



LEGAL AND INSTITUTIONAL FRAMEWORKS FOR THE RIGHT TO FOOD AND NUTRITION

MODULE 1
↓



LEGAL AND INSTITUTIONAL FRAMEWORKS FOR THE RIGHT TO FOOD AND NUTRITION

by FIAN Portugal – version 20220506

This publication is part of a series of modules published as part of the European Erasmus + project entitled "Responding to Hunger: A toolkit for learning and action", implemented by FIAN International, FIAN Belgium, FIAN Austria, FIAN Portugal, URGENCI, and the Center for Water, Agroecology, and Resilience (CAWR) at Coventry University.

The European Commission's support for the production of this publication does not constitute an endorsement of the contents, which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

AUTHORS

Joana Dias, Sara Rocha, Nelía Neves (FIAN Portugal)

COPY-EDITING

Anna Tellez

LAYOUT AND DESIGN

Ewelina Ulita

AUGUST 2022



Attribution-NonCommercial 4.0
International (CC BY-NC 4.0)



FIAN
INTERNACIONAL
PORTUGAL



With the support of the
Erasmus+ Programme
of the European Union



INTRODUCTION



The human right to adequate food and nutrition is a fundamental pillar of the right to life, and at the same time, it is one of the most frequently violated human rights around the world¹. From a human rights-based perspective, the right to food and nutrition deals with the availability and adequacy of food, along with physical, economic, social, and stable access to food, as it relates to respect for human dignity. The right to food also highlights the importance of institutional and legal accountability to protect citizens from violations and guarantee food security and nutrition. Therefore, the right to food and nutrition encompasses not only matters of food security²; it also addresses the inequities people experience and food production systems.

When the [Universal Declaration of Human Rights](#) (UDHR) was adopted by the United Nations in 1948, it was the first international instrument to recognize the right to food through a mechanism of soft law³. However, over time, the UDHR grew into formally legally binding treaties, which included and expanded the right to food and nutrition. The [International Covenant on Economic, Social, and Cultural Rights](#) (ICESCR) was adopted in December 1966⁴, and has become an international tool and point of reference, given that it deals with the right to food and nutrition more broadly⁵.

Therefore, states should uphold the respect, protection, fulfillment, promotion, and provision of the right to food and nutrition based on a specific legal framework and public policies on food security and nutrition⁶.

This module discusses the legal and institutional framework of the right to food and nutrition in Europe. The first part discusses what implementing the right to food and nutrition means conceptually. The second section includes examples of approaches and processes utilized in different countries, and highlights the most significant obstacles and challenges for the exercise of the right to food and nutrition in Europe. The final part discusses civil society initiatives monitoring the right to food and nutrition as opportunities for advocacy, and provides a step-by-step guide for a rights-based approach to collective mobilization, monitoring, and public debate.

1 FIAN International, 2018.

2 Established as a multidimensional concept at the World Food Summit in 1996, in Rome, food security and nutrition “exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritionally adequate food, allowing them to meet their nutritional needs and food preferences for an active and healthy life”. (FAO, 2006).

3 A set of rules that guides action but are not binding, and therefore do not include sanctions for non-conforming administrative actions.

4 This Covenant has been signed and ratified by 160 states, meaning that it is legally and formally binding. This Covenant has been signed and ratified by 160 states, meaning that it is legally and formally binding.

5 Article 11, International Covenant on Economic, Social, and Cultural Rights. United Nations, 1966.

6 Sarmento, Francisco. 2021. “Retrato Do Direito Humano à Alimentação e Nutrição Adequadas Em Portugal: Prioridades e Recomendações Para a Sua Operacionalização. Análise No Âmbito Do Projeto ‘Alimentação é Direito!’ .” Programa Cidadãos Ativ@s!, EEA Grants.

PART I


The international framework for the human right to adequate food and nutrition: what does it entail in European countries?



State obligation to respect, protect, and fulfill the human right to food

The adoption of the United Nations Charter in 1945 and, in particular, the Universal Declaration of Human Rights (UDHR) in 1948 granted people rights they could demand from the state. This development paved the way for the emergence of international human rights law, which emphasizes the protection of human rights and freedoms⁷. Based on these founding treaties, a set of human rights instruments were adopted at the international and regional levels, wherein individuals (or groups of individuals) are the rights-holders and states, the duty-holders (regarding the former).

The UDHR was the first international instrument to recognize the right to food as a component of an adequate standard of living, in Article 25:



Everyone has the right to a standard of living adequate for the health and well-being of themselves and of their family, including food, clothing, housing, medical care, necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond their control. [emphasis added]

Since then, some aspects of the right to food have been incorporated into different binding and non-binding human rights instruments. The non-binding international instruments put forth guidelines and principles and establish moral obligations for signatory states. These tools can take the form of declarations, recommendations, or resolutions. Due to its non-binding nature (soft law), the UDHR served as a foundation for the International Covenant on Economic, Social, and Cultural Rights (ICESCR), a multilateral treaty adopted by the United Nations General Assembly in 1966⁸. Ratified and signed by all European countries, this instrument has proven to be crucial for the implementation of the right to adequate food and nutrition.

⁷ United Nations, 1948.

⁸ As of June 2009, 160 state parties had signed and ratified this Covenant, making them legally bound to the provisions.

Table 1 – International instruments referencing the right to food and nutrition

LEGALLY BINDING INSTRUMENTS	NON-BINDING INSTRUMENTS
International Covenant on Civil and Political Rights, 1966	Universal Declaration on the Eradication of Hunger and Malnutrition, 1974
International Covenant on Economic, Social, and Cultural Rights, 1966	Rome Declaration on World Food Security, 1996
European Social Charter and the Revised European Social Charter	Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, 2004
Convention on the Elimination of all Forms of Discrimination Against Women, 1979	UN Declaration on the Rights of Peasants and other People Working in Rural Areas, 2018
Convention on the Rights of Children, 1989	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security, 2012
Convention on Climate Change (Paris Agreement)	2030 Agenda – Sustainable Development Goals
Convention relating to the status of refugees, 1951	
Convention on the Rights of People with Disabilities, 2006	
Universal Declaration of Human Rights, 1945	

The binding international instruments are complemented by several non-binding instruments that significantly enhance understanding and interpretations of the right to food and the corresponding state obligations. Various non-binding instruments have been developed by the Food and Agricultural Organization of the United Nations (FAO), the United Nations Commission on Human Rights (and starting in 2006, by the United Nations Human Rights Council), and by the Committee on Economic, Social, and Cultural Rights (CESCR - OHCHR). In 1999, the CESCR adopted General Comment No. 12 on the right to food, which states:

The right to adequate food is realized when every man, woman, and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins, and other specific nutrients. States

have a core obligation to take the necessary action to mitigate and alleviate hunger, even in times of natural and other disasters.

The human right to food is addressed twice in the ICESCR: under the fundamental right to be free from hunger and under the right to adequate food. The right to be free from hunger, associated with the right to life, is considered a non-negotiable standard that must be guaranteed to all people, regardless of the degree of development of the state in question⁹.

The concept of adequacy is particularly significant for the right to food, since it clarifies various factors essential to determining whether particular foods or diets that are accessible can also be considered appropriate according to specific circumstances. The notion of sustainability is also intrinsically linked to the notion of adequate food or food security, in that it implies that food is accessible for both present and future generations. The precise meaning of “adequacy” is to a large extent determined by prevailing social, economic, cultural, climatic, ecological, and other conditions; while “sustainability” incorporates the notion of long-term availability and accessibility. To sum up, the components of the right to food and nutrition are: availability, stability, accessibility, sustainability, and adequacy. The core content of the right to food and nutrition consists of (General Comment No. 12):

- **The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture;**
- The accessibility of such food in ways that are sustainable and do not interfere with the enjoyment of other human rights.

