

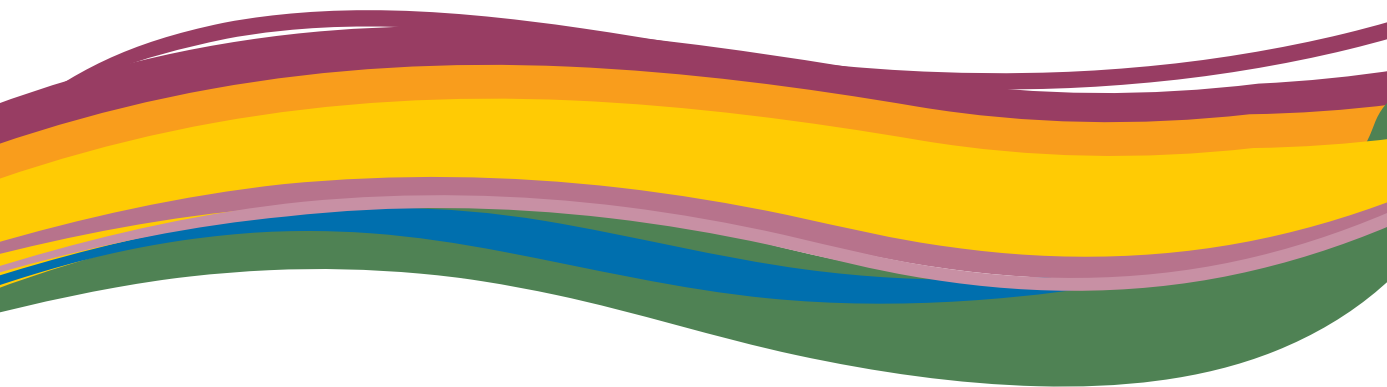
RIGHT TO FOOD

LESSONS LEARNED IN BRAZIL



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A black and white photograph. In the foreground, a man with a beard and mustache, wearing a dark suit, white shirt, and tie, is giving a thumbs up with both hands. Behind him is a large, faded portrait of another man, also smiling and giving a thumbs up. The background of the portrait is a field of crops.

Ministério do
Desenvolvimento
Agrário

BRASIL
MELHOR DE TODOS
GOVERNO FEDERAL

Public Pressure + Political Will = Positive Change in Brazil

Following a period of over 25 years, Brazil was heading towards the point where failure to tackle the hunger problem could no longer be excused. Demonstrations and other actions at grassroots level highlighted the fact that far too many Brazilians were hovering on the very edge of survival. The movement grew in strength and gained momentum, but only when this public pressure was coupled with political will did Brazilians see decisive action to end hunger.

"IN A COUNTRY WITH SUCH FERTILE SOIL AND SO MANY PEOPLE WILLING TO WORK, THERE IS NO REASON TO LET HUNGER EXIST. HOWEVER, MILLIONS OF BRAZILIANS ... SURVIVE AS IN A MIRACLE UNDER THE LINE OF POVERTY WHEN THEY DO NOT DIE OF EXTREME POVERTY BEGGING FOR A PIECE OF BREAD. THEREFORE I DEFINED THAT AMONG THE PRIORITIES OF MY GOVERNMENT SHOULD BE A PROGRAMME OF FOOD SECURITY NAMED FOME ZERO."

PRESIDENT LUIZ INÁCIO LULA DA SILVA (2003 INAUGURAL ADDRESS)

In 2002, the Brazilians chose former union leader Luiz Inácio Lula da Silva, "Lula" as their president, bringing a key ingredient into the country's fight against hunger. In order to achieve success, it was required that Brazilian society and government focus on the same goal – realizing the right to adequate food and food security. Assigning this responsibility to a single government sector – whether it was Agriculture, Health or Social Development – would result in failure. Food security had to be elevated to the level of the presidential cabinet in order to facilitate inter-sectoral operations and to bring ministers together around the same table, cooperating on all issues concerning the hungry.

Commitment. Drive. Energy. These efforts have ensured that hungry Brazilians were given their proper place on the political agenda and are enabling the poor to claim their lawful right from their nation. Perhaps Brazil's efforts are most noteworthy for the focus they place on the fact that hunger is not only a national shame, but also a national responsibility which should be acted upon. It is to these Brazilians – all of the hungry and all of those working hard to put an end to the suffering – that the world owes a debt of gratitude. As the hungry in our midst, we bear the responsibility of following in Brazil's path.



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What is the Right to Food? Despite significant growth in global food production, 854 million people, nearly one-sixth of the world's population, still suffer from chronic hunger – and the number continues to grow. For these millions, generally among developing countries' most marginalized, food and nutritional security is as scarce as their participation in political and economic decision making, and their human right to food is far from being realized. The right to food is a human right, endorsed and ratified as binding international law by 156 nations. These nations recognize that all people have the right to be free from hunger and to adequately feed themselves and their families in dignity. Adequate food means more than simply caloric quantity; it means sufficient nutritious food – free from unsafe substances and acceptable within the culture – to support active, healthy living. Governments must do their best, within their available resources, to guarantee this right and to call for international help if their own resources do not suffice. For those unable to provide for themselves, through physical limitation, during natural disasters or during periods of extreme hardship, states must establish safety nets.

What are the Right to Food Guidelines? Many countries ratified the International Covenant on Economic, Social and Cultural Rights that recognizes the right to food decades ago. They were, however, unaware of how to put this important legal principle into practice. In 2004, the Right to Food Guidelines were adopted by the members of the Food and Agriculture Organization of the United Nations (FAO) to help realize this essential human right in their countries. The Right to Food

Guidelines incorporate a rights-based approach, a shift in development that involves the poor and the hungry in any decision making that affects their well-being. Exclusion is often the very cause of their poverty and hunger therefore involving people in finding appropriate solutions ensures their inclusion in society as a whole.

These guidelines provide internationally agreed practical guidance for governments and civil societies to build an enabling environment for people to feed themselves in dignity and to establish appropriate safety nets for those who are unable to do so. They show what steps can be taken in 19 different policy areas to promote the right to food. While some steps, such as creating employment and improving rural economies, may not be possible to implement immediately, other actions, such as ending discrimination, require little more than political will.

