

## **Submission to the online consultation on the V0 Draft of the Report “Data collection and analysis tools for food security and nutrition” proposed by the HLPE Steering Committee and the Project Team**

FIAN International is pleased to submit its comments on the V0 Draft of the HLPE Report on “Data collection and analysis tools for food security and nutrition.”

FIAN is an international organization with more than thirty years of experience in the defense and promotion of the human right to food and nutrition. FIAN operates through its international secretariat, which is based in Heidelberg (Germany) and Geneva (Switzerland), as well as its national sections in 20 countries in Africa, Asia, Europe and Latin America. For more information, please see [www.fian.org](http://www.fian.org).

FIAN International is a member of the Civil Society and Indigenous Peoples’ Mechanism (CSM) to the CFS.

### **Re question 1, regarding the conceptual framework:**

FIAN International considers that the conceptual framework proposed by the V0 Draft has the following major shortcomings:

1. The proposed conceptual framework does not take into account human rights in general and the right to food and nutrition in particular. These are, however, central to FSN, in particular FSN’s agency dimension. The right to food recognizes agency, as human rights are intrinsically about individual and community capabilities and freedoms. In this context, we would like to recall the HLPE of the last point of the terms of reference, which were agreed by the CFS for this report: “Provide insights into how to ensure data collection and its utilization give voice to the people most affected by policies stemming from that data, including farmers and other food producers”. Moreover, in the rationale for this work stream, CFS 2019/46/7 - CFS Multi-Year Programme of Work 2020-2023 clearly states in its para 42 that “[...] data sources are wide and varied and should be collected and utilized with an eye towards transparency, openness, and consistent with legal standards and relevant human rights principles.”

In order to incorporate the right to food and nutrition and the broader human rights framework into the report’s conceptual framework, FIAN recommends the following:

- Build on the standards developed in the Voluntary Guidelines on the Progressive Realization of the Right to Adequate Food (RtF Guidelines), which were adopted unanimously by all FAO member states in 2004, to improve decision-making for FSN. Among others, the RtF Guidelines emphasize the importance of agency to realizing the right to food by calling upon states to “promote and safeguard a free, democratic and just society in order to provide a peaceful, stable and enabling economic, social, political and cultural environment in which individuals can feed themselves and their families in freedom and dignity” (FAO, 2005, Guideline 1). The RtF Guidelines further explicitly call on states to ensure that right to food strategies and policies are developed, implemented and monitored through inclusive processes that ensure the participation of women and other vulnerable groups, and that they facilitate consumer choices (FAO, 2005, e.g. Guidelines 3, 8, 9 and 11). At the same time, exercising agency requires recognizing and

upholding rights. This point is emphasized in HLPE 14, which stresses that, “Achieving agency implies the need for access to accurate information, the right to such information and to other aspects of food security, as well as the ability to secure such rights, including access and control over the resources required for production, harvesting and preparation of foods” (HLPE 14, 2019, p.66).

- Recognize the distinct forms of knowledge that have been developed and are held by small-scale food producers and indigenous peoples, and which are protected by international law, including the right to free, prior and informed consent to the utilization of such knowledge by others (Convention on Biological Diversity, art. 8 j, UND Declaration on the Rights of Indigenous Peoples, UN Declaration on the Rights of Peasants and Other People Working in Rural Areas). The importance of such knowledge is also emphasized by the UN Committee on Economic, Social and Cultural Rights’ (CESCR) General Comment No. 25 on science and economic, social and cultural rights, which states the following regarding the right to food and nutrition ([UN Doc E/C.12/GC/25](#)):

64. Scientific and technological advancements have increased agricultural productivity, contributing to higher availability of food per person and reduction of famine. Nevertheless, the environmental impacts of certain technologies associated with the Green Revolution and the risks associated with increased dependency on technology providers has led, inter alia, the General Assembly to acknowledge that peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. Thus, the right to participate in and to enjoy the benefits of scientific progress and its applications in agriculture should preserve, not violate, the right of peasants and other people working in rural areas to choose which technologies suit them best. Low-input eco-friendly agronomic techniques that increase organic matter content in soil, carbon sequestration and protect biodiversity should also be supported.

