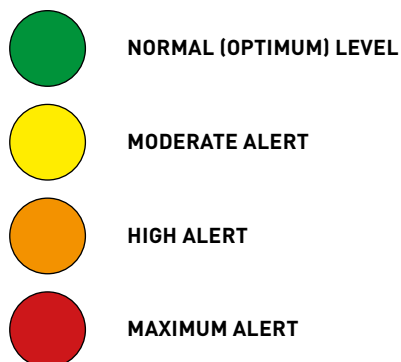
- ◆ The programme has five components related to FNS: access to water, children’s health and nutrition, nutrition education, pregnancy and lactation, and food safety. A sixth component is related to participation – exercising of citizens’ rights by communities and organizations involved in regional and local interventions. This component defines the obligations of duty bearers in increasing civil society’s participation in EAN and the responsibilities of right holders in implementing the strategy.
- ◆ In addition to the results expected from a standard monitoring process – i.e., improved performance, allocation of resources, and development of lessons learned for implementation – this human rights-based system is designed to create public value, which means emphasizing transparency and accountability regarding public actions.

In counties where EAN is implemented, two monitoring mechanisms have been designed: action plans (PACs) and an accessible information structure. Both of these mechanisms contribute to implementation of a three-phase monitoring process:

- ◆ **Information/data collection:** Information collected at the local level is gathered and analysed for the county PAC, which is implemented by public institutions and civil society organizations.
- ◆ **Information analysis:** Sectoral experts (ministries), local staff, civil society representatives and programme managers participate in assessments of PAC performance.
- ◆ **Communication and dissemination of information** to citizens, and accountability of public institutions for programme implementation and achievements.

An alert system, based on a traffic light tool, has been designed to inform decision-makers on the PACs' implementation (Figure 3).

FIGURE 3. Alert system



Regular monitoring at the county and provincial levels involves public stakeholders and civil society in joint evaluation and discussion of achievements in relation to PAC goals. Monitoring occurs at two levels: technical, involving experts in ministries and municipalities working with community leaders; and political, involving provincial and local authorities and community leaders.

The 22 process indicators defined for EAN prioritize two issues:

- ◆ social demand as an expression of the needs of right holders;

- ◆ services offered by ministries under the six EAN components.

Examples of these indicators include:

- ◆ number of health staff trained in nutrition;
- ◆ number of municipalities approving norms and rules for incorporating EAN into county policies;
- ◆ number of institutions involved in EAN achieving their commitments;
- ◆ number of community offices operating as ombudspersons for children at community level that exert social control.

Human rights-based monitoring has improved transparency and cooperation among different ministries and public programmes on child nutrition and has provided common standards for analysing achievements and limitations. Through this monitoring mechanism, EAN can verify the progress and results of an intersectoral and interterritorial public policy, ensuring the participation of civil society and communities as basic standards of monitoring. The system has also contributed to building the capacities of ministries and local staff.

Difficulties encountered in implementing the monitoring system include the following:

- ◆ Although MCDS played a key role in harmonizing the use of the monitoring mechanism, there is still lack of agreement among ministries in implementation of the system.
- ◆ Lack of capacities for using the monitoring methodologies (technological platform, logistical framework, PACs) required implementation of a training programme for ministry staff.
- ◆ Addressing the lack of a monitoring culture will require a long-term process of behaviour change.
- ◆ The complex reporting system is not adapted to the requirements of decision-makers.
- ◆ Municipalities' involvement in implementation of the monitoring system has been uneven, depending on political interests, staff capacities and resources. In general, political authorities are unlikely to use the monitoring system for decision-making and do not recognize its advantages. Institutionalization of the system has been weaker in municipalities with no political affinity with the national government.
- ◆ Although stakeholders in some municipalities interact dynamically in using monitoring mechanisms, the influence of monitoring results at the policy level (national/provincial) has been limited. Human rights-based monitoring has to identify needs and lessons learned from local levels and aggregate these needs to influence public policy-making.
- ◆ EAN monitoring indicators show that efforts have been made to address multisectoral causes of malnutrition. However, further efforts are needed

to mainstream a human rights perspective through process indicators that measure the focus on vulnerable groups, their participation, the accountability of duty bearers and the inclusion of claim mechanisms for right holders.

These limitations show that the development and application of a rights-based approach to monitoring must be considered as a long and continuous process in which awareness raising of policy-makers, staff training on rights, and participation of right holders and duty bearers in developing the monitoring process need to be promoted.

ANNEX 5: OPORTUNIDADES PROGRAMME IN MEXICO – INTEGRATING A CLAIM MECHANISM INTO AN FNS PROGRAMME

Oportunidades is the Mexican Government's principal anti-poverty programme, which focuses on alleviating poverty by helping poor families in rural and urban communities. *Oportunidades* invests in human capital – improving the education, health and nutrition of children – by providing cash transfers to households, conditional on regular school attendance and health visits. According to a 2011 evaluation, the programme has increased the number of supported households in the last ten years, to reach 5.8 million (or approximately 30 million individuals).