Why Brazil? Where there is a will – there is a way: One-third of Brazil's export earnings come from agriculture, yet in 2004, 72 million of its 185 million residents were affected by food insecurity (Institute of Geography and Statistics). Only when this situation became unacceptable to a large enough number of Brazilians, did the country reach critical mass – the point at which change had to take place. The agent for change that people chose was President Luis Inácio Lula da Silva. He had still not been sworn-in when he requested that FAO review the country's Zero Hunger Programme (Fome Zero) proposal. The message voters had given President Lula was expressed clearly in his inauguration address: "As long as one of our Brazilian brothers is hungry, we have enough reason to be embarrassed."

Though painfully slow for those living in hunger and poverty, Zero Hunger has made progress and the Brazilian Ministry of Social Development and the Fight Against Hunger is working hard towards improving implementation. Brazil's efforts show how one nation is confronting hunger by:

1. CREATING AWARENESS AND COMMITMENT AT THE HIGHEST POLITICAL LEVEL
2. GENERATING AND BROADENING WIDEST POSSIBLE SUPPORT
3. TAKING ACTION THROUGH NOT ONLY AGRICULTURE AND PRODUCTION,

BUT ACROSS ALL SECTORS OF GOVERNMENT

4. FORGING A PARTNERSHIP BETWEEN GOVERNMENT AND CIVIL SOCIETY FOR A RIGHTS-BASED, PARTICIPATORY PROCESS

Brazil has implemented numerous actions that conform to this rights-based process. It has taken many of the steps recommended in the Right to Food Guidelines, in fact, many of the country's experiences were widely discussed while the guidelines were under negotiation.

Tools for Everyone: What began with an international human rights treaty and was then supplemented by the Right to Food Guidelines, has firmly taken root in Brazil. Millions of Brazilians in Government, business, civil society and communities around the country are working together to pull their own people out of hunger and poverty. Brazil's effort to reduce its own inequality has set an example for all nations where hunger exists – in other words, all nations. Brazil has gone beyond words, beyond simply naming the right to food; it has translated words into actions that lead towards progressive realization of the right to food for all. Through its Special Programme for Food Security, FAO is cooperating with over 100 developing countries in designing and implementing programmes that work towards the World Food Summit Goals. Many of these countries are creating national food security programmes to achieve the goals. This publication highlights some of Brazil's experiences and the lessons learned in the process. It can serve as inspiration for countries wishing to follow this path and promote the implementation of the right to food.



STEPS TO REALIZE THE RIGHT TO FOOD:

1. IDENTIFY THE HUNGRY AND POOR
2. CONDUCT A THOROUGH ASSESSMENT
3. ELABORATE A SOUND FOOD SECURITY STRATEGY
4. ALLOCATE OBLIGATIONS AND RESPONSIBILITIES
5. CREATE A LEGAL FRAMEWORK
6. MONITOR PROGRESS
7. ENSURE RECOURSE MECHANISMS





"LET US FOSTER CONDITIONS SO THAT ALL PEOPLE IN OUR COUNTRY CAN EAT DECENTLY THREE TIMES A DAY, EVERY DAY, WITHOUT RELYING ON DONATIONS FROM ANYONE. BRAZIL CAN NO LONGER TOLERATE SO MUCH INEQUALITY. WE MUST VANQUISH HUNGER, POVERTY AND SOCIAL EXCLUSION. OUR WAR IS NOT TO KILL ANYONE - IT IS TO SAVE LIVES."

President Luiz Inácio Lula da Silva (Launch of the Fome Zero Programme, 2003)

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The Days of Old: Portugal's sixteenth century colony in Brazil grew rapidly in an agricultural economy for which African slaves were vital. During this growth, the country's indigenous population was relocated or largely ignored. Brazil became a monarchy in 1822 when the son of Portugal's king declared the country independent. By 1900, the country became a federal republic and had outlawed slavery. Over the next century, little changed for Brazil's indigenous population or for its quilombolas, descendents of former slaves. They continued to be marginalized and remained subsistence farmers or worked as low-paid labourers in fields and factories – when they were able to find work.

Political See-Saw: An overthrow of government in 1930 led to a half-century of political and social upheaval. This marked the beginning of Brazil's industrialization but also prompted a surge in social movements and trade unions, as well as a drive for land reform. These movements came to an abrupt halt with a coup d'état in 1964. The new leadership adopted policies that reinforced the agricultural export model. This caused millions of people to be expelled from their land and increased rural and urban poverty.

In the 1980s, military leaders, relaxed their grip and the country began moving towards democracy. Political reorganization was crystallized in the Constitution of 1988, which brought human rights to the forefront. A direct presidential vote the following year completed Brazil's return to a popularly elected government.

Out of the pan and into the fire: The 1990s brought foreign debt crisis and rampant inflation that led to widespread social pressure. The Organization Citizenship Action against Hunger, Extreme Poverty and for Life, united half the population around the need to discuss hunger issues.

Against this backdrop, some changes did take place. Government statisticians produced a Hunger Map, showing region by region, 32 million Brazilians living in extreme poverty. A Plan Against Hunger and Extreme Poverty was drafted which was firmly based on partnership, solidarity and decentralization. The National Council of Food and Nutritional Security (CONSEA) was established and the nation's first National Food and Nutritional Security Conference was held, including broad civil society representation as well as government officials.

The best of government intentions and ambitious projects were waylaid by international pressure to reduce state spending. Small industries and landholders were hit particularly hard and as poverty and malnutrition worsened, social pressure continued to build. Brazil appointed a Secretary of State for Human Rights and created a National Plan for

“METADE DA POPULAÇÃO BRASILEIRA NÃO DORME PORQUE TEM FOME; A OUTRA METADE NÃO DORME PORQUE TEM MEDO DE QUEM ESTÁ COM FOME.”

“HALF OF THE BRAZILIAN POPULATION DOESN'T SLEEP BECAUSE OF HUNGER; THE OTHER HALF DOESN'T SLEEP BECAUSE THEY ARE AFRAID OF THE HUNGRY”.

Jósue de Castro (1908-1973, Physician, Diplomat, Winner of International Peace Prize)

Human Rights, but changes were not happening quickly enough. Years of intense social and economic problems, not to mention the impeachment and resignation of a president, pushed all Brazilians to the point where change was inevitable.

