

RESPONDING TO HUNGER:

SUMMARY FINDINGS AND TOOLS FOR MONITORING DIFFERENT ASPECTS OF THE RIGHT TO FOOD AND NUTRITION IN EUROPE



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RESPONDING TO HUNGER: SUMMARY FINDINGS AND TOOLS FOR MONITORING DIFFERENT ASPECTS OF THE RIGHT TO FOOD AND NUTRITION IN EUROPE

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The Right to Food and Nutrition (RtFN) is often overlooked within Europe and is often considered to pertain exclusively to the "Global South" or "developing countries". Thus, Europe limits its engagement to development support and political discourse on the importance of realizing and protecting the RtFN in "those countries", while failing to adopt national and regional RtFN measures. This lack of inward recognition contributes to the de-politicization of human rights obligations and ignores the real challenges that many people and communities face in all countries, in both the southern and northern hemispheres.

The RtFN is not enshrined in the European Social Charter, nor in the constitutions of most European countries. This can be explained in large part by European states' historical understanding that as long as labor rights and the right to social security are guaranteed, then there is no need to enshrine the RtFN¹. But now more than ever, with the rising marginalization of peasant agriculture by agroindustry, increasing concentration of corporate power, the declining welfare state, rising energy and food costs, the lingering impacts of COVID-19, and the subsequent rise in direct food relief interventions across Europe, the need to create laws, policies and programs to fulfill RtFN obligations has become glaringly clear.

The annual **State of Food Security and Nutrition in the World** report reveals that in 2021, an estimated 8% of Europe's population faced moderate or severe food insecurity², that is approximately 58.3 million people. The report also estimates that in 2021, 95.4 million people in the EU were at risk of poverty or social exclusion: which is equivalent to 21.7% of the EU population. This means that these people will have difficulties self-determining their diets and accessing healthy meals, which in turn impacts their health, educational and professional performance, and their capacity to actively engage in their community. It should also be noted that levels of food insecurity vary considerably across Europe. Furthermore, these statistics do not yet take into account the more recent effects of increasing food prices and cost of living which many people in Europe (and globally) are facing as a result of the war in Ukraine. This report indisputably demonstrates that the RtFN is not being fulfilled for many people across the region. And what's more, these figures do not actually reflect the full scale of the problem, as food insecurity is often underreported in Europe.

While food policies at the local, national, and regional levels are becoming more commonplace in Europe, they tend to focus on the climate or consumer behavior, while issues of social justice, equity and human rights are noticeably absent from many European food policies, as is any mention of human rights in general. National-level frameworks for food security and the RtFN (or lack thereof) also overlook these key issues.

P. Alston, 'International Law and the Right to Food' in A. Eide et al. (eds) Food as a Human Right (2d printing, Singapore: United Nations University, 1988) p. 162-174, at 17; Jonsén, Jennie. n.d. "Europe and the Right to Adequate Food and Nutrition: Assessing a Decade of Progress, Shortcomings, and Challenges Ahead", unpublished.

² According to the SOFI report, Moderate food insecurity "refers to the level of severity of food insecurity, based on the [Food Insecurity Experience Scale] FIES, at which people face uncertainties about their ability to obtain food and have been forced to reduce, at times during the year, the quality and/or quantity of food they consume due to lack of money or other resour ces. It thus refers to a lack of consistent access to food, which diminishes dietary quality, disrupts normal eating patterns, and can have negative consequences for nutrition, health and well-being." Whereas "severe food insecurity" is "the level of severity of food insecurity at which people have likely run out of food, experienced hunger and, at the most extreme, gone for days without eating, putting their health and well-being at grave risk, based on the FIES."

Nevertheless, this does not mean civil-society groups are not organizing or addressing these issues. Communities, organizations, and movements across Europe are working in a variety of ways – including direct food provision, community organizing, and political advocacy – to address issues of RtFN violations which manifest as food insecurity and poverty, racism and discrimination, or disappearing small-scale food production, among other issues. Thanks to those working on **food sovereignty and the RtFN** and **anti-poverty** issues, significant initiatives are underway; however structural policy responses at all levels and targeted legal protections have yet to be meaningfully addressed or adopted.

To better explore and understand how RtFN issues manifest in Europe, including national contexts, FIAN International, FIAN Austria, FIAN Belgium, FIAN Portugal, Coventry University (Center for Agroecology, Water, and Resilience), and URGENCI have developed the project: Responding to Hunger: A Toolkit for Learning and Action.

This initiative was motivated by the lack of processes or consistent efforts to monitor RtFN in European countries, as well as the absence of a targeted human rights-based assessment of national food programs and policies in various European countries. Indeed, some measures and programs do address food insecurity and there are some health-related statistics, but this approach has significant limits. Understanding the structural causes behind food insecurity and health inequities in the first place is a cornerstone of a human rights assessment. In Europe, and elsewhere, it is essential to look beyond food insecurity, to understand participation in decision-making processes, how public programs are (or are not) working, and how race, origin, and difference impact communities, among other issues.

This initiative seeks to address this gap by exploring the RtFN through a European regional lens. With food insecurity, hunger, and poverty on the rise across Europe, now is the time to innovate how these issues are identified and assessed, to better support policy solutions and implementation measures at all levels.

Modules, Key Findings and Tools:

The project has produced a series of modules that explore key issues and findings to inform and expand our understanding of the RtFN in Europe, and to support developing more broad based analysis that include issues related to social inclusion. The modules examine national legal frameworks in Portugal, discriminatory migration policies in the UK, social programs in Austria, nutrition and health in Belgium, and local food policies in Germany. The conclusions of this process, and the tools created to support assessment can be summarized as follows:

MODULE 1: LEGAL AND INSTITUTIONAL FRAMEWORKS FOR THE RIGHT TO FOOD AND NUTRITION

Although European national governments, as well as the European Union, are key supporters of the RtFN on the global stage, a human rights-based approach is still lacking from most European treaties and the jurisprudence of national courts in European countries, despite the growing number of food-insecure and poverty-affected households across the region. Although EU member states have signed and ratified international instruments and therefore made binding commitments, they have not evolved their domestic legislature accordingly to enable these rights to be claimed.

The deeply interwoven nature of the rights to food, health, and sustainable food systems is garnering increasing attention in the international political agenda and impelling politicians, practitioners, and the civil society to consider more holistic and comprehensive approaches.

