

# Review of the compatibility of sectoral laws with the right to food

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## Review of the compatibility of sectoral laws with the right to food

The content of this handbook is based on FAO's *Guide on Legislating for the Right to Food*, written by Dubravka Bojic Bultrini under the technical supervision of Margret Vidar, and with the valuable contribution of Lidija Knuth. Important contributions were likewise made by Isabella Rae.

José María Medina Rey and Maria Teresa de Febrer (PROSALUS, Spain) adapted it to the “handbook” format. The translation into English of this handbook was done by Stephen Carlin and Beth Gelb.

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The purpose of the three handbooks on LEGISLATION is to provide practical information and guidelines for national legislators and individual parties or groups interested in establishing or strengthening the legal and institutional framework surrounding the right to food, in accordance with the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other relevant instruments of international human rights law.

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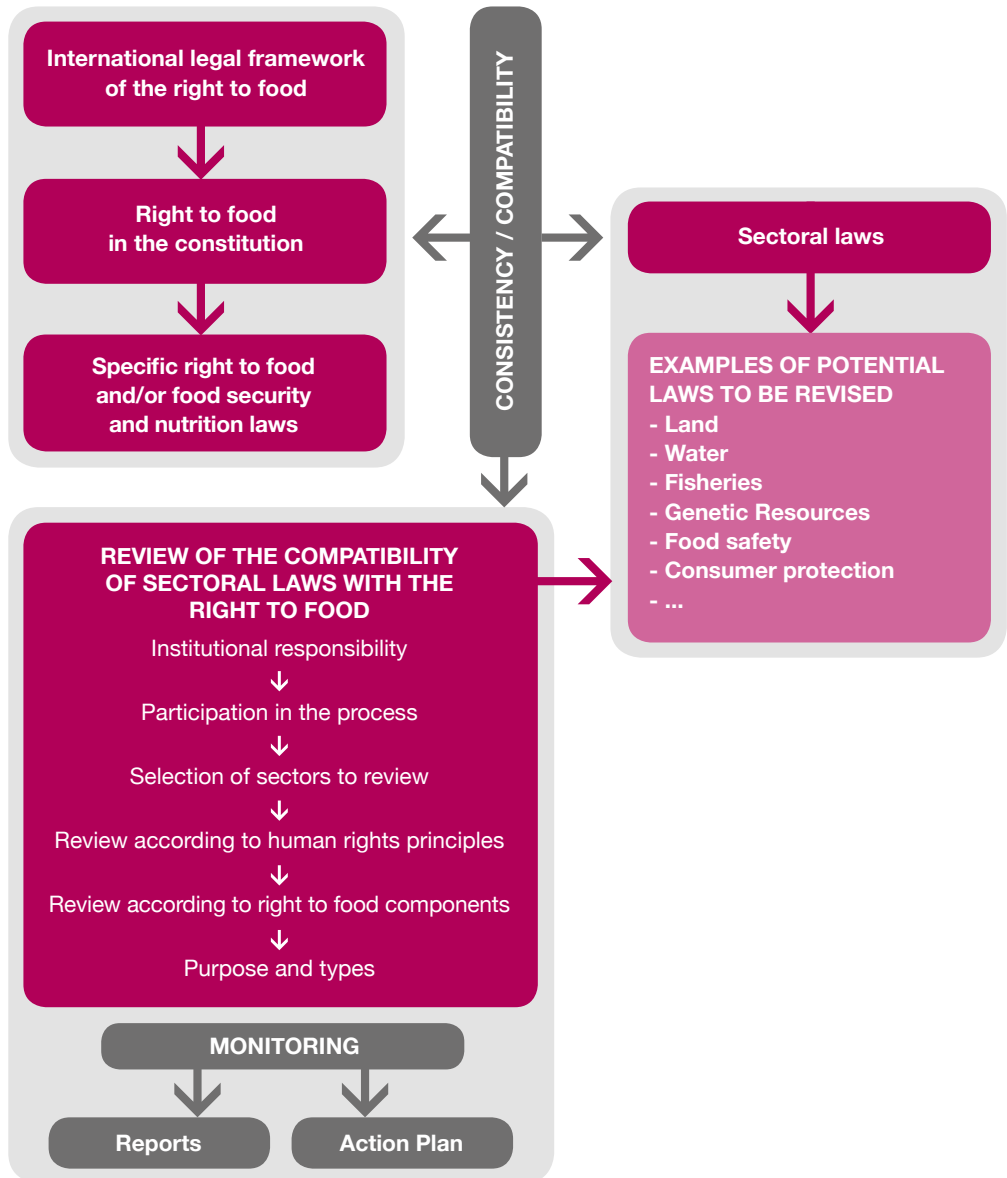
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 The FAO glossary on the right to food is available at: <http://www.fao.org/righttofood/knowledge-centre/glossary/en>

