



Screen state action against hunger!

How to use the Voluntary Guidelines on
the Right to Food to monitor public policies?

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Preface

“How to use the Voluntary Guidelines on the Right to Food to monitor public policies?” is one in a series of manuals on the human right to food. Other publications in this series are titled “How to use the Voluntary Guidelines on the right to food”, “Documenting violations of the right to adequate food”, “Access to land and the right to food, “Parallel Reporting before the UN CESCR”. The purpose of these publications is to invite civil society organisations to make use of the progress made for food as a human right in the decade after the World Food Summit 1996 – and to equip civil society and other actors with some tools to hold governments accountable.

The human right to food is a central and coherent element of economic, social and cultural human rights. Over the past 20 years it has been pioneering the development of these human rights in civil society and at the UN. The FAO’s Right to Food Guidelines are yet another important step: For the first time in history states have come up with guidelines how to achieve the realisation of food as a human right. These guidelines will be helpful to the 155 states parties to the International Covenant on Economic, Social and Cultural Rights, who are duty-bound under international law to achieve this full realisation as soon as possible. Moreover it is significant that the other remaining states – all of whom consented to the Guidelines – thereby supported the right to food as an individual human right.

The purpose of the Guidelines is reflected in its full title “Voluntary Guidelines to support the progressive realisation of the right to adequate food in the context of food security”. What then is meant by the “realisation of a human right”? This is quite different from food security – something which only provides the “context” for full realisation. The right to food is realised not if people have enough to eat, but if they command a certain range of states obligations (through quasi-legal mechanisms or legal guarantees) which make the states respect and protect their access to adequate food and resources – and fulfil this access where it does not exist. Progressive realisation therefore describes a process which establishes such quasi-legal and legal mechanisms. Obviously food security is implied by the full realisation – rights based food security.

A rights-based approach to food does not mean to make use of human rights mechanisms to achieve food security for all: Human rights are never a means to an end – they themselves are the aim of progress. Using a rights-based approach means making explicit the dimension of human rights institutions and guarantees linked to food security. Human rights describe obligations which make states “civilized states”. States breaching their obligations under the right to food and thereby inflicting damage to specific persons, violate the right to food of these persons. Violation is the key category under human rights. Conceptual issues about the right to food are spelled out in detail in General Comment 12 in the Right to Food of the UN Committee on Economic, Social and Cultural Rights – the authoritative UN interpretation of the right to food in the International Bill of Rights.

What is the added value of the Right to Food Guidelines beyond the clarifications already provided by the General Comment? This added value can be seen in the policy guidance it provides in areas where states obligations might not be immediately clear: Mainly under the general obligation to realize progressively and the specific obligations to fulfil access to food and resources. Under this specific obligation states have to operate programmes and policies which provide access to food for those in need – and to facilitate the access to (and utilization of) resources to acquire food. The right to food is fully realized once states have established guarantees for provision and facilitation in this sense – their “fulfilment system”. States have a certain level of discretion to design their own appropriate fulfilment systems – and to choose their own ways (their “right to food policies”) to establish these systems as quickly as possible.

The Guidelines establish standards to monitor such right to food policies. For some of the guidelines the non-compliance with these standards may not imply a breach of obligations under the right to food - for others it may signal a threat of violations or even a violation. Monitoring the compliance with the guidelines may be important for

identifying violations – or at least for identifying the risk of violations emanating from inappropriate policies. This can alert states to the need to change policy and thereby prevent violations. Moreover it can help the victims to make their case before a court when there is a violation. Or it can be an asset for politicians or for civil society providing strong arguments for or against certain policies with respect to the full realization of the human right to food.

The complexities of some areas of right to food policies or programmes and the need for guidelines in such areas should not distract from the fact that the first level of specific obligations is always clear and does not need guidelines - the obligation to respect access to food and resources. Such respect does neither require resources nor does it permit discretion: States have to refrain from destroying people's access to food and resources. The same is normally true for the state obligation to protect persons and groups against their access to food and resources being destroyed by third parties. Even the obligation to fulfil-provide is almost immediate towards those persons and groups who suffer hunger and malnutrition. If states do not provide such persons or groups with food or capital to buy food, they violate the right to food – unless they can prove that they lack the resources to do so, and that international assistance for such provision systems was not available. In the latter case the onus of violation would fall on the community of states for denial of international cooperation.

However, when it comes to obligations to facilitate access and utilization of resources, to provide resources to persons lacking them, or to the question whether states take measures to the maximum of available resources to realize the right to adequate food as soon as possible, it may be difficult to determine whether states act within their level of discretion. Careful monitoring is necessary both to assist the state in doing so and – if states risk to act outside their level of discretion - to assist the victims and their support groups to raise the issue.

The time has come for states to implement those obligations under the right to food which can be implemented immediately – and to closely monitor whether states progress as quickly as possible with the other obligations. The manual at hand will show how the FAO Right to Food Guidelines, applied on the basis of UN General Comment 12, can be an important monitoring tool to this effect.

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Introduction

What is the current global hunger situation?

More than 850 million people worldwide suffer from hunger and under-nourishment, despite many States having ratified various international, regional and national instruments which oblige them to fulfil the right to food. Although our planet provides sufficient food and productive resources to feed all of its inhabitants adequately, in many cases lack of political will combined with administrative inefficiency and inadequacy, prevent unjust economic structures from being modified to benefit the most vulnerable, condemning them to live in a situation of permanent poverty and marginalization.

As a binding right, the human right to food imposes upon States certain obligations which should be fulfilled. This includes the obligation that requires States to take steps to accomplish the respect, protection and effective fulfilment of the right to adequate food; for example: by adopting legislative measures, public policies and strategies, by creating institutions, and advancing processes. Such steps should result in the improvement of the situation of the right to food and in the quality of life of each one of the individuals in its territory - particularly vulnerable groups such as children, women, ethnic groups, seniors, peasants and small-scale farmers, rural workers or fishermen. Taking steps and implementing them comes under the responsibility of the executive, legislative and judicial branches of government and should be employed to the maximum of a State's available resources, with the objective to achieve the full realization of the right to food of each person in its territory (see article 2.1 ICESCR). Should lack of economic resources impede a State from fulfilling the right to food, the State is required to seek international assistance to ensure the right to food.

Furthermore, the human right to food entails: access to political and judicial remedy for victims of violations so that they may demand that the violation of their right ceases, that damage be repaired and ensure that the violation is not repeated.

How can we monitor States' actions?

Experience has demonstrated the need to establish instruments that allow State authorities, civil society and international organizations to monitor how a State's policies fulfil its obligations to realize the right to food. This includes monitoring whether the State has taken immediate steps to respect, protect and fulfil the right, and whether policies contribute to the progressive realization of the right to food.

In 2004 FAO member States adopted the *Voluntary Guidelines to support the progressive realization of the right to food*, which provide guidance for States in their implementation of the right to food when developing public policy. Furthermore, Guideline 17 suggests that States should establish mechanisms to monitor the implementation of the Voluntary Guidelines.

Civil society organizations, grassroots organizations and social movements are closest to those suffering from the impacts of the failure to realize the right to food. Therefore, such organizations have a natural vocation to monitor, since they can provide testimonies of deficiencies and problems that interfere with or prevent the realization of the right by State activities. Nevertheless, in many cases organizations or movements don't have sufficient information or do not know how to recognize and analyze it, in order to use it to bring about a change in public policy.

On the other hand, civil servants, in charge of the administrative branch of government, are often unaware of the human rights criteria which enable them to measure whether or not they are fulfilling State obligations that arise from the right to food.

This manual intends to provide civil society first and foremost, but also civil servants, with some key questions useful for monitoring the right to food which includes food security.

One of the specific objectives of this instrument is to provide civil society with a guide to report writing on the subject of the realization of the right to food in their country. Whilst reports analyzing diverse aspects of the right to food are preferred - as developed here in an integral way – this instrument is flexibly designed to allow organizations specializing in only one or some of the issues covered by the Voluntary Guidelines to use the information that corresponds to their specialist area of expertise.

What is special about rights based monitoring - RBM?

RBM is not simply monitoring the execution of tasks or State activity in general, it is monitoring based on human rights.

This means going beyond monitoring the efficiency, effectiveness and transparency of the State in fulfilling its objectives. RBM measures whether the State, in its legislative, executive and judicative activities directly related to the right to food or those which might affect it indirectly, is fulfilling its human rights obligations and follow human rights principles, both derived from regulations and standards of international law.

An adequate monitoring mechanism should help examine the progress of implementation of the right to food and detect violations or situations which pose a risk of violation. Not only does it serve civil society in demanding policy changes (citing States' human rights obligations) but it also serves legislative authorities, showing them the problems they should address when making laws. Administrative authorities also have use for an adequate monitoring mechanism as it shows them how they can improve their work. Judges also benefit from an adequate monitoring mechanism which they can use to analyze concrete violations, and on which they can base their decisions towards the fulfilment of the States international human rights obligations.

What does this manual contain?

The first part of the manual presents basic information on the right to food, its violations and the role of monitoring public policy in order to proceed as expeditiously as possible to the full realization of this right. In the second part a series of questions are posed which can be used to measure how a State is proceeding with each one of the voluntary Guidelines. Concepts that might be confusing or unknown are explained in extra boxed text, as are examples of how to collect information, how to focus the answer, as well as references to material that might help to better understand the context of the question.

A list of questions designed to identify the non-fulfilment of key aspects of the Guidelines is presented in the second part of this monitoring tool. This is an exemplary list, based on each one of the Guidelines and its clauses, which can facilitate monitoring the right to adequate food. The organizations that use the tool can go into more detail for each guideline, expanding with data and more detailed analysis. To this end they can use the questions suggested for each guideline which aim to analyze structures, processes and outcomes related to the specific issue.

What are the key questions for monitoring?

The key questions elected intend to measure State effort and will to realize the right to food expressed in terms of:

- a) **Structures** – legal and institutional structures within the State. One part of the questions tries to monitor whether the necessary regulations and institutions to encourage the realization of the right are in place.

.....
What the constitution and laws establish should be done, by whom and how should it be done?
.....

b) **The measures** taken effectively by the State: there are two kinds of measures: i) on the one hand the adoption of policies and the introduction of programmes and institutions necessary to achieve the full implementation of the right, if these do not exist and/or are not adequate to fulfil the human rights obligations and ii) to achieve the implementation of policies and programmes adopted.

.....
What it being done
.....

c) **the outcomes:** for example, whether policies and institutionalized programmes designed to protect and fulfil are effective, whether the number of people suffering from malnutrition or exclusion from productive resources has fallen, whether their suffering has been reduced, and whether these people and individuals whose rights are being threatened have access to effective complaint mechanisms.

.....
What has been achieved? Are we making progress as quickly as possible?
.....

The questions in the manual are wide-ranging, given that the right to food is related to different areas of State activity; however, all are based on the Voluntary Guidelines on the Right to Food and a focus on human rights.

Although the different questions chosen correspond to monitoring structures, process and outcomes, the diversity of the issues dealt with in the Guidelines, however, combined with the need to identify key questions for monitoring based on human rights does not allow us to ask questions for each guideline corresponding to each of these categories. In this sense, it is possible that for some Guidelines questions referring to structures predominate, whereas in others there are more process related questions and likewise there are no questions about outcomes or only very few. In any case, the questions are chosen to determine:

- a. whether political will exists to construct policy and establish institutions that ensure the fulfilment and protection of the right to food;
- b. which of the elements important for the system already exist and which need to be introduced;
- c. whether these elements being implemented;
- d. how these policies are working and whether they are effective;
- e. what possibilities victims have to express themselves in order to assert their rights before the institutions responsible;
- f. The answers to these questions correspond to evaluating structures (a. y b), evaluating processes (c) or evaluating outcomes (d).

Once the work has been done ... how can this information be used?

Compiling and analyzing the answers to these questions can have a wide ranging use at regional, national and international levels. They could serve to identify the extent to which State activity realizes the right to food, if this happens as quickly as possible and whether any violations have occurred or whether there is a risk of violation:

-
- *what is being done*
 - *what should be getting done that isn't being done*
 - *what is being done incorrectly, inadequately or what should be changed.*
-

This information could be useful for civil society organizations:

- **to encourage change** on the part of national authorities in a fundamental way: Whenever clear and concrete information justifies the claims related to the right to food, the legal complaints could have immense repercussion and will be more difficult to refute by the authorities accused of carrying out a positive or negative activity. This means that they should have a huge impact on those responsible for executing public policy.

