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الحقوق الاقتصادية والاجتماعية والثقافية

الحق في الغذاء

تقرير مقدم من السيد جان زيغلر، المقرر الخاص المعني بالحق في الغذاء،

عملاً بقرار لجنة حقوق الإنسان ١٠/٢٠٠٠

إضافة

البعثة إلى البرازيل*

* يعمم هذا الموجز التنفيذي بجميع اللغات الرسمية. ويرد التقرير نفسه في مرفق الموجز التنفيذي ويعمم باللغة التي قدم بها فقط.

موجز تنفيذي

قاد المقرر الخاص المعني بالحق في الغذاء بعثة قطرية إلى البرازيل بشأن الحق في الغذاء، وذلك في الفترة من ١٨-١ آذار/مارس ٢٠٠٢. وهو يقدم هنا تقريراً موجزاً قصيراً إلى لجنة حقوق الإنسان. ومع هذا، وبغية التعبير عن تشعب بلد بأسره يتصف بالدينامية والتنوع والجاذبية مثل البرازيل، فإنه قد أعد ورقة بحوث خلفية متوفرة عند طلبها من المقرر الخاص.

وأثناء بعثته، وجد المقرر الخاص أن البرازيل قد أحرزت تقدماً هاماً في مجال الفهم التصوري للحق في الغذاء، وذلك وإلى حد كبير نتيجة عمل المجتمع المدني النابض والفعال في البرازيل. ويعتبر دستور البرازيل لعام ١٩٨٨، واحداً من أكثر الدساتير تقدماً في العالم بفضل حمايته للحقوق الاقتصادية، والاجتماعية، والثقافية، وأن البرازيل قد أحرزت تقدماً مهماً في مجال حقوق الإنسان. وقد وضعت البرازيل كذلك عدة برامج ابتكارية جداً من أجل التصدي لمشكلات الفقر والجوع والأمن الغذائي، والتي يمكن أن تزود برامج أخرى حول العالم وتمدها بالمعلومات. وقد أحرز تقدم ملحوظ في مجال الحد من الفقر والجوع وسوء التغذية مع تحسين التنمية الاجتماعية على مدى السنوات العشر الماضية.

ومع هذا، ما زالت هناك عدة تحديات مهمة أمام تنفيذ الحق في الغذاء في البرازيل. ورغم أن البرازيل قد وضعت برامج ابتكارية لمكافحة الفقر والجوع، فقد ظلت هناك مشكلات في تنفيذ تلك البرامج، بما في ذلك مقاومة النخبة وانعدام الموارد الكافية. فما زال هناك ما يزيد على ٢٢ مليون برازيلي يعانون من نقص التغذية كل يوم، في بلد يعتبر الآن من أكبر البلدان المصدرة للأغذية. وظل ثراء القلة قائماً إلى جانب الفقر والجوع. ولقد ساند النموذج الاقتصادي المتحرر حديثاً والقائم الآن، النمو الاقتصادي ولكنه لم يساهم في الحد من التفاوت في الدخل. كما أن محاولات الإصلاح هي أيضاً مقيدة بمقاومة بعض شرائح المجتمع وبعمالته، الأمر الذي يقوض فهم حقوق الإنسان بوصفها تخص الفقراء كذلك. كما أن اللجوء إلى الغذاء والماء في مقابل الولاء وأصوات الناخبين ما زال منتشراً في بعض الأقاليم. ويشكل النظام القضائي غير الفعال، والإفلات من القصاص في بعض أنحاء البلاد والقتل العرضي للمتطرفين المعدمين، عقبات خطيرة أمام الحق في الغذاء. ويبدو أن المستويات المرتفعة من العنف الريف والحضري ترتبط ارتباطاً وثيقاً بالتفاوت الشديد وبالفقر والجوع في البرازيل. وكما كتب خوسويه دي كاسترو وهو طبيب برازيلي مشهور عالمياً، منذ ٥٠ سنة مضت: إن البرازيل بلد يتمتع بموارد وفيرة نسبياً، إلا أنه ما زال يحظى بأعلى مستوى للفقر وسوء التغذية بالنسبة للبلدان الأخرى ذات المستوى المماثل في التنمية^١. ومع الاعتراف بأن تقدماً هاماً قد أحرز في السنوات الأخيرة، يقترح إتاحة المزيد من الموارد على أن تستهدف بشكل أفضل البرامج القادرة على بلوغ الفقراء بصورة فعالة. ويعتقد المقرر الخاص أن حكومة البرازيل لم تف بشكل

كامل بالالتزام بإنفاق "أقصى الموارد المتاحة" على الأعمال التدريجي للحق في الغذاء، وأنها لم تتخذ ما يكفي من الإجراءات لكي تحمي أي انتهاكات للحق في الغذاء.

ويسلم هذا التقرير بالجهود المبذولة للحد من الفقر والجوع وسوء التغذية ويحدد بعض البرامج الابتكارية التي وضعتها الحكومة الاتحادية، والتي تعمل كأمثلة إيجابية على التقدم صوب إعمال الحق في الغذاء الكافي. غير أنه يوصي أيضاً بضرورة إنفاق المزيد من الموارد لمكافحة الجوع، والتركيز على بعض المشكلات التي واجهها تنفيذ البرامج، ويسرد سلسلة من الانتهاكات التي لاحظها المقرر الخاص، ويوجز العقبات أمام إعمال الحق في الغذاء. وأخيراً، يورد التقرير سلسلة من التوصيات لتحسين إعمال الحق في الغذاء في البرازيل.

