

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 SOCIAL PARTICIPATION IN POLITICAL DECISION-MAKING

4



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 Social Participation in Political Decision-Making



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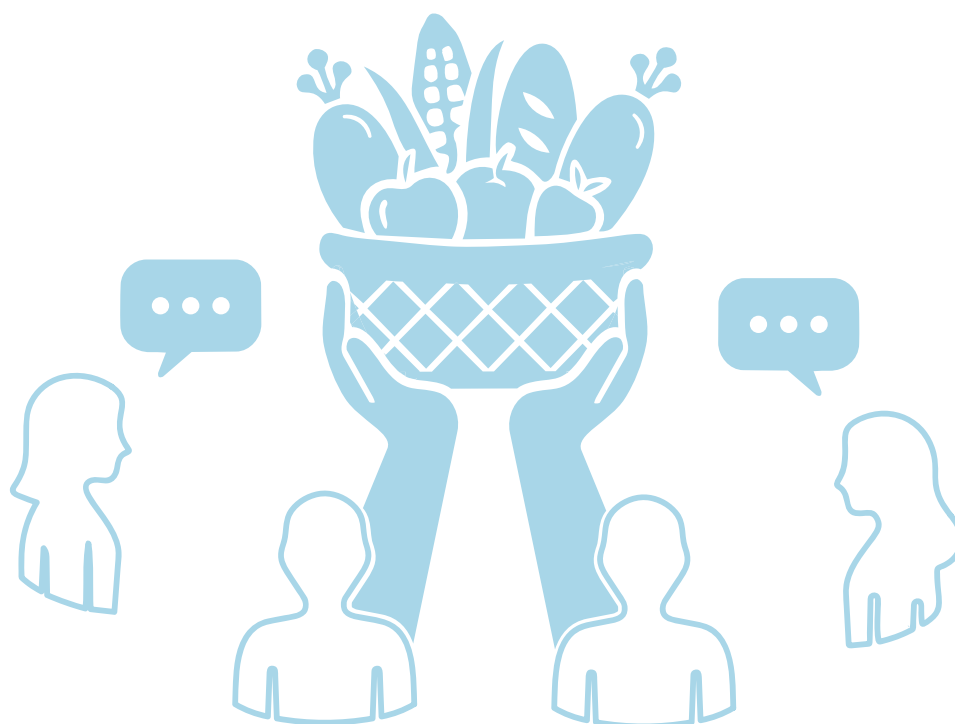


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INTRODUCTION

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

THE HUMAN RIGHT TO ADEQUATE FOOD AND SOCIAL PARTICIPATION IN POLITICAL DECISION-MAKING

INTERNATIONAL INSTRUMENTS

In the international context, social participation is recognised as a fundamental principle of democratic governance and an essential condition for the effectiveness of public policies. In the field of food and nutrition security, the United Nations (UN) Food and Agriculture Organization (FAO) emphasises that combating hunger depends on joint action between the State and civil society at all stages of policy processes (Rome Declaration, 1996; Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food, 2004).

At the regional level, the Protocol of San Salvador (Organization of American States – OAS, 1988) and studies by the Economic Commission for Latin America and the Caribbean (ECLAC) highlight popular participation as a means of guaranteeing economic, social and cultural rights. Institutions such as the World Health Organization

(WHO) and the United Nations Children's Fund (UNICEF) contribute to this purpose by promoting community inclusion in health and nutrition policies.

Reinforcing this vision of democratic governance, the 2030 Agenda, particularly Sustainable Development Goal (SDG) 16, stresses the commitment to inclusive institutions and participatory processes. In 2009, the Committee on World Food Security (CFS) incorporated the Civil Society and Indigenous Peoples' Mechanism (CSIPM) as a deliberative act, consolidating a model of participatory global governance.

Universal Declaration of Human Rights (1948)¹ – Article 21 affirms that everyone has the right to take part in the government of their country, directly or through freely chosen representatives. This principle guarantees participation in decisions affecting their lives.

International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)² – Brazil signed the Covenant on 24 January 1966 and ratified it only on 24 January 1992. Although the document does not explicitly mention social participation, Article 11 and other provisions underscore the importance of participatory processes and the role of society in the progressive realization of rights.

UN Committee on Economic, Social and Cultural Rights General Comment No. 12 (1999)³ – General Comment No. 12, issued³ by this Committee, provides detailed guidance on the human right to adequate food (right to food). It transforms the right to food into a concrete and enforceable legal commitment, linked to human dignity and to the responsibility of States to guarantee this right in an active and permanent manner. The document highlights that, when developing the frameworks and reference legislation for specific strategies on the right to food in each country, States should actively involve civil society organisations.

