

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 WATER, FISHERS AND OCEANS

8



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 Water, Fishers and Oceans



JUNE 2026

Dados Internacionais de Catalogação na Publicação (CIP)

P895 Practical Guide: how to use international instruments related to the right to food at the national and subnational levels - the case of Brazil/ Conselho Nacional de Segurança Alimentar e Nutricional. -- Brasília : Presidência da República, 2026.

v.

v. 1. The human right to adequate food and food markets - v. 2. The human right to adequate food and agroecology: food sovereignty, sustainability and socio-environmental justice - v. 3. The human right to adequate food and consumer protection policies - v. 4. The human right to adequate food and social participation in political decision-making - v. 5. The human right to adequate food and social protection - v. 6. The human right to adequate food and the rights of indigenous peoples - v. 7. The human right to food and policies for small-scale food producers - v. 8. The human right to adequate food and water, fishers and oceans - v. 9. The human right to adequate food and the solidarity economy - v. 10. The human right to adequate food and gender equality - v. 11. The human right to adequate food and the right to land - v. 12. The human right to adequate food and school meals.

ISBN 978-65-86360-28-8

1. Direitos humanos. 2. Segurança alimentar. 3. Alimentação. 4. Participação social. I. Brasil. Presidência da República. Conselho Nacional de Segurança Alimentar e Nutricional

CDU 342.7:612.39(81)

With support from



Federal Ministry
of Agriculture, Food
and Regional Identity



SECRETARY-GENERAL



by decision of the
German Bundestag

PRESIDENCY OF THE REPUBLIC

Luiz Inácio Lula da Silva
President of the Republic

GENERAL SECRETARIAT OF THE PRESIDENCY OF THE REPUBLIC

Guilherme Castro Boulos
Minister of State
General Secretariat of the Presidency of the
Republic Secretary-General of CONSEA

Josué Augusto do Amaral Rocha
Executive Secretary

CONSEA PRESIDENCY

Elisabetta Recine
President of CONSEA

SECRETARIA-EXECUTIVA DO CONSEA

Marília Mendonça Leão
Executive Secretary

Elaine Martins Pasquim
General Coordinator

PREPARED BY

Cilídia Barbosa de Souza
Elaine Martins Pasquim

WITH CONTRIBUTIONS FROM (CONSEA MEMBERS AND COLLABORATORS)

Alfredo da Costa Pereira Júnior
Ana Maria Thomas Maya Martins
Marília Gabrielly Peixoto Souza
Glenn Massakazu Makuta
Inês Rugani Ribeiro de Castro
Lívio Sérgio Dias Claudino

COORDINATION OF THE CONCEPTION PROCESS AND TRANSLATION INTO ENGLISH

Elisabetta Recine
President of CONSEA

Martin Wolpold-Bosien
Senior Policy Adviser, German Institute for Human
Rights (2023–2025)

This publication was supported by the Agricultural Policy Dialogue Brazil–Germany (German acronym: APD) a cooperation instrument aimed at the exchange of knowledge on agricultural and environmental policies, based on a Memorandum of Understanding signed by the Federal Ministry of Food, Agriculture and Regional Identity (BMLEH), the Ministry of Agriculture and Livestock (Portuguese acronym: MAPA) and the Ministry of Agrarian Development and Family Agriculture (Portuguese acronym: MDA).

 contato@apd-brasil.de  www.apdbrasil.de  [APD Brasil Alemanha](#)  [APD Brasil Alemanha](#)

Via:



AGRICULTURAL POLICY DIALOGUE
APD | BRAZIL-GERMANY

Implemented by:



GFA
CONSULTING GROUP
General Agent BMLEH
Berlin Office

IAK
AGRAR CONSULTING

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

Institutional Support

The Agricultural Policy Dialogue Brazil-Germany (APD, by its German acronym) provided support for the Spanish translation and the layout of the collection.

The German Institute for Human Rights provided support for the translation into English.