### 1.1. PURPOSE OF THE REVIEW

States may assume right to food obligations in various ways (by ratifying the ICESCR, by recognizing it explicitly in their constitution, by regulating it through a framework law).<sup>1</sup> Moreover, the right to food is multisectoral: it affects and is affected by many sectors. Therefore, it is necessary to review the compatibility of sectoral legislation that could affect different aspects of the right to food in order to **ensure that the legislative framework of the country constitutes a favourable legal environment for the progressive realization of the right to food.**

Sectoral laws must be checked to make sure that they have no adverse effects on the exercise of the right to food, but rather contribute to it and to that end:

- First, sectoral laws must be reviewed and evaluated in the light of right to food laws.
- Second, where the compatibility test identifies provisions that limit this right, those conflicting with right to food laws or human rights principles must be amended or repealed.

### 1.2. TYPES OF COMPATIBILITY REVIEW

The compatibility review can be performed on legislation already in force (*ex post*) or on bills that have not yet been passed or not yet entered into force (*ex ante*).

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1. Please see Handbooks 1 and 2 of this collection.

*Ex ante evaluations* examine the legal and technical conformity of the regulatory content of a future law with the right to food. This is a practice that helps to ensure that future legislation will not hinder the fulfilment of the right to food. It is relatively common to conduct such assessments of future laws to ensure that they are consistent with human rights in general. In countries where this procedure is established, it is simply a matter of including the human right to food among those to be examined.

*Ex post evaluations* carry out this type of review with respect to laws already in force to check whether they facilitate or hinder the realization of the right to food. In this case, the compatibility assessment should not only address the legal and technical consistency of the law, but should extend to all aspects of its practical enforcement.

In both cases, this evaluation of compatibility with the right to food can be performed specifically or by incorporating this review into other, broader evaluation processes of existing legal texts. In principle, the first option seems to better accommodate *ex post* evaluations while the second option is more appropriate for *ex ante* evaluations.

#### COMPATIBILITY OF INTERNATIONAL COMMITMENTS

In some cases, the sectoral legislation under review may be conditioned by international treaties or agreements signed by the country. For such situations, some international law experts have pointed out that if the country has also signed international instruments related to human rights, the latter should have priority. Therefore, the international agreements signed by the country should also be compatible with human rights, including the right to food.

### 1.3. INSTITUTIONAL RESPONSIBILITY AND PARTICIPATION IN THE PROCESS

The compatibility assessment of sectoral legislation must be performed on two different levels:

- First, insofar as it requires technical knowledge on the specific sector and familiarity with legal aspects and human rights, an institution or technical team should be involved.
- Second, the support of those authorities who are competent to perform the evaluation is needed, especially to apply any recommendations that may be made.

Therefore, there must be a high-level political body to supervise the compatibility assessment process (to furnish policy guidelines, establish priorities and schedules, and supervise the work of the technical team), and another technical body or team with the necessary skills and degree of specialization, including experts from different areas and disciplines who would actually perform the evaluation.