Protecting human rights through constitutional frameworks is the strongest form of legal protection, given that constitutions are considered the fundamental or supreme law of a country. By providing constitutional protection for the RtFN, a country makes a powerful statement in favor of the realization of its citizens' RtFN. However, constitutional recognition alone does not guarantee supportive policies and programs, nor positive RtFN outcomes (i.e. decreased food insecurity, improved access to land for small-scale and family farmers, etc.).

Some European countries and territories are exploring and building RtFN policies and legislation. In 2014 in Belgium, a proposal for a **framework law on the right to food** was presented by the Green party in the federal Parliament, but unfortunately it was not approved. In the Lombardia region of Italy, the **Regional law on Right to Food (34/2015)** adopted by the Lombardia Regional Council in November 2015, and is considered the first legal recognition of this right in the European Union. In Portugal, the Bloco de Esquerda party presented the "**Law on the Human Right to Adequate Food**" in 2018, however it was rejected by parliament. In April 2019, the Scottish Human Rights Commission called for the right to food to be incorporated into Scottish law in their response to the Scottish Government's

Consultation on Good Food Nation Proposals. A parliamentary representative has also facilitated a process towards a basic law for the right to food in Scotland.

Although there are no specific laws addressing the RtFN in European countries, it is important to mention the institutional processes that have started to foment sustainable food system governance in some countries. For example, the **Loi d'avenir pour l'agriculture, l'alimentation et la forêt**, approved in France in 2014 complements the French national food policy and sets concrete guidelines designed to support the transition towards sustainable food systems. These efforts are aligned with the **Farm to Fork Strategy**, launched by the European Commission in 2020, in the midst of the COVID-19 pandemic, and are intended to accelerate the transition to a fair, healthy, and ecological food system. Such a system would ensure food security, facilitate nutrition and public health, and provide access to sufficient, safe, nutritious, and sustainable food. It would also preserve the accessibility of food, generate fairer economic returns, and foster the competitiveness of the EU supply sector and fair trade.

Despite these inspiring and promising initiatives underway in some European contexts, coordination and coherence are still sorely lacking in European structural policies that impact food. There is also a glaring absence of social participation and effective representation of the most marginalized groups in policy design and implementation around issues related to food security, nutrition, and food systems more broadly.

What else you will find in Module 1: A discussion of the legal and institutional framework of the RtFN in Europe. This includes a conceptual overview, examples of approaches and processes utilized in different countries, as well as significant obstacles and challenges towards realizing the RtFN. The final section discusses civil society initiatives monitoring the RtFN as opportunities for advocacy.

The module provides a step-by-step guide for a rights-based approach to collective mobilization, monitoring, and public debate. This also includes a sample questionnaire that can be utilized to survey and receive input from different actors working on issues related to RtFN, food security, and poverty. The tools can be found below.

STEP-BY-STEP GUIDE FOR A RIGHTS-BASED APPROACH TO COLLECTIVE MOBILIZATION, MONITORING, AND PUBLIC DEBATE



Establish a common language: to smoothly navigate collected data and information, some shared basic concepts and terminology are useful. Throughout the various modules of this manual, you will find some concepts and definitions that create a framework for the right to food and nutrition and the broader context in which it unfolds.



Current status of the right to food and nutrition context: This preliminary analysis will contribute to better understanding the policy environment of the right to food and nutrition in the territory under analysis and to better map out those involved in the process. In this step, laws and policies that support or generate hunger and food policy should be collected and analyzed, as well as how those policies impact different social groups in distinct and unequal ways. Finally, policy pathways to create solutions founded in social inclusion and justice should be identified.

Sources and scale should be taken into consideration when examining the current status of the context of the right to food and nutrition in a country. Regarding sources, due to the lack of a coherent and systematized framework for the right to food, information is often scattered across a variety of sources. Some sources are publicly available on websites, in reports and documents by the government and related public institutions. There are also academic works and civil society research projects that may provide extremely useful information. In terms of scale, multiple territorial scales should be considered (local, municipal, provincial, national, regional, and international).

- **2.1.** Establish the legal framework: collect information about the existing right to food and nutrition legal framework, including international and regional commitments and ratifications, and identify public entities and institutions in charge of implementing it, their functioning, and respective budget allocation. Since food is multidimensional, other laws that may influence the right to food and nutrition should also be identified. An ex-ante assessment of the possible consequences of any possible future laws should be conducted, including potential social, administrative, budgetary, and economic effects in order to consider the possibility of effectively applying possible future laws and possible needs for reformulation.
- **2.2.** Map actors involved and key reasons for being subject to food insecurity: responding to hunger implies guaranteeing that the most vulnerable people or those subject to food insecurity are free from hunger. Thus, it is critical to identify and describe marginalized groups (those most affected by poverty, discrimination, and social exclusion) and to analyze the key reasons why each of these groups is subject to food insecurity. Identify and list the organizations, networks, and movements (formal or informal) that represent and defend these groups.

2.3. Deepen knowledge on the policy and institutional environment: going beyond immediate responses to prevent hunger and implementing the right to food and nutrition is a much broader task as it entails the need to establish the economic, political, and social conditions necessary to enable people (though a multi-sectoral approach) to achieve food security on their own while promoting sustainable and resilient food systems and healthy diets. Possible gaps in or conflicts between existing policies and programs should be mapped out.



Share lessons learned and exchange experiences: Despite the existence of several guiding instruments, each country has the freedom to implement the right to food and nutrition according to its context, unique characteristics, and needs. Fulfilling the right to food is not a linear process, but rather a progressive path. All around the world, concrete inspiring examples already exist that offer a glimpse of how the right to food and nutrition guidelines can be applied. These good practices and achievements in terms of legal milestones, institutional arrangements, and policies and programs that contribute to implementing the right to food and nutrition, even if only partially and including at the local level, should be mapped out and made visible. This also includes experiences and initiatives of policy-making processes and advocacy work involving CSOs.