Coordination of Editorial Design

Agricultural Policy Dialogue Brazil-Germany: Gleice Mere, Alexander Borges Rose and Carlos Alberto dos Santos

English translation: Katie Whiddon - ktwhiddon@gmail.com

Editorial Design: Scriptorium Design Editorial - Kenia de Aguiar Ribeiro and Beatriz Gomes

Cover Illustration: Beatriz Gomes

 seconsea@presidencia.gov.br

 www.gov.br/secretariageral/pt-br/consea

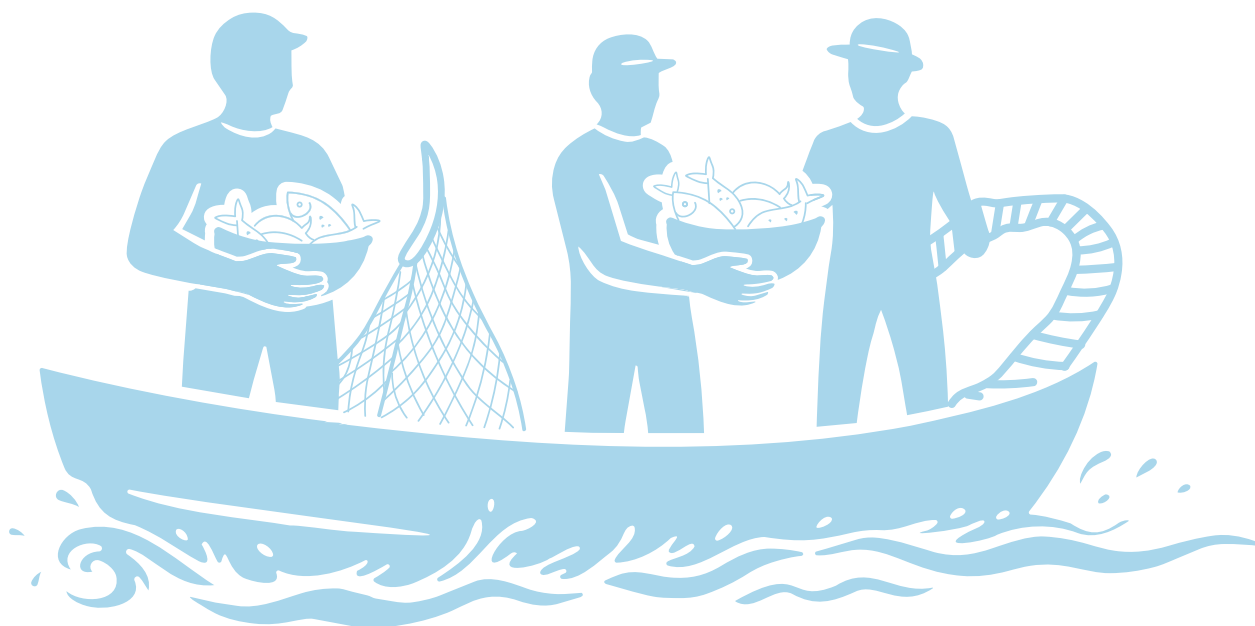


TABLE OF CONTENTS

INTERNATIONAL INSTRUMENTS.....	11
EXAMPLES OF IMPLEMENTATION IN BRAZIL	16
MAIN CHALLENGES	19
SOCIAL PARTICIPATION	21
ACCOUNTABILITY AND ENFORCEABILITY.....	24
CORPORATE POWER.....	25
FINANCING.....	26

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

1. THE HUMAN RIGHT TO ADEQUATE FOOD AND FOOD MARKETS

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

2. THE HUMAN RIGHT TO ADEQUATE FOOD AND AGROECOLOGY: FOOD SOVEREIGNTY, SUSTAINABILITY AND SOCIO ENVIRONMENTAL JUSTICE

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

3. THE HUMAN RIGHT TO ADEQUATE FOOD AND CONSUMER PROTECTION POLICIES

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

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

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

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

THE HUMAN RIGHT TO ADEQUATE FOOD AND WATER, FISHERS AND OCEANS

INTERNATIONAL INSTRUMENTS

International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)¹

– Although this United Nations (UN) covenant does not expressly mention the right to water, Article 11 affirms that everyone has the right to an adequate standard of living, including food, clothing and housing—conditions that presuppose access to safe drinking water as a structuring element of these rights. General Comment No. 15 of the UN Committee on Economic, Social and Cultural Rights further states that the human right to water is essential for a life of dignity and constitutes a fundamental prerequisite for the enjoyment of other human rights. Brazil incorporated the ICESCR into domestic law via Decree No. 682 of 1969, reaffirming the State’s commitment to

¹ 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>

promoting and protecting economic, social and cultural rights, including—implicitly and necessarily—the human right to water.

Treaty of the Plata Basin (1969)² – Signed by Argentina, Bolivia, Paraguay and Uruguay, the treaty sets out guiding principles for the use, development and sustainable management of the water resources of the River Plate Basin. It highlights cooperation among the States Parties, the rational use of water, the prevention of environmental harm and the promotion of equitable and sustainable use of shared resources. Together, these principles make the treaty a significant milestone in international law governing transboundary waters.