This general comment also gives a detailed description of the normative content, state obligations, and implementation at the national level of the right to food. Although the CESCR’s general comments are not legally binding, as guidelines they still give a highly authoritative interpretation of the rights contained in the ICESCR, and are generally followed and respected by the state parties. The CESCR has defined which obligations the state must fulfill in order to implement the right to food at the national level. Different types of duties entail adopting concrete measures (administrative, legislative, economic, financial, educational, and social) to progressively achieve this right. States must take multiple measures, free of discrimination, to respect, protect, and fulfill the right to food and nutrition, using international cooperation and assistance when necessary¹⁰. The obligations are as follows:

⁹ María, et al., 2014.

¹⁰ Idem.

- ***Obligation to Respect:*** states must never arbitrarily prevent people from having access to food;
- ***Obligation to Protect:*** states must take measures to ensure that enterprises or individuals do not deprive individuals of their access to adequate food; and
- ***Obligation to Fulfill (facilitate and provide):*** governments must proactively engage in activities to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security. If for reasons beyond their control, such as war or natural disaster, groups or individuals are unable to enjoy their right to food, states have the obligation to directly provide for that right.

In regards to access to food, states must refrain from discrimination based on race, gender, nationality, religion, language, age, political views, or social status. States must also guarantee means for the purchase or provision of food. Furthermore, states are prohibited from adopting measures that lead to the deterioration of the current level of fulfillment of the right to food.

Furthermore, there are other instruments relevant to the right to food, including several international rights treaties which address different demographics, groups, and communities who face an increased rate of marginalization and exclusion, such as women, children, refugees, and farmers.

According to the Survey on Legal and Institutional Frameworks for the Human Right to Adequate Food and Nutrition (see Annex) applied by FIAN Portugal (2020-2021), respondents identified the following people or social groups as those most affected by food insecurity in their region of Portugal:

- **Unemployed persons**
- **Elderly people with low income**
- **Children in families in vulnerable situations**
- **People living in situations of social exclusion and poverty**
- **Single-parent families**
- **Women**
- **Migrants**
- **Roma people and ethnic minorities**
- **Undocumented persons, especially those without social security**
- **Family farmers**

In order to further address governments' obligations in terms of the right to food and nutrition, in 2000 the UN Commission on Human Rights appointed a special rapporteur on the right to food. This position is tasked with monitoring and reporting on the right to food, developing input on important and emerging trends, and communicating with states regarding possible violations of the right to food.

In 2004, in order to support member states' capacity to ensure the human right to adequate food, the FAO's Committee on World Food Security (CFS) adopted the Voluntary Guidelines to support the progressive realization of the right to adequate food at the national level, which were designed to facilitate a human rights-based approach to food security. These guidelines recommend actions to member states that foster an environment where people can access food in a dignified manner. They also encourage member states to "apply these recommendations through the development of national legislation, strategies, public policies, and programmes, which are aimed at realizing the right to food at the domestic level". The Voluntary Guidelines are the most robust document produced by the United Nations system for guiding the implementation of the right to adequate food and nutrition. Since 2004, these guidelines have served as the foundation for other right to food and nutrition frameworks and standards that have expanded our understanding of how to implement and realize the right to food and nutrition.

The indivisibility of human rights dictates that the right to food and nutrition be included and incorporated into other international tools, thereby cementing the relationship between the right to food and other rights (health, decent work and fair salaries, access to land and resources to produce food, peasants' rights, among others). For example, vulnerability, human trafficking, and exploitative labor conditions in the agricultural and food sectors are particularly commonplace in some European countries. In Portugal, for example, agricultural and food workers, who hail primarily from Romania, Bulgaria, Pakistan, Nepal, India, and Moldova, are recruited to work in seasonal agricultural campaigns, such as harvesting olives or oranges. These workers are transported to farms where they work and live. In 2019, 135 criminal proceedings related to human trafficking in the agricultural sector were initiated¹¹. Today the number of situations of (presumed) human trafficking for labor exploitation remains high. This problem primarily plagues the agricultural sector and, less frequently the restaurant sector. The COVID-19 pandemic has aggravated the plight of unprotected migrant agricultural workers; and local organizations and officials have expressed concern. These workers are in a precarious and vulnerable position: they do not speak Portuguese; many live in crowded, dilapidated housing; they are transported in overcrowded vehicles, and may work in extremely hot greenhouses.

11 See "SEF prevê "mais detenções" além dos três detidos por suspeitas de tráfico humano em Santarém," Observador, 8 July 2020 <https://observador.pt/2020/07/08/sef-preve-mais-detencoes-alem-dos-tres-detidos-por-suspeitas-de-trafico-humano-em-santarem/>

Right to food frameworks at the European level

The European Green Deal was presented in 2019 as a compromise between today's generation and those of the future. It addresses a range of issues linked to sustainability and improving quality of life such as fresh air, clean water, healthy soil and biodiversity, energy efficient buildings, healthy and affordable food, increased public transport, cleaner energy, more jobs and training in green sectors, and more. With the goal of becoming the first climate-neutral continent by 2050¹², the European Commission launched the Farm to Fork Strategy in 2020. The proposed actions include a legislative framework for sustainable food systems and a contingency plan for ensuring food supply and security.

Ensuring sustainable and equitable food systems plays an essential role in realizing the right to food and nutrition. A clear shift in European policy in favor of agroecological practices would help overcome the economic and social challenges facing family farming, including their access to adequate food, which in many cases has been further jeopardized by the COVID-19 pandemic. Achieving real respect for the fundamental rights enshrined in international documents such as the 2018 UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), as well as others, represents an opportunity to transform food systems holistically, with the long-term vision necessary to tackle climate change in the EU¹³.

In fact, the Common Agricultural Policy (CAP) national strategic plans recognize the economic and social challenges faced by European family farmers (these plans will set the European Green Deal and **Farm to Fork Strategy** into motion at the national level, and be combined with targeted interventions addressing the specific needs of each EU country). The plans must include clear measures to implement the UNDROP and, thereby, realize the right to food and nutrition in Europe. In this sense, urgent action is needed at the national level to ensure adequate institutional and legal frameworks to promote the human right to adequate food and nutrition. The next section dives deeper into this issue.

¹² European Commission. n.d. "A European Green Deal | European Commission." 2019. Retrieved 7 April 2022. https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en

¹³ ACTUAR. 2022. "Inputs Ao Plano de Ação Para a Década Da Agricultura Familiar Em Portugal. Documento de Trabalho No âmbito Do Projeto 'Contributos Da Agricultura Familiar Para a Promoção de Sistemas Alimentares e Dietas Sustentáveis'." PDR 2020.

PART II

Right to Food and Nutrition at National Level in Europe



All over the world people are forced to struggle to realize their right to food and nutrition. In Europe, social exclusion, rooted in poverty and discrimination, lies at the heart of the challenges to realizing the right to food and nutrition. And furthermore, these issues cannot be understood or tackled in isolation from the obstacles found in the larger food system; and these same problems plague the entire world. Many countries across Europe have seen an increased demand for food assistance programs. And while it is true that COVID-19 has further exacerbated this need, there was an upward trend even before 2020.