Mapping target groups: Laws and policies are made by and for concrete people. Different social groups and actors take on differentiated roles in the processes of policy-making, implementing, and monitoring the right to food and nutrition. Thanks to the exploratory research done in Step 2, it is now possible to map many of the actors that are part of the target groups into the next step of this process, including:

- Civil Society Organizations (CSOs), preferably nationally-based, including representative organizations of the social groups who suffer from the right to food violations or are at risk of food insecurity;
- Farmers and fishers, preferably family farmers, peasants and artisanal fisherfolk, as they are frequently victims of right-to-food violations, despite their fundamental role in producing most of the food we eat;
- Policymakers, decision-makers, and public officials, particularly those involved in the legal, policy, or institutional initiatives, national or local;
- Scientific and technical experts: most of the policymaking processes and even legal outcomes are supported by technical reports or scientific evidence. Academia can also be an excellent ally for civil society organizations; and

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 Media and journalists: opinion-makers have great influence on public opinion and can be helpful disseminating information. Seek out journalists who write often about issues related to the right to food.

The level of participation of each of these actors in this process may range from simply answering some questions to engaging in the entire process. Either way, it is important to promote the participation of all actors, especially government sectors (duty-bearers) and civil society groups and organizations (representatives of rights-holders).

STEP
$$5 \longrightarrow$$

Survey: Based on the information collected in the prior steps, a survey should be prepared and shared with the identified target groups. The participants complete the questionnaire in writing, through an interview, and/or by participating in focal groups.

STEP
$$6 \longrightarrow$$

Raising awareness and capacity building: The goal is to strengthen literacy of issues related to the right to food. Thus, raising awareness and consolidating capacities on rights-based approaches play a key role, as does involving relevant stakeholders and, above all, fundamental rights-holders. The results of the analysis conducted should be shared with the identified target groups. Civil society organizations and academic and research entities partnerships should be established and promoted. Modular training courses on the right to food should be promoted and target representatives of civil society organizations, technical governmental staff, journalists and other opinion makers, decision makers and parliamentarians, researchers, among others.

STEP 7
$$\longrightarrow$$

Networking and building bridges to ensure advocacy on the right to food and nutrition: National civil society networks for food sovereignty and food security and nutrition have an essential role in advocating for and influencing the formulation and decision-making processes of national public policies concerning the right to food. If violations of the right to food are identified, these networks should carry out fact-finding missions to then inform the competent authorities. These networks should also play a critical role in facilitating periodic monitoring of the right to food and nutrition, sharing and making visible the principal results and identifying challenges. Bridges should be built and reinforced with international and regional networks and relevant articulation spaces, such as the Civil Society and Indigenous Peoples' Mechanism for relations with the United Nations Committee on World Food Security (CSM-CFS), the largest international space of civil society organizations

working to eradicate food insecurity and malnutrition. Finally, it is necessary to invest in advocating for the formal creation of multi-sectoral and multi-stakeholder national and local food councils (and for the effective participation of rights-holders in them). These committees would then be tasked with formulating, monitoring, and evaluating local public policies on food so as to foster the progressive realization of the right to adequate food for all.

SAMPLE SURVEY – THE STATUS ON THE IMPLEMENTATION OF THE RIGHT TO FOOD IN PORTUGAL

The responses to this survey supported the inputs and materials in the learning module. The survey had responses from 18 from Portuguese organisations and 2 from European organisations (Belgium and Austria). Additionally, an online event was held where inputs were colleted along these questions from various organizations in Portugal.

A General Information

- 1. Organisations who replied:
- 2. Types of organizations:
- 3. Main fields of intervention of the organisations that replied:
- 4. (Territorial level of intervention:
- 5. Does the organisation carry out activities on human rights and advocacy?
- **6.** People/social groups identified as those being most affected by food insecurity in the territory the organisation works in:
- 7. What are the main needs and challenges of these people/groups you have identified in the question above?
- 8. Do you consider that the current official information/statistics available allow a realistic view of the food insecurity situation in Portugal?
- **9.** In your opinion, what could be done differently in order to create more know-how and understanding surrounding this issue?

B Legal framework for Public Policies

1. Do you consider that the Portuguese State is fulfilling its obligation to adopt deliberate and concrete messages to achieve the progressive and full realization of the right to food, ensuring that at least the minimum levels are met, so that people are free from hunger?

- 2. Do you consider that the Portuguese State is fulfilling its obligation to directly apply the right to food to all people, without establishing any conditions or limitations regarding reasons of race, colour, gender, language or any social condition?
- **3.** Do you consider that the Portuguese State is fulfilling is obligation to respect? That is, not to adopt measures that may prevent, limit or deprive people of the possibility of feeding themselves by their own means?
- **4.** Do you consider the Portuguese State is fulfilling its obligation to protect, that is, to adopt specific measures that regulate the activities of third parties, in order to ensure that they do not have a negative impact on the exercise of the right to food of some sector of the population?
- 5. Do you consider that the Portuguese State is complying with its obligation to fulfil? This means, do you consider that they are adopting the necessary positive measures in order too; a. implement policies and programs to improve people's ability to feed themselves; b. realize the right to food by providing food directly to people or groups who, for reasons beyond their control, cannot eat by their own means, ensuring, at the very least that no one suffers from hunger; c. the State ensures that public agents and officials and the public sector are aware of the human rights agenda?
- **6.** Do you consider that the measures that are currently implemented allow for the full realization of the right to food?
- 7. Can you identify any limitations, gaps and/or any existing conflicts in existing measures and initiatives?
- 8. What achievements and lessons do you highlight in existing measures and initiatives?
- 9. Can you identify improvements to the current measures and initiatives?
- **10.** Do you consider that the participation of vulnerable social groups is guaranteed in the creation of mechanisms and measures aimed at these groups?
- **11.** Do you consider that the creation of a right to food law could make a difference to fulfil this right in Portugal?
- **12.** If possible, please explain your choice for the question above;

C Institutional Framework

- 1. Are there any of the following initiatives in the territory in which you intervene?
- 2. Does your organization have or has it had any involvement in the initiatives mentioned above?
- 3. If any of these initiatives exist, indicate if the initiative is based on a Human Right to Food Approach

- 4. If there are any of those initiatives, what is its status?
- 5. If any of the above initiatives exist, who is responsible for their realisation/operation?
- 6. Which actors participate in the initiative?
- 7. Is the participation of vulnerable social groups guaranteed in the initiative/s you are a part of?
- 8. What difficulties and challenges do these initiatives face?
- 9. What achievements and learnings can be highlighted?

D Covid-19 Pandemic

- 1. What did the covid-19 pandemic have the greatest impact on?
- 2. If you answered "new emerging groups", please identify which ones:
- **3.** What measures/initiatives were implemented to ensure food security during the pandemic in your territory of intervention?
- **4.** What recommendations would your organization/project highlight to ensure effective implementation of the Right to Adequate Food?