The experience of *Oportunidades* reflects how an FNS programme can gradually build administrative claim mechanisms and recourse systems to prevent and solve conflicts related to programme services. After 15 years of operations, these claim and recourse mechanisms have been consolidated around three main components:

- ◆ information and communication of the programme to beneficiaries;
- ◆ a monitoring system for identifying programme deficiencies and beneficiaries' claims;
- ◆ regular evaluations of the programme.

Oportunidades, originally called *Progresa*, started in 1997 as a support programme for education, health and food in rural areas. Until 2000, it did not have a system for dealing with beneficiaries' claims and addressing their demands.

Between 2000 and 2003, the programme substantially changed by adopting the name *Oportunidades*, increasing the number of beneficiaries, carrying out large-scale distributions of food supplements, extending the benefits to peri-urban (2001) and urban areas (2002), and establishing community promotion committees (CPCs) as facilitators. CPCs were created to avoid power abuses by the intermediaries who had previously acted as facilitators for decision-making. They comprise health, education and food specialists and community facilitators.

Over these years, a Citizen Attention Service was incorporated into the programme as a key element, along with targeting, certification of eligibility and payment procedures.

In 2003, the administrative structure for serving beneficiaries was composed of ten staff members at the central level and one staff member in each of six states. A manual of procedures was developed, describing functions and responsibilities in the service delivery system, needs, ways of addressing these needs, claim investigation procedures, and other elements. The system was designed to avoid the use of intermediaries and to respond directly to citizens. At that time, the programme had received 72 000 queries from citizens.

Between 2004 and 2008, the programme focused on consolidating the service delivery system and decentralizing the process to the state level. In 2008, the system had exclusive staff in all 32 states with representation at 130 service and registration centres. During this period, citizens' queries increased by 300 percent, and significant improvements

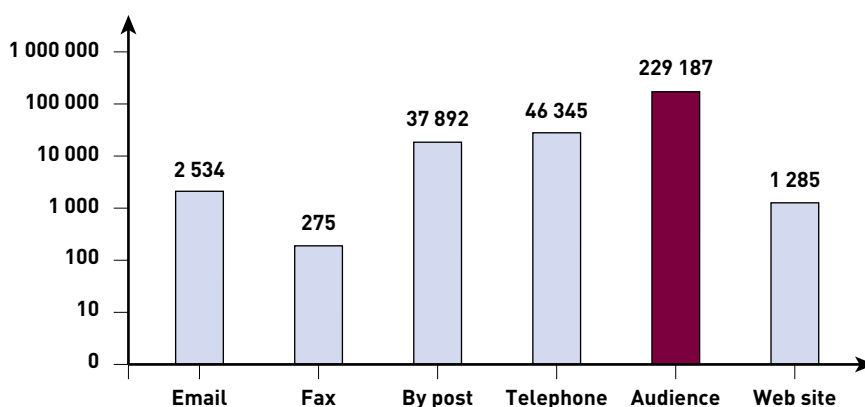
were achieved in registration, reaction to telephone claims and the confidentiality of processes. Priorities focused on training staff on procedures and disseminating programme information to beneficiaries. Although there were important changes in the Mexican Federal Administration, the service delivery system did not undergo significant change, as the new managers supported existing procedures and agreed on the public value of the system, its legitimacy and its operational capacity.

Since 2008, improved mechanisms have led to strengthened dissemination of information, transparency and clarity of operational rules, and enhanced monitoring and claim systems.

Information: The programme provides information and guidance to families, enabling them to claim their rights, as (potential) programme beneficiaries, and fulfil their responsibilities. The information component is reinforced by a strong and continuous training component for staff and CPC spokespersons, and a well-defined programme administration structure with clear staff roles and operational rules (target beneficiaries, eligibility criteria, support schemes and quantities, distribution procedures and criteria, etc.). One of the main challenges has been overcoming the language barriers that marginalize monolingual indigenous groups, by employing indigenous staff and spokespersons who know indigenous languages.

Collection, research and addressing of citizens' queries: These mechanisms are designed to prevent conflicts and solve problems related to programme implementation. Queries have increased over the last ten years, reaching 317 558 in 2010. Traditional channels for collecting queries were mail, telephone and meetings. Other systems, such as e-mail and a Web site, have gradually been considered and added. Figure 4 illustrates the channels citizens used to submit their queries to the programme in 2010.