Amazon Cooperation Treaty (1978)³ – Incorporated into Brazilian law by Decree No. 85.050/1980, this treaty is an agreement among the countries that share the Amazon region aimed at promoting sustainable development. It seeks to foster cooperation in environmental protection, the responsible use of natural resources—including water—and the integration of Amazonian countries in areas such as science, transport, health and environmental conservation.

International Treaty on Plant Genetic Resources for Food and Agriculture (2001)⁴ – Adopted in Rome in 2001, signed by Brazil in June 2002 and ratified in 2006, this treaty aims to ensure the conservation and sustainable use of plant genetic resources for food and agriculture, with a focus on food security. Although the treaty does not explicitly mention access to water, the conservation and sustainable use of water resources are essential to maintaining the diversity and variety of plants that underpin sustainable agriculture and adequate human food.

Universal Declaration of Human Rights (1948)⁵ – Although the Declaration does not expressly mention the right to water, this right is implicitly recognised through its principles. Article 25 guarantees everyone an adequate standard of living to ensure health and well-being—conditions that presuppose access to safe drinking water as an essential re-

2 Treaty of the Plata Basin, 1969. See: <https://cptcp.org/en/documentos/tratado-de-la-cuenca-del-plata/>

3 Amazon Cooperation Treaty, 1978. See: <https://otca.org/en/project/amazon-cooperation-treaty/>

4 International Treaty on Plant Genetic Resources for Food and Agriculture, 2001. See: <https://openknowledge.fao.org/server/api/core/bitstreams/5854dfab-084a-4658-86f7-33e0f21c40e6/content>

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

quirement for hygiene, food, production and survival. Complementing this, Article 3, by guaranteeing the right to life, reinforces that the availability of safe water is a fundamental element for human existence itself. Thus, through a systematic interpretation of the Declaration, the right to water is understood as an integral component of fundamental human rights.

Mar del Plata Action Plan (1977)⁶ – Adopted at the UN Water Conference, this was the first international document to recognise access to water as a basic necessity for survival and development. It states: “All peoples, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantities and of a quality equal to their basic needs.”

UN General Assembly Resolution 64/292 (2010)⁷ – This resolution “recognizes the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights.” Brazil is a State Party to the International Covenant on Economic, Social and Cultural Rights, which had already implicitly encompassed this right. The resolution made this understanding explicit at the international level. Domestically, the right has been acknowledged through the adoption of Law No. 9.433/1997, which establishes the National Water Resources Policy and defines water as a public and limited good, guiding its sustainable and participatory management. Likewise, Law No. 11.445/2007 sets out the national guidelines for basic sanitation, regulating the provision of water supply, sewage services, solid waste management and urban drainage, with an emphasis on universal access, quality, regulation and social oversight.

UN Food and Agriculture Organization (FAO) Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (2014)⁸ – This is the first international instrument focusing specifically on small-scale fisheries, offering recommendations on: governance of tenure in small-scale fisheries and resource management; social development, employment and decent

6 Mar del Plata Action Plan, 1977. See: <https://digitallibrary.un.org/record/724642?v=pdf>

7 United Nations General Assembly Resolution 64/292, 2010. See: <https://www.ohchr.org/en/water-and-sanitation/about-water-and-sanitation>

8 Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries, 2014. See: <https://openknowledge.fao.org/server/api/core/bitstreams/da75610f-fea4-4c66-bbeb-67c0dce76195/content>

work; value chains, post-harvest practices and trade; gender equality; disaster risks and climate change; policy coherence, institutional coordination and collaboration; information, research and communication; capacity development; and support for implementation and monitoring.

UN Committee on World Food Security (CFS) Policy Recommendations on Water for Food Security and Nutrition (2015)⁹ – These recommendations include: promoting sustainable management and conservation of ecosystems to ensure the continued availability, quality and reliability of water; improving coherence among water-related policies, strategies and plans; ensuring equitable access to water for all, prioritising the most marginalised at all ages and empowering women and youth; enhancing the efficiency and diversification of water use and the productivity of agricultural systems; managing risks and strengthening resilience to water variability; developing and sharing knowledge, technologies and tools related to water; promoting inclusive and effective collaboration, as well as strong national and local water governance; and advancing the full and effective implementation of international human rights obligations and instruments related to water.