MODULE 2: ACCESS TO FOOD: MAPPING AND ASSESSING EXISTING MEASURES IN EUROPE

Access to food should encompass the idea that persons are able to meet their dietary needs with nutritious food that is free of harmful substances, culturally appropriate, and in line with food preferences. As the responsible actors for ensuring the RtFN, states should adopt measures and deploy their full resources to progressively develop conditions that allow everyone to feed themselves with dignity. This can be achieved, for example, through labor policies, social benefits, or other avenues. In order to develop adequate responses, States need to conduct comprehensive monitoring of different social rights and economic realities, such as: the costs of living (housing, access to food), the existence or absence of a minimum adequate income scheme, the adequacy of existing labor regulations or minimum incomes, and existing social benefits and its adequacy.

When developing and analyzing social benefits, the realities of different potential beneficiaries (single caregivers, persons with chronic diseases, etc.) should be carefully considered and adapted according to their specific realities and needs. By examining different situations, we find in this module that many people are left unsupported or under supported because some benefit thresholds lack grounded logic, or are arbitrarily assessed by age, migration status, etc. The example of Austria indicates that many of these issues may also apply to other European countries. For example, in some cases social benefits have not been adjusted for inflation for many years and others are simply too low to cover rising fixed costs. In another confounding example, the state determined that the meal allowance for a 19-year-old seeking asylum is double that of a 17-year-old in the same situation, when clearly it can be assumed that both such individuals would need a similar amount of support. Another example is the case of individuals who are denied Sozialhilfe, a type of social assistance in Austria, simply because their residency in the country was granted through a subsidiary protection title, and they have not yet completed the requirement of five years of residency and work in the country.

Insufficient responses from the state have impelled civil society organizations and other social movements to take the reins of providing food for people experiencing poverty or with very low income. The situation is similar in other European countries. The organizations offering food for free or at extremely reduced prices compile their stock primarily with donations from supermarkets and other food retailers that have excess goods that have not been sold before their use-by dates. While these initiatives offer an important short-term solution, they do not address the structural causes of food insecurity and poverty, and this system can lead to stigmatizing experiences for many participants. Exacerbated by recent crises, this temporary fix is becoming more widespread and increasingly supported by corporations and food retailers, who are often motivated by the financial benefits they receive for their participation, rather than operating under public mandates or regulations designed to uphold human rights obligations.

In addition to the need for states to regularly examine their own public social programs, the conclusions of this module underscore the need to also observe the work taken up by the private charity sector, with the objective of identifying further needs. The module also identifies the need to include social rights and the RtFN in national law. Without this, persons receiving social benefits cannot claim in court that their benefits are too low to ensure their RtFN or other social rights. These circumstances not only adversely impact individuals as right-holders, but they also are indicative of the state's failure to recognize the scope of food insecurity and other issues through jurisprudence; hence existing inequalities are further aggravated as well.

What else you will find in Module 2: Using the Austrian context as example, this module includes an assessment of state actions that support the implementation of the right to food, as well as an overview of private food aid responses. These responses are mapped and assessed throughout the module. Testimonies from persons experiencing poverty and persons working in food security or related areas are also included and an overview on some of the main challenges in existing measures is provided. Two of the measures addressed are evaluated in detail based on human rights principles.

Guiding questions were created and serve to reveal the connection between the RtFN and other social rights and identify additional actors that should be involved in decision-making processes, which are also outlined in this module. Two questionnaires were developed to assess 1) State Measures; and 2) Private Measures for food security and social assistance.



GUIDING QUESTIONS FOR FURTHER ASSESSMENT OF STATE MEASURES

Observations from Austrian case and assessment questions to be applied in general:

A) FIAN observes considerably high numbers of persons with low income and affected by poverty (approximately 17%). At the same time, there is a rise in CFDs providing food relief.

Food insecurity and monitoring

- 1. Does the state ensure that conditions exist for people to meet their basic food needs?
- 2. Does the state include social rights in its national legal framework and/or is international law directly applicable?
- **3.** Are there complaint mechanisms in place to challenge administrative decisions that have a bearing on the right to food?
- **4.** Does the state monitor food insecurity in a regular and systematic manner (includes progress/regression, indicators)?
- 5. What funds are allocated to implement the right to food?
- **6.** Is there a national action plan or strategic program on the right to food and nutrition?
- 7. Is civil society involved in a right to food and nutrition strategy?

Collaboration with charities

- 8. Is there monitoring of the number of charities providing food relief?
- **9.** Is there systematic monitoring and reporting on the number of persons who access/depend on private food relief?
- **10.** Does the state cooperate with private charitable food distributors that provide food relief? How so (financial support, planning, monitoring, evaluating)?

B) FIAN observes that elderly women living alone, single parents, children, long-term unemployed, asylum seekers, persons with subsidiary protection or persons with chronic illnesses are over-represented among those affected by poverty.

Root causes

- **11.** Does the state identify the root causes behind poverty? Are the causes regularly monitored to identify changes?
- **12.** Are strategies to counteract poverty set in place? Are impacts of such strategies regularly monitored?

Combating root causes (family roles, child care, disability, illness)

- **13.** Poverty among elderly women is frequent (stemming from maternity leave, raising children, part-time employment, divorce, not receiving alimony, too few years of pension). Does the state analyze these structural causes and develop preventive measures? Does the state work on raising awareness about gender roles in families and at work³?
- **14.** Are free childcare structures in place to support parents balancing work and the care of their children? Are enough funds allocated to ensure full coverage of demand? From which age on and how many hours per day?
- 15. Are there childcare support mechanisms that specifically support single parents?
- **16.** Is there state support for persons with disability? What type of support is provided and is the support sustainable for the future of all involved persons to live an independent life?
- 17. What is being done to support persons with chronic illnesses of working age?

Access to education and work

- **18.** Does the state provide free access to university or support those with limited financial resources?
- 19. Who has access to work? This is especially relevant for asylum seekers, who often must wait for years for a final decision and are often not allowed to work regularly.
- 20. Are minimum wages established officially?
- 21. How is access to work regulated (e.g. for persons with a disability)?
- **22.** Does the state monitor if incomes (wages or others) are high enough to participate in society?