In 2020, 8.6% of the EU population and more than one in five people at risk of poverty (21.7%) could not afford to eat a meal with meat, fish, or vegetarian protein every other day¹⁴. Of the 96.5 million EU residents suffering from poverty or social exclusion, some 5.9 million (1.3% of the total population) lived in households experiencing all three poverty and social exclusion risks simultaneously (poverty, severe material and social deprivation, and households with very little employment)¹⁵.

The Fund for European Aid to the Most Deprived (FEAD) was founded in 2014 as a response to the worst forms of poverty within the European Union, such as food deprivation, child poverty, and homelessness. For the duration of the program (2014 – 2020), the total funds amounted to about €4.5 billion (EU funds along with contributions from member states). The six-year program focused on food and/or basic material assistance. Over 1.6 million tons of food were distributed between 2014 and 2018 through FEAD, of which 162,466 tons were redistributed by members of the European Food Bank Association (FEBA). In 2020, FEBA (with FEAD Funds, donations, and other contributions) distributed 860,000 tons of food across 29 European countries, through 335 food banks and 48,126 charitable organizations, reaching about 12.8 million people¹⁶.

Food assistance in Portugal

Examples of private food assistance programs in Portugal (19):

- **Banco Alimentar Contra a Fome** - privately funded food bank through donations
- **Instituto Particular de Solidariedade Social (Private Institute of Social Solidarity)** – Since 1995, one of its focus areas is providing free food to local institutions that work with people who live in vulnerable and difficult situations.
- **Zero Desperdício (Zero Waste)** - is a movement promoted by the **DariAcordar** association that distributes meals to social solidarity organizations.
- **ReFood** - an initiative focused on reducing food waste and preparing and serving meals to beneficiaries in vulnerable situations.

¹⁴ EUROSTAT. 2022. "8.6% of People in the EU Unable to Afford Proper Meal - Products Eurostat News - Eurostat." Retrieved May 5, 2022, at <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20220225-1> EUROSTAT 2022.

¹⁵ European Food Banks Federation. 2021. "The FEAD and the European Food Banks Federation- 2020 Implementation Report," at <https://www.eurofoodbank.org/publications/2020-implementation-report-fead-and-the-european-food-banks-federation/>

¹⁶ Idem.

Examples of public food assistance program in Portugal (20):

- **Operational Program to Support the Most Deprived Persons (OPAPMC)** - A program within the national social security department. It aims to combat poverty and social exclusion in Portugal and reduce situations of vulnerability that put integration and the most fragile households at risk. It reinforces existing public policy responses and complements work already developed by the Social Inclusion and Employment Operational Program (ISE OP) for inclusion and well-being.
- **Electronic Cards** – measure approved in January 2022: an electronic card (with financial funds linked to it) is distributed to vulnerable people to purchase food, exclusively, in commercial establishments. This measure is supposed to be accompanied by some parallel actions to strengthen the autonomy and free choice of recipients in order to empower people to optimize their family budget management, food selection, and prevention of waste, in particular through clear communication, awareness-raising campaigns, and information sessions.

Many countries, including Portugal, have very strict social assistance policies that fail to incorporate a multi-sectoral approach, which would explicitly and effectively promote family farming and local food systems, for example. Although food assistance initiatives and charity schemes are important to provide immediate and temporary support to those facing income insecurity or poverty, these programs alone cannot achieve the right to food and nutrition through a human-rights framework without looking at the larger structural issues which lead to poverty and food insecurity. Generally speaking, a rights-based perspective and political stance are still glaringly absent in Europe.

The recent pandemic and ensuing global crisis revealed the risks and negative consequences of external dependence and the lack of food sovereignty in Europe. This revelation spotlighted the importance of resilient food systems and family farming as central actors in the transition to more resilient and just food systems. Deeply intertwined with the right to food and nutrition, food sovereignty refers to the rights of people to decide what, how, and for whom to produce. The food sovereignty movement emerged from peasant communities as a response to agriculture's entry into the World Trade Organization (WTO) and has become a central component behind La Via Campesina (LVC), the international peasants' movement. Food sovereignty upholds autonomous living and working conditions for smallholder farmers, family farmers, and peasants, which in turn cultivates food production that upholds quality, safety, diversity, environmental sustainability, and appropriate food for the local culture. Moreover, food sovereignty is founded on four fundamental pillars: the right to adequate and nutritious food, access to productive resources, an agroecological model of food production and distribution, and the existence of fair agricultural markets.

Thus, the reformed European Common Agricultural Policy (CAP), as explained above, must effectively safeguard farmers' incomes and tackle the core problems of incoherence, lack of transparency, unequal distribution, insufficient mechanisms

for monitoring, and lack of consulting with peasant organizations. All of these issues undermine the implementation of the right to food.

As noted above, from now on the right to food and nutrition must be a keystone of food policies in Europe and conveyed in the national CAP Strategic Plans, which have a strong hand in shaping regional food access and fair conditions for producers, since the lack of recognition of the right to food on the international, regional, and national levels constitutes a massive obstacle for the realization of this right. This failure to recognize the right to food in Europe can be also explained by the fact that many European countries (such as Netherlands and Switzerland) do not recognize the ICESCR as directly applicable. Their position is based on the supposed non-justiciability of these rights. However, in the Swiss legal system, access to justice is ensured in cases of violations of the right to food, since Switzerland's fundamental rights are enshrined in the national constitution (1999) and are therefore directly applicable¹⁷.

A rights-based approach is still absent from most fundamental European treaties and the jurisprudence of national courts in European countries, despite the growing number of food-insecure households in Europe. Although EU member have signed international instruments and therefore made binding commitments, they have not advanced their domestic legislature accordingly in order to enable these rights to be claimed. This situation essentially sets up different power dynamics in international and national decision-making spaces. At the international level, decisions are generally made by consensus and always allow some leeway in their application or for postponing the enactment of coherent national legislation. At the national level, this is not the case, and binding legislative instruments have most often been passed in political contexts favorable to the most marginalized groups. Thus, the absence of a rights-based framework is a political matter resulting from power dynamics.

The profound interconnection between the rights to food, health, and sustainable food systems is increasingly garnering attention in the international political agenda and drawing the attention of politicians, practitioners, and the civil society to more holistic and comprehensive approaches. The outbreak and spread of COVID-19 gave visibility to the risks associated with a globalized food system: shortages, supply disruptions, dependence on imports, and food insecurity. The pandemic, and now more recently the Ukraine-Russia war, have revealed how border closures, more recently due to war rather than pandemic, can endanger national food systems.

Given this interconnected panorama, and although there is not a specific law addressing the right to food, it is important to make note of the institutional process that has succeeded in building sustainable food system governance in several European countries, such as the Netherland Scientific Council for Government Policy (2015) and the *Loi d'avenir pour l'agriculture, l'alimentation et la forêt*, approved in France in 2014, which complements the national food policy and sets concrete guidelines designed to support the transition towards sustainable food systems. These efforts are aligned with the Farm to Fork Strategy, launched by the European Commission in 2020, in the midst of the COVID-19 pandemic, and are intended

¹⁷ Referencing Golay, 2011 in Jonsén, Jennie. n.d. "Europe and the Right to Adequate Food and Nutrition: Assessing a Decade of Progress, Shortcomings, and Challenges Ahead", *unpublished*

to accelerate the transition to a fair, healthy, and ecological food system. Such a system would ensure food security; nutrition and public health; access to sufficient, safe, nutritious, and sustainable food. It would also preserve the accessibility of food, generate fairer economic returns, and promote the competitiveness of the EU supply sector and fair trade.