65. In addition, States parties should take appropriate measures to ensure that agricultural research and development integrates the needs of peasants and other people working in rural areas and to ensure their active participation in the determination of priorities and the undertaking of research and development, taking into account their experience and respecting their cultures. Every policy or action taken on biofuels and pesticides should consider all their interconnected complexities and the best available scientific knowledge.

- Take into account and build on the human rights principles developed by the former UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, which emphasize the need to take into account the implications of data collection and use on social, economic and cultural rights, in addition to aspects such as privacy, non-discrimination, data security etc. The Special Rapporteur emphasizes, among others the importance of the following aspects in the context of collection and use of data ([UN Doc A/74/493](#)):
  - regulation of data collection and use, based on human rights
  - Ensure the respect, protection and fulfilment of human rights
  - Ensure legality and transparency
  - Promote digital equality
  - Regulation and accountability of corporate actors
- Take into account the broader context of the digital economy, in particular existing inequalities, which raise important challenges regarding the access to, use of and control over data and digital technologies by marginalized groups. For instance, UNCTAD’s Digital Economy Report 2021 emphasizes the need to:
  - Take into account “current divides that characterize the global digital economy” (p. 11)
  - Take into account the concentration of power (including processing power) in big tech companies (“global digital corporations”) and in some few countries,

resulting in a highly unequal capture of economic benefits arising from data and its use.

- Consider that “As the data-driven digital economy has evolved, a data-related divide has compounded the digital divide.” (p. 3)
  - Regulate the collection and use of data, which has become an important economic resource
2. The proposed conceptual framework omits discussing and problematizing the term/concept “data”. Moreover, the term/concept is not clearly distinguished from other terms/concepts that are used in the draft and which are relevant in the context of the report, such as “information”, “evidence” and “knowledge”. FIAN International considers it as critical that the HLPE report defines its understanding of the term “data” and situates it within the current political, economic and social context, taking into account the following aspects:
- Data is not neutral: the ways in which data is created, collected, processed and used has a bearing on the very nature and quality of the data and the results of its analysis. As such, the use of data is prone to biases, which need to be taken into account in decision-making processes.
  - In the digital economy, data is an important economic resource and asset. Any discussion and use of data as well as data analysis tools, including in the context of food and nutrition, need to take into account this reality, since it has major implications for access to data as well as control over data and the digital infrastructure that is needed to store, process and analyze it. The current context of great power imbalances and a high degree of concentration in the information and communications technology (ICT) sector as well as the agri-food sector are therefore important aspects in the context of data in the context of FSN.
  - Biases linked to data collection (e.g. exclusion of certain kind of data or information) and processing (e.g. biased algorithms and/or AI) can result in the exclusion of certain groups, including already marginalized groups and those most affected by food and nutrition insecurity.
  - There are different and diverse forms of data, information and knowledge. This includes, in particular, information and knowledge that are held by small-scale food producers. Such information is critical for FSN but is usually not considered by data collection systems.
3. FIAN International is concerned about the V0 Draft’s uncritical use of concepts such as “data-driven decision-making,” and without discussing them adequately. We recommend to the HLPE to refrain from using the concept of “data-driven decision-making” for the following reasons:
- According to CFS MYPOW, the main aim of this work stream is to improve critical decision-making around FSN policies strengthening the capacity of countries to collect, analyse and use data. The aim is therefore not to advance or promote data-driven decision-making.
  - “Data-driven decision-making” – particularly regarding policy decision-making – may undermine the exercise of fundamental rights and democratic principles. The underlying assumption is that data and the datification of reality is a superior form of knowledge. Thus, it excludes or subordinates other forms of knowledge, which are equally relevant for decision-making, such as information and knowledge held by small-scale food producers and indigenous peoples. An uncritical trust in big data (which has been described as “a big data state of mind”<sup>1</sup>) may lead to the idea that more and more data and automated

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<sup>1</sup> Kempeneer, S. (2021). A big data state of mind: Epistemological challenges to accountability and transparency in data-driven regulation. *Government Information Quarterly* 38(1), 101578. 1-8.  
<https://doi.org/10.1016/j.giq.2021.101578>.