- **C)** We also observe a rise in the cost of living, for example housing and energy costs, which means that persons with lower income or affected by poverty have to choose which fixed expenses they can pay. This is often undermines a person's ability to determine their own diet.
 - 23. Are certain prices regulated by the state (e.g. housing)?
 - **24.** Does the state analyze and respond to structural challenges relating to housing (e.g. real estate fees for tenants, land speculation, penalizing usurious rents)
 - 25. Are social benefits disaggregated by fixed costs (e.g. food, housing, etc.)?
 - **26.** Does the state have programs to support persons with low income?
- **D)** In addition, we observe that there are different types of social benefits, but that they do not all equally address the needs of all persons with a primary residency permit in the country, as country of origin, type of residency permit, and length of residency are criteria. This can lead people into a situation of acute or long-term poverty. Based on different analyses, we also see that the amounts provided are often insufficient to cover all costs, especially with the recent rise in inflation which is often not considered by social benefit programs, and also due to the rise of housing, energy, and food costs:

Implementation of social transfers

- **27.** What types of social benefits exist? Is every person living in the country entitled to receive financial support? Are certain demographics excluded?
- 28. What are the main challenges related to social transfers?
- **29.** Are social benefits enough to cover fixed costs? Is it also enough to participate in society?
- **30.** Are the requirements for social benefits also designed to be supportive and empowering?



GUIDING QUESTIONS FOR FURTHER ASSESSMENT OF PRIVATE INITIATIVES

Observations from the case of Austria that can serve for self-assessment or general assessment.

Social inclusion and decision-making:

- **1.** Are there formal or informal requirements that restrict access to charitable food distributors?
- 2. Are there people in need who are subject to discrimination through these formal requirements?
- **3.** If not, how does the distributor ensure social diversity and inclusion when offering vulnerable persons access to food and nutrition?
- **4.** Does the initiative establish limitations (e.g. maximum amount of money spent)?
- **5.** Does the initiative allow external participation in decision-making processes?

Accessibility:

- 1. Are the opening hours compatible with most people's work schedule?
- 2. Are the locations within reasonable distance, geographically spread out across all districts of a city, and easy to reach by public transportation?

Data and monitoring:

1. Is data collected on: food donated, number of charitable food distributors, types of charitable food distributors, recipients of food support, volunteers needed, volunteer hours, distinction between places requiring ID and those not requiring it?

Quality of food:

- 1. What categories of food are provided and at what percentages (e.g. sweets, yogurts, bread)? What are the amounts of fresh vegetables and fruit?
- 2. Is there enough variety for a person to do their weekly grocery shopping at the location?

- 3. Are prepared meals healthy (include fruits/vegetables or are quite sugar-heavy?)
- **4.** Do meals distributed take into account special dietary needs (e.g. gluten free) or cultural preferences?

Cost of food:

- **1.** Are the prices the same for everyone or is there a distinction between vulnerable people and persons with sufficient income?
- 2. If there is price differentiation, does the initiative prevent stigmatization and preserve anonymity? How?

Actors involved:

- 1. Is the initiative dependent on volunteer workers? If so, how many hours do they work yearly or how many full-time or part-time positions do they represent?
- 2. Who provides the surplus food that is sold at low prices or distributed for free?
- 3. Does the state provide support or does it have a more active role in maintenance?

MODULE 3: MONITORING SOCIAL INCLUSION AND THE RIGHT TO FOOD AND NUTRITION IN EUROPE

The narratives on the RtFN and its violations have seemingly erased questions of difference, especially regarding race and racialized gender, as well as other axes of social differences. This erasure can be found around the globe, but it is particularly pronounced in Europe where a social-difference discourse does not really exist.

The sidelining of race in policy discussion is a product of the initiative to erase race from European thought and discourse. The European tendency to overlook race is complex and historical. The idea of race has historically been mobilized by Europe to support nationalism and to justify slavery and colonialism by positioning Europeans as white, civilized, and superior. Ideas regarding race in Europe began to evolve during World War II in opposition to the Nazis' interpretation of race. In the wake of the Holocaust, scientific evidence from the 1978 UNESCO Statement on Race and Racial Prejudice declared that race has no biological foundation, impelling Europe to adopt a post-racial discourse in policies, data collection, etc. Consequently, race is no longer viewed as a credible analytical category, and thus is seldom brought up in conversations around structures and policies.

Despite this post-racial posturing, European nations do generally recognize that racism and other forms of discrimination still pose a problem. This acknowledgement has given rise to a range of anti-discrimination and hate crime laws. Such legislation is premised on the idea that if racism does occur in Europe, it is found within individuals and not in structures of power or policies. However, critics of the post-racial narrative have argued that while indeed race has no scientific basis, it still matters and continues to characterize Europe at a structural level. Discrimination in employment, education, policing, the criminal justice system, healthcare, and racial harassment and violence remain stubbornly persistent across Europe and clearly indicate that race intersecting with gender still matters despite race having no scientific foundation.

This module's analysis of the UK context reveals that a range of social differences based on race, ethnicity, disability, mental health, gender, immigration/citizenship status, single parents, and various intersectional formations are definitively correlated with food insecurity. The analysis also demonstrates that there is clear relationship between RtFN violations and structural racism, patriarchy, intersectionality, and other sources of injustices, with asylum seekers and other migrants particularly at risk. The RtFN is conceived as a universal human right, but this may not reflect reality, as people seeking asylum and other migrants do not always have the 'right to have rights'.

Immigration policies in the UK deny people applying for asylum the right to work, education, and public funds such as social security. This means that people seeking asylum would have no recourse to a potential right to food entitlement, or any other social entitlement, if considered part of public funds. Furthermore, on the one hand we can clearly see how the state could and should incorporate the RtFN into domestic law. But

on the other hand, the deeper structural sources of injustice such as racism, ableism, and heteropatriarchy, all of which are key drivers of RtFN violations, ultimately remain intact and continue restricting the potential of the right to food.

What else you will find in Module 3: An examination on the relationship between socially constructed differences and right to food violations. This analysis is critical because there is a generalized lack of intentional literature or guidance on how the RtFN can monitor violations from a socially inclusive perspective.

This module suggests ways to create an inclusive right-to-food monitoring practice in the UK, with a specific focus on asylum seekers, which can be found below. The full module also includes examples of other useful participatory action research methodologies, in particular Photovoice, which uses participatory photography to support marginalized groups to self-document their own experiences in a more creative outlet.