Protecting human rights through constitutional frameworks is the strongest form of legal protection, as a constitution is considered the fundamental or supreme law of a country. By providing constitutional protection for the right to adequate food, a country makes a powerful statement in favor of the realization of the right to adequate food of its citizens. Constitutional recognition of the right to food can be divided into four categories: (i) explicit and direct recognition, as a human right in and of itself or as part of another, broader human right; (ii) implicitly in a broader human right; (iii) explicitly as a goal or directive principle within the constitutional order; and (iv) indirectly through interpretation of other human rights by the judiciary. There is also a fifth category for provisions that do not fall within the aforementioned categories, but are nonetheless pertinent to the realization of the right to food and nutrition. However, constitutional recognition alone does not indicate supportive policies and programs, nor positive right to food and nutrition outcomes (i.e. decreased food insecurity, improved access to land for family farmers, etc.).

BOX – International instruments referencing the right to food and nutrition¹⁸

COUNTRY	TYPE OF CONSTITUTIONAL RECOGNITION OF THE RIGHT TO ADEQUATE FOOD AND NUTRITION
<p>Belarus</p>	<p>Constitution of the Republic of Belarus explicitly guarantees the right to adequate food.</p> <p>Article 21. <i>Every individual shall exercise the right to a dignified standard of living, including appropriate food, clothing, housing and likewise a continuous improvement of necessary living conditions.</i></p>
<p>Cyprus</p>	<p>The Constitution of the Republic of Cyprus implicitly guarantees the right to adequate food through broader human rights. Implicit protection of the right to adequate food.</p> <p>Article 9: <i>Every person has the right to a decent existence and to social security. A law shall provide for the protection of the workers, assistance to the poor, and for a system of social insurance.</i></p>
<p>Ireland</p>	<p>The Constitution of Ireland has directive principles that contribute to the realization of the right to adequate food. Directive principles of state policy.</p> <p>Article 45.2: <i>The State shall, in particular, direct its policy towards securing i. That the citizens (all of whom, men and women equally, have the right to an adequate means of livelihood) may through their occupations find the means of making reasonable provision for their domestic needs.</i></p>

¹⁸ Knuth, Lidija, and Margret Vidar. 2011. "Constitutional and Legal Protection of the Right to Food around the World"

COUNTRY	TYPE OF CONSTITUTIONAL RECOGNITION OF THE RIGHT TO ADEQUATE FOOD AND NUTRITION
Republic of Moldova	Explicit protection of the right to adequate food. Article 47: <i>(1) The State shall be bound to take actions aimed at ensuring to every person and to his/her family a decent standard of living, health protection, and welfare including food, clothing, shelter, medical care, and the necessary social services.</i>
Switzerland	Directive principles of state policy. Article 104: <i>1. The Confederation shall ensure that the agricultural sector, by means of a sustainable and market-oriented production policy, makes an essential contribution towards: a. the reliable provision of the population with foodstuffs; b. the conservation of natural resources and the upkeep of the countryside; c. decentralised population settlement of the country.</i>
Ukraine	Explicit protection of the right to adequate food. Article 48: <i>Everyone shall have the right to a standard of living sufficient for themselves and their families including adequate nutrition, clothing, and housing.</i>

Finally, it is critical and urgent that the EU includes human rights clauses in its trade agreements and cooperation programs. As Jonsén explains, the EU essentially forces developing countries to open their markets to European agricultural exporters by drastically reducing tariffs on imports from the EU, thereby significantly restricting the ability of those states to protect their small farmers' income and right to food. Furthermore, the EU tends to expand intellectual property rights, which directly impacts the right to food as such rights jeopardize the right of small-holder farmers to continue to save, use, and freely exchange their seeds. And lastly, current EU trade policies are likely to threaten the right to food by destroying local food markets and continuing to dump exports, thus increasing dependence on commodity exports. As Jonsén points out¹⁹:

There are also clear examples of incoherence between some EU internal policies and the objectives of development cooperation, food security, and the right to food and nutrition. The EU policies on agriculture, trade and investment, agrofuels, and seeds are some examples where the EU and the European states fail to meet their extra-territorial obligations of the right to food and nutrition and related rights.

¹⁹ Jonsén, Jennie. n.d. "Europe and the Right to Adequate Food and Nutrition: Assessing a Decade of Progress, Shortcomings, and Challenges Ahead," *unpublished*

There have been concrete attempts to pass a right to food law in Belgium, Scotland, and Portugal. In Scotland, the “Right to Food Bill” aims to establish an independent statutory body to oversee Scottish food policy (Smith 2020)²⁰. Launched by a group of civil society organizations and addressed to the prime minister, this initiative gained significant political traction given the impacts of COVID-19. Meanwhile, in Belgium and Portugal, the submitted proposals were not approved (BOX).

BOX – European legislative initiatives on the right to food²¹

COUNTRY	YEAR OF CREATION / PROPOSAL	BRIEF DESCRIPTION
Portugal	2018	<p>Proposed to parliament and discussed with parliamentarian groups and in public hearings with CSOs.</p> <p>In Portugal, the Bloco de Esquerda party presented the “Law on the Human Right to Adequate Food” in 2018. Among other important components, the proposal suggested revising the existing sectoral legislation, the functioning of CONSANP (national council on food security and nutrition), and the realization of a national civil society convention.</p> <p>This proposal was rejected by parliament for the following reasons: lack of knowledge concerning the topic and its relevance among parliamentarians and other decision-makers; competition between parties; other issues taking priority.</p>
Italy	2015	<p>The law “Recognition, Protection, and Promotion of the Right to Food” was approved by the Regional Council of Lombardy in November 2015. Considered the first legal effort to recognize this right in the European Union, it came about following the EXPO Milan 2015 and aligns with the Milan Charter. This event was a window of opportunity on the political scene for civil society activists and academics to lobby to broaden the policy debate in the EXPO beyond the topic of food waste, which was the initial plan for the gathering. The law provides for the creation of a multilateral forum: a regional food council to promote the right to food. However, after the EXPO, political will weakened and the law’s implementation still falls short of expectations. A council with an allocated budget was created, but no actions were taken.</p>

²⁰ Smith, Elaine. 2020. *Right to Food. Proposed Right to Food (Scotland) Bill*. The Scottish Parliament. 2019. “PE01733: Human Right to Adequate Food - Getting Involved : Scottish Parliament,” Retrieved 5 May 2022, at <http://external.parliament.scot/gettinginvolved/petitions/RighttoFood>

²¹ Also, in the US, the State of Maine approved an amendment to the state’s constitution to include a reference to the right to food as the inalienable right to grow, raise, produce, and consume food of one’s choice. Maine has been at the forefront of the food sovereignty movement, passing its food sovereignty laws under the Maine Food Sovereignty Act in 2007 (amended in 2017).

COUNTRY	YEAR OF CREATION / PROPOSAL	BRIEF DESCRIPTION
Scotland	2020	A parliamentary representative facilitated a process towards a basic law for the right to food in Scotland. A 3-month public consultation was conducted (finalized in September 2020), in order to gather citizens' observations and suggestions on the draft proposal. The final revised draft was presented in February 2021 and had a total of 28 supporters (22 Scottish Labour Party, 2 Scottish Green Party, 2 Independent, 1 Scottish National Party, 1 Scottish Liberal Democrat) of a total of 129 parliamentarians. The member's Bill did not give effect to a Law proposal but included this discussion in the political arena.
Belgium	2014	Proposition of a framework law on the right to food by the Ecolo/Groen group (Greens). This bill aimed to implement Belgium's obligations in terms of the right to food, based in particular on the work and recommendations of the FAO Committee for World Food Security (CFS) which is the foremost international institution for coordinating a global approach to food security. Aiming at establishing the development of a national food strategy, based on broad social consultation within a national food council; however this proposal was not approved in Parliament.
Bulgaria	2016	The decree amends several issues in Decree No RD-07-1 of 4 April 2016 by defining target groups under the operational program for food and/or basic material assistance, co-financed by the European Support Fund for the most deprived persons.