Criminal activity, especially in Brazilian cities, was increasing rapidly in an environment of desperation and inequality. Popular demand so that this gross inequity be addressed led Brazilians to elect their first working-class president.

Fome Zero = Zero Hunger: Zero Hunger, the commitment to eradicate food and nutritional insecurity, has become a national goal embraced by Brazil's government and civil society. Their joint action is attracting attention throughout the international community. Zero Hunger is endorsed by experts from FAO, the World Bank and the Inter-American Development Bank and receives FAO technical support for several projects.

Zero Hunger, which includes both direct assistance and long-term poverty alleviation measures, requires coordinated action by all areas of government at federal, state and municipal levels. Extensive participation of all segments of society continues to be essential.

Brazil Today – progress continues: Brazil has made significant progress, however, a lot more is needed if its new development model of social inclusion is to be achieved. The country continues to rank among the most unequal in the world and the concentration of land ownership in the hands of a minority continues to be an issue for the landless. Large economic discrepancies among regions and ethnic groups hinder sustainable development. Brazilians know this and know that progressive realization of human rights, including the right to food, means that they must continue their efforts.



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It is important to identify who the food insecure are, where they live, and why their right to food is not being realized. Food insecurity and vulnerability may be caused by neglect or by discrimination, it may be the result of age, gender, ethnicity, health status, or linked to precarious livelihood conditions or unemployment. Solid knowledge of the hungry and of the underlying causes are essential for governments to target policies, laws, institutions and budgets with a view to realizing the right to food.

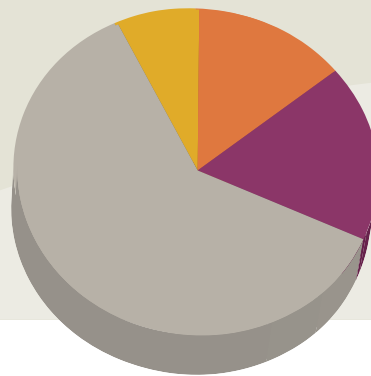
Brazil Identifies its Own: While famine is not common in Brazil, millions face chronic food insecurity. Many are *quilombolas* (descendants of former slaves), indigenous and migrant peoples, groups that have been largely ignored and invisible.

In 2004, the Institute of Geography and Statistics (IBGE) undertook a food security survey to determine whether Brazilians had enough to eat and whether their access to food was limited or sporadic. While it did not measure the quality or nutritional content of food, it did measure the psychological strain that accompanies one's inability to meet family needs. The survey showed areas where the right to food was not being realized, and established Brazil's baseline for measuring the impact of public policies and assessing the progress being made against hunger. Additional data was gathered by health teams during vaccination campaigns and from the Indigenous Health Group of the Brazilian Health Foundation. Data supported the need for the Ministry of Health

FOOD INSECURITY IN BRAZIL:

According to this survey, food insecurity affects **72 MILLION BRAZILIANS** (18 MILLION HOUSEHOLDS) or 39.8% of the population:

- **SLIGHT INSECURITY 32.6 MILLION, 18.0%**
- **MODERATE INSECURITY 25.5 MILLION, 14.1%**
- **SEVERE INSECURITY 13.9 MILLION, 7.7%**



to prioritize the promotion of food and nutritional security, especially among the country's more vulnerable groups. Official statistics had traditionally overlooked Afro-descendants, indigenous populations and the situation of particularly vulnerable groups, such as the populations living in remote geographic regions.

The surveys and medical exams yielded the most comprehensive population profile Brazil had ever produced. Disaggregated data enabled profiling by region, ethnicity, race, gender and age. It allowed identification and mapping of specific populations and regions most vulnerable for food and nutritional insecurity. This is crucial to address particular dietary needs of various groups.

Disaggregated data and Brazil's Unified Register (Cadastro Único) facilitates the provision of assistance to those in need. Any family that earns less than one-half of Brazil's defined minimum monthly salary (US\$203) is enrolled on the register. If each family member earns less than US\$30 on average, the household is eligible for the Family Grant programme which was instituted in 2004 as a part of the Zero Hunger Programme. Registered beneficiaries can then apply more easily for Zero Hunger's 31 programmes.

Pilot Projects: In 2005, an NGO named Brazilian Action for Nutrition and Human Rights (ABRANDH), together with Brazil's National Right to Food Rapporteur, examined hunger and poverty in two slums. The pilot projects in Vila Santo Afonso, Teresina City (State of Piauí), and Sururú de Capote, Maceió City (State of Alagoas), found hundreds of families living in housing built from mud or plastic sheeting and with sanitation which was far from hygienic. For years Vila Santo Afonso has been home to a multi-ethnic, fluctuating population and has a core group of some 250 families. Living in what the city of Teresina defined as an "irregular area," they were considered squatters. Some years ago, one Teresina health centre posted a warning that Vila Santo Afonso residents were not eligible for treatment there, despite living in the area of coverage. Sururú de Capote, with 450 families revealed similar issues.

As part of the evaluation, children under five years old were given medical exams. In Sururú de Capote over 80 percent were found to be anaemic and 87 percent tested positive for intestinal parasites. Nearly half the children measured were below the average height for their age and most were underweight. In Vila Santo Afonso, severe food insecurity affected 54 percent of the households – nearly eight times the national average.

Families attempted to send their children to school but the area lacked classrooms. While most people reported that they had meals every day, their diet sometimes only consisted of rice, which is hardly nutritionally adequate and often in insufficient quantities for the entire family.

Why all this information? Knowledge about the food and nutritional security of the individuals living in poor communities was essential when presenting their situation to government entities.

Survey results in hand, NGO workers and community leaders were able to demonstrate to Teresina officials that many families were indeed eligible for Brazil's Family Grant (Bolsa Familia) programme – even though they had previously been denied benefits. In addition to the “irregular” slum addresses, many also lacked birth certificates or other suitable identification.

With Teresina city officials now accepting Vila Santo Afonso homes as legitimate residential addresses, families there can apply for national assistance. As bona fide residents, the families have also become eligible to use the city's medical services. By increasing public classroom capacity, more children will be able to receive government lunches every day when they go to school. A programme in which owners will participate in building efforts will soon begin constructing the first 30 homes.