ولقد أحاط المقرر الخاص علماً برد حكومة البرازيل السابقة وتعليقاتها وأدرجها في تقريره عند الاقتضاء. وهو يأمل في أن تجد الحكومة الجديدة بزعامة الرئيس لويز انياسيو لولا دا سيلفا، بعض الإرشادات المفيدة في هذا التقرير. وهو يرحب بوجه خاص ببيان الرئيس الجديد من أن مكافحة الجوع وسوء التغذية سيشكلان أولى أولويات الحكومة الجديدة عن طريق تنفيذ برنامجها "الفقر الصفرى". وسيكون المقرر الخاص على استعداد لمساعدة الحكومة الجديدة في جهودها المبذولة للنهوض بالحق في الغذاء.

Annex

Report of the Special Rapporteur on the right to food, Mr. Jean Ziegler, on his mission to Brazil

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Introduction

1. At the kind invitation of the Government of Brazil, the Special Rapporteur conducted a country mission to Brazil from 1 to 18 March 2002. The Special Rapporteur would like to thank the Government of Brazil and particularly the Secretary of State of Human Rights, Paulo Sergio Pinheiro, the Ministry of Justice, the Ministry of Foreign Affairs and IPEA (the Institute for Applied Economic Research). The Special Rapporteur is also grateful for the collaboration of authorities at state and municipal levels. He would also thank the United Nations organizations for their helpful collaboration, particularly the United Nations Development Programme (UNDP) and the United Nations Information Centre (UNIC), and the Office of the High Commissioner for Human Rights.

2. The Special Rapporteur was honoured to be received by the President of Brazil, His Excellency Fernando Henrique Cardoso, the Minister of Foreign Affairs, Dr. Celso Lafer, the Ministers of Finance, Education, and of Development, and senior members of the Ministries of Health, Agrarian Reform and the Secretaries of State for Social Assistance and for Justice. He was also honoured to be received by the Presidents of the two chambers of the National Congress, members of the Human Rights Commission of the Chamber of Deputies, and Dr. Ruth Cardoso of *Comunidade Solidaria*. At the state level, he was received by authorities including the governor of Rio de Janeiro, the mayor of Sao Paulo and the governor of Pernambuco.

3. The Special Rapporteur would like to express his appreciation to the very vital non-governmental organizations and social movements who met with him, particularly those who arranged regional non-governmental organization (NGO) meetings and field visits. In particular, he would thank MST (Landless Workers Movement), Brazilian Forum on Food and Nutritional Security, MNDH (*Movimento Nacional para Direitos Humanos*), GAJOP (Center for Judicial Counsel for Grassroots Organizations), CPT (Pastoral Land Commission), FIAN (Foodfirst Information and Action Network), Rede Social, FASE (Federation of Organizations for Social and Educational Assistance), IBASE (Brazilian Institute for Social and Economic Analysis) and CESE (Ecumenical Coordination of Service). He would also like to thank the *Ordem dos Advogados* and the Federal Public Prosecutor's Office.

4. The mission visited Brasilia, Recife, Petrolina, Salvador, Sao Paulo and Rio de Janeiro and field trips were made to rural areas outside of these urban centres, including the poorest regions of the North-East. In this report, the Special Rapporteur recognizes the important efforts of the Brazilian Government and civil society to fight hunger, but also records the serious situation of malnutrition and hunger that still exists in Brazil. The objectives of the mission were: (a) to analyse malnutrition and hunger in Brazil from the perspective of the right to food; (b) to learn from the positive initiatives of Brazil in realizing the right to food which may serve as examples for other countries of the world; and (c) to play a catalytic role in further promoting the effective right to food in Brazil.

5. The Special Rapporteur is particularly grateful for the efforts of IPEA (Institute for Applied Economic Research), the Secretary of State for Human Rights and the Ministry of Foreign Affairs for producing a very valuable document detailing the federal Government's current activities in relation to the right to food, which greatly facilitated the work of the Special

Rapporteur in Brazil. He also appreciates the efforts taken by the Government to organize a National Workshop on the Right to Food in Brasilia, in collaboration with civil society, and welcomes the federal Government's new initiative to create a National Council for the Implementation of the Right to Food, within the Ministry of Justice. He hopes that the incoming Government will continue and support this initiative.

6. This report looks first at the current situation of hunger, malnutrition and poverty in Brazil. It then looks at the commitments that Brazil has made to respect the right to food under international and domestic law, as well as the institutions that exist to monitor their implementation. It then moves on to examine the government policies and programmes in place which address the right to food, as well as some of the actions of civil society to eradicate hunger in Brazil. The report then outlines the main findings and concerns of the Special Rapporteur regarding the progressive realization of the right to food, as well as violations, and the obstacles faced by Brazil in meeting the goal of the full realization of the right to food. Finally, the report draws conclusions and recommendations for improving the realization of the right to food in Brazil.