Important developments have taken place over the years. However, amending a constitution or adopting a framework law on the right to food and nutrition can take time. Although European countries do not recognize the right to food and nutrition through a multi-sectoral approach, sectoral laws are in the works, such as, the School Feeding Law in Bulgaria (2016) and Food Loss and Waste Laws in France (2016) and Italy (2016)²².

Institutional framework

Despite these recent and specific initiatives, the majority of European countries do not recognize the impacts of inadequate access to food and violations of such rights in their territories. Political support and awareness are necessary to take effective action towards achieving food security; and the relationship between the agricultural and

²² FAO. 2019. Fifteen Years Implementing the Right to Food Guidelines - Reviewing Progress to Achieve the 2030 Agenda. Rome.

health sectors has fluctuated over time. Norway, for example, announced in 1975 the adoption of a national food supply and nutrition policy; similar action followed in the 1980s in other Nordic countries and Malta and the Netherlands. In the 1990s, formal nutrition policies, adopted by parliaments and/or governments, and therefore endowed with a political mandate, were introduced in a number of countries such as the United Kingdom²³. However, in Portugal, for example, it was only in the 2000s that food and nutrition policies in the health sector gained significant traction in the national context and agenda. In its various aspects, health was the central theme of national policies, first as a vehicle of concern for chronic diseases, especially obesity, and later, in terms of consumption habits, physical exercise, and healthy diets.

Institutional Progress – Portugal as an example

Since the mid 1970s, food policies in Portugal were mainly limited to ensuring adequate food supply, as well as population health). In the 1980s, the first national food council was created as part of the National Institute of Health Dr. Ricardo Jorge. The investment made in health and food and nutrition public policies became evident in 2004, with the launch of the National Health Program 2004-2010. As of 2005, national policies in the areas of health and food began to prioritize chronic diseases. For example, the National Plan to Combat Obesity (2005) and the Platform Against Obesity were developed (2008). The first Portuguese program in the area of food and nutrition, the National Program for the Promotion of Healthy Diets (PNPAS), was created in 2012. This led to the publication of various guidelines on healthy eating and the implementation of the National Food, Nutrition, and Physical Activity Survey (IAN-AF).

In 2017, the Integrated Strategy for the Promotion of Healthy Eating (EIPAS) emerged. EIPAS is an intersectoral strategy that consists of a set of 51 measures to promote healthy eating amongst the population. Seven different ministries agreed upon this strategy, namely: the Ministries of Finance, Internal Administration, Education, Health; Economy; Agriculture, Forestry, and Rural Development; and Sea. The objective was to encourage adequate food consumption and therefore improve citizens' nutrition, and directly impact chronic disease prevention and mitigation. It covers four strategic areas: change the environment where people choose and buy food by modifying the availability of food in certain physical spaces and promoting the reformulation of certain food categories (Area 1); improve the quality and accessibility of information available to consumers to inform and empower citizens to make healthy food choices (Area 2); promote and develop literacy and autonomy for healthy consumer choices (Area 3); and promote innovation and entrepreneurship in the area of healthy eating (Area 4).

In 2018, efforts to reduce food waste culminated in the definition of a National Strategy and Action Plan for Combating Food Waste. In the same year, DGS set out to strengthen the connection between the food and environment sectors, favoring EIPAS implementation at the municipal level during the period 2018–2019, and to define new criteria for the public procurement of food products (i.e., Law n°34 /2019). Despite national efforts, knowledge of local food policies in Portugal is still very limited and not supported by national monitoring frameworks.

In terms of policy, the Portuguese government has established promoting health as a priority, by focusing on expanding the policy on healthy eating as a fundamental measure. The PNPAS (National Program for the Promotion of Healthy Eating) for example, is one of the eleven priority programs in the national health plan and aims to contribute directly to goals established for 2020 by: reducing risk factors related to non-healthy communicable diseases, in particular reducing child obesity and promoting health among the population in Portugal through adequate food consumption. The program seeks to increase knowledge among the general population regarding food consumption; modify the availability of certain foods; empower people to improve their purchasing, preparation, and storage of food; identify and promote actions that encourage the consumption of nutritionally adequate and quality food. These actions should be coordinated and with the support of professionals in the field who can influence, improve knowledge, and change eating behaviors.

Currently, food security and nutrition is present across various government sectors in Portugal, namely in agricultural, social, and specific health programs. The predominant view on food security is still rooted in a welfare perspective, with several private organizations working on food assistance programs that provide food for families in vulnerable situations. Nevertheless, impactful movements seem to be re-positioning food security and nutrition through a more holistic lens. Some examples include the recent approval of the statutes for family farming and of the food security and nutrition council (although there is still a long way to go to strengthen and ensure autonomous social participation in this space). Although the law on the human right to adequate food was rejected by parliament in 2018, it still made a significant contribution by bringing this issue onto the national political agenda, mobilizing relevant stakeholders, and lending visibility to food insecurity in the country.

Rights holders must participate in policy making and other relevant actors must engage as well to make governance of sustainable food systems effective and fair. Successful realization of the right to food requires proactive ongoing communication among different levels of government and various sectors, as well as coordination across a range of relevant actors. Thus, mechanisms for social dialogue and meaningful citizen participation must be put in place, such as national and/or local councils or spaces for dialogue and negotiation.

Portuguese National Food Council

The Food and Nutrition Security Council in Portugal (CONSANP), as an inter-ministerial platform for the participation of civil society with multiple stakeholders, was founded with the mission of contributing to the implementation of the right to food, but also to put together an integrated vision of the issues related to food security and nutrition, guaranteeing convergence and coherence, as well as social participation in the process of adopting the respective instruments.

From an institutional point of view, food security and nutrition continues to be an almost exclusive competence of the Ministry of Agriculture, whose technicians and administration lack an updated understanding of food security and nutrition and the right to food, in particular of the mechanisms for their realization. This ministry has continually cut back its human and financial resources and historically has been heavily influenced by the more conservative agricultural sectors in Portugal. Therefore, the context is unfavorable to the progressive realization of the right to food.

In general terms, the current public policy framework in Portugal in this field is divided by sector and concentrated into a few ministries (essentially those of Agriculture, Health, and Education); it is fragmented and based on a welfare vision of food security and nutrition. However, the recent creation of CONSANP, the promulgation of the Family Farming Statute and the attempt to approve a framework law on the human right to adequate food begins to open up new possibilities for an enhanced understanding of the implications of the right to adequate food and its operationalization.

The local level increasingly plays a strategic role in developing sustainable food systems and promoting healthier diets in the decentralization process. According to Jennie Jonsén, “local food initiatives are blossoming, creating the conditions for a change from below towards more sustainable food systems. Small-scale food producers’ organisations are also more visible in decision-making than they ever were, and thereby more capable of holding the EU accountable”²⁴.

Pires et al (2020: 9) also insist that “gaps in local government functions [be] identified in those policy areas that require large scale approaches, coordination, multi-level co-operation and mutual dependence among institutions”, and “a clear alignment of interests and strategies from the national towards the local levels”²⁵.

