Practical Guide:
How to use international instruments related to the right to food at the national and subnational levels - the case of Brazil

THE HUMAN RIGHT TO ADEQUATE FOOD AND THE RIGHT TO LAND

11

CONSEA
Conselho Nacional de Segurança Alimentar e Nutricional

SECRETARY-GENERAL

BRAZILIAN GOVERNMENT
BRASIL
STANDING WITH THE BRAZILIAN PEOPLE

PRACTICAL GUIDE: HOW TO USE INTERNATIONAL INSTRUMENTS RELATED TO THE RIGHT TO FOOD AT THE NATIONAL AND SUBNATIONAL LEVELS - THE CASE OF BRAZIL

The Human Right to Adequate Food and The Right to Land

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Table of Contents

Index

PUBLICATION DIVIDED INTO 12 VOLUMES OF THE SERIES:

Practical Guide: How to use international instruments related to the right to food at the national and subnational levels - the case of Brazil

5. **THE HUMAN RIGHT TO ADEQUATE FOOD AND SOCIAL PROTECTION**

- INTERNATIONAL INSTRUMENTS
- EXAMPLES OF IMPLEMENTATION IN BRAZIL
- MAIN CHALLENGES
- SOCIAL PARTICIPATION
- ACCOUNTABILITY AND ENFORCEABILITY
- CORPORATE POWER
- FINANCING

6. **THE HUMAN RIGHT TO ADEQUATE FOOD AND THE RIGHTS OF INDIGENOUS PEOPLES**

- INTERNATIONAL INSTRUMENTS
- EXAMPLES OF IMPLEMENTATION IN BRAZIL
- MAIN CHALLENGES
- SOCIAL PARTICIPATION
- ACCOUNTABILITY AND ENFORCEABILITY
- CORPORATE POWER
- FINANCING

7. **THE HUMAN RIGHT TO FOOD AND POLICIES FOR SMALL-SCALE FOOD PRODUCERS**

- INTERNATIONAL INSTRUMENTS
- EXAMPLES OF IMPLEMENTATION IN BRAZIL
- MAIN CHALLENGES
- SOCIAL PARTICIPATION
- ACCOUNTABILITY AND ENFORCEABILITY
- CORPORATE POWER
- FINANCING

8. **THE HUMAN RIGHT TO ADEQUATE FOOD AND WATER, FISHERS AND OCEANS**

- INTERNATIONAL INSTRUMENTS
- EXAMPLES OF IMPLEMENTATION IN BRAZIL
- MAIN CHALLENGES
- SOCIAL PARTICIPATION
- ACCOUNTABILITY AND ENFORCEABILITY
- CORPORATE POWER
- FINANCING

9. **THE HUMAN RIGHT TO ADEQUATE FOOD AND THE SOLIDARITY ECONOMY**

- INTERNATIONAL INSTRUMENTS
- EXAMPLES OF IMPLEMENTATION IN BRAZIL
- MAIN CHALLENGES
- SOCIAL PARTICIPATION
- ACCOUNTABILITY AND ENFORCEABILITY
- CORPORATE POWER
- FINANCING

10. **THE HUMAN RIGHT TO ADEQUATE FOOD AND GENDER EQUALITY**

- INTERNATIONAL INSTRUMENTS
- EXAMPLES OF IMPLEMENTATION IN BRAZIL
- MAIN CHALLENGES
- SOCIAL PARTICIPATION
- ACCOUNTABILITY AND ENFORCEABILITY
- CORPORATE POWER
- FINANCING

11. **THE HUMAN RIGHT TO ADEQUATE FOOD AND THE RIGHT TO LAND**

- INTERNATIONAL INSTRUMENTS
- EXAMPLES OF IMPLEMENTATION IN BRAZIL
- MAIN CHALLENGES
- SOCIAL PARTICIPATION
- ACCOUNTABILITY AND ENFORCEABILITY
- CORPORATE POWER
- FINANCING

12. **THE HUMAN RIGHT TO ADEQUATE FOOD AND SCHOOL MEALS**

- INTERNATIONAL INSTRUMENTS
- EXAMPLES OF IMPLEMENTATION IN BRAZIL
- MAIN CHALLENGES
- SOCIAL PARTICIPATION
- ACCOUNTABILITY AND ENFORCEABILITY
- CORPORATE POWER
- FINANCING

Introduction

Brazil and the human right to adequate food

At the heart of today's debates on equity, justice, sovereignty and democracy lies the human right to adequate food (right to food). It is not only about ensuring access to food and meals; it also means recognising that land and territory, water, health, food culture and food supply are inseparable parts of a fundamental right – one that underpins citizenship and must be guaranteed through public policies.