Progress is arriving slowly but steadily to those whose rights are most at risk. With the Unified Register, the Ministry of Social Development and the Fight Against Hunger knows exactly who and where the poor

are and can target these vulnerable populations with better hunger-reduction strategies. Working towards realizing the right to adequate food has also led to improvements in education and housing. Working with a rights-based, participatory approach has paid off for local residents by increasing their dignity and self-respect.

PILOT PROJECTS IN BRAZIL:





2. ASSESSING LAWS, POLICIES AND INSTITUTIONS

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The Right to Food Guidelines encourage states to assess their laws, policies and institutions to identify issues hindering the right to food. A careful assessment will reveal the current situation and a conscientious analysis will point out what policy changes and new measures are required to improve matters. While acknowledging Zero Hunger's efforts to eradicate hunger, CONSEA noted that the programme lacked some essential elements needed to make it a rights-based approach to realizing the right to food. CONSEA's Standing Commission on the Right to Food was established in 2005 to advise Government on how to incorporate the right to food into public policies.

WHAT WERE THEY LOOKING AT?

PROGRAMMES WERE EXAMINED AGAINST THESE CRITERIA:

1. clear definition of right holders and duty bearers
2. empowerment and informed participation of right holders
3. accountability of the state to respect, protect, and fulfil the right to food
4. creation and strengthening of claim mechanisms
5. defining and monitoring goals, benchmarks and deadlines
6. strategies for information dissemination
7. building capacity for both duty bearers and right holders

Adapting an assessment tool developed by South Africa's Human Rights Commission, Brazil's Standing Commission looked at Zero Hunger's most significant social assistance programmes:

1. NATIONAL SCHOOL FEEDING (MINISTRY OF EDUCATION) PROVIDES 200 MEALS A YEAR TO 37 MILLION SCHOOL CHILDREN UP TO 8TH GRADE – A TOTAL OF NEARLY 7.5 BILLION MEALS
2. NATIONAL FAMILY GRANT (MINISTRY OF SOCIAL DEVELOPMENT AND THE FIGHT AGAINST HUNGER), AN INCOME TRANSFER PROGRAMME REACHES 11.2 MILLION FAMILIES WITH AN AVERAGE MONTHLY STIPEND OF US\$30
3. NATIONAL FAMILY HEALTH STRATEGY (MINISTRY OF HEALTH) STRENGTHENS NATIONAL HEALTHCARE, WITH 24,600 FAMILY HEALTH TEAMS COVERING 44 PERCENT OF THE BRAZILIAN POPULATION (79 MILLION PEOPLE).

After assessing the Family Grant Programme, Zero Hunger's most important effort, against these criteria, the CONSEA plenary submitted its report to the Brazilian President on 28 July 2006. It reaffirmed the importance of Family Grants for realizing the right to food of Brazil's marginalized populations, and recommended strengthening the programme with social control mechanisms. These would scrutinize more adequately applicants, ensuring that all eligible families are enrolled, and that those who are ineligible are excluded. CONSEA also recommended that the Ministry of Social Development and the Fight Against Hunger and Brazil's Public Prosecutors design and implement accessible recourse mechanisms, with which rights holders could appeal to claim their rights.

School feeding assessment led to similar recommendations so that the vitally important programme could be strengthened. School Feeding Programme officials worked with ABRANDH to create tools through which right holders could claim their right to food. Informing school children about their rights empowers them to notify someone if for some reason their rights are not being met. This mechanism raises children's understanding of rights and helps create an enduring culture of human rights.

After further assessment, in March 2007, CONSEA advised the Ministry of Education to amend the school feeding law to take into account Brazil's cultural diversity and in particular, the nutritional deficiencies of certain vulnerable groups. It also recommended that the school feeding programme link more closely with another government programme that supports small-hold farmers by purchasing food locally.

In addition to programme specifics, analyses revealed other information that may be useful in subsequent policy assessments. Interviewers found that implementing public agents were far more receptive to changing policies than higher political authorities. Some Brazilian programmes and policies already incorporate human rights discourse. Few, however, had mechanisms in place through which those rights could be demanded.

Though law and public policy express the right to food, realization depends on a number of interdependent prerequisites. These include stakeholder awareness, capacity and participation, independent human rights institutions, effective and accessible claim mechanisms and civil society mobilization.

Assessing programmes, laws and institutions is necessary to identify challenges to realize the right to food and decide what measures are required. The method used in Brazil for rights-based assessment of public policies includes simple steps that can be adapted for use with institutions and commissions at any level of government. They can also be adapted for use in other countries.



3. SOUND FOOD SECURITY STRATEGY

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In order to fight hunger effectively, short term relief must be coupled with long range improvement; mutually reinforcing, one creates opportunities and the other equips the hungry to take advantage of these opportunities. Countries that follow this Twin-Track approach towards food security achieve faster, better results in their fight against hunger.

A sound food security strategy is a roadmap, discussed and agreed upon by all, in which government-coordinated action towards a common goal takes place. This includes developing hunger and malnutrition eradication strategies which should have targets, time frames, clearly allocated responsibilities and evaluation indicators known to all.

Zero Hunger's 31 programmes fall into four spheres: increased physical and economic access to food, promoting family agriculture, income generation activities and social mobilization and education. By adding social mobilization to the Twin-Track formula, Brazil enhanced the returns of Zero Hunger, increasing participation of not only the poor, but also of any member of the community who wants to be part of the solution.

Under the political leadership of the President and his cabinet, Brazil allocated US\$21 billion for this programme between 2003 and 2006. Most of the operations are coordinated by the Zero Hunger Working Group led by the Ministry for Social Development and the Fight Against Hunger (MDS). Zero Hunger's most ambitious, broadest reaching programme has been Bolsa Familia, or Family Grant. This programme,

under the MDS, makes monthly income transfers to some 12 million poor families, provided that their children attend school and participate in preventive health monitoring. The Ministry of Education's National School Feeding Programme, one of the world's largest programmes of this type, provides at least one daily meal for school children and adolescents. It has made a huge difference in health and learning for over 37 million children.