In this regard, saying “there are undernourished children! Something must be done!” is not the same as demonstrating how many children are suffering from under-nourishment in the area, how the rates have increased, how many of their parents are unemployed, what have been the precise actions and omissions on the part of the relevant authorities with regard to these problems. It is sufficient to articulate the question as follows: what are the mortality rates caused by State failure to take steps to address the situation of under-nourishment? Applying such methodology means that it is more difficult for civil servants to refuse acting in the correct manner, and judges, international authorities and public opinion shall have grounds to oblige them to take steps.

- **for awareness-raising** amongst public opinion about state performance concerning the right to food and the compliance with related obligations:

On many occasions societies that have endured long periods of inequality accept the State’s violations against the right to food as something normal. On other occasions the impacts of inadequate and insufficient public policies are hidden, or they are partial or incomplete. An integral report resulting from good monitoring, accompanied by an adequate media strategy can help to raise awareness about the human rights situation, in particular the right to food and its causes, providing members of society with a comprehensive view.

- **to establish specific demands**, related to concrete cases of violation. Demonstrating a violation in a legal complaint – for example, a situation of malnutrition attributable to the State, due to negligence or inactivity – can be complicated. A report that demonstrates the political and social context, with objective and exact data, while it is not sufficient, could be of great help when it comes to justifying the legal complaint and informing the judge about the context of the case. This type of information produces a sensitization effect in judges and could lead them to taking corrective decisions that in practice have an effect more wide-ranging than the case in question, generating a change in public policy.

Monitoring can contribute to uncovering hidden violations, which could be prosecuted through court action by human rights defenders or civil society organizations.

- **for writing parallel reports** to present to international human rights monitoring organizations, such as the UN CESCR

It is a well known fact that victims voices are rarely heard in their own country and that States do not react to civil society demands for policy change at the national level. Presenting reports to international monitoring organs puts pressure on States of a different dimension, which can help improve situations of non-fulfilment of international standards, and even stop violations.

Part I: The Right to Food, a true right

What is the right to food?

The right to food is recognized as a true right by international human rights instruments and clearly defined in the General Comment No. 12 by the UN Committee on Economic, Social and Cultural Rights, the international body with the authority to interpret the Covenant. According to the Committee:

“6. The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement.”

This definition of the right to adequate food by the CESCR – the most authoritative interpretation within the UN system - warns that the right to adequate food shall not be interpreted in a restrictive or narrow sense which equates it with a minimum package of calories, proteins and other specific nutrients. It is a complex right with diverse attributes that generate different obligations for States and is governed by specific principles, as explained later.

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When people demand the realisation of the their right to food they are not asking the State to carry out an act of charity, but the fulfilment of a series of obligations that are legally enforceable, of a complex character.
.....

Which international provisions and standards recognize the right to food?

A great number of international law instruments refer to the right to food as a human right. Some of these instruments or standards are binding, legally binding, whereas others are simply declarative. Together, the binding and clearly obligatory (Hard Law) and the interpretative and declarative (Soft Law) constitute the international standards of the right to food.

Binding instruments impose clear international obligations on States. As international treaties should be complied with in good faith by States, States should understand what is stipulated in the treaties as well as in their interpretations by the bodies authorized to do so. Said interpretations are frequently embodied in instruments of soft law.

For example, in the case of the right to food, ICESCR establishes in article 11 the right to an adequate standard of living, which is understood as the minimum right of everyone to be protected from hunger. This right generates specific obligations for States that are binding and should be understood as interpreted by the UN CESCR in General Comment No. 12.

The *main international instruments* that constitute or develop the right to food are:

- **The Charter of the Organization of American States, article 34:** States likewise agree to devote their utmost efforts to accomplishing the following basic goals: ...j) Proper nutrition, especially through the acceleration of national efforts to increase the production and availability of food;
- **Universal Declaration of Human Rights: Article 25, which** „Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, *including food*, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”

- **International Covenant on Economic, Social and Cultural Rights, 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.* In paragraph 2 of article 11: *“the fundamental right of everyone to be free from hunger”* is recognized.

.....
Article 11, especially the right to food, has been interpreted by the UN Committee on Economic, Social and Cultural Rights in its General Comment No. 12, from 1999. The committee mainly interprets the State obligations that derive from the right to food, the principles that govern it, its normative content, the steps which States should take to achieve national implementation and States what constitutes a violation of the right.

Other international agreements in addition to basic instruments that are also binding and yet more specific have recognized the right to food within its normative body as a human right that generates obligations for States:

- The Convention on the Elimination of All Forms of Discrimination against Women – CEDAW
- The Convention on the Rights of the Child – CRC
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families –ICRMW
- Indigenous and Tribal Peoples Convention, 1989
- Rome Statute

The right to food is also recognised in various declarations:

- **Universal Declaration on the Eradication of Hunger and Malnutrition, 1974, which literally reads** „Every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties.”
- Declaration on the Rights of Disabled Persons, 1975
- Convention on the Elimination of All Forms of Discrimination against Women, 1979
- Declaration on the Right to Development, 1986

Equally, the right to food – or some of its aspects – has been recognised at multiple international summits and reinforced in the corresponding final documents, including:

- World Food Conference, 1974
- Declaration of Principles and Programme of Action of the World Conference on Agrarian Reform and Rural Development, 1979
- The Declaration on the Rights of the Child, 1989, which recognises the right of each child to a standard of living adequate for its physical, mental, spiritual, moral and social development.
- World Summit for Children, 1990
- International Conference on Nutrition, 1992, the Declaration and Programme of Action of the Vienna World Conference on Human Rights, 1993, the Copenhagen Declaration and the Programme of Action of the World Conference for Social Development, 1995
- The World Conference on Women, Beijing, 1995
- The Declaration of Rome for World Food Security, 1996
- The Plan of Action of the World Food Summit, 1996, as well as later meetings WFS+5 in 2002 and WFS + 10 in 2006

- The Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the FAO in 2004.

The Voluntary Guidelines, the primary source for this monitoring tool, were adopted by the member States of the FAO in 2004. The Guidelines reiterate the legally binding standards already existing for the right to food in the sources mentioned above, focusing on how States can fulfil their general obligation to progress towards the full realisation of the right to food as soon as possible, in the development, implementation and monitoring of its public policies.

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Considering how the different Guidelines have been developed, it has to be taken into consideration that not only have they been adopted by State parties to the ICESCR but also by State members of the FAO, who should apply them in good faith, in compliance with international law.

It is also necessary to highlight, for the specific case of members of ICESCR, that they are duty-bearers to real binding obligations – as established by the CESCR in its General Comment 12: these obligations can not be weakened by any soft law instrument. Any interpretation that tries to use the Guidelines to weaken obligations derived from the right to food would be an abuse of the instrument, which would reduce a subjective right to a simple principle for the adoption of policies. An interpretation in this sense should be rejected as it is in contravention of the principle of good faith, widely recognised in international law.

The Guidelines can be used as a point of reference for public policy at national level and present a series of measures that the legislative, executive and judicial branches of government can implement, with regard to the progressive realisation of the right to food, providing them with a human rights perspective.

The Guidelines are divided into three parts: a) part one reiterates the States international obligations deriving from the right to food, b) part two which proposes good practice examples in reference to 19 different issues which, on the whole, intend to create a reference framework of a national integral comprehensive strategy for the realisation of the right to adequate food covering areas such as economic development, market systems, agriculture, nutrition, social policy, education and emergency measures during food crisis c) the third part deals with international steps or measures, actions and agreements.

In which national law regulations is the right to food enshrined?...

The majority of national legal systems have adopted or incorporated in one way or another the international standards mentioned above, whenever States have ratified the ICESCR or related international and legal instruments.

Additionally the right to food is recognised in 22 constitutions, Brazil and Guatemala for example have started to integrate it into national law. There are also standards about access to resources to feed one-self or on food security in specific laws, such as agrarian reform, land use planning laws, fishing laws, consumer protection laws, child protection laws, amongst others that regulate diverse aspects of the right to food.

Regarding this subject, the incorporation of the right to food into national legal systems in different normative hierarchies allows judges to apply the decision in cases and allows lawyers and civil society in general to appeal for its application in order to demand the full realisation of the right to food.

What are the elements of the core content of the right to food?

The Committee on Economic, Social and Cultural rights has identified specific elements of the right to food: adequacy, availability and accessibility, and sustainability as a cross-cutting attribute. These elements are closely bound to the obligations relating to the right to food, to the extent that when they are not fully guaranteed, they generate violations of the obligations of the right to food, to be explained as follows.

Adequacy

Food that people consume should be adequate not only in terms of its quantity but also in terms of its quality, for physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation.

According to General Comment No. 12 the concept of adequacy or food security “*Free from adverse substances*” sets requirements for food safety and for a range of protective measures by both public and private means to prevent contamination of foodstuffs through adulteration and/or through bad environmental hygiene or inappropriate handling at different stages throughout the food chain; care must also be taken to identify and avoid or destroy naturally occurring toxins.”

Availability

Availability refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand.

Accessibility

Food should be more than just available; people should have access to it in order to be able to consume it. *Accessibility* encompasses both economic and physical accessibility:

- **Economic accessibility** implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised.
- **Physical accessibility** implies that adequate food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly people, the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill. Victims of natural disasters, people living in disaster-prone areas and other specially disadvantaged groups may need special attention and sometimes priority consideration with respect to accessibility of food. A particular vulnerability is that of many indigenous population groups whose access to their ancestral lands may be threatened.

.....
It is important to clarify that accessibility does not only refer to food itself but also to resources to produce food, such as land, credit, seeds, water. This access should be complete and equitable.
.....

Additionally the three concepts are linked to the notion of „sustainability“, implying food being accessible for both present and future generations and incorporating the notion of long-term availability and accessibility.

Which State obligations arise from the right to food?

I. General Obligations:

In its doctrine the UN Committee on Economic, Social and Cultural Rights has recognized two kinds of obligations deriving from economic, social and cultural rights:

1. **Obligations of general legal character**, which are general obligations of immediate application and are:

- a. The obligation to take steps towards the progressive realization of the right to food using the maximum of resources available, in accordance with article 2.1 of the Covenant, with the Committee's General Comment No. 3 and No. 12, contains the legal duty to move as expeditiously as possible towards the realization of the right to food.

According to General Comment No.9 the obligation to take steps using all appropriate means includes legislative means and any other means necessary for the realisation of the right to food. This includes administrative, judicial or quasi-judicial remedies.

It is necessary to note that the principle of „progressiveness“ means that regressive action is prohibited - the State should not adopt regressive measures that affect the realisation of the right to food.

- a. **Obligation to ensure non-discrimination:** States should immediately guarantee that no individual is a victim of discrimination with regard to the right to food or productive resources on the grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, economic position, birth or other status with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of economic, social and cultural rights constitutes a violation of the Covenant.
- b. **Obligation to ensure international cooperation:** this entails the obligations of developed States to support other, less developed, States who lack the sufficient resources in their fulfilment of the obligation to fulfil the right to food.

2. Legal obligations of specific character:

- a. **Obligation to respect:** the obligation to respect requires States not to interfere with the existing access to adequate food. This obligation requires States not to take any measures that result in preventing such access. For example, States are legally obliged to respect people's access to productive resources.
- b. **Obligation to protect:** according to which States should adopt measures to ensure that enterprises or individuals do not deprive individuals of their access to adequate food; for example: States should control food production to ensure that it does not damage the health of individuals, adopt diverse measures so that people are not evicted from their land or avoid contamination of water
- c. **Obligation to fulfil:** the obligation to *fulfil* incorporates both an obligation to *facilitate and an obligation to provide the right*. The obligation to *fulfil (facilitate)* means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. The obligation to *fulfil (provide) the right* – according to General Comment 12 – means that whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil that right directly, to provide resources so that individuals may gain access to food or provide them with food (or money to buy food). This obligation also applies for persons who are victims of natural or other disasters.

Which principles are applied?

When designing and implementing public policies States should obey human rights principles, including:

- Equality and non-discrimination

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Another aspect that should be mainstreamed in the right to food is the aspect of gender, which requires States to pay special attention to the realisation of the right to food of women, to avoid public policies that could de jure or de facto discriminate against them.

