The companion CD includes a Legal Database and a PDF Version of the Guide
GUIDE ON LEGISLATING FOR THE RIGHT TO FOOD

This Guide was authored by Dubravka Bojic Bultrini, under the technical supervision of Margret Vidar and with the valuable contribution of Lidija Knuth. Significant inputs were provided by Isabella Rae.
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Foreword

The right to food has been established and endorsed with greater urgency than most other human rights. In 1948, when the General Assembly of the United Nations adopted the Universal Declaration of Human Rights, it was given formal recognition as a human right (Article 25.1). Since then, the right to food, or some aspects of it, has been incorporated into a variety of binding and non-binding international human rights instruments. Among them, the International Covenant on Economic, Social and Cultural Rights (the Covenant) is the instrument that deals most comprehensively with this fundamental human right.

The right to food is legally binding on the 160 States Parties to the Covenant, Article 2 of which obliges State Parties to take steps, in particular legislative measures, for the progressive realization of the rights contained in the Covenant.

The right to adequate food and the fundamental right to be free from hunger were reaffirmed by the 1996 World Food Summit, which also called for better ways of implementing the rights related to food and encouraged all States to ratify the Covenant.

The World Food Summit: five years later established the mandate of an Intergovernmental Working Group to draft a set of Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security. The Guidelines were then adopted by consensus by the FAO Council in 2004. These Guidelines recommend constitutional and legislative action as well as coordinated institutional frameworks to address the cross-sectoral dimensions of the right to food.

The Food and Agriculture Organization of the United Nations (FAO) has been providing support to countries wishing to adopt a human rights-based approach to food security since 2006. Legislative action is one essential part of such a human rights approach. Indeed, a number of countries have recently revised their constitutions or adopted new framework laws to give effect to the right to food. However, the body of knowledge and experiences in this field are limited.

FAO is proud to launch the Guide on Legislating for the Right to Food, which provides detailed guidance to legislative drafters and reviewers on legislative provisions and institutional coordination. While the present Guide addresses primarily States Parties to the Covenant, it provides equally valid guidance to non-Parties seeking to implement this fundamental human right. Following a brief explanation of the right to food in international law, the Guide discusses three main levels of legislative incorporation of this human right at the national level, i.e. constitutional recognition, framework law on the right to food and a compatibility review of relevant national legislation.
This publication comes at an opportune moment – many countries are currently seeking ways to reform their constitutions and adopt new laws in order to strengthen the right to food. To assist them in this process, the Guide provides detailed information and examples from other countries. In addition to the Guide itself, the companion CD-ROM contains the full text of all national legislation referred to. No doubt there will be updates to this Guide in the future as new lessons are learned from the number of countries that are increasingly engaging in right to food legislative processes.

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### Acronyms and abbreviations

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<th>Description</th>
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<td>AoA</td>
<td>Agreement on Agriculture</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All forms of Discrimination against Women</td>
</tr>
<tr>
<td>CESCR</td>
<td>Committee on Economic, Social and Cultural Rights</td>
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<tr>
<td>CGIAR</td>
<td>Consultative Group on International Agricultural Research</td>
</tr>
<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<tr>
<td>CONASAN</td>
<td>Consejo Nacional de Seguridad Alimentaria y Nutricional (National Food and Nutrition Security Council) (Ecuador, Guatemala)</td>
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<tr>
<td>CONASSAN</td>
<td>Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional (National Commission on Food and Nutritional Sovereignty and Security) (Nicaragua)</td>
</tr>
<tr>
<td>CONSEA</td>
<td>Conselho Nacional de Seguridad Alimentar e Nutricional (National Council on Food and Nutrition Security) (Brazil)</td>
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<tr>
<td>CSO</td>
<td>Civil society organizations</td>
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<td>EEZ</td>
<td>Exclusive economic zone</td>
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<tr>
<td>ESCR</td>
<td>Economic, social and cultural rights</td>
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<tr>
<td>FAO</td>
<td>Food and Agriculture Organization of the United Nations</td>
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<tr>
<td>FIAN</td>
<td>FoodFirst Information and Action Network</td>
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<td>FIVIMS</td>
<td>Food Insecurity and Vulnerability Information Mapping Systems</td>
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<tr>
<td>GC</td>
<td>General Comment</td>
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<tr>
<td>GRFA</td>
<td>Genetic resources for food and agriculture</td>
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<tr>
<td>HRC</td>
<td>Human Rights Committee</td>
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<tr>
<td>IAIA</td>
<td>International Association for Impact Assessment</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<tr>
<td>ICERD</td>
<td>International Convention on the Elimination of All Forms of Racial Discrimination</td>
</tr>
<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<tr>
<td>ICJ</td>
<td>International Court of Justice</td>
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<tr>
<td>IFAD</td>
<td>International Fund for Agricultural Development</td>
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<td>IFPRI</td>
<td>International Food Policy Research Institute</td>
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<td>IPRs</td>
<td>Intellectual property rights</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>ITPGRFA</td>
<td>International Treaty on Plant Genetic Resources for Food and Agriculture</td>
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<tr>
<td>NGO</td>
<td>Non-governmental organization</td>
</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
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<tr>
<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
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<tr>
<td>OIE</td>
<td>World Organization for Animal Health</td>
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<tr>
<td>MCS</td>
<td>Monitoring, control and surveillance</td>
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<tr>
<td>PBR</td>
<td>Plant breeders’ rights</td>
</tr>
<tr>
<td>PCM</td>
<td>Presidency of the Council of Ministers (Peru)</td>
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<tr>
<td>PGRFA</td>
<td>Plant genetic resources for food and agriculture</td>
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<tr>
<td>Right to Food Guidelines</td>
<td>Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security</td>
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<tr>
<td>SESAN</td>
<td>Secretaría de Seguridad Alimentaria y Nutricional (Food and Nutrition Security Secretariat) (Guatemala)</td>
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<tr>
<td>SINASSAN</td>
<td>Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional (National System on Food and Nutritional Sovereignty and Security) (Nicaragua)</td>
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<tr>
<td>SISAN</td>
<td>Sistema Nacional de Segurança Alimentar e Nutricional (Brazil) Sistema Nacional de Seguridad Alimentaria y Nutricional (Guatemala) (National Food and Nutritional Security System)</td>
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<tr>
<td>SPS Agreement</td>
<td>Agreement on the Application of Sanitary and Phytosanitary Measures</td>
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<tr>
<td>STE</td>
<td>State trading enterprise</td>
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<tr>
<td>TAC</td>
<td>Total allowable catch</td>
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<tr>
<td>TBT Agreement</td>
<td>Agreement on Technical Barriers to Trade</td>
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<tr>
<td>TRIPS Agreement</td>
<td>Agreement on Trade-Related Aspects of Intellectual Property Rights</td>
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<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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<td>WFP</td>
<td>World Food Programme</td>
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<td>WHO</td>
<td>World Health Organization</td>
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<td>WTO</td>
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