CFS POLICY RECOMMENDATIONS ON DATA COLLECTION AND ANALYSIS TOOLS FOR FOOD SECURITY AND NUTRITION

Comments of the Special Rapporteur on the Right to Food, Michael Fakhri

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The Special Rapporteur on the Right to Food congratulates the Rapporteur of the OEWG for the first outline summary of the recommendations. He would like to put forward some comments from a human rights perspective.

The HLPE report "Data collection and analysis tools for food security and nutrition", which informs this workstreams is very well balanced in how it outlines the challenges and opportunities related to data collection and analysis tools for food security and nutrition.

Accordingly, the first draft outline of the recommendations should ensure that it considers the challenges.

The Special Rapporteur therefore suggests that a dedicated section in the "Definition rationale and scope" paragraph be dedicated to outlining the challenges. This paragraph will in fact set the ground and the following paragraphs will accordingly respond/address the different issues mentioned.

It is also important to keep in mind what added value the CFS can bring to the topic of data collection and analysis, as compared to other forums and contexts. The CFS is the best position international forum to promote policies that ensure data collection and analysis is transparent and transparent, depend on inclusive governance systems, and focus on benefiting the most vulnerable. As the HLPE report has highlighted, food security and nutrition data should be considered as a public good.

Some challenges related to data collection and analysis tools that should be mentioned include:

- **Human rights and privacy** are particularly important with the increasing involvement in food security and nutrition data generation and analysis on the part of private agencies.
- **Biases** in food security and nutrition data collection **might create or reinforce existing discrimination**. Bias in artificial intelligence tools and data leads to even more discriminatory practices.
- **Over-reliance on numeric data** (on the false presumption that such data is more objective) may lead to a scenario where data or information remain largely incomplete.
- **Knowledge and culture of specific groups** of peoples such as indigenous peoples and **marginalized people,** risks being overlooked or exploited.
- **Constraints relating to ownership of and access** to the information generated from data collection and analysis on the part of relevant stakeholders.
- Risks associated with inequitable data access, **power asymmetry, negative exclusive property regimes over data, exclusion of certain types of data**, unethical tracking and targeting (for instance, through AI-powered unethical target advertising), and market dominance by organizations and bodies that control the data.
- **Environmental sustainability** of technologies related to data.

Overarching principles to inform the recommendations:

- The recommendations should avoid a presumption of technological objectivity and neutrality and focus not only on the substance of knowledge, and its technical dimensions, but also consider the way knowledge is produced. There should be an acknowledgement that Indigenous and traditional knowledge is just as important as data collection and analysis.
- Ethical approaches to govern emerging digital technologies and data gathering must be pursued in line with international human rights law and existing obligations, including UNDRIP and UNDROP. The international legal doctrine of Free Prior and Informed Consent is particularly relevant in this context. These obligations also have implications for non-State actors, such as technology corporations, which in many respects exert more control over technologies and have their own systems of data collection.
- States should adopt an approach to data grounded in human rights, by ensuring disaggregation, self-identification, transparency, privacy, participation and accountability in the collection and storage of data.

Human rights experts have raised serious concerns regarding global inequality in regard to data collection and analysis. There is evidence that in many cases of the digitalization of welfare systems (impacting on the right to food), groups are marginalized, discriminated against and excluded on a racial and ethnic basis, unless States actively take preventive steps these systems tend to reinforce the same inequities.[1] The CFS should therefore pay close attention to concerns about the unregulated, and in some cases exploitative, terms on which data are extracted from individuals and nations in the global South, by profit-seeking corporate actors in the global North who cannot be held accountable.

As articulated in the Guiding Principles on Business and Human Rights, private companies bear a responsibility to respect human rights, including through human rights due diligence. Human rights due diligence requires assessing actual and potential human rights impacts; integrating and acting upon the findings; tracking responses; and communicating how these impacts are addressed. As highlighted in the Business and Human Rights in Technology Project (B-Tech Project), which applies the Guiding Principles to digital technologies, due diligence should apply to the conceptualization, design and testing phases of new products – as well as the underlying data sets and algorithms that support them. States should set clear, mandatory due diligence requirements that include enforcement mechanisms.

I look forward to a constructive discussion in the next OEWG and wishing us all a successful process.

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[1] https://antiracismsr.org/wp-content/uploads/2020/07/A_HRC_44_57_AdvanceEditedVersion.pdf