2030 Agenda - Sustainable Development Goals (SDGs)¹⁰ – Brazil adopted the 2030 Agenda through Decree No. 11.704/2023, which established the National Commission for the Sustainable Development Goals and set out a series of global targets aimed at promoting more just, inclusive and environmentally responsible societies. Among these commitments, SDG 6 stands out, seeking to ensure the availability and sustainable management of water and sanitation for all by 2030. This goal reinforces the centrality of water as an essential human right and underscores that universal access to safe drinking water and adequate sanitation is indispensable for public health, reducing inequalities and achieving sustainable economic development.

UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)¹¹ – Promulgated in Brazil through Decree No. 4.377/2002, the Convention

9 Policy Recommendations on Water for Food Security and Nutrition, 2015. See: <https://openknowledge.fao.org/server/api/core/bitstreams/ad952957-22f8-4185-acc4-5cb377ed3e83/content>

10 2030 Agenda – Sustainable Development Goals (SDGs), 2015. See: <https://sdgs.un.org/goals>

11 Convention on the Elimination of All Forms of Discrimination against Women, 1979. See: <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cedaw.pdf>

requires States, in the context of rural development (Article 14), to ensure that women have access to adequate services, including water supply.

UN Convention on the Rights of the Child (1989)¹² – Incorporated into Brazilian law through Decree No. 99.710 of 21 November 1990, the Convention establishes in Article 24 that States must adopt appropriate measures to ensure that all children have access to safe water, basic sanitation and adequate hygiene conditions, thereby preventing disease and ensuring a healthy environment. By linking the right to water with nutrition, health care and overall well-being, the Convention reinforces that guaranteeing this access is not merely a social provision but a legal obligation of the States Parties, which must implement public policies, investments and protective actions that ensure children living standards consistent with their dignity and full development.

Dublin Statement on Water and Sustainable Development (1992)¹³ – This statement of principles and non-binding recommendations resulted from the International Conference on Water and the Environment (ICWE) and served as a basis for the discussions on water resources at the 1992 Earth Summit (Eco 92). Its principles and guidelines—most notably the recognition of water as a public good that also has economic value, and the promotion of decentralised and participatory water management—were incorporated into and directly influenced the creation of domestic legislation, especially Law No. 9.433/1997, known as the Water Law.

Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement, 2023)¹⁴ – Currently undergoing domestic incorporation in Brazil, this agreement establishes rules for managing marine biodiversity in areas that do not fall under any national jurisdiction, such as the high seas, which make up about two-thirds of the world's oceans. The treaty provides mechanisms for the fair and

12 Convention on the Rights of the Child, 1989. See: <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/crc.pdf>

13 Dublin Statement on Water and Sustainable Development, 1992. See: <https://www.wmo.int/pages/prog/hwrp/documents/english/icwedece.html>

14 Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction. See: <https://highseasalliance.org/treaty-negotiations/>

equitable sharing of benefits derived from the use of marine genetic resources from these areas. Such benefit-sharing can support development policies, poverty reduction and the strengthening of food systems in developing countries, thereby contributing to the realization of the human right to adequate food and nutrition.

EXAMPLES OF IMPLEMENTATION IN BRAZIL

National Water Resources Policy (Law No. 9.433/1997 – “Water Law”) – This policy recognises water as a public asset, a limited resource and one that has economic value, giving priority in situations of scarcity to human consumption and animal watering. Its central objectives are to ensure water in sufficient quantity and quality for present and future generations, promote the rational and integrated use of water resources, and prevent critical events such as droughts and floods. The law establishes guidelines for decentralised and participatory water management, adopting river basins as planning units, ensuring the multiple uses of water and creating instruments such as charges for water use and river basin committees. In summary, the policy structures water governance around sustainability, social participation and responsible use.

Basic Sanitation Framework (Law No. 11.445/2007) – This law sets out the guidelines for the National Basic Sanitation Policy, grounded in universal access, comprehensive service provision and the assurance of quality, regularity and safety in service delivery. By recognising safe drinking water as essential to life and health, the law requires that services be planned in an integrated manner, taking into account the social, economic, environmental and cultural specificities of each territory. It also affirms that economic and financial sustainability is a condition for ensuring the continuity and expansion of sanitation services, while maintaining a commitment to reducing inequalities and prioritising historically excluded populations. Transparency and social oversight are pillars of the framework, enabling public participation in planning, regulation and monitoring. The law further reinforces the need for articulation between sanitation, health, housing, the environment and water resources management, guiding public policies toward the sustainable use of water, environmental protection and the promotion of human dignity.