Brazil enshrined the right to food in the Constitution in 2010 and has since developed pioneering public policies for food and nutrition security. This is a collective achievement, resulting from decades of social mobilisation, academic work, institution-building and international commitments undertaken by the Brazilian State. This accumulated experience is expressed in a set of legal instruments, treaties, resolutions and pacts that have recognised the right to food as a legal, political and ethical guideline.

Today, this framework is not only a reference for Brazil: it has become a concrete example, able to inspire governments, institutions and civil society. In a global context of geopolitical instability, environmental crises and deep inequalities, the realisation of the right to food cannot be treated as a mere administrative choice. It is a constitutional duty and a moral imperative. Hunger, deforestation, water insecurity and an exclusionary, health-damaging agri-food model are all symptoms of the same system, which continues to violate rights and destroy lives.

Brazil has a responsibility to maintain and deepen its normative frameworks. This means advancing public policies, strengthening participatory democracy, protecting traditional peoples and communities, ensuring agroecology as a viable horizon, and confronting interests that seek to reduce food to a commodity and to superficial solutions.

The existing set of international normative instruments related to the right to food has been fundamental in guiding Brazilian public policies on how to use human rights-based approaches at national and subnational levels. This guide provides an overview of how public policies of major relevance to the realisation of the right to food in Brazil connect with international instruments adopted by the United Nations and by regional bodies as part of an advanced normative framework on the right to food; how these instruments can be used for effective policies to combat hunger and malnutrition, to guarantee healthy food; and how they relate to key areas such as social participation, accountability, corporate power and finance.

Bringing together the core instruments that underpin the right to food internationally and nationally, linking them to public policies in practice, and identifying challenges is not a bureaucratic exercise. It is a political act. It is a way of insisting that rights cannot be suppressed, diluted or negotiated away. It affirms our place in a history that moves forward when the State plays its role and when civil society participates, holds authorities to account, proposes solutions and drives change.

The human right to adequate food is more than a constitutional provision: it expresses a social pact. A pact that allows no setbacks, and that demands vigilance, commitment and courage to meet the present while keeping our eyes on the future.

CONSEA Brazil

11

THE HUMAN RIGHT TO ADEQUATE FOOD AND THE RIGHT TO LAND

International Instruments

United Nations (UN) Universal Declaration of Human Rights (UDHR) (1948)[1] – The right to property expressed in Article 17 of the UDHR enshrines this right as a foundation of dignity and freedom. It provides that: I. Everyone has the right to own property alone as well as in association with others; II. No one shall be arbitrarily deprived of his property. This provision recognizes property not only as a material asset, but also as an expression of personal autonomy and social participation. By guaranteeing that individuals may possess goods, individually or collectively, it reflects the understanding that property is an instrument of security, stability, and freedom. In the same vein, paragraph II imposes an essential limit: the prohibition of arbitrary deprivation. This means that the State may restrict the right to property

1 Universal Declaration of Human Rights, 1948. See: www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf

only on a legitimate basis, with respect for due process of law and, where applicable, upon payment of just compensation. Today, this provision is interpreted more broadly to include collective and community forms of property, such as traditional territories and commons, reinforcing the principle that the possession and use of land must serve a human social function, not purely an economic one.

International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)[2] – Promulgated in Brazil by Decree No. 591 of 6 July 1992, ICESCR is notable for recognizing the right of peoples to self-determination, the free use of their natural resources, and the right to an adequate standard of living. This provision encompasses access to land and to its resources as fundamental elements to guarantee the means of subsistence of populations, thus ensuring the effective realization of the economic, social and cultural rights enshrined in the Covenant. Although it does not explicitly mention a right to land, the protection of land ownership and territory is explicitly recognized in other provisions of the Covenant, especially in Articles 6, 7, 12 and 15. A careful interpretation of Articles 1 and 11 of the ICESCR demonstrates the interdependence between the right of peoples to self-determination and the human right to food. A people's freedom to decide, in a sovereign manner, over their natural resources and forms of economic organization is an essential condition to ensure food sovereignty and the effectiveness of social rights. Correspondingly, guaranteeing the human right to adequate food (right to food) strengthens collective autonomy, contributing to the consolidation of self-determination processes, especially among communities that depend directly on territory and its resources for their physical, social, and cultural survival. In addition, the definition of the right to food in General **Comment No. 12**[3] of the Committee on Economic, Social and Cultural Rights (CESCR) on Article 11 of the ICESCR addresses what "access to adequate food or the means for its procurement" means. **General Comment No. 26 of the CESCR on land and economic**, **social and cultural rights**[4] addresses States

2 International Covenant on Economic, Social and Cultural Rights, 1966. See: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights

3 General Comment No.12. See: www.ohchr.org/en/documents/general-comments-and-recommendations/ec1219995-general-comment-no-12-right-adequate-food

4 General Comment No.26. See: https://www.ohchr.org/en/documents/general-comments-and-recommendations/ec12gc26-general-comment-no-26-2022-land-and

parties' obligations under the ICESCR on issues such as access to land, agrarian reform and land policies, forced evictions, participation, and non-discrimination.