- Priority attention to vulnerable groups
- Progressive realisation and prohibition of adopting regressive measures
- Participation and inclusion
- Transparency
- Responsibility, which includes the obligation of accountability.

The national implementation of the right to food and diverse branches of public power

The most appropriate ways and means of implementing the right to adequate food will inevitably vary significantly from one State party to another. Every State will have a margin of discretion in choosing its own approaches, but the Covenant clearly requires that each State party take whatever steps are necessary to ensure that everyone is free from hunger and can enjoy the right to adequate food as soon as possible.

States obligations arising from the right to food include the obligation to refrain from interfering with the fulfilment of the right, and obligations of positive action. Such steps to avoid unjustified interventions to the right, as well as obtaining the progressive realisation of the right, correspond to the three branches of government. In this sense:

- The legislator should refrain from adopting laws that affect this right, should introduce laws to secure the realisation of the right and eliminate laws that violate it.

States should consider the adoption of a framework law as a major instrument in the implementation of the national strategy concerning the right to food. The framework law should include provisions on its purpose; the targets or goals to be achieved and the time-frame to be set for the achievement of those targets; the means by which the purpose could be achieved described in broad terms, in particular the intended collaboration with civil society and the private sector and with international organizations; institutional responsibility for the process; and the national mechanisms for its monitoring, as well as possible recourse procedures. In developing the benchmarks and framework legislation, States parties should actively involve civil society organizations.

- the executive branch of government should design and implement public policy to achieve the realisation of the right to food and monitor its policies to avoid any violations.
- it is the task of judges to condemn violations consisting of the non-fulfilment of these obligations and to take steps to guarantee reparation of damage caused and ensure that violations do not reoccur, as well as refraining from decisions that violate the right.

According to General Comment No.12, any person or group who is a victim of a violation of the right to adequate food should have access to effective judicial or other appropriate remedies at both national and international levels. All victims of such violations are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition. National Ombudsmen and human rights commissions should address violations of the right to food.

Courts should be empowered to adjudicate violations of the core content of the right to food by direct reference to obligations under the Covenant.

When does a violation of the right to food occur?

The right to food is violated when a State does not fulfil its obligations to take steps, not discriminate, respect, protect and fulfil the right, causing damage to a person and the damage can be attributed to the State. The damage refers to elements of the core content of the right to food; adequacy, availability and access.

For example, when a State does not take necessary steps to facilitate small scale farmers' access to land or other productive resources, it is not fulfilling its obligation to facilitate the right and probably also does not comply with its obligations to guarantee access to resources or to implement the right to food without discrimination.

According to paragraph 17 of General Comment No. 12, violations of the Covenant occur when a State fails to ensure the satisfaction of, at the very least, the minimum essential level required to be free from hunger. Furthermore, any discrimination in access to food, as well as to means and entitlements for its procurement, on the grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of economic, social and cultural rights constitutes a violation of the Covenant.

How are public policies and violations of the right to food interrelated?

On the one hand: monitoring public policy may lead to the identification of specific violations or allow patterns of repeated violations to emerge – which in the most serious cases could create systematic human rights violations.

On the other hand: analysing cases of violation can serve to identify mistakes in public policy, serving as a useful source of information for monitoring and even for enforcing the grounds for administrative and judicial remedy.

a. Identifying violations during monitoring

As explained above, the obligation for the full realisation of the right as quickly as possible includes the obligation to adopt public policies or general strategies that establish specific programmes and the necessary institutions, including systems of guarantee, protection and facilitation for the realisation of the right. In the framework of adopting and implementing these public policies various types of violations might occur, which should be the object of administrative, judicial or quasi-judicial remedies. Therefore, violations of the right to food can be identified during monitoring:

- Failure to adopt adequate public policies
- Adoption or implementation of inadequate policies
- Total lack of or inadequate implementation of policies

In the most serious cases monitoring could lead to identification of grave or systematic violations caused by public policy or their absence. In such cases, special complaint mechanisms should be in place to provide immediate corrective measures by the relevant authorities.

.....
Grave violations would constitute severe abuse. For example violations of economic, social and cultural rights that would have negative impact on of the right to life, physical and mental integrity, and security of a person. E.g.: forced evictions by military forces that have caused injuries and deaths of various members of an indigenous community.
.....

Systematic violations would refer to the scale or prevalence of violations, or to existence of scheme or policy directing violations. Violations not amounting to the level of severity implied by “grave” may still be focus of inquiry if there is pattern of violations or abuses are committed pursuant to scheme or policy. For example: Fumigation policies that systematically cause water or food contamination and repeatedly affect diverse population groups and their right to food, health, and life insofar as they cause illness and even death.
.....

It should be taken into account that States have a level of selection in the adoption of adequate public policies. Therefore, determining violations is difficult and furthermore, in order to identify them initially during monitoring, it might be necessary to use documentations of specific cases that ensure necessary proof for the determination of a violation when a case is presented before administrative or judicial remedy mechanisms.

b. Case analysis as a source of information during monitoring

Analysing individual cases of violations can lead to the identification of specific patterns of violations that are constantly being repeated against certain population groups. Analysing these patterns can alert or serve to demonstrate:

- Lack, inefficiency or deficiency of a public policy
- Lack, inefficiency or deficiency of the implementation of a public policy

Monitoring can also serve as **an early warning system** in that it can demonstrate the risk of violation arising from the lack of application of a human rights perspective in public policies related to the right to food.

.....
In addition: *The claimants can use the monitoring results to demonstrate the context in which violations are created and the form of negative or positive State activity in the implementation of its policies is the cause of violations or contributes to a great extent.*
.....

Taking this relationship into account, we consider the use of cases of specific violations during monitoring the right to food to constitute a fundamental challenge to demand responsibility from the State in relation to the implementation of public policy.

Methodological clarification from the validation workshops

During the validation workshops of this monitoring tool, the participants made methodological recommendations, which will be recapitulated in the following section:

a. Concerning the national context

The national reports elaborated with the monitoring tool should include in the beginning a (brief) description of the social, political and economic context. This would allow the readers to understand better in which surrounding the questions are answered.

b. Concerning the causes of the states' failure to comply with standards and the recommendations to the States

If relevant and necessary, the organizations could include at the end of each guideline analysis an examination of the causes of the problems which were identified, as well as proposals for change or improvement.

These conclusions could be compiled at the end of the report, in order to present specific recommendations to the states in relation to all and each one of the subjects, and concerning the structures and processes relevant to the human right to food. This should enable to obtain better results in the realization of the human rights of all people.

c. Concerning the repetition of questions and cross-cutting issues

Some questions can be found in different guidelines. These repetitions are necessary since some organizations may decide to focus on the questions of one or only some guidelines. In this case it is important to avoid that important subjects remain unnoticed, although these questions are developed with respect to other Guidelines.

d. Concerning the introduction of new questions

All the additional questions suggested by the participants of the validation workshops were considered. Several proposed modifications were incorporated in the present version of the monitoring tool. However a few of them were not included because they were too detailed or just corresponding to special circumstances of the particular country. The monitoring tool is a guide. If the organizations which will use it consider it necessary to add information they should feel free to do so. In this monitoring tool we tried to obtain a comprehensive but not excessively detailed structure. This should permit to use the questions as guiding standards, which cover the themes of the guidelines, but can not be exhaustive and cover deeper subjects such as general democratic practices or structural deficiencies in the society or economy.

e. Concerning the introduction of violations

A great contribution that can be made by communities to this type of report is their testimony of the violations that they are facing or faced. With this support those who elaborate the report will be able to illustrate their information with respect to each guideline, with real cases of threats to the right to food or other violations under which the people in their country suffer.

f. Hunger as a structural problem

Although in a human rights perspective, the emphasis is normally put on the violations of the rights of the marginalized or vulnerable groups of the population, in many countries hunger is a structural problem. This is why the reporters will be able to make explanations in the introduction and the conclusion in which they can clarify the circumstances.

g. Access to information

Some of the questions in the monitoring tool might remain unanswered because of a lack of information available from the state. In this case, it is important to highlight this lack of information or the lack of access to it. Indeed, this will be the basis for recommendations in favor of the production of this information or in favor of its accessibility.

Part II: Monitoring the Right to Food

Guideline 1: Democracy, good governance, human rights and the rule of law

1. Are there legal guarantees for human rights norms around the right to food?

- Has the state ratified without reservations and incorporated into domestic law the ICESCR, ICCPR, and other international law relevant for the right to food?
- Is the right to food part of the country's constitution or legislation?
- Has the state ratified without reservations and incorporated into domestic law major humanitarian law instruments preventing the use of food as weapon or political pressure, such as the Geneva Conventions?

It is important to list here the main instruments available in the national legal right to food regime.

2. Does the state implement these standards (and conducts public affairs) with adequate participation of people threatened by or suffering hunger and malnutrition or the exclusion from resources?

The standards are listed in the introduction.

- Is there a pluralist parliamentary system or any other regime which guarantees the representation of a variety of political approaches in the country?
- Are women and ethnical minorities adequately represented in the state institutions at the central, regional and local level?
- Does the state take into account the rights-holders while designing, implementing and monitoring public policies aiming at the promotion of the right to food? (this question relates to the ones formulated under Guideline 5).
- Does hunger and malnutrition prevalence in the country correspond to regions which have a different political status or to groups who are ethnical, political and/or social and economic minorities?
- What is the degree of independence of the judiciary?
- Is there an effective freedom of the press in the country?
- Do local, regional and national media especially follow the food issue in the country? What is their role in addressing the problem?

Key indicators to answer this question could be the number of different news paper and other media in the country, as well as the possibility to express opinions divergent from the official information channels; information like the number of journalists who have been imprisoned or harassed for the position taking is also a crucial element.

Are there any anti-corruption policies in place and are there adequately equipped with human, financial and technical resources?

3. Has the state established and implemented mechanisms to ensure the protection of right to food defenders and the persecution of attacks against them?

- Are there policies and programmes in place which guarantee access to justice for all, including measures to enable social and economical access to legal assistance?
- How many attacks against right to food defenders have been brought to the courts and in how many cases did the courts bring adequate redress?

Guideline 2: Economic Development Policies

1. Are there national policies aiming at socio-economic and/or sectorial development strategy which entail aspects relevant for the right to food?

- Is there a plan with benchmarks or goals that can quickly measure progress towards the full realisation of the right the food?
- Are there monitoring systems of the state or of citizens which enable to appraise the impact of policies and programs in favour of the right to food?

Concerning monitoring, please also refer to questions under Guideline 17

- Is there a law in the development framework with a human rights perspective?

A framework law based on human rights is important to settle a general context taking into account principles, objectives and strategies. This context should orientate all national laws relevant for the right to food. Thus, when a law is contrary to what has been settled in the framework law, it shall be changed to comply with the framework law. This help to solve conflicts between contradictory norms.

In a human rights perspective, a framework law should give a greater coherence to the national legal system in the field and contribute to the effective implementation of the right to food at the national level. It should be checked whether this law contains these aspects in the national strategy mentioned above, whether there was a participative process to ratify this law and whether legal action can be taken when this law is not upheld.

2. How has the food and nutrition situation of the most vulnerable groups developed (in comparison to the changes in the socio-economic development of the country)?

When a country has figures which demonstrate the development and economic growth but fail to correspond to an improvement of living conditions of the most vulnerable in the population, in particular to the realisation of the right to food, it proves that states are not complying either with their obligations under international law or with the international standards of the right to food.

- Is there sufficient information on the situation of malnutrition at the national level and on the lack of productive resources? Is there information that gives a clear overview of these risks?

The information should identify those affected using simple and transparent indicators with disaggregated data according to region, social class, gender and vulnerable groups.

If the information is not available to the public, organisations can petition the government to provide such information. The lack of information or the unwillingness to provide it can be recorded in the corresponding report in order to illustrate which type of information is required or has not been made available.

- During State assessment of the right to food, have groups affected by violations of their right to food been consulted?
- Have the causes of nutrition vulnerability or lack of access to productive resources been analysed? Is there documentation to evidence this?

3. Has the situation of vulnerable groups improved after the implementation of the latest development plan or policies?

- Has the food and nutrition situation in specific sectors improved or deteriorated? Have the excluded groups been covered by social transfer programmes? Which statistics show this?