RECOGNISE RACE, GENDER, HETERONORMATIVETY, AND OTHER AXES OF DIFFERENCE

An inclusive right to food approach arguably starts by recognising that the UK and Europe are constructed through a post-racial, post-gender, and post-homophobic lens. Similarly, disability and other axes of difference are also ignored as sources of oppression, discrimination, and marginalisation. By acknowledging the post-racial, post-gender, and post-homophobic context, which does not fully address structural and intersectional issues, monitoring is impelled towards examining and exploring the relationship between constitutive institutional discrimination and right to food violations.



CONSTRUCT AN INTERSECTIONAL SOCIALLY INCLUSIVE ANALYSIS

In order to reverse the erasure of difference, an intersectional socially inclusive approach must be applied carefully and intentionally to monitor the complex ways in which the right to food is violated. To monitor the right to food inclusively we recommend that analyses of food insecurity pay intersectional attention to social categories that are known to be associated with widespread and frequent discrimination. These socially constructed categories include, but are not limited to, the following:

- Gender: men, women, non-binary and transgender;
- Race and ethnicity;
- Social economic and educational background;
- Roma and traveller groups;
- Disability;
- Age;
- Mental health;
- Migrants see box one for a more in-depth look;
- Refugee/Citizen status;
- Income levels; and
- Sexuality

An intersectional analysis will intentionally reveal how race, gender, disability, social economic background, immigration/citizen status, mental health, age, and various intersectional combinations of these social differences relate to right to food violations.

In order to prototype and test a socially inclusive approach, data collected by the UK government, civil society groups, and academics were analysed from a socially inclusive perspective, using some of the aforementioned key categories. The narrative generated from a socially intersectional inclusive viewpoint, along with a critical race perspective, can be found in section three.



CENTRE LIVED EXPERIENCE OF PEOPLE DIRECTLY AFFECTED BY RIGHT TO FOOD VIOLATIONS

An intersectional analysis of right to food violations shows the relationship between difference and food insecurity. Nevertheless, the complex and nuanced ways in which right to food violations impact everyday realities cannot be fully comprehended through secondary data alone.

Thus, it is essential to centre those with lived experience of food insecurity and develop an analysis with and from the individuals that have been harmed by right to food violations. Centring this lived experience can be done in many ways, for example through focus groups, interviews, or surveys. Whilst these methods have their place, scholars and activists have shown that to genuinely centre lived experience, participatory action research (PAR) approaches must put into practice.

Furthermore, from a critical race perspective, it is important to critically engage with lived experience, so that particular community groups are not pathologised or oversimplified in relation to right to food violations. For example, uncritical accounts of people not eating enough healthy foods can devolve into pathologising the individual or community, rather than exploring structures of power and the all-pervasive nature of race and racism, all of which hinder access to health and nutritional food.

In developing the content and context for this module, the PAR method of photovoice was mobilised and prototyped to centre lived experience as part of a socially inclusive approach to monitoring the right to food with a critical race perspective (see section 3.1 for further details and boxes 2 and 3 for the photovoice methodology).



KNOWLEDGE MOBILISATION

An important step in advancing the right to food from an intersectional critical race perspective is to counter the post-racial, post-gender, and post-difference narrative currently in force about food insecurity in the UK and Europe. This could take the shape of local or national campaigns or activating analysis with key policy makers and decision makers to unpack how structural forces inform right to food violations.

The participatory photovoice method used in this project allowed: a) migrants to collectively express and narrate their lived experience of right to food violations; b) ways to tackle food insecurity and other associated human right violations to be identified; c) migrants' voices to be mobilised and amplified before policy makers and decision makers. In addition, photovoice empowers the community to curate an exhibition and advance their narratives creatively.

MODULE 4: WHAT DOES NUTRITION MEAN FROM A RIGHT TO FOOD AND NUTRITION PERSPECTIVE?

A food systems approach to RtFN allows for a holistic understanding of the issues at stake and takes into consideration all interactions comprising a food system: from production and processing to distribution, preparation, and consumption. Such analysis of a food system also needs to consider the complex interdependence with other domains and systems that impact food, nutrition, and health (such as medical care, agriculture, climate and environment, poverty and social protection, etc.), as well as the political, economic, social, institutional, and cultural contexts that shape food systems.

Developing healthy diets and sustainable food systems must go hand in, considering that the main source of harmful effects for food systems is industrialization and long production and supply chains. By offering local, seasonal, and nourishing food that is not dependent on chemicals, in more direct contact with consumers (or eaters), and coherent with ecosystems, agroecological production can improve consumers' diets by increasing the availability of fresh fruits and vegetables and engaging with nature harmoniously and sustainably. However, an agroecological system is not possible without transforming regulations, redesigning subsidies, reorganizing supply chains, and diversifying production and distribution methods which favor different models of production and access.

While in principle, many actors are in support of these actions – including policy makers – in practice, this is not yet the case. In addition to conflicts of interest and the **corporate capture of policy making** on food systems issues, institutional fragmentation makes it difficult to enact a more systemic approach.

Nutrition and health are often completely detached from broader food and agricultural policies in many countries. The Federal Plan for Nutrition and Health in Belgium (*Plan fédéral nutrition-santé*) is not holistic, because it refers mainly to the consumers' determinants of food choices, like food marketing practices. This impedes a systematic analysis of the problem across the food system and coherent measures capable of addressing multiple problems. It also results in policy focusing too much on consumers and the food environment, rather than considering policies and structures which support (or hinder) the production side.

In Belgium, competences in the field of food lie, as with public health promotion, in the hands of the different regions. Wallonia adopted the "Manger Demain" strategy in April 2019, which aims to promote sustainable food. Wallonia also adopted the "Good Food Strategy" in which the ties between food, health, and social issues are emphasized. However, this plan also assigns a significant role to the agri-food industry as a consulting partner, while the administration in charge of steering the strategy is primarily responsible for environmental protection. The Flanders region is also developing a food strategy for the first time, with strong participation from industry actors at the current stage of consultation. The fact that there is no overarching

framework policy at the federal level demanding integrated approaches, under the umbrella of the right to food for example, leaves everything up to individual regional governments and communities, and lacks provisions to prevent conflicts of interest or corporate capture.