I. OVERVIEW OF HUNGER AND POVERTY IN BRAZIL

7. There has been some important recent progress in reducing malnutrition, hunger and poverty in Brazil over the 1990s. According to government figures, levels of poverty have decreased as have child malnutrition² and child mortality from malnutrition-related diseases.³ Broader social developments also show improvements, particularly in education and eradicating illiteracy. Brazil has improved its position in UNDP's Human Development Index and now stands in seventy-third position out of 162 countries, but remains behind much of Latin America, including Mexico, Venezuela and Colombia.⁴ There has also been substantial progress in increasing levels of food production, and Brazil is now one of the world's leading exporters of food products. It produces more than enough food to feed its population of 170 million people.

8. However, despite this progress, millions of Brazilians continue to suffer from hunger and malnutrition. According to the Government, 22 million people in Brazil live below the extreme poverty line, which means that they cannot afford to buy a food basket that meets a minimum calorie intake for one individual per day.⁵ According to the PT (the Worker's Party), 44 million Brazilians suffer from hunger and malnutrition.⁶ According to Dom Mauro Morelli, an important Catholic bishop who has dedicated his life to the poor in Brazil, there are 53 million hungry people in Brazil.⁷ Malnutrition and deficiencies in micronutrients, such as vitamin A, iron and iodine, continue to have severe consequences on the growth and potential of Brazil's children, women and men. More than 10.5 per cent of children suffer from stunted growth.⁸ Malnutrition leaves schoolchildren unable to concentrate at school and leaves adults too weak to work. In the soup kitchens of the Catholic Church and other charities in Brazil, the Special Rapporteur met with many people, mainly women and children, who could barely walk and whose ravaged skin and hair bore all the signs of severe undernourishment and malnutrition.

9. The question of hunger and malnutrition in Brazil is not a question of the availability of food. It is rather a question of *access* to food - poor people simply do not have enough money to buy food or do not have enough land or other resources to grow their own food. According to the

Food and Agriculture Organization of the United Nations, there is more than enough food produced in Brazil to feed all Brazilians.⁹ Brazil is now a highly developed economic power and the tenth largest economy in the world, but it is also a country with millions of poor, hungry people, effectively excluded from this powerful economy.

10. In the rural areas, the hungry and malnourished are landless labourers who often earn pitifully low wages and the small farmers who struggle to survive from the land. In many regions of the country, vast tracts of fertile agricultural land lie uncultivated, while nearly 4.8 million rural “landless” families (renters, sharecroppers, squatters or small farmers) struggle to survive on properties smaller than five hectares, and would benefit from larger landholdings to cultivate food crops.¹⁰ Landownership is extremely unequal - 2 per cent of landowners own 56 per cent of all available land, while the smallest 80 per cent of landowners own only 12 per cent of the land between them.¹¹ According to INCRA (Institute for Colonization and Agrarian Reform), there are nearly 100 million hectares of uncultivated land in Brazil. Export-oriented agriculture has accelerated the problem of landlessness and the increasing concentration of the land is pushing more people to the cities. For these reasons, the land question continues to be an emotive driving force for social change in Brazil.

11. In urban areas, the hungry and malnourished are the street children, the homeless and millions of Brazilians who live in the *favelas* (slums) of the mega-cities, particularly women and children. Extreme urban misery, poverty and hunger is closely linked to the problem of the rural poverty and landlessness. Rapid urbanization has been the result of a continued concentration of land, the loss of farming livelihoods and the search for employment and better conditions of labour in the cities. But in the crowded *favelas* of Brazil’s mega-cities, unemployment is a widespread, structural problem. Unemployment has increased from 5 per cent in 1994 to 7.7 per cent in 2001, yet this reflects only the formal sector.¹² Most people do not have regular jobs and struggle to feed themselves and their families by doing “piecework” (bits of work wherever and whenever they can find it). Extremely low wages, even for permanent work, are the key source of food insecurity. Poverty and misery contribute to high levels of urban criminality. Many poor young men end up in prison, some driven to petty crime or involvement with the drug mafias. Conditions in Brazil’s urban *favelas* are sometimes terrible: overcrowding (including up to 12 people living in one small room, as the Special Rapporteur saw in Sao Joao de Meriti) contributes to problems of domestic violence, child sex abuse, as well as unsanitary and unhygienic conditions for the preparation and consumption of food. In the slums of Alagados, Sao Salvador de Bahia, where huts are built on stilts over the water for lack of space on the land, human waste pollutes the waters below for lack of any proper sanitation. In Brasilia, thousands of people live in an “illegal settlement” on the municipal rubbish dump, making a desperate living from other people’s waste.