For example, the following can be analysed:

- *whether the situation for small-scale farmers has improved due to development policies directed at them or if these have only benefited the agriculture business;*
- *whether policies for promoting fishing have improved the fishers' right to food situation or if these have only benefited the fishing industry*
- *whether development policies have only improved the situation of large companies and have kept farmers and fishers in a vulnerable position*

Analyzing such information enables confirmation of whether the development policies are contrary to the State's human rights obligations due to discriminatory effects in the policies. Such information should be included in the report.

- Have the most recent development policies or plans led to an improvement in the most vulnerable groups' access to productive resources in rural areas such as land, water, seeds and credit?

Most of the time, development plans contain policies on access to resources that only benefit large producers. As a result, it is necessary to analyze the outcomes of such policies with regard to the most vulnerable groups and whether they have really improved their access to resources or if the development policies have only served to strengthen powerful groups and weaken vulnerable groups. In the context of planned economies, the 5 or 7-year plan shall be analysed through the lens of the right to food. Benchmarking within these plans shall be of great help to monitor progress and consistency with human rights commitments and obligations.

- Are there laws or rules which endanger the access of people to food or means for its procurement?
- Has the state initiated or tolerated adverse interventions against areas or territories of peasant economy dedicated to food production?
- Has the state initiated, promoted or directly developed so-called productive or developmental projects which are detrimental to territories and/or resources of peasant communities, indigenous people or other ethnic or racial minorities?

Guideline 3: Strategies

1. Is there a national strategic plan for the realization of the right to food? If yes, is the national strategy for the realisation of the right to food a top priority within the State's activities?

Let us not forget that the States must take measures to realise the human right to food by using their maximum available resources. The right to be protected from hunger is a fundamental human right; it is a condition (along with the right to life and right to water) for all other human rights. Therefore, it is of absolute priority. The only exception is the necessary steps to maintaining the operation of the State – as a condition of fulfilling their own obligations.

- Which indicators show that the national strategy for the realisation of the right to food is a top priority?
- Which proportion of the gross national product has been allocated for the implementation of the right to food and for the implementation of the national strategy? What is the proportion designated for the national strategy compared to other parts of the national budget? And compared to other countries?

A more specific explanation on the analysis of the national budget is included in guideline no. 12.

- Does the strategy foresee any measures particularly aimed at improving the situation of the poorest and most defenceless people (children, elderly, women, indigenous peoples)?
- Have clear strategies, resources and institutional capacity been foreseen in order to cope with situations of food emergencies caused by natural disasters, armed conflicts, forced evictions and massive displacements of refugees, etc?

On catastrophes, please also refer to Guideline 16

- In cases where no strategic plan for the realization of the right to food exists, which efforts have been undertaken by the state to elaborate a strategic plan for the right to food? Is it a priority?

2. In case there is such a strategic plan, do the State institutions effectively implement it in a human rights perspective?

- Do the State authorities that are responsible for the right to food know and accept the strategy?

The question is whether authorities such as the ministries of agriculture, social justice, development, commerce and economy as well as institutions attending to minors and women, institutions for agricultural funding, and others, beyond simply knowing about the strategy, accept it as a part of their duties and responsibilities and integrate elements of it into their work. Or, whether, on the other hand, they regard it merely as a written document that it is not necessarily part of their responsibilities.

- Are citizens able to participate in the implementation of the strategy from the moment it is adopted?

It could be analysed whether there are round table discussions, channels of information on how someone can register for specialized programmes, whether mechanisms are in place to complain about inefficient implementation or for proposing changes and whether the media report on the ways the strategy is being implemented.

- Are mechanisms available to citizens to demand the implementation of the strategy? What type of mechanisms are these?

It needs to be determined whether those involved in the implementation of the strategy can request that it be enforced or that at least nothing works against the strategy. The complaint mechanisms can be on an administrative and/or legal level or launched before national human rights institutions such as ombudsmen or human rights commissions.

3. Has the strategy had effective results?

- In cases where the strategy establishes benchmarks and milestones, are the latter reached?

You can also analyse improvements concerning concrete aspects of the strategy: for instance access to credits, to productive resources, to public services, quality of food.

- Has the number or percentage of those suffering from hunger or under-nourishment decreased since the implementation of the strategy?

This indicator can be even more useful if the data is disaggregated by rural and urban areas or according to vulnerable groups or regions.

- For people in the most vulnerable groups, has their access to resources and social transfer programmes improved since the strategy was adopted?
- Has the strategy made a positive impact on the access to food and resources?

If the strategy has set out specific goals through benchmarks, it can be verified if these goals have been realised. For example, if it proposes to cut the number of undernourished in half within 5 years or if the government's proposal is to reduce the number of farmers without land by 25% in the next two years, the data can show if the goal is being achieved or if, on the contrary, the strategy has not served to meet the goal.

- Since the strategy was adopted, has the media reported on obstacles or progressive measures with regard to the realisation of the right to food? Alternatively, is there opposition to showing real violations of the right to food?

Guideline 4: Market Systems

1. Has the state adequate laws in force to improve the functioning of agricultural and food markets?

- Do market systems exist?
- Does the state have policies to regulate market systems and corresponding institutions to implement these regulations?
- Are there specific laws in force that give special credit facilities to smallholder peasants, rural labourers without land, in particular women, taking into account the difficulties that they face to comply with standard requirements of the financial market?
- Are there laws in force that protect smallholder peasants from unfair competition with subsidized and cheap imports which endanger their access to local and regional markets?
- Are there laws in force to guarantee access to seeds, fertilizers, production and transportation infrastructure, market information and marketing facilities to smallholders?
- Are their laws and institutions in place to avoid excessive market concentration at all levels of the food chain which might endanger access to market by local smallholders?

2. Does the state effectively implement fair trade regulations to guarantee the adequate functioning of the market?

- Which policies and programmes are in place to promote the development of local regional and national markets and to enhance the access of small-scale producers to all these levels?
- Which percentage of women benefit from these programmes?
- Are victims of unfair trade practices able to claim protective and support measures of state authorities and reparation of the damages?
- Does the government allow for a participatory agricultural and agrarian policy definition and monitoring?
- Do governments allow for effective consultation and participation of local food producers in the negotiations of agricultural trade regimes when it affects local food production?

3. Do the measures taken by the state improve the access to markets of smallholder peasants, in particular women?

- Have local smallholders been able to sustain or improve their production, incomes and market share in the recent years?
- What kind of import policies does the state have? And what is the proportion of imported products compared to locally produced food?
- Which percentage of smallholder farmers, in particular women, has access to credits?
- Which percentage of smallholder farmers, in particular women and small traders, participate in the whole food market?

4. Does the state have institutions and mechanisms to hold private actors, especially trans-national companies working in the field of food production and distribution accountable?

- Does the state have legal mechanisms in place to exercise this control?
- Where relevant, does the state have an OECD contact point? If yes, does this have adequate funding, staffing and mandate?
- What is the position of the state concerning UN instruments for accountability of private actors such as the Global Compact and the Human Rights Norms for Business?

Several international instruments exist which try to improve accountability of private enterprises for human rights abuses. The implications and implementation of these instruments can vary from country to country. One of those instruments is the Guidelines of the Organisation for Economic Cooperation and Development (OECD) for multinational enterprises. The implementation of the Guidelines is promoted and monitored by the so-called National Contact Point (NCP). NCPs are governmental entities in charge of making the Guidelines known, collecting information on national experiences with the Guidelines, but also to deal with enquiries and help finding solutions. Both individuals and organisations queries can be handled by NCPs. To know more, please visit: http://www.oecd.org/document/3/0,3343,en_2649_34889_1933116_1_1_1_1,00.html

The UN Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights were adopted by the UN Sub-Commission on the promotion and protection of human rights in 2003. They aim at defining and promoting the responsibilities of business with regard to principles enshrined in international humanitarian and human rights law. They also set forth provisions for the integration of those internationally accepted principles into day-to-day activities (including contracts) of business enterprises. To know more, please read: <http://daccessdds.un.org/doc/UNDOC/GEN/Go3/16o/o8/PDF/Go316o08.pdf?OpenElement>

The Global Compact was launched in 2000 and is a voluntary initiative involving UN institutions, governments, business and civil society functioning as a network to promote principles of accountability, transparency and partnership in the field of labour, environment and human rights. The Global Compact is very weak in terms of monitoring mechanisms. However, communications on progress do exist and firms that do not “play the game” will be publicly named. To know more, please visit: <http://www.unglobalcompact.org/>

Guideline 5: Institutions

1. Does the State have competent and efficient institutions specifically designed to implement the right to food?

- Which specific institutions at the national level are responsible for implementing the programmes and policies related to the right to food?

It is necessary to determine whether there are specific ministries or other sectorial organisations, for example those responsible for child food security, institutions for agrarian reform, consumer protection agencies etc.

- *What are the competent institutions at a regional level?*
- *What are the competent institutions at a local level?*
- *Is there coordination between these institutions?*

*One of the largest problems in implementing the right to food is the lack of **coordination between entities**. Frequently, when a person wants to claim her rights it is not clear who is responsible and in the end there is either no one to file the claim or the process is duplicated. Therefore, it is important that the national institutions coordinate so that they can maintain a clear overview of responsibility distribution and look for systematic solutions to*

any problems that should arise. Coordination could be in the form of inter-ministerial councils or round tables; between institutions at given level, for example between ministries, or between institutions at different levels.

- Do these institutions have a mandate to promote, mainstream or monitor the implementation of the right to adequate food within the administrative and governmental framework and within society as a whole?

2. How do the institutions carry out their responsibilities with regard to the right the food?

- Do the civil servants and officials in the competent institutions know and accept the right to food as fundamental human right?

This question can be studied further by establishing if certain educational and qualifying mechanisms are in place for civil servants with regard to human rights and especially the right to food.

- Are there complaint mechanisms in place in order to challenge administrative decisions that have a bearing on the right to food? Are these effective and accessible?

Although it is often the case that the right to petition exists in order to request that measures be undertaken which are part of the responsibilities of a certain institution, it is not uncommon to find that civil servants refuse to accept or resolve them or quite simply they archive the appeal. The civil servants' unwillingness to cooperate obstructs the fulfilment of rights when in fact they could play a key role in resolving them. It is important to collect testimonies of those individuals and organizations that can provide evidence of the public authorities' reluctant attitude, thereby demonstrating the need to improve training programmes in this matter and to raise awareness of these deficiencies in administrative activities.

- Do the institutions have the necessary human, economic and technical resources in order to carry out their mandate?

It is important to know whether the responsible persons within the public entities have the training, competences, resources and equipment necessary in order to be able to carry out their work. If not, it is only a façade that does not work.

- Do the institutions effectively implement public policies and strategies on the right to food?

In order to find out if the authorities really implement the policies, information can be requested concerning the progress of the implementation of the strategies. If the request is denied, this can be included in the monitoring report and can serve as proof of the reluctance or negligence on the part of the respective authorities.

- Have anti-corruption measures or policies been adopted in the responsible institutions?

3. Do these institutions have mechanisms for civil participation?

- Are there specific channels or forums in which citizens can play a role in the processes that have a bearing on their right to food?

If more information on the topic of participation is desired, please see the illustrated list of questions relating to guideline no. 6.

Guideline 6: Stakeholders

Stakeholders are all those people or organizations who have an interest in the realization of the right to food. Parts of those are the holders of the right to food, thus everyone. Also stakeholders are the international civil society organizations, governmental organizations including national human rights institutions which support the rights holders.

1. Are there regulations in place, which foresee the participation of stakeholders in the designing, implementation and monitoring of right to food policies and strategies?

- Are there official mechanisms in place for diffusing information on the decision-making processes currently being planned?
- Are there mechanisms of consultation in place to augment the processes of drawing up public policies by providing knowledge and opinions from diverse social sectors, thereby taking advantage of their experiences and expertise?
- Do the holders of the right to food or their representatives have active participation in the design, the implementation and the monitoring of the right to food policies and strategies?
- Are there mechanisms to motivate the stakeholders to participate in the mentioned process?

2. Do the responsible authorities, in practice, consult the stakeholders when adopting decisions that can have a bearing on the right to food, including national food security?

- Are there mechanisms of consultation? If so, are these really used and have an impact on the decision-making-process or are they just a simulative process for legitimizing actions of the state which are in fact against the interests of the owners of the right?

The question is whether NGOs/CSOs have been informed in recent years about the processes and if they were asked to take part in the decision-making processes.

- Are diverse social sectors included in the processes of consultation or is it limited to few very sectors?