data analysis is all that is needed to understand and shape the world. Such a view deprives particularly marginalized groups of their agency and right to participate in decision-making, and lead to inequitable and unjust outcomes. Data should not drive decisions, but may contribute to support decision-making to achieve policy objectives, which have been developed through democratic and participatory processes. In the words of the former UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston: “Assuming that technology reflects preordained or objectively rational and efficient outcomes risks abandoning human rights principles along with democratic decision-making.” ([UN Doc A/74/493](#), para. 79)

Instead of using the framework of “data-driven decision-making,” the HLPE report should provide insights into how data collection and analysis can strengthen democratic, participatory, inclusive of decision-making for FSN, based on the right to food and nutrition and the broader human rights framework. The first step therefore needs to be identifying what needs to be improved in decision-making for FSN. Based on this, the report can discuss ways in which data collection and analysis can contribute (or not) to achieve the needed improvement.

4. The previous comments are also relevant for the proposed conceptualization of the “data value chain/cycle” inasmuch as the decisions taken at every step (priority setting, data, translation, utilization) will necessarily influence the outcomes. In this sense, it would be wrong and dangerous to assume that the “data value chain/cycle” is neutral and leads to “objective” recommendations and/or decisions. Once again, such an understanding entails serious risks of excluding already marginalized groups and those most affected by food and nutrition insecurity.

#### **Re question 2 regarding the report’s use of the broader definition of food security and nutrition:**

FIAN International welcomes the V0 Draft’s adoption of the broader definition of FSN and the inclusion of the dimensions of agency and sustainability. Is regrettable, however, that the report omits relating all six dimensions to the topic of the report, namely data collection and analysis, stating merely that they are “cross-cutting” issues to the conceptual framework. We consider that discussing the relationship of FSN to data collection and use should be at the center of the conceptual framework, based on the right to food and nutrition and human rights (see our response to question 1).

As said in our response to question 1, the dimension of agency is of particular importance in this regard, as it relates to critical questions regarding access to data, decisions on types of data considered, control over data and its use, control over the digital infrastructure (including data storage and processing capacities), among others. Moreover, biases arising from limiting the scope of data used as well as its processing and analysis (including through artificial intelligence) entail the risk of undermining agency and human rights.

As far as we can see, the six dimensions of FSN are only applied to data collection and analysis tools in chapter 4.3. However, this happens in a superficial way, which does not do justice to what should be a central part of the report. One example is the reference to the generic term “users” in the context of agency, which omits a discussion on the great variety of actors, their ability to access and use data as well as power asymmetries among them. Based on a human rights-based framework, the report should give particular attention to marginalized groups, including those most affected by food and nutrition insecurity.

### **Re question 3 regarding FSN data collection and analysis tools, initiatives and trends:**

It would be important for the report to provide information regarding the criteria for the selected examples. Based on our previous comments, this is a concrete example of how selecting certain data bases/data collection initiatives leads to an (explicit or implicit) prioritization of certain types and sources of data over others.

### **Re question 4 regarding capacity constraints at local, national and global levels**

Whereas capacity constraints are relevant issues in the context of data collection and analysis for FSN, it should be avoided to give the impression that technical and resource constraints are the only (or main) factors to take into account in this regard. As explained before, it would not be appropriate for the HLPE report to suggest that the main challenge is to ensure the collection of as much data as possible. Furthermore, a focus on statistics and surveys does not do justice to the many different forms of data and information that are relevant for FSN. Therefore, issues related to different types/forms of data and information, power imbalances, control over data and digital infrastructure should be given more attention.