Improved nutrition depends on multiple policies reaching far beyond the health and agricultural sectors. For example, social policies can play a role in how communities and individuals access food (e.g., social protection), and environmental policies and regulation can make a strong impact on problematic agricultural production practices. However, until now, many provisions designed to improve nutrition and health outcomes continue to be voluntary and depend on the "good will" of corporations rather than on state obligations to regulate. It is essential that states' step up their commitment and actions to uphold their human rights obligations by creating binding regulations in the best interest of the public, not corporate actors. Without this, food systems governance will remain fragmented, unequitable, and dominated by the interests of powerful actors, rather than the human rights of the people.

What else you will find in Module 4: An analysis of nutrition issues, from a human rights-based perspective and from a food systems perspective. This analysis is based on a case study of Belgium. The methodology reviews the international obligations of states regarding the RtFN and their translation into national and regional food public policies. It is nourished with inputs and testimonies from practitioners and experts on issues of poverty, healthy, sustainability, and climate, as well as consultations with local Belgian-based organizations and social movements.

Nutrition and health are not always included in the discussions around food security or the right to food. Therefore, the module also contains guiding question in order to support an assessment on the health and well-being, including nutrition, dimensions of the RtFN.

People's Monitoring Tool: Healthy and Sustainable Food Systems and Diets Module – Guiding Questions on health and well-being:

- What is the situation in your country regarding malnutrition in all its forms? What are the current trends in obesity, overweight, and associated non-communicable diseases (NCDs), especially in children and adolescents?
- Does your state promote healthy and sustainable diets based on diverse, local, fresh, organically grown, unprocessed or minimally processed, and homemade food ('real food')?

- Do policy and/or legal frameworks recognize the importance of healthy ecosystems and their sustainable use for nutrition, health, and well-being?
- Does your state promote healthy and sustainable diets in public institutions, including daycares and schools?
- Does your state promote traditional culinary cultures, as well as culinary education in schools and community centers, and take measures to prevent conflicts of interest in the selection of food providers?
- Are women able to make free and informed decisions about breastfeeding? Does your state take measures to protect, promote, and support breastfeeding?
- Are regulatory measures in place regarding the production, advertising, marketing, and consumption of ultra-processed food products, including breastmilk substitutes, through policy, price, and other interventions (e.g. taxes on sugar-sweetened beverages)?
- Has your state made progress in the formulation and implementation of unbiased, interpretive front-of-package labeling that warns and informs people about the risks of consuming ultra-processed food products and their critical nutritional content?
- Based on the experience of the COVID-19 pandemic, has your state developed strategies involving the participation of rights-holders to prevent and cope with future food (or other) crises?
- Does your state guarantee the right to water and sanitation?
- What is your state's approach to new technologies (e.g. biofortification, genetically modified seeds and organisms)? Does it use human rights criteria to evaluate such products and techniques? And does it implement the precautionary principle when risks are uncertain?
- Does the government provide widely accessible information on the health risks related to GMOs? Are regulations and mechanisms in place to control the presence of food products containing GMOs? Are products containing GMOs labeled?
- What is the approach taken to food safety? What measures are in place to prevent harm?
- Does your state internationally promote or export, including through food aid, food products that include substances prohibited in your state?
- Does your state regulate medicalized solutions to malnutrition, such as ready-to-use therapeutic foods and micronutrient supplements?
- Does your state regulate the quality of food products received in the form of food aid?

MODULE 5:

PARTICIPATION AND LOCAL FOOD-SYSTEM GOVERNANCE: ADVANCING THE RIGHT TO FOOD AND NUTRITION IN EUROPE

Participation in a human rights context means that each and every person is entitled to active, free, and meaningful participation in and contribution to decision-making processes that affect them. Participation can look different for different groups – from direct participation, representative organizations or networks, consultation, and even participating in referendums or other legislative opportunities. However, there are often deeply engrained structural barriers preventing many people from participating in decision-making processes. Individuals and communities experiencing marginalization should be active agents in setting the agenda and the direction of the relevant discourse.

Ensuring processes are accessible for people facing food insecurity, marginalization, discrimination, and social exclusion is an essential part of creating public policies and programs that meet their needs - from the local to the international level. The frameworks and standards that shape the right to food and nutrition have developed over several years through the claims, demands, and experiences of grassroots organizations and movements and frontline communities who bear the brunt of violations of these rights. Since the adoption of the Right to Food Guidelines in 2003, standards have evolved and developed towards a greater understanding of the scope of this right, and more visibility has been afforded to the most affected communities and individuals. Guaranteeing space for social movements and grassroots communities to shape and evolve right to food and nutrition standards is just as important as the standards themselves. At the international level, their participation has led to tremendous advances in land tenure, peasants rights, and women's rights, among others.

Participation is a key principle in a human rights-based strategy: dialogue among communities whose rights have been violated, between oppressed communities and policy makers and public servants, and with those persons most affected by the issues on the table.

A reoccurring obstacle to meaningful participation is that the roles, interests, responsibilities, and power of the different actors coming together are often blurred by the context. This can happen when, for instance, government representatives, citizens (regardless of nationality and legal status), social organizations, private foundations and the private sector gather around a commonly defined goal, but the rights and participation of marginalized groups are not prioritized, nor are private interests countered or controlled. Such a setting for participation can be deemed "multistakeholderism".

Creating policy processes that meaningfully engage with those who are marginalized in and by the food system is essential to addressing inequalities and the RtFN. Moreover, it is important to determine what is meant by "meaningful". Simply establishing a multistakeholder space where everyone can come to the table is not

enough. As **Shelley Arnstein** aptly puts it: "participation without redistribution of power is an empty and frustrating process for the powerless."

While governments and authorities have an enormous role to play in identifying exclusionary mechanisms and practices, it is also possible that locally based groups organizing and pushing for food-systems change may not operate with equity in mind. Therefore, there is work to be done in both institutions and civil society.

The local level has emerged as an important arena for organization and advancement of the right to food and nutrition. The proximity of policy makers to communities, and the possibility of making more meaningful, place-based interventions could be the missing link to truly develop and implement human-rights based policies and support localized food systems as well. However, local governments have differing levels of autonomy from their national governments, with varying abilities to craft authoritative policies or regulations. Therefore, different methods are capable of effecting change depending on the specific context. Additionally, there is the risk of recreating barriers to participation that exist at other political levels (i.e., multistakeholderism), or building structures that reinforce inequalities and fail to foster meaningful participation.