A process can be improved if the experiences of grassroots organisations are combined with ideas from academics, with contributions from human rights organisations or from diverse economic sectors that have an interest in the policies. Multi-stakeholder processes may lead to policies being legitimate and implemented without setbacks. If policies are not designed with a multi-stakeholder approach, many obstacles to their implementation may arise, particularly from those who could be involved and were not consulted beforehand.

- Have the stakeholders' contributions really influenced the policies related to the right to food?

Based on their experiences, NGOs/CSOs are able to analyse whether participation in the consultation processes have had an effect on decisions or on the ways policies are designed, or whether, in practice, they are only a formality. If it is often the case that consultations have been merely a formality, this information needs to be presented in the report. This practice can be shown by describing the cases in which it happened.

3. Are there systems of information on a large scale that provide every stakeholder with information on political decisions that have a bearing on the right to food?

Systematic information is understood as the activation of written or spoken mechanisms which allow a transmission of facts or clear, concise and objective information about the right to food from the people who generate the information to the right holders and other stakeholders.

- Are there channels of information between the competent authorities?
- Are those accepted and well known in the civil society?
- Is it possible for civil society to use these channels of information or communication?

It is possible to check whether these channels are used effectively to release statements, conduct forums, and diffuse information through the media and whether this information is accessible to the stakeholders.

- Is the media often used to diffuse information on political decisions related to the right to food? Is the topic unknown in the media?

It is possible to check whether there is information on this matter and whether this information is accurate. The lack of information can be shown by attaching newspaper articles in which the information on the policies' effects is incomplete or in which misconceptions are generated on the matter.

Guideline 7: Legal framework

1. Does the State have legal framework recognizing the right to food?

- Has the State ratified the ICESCR and other international instruments on human rights enshrining the right to food?

Not only the ICESCR, but also other treaties, recognize the right to food as a human right that generates obligations for States:

- CEDAW: Convention on the Elimination of All Forms of Discrimination against Women
- CRC: Convention on the Rights of the Child, 20 November 1989
- CRMW: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- Indigenous and Tribal Peoples Convention, 1989

- *International Labour Organisation conventions*
- *Convention on the rights of persons with disabilities*

- Has the State incorporated the international instruments in its legal system?

If the studied State belongs to those that require a law to enforce treaties in the domestic legal system, the person carrying out the monitoring should find out if the corresponding domestic regulation has been issued.

- Have laws on the right to food or on food security been issued? Or, do other laws include a reference to the right to food?

Although the right to food is a human right and should therefore be immediately enforceable, its implementation is often easier in cases where framework and sectorial laws give competencies to specific authorities and indicate how these authorities can fulfil their human rights obligations. Firstly, the idea is to see if this type of law already exists. Only afterwards can the analysis regarding compliance with international human rights standards be carried out.

Laws including provisions related to the human right to food include, for example:

- *Agrarian reform laws: They establish the access to resources that people living in rural areas need to produce food.*
- *Tax laws: They can include tax benefits for the most vulnerable sectors of the population, such as tax exemptions and exclusions or incentives for production.*
- *Public services legislation: Water is not only a natural element required for human survival, recognized as a human right, but it is also needed to cook. Energy is likewise needed to cook. Public services legislation can foresee specific regulations on special rates to enable the access of the most vulnerable groups of the population and thus facilitate the realization of their right to adequate food.*
- *Laws on children, elderly and women: They can include provisions on the access to food security networks that supply food to the most vulnerable groups, in order to provide them the minimum necessary to live.*
- *Consumer protection laws: They can establish specific provisions on food production or marketing conditions for safe and adequate food.*
- *Budget laws: They can provide specific allocations for the implementation of policies and strategies related to the right to food.*

The existence of right to food regulations can be positive, if these intend to guarantee the respect of this right, but also negative if they incorporate provisions hindering the realization of the right to food, discriminatory provisions or regressive provisions for they diminish the achievements accomplished. For this reason, the second step is to analyze whether the legal specifications are in accordance with the human rights obligations of the State.

- Are there any constitutional or legal reforms which weaken or nullify norms in favour of the right to food?
- Are laws being passed that negatively affect the realization of the right to food?
- Are there norms that enshrine precautionary principles in order to avoid the entry, marketing, use and consumption of food items that are of questionable quality?

2. What administrative and judicial remedies are available? Are they accessible and effective for the protection of the right to food?

Remedy mechanisms must be physically, economic-socially and culturally accessible. In this case, the question is not only whether there are remedy mechanisms in the law but whether the persons can actually go before the tribunals because: they know they exist, they can access the places where the complaints are submitted or they can send them by other, not very expensive means, they have legal assistance and are not prevented from gaining legal assistance due to their social condition and language problems. If these conditions are not fulfilled, these mechanisms are useless.

Mechanisms are efficient when the authorities provide an effective response and take steps to solve the human rights violations whenever they consider that the violations derive from their act or omission. If complaints are not solved, mechanisms are not efficient and are, once again, useless.

- Which administrative remedy mechanisms are available?
- Are free advisory services available?
- Is it very expensive to submit complaints?
- Are complaints effective?

The objective is to find out or try to illustrate the general conduct of the authorities when they know about complaints. If an organisation can prove what proportion of the complaints submitted has not been solved, or can prove that the average time needed for responses is too long, the inefficiency of the remedy mechanisms and of the fulfilment of the State obligations will be proven.

- Are discriminatory practices used in resolving submitted complaints?

Even if it is difficult to present statistics on this matter, there are other methods to illustrate discriminatory conducts, such as testimonies or the collection of cases of violations where complaints are never solved for a specific group of persons, for example, a specific ethnic minority, people in special poverty conditions, or persons living in a specific region. Information should be as precise as it can possibly be and those documents showing the negligence of the competent officials on the solution of the complaints for specific cases of violations should be annexed.

- What are the main obstacles which impede the access to recourse mechanisms?

If the information concerning the legal framework is not accessible, for instance concerning lower regulations in the hierarchy of norms, the organisations can highlight this difficulty in order to emphasize the lacking publicity of the law.

3. How many demands or actions have been submitted to the constitutional jurisdiction or to the competent tribunals against violations of the right to food in the last year?

- How many complaints have been rejected and in which jurisdiction?
- In how many cases have there been favourable decisions?
- How many decisions have been implemented in a reasonable period?

If this type of information has not been compiled or is not accessible, this should be noted in the report.

Guideline 8: Access to resources and assets

The part of the present tool on Guideline 8 is much longer than the ones concerning other Guidelines. The obvious reason for this is the length of Guideline 8 itself. The fact that the latter is that long, detailed and elaborated shows that access and control to resources and assets is of crucial importance for the realization of the right to adequate food. Indeed, on the one hand, peasants and small food producers undoubtedly have a vital role to play in feeding the world and producing adequate food in a sustainable manner. On the other hand, they are also the ones who suffer the most hunger and chronic malnutrition. In this context, policies concerning access to productive resources such as land, seeds and water deserve a specific and careful monitoring.¹

1. Which constitutional and other legal provisions exist to guarantee and enforce the right to natural resources (land, forests, fisheries, water, etc.) and the right to productive resources (capital, access to appropriate technologies, access to information, extension services) of rural communities?

- Which legal provisions are in place to rule out forced evictions? How are issues like adequate compensation, resettlement and restitution safeguarded in constitutional/legal provisions?
- Are the rights to land and territory of indigenous peoples and other ethnic groups recognized at the national level?
- Are communal, collective and customary rights to land and natural resources adequately recognised?
- Number of people killed, arbitrarily detained, harassed and persecuted because of claiming their rights to natural and productive resources in the last 5 years.
- Number of cases received, investigated and adjudicated in courts and other relevant institutions concerning crimes committed against rural leaders claiming their rights to natural and productive resources in the last 5 years.

2. Do women have the right to inherit and possess land and other property? Do women or any rural group suffer discrimination in the entitlement to natural resources rights, to productive resources rights, to labor rights? Do customs/customary laws exist that denies women's equal entitlement to natural and productive resources rights?

- Which mechanisms exist for women, peasants, indigenous peoples, fisherfolks, pastoralists and all rural communities to participate in the formulation, adoption, implementation and monitoring of agrarian and rural development policies?
- Which policies and programmes are in place to develop non-agricultural activities in rural areas which foster an integrated rural development and create opportunities for employment that benefit women and the rural poor?

¹ For detailed indicators and monitoring, please refer to the proposal by civil society for monitoring guidelines to be established in the context of the follow-up to the International Conference on Agrarian Reform and Rural Development, March 2006 in Brazil, document accessible at www.fian.org

3. What measures have been taken to protect all people affected by HIV/AIDS and other diseases against the loss of access to resources and assets?

Guideline 8A: Labour

4. Is it possible for peasants, small-scale farmers, fishers, foresters and other food producers and persons belonging to vulnerable groups in urban areas, particularly women, to earn a fair return from their labour, capital and management?

- Average income of rural households and persons (disaggregated by gender and if it is necessary by region).
- Income needed in rural areas for meeting basic needs
- Are there changes in the labour legislation which worsened the labour conditions of the rural and urban population, affecting also their access to food or productive resources?

5. Is the freedom of association and to right to organise in trade unions effectively guaranteed by the state?

- Number of independent and autonomous organizations of rural peoples.
- Percentage of rural people organized in independent and autonomous organizations.

6. Which policies and programmes are in place to develop non-agricultural activities in rural areas which foster an integrated rural development and create opportunities for employment that benefit women and the rural poor?

- Has the state carried out education processes for people who produce food?

7. Is there a labour law which has a negative impact on the access to resources that allow people to provide for themselves?

8. Is the labour legislation sufficient to prevent discrimination or limitation in the access to workplaces for pregnant women or for labour force over the age of 30.

Guideline 8B: Land

9. In countries where substantial reorganization of land tenure and land redistribution to landless peasants and smallholders is needed, which policies and programs are in place to effectively broadening sustainable and secure access to and control over land and related resources?

- Number of landless and near landless households.
- Percentage of a certain rural group (women, indigenous peoples, ethnic groups, fishers, forest communities, pastoralists, dalits, etc.) without or with insufficient access to and control over land and related resources.
- Percentage of landless and near landless households benefiting from governmental access to land programmes.
- Percentage of a certain rural group benefiting from governmental access to land programmes.

10. How secure is the land tenure of rural people?

- Number of persons (disaggregated by gender) forcibly evicted from rural land within the past five years.
- Number of evicted people adequately compensated and resettled (disaggregated by gender) within the past five years.
- Number of cases of land grabbing and illegal appropriation of natural resources of rural communities within the past five years.

- Percentage of rural people involved in conflicts over land and natural resources within the past five years.
- Loss of land suitable for agriculture, forest and fishing grounds due to non-ecological reasons within the past five years.
- Are there mechanisms to secure the belongings of people affected by forced eviction?

11. Which measures have been taken to safeguard the right of the indigenous peoples, pastoralists and nomadic peoples to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities?

- Percentage of indigenous land demarcated.
- Is the right of indigenous peoples to prior and informed consent about any project in their territories and traditional lands being respected?
- Are the procedures established by the indigenous peoples for the transmission of land rights among members of these peoples respected? Are these procedures discriminatory against women?

12. What are the mechanisms for inter-sectorial coordination to ensure the concerted implementation, monitoring and evaluation of agrarian reform and rural development policies and programs?

13. Which are the administrative, quasi-judicial and judicial mechanisms to provide adequate, effective and prompt remedies accessible to rural communities when their rights to natural and productive resources have been violated?

- Number of people killed, arbitrarily detained, harassed and persecuted because of claiming their rights to natural and productive resources in the last 5 years.
- Number of cases received, investigated and adjudicated in courts and other relevant institutions concerning crimes committed against rural leaders claiming their rights to natural and productive resources in the last 5 years.

Guideline 8C: Water²

14. What constitutional and other legal provisions exist to guarantee the right to water of rural communities?

- What is the coverage of services, in particular those related to clean drinking water, adequate sanitation, and irrigation?
- Percentage of rural population with access to each of the different services (technical assistance, rural credits, capacity building, health, education, clean drinking water, adequate sanitation, irrigation, energy)
- Percentage of a certain rural group (i.e. women, indigenous people, peasants, fisherfolks, forest communities, ethnic groups, pastoralists, etc.) with access to each of the different services.

15. Are there bills or laws which limit the access to and the use of water by the rural or urban communities, especially for the food producers in indigenous villages or other ethnic communities? Maybe in favour of others who benefit from greater economic power?