International Labour Organization Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention No. 169) (1989)[5] – Ratified by Brazil in 2002 and incorporated by Decree No. 5,051/2004, ILO Convention 169 introduced into the Brazilian legal order a new perspective on the right to property, especially with regard to protecting the rights of Indigenous Peoples, Quilombola communities and other Traditional Peoples and Communities. Traditionally, the right to property is guaranteed by Article 5, item XXII, of the Federal Constitution, which secures the right to property, while conditioning it on compliance with the social function (Article 5, XXIII, and Article 186 of the Constitution). ILO Convention No. 169 broadens this conception by recognizing that property is not limited to its individual and economic aspect, but includes the collective and cultural bond that certain peoples maintain with their territories. Article 14 establishes that States must recognize the peoples concerned as having rights of ownership and possession over the lands they traditionally occupy, and must also take measures, where appropriate, to safeguard their right to use lands not exclusively occupied by them but traditionally accessed for their subsistence and customary activities. Thus, the concept of property comes to encompass territory as a space of social, cultural, and spiritual existence and not merely as an economic good. In legal practice, this conception expands its applicability in the demarcation of Indigenous lands and titling of Quilombola territories, as well as in judicial decisions involving land conflicts. The Federal Supreme Court, in recognizing the normative force of Convention 169, has affirmed that traditional property rights are collective and imprescriptible in nature, protected by the principle of human dignity and the social function of land. In addition to this interpretation, the free, prior and informed consultation provided for in Article 6 of the Convention has become an essential legal instrument to legitimize administrative or legislative measures that may affect property or the traditional use of land by these communities. Non-observance constitutes a violation of the international commitments assumed by the Brazilian State and may lead to the nullity of State acts. With the force of domestic law, the application of Convention 169 in the realm of the right to land represents progress by recognizing collective, cultural and sustainable forms of possession

5 ILO Convention 169, 1989. See: normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169

and title, consistent with the social function of property and with constitutional values of justice, equality, and ethno-cultural pluralism. This contemporary interpretation reaffirms that property, more than an individual right, is also an instrument of social inclusion.

UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018)[6] – Although **voluntary and not legally binding**, this declaration has high normative and political value and is recognized by various countries as a benchmark for the **just and equitable governance of natural resource**s. Chapters 4, 6, 7, 10 and 17 address specifically the right to land, while Article 15 deals with the right to food and to food sovereignty. Although Brazil is a signatory to human rights treaties, it has not incorporated the UN Declaration on the Rights of Peasants into domestic law, which creates a contradiction when recommending its adoption and the fulfillment of its rights in the face of historical violations in rural areas. Despite participating in its drafting, Brazil abstained from the vote in 2018, alleging that the text was not ready, which prompted criticism from civil society organizations and parliamentarians. The National Human Rights Council (CNDH) requested local courts to disseminate Recommendation No. 5 of 5 June 2025, which suggests adopting the necessary measures to implement the UN Declaration on the Rights of Peasants.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)[7] – Adopted in 2007, this international framework recognizes the collective rights of Indigenous Peoples, such as self-determination, the right to traditional lands, and free, prior and informed consent. Although not legally binding, it guides legislation, judicial decisions, and public policies, promoting justice and historical reparation. In Brazil, this Declaration serves to reinforce the importance of demarcating lands and protecting Indigenous ways of life. Its implementation depends on recognizing Indigenous autonomy and respecting cultural diversity.

UN Committee on World Food Security (CFS) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food

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6 UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, 2018. See: https://digitallibrary.un.org/record/1650694?ln=en

7 UN Declaration on the Rights of Indigenous Peoples. See: www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples

Security (VGGT) (2012)[8] – Adopted by the CFS in 2012 under the auspices of FAO, these guidelines guide countries to guarantee equitable access to land and natural resources as the basis for food security and the realization of human rights. They uphold the protection of legitimate tenure rights, social participation, free, prior and informed consent, and priority for vulnerable groups, such as Indigenous Peoples, traditional communities, and family farmers. Even though they are not laws, the VGGT serve as a fundamental tool providing theoretical grounding for promoting equity, social justice, and sustainability in land governance.