1 Universal Declaration of Human Rights, 1948. See: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

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 Committee on Economic, Social and Cultural Rights – General Comment No. 12, 1999. See: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/ec1219995-general-comment-no-12-right-adequate-food>

Rome Declaration and World Food Summit Plan of Action (1996)⁴ – These documents recognise the fundamental role of civil society, non-governmental organisations, popular movements, Indigenous Peoples and local communities in combating hunger and building food security. They also call for the creation of participatory mechanisms within national and international processes for food-policy formulation.

2030 Agenda – Sustainable Development Goals (SDGs)⁵ – The Agenda links the SDGs to social participation, particularly in Target 16 on “Peace, Justice and Strong Institutions”. It reinforces the commitment to “leave no one behind” and recognises the importance of inclusive, participatory and representative processes at all levels of decision-making.

UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) (2018)⁶ – Although this Declaration has not been ratified by Brazil, it remains an important reference instrument. Article 10 recognises the right of peasants to participate in the formulation and implementation of public policies, including on land, environment, seeds and trade. It affirms food sovereignty as a collective right founded on peoples’ self-determination and on social participation.

Protocol of San Salvador (1988)⁷ – Formally known as the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, this treaty complements the American Convention on Human Rights by detailing and protecting rights such as social security, health, labour, education, culture and the environment for the peoples of the Americas. It was drafted and adopted by the General Assembly of the Organization of American States (OAS). Brazil enacted the Protocol through Decree No. 3.321/1999. The Protocol establishes that education must enable all people to participate effectively in a democratic and pluralistic society and to secure a dignified livelihood. Case law of the Inter-American Court of Human Rights has recognised the obligation of States to guarantee spaces for listening, consultation and effective participation.

4 Rome Declaration and World Food Summit Plan of Action, 1996. See: <https://www.fao.org/3/w3613e/w3613e00.htm>

5 2030 Agenda – Sustainable Development Goals (SDGs). See: <https://sdgs.un.org/goals>

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 Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights – “Protocol of San Salvador”, 1988. See: <https://hrlibrary.umn.edu/instree/sansalvador.html>

FAO Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (2004)⁸ – Guidelines 1, 5, 13 and 17 highlight the importance of the full and equitable participation of civil society, especially of those most affected by hunger, with the aim of strengthening transparency, accountability and democratic governance.

EXAMPLES OF IMPLEMENTATION IN BRAZIL

The following examples illustrate how Brazil has transformed international principles into concrete institutions and democratic processes:

National Food and Nutrition Security System (SISAN) – Established by Law No. 11.346/2006, SISAN constitutes an important step in institutionalising the human right to food in Brazil. It relies on coordination between the State and civil society and guarantees participation through Food and Nutrition Security Councils (CONSEAs) at the federal, state and municipal levels, where different constituencies influence policy planning, implementation and monitoring.

National Food and Nutrition Security Council (CONSEA) – Created in 1993 (and reinstated in 2023), this advisory body is composed of two-thirds civil society and one-third government and is directly linked to the Office of the President. It plays an influential role in shaping public policies and decisions, including the National Food and Nutrition Security Plan (Plansan). It stands as an emblematic example of institutionalised social participation and collective deliberation.

National Food and Nutrition Security Conferences – Initiated in 1994, these conferences are based on broad and decentralised participatory processes involving all municipal, state and federal levels of SISAN. Thousands of people from civil society and public authorities are mobilised. Delegates from different constituencies are elected, and the proposals debated become guidelines for national policies and the foundation for developing the National Food and Nutrition Security Plans.

⁸ Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, 2004. See: <https://www.fao.org/3/y7937e/y7937e00.htm>

National School Feeding Programme (PNAE) – Although originally created in 1955, the Programme was reshaped with strong social participation through Law No. 11.947/2009, which established that at least 30 percent of federal PNAE funds must be used for the direct purchase of food from family farming. This measure was decisive in ensuring the link with sustainable development by prioritising local food production.

Food Acquisition Programme (PAA) – Created in 2003 in response to demands from social movements and civil society organisations, the Programme is managed jointly through local councils and committees that reflect the model of social participation in its implementation and oversight.

National Secretariat for Social Participation (SNPS) – The SNPS is a body of the Office of the Secretary-General of the Presidency of the Republic of Brazil (SG/PR). It is responsible for promoting dialogue between the Federal Government and civil society, establishing and strengthening spaces and mechanisms for social participation in the formulation and implementation of public policies, such as the Social Participation System and the [Brazil Participatory Platform](#).

[Decree No. 11.407 of 31 January 2023](#) – This decree establishes the Social Participation System, which aims to structure, coordinate and articulate the Federal Government's relations with different constituencies of civil society in the implementation of public policies.