16. Are there violations of the right to water? Are there social conflicts caused by an inadequate management and administration of water resources?

Guideline 8D: Genetic resources for food and agriculture

² For detailed indicators and monitoring, please refer to Global Issue Papers from 14 March 2005, "Monitoring Implementation of the Right to Water: A Framework for Developing Indicators", COHRE, accessible at: www.cohre.org/store/attachments/Right%20to%20Water%20Framework%20for%20Developing%20Indicators.pdf.

17. Do state programs that aim at preserving biodiversity and the conservation of local and traditional species and crops exist?

18. Which measures have been taken to safeguard the right of the indigenous peoples, pastoralists and nomadic peoples to use and control their traditional seeds and knowledge?

19. Do measures exist to prevent the control by private actors of local seeds and races?

20. Is there any control on food imports and aid that enable to avoid the contamination of local seeds by genetically modified organisms?

21. Does the state apply a precautionary principle to ensure that the products that enter the country are of adequate quality?

Guideline 8E: Sustainability

22. Has the land suitable for agriculture been degraded? Have these damages affected the right to food for peasants or for particular ethnic groups?

- What is the percentage of loss of surface suitable for agriculture caused by ecological degradation?
- What is the percentage of loss of fishing grounds, forests and range land caused by ecological reasons?
- Which is the percentage of a determinate rural group (e.g. women, indigenous communities, peasants, fisher communities, ethnic groups, shepherd...) which has lost its access to land, water, fish, forestry caused by ecological damage?

23. What national policies, legal instruments and help mechanisms exist to protect the economic sustainability and the carrying capacity of environment?

24. What policies have been approved for assuring the capacity for increasing and sustaining the capacity of aliment production for the coming generations?

25. What measures were adopted for the prevention of the contamination of water, the protection of the fertility of the earth and the promotion of sustainable handling of fishing areas and forestry?

Guideline 8F: Services

27. What is the coverage of services, (in particular those related to rural production and commerce, technical assistance, financing, capacity building, health and educational measures, infrastructure and institutional support) for rural women, peasants, small-scale farmers, fishers, foresters, indigenous peoples and urban vulnerable groups?

- Percentage of rural population with access to each of the different services (technical assistance, rural credits, capacity building, health, education, clean drinking water, adequate sanitation, irrigation, energy)
- Percentage of a certain rural group (i.e. women, indigenous people, peasants, fisherfolks, forest communities, ethnic groups, pastoralists, etc.) with access to each of the different services.
- Which percentage of the vulnerable urban groups has access to public services like water and electricity? And other services that are fundamental for the realization of their right to food like education or health care?

28. Which policies and programmes for applied research, technology development and transfer are in place to meet the needs of small-scale and traditional fishers and farmers, particularly women, family agriculture, and other smallholder producers as well as traditional rural communities and indigenous groups?

29. Which policies and programmes are in place to develop non-agricultural activities in rural areas which foster an integrated rural development and create opportunities for employment that benefit women and the rural poor?

Guideline 9: Food safety and consumer protection

1. Are there legal regulations available on consumer protection?

- Are there constitutional, legal regulations or administrative acts on consumer protection?
- Are these in accordance with the human rights principles of adequacy, availability and accessibility?

Regulations on quality must not only refer to the processes of food production and treatment, but also to standards guaranteeing that food is free of contaminants, is not a health risk nor promote disease transmission.

- Are there provisions on the quality conditions that have to be fulfilled by food producers and distributors in order to ensure that the food is safe?
- Are there regulations on the food information that producers and distributors have to provide to consumers?
- Are there policies to ensure the adequacy of food available for public consumption?

It should be determined whether there are regulations according to which producers and distributors label food indicating:

- *whether the food has contaminants, contamination risk or disease transmission*
- *whether the food has been subjected to insecticides or pesticides during the production process*
- *whether the food has undergone specific chemical or biological processes, like in the case of genetically modified food.*

- Do laws exist for the protection of mothers and babies against the publicity for the substitution of breast milk?
- Are there norms for the control of publicity existing to avoid the practices of food import which discredits and harms the national food traditions?

2. Are there institutions in charge of supervising the quality of food (in the processes of production, storage, distribution and marketing, and consumer protection)?

- Do these institutions have competence to control food quality, in order to confirm food safety, and to control prices and marketing conditions in order to protect and enable access to food?
- Do these institutions implement the practice the food control so as to avoid contamination risks or disease transmission?
- Do these institutions control the food distributed among the most vulnerable groups through food networks and do they guarantee transparency?

3. Do consumers actually receive appropriate and valid information on food, its nutritional value and the possible health risks it can entail? Or do they receive information on the best ways to use and prepare food?

- Is there information dissemination on food additives, contaminants, veterinary drug residues, pesticides and microbiological risks?
- Are there educational systems open to the public with regard to safe practices for producers and consumers?
- Are there specific information processes on quality standards for food producers and marketers? Are they actually in place and accessible?

4. Do people have the possibility to complain before the respective institutions about irregularities on food or food marketing conditions that prevent their access to food?

- Are there specific administrative or judicial remedies to denounce the commercialization of harmful food?
- Are there administrative and judicial remedies to denounce false information or lack of nutritional information of food available at the local level?
- Is there a register of the attended cases? What are the results?
- Are there sanctions for those who transmit false information about food, act with fraudulent intent or commercialize harmful food?

Guideline 10: Nutrition

1. Are there institutions in charge of promoting an adequate level of nutrition among the population?

The promotion of adequate nutrition includes information to encourage adequate habits regarding: food consumed, food preparation, promotion of breast feeding, information on adequate food needed by each person according to her age group, sex, occupation and other cultural conditions.

- Do these institutions have enough human, economic, administrative and technical resources to perform their work?
- Do these institutions manage to cover the whole national territory? Or is this coverage limited to certain regions? If so, to which and for which reasons?
- Do these institutions satisfy also the right to food needs of the most vulnerable groups? And, do they have the required capacities to communicate with these groups?
- Do these institutions have access to communication media enabling them to make their message known?

2. Do State policies include programmes or projects aimed at confronting the different nutritional problems of the various social groups?

- Are there special programmes to detect the nutritional problems of the most vulnerable groups and the causes of these problems?
- Are there information systems that register disaggregated data, thus providing the responsible authorities with an overview of the nutritional problems of the different population groups and regions?
- Are programmes being carried out to solve the causes of inadequate nutrition among the most vulnerable groups?

Some examples:

* For a group of **displaced peasants**, the reason for malnutrition can be the lack of access to productive resources, like land or seeds, which prevents them from producing their own food. In this case, the authorities responsible for nutritional issues could have a food supply programme, complemented by a system on case submission to the agrarian authorities, who would then search for a solution to the access problems.

* In the case of **indigenous peoples** who live on fishing, hunting or gathering, the problem might be caused by private actors preventing the access to the territories where the indigenous peoples carry out these activities. In such a case, not only a temporary food supply and the access to a health system should be guaranteed, but also the submission of the case to the authorities responsible of indigenous matters, in order to achieve a sustainable solution.

* Another case can be the lack of access to potable water in **favelas or slum areas**, where there is no water supply. The consumption of stagnant or non-drinkable water generates intestinal infections and therefore prevents the absorption of nutrients. The authorities responsible for nutritional matters should, in this case, submit the case to the State authorities responsible for water supply and adopt the required measures for the supply of drinking water until the question of access is solved, as well as foresee purification systems and educational programmes on consumption and collection practices.

* Another case can be the **malnutrition of girls and women**, as a consequence of the unequal food distribution within the family, where gender discrimination is the cause of malnutrition. In this case, the institution should offer educational programmes on consumption habits with a gender perspective.

* Another case can be the **deficiency of certain minerals or vitamins within a population group or region**. Programmes on food enrichment with iodine, iron or vitamin A can have a positive effect in nutrition.

* In case of **people infected with AIDS**, the effects of the disease can worsen due to the lack of access to appropriate nutritional programmes. In this case an evaluation is required to see if there are specific programmes for groups infected by HIV/AIDS

In order to illustrate this situation, cases could be registered which show violations to specific groups resulting from the lack of measures taken by the authorities responsible for nutrition issues or from the absence of inter-institutional coordination.

- Are there monitoring mechanisms that enable the early detection of disease or death risks due to malnutrition?

Monitoring mechanisms imply the access of social workers or health care professionals to the most marginal areas to identify urgent cases. Other examples of risk detection instruments are the information systems in hospitals, health care centres, nursery schools or homes for the elderly, which enable the management of this type of entities to report on risk cases or even have databases to detect the tendencies of a specific population group.

- Are there accessible and effective mechanisms based on health assistance and food supply to address cases or people with a high malnutrition risk?
- Are there educational programmes on nutrition topics oriented to women and community leaders that make effective an equitable access to food to all family members and to a specific community?
- Are there educational programmes to prevent excessive or unbalanced food consumption provoking malnutrition, obesity or degenerative diseases?

3. Has there been progress in the under-nourishment and malnutrition rates?

- Has the percentage of undernourished children under 5 years decreased or increased in the last year?
- What is the overall percentage of the undernourished population? Are there disaggregated data available on vulnerable groups or discrimination causes?
- What is the mortality rate of the last 5 years caused by malnourishment and how has it developed?
- Are there processes of systematisation, analysis, publication of information about the food and nutritional situation at the regional and national level?
- What is the nutritional situation of the population and of vulnerable groups in particular? What are the trends observed in the evolution of this situation?

The relevant information can be figures (disaggregated data according to sex, age, ethnic and social origins) concerning diseases linked to chronic under or malnutrition such as anaemia, diabetes, beriberi and underdevelopment. Three data bases are always useful for statistics and information: WHO, FAO and UNICEF

4. Are there national programs for the enrichment of food with micronutrients like iodine, iron or vitamin A?

Guideline 11: Education and awareness raising

1. Are there norms or policies which provide for human rights education?

- Are there educational policies or programmes in place for the general population?
- Are there policies or training programmes about human rights for different groups of the population which shows the characteristics and necessities of education?

2. Are there norms or policies which provide education concerning the right to food and the corresponding issues like agriculture or rural development, fishing, forestry, nourishing practice, consumer protection, sustainable use of natural resources and others?

- Are there policies or training programmes specialized according to areas of responsibilities and competence and directed towards civil servants for improved capacities?
- Are there incentive mechanisms for civil servants with specific training in this area?
- Are there plans for educational programmes for the population in general?

3. Does the national budget include financial resources for human rights education, education on the right to food and other related topics?

4. Are there educational programmes especially directed towards groups vulnerable to food insecurity or to right to food violations in general?

- School programmes?
- Community educational programmes for strengthening community participation, monitoring and complaint mechanisms regarding the right to food?
- Special programmes for women and girls that strengthen their participatory capacity and raise their awareness on their rights within their community and family?
- Are there programmes for community leaders, teachers or educational officials on topics relating to agriculture, health care, education, health care officials?
- Are there programmes that encourage universities and education centres to address the pedagogy and investigation of human rights related issues, agrarian law, consumer protection, agronomy techniques, sustainable use of resources?
- Are there legal and administrative remedies in place in cases of ill-functioning (including discriminatory practices) of the educational programmes?
- How is the level of specific Human Rights education in the population and of decision-makers developing? (trends in statistics : numbers of people having taken part in courses...)

Guideline 12: National financial resources

1. Are there public institutions who are in charge of disseminate information on national expenditures in general?

- Do they share information?
- Is information reliable and objective?
- Which kind of obstacles is being faced in seeking the information?

2. Are there budget regulations giving priority to social investment and especially to resources planned for the realization of the right to food as well as to access to productive resources for the most vulnerable groups of the population?

The budget cycle covers different phases: a) formulation and drafting, b) debate and passing of the budget law by the legislative body, c) enactment, d) budget execution and e) budget audit.

The whole budget cycle must be transparent and governed by the principle of accountability.

- Are there regulations that set down a specific percentage to be allocated to social expenditure or investment? And concretely, are there specific regulations on the percentage that should be specifically allocated for the realization of the right to food?
- Does the budget law foresee progress specifications for social expenditure or prohibit regressive measures affecting the right to food?
- Does the budget law foresee transparent accountability mechanisms that enable the verification of the effective distribution of resources planned for the right to food?
- Are there norms and appropriate expenses aimed at increasing food production for the domestic market?