FIGURE 4. Channels used to submit reports to the programme



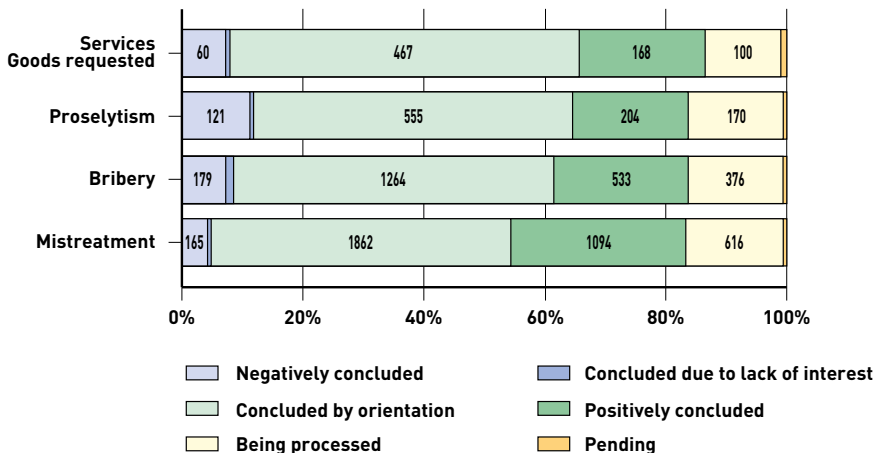
Source: SEDESOL, 2011.

Approximately 10 percent of these queries (30 411) were claims or complaints related to the rights of beneficiaries or other citizens (not necessarily beneficiaries). When a claim is received, it passes through the following procedure (SEDESOL, 2012):

- ◆ initial registration, identifying the subject and the date with a registration number;
- ◆ analysis and classification;
- ◆ research (office or field research depending on the subject) and consultation with other areas of the public administration involved;
- ◆ follow-up through control mechanisms for monitoring the situation;
- ◆ official response, which must be clear, brief, concrete, simple and understandable;
- ◆ conclusion and final registration, which can be:
 - ◆ positive: favourable to the claimant;
 - ◆ negative: not favourable to the claimant;
 - ◆ informative: when additional information is provided to the claimant;
 - ◆ uninterested: when additional data are requested from the claimant and not received within three months.

Analysis of claims and complaints between 2005 and 2009 reveals that the most frequent cases resulted from inclusion/exclusion errors, followed by mistakes related to

FIGURE 5. Responses to complaints, 2005 to 2009



Source: Hevia and Gruenberg, 2010.

operational and economic support. Complaints related to abuses or proselytism (extreme complaints) represented only 9.2 percent of total claims.

Normative criteria provide specific instructions for analysing the claims and complaints. In cases of potential conflict, abuse by authorities and staff, proselytism or situations with grave consequences for the population, demands are considered “urgent” and to be solved rapidly.

Figure 5 shows the programme’s responses to complaints for the period 2005–2009.

Cases of mistreatment had a higher percentage of positive outcomes and were concentrated in the health sector. Complaints of proselytism were concentrated mainly among spokespersons in the CPCs.

Although this information on the programme’s recourse mechanisms is very valuable, there is need to collect more information and disaggregate the data to understand whether or not the recourse actions have had lasting results; for example, by resulting in the sanctioning of abusive doctors or nurses or their removal from the health sector.

Monitoring: There are two main mechanisms for monitoring the system:

- ◆ Letters of Citizen Engagement, which monitor whether or not programme staff have provided information on how and where claims should be presented, and which involve two mechanisms: i) initial sessions when citizens first join the programme; and ii) surveys of beneficiaries at the end of the integration sessions;
- ◆ watch points or (*puntos Centinela*), which collect information from beneficiaries through five biannual surveys; these mechanisms use questions to explore beneficiaries’ perceptions regarding programme operations and the quality of services supplied, and aim to improve the decision-making process.

These mechanisms and preventive and corrective measures at the programme level need to be integrated into existing mechanisms at the local level, such as CPCs or community assemblies.

The programme’s strong centralization is perceived as one of the factors in its effectiveness, by preventing wide political misuse through the central control of resources. However, beneficiaries’ participation in programme processes and in strengthening social capital and democratic governance is still limited. This is particularly important in indigenous communities, where collective action through locally owned institutions is a key factor for development.

This case study shows that programmes sometimes have to make choices, such as between promoting accountability and empowering beneficiaries/increasing their participation. However, the claim mechanism represents a step forward in improving transparency and accountability in a national programme, even though it still needs time to be consolidated and to overcome its limitations.

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Your comments and suggestions are highly appreciated.

Please send them to Righttofood@fao.org

This Guidance Note is a practical tool for practitioners who want to integrate the right to food into food and nutrition security programmes. It briefly explains the conceptual, legal and operational dimensions of the right to food. The Guidance Note then looks at four key entry points for integrating the right to food into food and nutrition security programmes: roles and responsibilities of stakeholders, legal aspects, monitoring, and recourse and claim mechanisms. It uses specific examples and cases to illustrate how this can be done.

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