

## WORKSHOP REPORT:

### **Monitoring the Use and Application of the Right to Food Guidelines<sup>1</sup>**

*Input to the CFS Global Thematic Monitoring Event on the Right to Food Guidelines*

*23<sup>rd</sup> March 2018*

The informal half day workshop, taking the opportunity of the upcoming CFS Global Thematic Event on the Right to Food Guidelines during CFS 45, examined how the Guidelines have been used towards the implementation of the right to adequate food at the national level, and the actors and means involved in the promotion of their use. It further provided the lessons learned about the role of UN agencies, particularly of the Rome-based Agencies (RBAs), in the use and application of the Guidelines. Through this lens, the dialogue brought together experiences and inputs from governments, civil society, and Rome-based Agencies in order to; explore achievements, challenges and gaps in the use and application of the Right to Food Guidelines; discuss and explore the different methodologies for the participation in right to food policy making and monitoring; explore how the Right to Food Guidelines have contributed to foster accountability of governments and policies geared towards the people most affected by food insecurity and malnutrition; and finally to build understanding on what kind of support is effective and needed in the future to strengthen implementation of right to food frameworks.

The event was organized by the informal “Friends of the Right to Food” Group in Rome and the CFS Civil Society Mechanism (CSM). The “Friends of the Right to Food in Rome” was established in 2018 by delegates accredited to the Rome-based UN agencies with the objective of advocating for positioning the Right to Adequate Food in the decision-making processes in the Rome-based UN agencies and to help disseminate the Right to Food Guidelines.

The founding members of the informal group include delegates from Argentina, Brazil, Costa Rica, Egypt, France, Germany, Hungary, Italy, Norway, South Africa and Switzerland. Among the 90 participants to the workshop were representatives from member states, civil society organizations, Rome-based agencies, representatives from the OHCHR and the CESCR, and the Special Rapporteur on the right to food.

**First Roundtable:** Experience sharing on the implementation of policies supporting the Right to Food

- *Guiding questions: What have been the achievements, challenges and gaps in using the Right to Food guidelines in your context? How have you ensured participation for right to food policy making and monitoring? How has this contributed towards fostering accountability?*

The Right to Food Guidelines have informed many legislative and constitutional initiatives in national contexts but were also very much influenced by country experiences. This dual role was also noted in relation to specific policies which aim at realizing the right to food, such as public procurement policies that prioritize small-scale food producers, support to the development of local sustainable food systems and generation of economic opportunities particularly to the most vulnerable. Key examples of this were given based on the ongoing experiences in Brazil and Costa Rica, which underlined the importance of open and democratic consultation processes.

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<sup>1</sup> *Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (VGRtF)*, or better known as the Right to Food Guidelines: <http://www.fao.org/3/a-y7937e.pdf>

Presentations highlighted the importance of the creation of legal frameworks and governance spaces – such as the National Council for Food and Nutrition Security (CONSEA) in Brazil – or other National Human Rights Institutions (NHRI), both as a support-mechanism in terms of policy design, but also in monitoring the outcomes. The experiences of Malawi and Nepal were also discussed.

What was evident from the experiences shared was the importance of **technical support from specialized UN agencies, in particular from FAO**. This specialized, technical support can play a key role in helping countries in their efforts to integrate the right to adequate food into their national policies.

One of the main challenges is to ensure financial support to Right to Food programs not only from voluntary contributions but also from regular budget, given FAO's mandate on eradicating hunger and malnutrition. It was noted that FAO no longer dedicates financial resources for an individual Right to Food team, though it is widely known that **inconsistent funding leads to fragmented, short-term support**.

Linked to the need for ongoing technical support is ensuring that all involved actors understand what the Right to Food is. There is currently a lot of misconceptions and confusion between perceiving the Right to Food from a charity perspective rather than understanding it as a right that implies state obligations. There are still questions about what exactly constitutes the Right to Food while the UN Committee on Economic, Social and Cultural Rights provided with its General Comment 12 an authoritative interpretation of its normative content<sup>2</sup>.

The Right to Food Guidelines, as well as other CFS policy outcomes, can provide important guidance vis-à-vis emerging and popular policy discussions on food losses and waste, food safety, and consumer rights. These latter emerging policy discussions tend to fail to capture the normative human rights framework and as such to prioritize the voices and needs of those most affected by food insecurity, or to create spaces of accountability in which people can claim their rights.

The Right to Food entails an approach in which the state through its obligations to protect, respect, and fulfill creates an environment for the progressive realization of this right. Legislating the Right to Food provides an opportunity to bridge usually separate policy areas and actors, creating convergence and generating solutions that meet peoples' needs.

Countries' experiences have shown that participation is the fundamental factor for success in the design and implementation of laws and policies supporting the realization of the right to food. This includes the creation of space for grassroots participation as well as ensuring that all relevant government ministries, departments and actors are involved in the process. Otherwise is it difficult to make the process move forward and to ensure a meaningful outcome. **FAO has played an important role in facilitating participatory dialogue** towards successful policy formulation on the Right to Food, and so have Civil Society Organizations.

Ensuring accountability and the efficient monitoring of policies and laws requires also working with legal support teams. **In addition to FAO, the OHCHR plays an important role in providing support to national policy processes and supporting national monitoring frameworks**, such as the example shared from Nepal. In other countries, such as India and Malawi, monitoring processes via national legal rulings and the justiciability of the Right to Food have been the catalyst for the national Right to Food laws, and have provided important frameworks for other countries to follow.