3. What proportion of the national budget is effectively allocated for the realization of the right to food?

- What proportion of the overall national budget was allocated to the right to food in the last tax period?

- Is the sum allocated to the right to food in the last tax period larger or smaller than that of the previous year?

A disaggregated analysis can be performed indicating sums allocated to:

- *Agrarian reform programmes and credits to peasants*
- *Food security networks*
- *Fight against hunger programmes*
- *Consumer protection programmes*
- *Minimum income programmes*

- Which percentage of national expenses is dedicated to lessen the negative effects of structural adjustments and of bilateral or multilateral trade agreements on peasant economy?

4. What proportion of the budget for investment or social expenditure is allocated to the groups vulnerable to the right of food?

- Are there disaggregated data available?
- Can discriminatory practices be detected in the allocation of the budget corresponding to the right to food?

Discriminatory practices would be, for example, when more resources are allocated to projects excluding or affecting ethnic groups, small peasants and women.

- Are there budget allocations oriented to compensate situations of inequality?

The allocation of more resources for programmes addressing the most vulnerable groups can be seen as a positive budget measure if it tends to reach material equality, that is, if it places these groups at the same level as the rest of the population. However, the lack of resources for compensatory measures can be a sign of the lack of attention given to vulnerable groups and their persistence in vulnerable situations.

- What is the percentage of state expenditures for vulnerable groups which supported productive projects?

5. Has the budget proportion effectively allocated to investment or social expenditure increased or decreased through the last 5 years? What percentage is this increase or decrease? What has been the specific fluctuation with regard to the resources allocated to the right to food and to the access to productive resources?

- Has there been a regressive effect? Which statistics show this effect?
- In case of lack of resources, has the State appealed for international cooperation?

6. Is the percentage of expenditures dedicated to domestic production and trade decreasing due to international trade agreements?

- Is information available?
- Is information reliable and objective?
- Which kind of obstacles is faced in accessing information?

Guideline 13: Support for vulnerable groups

1. Are there constitutional or legal provisions establishing the State obligation to give priority to vulnerable groups, especially regarding the right to food and the access to productive resources?

- Are there specific provisions in the constitution on the protection of vulnerable groups?
- Are there specific provisions to prevent gender discrimination when it comes to access to and to property of productive resources or access to credit?
- Do agrarian regulations prioritize vulnerable groups?
- Do budget laws foresee the prioritization of social expenditure in favour of vulnerable groups?

For more information on the special attention to vulnerable groups with respect to participation, please see the questions in Guideline 6. With respect to education and awareness-raising, Guideline 11 with respect to budget issues, Guideline 12.

2. Does the national statistics institution have an adequate mandate, qualified staff and sufficient material resources in order to collect disaggregated data on different victim groups? Are Food Insecurity and Vulnerability Mapping Systems in place?

- Is there a disaggregated system to collect information on the right to food that divides the data according to the typical causes of discrimination?
- Is the information about the vulnerable groups public, accessible and confidential?
- Have the vulnerable groups in the country been identified and the causes of their vulnerability determined?

Food Insecurity and Vulnerability Mapping Systems (FIVIMS) should be in place to identify groups suffering from food insecurity and its causes.

- Is the information on vulnerable groups public and accessible?

The proper identification of persons and groups who lack access to food or resources is the first step to trigger the states obligation to fulfil-provide to this person or group. A failure by the state to identify these persons and groups can be seen as a systematic breach of its obligations under the right to adequate food

3. Do food-related social programmes relevant for a specific group succeed in reaching each person in the group who lacks access to food or resources?

- Are there institutions in charge of identifying vulnerable groups? Are there equipped with sufficient and qualified staff in order to mainstream the specific needs of those groups into policies and programmes of the state relevant for the right to food?
- Are there impact evaluations on these programmes to detect their coverage and efficiency? Are the results of these evaluations public and accessible?
- What percentage of population has been effectively covered by the programmes? And what proportion has not been covered in practice even though the coverage was foreseen in the programmes?
- In what percentage has hunger and malnutrition diminished among the groups covered by these programmes?

Evaluations of coverage and impact of social programmes should be undertaken regularly. Coverage indicates which percentage of persons of the respective vulnerable groups is reached by the transfers. Impact indicates whether the amount of transfer was sufficient to provide access to adequate food and resources. Monitoring should give such data if available and note if they are not available.

- Which support exists for major victim groups (besides the safety nets measures under guideline 14), such as meals for children or old age persons, subsidies in fair price shops, special programmes for lactating mothers etc?
- Have you detected any discriminatory practices in the access to the programmes? How do they express themselves?

3. Do complaint mechanisms and remedies exist in case of malfunctioning or missing transfer programmes? Are they accessible to the victims?

- Approximately how many cases of such complaints before administrative and judicial bodies were heard, and how many provided victims with adequate redress?
- Has there been a public debate on the reform of error-prone social transfer systems?

For more information on the administrative and judicial resources, see questions no. 2 and 3 corresponding ones in Guideline no. 7. In order to evaluate the physical, economic and social accessibility of these mechanisms, it is important to find out for example if legal assistance exists or if the translation and the interpretation in local languages are offered.

Guideline 14: Safety Nets

1. Are there food security networks enshrined in the legal system or in public policies?

- What provisions or programmes regulate these networks?
- Are there human, administrative and financial resources in place to ensure the effective functioning?
- Are they really addressing the most needy population groups?

2. Which percentage of the population threatened by hunger and malnutrition is in fact covered by adequate safety nets (social assistance, social transfers)?

Safety nets are a synonymous term for social assistance or social transfers. In the current context this means transfers which aim at securing a minimum level of consumption of the recipient covering basic food needs.

Social transfers consist of

- *cash transfers paid directly to people so that they could buy at least food perhaps also housing and other essential livelihood items, or transfers in kind (such as food), unconditional or conditional on work or other activities of the recipient*
- *transfers in kind, such as food based transfers (conditional or unconditional).*

Food transfers are adequate if the food transferred is adequate as defined by GC12§9-11. Cash transferred are adequate if the amount is sufficient to buy adequate food.

- Describe the main programs. If they are pilot programmes, indicate if there is a plan to role them out to the whole victim group and when?
- Are certain groups of persons without access to adequate food systematically or de facto excluded from any social transfers?
- Are transfers paid to individuals or to households? If they are paid to households who will receive the payment?
- How is it ensured that women and children get their share?
- Are there sufficient anthropometric data on child and adult malnutrition for the groups at risk in the population, disaggregated for gender and social characteristic?

In many countries anthropometric data on child malnutrition are scarce, and on adult malnutrition even scarcer. These data are necessary to answer the first question well. FAO supply-based data (from the annual State of Food Insecurity Report) can be taken as a first estimate, but anthropometric data have to be generated and disaggregated.

3. Which are the main problems in the implementation of current social transfer programs?

- Are persons excluded which should be included?
- Is there client-favouritism or other forms of corruption in means testing (if this takes place) or payment?
- Which measures are taken to avoid disincentives (poverty trap), disruption of community and social stigma?

Transfers are often linked to prior means-testing, if the payment is made only to persons under a certain "poverty-line". Means-testing is very difficult and often lacks transparency in very poor communities. This can lead to quarrels in the community and to social stigma. Programmes which are very narrowly targeted to persons under a certain poverty line can lead to a poverty trap. Victims have no incentive for additional earnings (or even carry a risk when reporting such earnings and leaving the transfer, because they might not get back in times of need).

- Have basic income programmes been discussed/tested/rolled out?

Basic income is a universal payment which recovers the payment to persons outside the victim group through consumption taxes. There is no means-testing and the related problems (exclusion errors, disincentive, disruption, stigmata).

4. To what extent do the victims exert any control over the social transfer programmes? Is there legal remedy for irregularities? Are there effective complaint mechanisms?

Concerning participation issues, please refer to the corresponding questions under Guideline 6; concerning legal remedies, please consult Guideline 7

- Are the respective programmes designed and implemented in a transparent, participatory and non-discriminatory manner?
- If transfers are provided in kind, are the food items made available sufficient and adequate to suit dietary needs requirements?

- Are available food items in the framework of food assistance culturally acceptable?
- If the transfer is in kind is the impact of these measures on local production and markets monitored? Is a negative impact to be identified?

Which share of the GNP is allocated to social transfers that secure a minimum food consumption for all?

- How high is this share compared to other state expenses?

Here, a comparative approach of main national budget lines (as percentage of GNP) can be useful. This should help to estimate whether the state uses the maximum of its available resources in order to establish and maintain these transfers.

- What is the percentage of the national and local budget which is used for the minimal consume for everyone?
- If states lack sufficient resources to maintain adequate social transfer systems, whom in the international community did they ask for assistance? And what was the result?

Guideline 15: International food aid

1. Are there national regulations establishing criteria for the use of food aid?

- Are there competent institutions to specifically evaluate international food aid?
- Are there provisions or policies enabling aid receptor institutions to check that the aid provided is reasonable, that is, that the necessary aid is supplied to cover the food deficit, but without causing damage to domestic markets?

It is important that governments receiving aid take into account that the aid must be used to solve a human rights problem, that is, the realization of the right to food of the most vulnerable groups in population and not to improve the market conditions in the donor States. It is very important to carry out a strict evaluation of the aid supplied. In this sense, it is worth analyzing whether States have protection mechanisms for the national producers that could be affected by food aid or even internal aid negotiation criteria tending to the aid supply through the purchase of national products.

- Does the State have a policy which foresees measures to prevent food aid from destroying national production or creating dependency on the domestic markets?
- Are there mechanisms to ensure that food aid reaches those needing it and does not get lost in the domestic market?
- Are there provisions and institutions controlling the quality required for products and their coherence with the target culture?
- In emergency situations, is the pursued objective that of recovery and development?
- Whenever food aid is given in cash, are there mechanisms ensuring transparency and control against corrupt practices in the distribution of resources?

2. Are there national programmes for food control and distribution or food aid resources control according to human rights principles?

- Are international food aid distribution programmes transparent and do they use an accountability system?
- Are programmes non-discriminatory for the target population?

- Are programmes accessible with no obstacles or physical, bureaucratic or economic limitations for the target population?
- Do programmes take into consideration the vulnerable conditions of the groups receiving aid, meet their nutritional needs and comply with the food habits of the groups?
- Are there complaint mechanisms in place for people affected by international food aid distribution programmes, for programme beneficiaries and for third parties involved?
- Are there open spaces for observation devoted to civil society organizations, international humanitarian bodies and media?

3. To what extent has international food aid enhanced the realization of the right to food of vulnerable groups? And what has been the effect on the domestic production?

- By what percentage has malnourishment or nutritional deficiency diminished among food aid receptors?
- Since food aid was introduced, has domestic income from food production fallen?
- Since food aid started, has the food production of similar or substitute food diminished through the aid supply? By what percentage?

Where governmental information on this issue is missing or unavailable, this should be noted and the negative or positive effects could be illustrated using information directly obtained by the civil society organizations, and even using cases of violation resulting from food aid programmes, known to the organizations drafting the report.

4. Is public information available concerning international organisations which are involved in humanitarian support?

- By which organisation is food aid provided in the country?
- In kind or in cash?
- Does food aid respect the principles and elements of the right to food?

Guideline 16: Natural and Man-made disasters

1. Are there legal guarantees that food cannot be used as a means for political and economic pressure and is an effective enforcement of these guarantees in place?

- Has the state (involved in an armed conflict and/or occupying a given possibly disputed territory) ratified without reservations and incorporated into domestic law major humanitarian law instruments preventing the use of food as weapon or political pressure?
- Is any martial law and/or in situations of occupation any “provisional law and/or regulation” in place violating international humanitarian law?
- Has the state sufficient and effective control over its military actors?
- Is this control exercised in a transparent manner? (e.g. are any complaints mechanism in place civilians can use safely, can civil society organisations access information on control mechanism, is the states performance in occupied territories part of international human rights reporting)?
- Are any para-military actors involved and if so can the state clearly demonstrate that it does not fund, control, direct or tolerate these actors?
- In situations of occupation, does the occupying power clearly recognize its duty of ensuring the food and medical supplies of the population, e.g. by releasing relevant information on needs, efforts taken for coverage and means invested?

- In situations of armed conflict, does the state engage in any meaningful effort to influence the behaviour of armed non-state actors with the aim to minimize harm for the civilian population and prevent situations in which the denial of access to food is used as a means of warfare (be it by pressure, dialogue, use of mediators)?