12. There are vast disparities between regions. The poorest region is the North-East, particularly Maranhão and Bahia.¹³ Malnutrition levels are much worse in the North-East (17.9 per cent of children are stunted) than in the South (5.1 per cent). More than 80 per cent of families in rural areas and 10 per cent of families in urban areas still do not have permanent access to clean, safe drinking water.¹⁴ Poverty and hunger in Brazil is also predominantly black.¹⁵ Over 45 per cent of the population define themselves as black or Afro-Brazilian, and

many black groups are now challenging the “myth” of Brazil’s “racial democracy”. The level of poverty for blacks is double that for whites, black illiteracy levels are two and a half times that of white illiteracy and the difference in incomes is vast - blacks earn on average only 42 per cent of a white salary. Gender discrimination is also linked closely, with poverty most keenly felt by women, who often have incomes far lower than men. Afro-Brazilian women suffer double discrimination - their incomes are even lower than those of white women.¹⁶

13. The key issue in Brazil is the vast inequities in the distribution of resources. As Brazil’s President, Fernando Henrique Cardoso, said in 1994 “Brazil is no longer an underdeveloped country; but it is an unjust country.”¹⁷ Brazil is one of the most unequal countries in the world¹⁸ and the Government recognizes the result: “a perverse social symmetry, where the richest 10 per cent appropriate 50 per cent of family incomes, mirroring the fact that the poorest 50 per cent possess only 10 per cent of income”.¹⁹ Although Brazil is categorized as an upper-middle income country in terms of per capita income, it still has levels of poverty, undernourishment and malnutrition that are far higher than most other middle-income countries.²⁰

II. LEGAL FRAMEWORK FOR THE RIGHT TO FOOD IN BRAZIL

A. International obligations

14. Brazil has ratified without reservations all the major international conventions relevant to the right to food. Brazil is party to the International Covenant on Economic, Social and Cultural Rights, the most important human rights instrument for the right to food. This means that the Government has committed itself to respect, protect and fulfil the right to food (see the explanation of these commitments in the preliminary report of the Special Rapporteur on the right to food, A/56/210). In becoming party to this treaty, Brazil is also required to submit regular reports on the implementation of its obligations to the Committee on Economic, Social and Cultural Rights. The Special Rapporteur welcomes the fact that the Government has submitted a report to the Committee, and the submission of an important shadow report by Brazilian NGOs. These reports will be examined by the Committee during its session in 2003.

15. The Government has also committed itself to a number of other treaties relevant to the right to food, including the International Covenant on Civil and Political Rights (see article 6), the Convention on the Rights of the Child (see articles 24 and 27 on child nutrition) and the Convention on the Elimination of All Forms of Discrimination against Women (see articles 12 and 14). The Government is also committed to addressing the right to food through regional instruments, including the Additional Protocol to the American Convention of Human Rights (see relevant article 12).

B. National constitutional norms

16. In 1988, at the end of almost 20 years of military dictatorship, Brazil adopted one of the most progressive constitutions in the world. The groundbreaking Constitution, notable for its inclusion of economic, social and cultural rights, reflects the broad participation of Brazilian

civil society in drawing up a vision for Brazil's future. The preamble of the Constitution places a primary focus on ending inequality and promoting social rights. The "fundamental objectives" of the Federative Republic of Brazil are defined in article 3 as:

To build a free, just and solidary society [and] to eradicate poverty and sub-standard living conditions and to reduce social and regional inequalities.

17. The Brazilian Constitution does not make specific provision for the right to food per se, but it does provide for a wide range of "social rights", and the right to food can be derived from other rights in the Constitution (e.g., rights to a minimum wage, agrarian reform, social assistance, education, non-discrimination and the right to life). At the time of the writing of this report, an important new amendment was being proposed by Senator Antonio Carlos Valadares to include the right to food as a social right under article 6.²¹ The Special Rapporteur recommends the adoption of this proposal, and also of the proposal of Senator Eduardo Suplicy to legislate for a basic minimum income for all Brazilians.

18. Agrarian reform figures prominently in the Constitution, with a specific provision that allows land expropriation for land redistribution. Expropriation is allowed in specific cases where the "social function" of land is not being fulfilled e.g. where land is not being actively cultivated. Under the Constitution, providing school lunches is also included as an important element for ensuring school attendance.²² In regulatory legislation, the universalization of the *merenda escolar* programme (school lunches) across Brazil's municipalities means that the Government has committed to providing a school lunch to every child in every school. Under the Constitution, the Government is also committed to non-discrimination and special protections for vulnerable groups, indigenous peoples and Afro-Brazilians, including issuing property titles to the Quilombo communities (originally clandestine communities of escaped slaves).²³

19. Brazil's Constitution is also special in that it allows for the immediate recognition of international treaties in Brazil's national law. Under article 5 of the Constitution, the rights and guarantees in international treaties to which Brazil is party, are considered part of national law.²⁴ Article 5 also provides that all fundamental rights and guarantees (which includes all human rights under the Brazilian Constitution) can be immediately applicable. This means that the Constitution provides a framework for the right to food to be justiciable; violations of the right to food could be brought before a court of law and Brazilian judges could base their competence directly on international instruments. In practice, however, this is rarely applied, and Brazil's relatively conservative judicial system generally still does not consider economic, social and cultural rights as justiciable, unlike advances being made in other countries.²⁵

C. Other national laws and institutions

20. Significant progress has been made in setting up human rights institutions and in opening up Brazil's human rights record to international scrutiny. In 1996, a National Programme for Human Rights was adopted and a new institution created to monitor its implementation - the State Secretariat for Human Rights, based within the Ministry of Justice. This represents

significant progress, although Brazil still does not have a fully independent human rights institution that operates in line with the Paris principles. In 2002, a new updated national programme was adopted which includes greater emphasis on economic, social and cultural rights. The programme now specifically recognizes the right to food and outlines a series of measures which must be implemented (in articles 442-457) including cutting regressive taxes on essential food to reduce food prices and to make food more accessible to the poor.²⁶