A high-level governmental body or even parliament could assume supervisory duties, or these could be entrusted to an independent body such as a national human rights institution, a research centre, a university, etc.

In any case, the active participation of stakeholders is essential and therefore procedures and mechanisms to facilitate their participation and input should be set up. The contributions and comments of those individuals, groups or communities, whose right to food is affected or could be affected by specific sectoral legislation, is essential in determining how the law impacts their ability to feed themselves.

#### **1.4. SELECTION OF SECTORS TO BE REVIEWED**

Given that the aim of the compatibility review is to determine which legislative provisions favour or restrict people's freedom to exercise their right to food, the evaluation should cover all domestic legislation that interferes or could interfere in people's capacity to feed themselves. In practice, owing to the complexity of the subject and limited resources, this is usually not possible.

Limited resources means that one must choose which laws to evaluate by establishing priorities so that the review can be conducted in some depth on a set of relevant sectoral laws, instead of wasting energy on a superficial analysis of many sectors and laws. This is probably the only way to ensure the effectiveness of the compatibility review.

Therefore, selection criteria are needed to decide which sectoral laws to review. In this sense, the Right to Food Guidelines are a very useful tool as they identify the key sectoral areas that may have a direct bearing on the realization of the right to food. In any case, some general criteria that can help in making this selection should be borne in mind:

- Vulnerable sectors of the population should be first in line when it comes to selecting the sectoral areas to review.
- A profound knowledge of the causes of food insecurity and vulnerability in the country will help to identify the main areas to be evaluated.



- It will also be useful to identify which sectors affect or could affect the availability of food and, especially, physical or economic accessibility.
- It is also essential to consider the aspects that can affect access to or ownership of the resources needed for food production (land, water, etc.).

### **1.5. REVIEW OF LEGISLATION FROM A HUMAN RIGHTS PERSPECTIVE, PARTICULARLY THAT OF THE RIGHT TO FOOD**

The compatibility review should generally include an assessment of legal provisions based on general human rights principles: participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law.

Following is a set of possible questions (to which other more specific ones can be added depending on the sector under scrutiny) that can guide review work on the basis of each of the human rights principles.

<b>HUMAN RIGHTS “PANTHER” PRINCIPLES</b>	<b>QUESTIONS THAT SHOULD BE POSED IN CONNECTION WITH SECTORAL LEGISLATION UNDER REVIEW</b>
<p><b>PARTICIPATION</b></p> <p>The general public should be allowed to participate in the planning and design process and be permitted to monitor and evaluate decisions affecting them. Participation must be active and meaningful.</p>	<ul style="list-style-type: none"> <li>- Do stakeholders and those protected by the law have the right to participate in the implementation of the law?</li> <li>- Who can participate and how? Are there any exceptions?</li> <li>- Are any participation procedures explicitly stipulated?</li> <li>- Does the law provide a mechanism for institutional participation?</li> <li>- Is the selection process non-discriminatory and transparent?</li> <li>- Does the law oblige competent authorities to consult relevant stakeholders?</li> <li>- What forms of consultation are set out?</li> <li>- Is the role of beneficiaries and stakeholders clearly defined?</li> </ul>
<p><b>ACCOUNTABILITY</b></p> <p>Public officials should be held accountable to their superiors and the people they serve for their actions regarding compliance with their powers and duties.</p> <p>This accountability can only be ensured if social, administrative, political and judicial processes and controls are in place.</p>	<ul style="list-style-type: none"> <li>- Are the competent authorities responsible for implementation and enforcement clearly identified? Have their roles and responsibilities been established?</li> <li>- How much leeway do they have in decision-making, for example, in relation to the granting of certain rights, services or benefits?</li> <li>- Is there a deadline for implementation of the various provisions?</li> <li>- How realistic are such deadlines?</li> <li>- Is there any legal obligation to inform potential beneficiaries of the provisions of the law?</li> <li>- Does the law provide for any accountability mechanism to which the population has access?</li> <li>- Have provisions been made for appropriate sanctions or remedies in case of non-compliance by the authorities?</li> <li>- Are procedures and accountability mechanisms effective in practical terms? If not, can they be made effective?</li> <li>- Does the law provide for a monitoring or evaluation mechanism? If so, does this monitoring and evaluation conform to human rights principles?</li> <li>- Do the competent administrative authorities have sufficient authority and resources to implement the legislation under evaluation?</li> </ul>