National Environmental Policy (Law No. 6.938/1981) – This policy establishes an integrated view of natural resources, recognising surface, groundwater and inland waters as inseparable elements of ecological balance. By defining in Article 3 that environmental resources include the atmosphere, soil, subsoil and all elements of the biosphere, the law highlights the interdependence between water and other environmental components. In the same vein, Article 2 sets out as a principle the “rational use of soil, subsoil, water and air,” reaffirming that water management must be planned, sustainable and oriented toward preventing harm.

National Coastal Management Plan (PNGC) (Law No. 7.661/1988) – This plan aims to guide the rational use of the resources found in the Coastal Zone and to ensure the protection of its natural, historical, ethnic and cultural heritage, contributing to improved quality of life for the populations living there. The plan must be developed and implemented in accordance with norms, criteria and standards related to environmental quality control and maintenance, covering, among others: urbanisation; occupation and use of surface, subsoil and water resources; land subdivision and consolidation; prevention and control of marine and riverine erosion; road and transport systems; energy production, transmission and distribution systems; housing and basic sanitation; tourism, recreation and leisure; and natural, historical, ethnic, cultural and landscape heritage. The plan also guides the implementation of local plans and establishes mechanisms for continuous monitoring, strengthening an environmental information system capable of supporting sustainable and coordinated decision-making across different levels of government.

One Million Cisterns Programme (P1MC) – Launched in 2003 as a civil society initiative coordinated by the ASA network (Articulação Semiárido Brasileiro - Brazilian Semi-arid Articulation), the P1MC built more than one million cisterns for the capture and storage of rainwater, ensuring access to safe drinking water for human consumption in the Semi-arid region. The programme has since been incorporated into public policy through the “National Programme to Support Rainwater Harvesting and Other Social Technologies (Cisterns Programme),” regulated by Decree No. 8.038/2013, which sets out guidelines for implementing social technologies for water access, including cisterns. The programme has also expanded its activities to the Amazon region and to the state of Rio Grande do Sul.

Water for All Programme (“Água para Todos”) (2011) – Created under the Brazil Without Extreme Poverty Plan (Decree No. 7.535/2011), this programme aims to achieve universal access to water for consumption and production in rural communities. It includes simplified water supply systems, productive cisterns, sanitation education and community-based management.

Basic Sanitation Legal Framework (Law No. 11.445/2007, updated by Law No. 14.026/2020) – This framework sets out the guidelines for universal access to safe drinking water and sanitation as essential public services. It also establishes that access to basic sanitation – and therefore to water – must be provided in ways compatible with public health and environmental protection, guided by principles of equity and sustainability.

Community and Indigenous Water Management Systems – Numerous Indigenous communities and traditional peoples in Brazil, such as the Guarani, Quilombola communities and riverine populations in the Amazon, organise their own systems for capturing, using and protecting water sources. These systems reflect water as a cultural and social good, recognising it as part of their territory and their ways of life, in line with collective rights and intergenerational sustainability.

National School Feeding Programme (PNAE) – Established by Law No. 11.947/2009, this programme guarantees healthy and safe school meals for students in basic education, requiring the use of safe drinking water in food preparation. Its aim is to promote growth, learning and the development of adequate eating habits. Its guidelines include universal access, the promotion of healthy eating, food and nutrition education, sanitary safety—which encompasses adequate hygiene conditions and water supply—and the purchase of food from family farming, thereby strengthening local economies and sustainable practices.

Decrees No. 6.040/2007 and No. 8.750/2016 – These decrees establish the National Policy for the Sustainable Development of Traditional Peoples and Communities and create the National Council of Traditional Peoples and Communities, providing the institutional basis for recognising, protecting and ensuring the social participation of these groups in Brazil. Both normative frameworks affirm that traditional peoples and communities possess distinct cultural identities, productive systems and their own ways of relating to nature. Among them are various groups whose ways of life are intrinsically linked to water. In

this context, riverine communities, coastal and marine small-scale harvesting communities, traditional coastal communities (“caiçaras”), island communities, Pantanal wetland communities, small-scale fishers and floodplain farming communities are recognised as groups whose territories, knowledge and sustainable management practices depend directly on rivers, seas, lakes, floodplains and other aquatic ecosystems. State recognition of these groups seeks to guarantee their territorial, sociocultural and environmental rights, as well as to promote specific policies that ensure the continuity of their ways of life and their participation in decisions affecting their territories and water resources.