In Portugal, some municipalities have implemented sectoral initiatives, without a multisectoral coherent food policy. Additionally, such initiatives are not based on a right-to-food approach. However, new processes are emerging that must be monitored, since participation of local authorities is stipulated

²⁴ *Ibid* 14

²⁵ *Ibid* 20

in the CONSANP Statutes and subsidiarity is a fundamental component to implementing the human right to food.

Meanwhile, in France, the Etats Généraux de l'Alimentation (EGA) were created in 2017, with the aim of building new solutions for the agricultural and agri-food sectors from a collaborative perspective. These were systematized into a set of recommendations, most of which were included in the government food policy roadmap (feuille de route gouvernementale de la politique de l'alimentation) for 2018-2022. The following objectives frame this roadmap: ensure French food sovereignty; promote healthy and “food-friendly” food-choice environments; and reduce inequities in access to quality and sustainable food⁽²⁵⁾. The Projets Alimentaires Territoriaux, launched in 2017, seek to operationalize initiatives and regional dynamics related to food. These projects are based on economic (preserving agricultural areas, adequate supply/demand, maintaining sectors and jobs, etc.), environmental (agroecological and biological production, reducing food waste, etc.), and social dimensions (nutrition and food education, fostering social bonds, access to food, etc.)⁽²⁵⁾.

Despite these inspiring and promising steps in some places around Europe, coordination and coherence are still sorely lacking in sectoral policies that impact food. There is also a glaring absence of social participation and effective representation of the most marginalized groups in policy design and implementation for food security and nutrition.

Thus, there is an urgent need to improve the consonance of global, regional, national, and local governance for the realization of the right to food, to ensure coherence among EU internal policies and the objectives of development cooperation, food security, and the right to food. According to the stated principles of EU aid and development programs, which prioritize food security and nutrition as international development objectives, the EU and European states have an obligation to respect, protect, and fulfill the right to food in developing countries and to regulate the actions of European companies and financial actors abroad²⁶.

Key policy shifts to implement the right to food and nutrition in Europe:

1. Integrate the right to food in domestic legal frameworks, CAP national strategic plan, and other relevant food programs;
2. Create national multi-sectoral and multi-stakeholder food councils as pluralistic coordination and negotiation spaces where agriculture, health, education, and other relevant sectors gather;
3. Promote local food strategies and coordination and dialogue spaces to formulate, monitor, and evaluate local public policies on food to foster the progressive realization of the right to adequate food for all;
4. Include human rights clauses in EU trade agreements and cooperation programs; and
5. Raise awareness and promote rights-based approaches, rather than mere charity schemes, that meaningfully involve relevant stakeholders and, above all, fundamental rights-holders



PART III

Putting it into practice: civil society initiatives evaluating and monitoring the right to food and nutrition as opportunities for advocacy



The past few years have presented immense challenges to fundamental rights, with the growth of populism and authoritarian governance, the increasing power of large corporations, and extremist groups threatening human rights and social justice. The space reserved for civil society is under severe attack in more than half of the countries in the world, including in Europe.

Despite this situation, the right to food has gradually been incorporated into legal, institutional, and political frameworks in several countries, as described in the Part 2. And in many cases, such achievements were spurred by the coordinated actions of civil society organizations.

REALIMENTAR (Portuguese Network for Food Security and Nutrition and Food Sovereignty) is a thematic civil society network founded in 2012, facilitated by ACTUAR, which brings together organizations of farmers, consumers, environmentalists, women, and NGOs. This space for dialogue, debate and articulation advocates for formulation and decision-making processes on national and international food public policies. Realimentar has drawn attention to food insecurity and the challenges of the human right to food and nutrition. The network has been invited to formally participate in the CONSANP. In 2020 it addressed an open letter to the Prime Minister of Portugal as president of CONSANP, in which it called for said body to be immediately become fully functioning and for a national strategy on food security and nutrition (ENSAP) to be formulated and approved, with the mission of rapidly transitioning to a more sustainable and resilient food system. In 2021, after a two-year lull, CONSANP finally met to discuss the national strategy. REALIMENTAR was invited to participate and contribute to defining the national strategy. ENSAP was launched in September 2021²⁴).

Civil society organizations, non-governmental organizations (NGOs), and social movements play a vital role in the realization of human rights through different actions - public awareness, political incidence, lobbying, social mobilization and protests, elaboration of alternative proposals, campaigns and studies, and more. Their actions, on the one hand, are intended to empower rights holders so that they have a greater capacity to claim and enforce their rights and, on the other hand, to address the accountability of duty bearers.

The following list includes the main actions undertaken by these organizations to realize the right to food:

- **Participate in formulating policies and programs, and in designing and reviewing laws that promote rights;**
- **Monitor the realization of human rights and prepare monitoring reports;**

- Monitor access to judicial, quasi-judicial, and administrative remedies;
- Conduct social and political mobilization; and
- Provide information of public interest and advocate for human rights.

The following section details some coordinated civil society actions promoted in Portugal. They are designed to monitor the right to food and nutrition and advocate for the urgent need for national legal and institutional frameworks to realize the human right to adequate food:

- **Advocacy activities for the human right to food seek to create more inclusive decision-making processes, based on international human rights commitments, influencing deliberative and legislative processes. Advocacy is used to influence the political agenda by prioritizing human rights principles. This is especially important in the absence of a legal framework or public policy on the right to food. Issues such as migrant labor or mining investments in regions that are critical for the national food system should be examined.**

Recognizing the importance of enhancing the human-rights agenda and amplifying the voice and impact of human-rights work in Portugal, a consortium of organizations submitted a proposal to establish a human rights platform as part of the Cidadãos Ativ@s program. The consortium is comprised by Amnesty International Portugal; ACTUAR - Association for Cooperation and Development (focusing on the right to food); AKTO - Human Rights and Democracy; APF - Association for Family Planning; APMJ - Portuguese Association of Women Lawyers; FENACERCI - National Federation of Social Solidarity Cooperatives; ILGA Portugal - Lesbian, Gay, Bisexual, Trans, and Intersex Intervention; and IGC - Ius Gentium Conimbrigae. The platform's scope of action and its mode of operation are still being defined through a broad consultation process.

- **Building capacity and raising awareness: to a large extent, advocacy actions are interconnected and complemented by capacity-building activities. Given the insufficient level of literacy on issues related to the right to-food in Portugal, raising awareness and consolidating capacities play a key role. In this context, partnerships among civil society organizations and academic and research entities should be forged and promoted in order to undertake modular training courses on the right to food. The primary beneficiaries should be representatives of civil society organizations, technical governmental staff, journalists and other opinion makers, decision makers and parliamentarians, researchers, and other interested people.**

In 2021, a “citizen journalism” contest on the right to food was organized for young people ages 15 to 25 by FIAN Portugal, ACTUAR, and EAPN. Thanks to this project (For Healthy, Fair, and Sustainable Food in Europe and the World), which was supported by the Portuguese NGO platform, 40 young people were awarded access to a 4-module training program: i) food poverty and human rights; ii) sustainable food systems; iii) human right to adequate food and its legal aspects; iv) food, health and nutrition. The winners had the opportunity to share their concerns and proposals, which were organized into recommendations presented to government actors in the final phase of the project; at this time Portugal held the EU Presidency. The diversity of the young people's ideas, visions, concerns, and recommendations were also conveyed through local public exhibitions, which were open and accessible to the public, along with a booklet of complementary works, which facilitated broad dissemination of their perspectives on right-to-food issues.