<b>HUMAN RIGHTS “PANTHER” PRINCIPLES</b>	<b>QUESTIONS THAT SHOULD BE POSED IN CONNECTION WITH SECTORAL LEGISLATION UNDER REVIEW</b>
<p><b>NON-DISCRIMINATION</b> No one should be discriminated against on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other social condition. Particular attention must be paid to those individuals or groups who cannot exercise their rights as fully as others.</p>	<ul style="list-style-type: none"> <li>- Does the law have provisions which explicitly leave some category of people or group at a disadvantage?</li> <li>- Does the law encourage different treatment of individuals or groups on the basis of one of the prohibited grounds?</li> <li>- Are there any apparently impartial provisions that put (or could put) a category of people or particular group at a disadvantage? Do established procedures ensure the effective equality of all people?</li> <li>- Does the law provide for special measures to address or correct discrimination against or disadvantages suffered by certain categories of persons (e.g. women, indigenous peoples, artisanal fisherfolk, and people residing in rural areas)?</li> <li>- Does the legislation strengthen discriminatory customary laws, traditions and practices, or does it seek to correct them?</li> <li>- Are rights, services and benefits truly accessible to the entire population?</li> <li>- If several official languages are spoken in the country, are there versions of the law in all of them? Is the wording of the law exactly the same in all languages?</li> </ul>
<p><b>TRANSPARENCY</b> Those affected must be provided with the necessary information regarding the decision-making process, who should be accountable, and what their responsibilities are.</p>	<ul style="list-style-type: none"> <li>- Is there a legal obligation to inform beneficiaries and persons affected about the rights, services offered and rules laid down by the law?</li> <li>- Does the law establish the right of individuals to request information and the obligation of competent authorities to furnish it?</li> <li>- Does the law clearly stipulate the bodies responsible for its implementation?</li> <li>- Where rights, services or benefits are subject to specific requirements and criteria, are these defined clearly enough?</li> <li>- Does the law establish the obligation to make information available in all of the languages of the country and not only the official ones?</li> <li>- Where the law provides for the forfeiture of rights (expropriation, revocation of a license, etc.), are sufficiently detailed reasons provided?</li> </ul>

<b>HUMAN RIGHTS “PANTHER” PRINCIPLES</b>	<b>QUESTIONS THAT SHOULD BE POSED IN CONNECTION WITH SECTORAL LEGISLATION UNDER REVIEW</b>
<p><b>HUMAN DIGNITY</b></p> <p>Human dignity refers to the absolute and inherent value of people for the simple fact of being human, not by virtue of their social condition or of any conferred power. This principle is particularly important when it comes to children, people with disabilities, and the elderly.</p>	<ul style="list-style-type: none"> <li>- Is there any chance that the requirements, procedures and other provisions adversely affect the dignity of individuals?</li> <li>- Are there provisions that require the authorities to treat beneficiaries with respect and to respect the dignity of individuals in the event of having to take action that could limit their access to food?</li> <li>- Where the law in question establishes a right or the provision of a service, does it stipulate that potential beneficiaries must be informed in such a way that even illiterate people receive the information?</li> <li>- Does the law or regulation under review provide for a personalised needs assessment where relevant (for example, food aid for nursing babies, children or pregnant and nursing women)?</li> </ul>
<p><b>EMPOWERMENT</b></p> <p>People should have the powers, skills, capabilities and access needed to make a change in their lives, including the right to demand corrective measures from the state for violations of their human rights.</p>	<ul style="list-style-type: none"> <li>- Are there provisions enabling people to know and demand their rights?</li> <li>- Are public education and awareness raising included among the obligations of the entity or responsible authorities?</li> <li>- Do affected parties or groups have access to monitoring reports and findings?</li> <li>- In practice, does everyone have access to the justice system when it comes to the enforcement of rights and compensation for infringements?</li> </ul>
<p><b>RULE OF LAW</b></p> <p>Every member of society, including the government, must respect the law. Legal rules must be clear, well understood and applied fairly. People should have the right to lodge a complaint before an independent court or equivalent body, the right to a fair trial, and the right to adequate redress.</p>	<ul style="list-style-type: none"> <li>- Is the law applied equally to everyone, including public authorities?</li> <li>- Has the law been drafted in the clearest and most simple way possible? Are the provisions ambiguous or excessively vague?</li> <li>- Are provisions made for the right to lodge a complaint against a decision taken by the competent bodies? Are the relevant bodies independent and impartial, and do they have the power to order compensation in cases where there has been a violation of the right to food?</li> <li>- Is there a right of appeal?</li> <li>- Does the law provide specific remedies for violations? What kind of remedies? Are these appropriate, timely and effective?</li> </ul>