FAO Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (2004)[9] – Adopted by the FAO Council in 2004, these guidelines guide States to guarantee, through **coordinated and structured public policies**, regular, safe and dignified access to food. Based on human rights principles, they emphasize that combating hunger and malnutrition is a right of the citizen and an obligation of the State, not an act of charity, and should involve actions such as support for family farming, social protection, and civil society participation.

Practical examples of implementation in Brazil

Unlike other fields of rights, Brazilian agrarian law has an old legislative base, marked by its origin in the imperial period and successive reforms throughout the twentieth century. Although the 1988 Constitution reaffirmed fundamental principles such as the social function of property and social justice, practice reveals a considerable gap between the normative text and reality. The land structure continues to be marked by extreme land concentration, slow regularization processes, and fragile policies to democratize access to land. The hybrid character of agrarian law—between historical norms and contemporary demands—exposes its contradictions: while it invokes sustainability, equity, and the production of healthy foods, it still coexists with the prevalence of an agro-export model that prioritizes commodities to the detriment of family farming and the right to food. From this

8 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. See: https://www.fao.org/tenure/voluntary-guidelines/en/

9 Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, 2004. See: www.fao.org/right-to-food/resources/voluntary-guidelines/en

perspective, although Brazilian agrarian law has the potential to be an instrument of social transformation, it remains to a large extent captured by interests that limit its function of effectively guaranteeing food and nutrition security for the entire population.

The **1988 Constitution**, in Articles 184 to 191, expressly addresses agrarian reform, the social function of rural property, and agricultural policy:

i. Social function of rural property (Article 5, XXIII and Article 186);

ii. Expropriation in the public interest for agrarian reform purposes, with payment in Agrarian Debt Bonds – TDA (Article 184);

iii. Unproductiveness as a criterion for expropriation (Article 185);

iv. Guarantee of technical assistance, credit and infrastructure to resettled families (Article 189);

v. Recognition of peaceful and uncontested possession as a basis for title (Article 191).

Law No. 4,504/1964, Land Statute – Regulates rights and obligations concerning rural real property for the purposes of Agrarian Reform and the promotion of Agricultural Policy.

i. Article 1º, § 1º, defines Agrarian Reform as a set of measures aimed at promoting better distribution of land, by modifying the regime of its possession and use, in order to meet the principles of social justice and increased productivity.

ii. Article 2 guarantees everyone the opportunity to access ownership of land, conditioning this right on compliance with the social function.

Law No. 4,947/1966 – Adopted as a complement to the Land Statute, this law seeks to guarantee compliance with the social function of rural property in Brazil. It underpins inspection, expropriation and land regularization, and contributes to the modernization of the rural cadastre and to the promotion of agrarian justice in the country, in particular through decentralized procedures for planning and implementing agrarian reform and for the management, possession, and use of land. It provides penalties for landowners who breach such rules. Updated by Law No. 10,267/2001, it made georeferencing of rural properties mandatory, ensuring greater precision to prevent land conflicts. Law No. 10,164/2000 additionally addresses land regularization in border areas.

Law No. 5,868/1972 – Establishes the cadastre of rural real property, supports general reviews of the cadastre of properties throughout the country for the purposes of taxation and the creation and maintenance of fiscal data. It defines exemptions and obligations related to the Rural Land Tax (ITR).

Law No. 6,383/1976, known as the Law on the Identification of Public Lands, establishes procedures to identify unallocated public lands belonging to the Union and to distinguish them from privately owned lands. It also regulates the administrative discriminatory process instituted by the competent body. Its main applicability lies in controlling the subdivision of rural land, requiring the authorization of the National Institute for Colonization (Rural Settlement) and Agrarian Reform (INCRA)to avoid disorderly fragmentation. It is an instrument of land-use planning, ensuring that rural units meet minimum criteria of economic viability and the social function of property. In addition to protecting against irregular subdivisions, the law guarantees legal certainty in transactions, contributes to land regularization, and strengthens agrarian policy, especially in combating land speculation and promoting sustainable rural development.

Decree No. 3,365/1941 (as updated) – This decree regulates expropriation for public utility, allowing the public authority, in the name of the collective interest, to take private property upon payment of just, prior compensation in cash. It regulates the expropriation process by the Union, States, Federal District and Municipalities through a formal declaration of public utility and also regulates judicial proceedings, including provisional possession after deposit of estimated compensation by the expropriating authority. This framework has been updated by later legislation, such as Law No. 14,620/2023, which brought specific rules for expropriation for housing purposes within the "Minha Casa, Minha Vida" (My Home, My Life) Program, and Decree No. 13,867/2019, which began to admit the use of mediation and arbitration to set compensation amounts in expropriations for public interest, as provided in Article 10-B of the decree itself.