21. The institution of the Federal Public Prosecutor (the *Ministerio Publico Federal*) has an independent mandate guaranteed under the Constitution to investigate the actions of Government and to ensure compliance with constitutional obligations. Public prosecutors, at both the federal and the state level, can initiate “civil suits” (similar to “class actions”), on human rights violations, including cases of economic, social and cultural rights, and have special responsibility to protect indigenous peoples’ rights. However, the Special Rapporteur was concerned that a shortage of resources and the small number of public prosecutors, at federal and state level, make it difficult for the Public Ministry to fulfil its very broad mandate. Of the 600 federal public prosecutors, only around 100 work on issues of economic, social and cultural rights, making it often difficult to put real focus on the issue of the right to food.

III. POLICY FRAMEWORK TO ADDRESS FOOD INSECURITY AND THE RIGHT TO FOOD

A. Government policies for food security and the right to food

22. At the time of the visit of the Special Rapporteur, Brazil had no overarching national policy on food security or the right to food. However, a wide range of different policies and programmes have been placed to address poverty, hunger and malnutrition, even though these are not articulated within an overarching framework of the right to food or food security. Some of the policies and programmes have, however, included important references to the right to food, including for example, the national policy on food and nutrition of the Ministry of Health, partly as a result of NGO advocacy on the right to food.

23. During the visit of the Special Rapporteur, President Cardoso announced an important new initiative: the creation of a new “National Council for the Promotion of the Human Right to Food in Brazil” (CNPDA) within the Ministry of Justice, to be composed of representatives of both Government and civil society. The Special Rapporteur welcomes this important initiative and recommends that this Council be given a strong mandate for monitoring the implementation of Brazil’s obligations with respect to the right to food.

24. President Cardoso also presented the Special Rapporteur with a valuable document outlining the range of different government policies and programmes relevant to the right to food, entitled “Food and nutrition security and the right to food in Brazil: Document elaborated for the visit to Brazil of the Special Rapporteur on the right to food of the United Nations Commission on Human Rights.”²⁷ The document is important as the Government has based it on the understanding of the right to adequate food articulated in General Comment No. 12 (1999) of the Committee on Economic, Social and Cultural Rights. It shows how policies and programmes of different ministries and departments can be brought together under an overarching framework of the right to food.

25. The government report brings together a list of the following government policies and programmes, all of which it believes are relevant to the right to food:

- (a) Ensuring availability of food;
- (b) Improving accessibility of food;
 - Employment generation;
 - Minimum wage;
 - Agrarian reform;
 - Supporting small-scale farmers;
 - Minimum income programmes (elements of a safety net), including innovative income-transfer programmes (*Bolsa Alimentação, Bolsa Escola*); *Merenda Escolar*;
- (c) Nutrition programmes;
- (d) Public health and food safety programmes;
- (e) Assistance to vulnerable social groups, reducing discrimination; and
- (f) Increasing total social spending.

26. The government report recognizes that accessibility of food is the key issue in Brazil.²⁸ It shows that there is enough food produced in Brazil to feed all Brazilians, but recognizes that 22 million Brazilians do not get enough to eat each day. Government programmes therefore focus on improving access to food. In summary, these include employment-generating programmes, better enforcement of the legally established minimum wage, better support for small-scale farming and a broader and faster programme of agrarian reform to meet constitutional obligations to redistribute land to the landless. These programmes are important and are described in greater detail in the longer version of the report and in the government report which is available.²⁹

27. The Special Rapporteur welcomes these programmes, but during his visit he became aware of concerns that unemployment levels are rising in Brazil and the minimum wage (R\$ 180 per month in March 2002) is too low to guarantee access to adequate food and is sometimes not enforced. He believes that the new emphasis on speeding up agrarian reform is extremely important, but also became aware of problems in its implementation, given that it is proceeding too slowly and only a small proportion of social spending goes on land reform. Given the lack of adequate support in terms of credit, tools and infrastructure and the often poor quality land, it is also difficult for a real agrarian reform to succeed. Concerns have also been raised by social movements and NGOs that a World Bank-backed market-based agrarian reform being simultaneously implemented is undermining the existing process of agrarian reform provided for

in Brazil's Constitution. Similarly, support for small-scale farming has been insufficient and national agricultural policy seems to predominantly focus on export-orientated, large-scale agriculture.

28. The government report also outlines a number of innovative programmes that the federal Government has introduced to combat poverty, hunger and malnutrition and to change patterns of clientelism, whereby regional elites and local governments often exercise control over resources at the expense of targeting programmes towards the poor. These innovative programmes constitute elements of a safety net, attempting to provide a basic minimum income for poor families, through cash transfers to ensure families can buy enough food. These programmes include the *Bolsa Alimentação* (food bonus) and the *Bolsa Escola* (school bonus), and another programme *Merenda Escolar* (school lunch) which try to improve access to food. The Special Rapporteur believes that the design of these programmes could provide valuable examples that could be drawn from in other regions of the world, although he notes that there are also some problems in the practical implementation of these programmes. The positive initiatives put in place by the federal Government can still be limited in their effectiveness by resistance of municipal and state governments and local elites and by a lack of adequate resources.