The evaluation of sectoral laws from the perspective of their compatibility with the right to food should identify:

- The provisions which directly or indirectly limit, or could limit, people's ability to exercise their right to food, and determine whether these restrictions are justified. In this regard, we must remember that international human rights law requires States Parties to strike a balance between the interests of the community or society in general and the full exercise of every person's right to food. Therefore, the evaluation should determine whether an existing limitation or restriction of the right to food can be considered justified by reason of a higher common interest, and whether the law explicitly stipulates the obligation to adopt the supplementary measures needed to protect the right to food of the people affected.<sup>2</sup>
- The apparently beneficial or neutral rules that could limit the freedom of some people to exercise the right to food.
- The gaps or inconsistencies in legislative provisions or the institutional structure which could restrict the realization of the right to food, and would therefore require corrective action.

As already noted, an *ex post* evaluation must go beyond a technical analysis of the legal text and should determine:

- whether the rules laid down in sectoral laws are enforced and respected by the groups involved (civil servants, citizens, private sector, etc.);
- whether the regulation is producing unintended or unforeseen effects;
- the real consequences of a breach of the law in everyday practice;
- the significance of these breaches and how they prevent the realization of the right to food.

Evaluation of the regulatory provisions contained in sectoral laws and regulations should focus on how the latter relate to the different components of the right to food and human rights principles. The following matrix may prove useful to that end:

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2. On this point, please see Handbook 2, section 2.2.3 on the principle of proportionality.

REGULATORY PROVISIONS	EVALUATION BASED ON THE COMPONENTS OF THE RIGHT TO FOOD		
	Availability, stability and sustainability in terms of supply	Accessibility	Adequacy and utilization
Identification of each normative item of the sectoral law under scrutiny that could have an impact on the right to food	Description of how the normative item identified limits or affects food availability for some person or group of people, or the stability and sustainability of the food supply.	Description of the impact that the normative item identified has or could have on the physical, social or economic access of a person or group of people to adequate food.	Description of how the normative item identified affects the likelihood that diets are suited to the social and cultural context of the population, and how it limits or could limit nutrition and the proper biological use of food.

## 1.6. MONITORING THE REVIEW: REPORTS AND ACTION PLAN

Once the review or compatibility evaluation work of the sectoral laws selected has concluded, a **report** should be submitted to the supervisory body which briefly identifies the positive aspects of the laws examined with regard to the realization of the right to food, as well as the problematic aspects and areas requiring corrective measures. It should likewise include proposals and recommendations which must be reasoned and substantiated.

A proposed **action plan** may be attached to the report containing recommendations regarding:

- reform proposals of the law analysed to ensure that it is compatible with the realization of the right to food;
- amendment proposals regarding the powers of the public authorities responsible for enforcement or compliance;
- proposals relating to government action needed to improve the implementation of the sectoral laws analysed, especially regarding the realization of the right to food;
- aspects requiring a greater degree of development and regulation.