Decree No. 433/1992 – This is a regulatory norm that establishes administrative procedures for carrying out Agrarian Reform and Agrarian Development programs under INCRA's responsibility. It details how the agency must conduct the identification of lands to be expropriated, the expropriation process, the resettlement of families, and post-settlement follow-up. It authorizes INCRA to acquire rural properties through purchase and sale to implement Agrarian Reform projects. Especially in situations of conflict and social tension,

acquisition is a quick and effective means. In addition, it establishes criteria for selecting properties with indispensable requirements such as soil quality, water resources, road access, etc. It also provides that purchase and sale shall be carried out by measured area in compliance with civil legislation and prohibits acquiring properties unsuitable for the purposes of Agrarian Reform.

Supplementary Law No. 76 of 6 July 1993 – This law establishes a special summary judicial procedure for expropriation of rural properties in the social interest for agrarian reform purposes. Under the exclusive competence of the Union, this process must be preceded by a presidential decree declaring the property to be of social interest. The judicial action must be filed within two years from the publication of the decree. This norm was designed to expedite the execution of agrarian reform, ensuring that unproductive lands are allocated to fulfill the social function expressed in the Constitution.

National Plan for Agroecology and Organic Production (Planapo) – Established by Interministerial Ordinance MDA/SG-PR/MAPA/MDS/MMA/MS/MCTI No. 7 of 15 October 2024, this instrument serves to implement the National Policy on Agroecology and Organic Production (PNAPO). It also ensures the monitoring, evaluation, and social oversight of the actions it organizes. One of its objectives is "to guarantee access to land and to socio-environmentally protected territories as a condition for promoting the ethno-development of Indigenous Peoples, traditional peoples and communities, Quilombola communities, and households resettled through agrarian reform and family farming."

Law No. 11,346/2006 – This law establishes the **National Food and Nutrition Security System** (SISAN) and sets guidelines for implementing the National Food and Nutrition Security Policy (PNSAN). Additionally, the **Brazil Without Hunger Plan** establishes targets subject to annual review, with its actions to be integrated into the Third National Food and Nutrition Security Plan (Plansan III), which covers all dimensions of food and nutrition security. In Announcement 3 of the Plansan III, Intersectoral Strategy 1 is presented as follows: "Guarantee of access to land, land regularization for rural and urban populations." This strategy encompasses a set of programs and actions aimed at guaranteeing access to land, through actions based on agrarian reform, land credit, and land regularization.

Supplementary Law No. 93 of 4 February 1998, known as the National Land Credit Program (PNCF), **Terra Brasil** – Aimed at landless or near-landless rural workers, this program functions through the acquisition of land via public financing. The law created the Land and Agrarian Reform Fund ("Banco da Terra") to finance land acquisition and infrastructure in rural settlements. Access to financing requires proof of rural experience, may be individual or collective, and provides for a term of up to 35 years for repayment. Resources for the Fund come from various sources, such as Agrarian Debt Bonds (TDA), donations, and the Federal Union's budget. Management is decentralized, allowing for the participation of States, the Federal District, municipalities, and the Sustainable Rural Development Councils.

National Agrarian Reform Program (PNRA) – Implemented by INCRA, it promotes access to land for landless families through the expropriation of large estates. The so-called law on access to land refers to a set of constitutional and infra-legal provisions that guarantee the right to land in Brazil, especially for vulnerable populations. The 1988 Constitution ensures that rural property must fulfill its social function, and statutes such as Supplementary Law No. 76/1993 and Law No. 8,629/1993 regulate agrarian reform. The latter provides, among other points:

i. Article 2 – Rural property that does not fulfill the social function provided in the Federal Constitution is subject to expropriation.

ii. Article 6 – Defines productive property as that which is exploited economically and rationally, according to the degree of land use and degree of efficiency in exploitation.

iii. Article 19-A – Defines classification criteria for candidates to benefit from the National Agrarian Reform Program.

National Program for Education in Agrarian Reform (PRONERA) – A public policy created in 1998, through Law No. 11,947/2009 and Decree No. 7,352/2010, to guarantee access to education for rural populations, especially for those resettled through Agrarian Reform. Coordinated by INCRA, in partnership with universities, federal institutes and social movements, the program offers literacy, primary, secondary, technical and higher-education courses, using methodologies that respect rural knowledge through alternation pedagogy.

It is of utmost importance, because it strengthens the idea of a countryside with generational continuity, keeping adults and youth in rural areas.