MAIN CHALLENGES

Brazil’s longstanding failure to ensure basic sanitation stands as one of the starkest expressions of the country’s structural inequalities. Decades of insufficient investment, fragmented policies and uneven institutional capacities have produced a scenario in which millions of Brazilians remain without access to services essential for a dignified life. According to the 2022 IBGE Census, only 62.5 percent of the population is connected to a sewage network, leaving around 49 million people dependent on precarious solutions. This historical deficit reflects not only an infrastructure problem, but an ongoing denial of basic rights, especially for poor, rural, peripheral and traditional populations.

The precariousness of treated water supply reveals another dimension of this structural inequality. According to estimates by the Instituto Trata Brasil, around 6 million Brazilians still do not receive treated water. This situation is aggravated by regional inequalities: while more developed regions have high levels of coverage, the North of the country has access to treated water for only 55 percent of its population—well below the national average. In addition to irregular supply, many municipalities face high distribution losses, often above 40 percent, due to ageing networks, leaks and inefficient management. These challenges directly compromise water security, increase the risk of contamination and make access to safe drinking water unstable and unequal.

Data from the National Sanitation Information System (SNIS) also show that only 46.3 percent of the sewage collected in Brazil was treated in 2022, exposing rivers, aquifers and communities to environmental and health risks. Insufficient treatment and irregular water

supply create a cycle that affects public health, increasing waterborne diseases, raising preventable hospitalisations and limiting child and school development.

The New Basic Sanitation Legal Framework (2020) seeks to address this deficit by establishing universal access to treated water (99 percent) and to sewage collection and treatment (90 percent) by 2033, while strengthening the regulatory role of the National Water Agency (ANA). However, given the scale of the accumulated deficit and the need for robust investment—especially in historically neglected regions—the country is far from ensuring equal access to water and sanitation. Brazil's deficit in sanitation is therefore social, environmental and civilisational: overcoming it is essential for promoting health, justice and sustainable development.

The Brazilian Network for Food and Nutrition Sovereignty and Security (Rede PENSSAN) is currently validating the Water Insecurity Experiences Scale (WISE). In its Second National Survey on Food Insecurity in the Context of the Covid-19 Pandemic in Brazil— which revealed that 33 million people were living in severe food insecurity— the Network also identified lack of regular and permanent access to water, known as water insecurity, as a reality for 12 percent of the Brazilian population, and closely linked to food insecurity.

SOCIAL PARTICIPATION

Social participation in public water policies in Brazil is guaranteed by laws such as the National Water Resources Policy (Law No. 9.433/1997) and the Basic Sanitation Legal Framework (Law No. 11.445/2007). Participation takes place through councils, river basin committees and participatory planning processes in which government, civil society and water users jointly decide on the use and management of water. Programmes such as the Cisterns Programme (Programa Cisternas) and the Water for All Programme (Água para Todos) also actively involve communities in choosing and managing the solutions they adopt. Despite progress, challenges remain in expanding inclusion, ensuring representativeness and strengthening the capacity of communities to influence decisions.

The National Water Resources Council and the river basin committees, created by Law No. 9.433/1997, have the central objective of ensuring democratic, participatory and integrated water management in Brazil. The legislation recognises water as a public good with economic value, requiring stra-

tegic planning and coordination among different levels of government, users and civil society.

The National Water Resources Management System (Singreh) seeks to coordinate the use of water resources, arbitrate conflicts, plan and regulate water uses, restore water bodies and promote charges for water use to encourage sustainability. Its structure includes both collegial and executive bodies, such as the National Water Resources Council, the National Water Agency, state councils, river basin committees and water agencies, ensuring decentralisation and social participation.

Despite these institutional advances, challenges persist with regard to technical and financial capacity, the quality of social participation and the integration of sectoral policies. Strengthening the National Water Resources Management System (Singreh) is essential to ensuring the sustainable use of water and addressing the impacts of climate change and conflicts between different uses.