29. The *Bolsa Alimentação*, for example, is an innovative programme that provides R\$ 15 per month income support to poor mothers with children (aged 6 months to 7 years) who are considered to be at nutritional risk. A direct payment is made to the mother who can withdraw the cash from a bank. Part of the aim of this cash transfer system is to reduce the possibilities for corruption and clientelism³⁰ by some municipal authorities, which existed with the distribution of food baskets. In the past, distribution of *cesta basicas* had sometimes been used as a way of maintaining political power and buying votes and loyalty, and did not always go to the most vulnerable families. The new system seeks to overcome clientelism by giving money directly to the families. However, in practice there remain problems in implementation because the registration process has to be carried out by the municipal authorities, and there is no monitoring mechanism to ensure that those registered are the most vulnerable families. In addition, no time limit has been set and the *cadastro* (register) has not yet been completed in many municipalities, partly through lack of resources. While an innovative programme, the *Bolsa Alimentação* programme so far still has a low coverage, reaching only around 300,000 out of a target of 3 million poor families. In terms of the impact on poor families, it must also be recognized that the current payment of R\$ 15 per child per month has a relatively modest impact on overall levels of malnutrition and poverty, although it does provide some extra income to purchase food.

30. The innovative *Bolsa Escola* programme also provides R\$ 15 per child (aged 6-15) in income support to families in order to encourage families to send children to school. This has had an important impact on reducing the prevalence of child labour and also adds to incomes to purchase food. However, in practice, this programme is also limited to the extent that it has not yet been widely implemented across Brazil's municipalities and adequate resources have not been made available. It was reported that only 29.1 per cent of the funds allocated in the 2001 budget for *bolsa escola* were spent during the year³¹ (partly as a result of strict IMF requirements to maintain a primary budget surplus to support repayment of Brazil's US\$ 274 billion debt).³² There are also difficulties in targeting these kinds of programmes

towards the poorest, given that a condition of participation is an address and fixed residence. In Brasilia, the Special Rapporteur visited extremely poor families living in makeshift cardboard huts off the edge of a main road, who had no access to any government programmes because they lack a fixed residence (and who are reportedly frequently evicted by the authorities).

31. Another innovation by the Brazilian Government is the universalization of the *Merenda Escolar* (school lunch) programme.³³ This means that every child at school in Brazil is entitled to one meal a day in school. Funds are provided by the federal Government to the municipalities, who make the funds available to schools. Nonetheless, in practice, the Special Rapporteur found that in some examples the funds made available were insufficient. One school that the Special Rapporteur visited in the Alagados of Salvador was only able to feed all the children the *merenda escolar* because it received funds not only from the federal government programme, but also from local church and civil society organizations.

32. The government report also outlines a variety of other important programmes to combat malnutrition, including nutrition education, promotion of maternal breastfeeding and the setting of standards for and monitoring of food quality and hygiene. It also describes new government programmes to combat discrimination in Brazil, including the establishment of a National Council on the Rights of Women, a National Council to Combat Discrimination and affirmative action programmes for Afro-Brazilians. These are positive advances, although the Special Rapporteur was concerned to hear from leaders of the Afro-Brazilian movement in Salvador and Bahia, including Ile Aye, the Centre of Afro-Asian Studies in the Federal University in Bahia, the leaders of *candomblé* and representatives of the Domestic Servants Union, that little impact of these new programmes had yet been seen on the ground. These leaders spoke of the continued discrimination suffered by Brazil's Afro-Brazilians, including discrimination in employment and access to resources, and the black population remains the poorest of the poor. While there has been some progress on recognizing the lands of black Quilombo communities, there still has been no official census of Quilombo communities making it difficult to delineate their lands.

33. It should be noted here that the government document provides a summary of *federal* government programmes and policies to address the right to food. However, responsibility for social policy is shared between the federal, state and municipal authorities.

34. The Special Rapporteur was able to visit some positive programmes initiated at the level of state governments. For example, in the state of Rio de Janeiro, a *restaurante popular* has been set up by the Governor, at which anyone can cheaply eat a nutritious meal for R\$ 1 in central Rio. Other initiatives include the distribution of the "*sopa da cidadania*", a vitamin-enriched soup, and a programme to ensure babies are registered for their identity documents at birth. In the state of Rio de Janeiro, 9 per cent of the population (1.26 million people) do not have a birth certificate. The Special Rapporteur was concerned to learn that, in Brazil as a whole, 20 million Brazilians are not registered, which means that they have no legal identity as citizens and consequently little access to social programmes or to justice. The Special Rapporteur also welcomed initiatives of the state authorities of Rio Grande do Sul. The model of *participatory budgeting* used in Rio Grande do Sul, notably in Porto Alegre, should serve as an example for other states in Brazil and other countries around the world.

B. Activities of non-governmental organizations and social movements

35. Brazil has an extremely strong and vibrant civil society, with a strong history of working on issues of food and nutrition security, as well as economic, social and cultural rights.