Rural Environmental Registry and Environmental Regularization (CAR) – Created by Law No. 12,651/2012 (Forest Code) with the objective of integrating environmental information and promoting environmental compliance. It links land regularization to environmental sustainability, directly impacting land tenure.

Technical Assistance and Rural Extension (ATER) – Implemented by INCRA, ATER provides assistance to families resettled through agrarian reform, among others. Law No. 12,188 of 11 January 2010 established the National Policy on Technical Assistance and Rural Extension (PNATER) and the National Program on Technical Assistance and Rural Extension for Family Farming and Agrarian Reform (PRONATER). This law aims to promote sustainable rural development, with a focus on family farming and agrarian reform, through technical assistance and rural extension.

Decree No. 3.991/ 2001 – This decree regulates the National Program to Strengthen Family Farming (PRONAF). Issued annually, PRONAF aims to promote sustainable rural development by expanding productive capacity, generating employment and increasing the income of farming families. Its credit lines include, among others, PRONAF A (Investment) and PRONAF A/C (Working Capital), which serve those who have been resettled through agrarian reform, beneficiaries of the National Land Credit Program, Indigenous Peoples and Quilombola communities.

"Terra da Gente" Program, **established by Decree No. 11.995/2024** – This instrument is aimed at the acquisition of rural properties for agrarian reform. It provides for the acquisition of rural properties and the coordination of actions to ensure their availability for settlements. Its scope is not limited to expropriation; it involves mechanisms of asset management, collection, and even the allocation of properties linked to the Union's outstanding debt. It provides for cooperative federalism to recognize traditional territories by offering a collaborative institutional arrangement involving the Union, states and municipalities. The program's objectives are, among others, the promotion of peace in the countryside, recognizing that the proper allocation of land, land regularization and the social inclusion of rural

and traditional communities are essential to prevent and mediate agrarian conflicts; it links agrarian reform, asset management, collection of public debts, and recognition of territorial rights. As it was only recently created, it still faces resistance, especially from banks, due to bureaucracy, lack of familiarity with the legislation, and the limited practical applicability of the norms.

Main challenges

Despite the robust legal framework addressing both themes, guaranteeing implementation of the right to food and the right to land faces several challenges—structural, political, legal and social. Land concentration in Brazil is a historical-structural phenomenon, characterized by high inequality in access to land and the prevalence of large estates to the detriment of the social function of property, a principle enshrined in the 1988 Federal Constitution.

The 2017 Agricultural Census (IBGE) identified that 1% of rural establishments hold approximately 47% of the total area occupied in the national territory, whereas family farming, although representing about 77% of rural establishments, occupies less than 25% of the total area. The Gini Index for Brazil's land structure remains above 0.8, reflecting one of the highest levels of land concentration in the world.

Brazil's land structure exhibits historical inequality, marked by high land concentration and persistent agrarian conflicts, in violation of the constitutional principles of the social function of property (Articles 5, XXIII; 184; and 186 of the 1988 Constitution) and the recognition of territorial rights of traditional peoples and communities (Article 68 of the ADCT and Article 231 of the 1988 Constitution). According to data from the Pastoral Land Commission (CPT), over the last ten years overall rural conflicts increased by 57% between 2014 and 2024, with a sharp rise from 2017 onwards. In 2014, 2,185 cases were recorded, reaching the highest level since 1985. The study shows that violence also increased: death threats rose by 24%, while attempted murders reached 43%, surpassing the highest level of the decade. In this scenario, approximately 900,000 families were affected in 2024. The main axes of conflict were: land (78%), water (10.4%) and labour (6.3%), all occurring in rural areas.

Nevertheless, despite the challenges, there are many agrarian reform settlements in Brazil considered successful, either because of strengthened agricultural production, community organization, or improved living conditions for families. Examples include:

Aprisco da Serra Settlement (municipality of Petrolina/PE) – Located in the semi-arid region, it developed technologies for living with drought, such as rainwater cisterns and efficient irrigation management. It was a success case in coordinating public policies and producing vegetables, fruits, and small animals.

Normandia Settlement in the municipality of Caruaru/PE – It is an example of social and political organization, popular and agroecological education, and focuses on diversified, agroecology-based production. Settlement dwellers organize markets and short food-supply circuits.

Mario Lago Settlement in the municipality of Ribeirão Preto/SP – It stands out for community organization and diversified agroecological production and it supplies municipal school meals.

Contestado Settlement in the municipality of Lapa/PR – With high environmental conservation and agroecological transition, it is recognized for healthy food production, integrating networks of solidarity-based marketing and agroecological fairs. It is a reference in sustainable practices, reconciling agricultural production with biodiversity conservation. It supplies municipal school meals.