Brazil Participatory Platform – This platform brings together all participatory processes of the Federal Government of Brazil, including contributions, public consultations, proposals, voting, conferences, council inputs and planning exercises. It is one of the tools used to broaden participation—for example, in the Multi-Year Plan (PPA). The PPA defines the Government's goals, guidelines and programmes for a four-year period. The participatory stages involve Intercouncil Forums, in-person plenaries, and digital participation through the Brazil Participatory Platform. This platform operates under [Law No. 14.129 of 29 March 2021](#), which aims to make public administration more efficient by reducing bureaucracy, encouraging innovation, expanding digital services and strengthening citizen participation.

Decree No. 11.406 of 31 January 2023 – This decree establishes the Social **Participation Council** of the Presidency of the Republic. Its purpose is to advise the President of the Republic in dialogue and engagement with civil society, trade union movements and popular

movements, and to support the Office of the Secretary-General of the Presidency of the Republic in promoting social participation in the implementation of public policies.

Ordinance No. 188/2024 (SG/PR) – This ordinance establishes Social Participation Forums with the purpose of promoting social participation in the states and in the Federal District, coordinated by the Office of the Secretary-General of the Presidency of the Republic, with the possibility of delegation to the National Secretariat for Social Participation. Ordinary meetings to monitor public policies are held quarterly and are composed of representatives of social movements and civil society organisations.

Public policy councils – Some public policies explicitly incorporate social participation, such as the National School Feeding Programme (PNAE) through the School Feeding Councils. Similarly to CONSEA, other national systems also have their own councils, such as those for Social Assistance, Health and Education.

MAIN CHALLENGES

Need to strengthen the institutional functioning of participatory spaces – National, state and municipal councils require regular and adequate budgets, with proper inter-federative agreements to support the decentralisation of actions and budget complementarity.

Low representativeness and unequal inclusion – Highly marginalised groups such as Black communities, Indigenous Peoples, Quilombola communities, LGBT people, youth, persons with disabilities, rural women and residents of peripheral areas are often under-represented in decision-making spaces. In addition, factors such as racism, patriarchy, institutional elitism and lack of accessibility hinder broad, free and democratic participation.

Need for meaningful listening processes and effective participation in decision-making – In some participatory bodies, proposals from civil society do not have binding force or effective influence on policies. Another factor is the distrust and demobilisation generated by the perception that participatory spaces exist merely to legitimise decisions already taken.

Insufficient training processes and lack of access to information – For social participation to be meaningful, political, technical and civic training is essential. But without ongoing

capacity-building, access to public data, documents in accessible language and clear informational materials, participation remains limited.

Weak coordination between the State and civil society – Distrust in the State and the weakening of permanent dialogue channels undermine the political strength of participation, generating sectoral isolation that ignores the accumulated knowledge of social movements and the demands they have set out in agreements and conferences.

SOCIAL PARTICIPATION

Social participation in the right to food takes place through institutional and community-based spaces that allow civil society to influence public policy decisions. In Brazil, it occurs mainly through the Food and Nutrition Security Councils (CONSEAs) and the Food and Nutrition Security Conferences, which ensure the presence of social organisations, traditional peoples, family farmers and other groups in the processes of formulating, monitoring and evaluating government actions.

In addition to these formal bodies, participation also occurs through local forums, agroecology networks, community kitchens, urban gardens and public hearings, which strengthen territorial autonomy and social accountability.

The National Food and Nutrition Security Conference is the highest body of governance and social participation within the National Food and Nutrition Security System (SISAN) and, in accordance with Law No. 11.346/2006, sets out the guidelines with the main recommendations for the National Food and Nutrition Security Plan (Plansan).

ACCOUNTABILITY AND ENFORCEABILITY

Social participation is both a democratic principle and an instrument for demanding accountability from the State. This means that civil society not only has the right, but also the duty to participate in political decision-making and to require the public authorities to fulfil their legal obligations in guaranteeing rights, including the human right to adequate food.

The main mechanisms and instruments for accountability and justiciability in relation to social participation include institutionalised mechanisms such as public policy councils; national, state and municipal conferences to evaluate policies; public hearings and consultations in which the government listens to civil society and considers the contributions received in its policies; participatory budgeting, through which the population discusses and directly defines the allocation of budgetary resources; and public ombuds services.

Under Law No. 12.527/2011—the Access to Information Law (LAI)—citizens have the right to access public information, which enables them to monitor government ac-

tions and public policies. Any unjustified refusal to release information can be challenged in court.

The State is responsible for ensuring effective channels for participation—such as the Food and Nutrition Security Councils (CONSEAs), the Food and Nutrition Security Conferences and intersectoral forums—and for guaranteeing that these spaces function with autonomy, adequate funding, broad representation and real influence over public policies. When the State shuts down these mechanisms, weakens them or disregards their deliberations, it fails to uphold its duty to promote and protect social participation as a core part of the human right to adequate food.