It is important to refer here especially to the Geneva Conventions for the protection of civilians in time of armed conflicts.

2. Which legal provisions exist to guarantee that measures of disaster preparedness are taken in a systematic manner and how are they implemented?

- Did the state make any commitment to the “Hyogo resolution” and the “Hyogo framework for action 2005 – 2015: building the resilience of nations and communities to disasters” and/or adopted any comparable standards and measures?
- Did the state undertake or is in the process of undertaking a disaster risk assessment comprising of a vulnerability assessment (including the recognition of the special vulnerability of the poor) and a probability assessment (specific to different types of disaster and different regions of the country)? (See also guidelines 13, Para 1)
- Based on the risk assessment, does the state have a comprehensive disaster preparedness and management policy comprising elements of early warning systems, awareness raising, risk reduction, coping mechanisms and effective disaster response.
- Are these policies coherent with development policies, poverty reduction strategies and climate change strategies?
- Is a national coordination mechanism in place and does it ensure both coordination between different national actors and coordination within relevant regional and international institutions.
- Is there any contingency planning in place within those institutions responsible for the functioning of safety nets?

3. Are there legal protection and implementation mechanisms that guarantee the identification of particular vulnerable groups?

- Are unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons identified as Extremely Vulnerable Individuals (EVIs) and do they – within the overall disaster management – receive (food) assistance which takes into account their special needs?
- Do refugees have access at all times to adequate food?
- Do internally displaced persons have access at all times to adequate food and are the Guiding Principles on Internal Displacement respected.

Internal displacement is a growing problem already affecting over 25 million people world wide. The responsibility for the protection of IDPs rests first and foremost with national governments and local authorities. Particular reference can be made to the following parts of the guiding principles on internal displacement:

Principle 9 on particular states obligations to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

Principle 10, 2, b on particular protection of internally displaced against starvation as a method of combat

Principle 18, 2, a on provision of essential food and potable water

Principle 29, 2 on return or resettlement assistance to the recovery of property and possessions and/or appropriate compensation or reparation.

Guideline 17: Monitoring, indicators and benchmarks

1. Are there specific human rights based mechanisms for monitoring the right to food realization foreseen in the corresponding legislation or policies?

There are different ways and methods to monitor the right to food. These include: indicators and benchmarks, structure evaluation processes, processes and outcomes in domestic food policies, systems for the identification of the most needy, analysis procedures on food and security and nutrition, using budget analysis to monitor policy implementation, capacity analysis and institutional functions, mapping systems for vulnerable groups, fact finding missions that relate to policies, for the preparation of international reports. These mechanisms can complement each other. For example, policy impact analysis can use indicators or benchmarks, or systems for the identification of the most needy can use the analysis on nutritional and food vulnerability or the mapping system.

- Are there specific mechanisms for collection, management, analysis and dissemination of information on policies, strategies, programmes and projects oriented to human rights realization?
- Using these mechanisms, is it possible to monitor the fulfilment of human rights obligations, the attributes of the core content of the right to food, and the application of the human rights principles?
- Are there competent institutions to implement the provisions of the national regulations or policies?
- In the monitoring framework, do the indicators and benchmarks foreseen for monitoring the structure, the process and outcome comply with the obligations, attributes and principles of the right to food?

2. Are monitoring mechanisms used continuously and in a structured manner?

- Do competent entities understand the monitoring practices of the right to food as part of their functions?

These could be entities in charge of the general monitoring of development or human rights policies. In this case, the question would be whether monitoring the right to food realization lies within their competencies.

- Do institutions have the human, technical and administrative resources required and do they use them adequately?
- Are monitoring processes transparent, participatory and non-discriminatory?

It is possible to analyse, for example, whether civil society organizations can submit their own information, in order to have a wider variety of sources and whether monitoring entities take this information into account when interpreting the current situation.

- Are existing data coming from national and international organizations used to evaluate the current situation of the right to food?
- Have new information systems been created to address the specific needs of monitoring and do these systems enable the analysis of the specific problems of the right to food at a national level?
- Can disaggregated data be produced to analyze the specific right to food situation of vulnerable groups?

For information on special protection for vulnerable groups, see the questions in Guideline 13

3. In the context of the regular analysis of monitoring results, do the competent institutions make these results available to the public and submit recommendations aimed at rectifying situations of non-fulfilment of the right to food international standards and promote its progressive realization?

- Is clear, transparent and systematized information on the right to food realization at a national scale available?
- Are there mechanisms to ensure that the information is transmitted to lower levels of institutions?
- Can this information be obtained in full by everyone?
- Has the information obtained to date been used by public authorities to justify changes in policies and processes and have they led to changes in the right to food outcome indicators?
- Could the monitoring system information that demonstrates the systematic and structural violation of the right to food be used by the victims as base for their demands and by judges as base for their sentences?

Guideline 18: National human rights institutions

1. Are there national human rights institutions competent to monitor the right to food or to receive complaints related to violations of this right?

- Are there human rights institutions such as human rights commissions or ombudsmen?
- Are they competent to promote the right to food?
- Are they competent to monitor the right to food?
- Are they competent to lodge complaints on violations of the right to food before the tribunals?

For more information on the administrative and judicial remedies, see the questions in Guideline 7

2. Within the scope of their current functions, do institutions have specific programmes or projects for the promotion, monitoring and defence of the right to food?

- Do they have educational programmes on the right to food and are these actually implemented? Who is their target group?
- Do they submit reports on the situation of the right to food? How regularly? Are these reports based on the international standards of the human right to food?

- Do they receive complaints on the right to food and as a result submit recommendations for the executive and legislative bodies and do they encourage judicial processes?

The situations where institutions act reluctantly can be illustrated using specific cases known to the authors of the report. In order to enhance the argument, the impact of the institutional inefficiency in receiving cases can be shown. However, in cases of effective protection, this could be noted, as well as the positive effect of the activity of this type of institutions.

- Are complaint and information processes transparent, autonomous and participatory?

Examples can be given on participatory mechanisms open to the civil society, like forums, consultation processes, discussion rounds, surveys.

- Is the institution really accessible for vulnerable groups?

Are there community representatives or local representatives with communication skills that provide access to the victims? For example: knowledge of indigenous languages, etc. See also the questions in Guidelines 6 and 13.

3. Have existing human rights institutions produced changes regarding the right to food?

- How many reports on the right to food has the institution submitted since its establishment?
- How many recommendations has it submitted to demand the realization of the right to food?
- In how many judicial procedures has it participated to protect victims of violations of the right to food?
- How often do officials of the right to food appear in the media denouncing right to food violations?

Guideline 19: International Dimension

This part deserves a short but specific introduction because of its special “genesis” and its special status in the Guidelines as a whole. The somewhat weird construction starts with a Guideline 19 on the international dimension of the implementation of the Right to Food Guidelines in the context of national food security. This Guideline in turn refers for concrete measures to the following and separate Part III of the Guidelines which itself consists of further 16 “sub-guidelines” going into more details about state behavior in favor of an enabling environment and “international good governance”(including respect of human rights and respect of international law).

In general, states have repeatedly expressed their commitment towards the eradication or, at least, towards halving the figures of extreme poverty and hunger by 2015. The Millennium Development Goals are the current process of reference in which states have again taken stock of the lack of progress and have reaffirmed their commitment.

Under the ICESCR states should, through international cooperation in general and through technical cooperation and assistance in particular, support efforts towards the full realization of economic, social and cultural rights. Jean Ziegler, the UN Special Rapporteur on the Right to Food has dedicated a part of his annual report 2005 to “extraterritorial obligations of states” to respect, protect and support the fulfilment of the rights enshrined in the ICESCR in other countries and through their international cooperation.

Quite logically, two perspectives (which are like two sides of the same coin) can be defined in this international dimension of the application of the Guidelines. On the one hand, the perspective of domestic states which shall not be prevented to respect, protect and fulfil human rights. On the other hand, the perspective of foreign states and the international community as a whole which shall do their best at the maximum of their resources to create the enabling environment, respectful of their own human rights obligations and of the one of the other states.

Trying to systematically cover both perspectives would inevitably generate a numerous repetitions, even more since the following questions on the international dimension also tackle international relations and cooperation between donor states, international institutions and domestic states.

Nevertheless, for more clarity, questions are divided into the ones concerning recipient countries and the ones concerning donor countries.

Questions concerning recipient countries:

Paragraph 1

Does the state have a national alliance against hunger or similar initiatives with a purpose of consultation of and the cooperation between the various stakeholders interested in food security (including international donors)?

Paragraph 6

Does the state carry out human-rights based monitoring on the ratified trade agreements and adopted regulations?

What is the impact of trade liberalization policies especially on the right to food, and with emphasis on vulnerable groups such as rural poor, and on national food security?

Paragraph 7

How many small-scale producers have lost their livelihood through the opening of the markets for agricultural products and the increase of imports?

Does the state engage in any dumping or disguised and indirect subventions practices which have a negative impact on national food markets?

Paragraphs 9 & 10

Does the state have gone through a reliable assessment of the impact on the right to food of any new international agreement, especially of new trade regulations before adopting them?

Are there concrete cases of situations where international or bilateral trade agreements have been proved to impede the enjoyment of the right to food? To which extent is the state influential and involved in the adoption the concerned agreements?

Paragraph 13

What is the share of food aid given in kind compared to the share of food aid in cash?

Does the state carry out a human-rights based monitoring on its food aid policies?

Paragraph 14 & 15

Do mechanisms and consultation procedures exist to ensure the adequate participation of all stakeholders (including particularly vulnerable groups and NGOs) in priority decisions for national development?

For instance, do Poverty Reduction Strategy Papers comply with human rights obligations of both domestic and donor states/international institutions under the right to food?

Questions concerning donor countries

Paragraph 2

Does the state have a human-rights-based approach driving its national strategy for development cooperation?

Does the state have a proper impact-assessment and human-rights-based monitoring of its international cooperation policies (including in their decisions within international organisations)?

Paragraph 4

How high is the share of the Gross National Product effectively spent for Official Development Assistance (ODA)?

To which extent is the ODA effectively contributing to the full realization of the right to food and other human rights?

Does the state conduct a human-rights-based monitoring of its ODA policies and programmes carried out in other countries?

Paragraph 11

Are debt relief measures included in the ODA official figures? If yes, which share of the total ODA does it represent?

Paragraph 12

Does a mechanism exist for ensuring the coherence of the state international policies, including ODA, trade, political advice, etc.? If yes, which one and what is its role and mandate in ensuring that these international policies are not breaching human rights obligations?

Paragraph 13

What is the share of food aid given in kind compared to the share of food aid in cash?

Does the state carry out a human-rights based monitoring on its food aid policies?

Part III Conclusion

The conceptual design of the right to food has undoubtedly developed during the past few decades. These developments are so significant that there is a universal recognition of the importance of the right to food. International agreements and international instruments have obligated states to realize this right, as one of the guaranteed economic, social and cultural rights.

However, the full realization of the right to adequate food faces the obstacles that derived from a world where political, economic, social and structural transformations do not follow one another so fast and deeply as it would be necessary.

In many occasions, these obstacles are the expression of a clear lack of commitment from the states to fulfill what they internationally have agreed to, concerning the right to food.

In that sense the international community (holders of the right, organizations who represent them, instances of the United Nations, etc.) now acknowledges that states' commitments to the right to food must undergo monitoring. With the Voluntary Guidelines, a universal agreement has been emplaced which contains a guide of obligations, responsibilities and actions that must be followed by the States in the intention to guarantee, progressively, the right to the food of all.

The voluntary guidelines on the right to food represent an instrument that serves to the right-holders in their fight to control, demand and participate in the design and execution of public policies that might take to the realization of their right to adequate food.

The Voluntary Guidelines adopted, the following step consists of taking them to practice (within States) and into a dynamic monitoring structure. Taking that as a base will create the possibility for the society to engage and control in a more direct way in how they feed themselves.

Analysed and articulated in this manual, the 19 guidelines and the "follow-up-questions" of the present Monitoring Tool must be seen as an practical instrument in the struggle towards the total achievement of the right to food. However one fundamental aspect should not be forgotten: the holders of the right are the soul and the body of that effort, the potential transformers of the reality, the caretakers of a future without hunger. Like for all human rights, the fight for the right to food must endure vindication and concretisation, a footpath full of obstacles and opponents. Conscious of this, this document aims to be a contribution to overcoming these obstacles.