Itamarati Settlement in the municipality of Ponta Porã/MS – With diversified production of grains, dairy cattle and vegetables, its collective organization ensures strong participation in programs such as the Food Acquisition Program (PAA) and the National School Feeding Program (PNAE).

Kalunga Quilombo (GO) – Located in the Chapada dos Veadeiros region, this quilombo is characterized by a diversified production of maize, beans, cassava, and artisanal unrefined cane sugar (“rapadura”), and its sustainable management of the Cerrado biome. Its strong community organization, based on associations, enables education practices, community-based tourism and environmental conservation, in accordance with Article 225 of the Federal Constitution.

Campinho da Independência Quilombo (Paraty/RJ) – Recognized for strong collective organization, it links agricultural production, culture and income generation, standing out in community-based tourism and Quilombola gastronomy. Its experience exemplifies the combination of cultural tradition and economic innovation, expressing values protected by Articles 215 and 216 of the Federal Constitution, which recognize and protect Afro-Brazilian cultural expressions and place central importance on preserving social memory and cultural heritage.

Ivaporunduva Quilombo (Vale do Ribeira/SP) – One of the oldest Quilombola communities in the country, it is a reference in the production and marketing of organic bananas through cooperative systems. It is also noted for territorial defense and legal and political action, consolidating its legitimacy as a subject of collective rights, as provided in Article 68 of the Transitory Constitutional Provisions Act (ADCT), which guarantees definitive title to Quilombola communities occupying their lands, and in ILO Convention No. 169, which establishes the right of tribal and traditional peoples to free, prior and informed consultation.

Frechal Quilombo (Mirinzal/MA) – Granted title in 1995, it constitutes a Quilombola Extractive Reserve (Resex), which links territorial rights with environmental conservation. It stands out for rice and cassava cultivation, flour processing, and community management of babaçu palms–practices that give effect to the principle of the social function of property (Article 186 of the 1988 Constitution) and to the duty of environmental protection (Article 225 of the 1988 Constitution).

Conceição das Crioulas Quilombo (Salgueiro/PE) – Shows notable leadership of Quilombola women in solidarity economy and agroecological production. It develops differentiated education practices that value Afro-descendant history and culture, in line with Articles 205 and 210, §2 of the Constitution, which ensure the right to education based on respect for cultural diversity.

Corporate Power

Brazilian agribusiness exerts strong influence over Congressional decisions, which tend to promote laws favorable to this sector and unfavorable to vulnerable social groups, hindering agrarian reform and the demarcation of traditional territories. Large corporations and investment funds control access to land and agricultural inputs, promote the advance of monocultures, and impact communities and the environment. This action is sustained by a misleading narrative that associates agribusiness with food security while excluding smallholders, marginalizing traditional ways of life, and shoring up a food system that exploits land and harms public health. Bills that, if approved, would greatly strengthen agribusiness include:

PL 16/2025 allows states to regularize agrarian reform lands. This Bill is unconstitutional, as it encroaches on the Union's exclusive competence to conduct agrarian reform policy, under Article 184 of the Federal Constitution. Furthermore, by transferring to states the prerogative to regularize land, it creates a favorable environment for institutional capture by local interests, benefiting large landowners who would then negotiate directly with state governments. This dynamic weakens control mechanisms, distorts the principle of the social function of property, and undermines the effectiveness of agrarian reform as a public policy for social justice and democratization of access to land.

PL 2502/2024 prohibits expropriation of productive properties. This Bill in practice suppresses the constitutional obligation to fulfill the social function of property, enshrined in Articles 5, XXIII, 184 and 186 of the 1988 Federal Constitution, by proposing to uphold property rights regardless of whether the land is productive or unproductive. Such a measure undermines a structuring principle of the Brazilian economic and social order, weakens the legal instruments of agrarian reform, and contributes to perpetuating land concentration, in direct affront to the public interest and to fundamental rights linked to access to land, social justice and food sovereignty.

PL 4564/2024 prohibits new expropriations for agrarian reform. The Bill proposes the suspension, for an indeterminate period, of any process of land expropriation, which constitutes a direct affront to the principle of the social function of property (Articles 5, XXIII; 184; and 186 of the 1988 Constitution). By paralyzing one of the main instruments of agrarian reform policy, the measure objectively favors the perpetuation of land concentration and the protection of unproductive latifundia, at odds with constitutional commitments to promoting social justice, reducing regional inequalities and realizing the right to food.