Not all development programs are exclusively funded by Central Government. Throughout Brazil's arid northeast, federal, state and municipal governments partnered to build 200,000 cisterns – and they aim to build an additional 800,000. Small scale irrigation helps over 34,000 farmers to earn income while fresh drinking water gives communities a healthy safety net. Private and corporate donations have helped fill and distribute nearly five million food baskets to vulnerable populations and 66 food banks have been set up in 12 of Brazil's 26 states.

17 states host nearly 400 community gardens and over 300,000 urban families have received assistance to finance small garden plots for their own consumption and for income generation. In cities with over 100,000 inhabitants, more than 100 canteens (cafeterias) serve nutritious US\$0.50 meals to up to 2000 low-income workers (per canteen). Multiplying the benefits even further, canteens purchase supplies from local farmers and kitchen workers receive on-the-job training.

Income generation schemes may be time-consuming to implement but they are essential to sustain the right to food and food security. Nearly 400,000 people received skills training and US\$1 billion in micro-credit loans have been made since 2003. Brazil's unemployment level, however, remain at nearly 10 percent and 31percent of the population remains below the poverty line.

Brazil's battles against hunger have produced rapid success in many areas. According to IBGE data, poverty decreased by 8 percent between 2003 and 2004. Zero Hunger is credited with reducing inequality to the

lowest level Brazil has seen in over 30 years. The country's goal to end poverty, rooted in centuries of inequality and marginalization, will take much longer to realize.

The Right to Food Guidelines recognize that mechanisms, which ensure duty bearers meet their obligations and which enable rights holders to claim their rights, have to be implemented progressively. Consequently, CONSEA's third conference (2007) closed with a final declaration that the guiding principles for food security policy should, "incorporate principles and mechanisms for claiming the right to food so as to eliminate dependency-forming practices that are charity-based, rewarded or traded, in order to promote a culture of rights."

It takes time to empower disadvantaged people to take charge of their own destiny and Brazilians know that more measures are needed. The country is committed to allocating resources for social safety nets while building toward more permanent solutions. Helping the poor in today's Brazil is not a matter of charity, but a human right.



4. ALLOCATING ROLES AND RESPONSIBILITIES

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Allocating clear roles and responsibilities to different government sectors and levels is essential for transparency and accountability. Though international law defines the state as the primary duty bearer for realizing the right to food, specific obligations and responsibilities may be delegated to various institutions. The Brazilian Government has assigned specific obligations to many state agencies, but all acknowledge that civil society participation is essential to the process.

● STATE OBLIGATIONS UNDER INTERNATIONAL LAW

Though the National Food and Nutritional Security Council's (CONSEA) first life span was short lived (1993-1994), its ground-breaking discussion of social exclusion turned Brazil's hunger problem into its key political issue. Citizens mobilized in a way that the country had never before witnessed and demanded to participate in changing public policies.

In ratifying international treaties, 156 states have accepted the legal obligation to enable rights holders to feed themselves. Governments made themselves the duty bearers of the right to food in three ways:

1. **RESPECT – STATES CANNOT PLACE BARRIERS BEFORE THOSE WHO WANT TO FEED THEMSELVES**
2. **PROTECT – ENSURES THAT NO ONE INTERFERES WITH ANOTHER'S RIGHT TO FOOD**
3. **FULFIL – STATES SHOULD FACILITATE THE ACCESS TO ADEQUATE FOOD BY ESTABLISHING AN ENABLING ENVIRONMENT, AND PROVIDE DIRECT FOOD AID WHEN SITUATIONS BEYOND A PERSON'S CONTROL MAKE THEM UNABLE TO PROVIDE FOR THEMSELVES. THIS INCLUDES SOLICITING INTERNATIONAL ASSISTANCE WHEN A STATE'S BEST EFFORTS PROVE INSUFFICIENT.**

While Brazilian President Lula is the political leader and overall motivator for right to food realization, the Ministry of Social Development and the Fight Against Hunger (MDS) is directly responsible for government efforts to relieve immediate need and address underlying causes of hunger and food insecurity. In addition to implementing the Family Grant cash transfers, MDS oversees all 31 Zero Hunger programmes including the Ministry of Education's National School Feeding Programme, the Ministry of Agrarian Development's Programme for Family Agriculture and the Ministry of Health's Malnutrition Control and Prevention Programme.

Federal and state-level Public Prosecutors have a constitutional mandate to promote and defend human rights. Their Working Group on the Right to Adequate Food published and distributed a handbook that helps prosecutors handle right to food violations. Prosecutors in Maceió and Piauí have legally charged officials for failure to meet their obligations. An autonomous human rights agency is essential for monitoring human rights and for reporting any violations. Brazil's Special Secretariat for Human Rights (SEDH) maintains the status of ministry. Its Special Commission for Monitoring Right to Food Violations stepped in

CONSEA

Though the National Food and Nutritional Security Council's (CONSEA) first life span was short lived (1993-1994), its ground-breaking discussion of social exclusion turned Brazil's hunger problem into its key political issue. Citizens mobilized in a way that the country had never before witnessed and demanded to participate in changing public policies.

Re-established in 2003, CONSEA's National counsellors – 40 from civil society, 17 from government and 16 non-voting observers – are the President's consultants and advisors on food security and right to food issues. Sector groups (e.g. Production and Supply, Nutrition and Health) and commissions (e.g. Indigenous or Black Populations and Right to Food) contribute to monthly plenary agendas; recommendations are then forwarded to the President.

CONSEA Councils have also been formed in nearly every Brazilian state and even in some municipalities. CONSEA's National Food and Nutritional Security Conference brings together 1300 counsellors from around the country for a national assembly that, by law, must convene at least once every four years. These delegates, together with about 500 non-voting attendees, make up the main body of CONSEA, responsible for monitoring and establishing guidelines for the implementation of the National Policy on Food and Nutritional Security.

when pilfered funds jeopardized local school feeding programmes. Installed by a civil society network in 2002, the independent National Rapporteur for the Right to Food and Rural Land investigates right to food violation claims, increasing the visibility of these cases and working towards remediation. Investigations may lead to public hearings and recommendations to public authorities. The Rapporteur teams up with Public Prosecutors, SEDH and others to monitor fulfilment of the recommendations.