Both the report and the action plan should be checked with the ministries involved in each case and with other stakeholders, in order to **receive observations** that might be useful in fine-tuning and clarifying some points of the final report.



The sectoral areas whose laws and regulations should be reviewed will **depend to a large degree on the national context** in each case. However, several of the voluntary guidelines address sectoral areas that may be particularly important for the realization of the right to food:

#### **Access to resources and assets (Guideline 8)**

States should facilitate sustainable, non-discriminatory and secure access and utilization of resources. They should respect and protect the rights of individuals with respect to resources such as land, water, forests, fisheries and livestock, without any discrimination. The guidelines suggest paying particular attention to the relationship that groups such as pastoralists and indigenous people, women, people affected by HIV/AIDS, and other vulnerable groups have with natural resources.

#### **Labour (Guideline 8A)**

States should foster opportunities for work that provide remuneration allowing for an adequate standard of living for rural and urban wage earners and their families. Regulation of working conditions should be consistent with the obligations states have assumed under the ICESCR and the International Labour Organization (ILO) Conventions.

#### **Land (Guideline 8B)**

States should take measures to promote and protect the security of land tenure, especially with respect to women and poor and disadvantaged segments of society, through legislation that protects the full and equal right to own land, including the right to inherit. Moreover, states should consider establishing legal and other policy mechanisms that advance land reform to enhance access for the poor. They should also promote conservation and the sustainable use of land.



### **Water (Guideline 8C)**

States should strive to improve access to and promote the sustainable use of water resources and their allocation among users, giving due regard to efficiency and the satisfaction of basic human needs in an equitable manner, including safeguarding drinking-water quality.

### **Genetic resources for food and agriculture (Guideline 8D)**

States should consider specific national policies and legal instruments to ensure the conservation and sustainable use of genetic resources for food and agriculture, including for the protection of relevant traditional knowledge and equitable participation in sharing benefits arising from the use of these resources.

### **Food safety and consumer protection (Guideline 9)**

States should take measures to ensure that all food is safe and consistent with national food safety standards, which should be scientifically based. They should likewise regulate the packaging, labelling and advertising of food, taking into consideration internationally accepted food standards (Codex Alimentarius). States should also take measures to prevent food contamination — especially from industrial pollutants — in the production, processing, storage, transport, distribution, handling and sale of food. These measures should include education programmes on safe practices for the food industry and consumers.

### **Nutrition (Guideline 10)**

States should take measures to maintain or strengthen dietary diversity and healthy eating and cooking habits, while respecting local culture and avoiding excessive consumption and unbalanced diets, and ensure that changes in the availability and accessibility of food do not adversely affect the quantity and quality of dietary intake. They should also take measures to promote and encourage breastfeeding, and to promote coordination between the health and education sectors so that the population has access to the necessary services to maximize the nutritional value of the food they eat.

Following are some thoughts that **stand as examples** of the impact that regulating some of these sectors could have on the right to food.<sup>3</sup>

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3. The following tables are merely an example of the compatibility review. Results may vary depending on the criteria of the group conducting the review. For further information, please see FAO. 2009. *Guide on Legislating for the Right to Food*, part 4. Rome.