- **Evaluation and monitoring:** Monitoring is a process run in parallel to the execution of public policies, programs, and projects. Relevant information is collected and analyzed, and an assessment is conducted to check if these initiatives are being implemented as planned (in terms of time, cost, efficiency, etc.), and if they are achieving the goals established. This allows for adjustments and adaptations to be made in order to meet objectives and obtain results. Applying a human-rights approach to monitoring can have two complementary perspectives: rights-focused monitoring (what is monitored) and rights-based monitoring (how it is monitored). A rights-focused monitoring approach involves monitoring whether human rights principles have been applied in the formulation, funding, and implementation of relevant policies, programs, projects, and activities, and whether they have had a significant impact on the realization of rights. A rights-based monitoring approach implies that the monitoring process itself is inspired by and consistent with human rights principles, is transparent and participatory, serves to empower rights-holders, strengthens their capacities, and the capacities of duty-bearers, providing both groups with valuable information for decision-making geared towards the realization of rights. Rights-based monitoring should take full advantage of possible alliances between government and civil society, appropriately incorporating methodologies applied by NGOs, including participatory monitoring and evaluation methodologies that are better suited to assess the causes of food insecurity and malnutrition at the local level.

In 2018, the Civil Society Mechanism at the Food Security Council at the CPLP (Community of Portuguese Speaking Countries) carried out regional monitoring of the human right to adequate food and nutrition in the CPLP. This process was aligned with the Global Committee on Food Security (CFS) monitoring exercise of the “Voluntary Guidelines in support of the progressive realization of the right to adequate food in the context of national food security”. This monitoring exercise contributed to strengthening national and regional spaces, wherein different actors come together and dialogue, creating synergies for greater accountability. In the specific case of the CPLP, the monitoring process took place within the scope of CONSAN-CPLP, the Regional Council for Food and Nutrition Security in the CPLP, a multi-sectoral and multi-stakeholders space, with effective participation of civil society (thanks to the abovementioned mechanism). The monitoring exercise involved other parties of the CONSAN-CPLP (namely universities, private sector, and parliamentarians) and the Directorate of Cooperation of the CPLP Executive Secretariat. Furthermore, at the national level, monitoring exercises facilitated by civil society were organized, whenever possible within the scope of national food security and nutrition councils, or equivalent bodies, which already exist in six of the nine countries in the community. In Portugal, the only European country in the CPLP, REALIMENTAR facilitated a national monitoring exercise. To this end, and after internal discussion within the civil society network itself, REALIMENTAR convened a face-to-face meeting with focal points in Portugal of the different mechanisms of social participation in CONSAN-CPLP, in addition to the Portuguese government's focal point in CONSAN-CPLP (Ministry of Agriculture and Rural Development) to discuss the results. The contributions were organized and presented at the CONSAN-CPLP meeting and at the CFS through its Civil Society and Indigenous Peoples' Mechanism (CSIPM-CFS).

As explained in the above box, monitoring CFS policy outcomes²⁷ is a crucial component because it articulates global, regional, and national dimensions and commitments. The abovementioned innovative monitoring mechanism, very much inspired by the CSIPM-CFS experiences, helps to ensure that CFS complies with its mandate and accountability function as set out in the 2009 reform document, which reaffirms the importance of ensuring rights-based, participatory, and community-led spaces for policy dialogues on monitoring and accountability at the CFS.

In this sense, a step-by-step guide for a rights-based approach to collective mobilization, monitoring, and public debate is proposed. It should be adapted to each specific context in order to address the specific laws and policies that support or generate hunger and food policy, and how those policies affect different social

²⁷ The Committee on Food Security (CFS) is one of the foremost inclusive intergovernmental and international political platforms on food security and nutrition with the explicit vision of fostering the progressive realization of the right to adequate food for all. The CFS promotes the engagement of all CSIPM participating organizations at national and regional levels, in order to ensure the use, application, and monitoring of the CFS policy tools. As described in Part 1, Voluntary Guidelines in support of the progressive realization of the right to adequate food in the context of national food security and Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of national food security were approved in the scope of the CFS and constitute relevant tools for creating national procedures to ensure the right to food and nutrition.

groups. And lastly, it is intended to better identify policy pathways in order to create solutions founded in social inclusion and justice.

The information provided in the methodology presented in this module is designed to support capacity building of organizations and actors working on human rights, food systems, and poverty. Hopefully, this process will also increase and enhance participation in policymaking, monitoring, and advocacy work for the right to food.

The methodology involves multiple steps, using several procedures and tools for collecting data and engaging and mobilizing different target groups to gather a range of complementary views.

The proposed multi-step process was tested by FIAN Portugal in the project “Responding to Hunger: A toolkit for learning and actions”. A survey on legal and institutional frameworks for the human right to adequate food and nutrition was conducted (see Annex X). Answers from twenty respondents representing civil society organizations, government officers, parliamentarians, and local governments (municipalities) were gathered and systematized. Analyzing survey results is particularly useful when dealing with a vast spectrum of respondents, and this is made possible by accurately mapping target groups (see step 4).

In fact, several of the proposed steps should be viewed as cumulative and complementary components of the same process of collective mobilization, monitoring, and public debate to ensure the realization of the human right to adequate food and nutrition at national and local levels.

STEP-BY-STEP GUIDE FOR A RIGHTS-BASED APPROACH TO COLLECTIVE MOBILIZATION, MONITORING, AND PUBLIC DEBATE

STEP 1 →

Establish a common language: to smoothly navigate collected data and information, some shared basic concepts and terminology are useful. Throughout the various modules of this manual, you will find some concepts and definitions that create a framework for the right to food and nutrition and the broader context in which it unfolds.

STEP 2 →

Current status of the right to food and nutrition context: This preliminary analysis will contribute to better understanding the policy environment of the right to food and nutrition in the territory under analysis and to better map out those involved in the process. In this step, laws and policies that support or generate hunger and food policy should be collected and analyzed, as well as how those policies impact different social groups in distinct and unequal ways. Finally, policy pathways to create solutions founded in social inclusion and justice should be identified.

Sources and scale should be taken into consideration when examining the current status of the context of the right to food and nutrition in a country. Regarding sources, due to the lack of a coherent and systematized framework for the right to food, information is often scattered across a variety of sources. Some sources are publicly available on websites, in reports and documents by the government and related public institutions. There are also academic works and civil society research projects that may provide extremely useful information. In terms of scale, multiple territorial scales should be considered (local, municipal, provincial, national, regional, and international).

2.1. Establish the legal framework: collect information about the existing right to food and nutrition legal framework, including international and regional commitments and ratifications, and identify public entities and institutions in charge of implementing it, their functioning, and respective budget allocation. Since food is multidimensional, other laws that may influence the right to food and nutrition should also be identified. An ex-ante assessment of the possible consequences of any possible future laws should be conducted, including potential social, administrative, budgetary, and economic effects in order to consider the possibility of effectively applying possible future laws and possible needs for reformulation.

2.2. Map actors involved and key reasons for being subject to food insecurity: responding to hunger implies guaranteeing that the most vulnerable people or those subject to food insecurity are free from hunger. Thus, it is critical to identify and describe marginalized groups (those most affected by poverty, discrimination, and social exclusion) and to analyze the key reasons why each of these groups is subject to food insecurity. Identify and list the organizations, networks, and movements (formal or informal) that represent and defend these groups.