Over 100 NGOs, social movements, networks, researchers and activists formed the Brazilian Forum on Food and Nutritional Security while preparing for the 1996 World Food Summit. Civil Society's continued pressure keeps food and nutritional security on political agendas. Its training strengthens participation and improves monitoring of right to food violations. The National Committee for the Implementation of the Human Right to Adequate Food (COMIDhA) links stakeholders and keeps them aware of right to food issues. Taking the lead in COMIDhA, Action for Nutrition and Human Rights is one of the few NGOs with the capacity to offer technical expertise for legal and political action. With the right to food still largely unknown to the general public, the Media is essential to increasing visibility, recognition and understanding of this human right.

The Private Sector partnered with federal and local government to promote, fund and manage a rapidly expanding chain of food banks in Brazil's major cities. When the Zero Hunger programme began, generous donations of food and other goods overwhelmed authorities. While Brazil's right to food momentum came from an internal surge of political and social enthusiasm, International Community assistance was welcomed by all national stakeholders. FAO was one of Zero Hunger's first evaluators and FAO's Right to Food Unit continues to cooperate with Government and civil society organizations.

Brazil has seen that while realizing the right to food is not a quick and simple process even with all stakeholders working together. Without such stakeholder cooperation, realization would be impossible.



5. LEGAL FRAMEWORK

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1. IDENTIFYING THE HUNGRY
2. ASSESSING LAWS, POLICIES AND INSTITUTIONS
3. SOUND FOOD SECURITY STRATEGY
4. ALLOCATING ROLES AND RESPONSIBILITIES
5. **LEGAL FRAMEWORK**
6. MONITORING
7. LEGAL AND ADMINISTRATIVE RECOURSE MECHANISMS
8. CAPACITY BUILDING

A framework law lays down broad principles and general obligations that a nation embraces. Rather than detailing actions or mechanisms, it becomes the umbrella beneath which institutions can be built and systems created. A framework law sets principles for policies, strengthens inter-agency coordination and by making the system fully transparent, it facilitates accountability.

Responsible authorities will then enact and implement specific measures to achieve framework obligations, possibly within a given time limit, but always complying with framework principles.

An ideal framework law would include the following concepts:

1. DEFINITIONS OF RIGHT TO FOOD CONCEPTS, OBJECTIVES, PRINCIPLES
2. OBLIGATIONS TO RESPECT, PROTECT, FULFIL
3. REVOKE CONTRARY LAWS
4. SET AGENDA PRIORITIES FOR FURTHER LEGISLATION
5. INSTITUTIONAL RESPONSIBILITIES – ROLE OF HUMAN RIGHTS INSTITUTIONS
6. DEFINE VIOLATIONS
7. ACCESS TO RECOURSE & REMEDIES
8. ENSURE PARTICIPATION - EVERYONE'S RIGHT TO FOOD
9. FINANCIAL PROVISIONS - BUDGETING RESOURCES
10. DEFINING FOOD EMERGENCIES & ENTITLEMENTS
11. MONITORING & BENCHMARKS

Following the recommendation by the second National Food and Nutritional Security Conference in 2004 to draft a framework law, the Brazilian Government assigned this task to CONSEA's Food and Nutritional Security System Working Group. The draft law was sent to the Brazilian Parliament in October 2005 and given top priority. In September 2006, after less than a year of negotiation, Parliament approved Brazil's National Food and Nutritional Security Framework Law (LOSAN) and the President signed it into law.

LOSAN KEY PROVISIONS

Adequate food is a basic human right, inherent to human dignity and indispensable to the realization of the rights established by the Federal Constitution. The Government shall adopt the policies and actions needed to promote and guarantee food and nutritional security for the population.

The Government shall respect, protect, promote, provide, inform, monitor, supervise and evaluate the realization of the Human Right to Adequate Food, as well as guarantee the institution of specific claim and recourse mechanisms.

The national food and nutritional security system seeks to formulate and implement policies and plans on food and nutritional security, motivate the integration of efforts between the government and civil society, as well as promote the examination, monitoring, and evaluation of food and nutritional security in the country.

The Inter-Ministerial Chamber in charge of coordinating the Food and Nutritional Security System must elaborate the National Food and Nutritional Security Policy and Plan, "suggesting the guidelines, goals, basis of resources and tools to examine, monitor, and evaluate its implementation."

CONSEA will be composed of 1/3 governmental representatives and 2/3 from civil society plus observers from Government, international bodies and federal public ministries. The president of CONSEA will be designated by the Brazilian president from among CONSEA's civil society members.

The law includes strong right to food language and guarantees that mechanisms will be put into place to enable Brazilians to demand and claim this human right. Brazil's Constitution and other laws spell out social rights, such as the right to land, health and housing. LOSAN, however, became Brazil's first law to focus specifically on "how to" realize an economic, social and cultural human right. Moving even beyond incorporating the human right to adequate food concepts, the law demands that the Government create mechanisms for monitoring and evaluating implementation progress, though subsequent legislation will be needed to clarify details.

Cooperation among government and civil society groups drafting LOSAN produced a balanced, functional law. This landmark team project also demonstrated that a rights-based approach, which includes as many stakeholders as possible, enhances understanding and appreciation, as well as building the capacity of all participants.

LOSAN has woven Brazil's collection of ad hoc right to food and food security systems into the very fabric of the country's institutional structure. When the LOSAN framework law dictated that an inter-ministerial chamber be established, it ensured that CONSEA and the National Food and Nutritional Security Conference, the country's main hunger eradication coordination entities, would become permanent parts of Brazil's government structure. With ending hunger now elevated to a permanent state objective, it is no longer subject to changing governments or new presidents, as in 1994, when the first CONSEA was abolished.

LOSAN establishes principles, guidelines and concepts. This commitment now sets the stage for Brazil's next legal development – Government must adopt specific regulations and implementing laws and must be willing to dedicate the necessary resources to guarantee effective implementation.



6. MONITORING

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In the same way as road signs on a long journey, evaluation and re-evaluation are essential to navigate towards a goal; realizing the right to food for every human being requires monitoring impact and outcome of all domestic policies, programmes or projects.

Brazil's monitoring began with a careful analysis of its starting point; ten-year-old census data was updated in 2002/03 with a nutrition, food spending and family food security survey conducted by the Brazilian Institute of Geography and Statistics.