The National Council for Food and Nutrition Security (CONSEA) has produced a number of recommendations and explanatory memoranda addressing this issue. They include:

- **Recommendation No. 08/2024** – This recommendation on tax reform requests that pesticides be included in the selective tax and highlights “the presence of residues of 13 different active ingredients, including glyphosate, atrazine and 2,4-D, in the waters of the Brazilian Cerrado that are destined for consumption, planting, fishing and animal care in seven communities in the states of Piauí, Bahia, Tocantins, Goiás, Maranhão, Mato Grosso and Mato Grosso do Sul.”
- **Recommendation No. 22/2024** – This recommendation, which concerns the guarantee of the human right to adequate food in the prison and socio-educational systems, highlights systematic human rights violations in prisons, including breaches of the right to food, characterised by lack of access to water and to safe, quality food.
- **Recommendation No. 26/2024** – This recommendation on reparatory land regularisation for the territorial rights of Traditional Peoples and Communities emphasises that the concept of “maretório” (the territory of the tides) should be considered part of the debate on land, territory and water territoriality. The recommendation explains that the “territory of the tides” represents an identity shaped by the unique relationship that coastal and marine small-scale harvesting communities have with tidal dynamics.
- **Recommendation No. 15/2023** – This recommendation on the National Food Supply Policy suggests including among its objectives the need to “expand/encourage/implement a culture of water storage that goes beyond cisterns and remains under the control of families and communities; policies that encompass community water, emergency water and the protection of water springs.”

- **Recommendation No. 22/2023** – This recommendation on the National Plan for the Homeless Population calls on the Interministerial Chamber for Food and Nutrition Security (CAISAN) to ensure adequate housing with access to safe drinking water.
 - **Explanatory Memorandum No. 001/2017** – CONSEA affirmed that “water is a basic human right and not a commodity” and that without access to quality water there are no conditions for exercising the human right to adequate food.
 - Recommendation No. 012/2014 – This recommendation calls for the signing of a partnership agreement to implement social technologies for water access, especially cisterns, with funding of around BRL 35 million.
 - **Recommendation No. 010/2014** – This recommendation calls for support to the One Million Cisterns Programme (P1MC), including the construction of 30,000 cisterns for rainwater harvesting (16,000 L).
 - **Recommendation No. 004/2014** – This recommendation requests the construction of 5,000 large-capacity school cisterns (52,000 L), with investments of up to BRL 69 million.
- National Human Rights Council (CNDH)**
- **Recommendation No. 8/2019** – Highlights the importance of guaranteeing access to water and sanitation for Quilombola and Indigenous communities, as well as ensuring participatory management of these resources.
 - **Recommendation No. 12/2021** – Requests the suspension of dam construction projects that affect Indigenous communities due to lack of adequate consultation and risks to water resources.

ACCOUNTABILITY AND ENFORCEABILITY

Accountability and the justiciability of public authorities are central dimensions in the realisation of fundamental rights, especially in sensitive areas such as sanitation, access to water, environmental protection and the rights of traditional peoples and communities. To demand fulfilment means turning constitutional principles into concrete practice, a process that depends both on society's active engagement and on the proper functioning of oversight institutions.

In this sense, social participation through councils, conferences, public hearings and transparency mechanisms—such as the Access to Information Law—creates conditions for the population to monitor policies, question omissions and press public managers to meet legal targets. The administrative dimension also plays a decisive role: formal requests, complaints to ombudsman offices, and engagement with internal control bodies, audit courts and the Public Prosecutor's Office constitute instruments for verifying irregularities and omissions in the provision of public services.

When these mechanisms fail, the judicial route becomes a legitimate tool to demand policy implementation and correct structural failures. It also allows public officials and service providers to be held accountable through public civil actions, writs of mandamus, conduct adjustment agreements or actions for administrative misconduct. Thus, the process of demanding and ensuring accountability goes beyond punishment: it involves building a culture of transparency, shared responsibility and the effective realisation of rights, in which the State is called upon to fulfil its constitutional duty to guarantee dignity, equality and universal access to essential services.

CORPORATE POWER

Economic sectors with significant influence—such as irrigated agriculture, mining and livestock farming—are the main consumers of water in Brazil. They often benefit from permits and authorisations to use large volumes of water, to the detriment of the priority right to water for human consumption. The same parliamentary bloc that defends agribusiness is often the one that restricts policies aimed at universalising access to water.

Made up of large companies, particularly in the mining, agribusiness, energy and sanitation sectors, corporate interests often act directly in the formulation and implementation of water policies, seeking management models that prioritise the economic use of water resources. This influence may occur through lobbying, campaign financing, participation in councils and forums, and pressure on legislative and regulatory processes.

Several bills currently under debate in the National Congress could affect the universalisation of access to water in Brazil. The main ones are:

- PL 4888/2024 – By proposing to extend the sanitation deadline to 2040, it may delay compliance with the current targets.
- PL 10108/2018 – By allowing the end of the exclusivity of public concessionaires, it could open space for alternative providers, but also generate legal uncertainty and hinder planning.

It should be emphasised that the lack of universal access to water and basic sanitation results in serious public health problems, environmental impacts and economic losses that are difficult to remedy.