36. During the 1990s, a mass anti-hunger movement named *Ação Cidadania contra a Fome e Miséria e pela Vida* (Citizens' Action Against Hunger and Poverty and for Life) grew out of the social "Movement for Ethics in Politics". They campaigned that hunger in a country as rich as Brazil amounted to corruption and that extreme socio-economic inequality was an obstacle to Brazil's ongoing democratization. At its height, Citizens' Action mobilized more than 30 million people, almost 20 per cent of Brazil's population, in more than 7,000 local committees undertaking many different activities: food distribution, capacity-building, urban vegetable gardens, income and job-generation projects, professional training, reintegration of street children, support for agrarian reform, literacy programmes, popular education, as well as many other activities. This mass mobilization also led to the establishment of a government institution to deal with hunger and malnutrition, the Council for Food Security (CONSEA), but social movements and NGOs were frustrated by the abolition of this Council when President Cardoso came to power.

37. National preparations for the 1996 World Food Summit provided fertile ground for the meeting of different NGOs working on food security, nutrition and human rights issues, which ultimately resulted in the convergence on a new local concept of the "right to food and nutrition security", recognizing the socio-economic and nutritional aspects of the right to food. In 2002, human rights organizations, led by GAJOP, appointed a series of national special rapporteurs (based on the model of the international human rights system), including a national Special Rapporteur on the Right to Food to report domestically on the right to food.

38. There are also a number of other strong social movements whose activities are closely linked to the right to food. The MST, or Landless Worker's Movement, one of the strongest peasant movements in the whole of Latin America and the base of the global *Via Campesina* peasant movement, has long been fighting for agrarian reform and right to land to enable people to feed themselves. This movement has emerged out of frustration at the extreme concentration of land in the huge estates of rich landowners (*latifundios*), the practice of *grillagem* (land-grabbing), and the ongoing process of the modernization and liberalization of agriculture, which is pushing even more peasants off their land. As land translates into social and economic power in Brazil, many landowners continue to control vast tracts of land that lie uncultivated. Frustrated by the sometimes slow action of Government to meet constitutional promises to expropriate land which does not serve to fulfil a "social function", MST have taken the initiative to occupy uncultivated lands and cultivate it themselves. Vibrant and hardworking communities have been set up in occupied land (*accampamentos*) and over the years, the MST has been successful in gaining legal title to some of this land (*assentamentos*). The Special Rapporteur visited *accampamentos* and *assentamentos* in the region of Petrolina in Pernambuco. He was also concerned by the lack of action by the authorities to reappropriate clearly uncultivated land in the particular case of Usina Aliança.³⁴ The Special Rapporteur believes that agrarian reform must play a fundamental part in meeting the right to food in Brazil and believes that the role of

MST is overall a beneficial one. He is concerned by recent campaigns to discredit the MST and to reduce their ability to take action. The Special Rapporteur recommends that a May 2000 law stipulating that rural property that has been occupied will not be inspected for agrarian reform purposes for two years following the end of the invasion, be revoked.³⁵

39. A vast number of organizations are working on a range of projects in different regions of Brazil. In Juazeiro, in the semi-arid region of Bahia, the Special Rapporteur visited the Diocese, which is working with Caritas Brazil, CPT, FIAN, CRS and ASA (Coordination of the Semi-Arid Region) to build small water tanks to conserve rainwater as desperately needed drinking water for families in this arid region. The Special Rapporteur was concerned at reports that local authorities, including municipal *prefeitos*, have attempted to obstruct or prohibit the efforts of civil society to construct these water tanks. Water, like food, has long been used as a means of power and control in Brazil, with elites (“elites” defined as the political and economic classes who traditionally hold power in Brazil, as per Bastide)³⁶ providing water and food in return for loyalty and votes - such as providing a water truck from time to time. Elites are therefore unwillingly to lose their hold over local populations that they maintain through giving favours. In some regions, these persistent forms of clientelism continue to undermine the understanding of rights as also belonging to the poor.

40. In Sao Joao de Meriti, one of the most highly populated municipalities of Baixada Fluminense on the periphery of Rio de Janeiro, the Special Rapporteur was presented with a survey conducted by social and church organizations showing that 25 per cent of Sao Joao de Meriti’s children were at nutritional risk, and 6.6 per cent were found to be severely malnourished. The Special Rapporteur attended a meeting in which Dom Mauro Morelli proposed a “municipal plan for combating child and mother malnutrition and for the rights of the child” to the *Prefeito* Antonio de Carvalho. The Special Rapporteur urges *Prefeito* Carvalho to implement this plan. The Special Rapporteur was also impressed by the work of many other organizations across Brazil. He visited soup kitchens, which were providing the only means of survival for malnourished people, and other projects aimed at improving nutrition such as the promotion of *multimistura*, a mix of locally available nutritionally rich plants, used to enrich daily food.

IV. MAIN FINDINGS AND CONCERNS REGARDING THE REALIZATION OF THE RIGHT TO FOOD

A. Progressive realization

41. Like other economic, social and cultural rights, the right to food is qualified to the extent that it must be achieved progressively and to the maximum of available resources.³⁷ The principal obligation is to progressively achieve the full realization of the right to adequate food.