## 2.1. WATER

IMPORTANT REGULATORY ASPECTS	POSSIBLE IMPLICATIONS	COMPATIBILITY EVALUATION BASED ON THE COMPONENTS OF THE RIGHT TO FOOD			HUMAN RIGHTS PRINCIPLES THAT COULD BE AFFECTED
		Availability, stability and sustainability in terms of supply	Physical, social and economic accessibility	Adequacy and utilization	
Lack of or insufficient water access regulation	Unequal distribution of access to water particularly affecting the rural population engaging in subsistence agriculture.	Food shortages due to lack of water for irrigation.			Non-discrimination.
Inappropriate regulation of the privatization of water supply services	Companies that provide the service are allowed to apply cost recovery and profit generation policies that do not take the situation of the most vulnerable populations into account.		Danger of limiting economic access to safe water for vulnerable populations.		Rule of law.
Lack of proper regulation of the exploitation of ground or surface water	Situations may arise where some users hoard and abuse water resources to the detriment of others.	Overuse can dramatically limit availability and therefore the ability to produce food.			Rule of law.
Insufficient regulation or control of drinking water quality standards	The water supplied to the population may be chemically or biologically contaminated or may be unacceptable owing to its physical characteristics (odour, colour, taste).			Health risk for the population.	Human dignity. Rule of law.

## 2.2. LAND

IMPORTANT REGULATORY ASPECTS	POSSIBLE IMPLICATIONS	COMPATIBILITY EVALUATION BASED ON THE COMPONENTS OF THE RIGHT TO FOOD			HUMAN RIGHTS PRINCIPLES THAT COULD BE AFFECTED
		Availability, stability and sustainability in terms of supply	Physical, social and economic accessibility	Adequacy and utilization	
Lack of or insufficient land reform	Unequal land distribution, particularly affecting the most vulnerable rural population.		Rural population facing hunger and poverty without economic access to adequate food.		Human dignity.
Land rights weak or unclear	Lack of land tenure security in the case of populations that do not have formal irrefutable deeds.	Tendency to overuse land over a short period of time, resulting in a decline in productivity.			Rule of law.
Land right discrimination against women (inheritance, ownership, tenure)	Sometimes due to the failure to enforce laws establishing equality, and other times due to discriminatory customary rules.		Lack of access to resources needed for agricultural production; unstable land tenure which means that credit and even public support and agricultural extension programmes are unavailable.		Non-discrimination.
Failure to recognize or enforce existing laws on the land rights of indigenous peoples	Populations can be easily displaced and dispossessed of their lands, especially when oil, gas, minerals or other resources that attract outside interest are discovered.	Risk of land degradation due to the excessive and uncontrolled exploitation of natural resources.		Limitations in maintaining cultural preferences regarding production, harvesting and consumption of food.	Rule of law. Non-discrimination. Accountability.
Poorly formulated, complicated or socially inappropriate land administration systems	Breach of land tenure security facilitating corruption and abuse of power.	Limitations on the availability and accessibility of food.			Rule of law. Accountability.

## 2.2. LAND (cont.)

IMPORTANT REGULATORY ASPECTS	POSSIBLE IMPLICATIONS	COMPATIBILITY EVALUATION BASED ON THE COMPONENTS OF THE RIGHT TO FOOD			HUMAN RIGHTS PRINCIPLES THAT COULD BE AFFECTED
		Availability, stability and sustainability in terms of supply	Physical, social and economic accessibility	Adequacy and utilization	
Insufficient regulation of state-issued concessions or licences to exploit natural resources which consequently fail to provide the necessary guarantees	Some concession activities (mining, agribusiness, fishing, tourism, logging, etc.) can damage the environment.	Inability to continue producing food due to natural resource deterioration (pollution, degradation, etc.).		Unhealthy food produced because of contaminated land or irrigation water.	Rule of law. Transparency. Participation. Empowerment.
Expropriation and dispossession procedures that fail to incorporate adequate compensatory measures	The population finds itself in a situation of defencelessness, especially where the state is the landowner and ownership is based on traditional rights.	Inability to continue producing food because the population is expelled from traditional farmlands.			Participation. Rule of law. Accountability.