FINANCING

Brazil's policy framework for water access has historically been built on a financing arrangement in which the federal government plays a central role, both in providing resources and in coordinating national strategies. In recent years, this pattern has continued—and even intensified—given persistent water inequalities, the climate crisis and the pressure to universalise services. Recent data show that the federal government has concentrated significant investments on improving water security in both urban and rural areas, while reinforcing the model of shared management with states and municipalities—a core principle of Law No. 9.433/1997, as acknowledged by the National Water Agency (ANA) in its explanation of Brazil's decentralised water-resources governance.

In rural areas, the Cisterns Programme remains one of the main initiatives for democratising access to water in historically marginalised regions. Between 2023 and May 2025, 186,242 social technologies for water access were contracted, with planned investment of BRL 1.2 billion, according to

official data released by the Brazilian federal government's official news service (Agência Gov/EBC). These resources follow the traditional federative logic: the federal government finances and coordinates, while civil-society organisations, public consortia, states and municipalities implement and monitor the actions.

In urban areas, financing has intensified through the New Growth Acceleration Programme (Novo PAC), which includes a specific component for improving water-supply systems. In 2025, the federal government announced BRL 2 billion to expand and strengthen water supply in Brazilian cities, according to the Brazilian federal government's official news service (Agência Gov/EBC). This investment seeks to reverse the pattern of intermittent service, high distribution losses and structural deficiencies that still affect urban water supply in many regions of the country.

In parallel, resources have been mobilised for critical situations of water scarcity. In 2025, the federal government earmarked BRL 400 million to support states in as-

sisting municipalities facing water crises, as reported by the Federal Senate and registered by the Senate News Agency (Agência Senado). These emergency funds complement long-term investments and highlight the need for rapid responses to extreme events worsened by climate change.

Alongside these programmes, Brazil also maintains a financing structure based on sectoral funds, such as the National Water Resources Fund (FNRH), created under Law No. 9.433/1997, as well as state-level funds that support water-resources management and preservation. The National Water Agency (ANA), in its own description of the National Water Resources Management System, confirms the decentralised governance model involving the federal government, states, the Federal District and municipalities.

Despite advances and the significant volume of recent investment, challenges remain. The scale of available resources—though substantial—is still insufficient to overcome the accumulated deficit in water and sanitation infrastructure. Obstacles

such as budget instability, uneven technical capacity among federative entities and bureaucratic hurdles in establishing cooperation agreements continue to slow implementation. Building a robust federative governance system capable of translating financial resources into the effective realisation of the human right to water remains essential.

In sum, financing for water-access policies in Brazil combines strong federal leadership, structural investments through the New Growth Acceleration Programme (Novo PAC), strengthened social-technology initiatives in rural areas and coordination with sectoral funds. The data demonstrate a consistent effort by the Brazilian State to expand water security, while also revealing the need for continuity, stability and better integration across all levels of government to ensure that the right to water is fully and sustainably realised.

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

1. THE HUMAN RIGHT TO ADEQUATE FOOD AND FOOD MARKETS
2. THE HUMAN RIGHT TO ADEQUATE FOOD AND AGROECOLOGY: FOOD SOVEREIGNTY, SUSTAINABILITY AND SOCIO-ENVIRONMENTAL JUSTICE
3. THE HUMAN RIGHT TO ADEQUATE FOOD AND CONSUMER PROTECTION POLICIES
4. THE HUMAN RIGHT TO ADEQUATE FOOD AND SOCIAL PARTICIPATION IN POLITICAL DECISION-MAKING
5. THE HUMAN RIGHT TO ADEQUATE FOOD AND SOCIAL PROTECTION
6. THE HUMAN RIGHT TO ADEQUATE FOOD AND THE RIGHTS OF INDIGENOUS PEOPLES
7. THE HUMAN RIGHT TO FOOD AND POLICIES FOR SMALL-SCALE FOOD PRODUCERS
8. THE HUMAN RIGHT TO ADEQUATE FOOD AND WATER, FISHERS AND OCEANS
9. THE HUMAN RIGHT TO ADEQUATE FOOD AND THE SOLIDARITY ECONOMY
10. THE HUMAN RIGHT TO ADEQUATE FOOD AND GENDER EQUALITY
11. THE HUMAN RIGHT TO ADEQUATE FOOD AND THE RIGHT TO LAND
12. THE HUMAN RIGHT TO ADEQUATE FOOD AND SCHOOL MEALS