Accountability through participation occurs when rights holders—social movements, grassroots organisations, traditional peoples and communities, and urban and rural collectives—occupy these spaces, present proposals, denounce omissions, monitor programmes and demand changes in public policies. By mobilising socially, producing community-generated data, us-

ing public hearings and activating institutions like the Public Prosecutor's Office and the judiciary, civil society reinforces its political influence and demands accountability. Citizens and organisations can file legal actions—such as people's actions or public civil actions—to contest government acts in court and require public officials to be held accountable. They can also use popular initiative mechanisms to submit draft laws once minimum requirements are met. Society may further present demands and complaints to oversight bodies through petitions and formal submissions.

CORPORATE POWER

Within the field of food and nutrition security, different corporate actors actively seek to prevent, limit, delegitimise or weaken social participation in political decision-making. They act in coordinated economic, political and ideological ways to safeguard private interests at the expense of the public good. Key examples include:

Parliamentary Front for Agriculture and Livestock (FPA) – The FPA is composed of a group of Brazilian federal deputies and senators who act jointly in the National Congress to defend agribusiness interests. It is one of the most organised caucuses in the country, with significant influence over bills, including those aimed at relaxing environmental licensing, expanding the use of agrochemicals, and opposing agrarian reform and the demarcation of Indigenous lands.

Agribusiness Legislative Agenda – According to data from the National Confederation of Agriculture and Livestock of Brazil (CNA, March 2025), 87 priority bills are being advanced by the group, covering issues such as tax reform, environmental

licensing, rural credit, land, and biofuels. One example is Bill No. 2.159/2021, known as the “Devastation Bill”. CONSEA issued Recommendation No. 01/2025 to the President of the Republic proposing a full veto. The President partially sanctioned the bill with 63 vetoes, and it is currently being revised by Congress. The bill authorised the fast-tracking of public works deemed “strategic”, even when associated with severe environmental degradation; exempted certain activities from licensing, such as the expansion of roads and agricultural enterprises; removed direct oversight powers from federal environmental agencies; and introduced the possibility of self-declaration, allowing project executors themselves to certify compliance with environmental requirements without prior review by competent authorities. Another example is Bill No. 1.459/2022, known as the “Poison Bill”, which relaxes rules governing the approval of agrochemicals. By overturning the presidential vetoes, full authority for registering and controlling agrochemicals was shifted to the Ministry of Agriculture, reducing the

power of the agencies that regulate these substances and evaluate their impacts on health and the environment. As a result, the agribusiness sector now exerts significant control over legislation on agricultural toxins, with heightened socio-environmental risks.

Ultraprocessed Food Industry – Major brands dominate the processed food market and actively work against measures such as nutritional labelling, restrictions on advertising to children, and taxation of ultraprocessed products. They also influence health and education agendas through institutional sponsorships and social-marketing strategies, which weaken critical public engagement. An example is Direct Action of Unconstitutionality (ADI) 7788, filed by the Brazilian Association of Radio and Television Broadcasters (Abert) against regulations of the National Health Surveillance Agency (Anvisa) that govern the advertising of foods harmful to health.

Corporate Media and Think Tanks – Corporate media outlets are communication channels linked to large economic groups

with the power to shape public opinion and set the terms of social and political debate. Think tanks, in turn, are research institutions that produce analyses and recommendations on public policy with the intention of influencing public debate and decision-making processes. By presenting their work as technically neutral, they shape political decisions in ways that depoliticise debates and undermine social participation.

FINANCING

Social participation in Brazil is funded through public resources across different levels of government. The recommendations of the 6th National Food and Nutrition Security Conference, delivered to the government in early 2024, were in many cases incorporated into the Third National Food and Nutrition Security Plan (Plansan). It is important to note that the Third Plansan explicitly indicates, for each policy, programme and action, the corresponding budgetary actions assigned to them. These budgetary actions make it possible to monitor how policies are actually implemented, since they provide information on their budget execution—including the resources allocated directly to social participation.

In addition to the Third Plansan, other documents include: the Brazil Without Hunger Plan, an emergency and strategic plan to combat hunger prepared by the Ministry of Social Development, Family and Assistance (MDS) and implemented from 2023 onwards; the First National Food Supply Plan (Planab), prepared by the Ministry of Agrarian Development and Family Farming

(MDA); and the National Agroecology and Organic Production Plan (Planapo). These public documents, available on the ministries' websites, present information on their policies, programmes and actions, along with their goals and budgetary allocations. Beyond ensuring transparency, monitoring and social oversight of public resources, these documents also make it possible to identify actions that support commissions, social participation, and the involvement of society and specific social groups in councils, commissions, and in the development of projects and policies.

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