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<sup>2</sup> CESCR, General Comment 12, The right to adequate food, 1999, ECOSOC E/C.12/1999/5, see: [http://www.fao.org/fileadmin/templates/righttofood/documents/RTF\\_publications/EN/General\\_Comment\\_12\\_EN.pdf](http://www.fao.org/fileadmin/templates/righttofood/documents/RTF_publications/EN/General_Comment_12_EN.pdf)

**Second Roundtable:** The way forward for implementing the right to food

- *Guiding questions: How should the implementation of the right to food be strengthened, how should gaps be addressed? And what kind of support from Rome-based Agencies and UN human rights bodies will be needed to further support the implementation of the Right to Food Guidelines?*

The workshop underpinned **the importance of monitoring and accountability exercises at international and national level**, drawing on lessons from national, regional, and international experiences- as well as within the various UN Agencies supporting the Right to Food.

The opportunity to create more linkages between the normative spaces in Geneva and policy frameworks in Rome should be strengthened. The human rights treaty bodies, special procedures, and the Universal Periodic Review (UPR) provide the overarching framework for commitments and obligations, as well as the **indivisibility of all human rights** which underline the interrelatedness between the right to food and women's rights, indigenous peoples' rights, or other social groups who continue to fight for their rights and against discrimination.

However, **the CFS has a fundamental role in furthering the understanding of how to implement these standards** with regards to the Right to Food- developing technical and policy guidance on specific issues related to the Right to Food as well the space to evaluate the related policy successes, gaps, and challenges with regards to implementation. It was also noted that while addressing Right to Food issues, there is potential of synergies with IDLO, for instance, for the legal/rule of law expertise it can bring.

The richness of the development of the innovative monitoring mechanism reflects not only links to Geneva and Rome, but also to the discussions around the SDGs in New York. Presently, the SDGs represent an overarching framework within the UN system - with goals and targets that can support the realization of the Right to Food and compliment the ongoing normative monitoring work done in Geneva and now also in Rome. The discussions around the SDGs in New York focus on outcomes and national level progress and thus provide an opportunity to create participatory processes at national level towards all goals related to the Right to Food, which can **foster national level inclusive dialogue and highlight the indivisibility of all human rights**.

The **division of labor within the UN-system** was well explained by the CESCR representative during the workshop: Structural indicators of the right to adequate food can best be monitored through the human rights bodies in Geneva, particularly the CESCR as the authoritative body to oversee observance of the International Covenant on Economic, Social and Cultural Rights. Outcomes indicators are monitored best by the SDG review in New York through the High-Level Political Forum of ECOSOC. Process indicators can best be monitored by the policy check at CFS in Rome, through assessing the use and application of policy instruments in their contribution to the progressive realization of the right to adequate food. The Special Rapporteur on the right to adequate food covers all the three sets of monitoring indicators in her/his in-depth country or thematic reports to the UN General Assembly and Human Rights Council.<sup>3</sup>

The Right to Food Guidelines are part of the vision and roles of CFS and are an instrument that crosses many sectors and issues. A link and reference to the Right to Food Guidelines should therefore be included within every product of the CFS. The **Right to Food Guidelines should be strengthened and mainstreamed** in the work of the RBAs. RBAs should **raise awareness of the VGRtF as well as other CFS products among their own staff** especially in related divisions as well as

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<sup>3</sup> The distinction between structural, process and outcome indicators for human rights monitoring and implementation is explained in the UN High Commissioner for Human Rights Guide on Human Rights Indicators, see [http://www.ohchr.org/Documents/Publications/Human\\_rights\\_indicators\\_en.pdf](http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf)

at country level. There should be **continuous training** for the staff on how to support governments to implement the VGRtF and other CFS products.

In order to continue work on implementation, **member states need ongoing technical support**. As the custodian of the Right to Food guidelines, FAO is in an important and unique position to provide support to the member states at national level and should recommit to this mandate. However, **dedicated human and financial resources are necessary to carry out such work**. The bilateral cooperation between FAO and committed governments, such as Germany, Norway or Switzerland, is a good example of how to create long-term mechanisms of support for work on the Right to Food. Such cooperation has produced important results and concrete instruments in advancing the right to food in many countries. In order to scale up and strengthen this work it needs a permanent multi-disciplinary team for the right to food financed by FAO within the regular budget in order to ensure that **member states and specialized departments and staff at country level of the RBAs can request such support, which can create a longer-term support process**

#### **Key Recommendations emerging from the discussion:**

- Increased cooperation on the Right to Food between the Rome based Agencies, in particular FAO, and the OHCHR in Geneva;
- Strengthen the leading role of FAO for the global implementation of the Right to Food. This requires an increased and continuous political and financial support for a long-term establishment of a specialized team in FAO HQ and the regional offices to support Right to Food work at national and regional level;
- Support to explore the possibilities of IFAD and WFP in including the right to adequate food into their work programs;
- Create a permanent space in the annual CFS session for the Special Rapporteur on the Right to Food to present, and provide the means for the Special Rapporteur (or his/her representative) to take part in the CFS Bureau & Advisory Group and open working groups meetings;
- Training sessions on the Right to Food for member states and staff of the RBAs in order to better understand the content of the Right to Food Guidelines;
- Strengthen the use and application of the Global Strategic Framework of CFS, which contains all relevant guidelines and recommendation in order to realize the right to adequate food and for the monitoring processes in Geneva, as well as with the ongoing monitoring of the SDG2;
- CFS Monitoring events are an opportunity to create policy convergence and coherence at national level and can be aligned with other national reviews in Geneva and New York;
- Exploring the potential in working with other specialized agencies, such as IDLO, the regional human rights commissions and NHRI, to jointly advance the progressive realization of the right to adequate food for all.
- Expansion and improvement of a long-term commitment to the Right to Food at national and global level; development of clear implementation plans, objectives, timetables and monitoring processes
- Establishment of open CFS like multi-stakeholder platforms at national level, including those people most affected by hunger and malnutrition.