Monitoring the realization of the right to food: Brazil already had considerable experience monitoring the food security situation, yet Government asked for CONSEA's help to incorporate the human rights dimension into monitoring. During the July 2007 Food and Nutritional Security Conference, CONSEA was tasked with going still further by making "... a broad and critical analysis of the food security and nutrition situation of the country, guided by the right to food ..." They were also asked to recommend specific actions to, "... monitor the implementation of the Right to Food Guidelines ..."

The CONSEA Working Group for Indicators and Monitoring suggested Brazil begin by using existing indicators produced by various government ministries such as Health, Education, Agriculture and Social Development.

Their proposal includes 26 indicators in seven dimensions:

1. FOOD PRODUCTION
2. AVAILABILITY
3. INCOME
4. ACCESS
5. HEALTH AND ACCESS TO HEALTH SERVICES
6. EDUCATION
7. PUBLIC POLICIES THAT PROMOTE FOOD SECURITY

Specific indicators include the percent of family income spent on food and price variations of a food basket containing Brazil's customary food staples. Another is the total national production quantity in terms of calories per capita.

Monitoring budget: Compliance with the Right to Food Guidelines entails progressive realization of the right to food to the extent of available national resources. In order to monitor if Government is spending wisely or complying with the needs of the population, transparency is essential. For the past few years, Brazil has its annual budget (<http://www.mds.gov.br/transparencia>) and Ministry of Social Development and the Fight Against Hunger (MDS) monthly expenditure reports on the web (<http://www.mds.gov.br/mds-em-numeros>).

As the Government plans its pluri-annual budget for 2008-2011, civil society is represented by various councils such as CONSEA.

The 2007 National Food and Nutritional Security Conference recommended that:

1. BUDGETING SHOULD CONSIDER FOOD SECURITY AND NUTRITION \ CONCERNS
2. BUDGET ALLOCATIONS AT ALL GOVERNMENT LEVELS SHOULD FINANCE THE FOOD SECURITY SYSTEM
3. A LINE ITEM CONTAINING ALL FOOD SECURITY PROGRAMMES SHOULD BE INCLUDED.

Since CONSEA began working on the budget in 2003, it has sent 14 advisory briefs to the president with recommendations and spending priorities. Recently, brief n° 007/2007 requested budget for several new activities including expanding school feeding for older students, right to food education for healthcare personnel and additional cistern construction. The latter, vital for the arid northeast, had its funding reduced in the previous budget and is expected to be increased in this year's negotiations.

Monitoring rights violations: Monitoring whether the right to food is realized must include monitoring any violations of this right that occur. While the MDS is concerned with realizing the right, the Secretariat for Human Rights, Public Prosecutors and Brazil's National Rapporteur attend to violations. Between 2004 and 2006 the Rapporteur conducted 19 missions to examine right to food violations. He and his team investigated human rights issues facing the country's homeless, landless rural workers, and many urban marginalized populations. While working in 11 Brazilian states, the Rapporteur also took the opportunity to distribute educational and information materials.

The more that duty bearers and right holders learn about the right to food, the better they can participate in the monitoring process. States in turn can improve efficiency of monitoring agencies by not only delegating responsibility, but also by training those assigned and giving them the resources necessary to perform the job. Failure to monitor progress is an invitation for any programme to stray off track and nothing ensures better monitoring than enlisting every Brazilian to assist the effort.



7. LEGAL AND ADMINISTRATIVE RECOURSE MECHANISMS

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8. CAPACITY BUILDING

International treaties, constitutional articles and domestic laws or programmes are all essential, yet they are destined to remain hollow promises unless they are put into action. If rights holders do not have access to functional recourse mechanisms, realization of the right to food cannot be enforced. Those who believe their rights have been violated need administrative, quasi-judicial or judicial claim and recourse systems ready to receive and investigate claims and to remedy violations. In most cases, national courts and human rights institutions are the most accessible.

Independence and autonomy enables Brazil's National Rapporteur on the Right to Food and Rural Land not only to investigate claims brought by individuals, groups and communities, but also to support the creation of institutional recourse instruments. Rooted in the social movement and fully supported by Brazil's Public Prosecutors and international human rights organizations, the Rapporteur has become the voice of many ignored groups and issues.

After completing an investigation, the Rapporteur and the Federal Public Prosecutors hold public hearings with claiming parties, the civil society group(s) involved and the public officials responsible for the situation. Not all hearings result in correction of rights violations, but they all bring right to food issues to the attention of government authorities, the media and the general public. The Special Commission for Monitoring Right to Adequate Food Violations, under Brazil's Special Secretariat for Human Rights, is the country's first commission

to specifically address an economic, social and cultural right. This Special Commission, like the National Rapporteur, investigates violation claims and proposes reparation. When school feeding programmes were jeopardized by pilfered funds, the Special Commission, along with the Ministry of Education and other government agencies, discussed alternatives. Therefore suspending fund transfers would have deprived the children of their lunch entitlement. The group suggested several alternatives including working with Public Prosecutors, publishing identities “naming and shaming” of guilty parties and enlisting local school councils to take part in overseeing spending. Another non-judicial remedy simply published budgets allocated to all state schools. This enables parents, teachers and even students to demand that school officials account for the meals being served.

Brazil’s constitution grants any individual or group the Right to Petition, giving them the right to notify (in writing) public authorities of violations and to demand reparation. Authorities receiving such petitions are obligated to act or to at least redirect claims to the appropriate bodies who handle specific violations. Programmes such as Family Grant could benefit from the type of redress instruments already built into Brazil’s *Benefício de Prestação Continuada*. These mechanisms allow the elderly poor, whose benefit applications may have been declined, to file a legal claim for a human rights violation.

Without civil society organizations (CSO) investigating, reporting and monitoring rights violations, many cases might continue to be ignored. Cooperating with the Rapporteur, Public Prosecutor, or other agencies, CSOs have reported violations confronting migrant rural workers, indigenous people, quilombolas, and populations evicted by construction of dams or urban developments. Autonomy from the executive, legislative and judicial branches allows the Public Prosecutor to represent society before these three branches and to hold all government bodies to enforce the law. Any level of the Public Prosecutor (federal, state, military and labour) can convene a public hearing to investigate individual or group claims of rights violations and can facilitate the adoption of remediation measures.