Food policy councils (FPCs) are a relatively new framework for policymaking and input in Europe that offer the potential of creating different conditions for participation. However, food policy councils are not a one-size-fits-all option. FPCs are organized differently, have diverse goals and priorities, and have distinct capacities to engage community members. They are an important vehicle for local actors to participate in food-systems transformation, but their impact in terms of social inclusion and participation differs. Some councils which focus, for example, on climate issues or other targeted themes, might not prioritize issues that are not directly tied to food production systems (i.e., access to food or issues related to poverty). Social inclusion and equity cannot be changed passively, but rather require proactive and specific strategies, as well as targeted identification of groups and their inclusion in processes. Without these strategies, it can be difficult to create genuinely participatory spaces and meaningful change for all community members. Leaving excluded groups out - even due to their own capacity issues - simply reinforces inequalities, as they are once again ignored.

Food councils as a democratic form of participation have great potential for advancing RtFN, but their future achievements depend on their members' interests and abilities, their organizational structure, and their focus.

The human-rights potential of FPCs has yet to be fully explored in Europe. Therefore, there is still work to be done: creating tools and assessment frameworks and conducting other analyses to support strong and more meaningful participatory food governance at the local level. While the drive for local food systems change is strong across Europe, it is fundamental that the sustainability movement is paired in equal measure with a human rights-based social transformation.

What else you will find in Module 5: People face different barriers to participation, as well as different decision-making contexts at the local level. This module explores these questions and provides some guidance on how to gain a deeper understanding of where and how food-related decisions are made, how conditions can be created for people to participate in decision-making, and how to assess decision-making spaces and risks and opportunities related to multi-stakeholderism, in the realm of territorial/local food policy decision-making, and especially in food policy councils. The emerging Heidelberg (Germany) Food Policy Council is referenced as an example.

Guiding questions for assessing local food systems decision making were developed in order to support different actors to assess how decisions are taken, what policies exist, and which actors are already involved.

Tools: Mapping of Food-System Decision-making

In order to create the conditions for meaningful participation, it is important to understand where food-related decisions are taken, who operates within the local food system, as well as challenges different actors face.

The following questions are designed to guide actors who want to engage with their local/territorial food system. In order to understand the main problems and strengths of a local food system, the first part includes questions on the current situation. It has questions on inequalities, as well as a section on public procurement. This was added to support the specific case of the Heidelberg Food Policy Council, as it was deemed a priority issue for the group given their objective of making a greater impact on the local food system.

A second set of questions examines possible points of entry for influencing decision-making at the local level, in order to help actors be effective in their claims and identify relevant spaces and forms for engagement.

Lastly, a third part focuses on portraying the nature of the participatory space, in order to assess risks of multistakeholderism and investigate social inclusion.

Understanding the food system

- 1. What does your local food system look like in terms of production? (Description of status quo, e.g. agricultural area and activities and actors, land ownership, structure of local food economy (restaurants, smaller shops and supermarkets, markets, direct marketing, etc.), direct contracts between local producers/processors and public and private food procurement)
- 2. What does your local food system look like in terms of consumption? (Food consumed in the city/region: e.g., percentage coming from local/regional production? Percentage of organically produced food? Fairtrade?)

On inequalities:

- 1. Is adequate, healthy, and sustainable food accessible and affordable for everyone and in all neighborhoods? Can you identify any location-related barriers?
- 2. Are there any marginalized groups in the food system (e.g., People who lack access physical or economic to healthy and sustainable food; people who suffer from poor working conditions or severe economic pressure in their food-related activities; people who suffer from the negative effects of food on their health)?
- 3. What systems are in place to help people who are in crises (i.e., lack of sufficient income, lack of access to food, etc.)?

- Who implements the support (public/private)?
- Is it sufficient?
- Is there support to navigate these programs/structures?

On Public Procurement/ Communal catering:

- 1. In which facilities do public vendors procure food?
- 2. How are the facilities supplied and what food is used (percentage of different food groups, organic food, fairtrade, unprocessed food, etc.?)
- 3. What kind of public procurement tenders are available and who can participate in the process (e.g., decision-making processes, selection procedures, budgets, catalog of criteria, contract lengths)?
- **4.** Have there been any evaluations of public procurement/communal catering?
- **5.** Which important communal catering spaces are procured by private entities? What are those entities? How is the situation in those spaces?

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Entry points/decision-making options/responsibilities in the local or territorial government

- 1. On which aspects of the local/territorial food system can the local/territorial government make decisions (as opposed to which decisions can only be taken at other levels)?
- 2. Which areas of the local government/administration are responsible for tackling issues related to food systems/food security? Are the responsible departments dealing with the issue? Which do not do so, but have the capacity to do so? Do the different departments/sections work together? What are intersecting interests/goals?
- 3. Can you identify important existing policies, programs, and regulations related to food systems/food security that are defined at the regional, national, or international level and that play an important role for the local/territorial level? Can the local/territorial level influence those?
- 4. Can you list existing policies, programs, and regulations, including self-commitments, related to food security/food systems that are defined at the local level and what they cover (i.e., land use planning, school meals, agriculture subsidies, incentives for shifting to organic production, food or income subsidies, regulations regarding the marketing of ultra-processed foods, targeted programs/policies including monitoring systems, etc.? How are they implemented? How are those different policies, etc. prioritized?

Assessing and improving spaces for participation at the local level

If there is a participatory or multi-actor decision-making body in existence or under development...

- 1. Have relevant actors, including marginalized groups, been identified?
- 2. How is it organized?
 - Is it governmental? On a civil-society basis? Hybrid?
 - If it is governmental: in what department is it located?
 - Are there paid staff? Where does staff funding come from?
- 3. How are decisions made? (e.g., by a representative group, by all participants, by majority, by consensus, by groups representing different constituencies, etc.)
- 4. Who participates in local decision-making?
 - Which organizations, associations, etc.?
 - How are relevant actors, including marginalized groups represented?
 - Who is not participating that should, and why? How can they be better included?
 - Are food producers participating?
 - Communities or representatives of people experiencing poverty and/or food insecurity?
- 5. Do private actors engage and how?
 - What role do they have?
 - What kinds of private-sector actors?
 - Is their participation regulated? (For instance, are there safeguards against conflicts of interest)?