2.3. Deepen knowledge on the policy and institutional environment: going beyond immediate responses to prevent hunger and implementing the right to food and nutrition is a much broader task as it entails the need to establish the economic, political, and social conditions necessary to enable people (through a multi-sectoral approach) to achieve food security on their own while promoting sustainable and resilient food systems and healthy diets. Possible gaps in or conflicts between existing policies and programs should be mapped out.

STEP 3

Share lessons learned and exchange experiences: Despite the existence of several guiding instruments, each country has the freedom to implement the right to food and nutrition according to its context, unique characteristics, and needs. Fulfilling the right to food is not a linear process, but rather a progressive path. All around the world, concrete inspiring examples already exist that offer a glimpse of how the right to food and nutrition guidelines can be applied. These good practices and achievements in terms of legal milestones, institutional arrangements, and policies and programs that contribute to implementing the right to food and nutrition, even if only partially and including at the local level, should be mapped out and made

visible. This also includes experiences and initiatives of policy-making processes and advocacy work involving CSOs.

STEP 4 →

Mapping target groups: Laws and policies are made by and for concrete people. Different social groups and actors take on differentiated roles in the processes of policy-making, implementing, and monitoring the right to food and nutrition. Thanks to the exploratory research done in Step 2, it is now possible to map many of the actors that are part of the target groups into the next step of this process, including:

- **Civil Society Organizations (CSOs), preferably nationally-based, including representative organizations of the social groups who suffer from the right to food violations or are at risk of food insecurity;**
- **Farmers and fishers, preferably family farmers, peasants and artisanal fisherfolk, as they are frequently victims of right-to-food violations, despite their fundamental role in producing most of the food we eat;**
- **Policymakers, decision-makers, and public officials, particularly those involved in the legal, policy, or institutional initiatives, national or local;**
- **Scientific and technical experts: most of the policymaking processes and even legal outcomes are supported by technical reports or scientific evidence. Academia can also be an excellent ally for civil society organizations; and**
- **Media and journalists: opinion-makers have great influence on public opinion and can be helpful disseminating information. Seek out journalists who write often about issues related to the right to food.**

The level of participation of each of these actors in this process may range from simply answering some questions to engaging in the entire process. Either way, it is important to promote the participation of all actors, especially government sectors (duty-bearers) and civil society groups and organizations (representatives of rights-holders).

STEP 5 →

Survey: Based on the information collected in the prior steps, a survey should be prepared and shared with the identified target groups. The participants complete the questionnaire in writing, through an interview, and/or by participating in focal groups.

STEP 6 →

Raising awareness and capacity building: The goal is to strengthen literacy of issues related to the right to food. Thus, raising awareness and consolidating capacities on rights-based approaches play a key role, as does involving relevant stakeholders and, above all, fundamental rights-holders. The results of the analysis conducted should be shared with the identified target groups. Civil society organizations and academic and research entities partnerships should be established and promoted. Modular training courses on the right to food should be promoted and target representatives of civil society organizations, technical governmental staff, journalists and other opinion makers, decision makers and parliamentarians, researchers, among others.

STEP 7 →

Networking and building bridges to ensure advocacy on the right to food and nutrition: National civil society networks for food sovereignty and food security and nutrition have an essential role in advocating for and influencing the formulation and decision-making processes of national public policies concerning the right to food. If violations of the right to food are identified, these networks should carry out fact-finding missions to then inform the competent authorities. These networks should also play a critical role in facilitating periodic monitoring of the right to food and nutrition, sharing and making visible the principal results and identifying challenges. Bridges should be built and reinforced with international and regional networks and relevant articulation spaces, such as the Civil Society and Indigenous Peoples' Mechanism for relations with the United Nations Committee on World Food Security (CSM-CFS), the largest international space of civil society organizations working to eradicate food insecurity and malnutrition. Finally, it is necessary to invest in advocating for the formal creation of multi-sectoral and multi-stakeholder national and local food councils (and for the effective participation of rights-holders in them). These committees would then be tasked with formulating, monitoring, and evaluating local public policies on food so as to foster the progressive realization of the right to adequate food for all.

ANNEX: Survey – the status on the implementation of the right to food in Portugal

The responses to this survey supported the inputs and materials in the learning module. The survey had responses from 18 from Portuguese organisations and 2 from European organisations (Belgium and Austria). Additionally, an online event was held where inputs were collected along these questions from various organizations in Portugal.

A *General Information*

1. Organisations who replied:
2. Types of organizations:
3. Main fields of intervention of the organisations that replied:
4. (Territorial level of intervention:
5. Does the organisation carry out activities on human rights and advocacy?
6. People/social groups identified as those being most affected by food insecurity in the territory the organisation works in:
7. What are the main needs and challenges of these people/groups you have identified in the question above?
8. Do you consider that the current official information/statistics available allow a realistic view of the food insecurity situation in Portugal?
9. In your opinion, what could be done differently in order to create more know-how and understanding surrounding this issue?

B *Legal framework for Public Policies*

1. Do you consider that the Portuguese State is fulfilling its obligation to adopt deliberate and concrete messages to achieve the progressive and full realization of the right to food, ensuring that at least the minimum levels are met, so that people are free from hunger?
2. Do you consider that the Portuguese State is fulfilling its obligation to directly apply the right to food to all people, without establishing any conditions or limitations regarding reasons of race, colour, gender, language or any social condition?
3. Do you consider that the Portuguese State is fulfilling its obligation to respect? That is, not to adopt measures that may prevent, limit or deprive people of the possibility of feeding themselves by their own means?

4. Do you consider the Portuguese State is fulfilling its obligation to protect, that is, to adopt specific measures that regulate the activities of third parties, in order to ensure that they do not have a negative impact on the exercise of the right to food of some sector of the population?
5. Do you consider that the Portuguese State is complying with its obligation to fulfil? This means, do you consider that they are adopting the necessary positive measures in order too; a. implement policies and programs to improve people's ability to feed themselves; b. realize the right to food by providing food directly to people or groups who, for reasons beyond their control, cannot eat by their own means, ensuring, at the very least that no one suffers from hunger; c. the State ensures that public agents and officials and the public sector are aware of the human rights agenda?
6. Do you consider that the measures that are currently implemented allow for the full realization of the right to food?
7. Can you identify any limitations, gaps and/or any existing conflicts in existing measures and initiatives?
8. What achievements and lessons do you highlight in existing measures and initiatives?
9. Can you identify improvements to the current measures and initiatives?
10. Do you consider that the participation of vulnerable social groups is guaranteed in the creation of mechanisms and measures aimed at these groups?
11. Do you consider that the creation of a right to food law could make a difference to fulfil this right in Portugal?
12. If possible, please explain your choice for the question above;

C *Institutional Framework*

1. Are there any of the following initiatives in the territory in which you intervene?
2. Does your organization have or has it had any involvement in the initiatives mentioned above?
3. If any of these initiatives exist, indicate if the initiative is based on a Human Right to Food Approach
4. If there are any of those initiatives, what is its status?
5. If any of the above initiatives exist, who is responsible for their realisation/operation?
6. Which actors participate in the initiative?
7. Is the participation of vulnerable social groups guaranteed in the initiative/s you are a part of?

8. What difficulties and challenges do these initiatives face?
9. What achievements and learnings can be highlighted?

D *Covid-19 Pandemic*

1. What did the covid-19 pandemic have the greatest impact on?
2. If you answered “new emerging groups”, please identify which ones:
3. What measures/initiatives were implemented to ensure food security during the pandemic in your territory of intervention?
4. What recommendations would your organization/project highlight to ensure effective implementation of the Right to Adequate Food?



AUGUST 2022