When a hearing involves conflict between the state and society, the Public Prosecutor has authority to summon government bodies and other relevant parties, and negotiate a Terms of Conduct Adjustment. This is a legally binding settlement that defines obligatory actions of all parties and establishes a time frame in which the identified violations must be corrected. Public civil suit is considered a last resort.

City officials refused to sign an agreement. In what has become Brazil's first legal case for an economic, social and cultural human right, the prosecutor took the situation to court, calling this urban slum, "one of the most horrible places in Brazil." The suit sites violations against the human rights to health, education and food, and draws special attention to child prostitution and child labour. The case was decided in favour of the community..

Public Prosecutors can best fulfil their human rights mandate when civil society and the marginalized communities with which they work, know how and where to seek recourse. Government knows the legal right to food has little meaning if recourse mechanisms are not put into place to guarantee implementation.

SURURÚ DE CAPOTE

One state level Public Prosecutor, concerned about conditions in Sururú de Capote, appealed to the City of Maceio, State of Alagoas (see map chapter 3) for a Terms of Conduct Adjustment.

The Public Prosecutor proposed that the City of Maceio conduct the following:

1. FORM A MULTIDISCIPLINARY COMMISSION TO ANALYZE THE SOCIO-ECONOMIC PROFILE OF CHILDREN AND ADOLESCENTS OF THE SLUM WITHIN 30 DAYS
2. ENSURE THAT THE CITY'S PROTECTION COUNCILS FUNCTION WITHIN 30 DAYS (INCLUDING SETTING UP TOLL-FREE NUMBERS AND 24-HOUR SERVICE, ETC.)
3. ENSURE THAT THERE IS ENOUGH SHELTER FOR CHILDREN OF LESS THAN 18 YEARS WITHIN 30 DAYS
4. OFFER DAY NURSERIES FOR INFANTS OF LESS THAN 6 YEARS WITHIN 30 DAYS
5. MATRICULATE ALL CHILDREN IN SCHOOLS (WITHOUT DEADLINE)
6. BASED ON THE ANALYSIS (STEP 1), PROPOSE SHORT, MID AND LONG-TERM SOLUTIONS WITHIN 90 DAYS
7. ENSURE THAT SUFFICIENT RESOURCES ARE ALLOCATED TO THESE SOLUTIONS IN THE 2008 BUDGET
8. PREPARE A CONTINGENCY PLAN IF ENOUGH RESOURCES CANNOT BE FOUND
9. EXPEDITE THE REGISTRATION OF CHILDREN AND ADULTS
10. START AN ANTI-CHILD-PROSTITUTION CAMPAIGN



8. CAPACITY BUILDING

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To participate fully in realizing human rights, stakeholders – including those whose rights have been violated and those who may unknowingly be violating others’ rights – must be informed and empowered. Informing someone that they have rights or that their rights are being violated is not enough. Right holders and duty bearers must acquire the capacity to demand their rights and to meet their obligation.

Guideline 11.5 - States should provide information to individuals to strengthen their ability to participate in food-related policy decisions that may affect them, and to challenge decisions that threaten their rights.

If rights holders are able to demand their rights yet responsible authorities are not able to remedy the situation, realization comes to an abrupt end.

Experience has shown Brazilians that making any progress towards realizing the right to food requires a team of informed, capable and willing participants – all of them pulling in the same direction. It has also shown that when activities produce a desired outcome while simultaneously stimulating public interaction, a social process takes place that is self-reinforcing and sustainable.

The drafting of Brazil’s 2006 Food and Nutritional Security Framework Law demonstrated just this kind of teamwork. The one-year effort resulted not only in a better law, incorporating strong right to food

language, but members from government, judiciary, CONSEA and civil society participated in an intensive right to food learning experience while they worked.

Brazil's Ministry of Social Development and Fight Against Hunger commissioned civil society and human rights experts to create a right to food distance learning course. Its targets are government officials, civil society organizations, members of CONSEA and social control councils. The course, expected to attract 3000 learners, is available at (<http://www.direitohumanoalimentacao.org.br>).

A number of capacity building workshops informed state-level CONSEA representatives about right to food principles and clarified the concepts of right holders and duty bearers. These workshops encouraged states to replicate CONSEA-National's Standing Commission on the Right to Food to make existing recourse and claim mechanisms available at the state level. General right to food knowledge benefits all stakeholders, but officials implementing policies and programmes need specific training.

CONSEA and ABRANDH staged a national Right to Food Guidelines campaign which included translating, publishing and distributing the Guidelines (over 20,000 copies) along with an explanation booklet. The alliance of Brazil's civil society groups, Brazilian Forum on Food and Nutritional Security, launched an information website that hosts a chat room for exchanging ideas and experiences. Alliances between NGOs, journalists and Brazil's Radiobrás news service helped disseminate facts about the rights and responsibilities of individuals and the obligations of Government.

As the Brazilian Government increases the capacity of the agencies that plan and implement rights-based public policies, the experience of FAO, the UN and other International Organizations can be of assistance with these efforts. International organizations in turn, can learn from Brazil's experiences and help share this knowledge where it can benefit others.

Awareness raising and capacity building paid off when CONSEA's July 2007 conference discussed the design of Brazil's new Food and Nutritional Security System. From cabinet insistence that social programmes are rights rather than charity, to councillor requests for better claim mechanisms, from tribes in remote villages to thousands crowding the convention centre to take part, awareness of the right to food was undeniable.

PUBLIC PROSECUTORS

In two slum development projects, capacity building workshops explained human rights and obligations and informed participation about right to food claim and recourse methods. Information about their children's nutrition deficiencies and their right to demand from public officials enabled residents to lobby for changes in health care, education, basic sanitation and food assistance.

At a public hearing, Public Prosecutors, and municipal and state authorities listened as 400 people demanded to be recognized as legal residents, eligible like every other Brazilian for enrolment in government programmes.

Dialogue was particularly tense during a July 2005 public meeting in one slum. Local government officials argued that they shouldn't be expected to deliver remedies as only the president could deal with the country's poverty. With an assertiveness learned through a year of advocacy, one community leader stood up and told them, "Some days I have only one meal and sometimes only rice. You are our government representatives so you are responsible. You have to provide this to us because it is our right."

Even though the neighbours of this slum continue to face difficult conditions, everyone is walking taller knowing that they are no longer invisible.

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