PL 4.497/2024 changes the rules for regularization of rural properties. It amends the Public Registry Law (Law No. 6,015/1973) and Law No. 13,178/2015 to relax the ratification of rural property records on public lands located in the border strip. Although presented as a measure for speed and legal certainty, the Bill poses a risk to national sovereignty by weakening the restrictive regime applicable to these strategic areas and opens space for legitimizing land-grabbing and irregular occupations. Moreover, it affronts the constitutional principles of the social function of property and of directing public assets to the collective interest, by privileging large landholders to the detriment of traditional communities and agrarian reform policy.

Accountability and Enforceability

There is a legal framework that addresses State responsibility and the claimability/justiciability of rights by rights-holders, especially family farmers and traditional peoples and communities. Institutions receive complaints of violations of these rights at federal and state levels and act in mediating land conflicts, defending territorial rights, and ensuring the social function of land. They include:

- National Agrarian Ombudsman (OAN)
- Federal Prosecution Service (MPF) and State Prosecution Services (MPEs)
- Federal and State Public Defender's Offices
- Federal Police (Regional units in all states)
- Unions, Federations and Confederations of Rural Workers
- NGOs working on land issues

INCRA's Agrarian Conciliation Chamber enables mediation to address the demands of rural workers, prevent and manage land conflicts, and combat land-grabbing.

Social Participation

The action of social movements such as the National Confederation of Agricultural Workers (Confederação Nacional dos Trabalhadores na Agricultura – CONTAG), the Landless Rural Workers' Movement (Movimento dos Trabalhadores Rurais Sem Terra – MST), the Pastoral Land Commission (Comissão Pastoral da Terra – CPT), La Via Campesina, and the Small Farmers' Movement (Movimento dos Pequenos Agricultores – MPA), as well as Indigenous and Quilombola organizations, political parties and many other essential institutions shaped agrarian reform and the human right to food in the process of drafting the 1988 Federal Constitution. Brazil has various national and subnational councils that ensure participation and social oversight in public policies, including: Sustainable Rural Development Councils (CONDRAF); National Commission on Agroecology and Organic Production (CNAPO); and the National Council on Food and Nutrition Security (CONSEA). The National Council for Sustainable Rural Development (CONDRAF) is composed of 74 regular members and 74 alternates: 36 representatives of civil society, 32 of government, and 4 permanent invitees. The term of office is three years, observing gender parity and a minimum of 30% of persons who self-declare as Black or Indigenous. The National Commission on Agroecology and Organic Production (CNAPO) is composed of 42 regular members and 42 alternates, 21 from government bodies and 21 from civil society, plus two permanent invitees from the financial system. Its composition guarantees the participation of at least 50% women and 20% of persons who self-declare as Black or Indigenous. The National Council on Food and Nutrition Security (CONSEA) is composed of representatives of civil society and the federal government. Under the new structure established by Decree No. 11,421/2023, its current composition has 72 members: 48 representatives of civil society (2/3) and 24 representatives of the federal government (about 1/3). The Presidency of the Council is held by a representative of civil society, elected by their peers.

Under Ordinance SAF/MDA No. 19, 2025, social oversight of the National Registry

of Family Farming (CAF) consists of procedures adopted directly by citizens or by public and private institutions to guarantee the integrity of CAF registration. Any natural or legal person may report or communicate irregularities related to the CAF Network and to CAF registration. Representative entities of family farming may establish deliberative forums to exercise Social Oversight of CAF registration. Municipal Councils for Sustainable Rural Development (CMDRS) may, whenever they deem necessary, exercise Social Oversight of CAF registration. The CMDRS or forums of organizations active in family farming shall report indications of irregularities in the CAF Network and in CAF registration by means of a detailed minute submitted to the Managing Body through the official citizen-service channels available on the Federal Government website.

Financing

The 2024/2025 **Family Farming Harvest Plan** *(Plano Safra da Agricultura Familiar)* allocated R$76 billion, increasing the financing ceiling for resettled families under "PRONAF A: agrarian reform," including both Quilombola and Indigenous communities. Resources from the Harvest Plan are intended for infrastructure and technical assistance for all family farmers, whether or not they are beneficiaries of agrarian reform.

The National Agrarian Reform Program is financed with public funds allocated in the General Budget of the Union, as established by Law No. 8,629/1993. These resources are for implementing the various stages of agrarian reform policy, under the responsibility of INCRA and, in part, through partnerships with other public institutions. Funds are directed primarily to the acquisition of land, the resettlement of families, and support for their permanence and production. Agrarian reform financing comes from separate sources, namely:

- General Budget of the Union (OGU): main source for expropriation, credit, and structuring policies.
- National Treasury and issuance of Agrarian Debt Bonds (TDA): land acquisition.
- Constitutional Funds (FNE, FNO) to operate credit lines.
- External resources: in specific cases, international cooperation funds may be used.

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