## 2.3. FISHERIES

IMPORTANT REGULATORY ASPECTS	POSSIBLE IMPLICATIONS	COMPATIBILITY EVALUATION BASED ON THE COMPONENTS OF THE RIGHT TO FOOD			HUMAN RIGHTS PRINCIPLES THAT COULD BE AFFECTED
		Availability, stability and sustainability in terms of supply	Physical, social and economic accessibility	Adequacy and utilization	
Poor or non-existent regulation of fishery activity	Absence of maximum capture quotas, trawling restrictions, the establishment of exclusion areas near the coast, or the regulation of fishing methods and equipment.	Overexploitation causing decreased availability of food for families and communities that depend on artisanal fishing.			Rule of law.
Lack of or insufficient regulation or control of waste dumping in fishing areas	Wastewater from industry and livestock operations and sewerage may be dumped into the sea.			Danger of fish contamination which is the principal part of the diet of populations whose livelihoods depend on artisanal fishing.	Rule of law.
Improperly regulated aquaculture	The way in which the activity is operated can have a negative environmental impact.	This deterioration of the environment compromises the sustainability of livelihoods.			Rule of law.
Incentives for fishery and aquaculture export	The generation of foreign currency revenues may lead the state to support fishery production for sale in foreign markets.	Danger of limiting the availability of fish in local markets.			Participation. Empowerment. Rule of law.

## 2.4. GENETIC RESOURCES FOR FOOD AND AGRICULTURE

IMPORTANT REGULATORY ASPECTS	POSSIBLE IMPLICATIONS	COMPATIBILITY EVALUATION BASED ON THE COMPONENTS OF THE RIGHT TO FOOD			HUMAN RIGHTS PRINCIPLES THAT COULD BE AFFECTED
		Availability, stability and sustainability, in terms of supply	Physical, social and economic accessibility	Adequacy and utilization	
National legislation on genetic resources does not incorporate the concept of farmers' rights recognized under the Treaty on Plant Genetic Resources	There could be an extension of intellectual property rights to include genetic resources that fails to recognize the contribution of traditional agriculture in the conservation and development of biodiversity.		Traditional farmers could face restricted access to seeds if patents limit their ability to save, exchange and reuse seeds.		Rule of law. Empowerment.
Overly restrictive regulation of seed markets	This could strengthen the private seed industry to the detriment of farmers.	It could reduce the availability of food sources by favouring highly homogeneous seed varieties for high-yield crops while discarding more ecologically diverse varieties able to adapt to extreme conditions, thus reducing crop resilience.			Rule of law. Empowerment.

## 2.5. FOOD SAFETY AND CONSUMER PROTECTION

IMPORTANT REGULATORY ASPECTS	POSSIBLE IMPLICATIONS	COMPATIBILITY EVALUATION BASED ON THE COMPONENTS OF THE RIGHT TO FOOD			HUMAN RIGHTS PRINCIPLES THAT COULD BE AFFECTED
		Availability, stability and sustainability in terms of supply	Physical, social and economic accessibility	Adequacy and utilization	
Poor or insufficiently enforced food safety legislation at the national level that fails to ensure the quality of the food that is distributed and consumed	Contaminated or spoiled food may be placed on the market.			Increased rate of diarrheal diseases and food poisoning resulting in poorer health and nutrition.	Rule of law.
Excessively rigid food safety requirements at the national level	Small producers may find it extremely difficult to comply; strict application can give rise to higher prices.		Small farmers may lose the ability to feed themselves; the most vulnerable population may face limited economic access to food and be forced to choose cheaper and less nutritious food.		Human dignity. Rule of law.
Food labelling rules that fail to require relevant nutritional information or do not adequately regulate their format	Consumers may be faced with food packaging devoid of nutritional information, or with complex and confusing information.			Consumers remain uninformed as to the nutritional value of the food they purchase or its potential adverse health effects.	Transparency.
Food advertising rules that are too lax	This could give rise to campaigns containing false or misleading advertising, especially targeting children.			These campaigns can encourage inappropriate eating habits involving health risks.	Transparency.





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A large rectangular area with a red border, containing 25 horizontal grey lines for writing. The lines are evenly spaced and extend across the width of the red border.

This collection of RIGHT TO FOOD HANDBOOKS has been compiled from publications forming part of the Right to Food Methodological Toolbox prepared by FAO's Right to Food Team.

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