### **Re question 5 regarding the role of new and emerging technologies:**

FIAN International welcomes the discussion of risks associated with the use of digital technologies in chapter 4.4. We recommend, however, to include a specific section on human rights risks, including for the right to food and nutrition. Such a section should address issues that we have mentioned before, such as:

- Risks arising from inequitable access to data.
- Risks arising from inequitable control over data and its use.
- Risks arising from the exclusion (willfully or not) of certain types of data and information as well as from biases in data analysis tools (e.g. biased algorithms and/or AI). This includes biases based on gender.
- Risks arising from the concentration of data, digital infrastructure (including data collection, storage and processing capacities) as well as benefits arising from data use. This aspect is of particular relevance given the high levels of concentration in the ICT as well as the agri-food sector, both in terms of geographical concentration as well as in terms of market domination by few companies. (cf. UNCTAD's [Digital Economy Report 2021](#)).
- Risks arising from exclusive property regimes over data.

Such risks could be illustrated by concrete examples, focusing on risks and adverse impacts on the rights of marginalized groups as well as small-scale food producers and indigenous peoples. Possible examples include the undermining of peasants' and indigenous peoples' rights over seeds (farmers' rights) through digital sequence information (DSI) (cf. [Submission](#) of the International Planning Committee for Food Sovereignty to the International Treaty on Plant Genetic Resources for Food and Agriculture) ) as well as the replication, fostering, and even exacerbation of discrimination against rural people (cf. FIAN International (2021), [Disruption or Déjà-vu? Digitalization, Land and Human Rights](#)).

In this context, FIAN International is concerned that the description of new and emerging technologies and their (potential) benefits for the six dimensions of FSN (Table 3) could be read as an endorsement of these technologies and their concrete application by the HLPE. Based on our own research work, we must emphasize, for instance, that the use of blockchain and other digital technologies in the context of land governance and administration (mentioned on p. 33 of the V0 Draft) has led to exclusion and human rights impairments (cf. FIAN International (2021), [Disruption or Déjà-vu? Digitalization, Land and Human Rights](#)).



FIAN International recommends the HLPE to give more visibility to data collection initiatives that are led by small-scale food producers' organizations and civil society organizations (CSOs). Relevant examples within the scope of this report include:

- A website collecting information on land and resource grabbing: [www.farmlandgrab.org](http://www.farmlandgrab.org);
- Mapping of land and environmental conflicts: <https://ejatlas.org/>;
- Tracking of land grabs, deforestation and forest fires in Brazil: <https://en.agroefogo.org.br>;
- Monitoring of deforestation: [www.globalforestwatch.org](http://www.globalforestwatch.org).

Regarding the mitigation of risks, FIAN International recommends to put more emphasis on regulation through legislation (chapter 4.5.1). As stated several times, the right to food and nutrition and the broader human rights framework should be the basis for such a discussion. Self-regulation by tech and agri-food corporations through voluntary commitments or multi-stakeholder initiatives is certainly not adequate or sufficient, especially in the context of great power imbalances and high levels of concentration of power in the hands of a few corporations.

### **Re question 6 regarding institutions and governance for data collection, analysis and use**

FIAN International considers that the HLPE report's discussion of governance in the context of data and FSN should be based on the right to food and nutrition and the broader human rights framework. Governance of data collection and use for FSN is not primarily a question of optimization, but a question of equity, democracy and justice. As such, FIAN recommends to focus on the following issues:

- Ensure effective regulation and accountability regarding data collection and use, including corporate accountability;
- Ensure respect, protection and fulfilment of human rights. In addition to important issues such as privacy and data security, this needs to include economic, social and cultural rights, in particular the right to food and nutrition;
- Give special attention to the rights and needs of small-scale food producers, indigenous peoples, women, marginalized groups and those most affected by food and nutrition insecurity;
- Address power imbalances and inequities of the digital economy, such as the concentration of digital infrastructure, including data storage and processing power;
- Take into account the importance of cross-border data flows and the transboundary nature of the global digital economy, including the concentration of power within global digital corporations;
- Develop governance models that treat data as a public good (as recommended by UNCTAD's Digital Economy Report 2021), as alternatives to models based on exclusive property regimes, which favor concentration of data, processing power and economic benefits arising from data.

### **Re question 8:**

As explained in detail above, the lack of consideration of the right to food and nutrition and the broader human rights framework is a major omission. It is of utmost importance that the report adequately incorporates the right to food and nutrition and the broader human rights framework in its conceptual framework, and uses it as a basis for analysis throughout the report.