42. The Special Rapporteur welcomes the positive progress that has been made in Brazil in reducing child malnutrition and child mortality and in reducing poverty and undernourishment over the 1990s. However, he believes that, given the level of resources in Brazil, more progress could have been made in addressing poverty and inequality in general. While poverty has certainly decreased over the 1990s in relative terms, much of this reduction has been due to the

fact that poverty was at exceptionally high levels in the early 1990s as a result of inflation. The control of inflation has had an important impact on reducing poverty that arose out of hyperinflation. However, government programmes seem to have had relatively small overall impacts on reducing underlying structural poverty and hunger. In absolute terms, more people are suffering from poverty now than 20 years ago (54 million compared to 52 million).³⁸ Brazil remains one of the most unequal countries in the world, and economic growth has benefited the rich more than the poor, as the result of this persistent inequality.³⁹

43. Brazil also has unusually high levels of poverty and hunger compared to other countries with a similar GNP. The Special Rapporteur is therefore concerned that Brazil has not used the *maximum available resources* to address the situation of hunger and malnutrition. According to the World Bank “theoretically and in aggregate, Brazil has the resources necessary for solving its poverty problems”.⁴⁰ While total federal social spending in Brazil increased over the 1990s, it is not well targeted towards the poorest. The World Bank estimates that only 14 per cent of social spending goes to the poorest.⁴¹ Spending on the programmes that benefit the poorest (*bolsa alimentação*, etc.) is very low. Most of social spending is on pensions, health, and unemployment insurance, which are important but still mainly benefit the better-off. Strong resistance from Brazil’s elite and middle-classes to social spending reform makes it difficult to reorient social spending towards the poor, perpetuating and deepening existing social inequalities. Resistance to tax reform also means that it is difficult to increase the resources available for redistribution. The Special Rapporteur also recognizes that fiscal constraints imposed by the IMF means that some of the funds allocated for social projects are not being spent.

44. In terms of the legal framework governing the right to food, the Special Rapporteur was encouraged by progress in the protection of the right to food, through the establishment of the National Council and the second National Programme of Human Rights. However, he was concerned to note that economic, social and cultural rights are not considered justiciable by Brazil’s often conservative judiciary. He was also concerned to note effective regression in the institutional protection of the right to food that had resulted from discontinuities in government policies, notably the abolition of CONSEA in 1994 by the Cardoso government. He was also concerned by the continued structural weaknesses in Brazil’s judicial system which leaves access to justice of the poor problematic.

B. Violations of the right to food

Observations of the Special Rapporteur

45. In Sao Paulo, the Special Rapporteur made unannounced visits to prisons and police stations to examine the right to food of prisoners and detainees. In the prisons, but particularly in the police station lock-ups (where 10,000 prisoners are held), there were clear and shocking violations of the right to food. For example, at the 44th Distrito Policial, in each tiny cell (4 by 4 square metres), up to 32 persons were being detained in conditions of extreme overcrowding and unhygienic squalor, deprived of all human dignity. Although prisoners were provided with daily food, conditions for the consumption and storage of food were appalling. Food was kept in unsanitary conditions beside a single toilet. No drinkable water was available in the cells, and it was reported that detainees had to buy water from guards at a high price.

Legally, prisoners cannot be detained in police stations for more than 48 hours without a court hearing, but some pre-trial detainees had spent more than a year in these cells. Others had been sentenced, but had not been transferred to prisons because of lack of prison space. Others had even finished their sentences, but were not let out, given slow, inadequate bureaucratic judicial and administrative procedures. At the request of the Special Rapporteur, a delegation of the Commission of Human Rights of the *Ordem dos Advogados* in Brazil subsequently visited the police station and also characterized the situation as terrible.⁴² The Special Rapporteur urgently awaits a response from the Brazilian authorities to his appeal regarding conditions in the police *delegacias*.⁴³

Documented allegations by non-governmental organizations and social movements

46. A vast number of allegations of human rights violations have been recorded in relation to the fight for land of the rural landless workers.⁴⁴ Often land occupations are met with violent repression and killings, both by private forces of landowners and by police forces. CPT (*Comissão Pastoral da Terra*, or Pastoral Land Commission), a Catholic organization which works with landless workers, believes that a climate of impunity enjoyed by landowners, a fragile justice system and the collusion of local political authorities continues to encourage serious human rights abuses of landless activists. CPT presented a report to the Special Rapporteur recording that between 1988 and 2000, a total of 1,517 rural peasants were killed in Brazil.⁴⁵ In the year 2000, CPT alleges that 21 rural workers were murdered, 98 were victims of attempted murder, 82 were victims of murder threats, 27 were tortured, 95 were physically aggressed, 365 were put in jail; 6,852 families were forcibly evicted, 11,947 were victims of threats of eviction, 2,108 people were victims of destruction of their houses.⁴⁶

47. An international NGO, FIAN (Food Information and Action Network), reported particularly high levels of violence in the state of Pará, alleging that just in that state, more than 700 rural workers, landless activities, union leaders, lawyers, and members of the parliament were killed with impunity between 1971-2001.⁴⁷ One of the cases to have remained etched in the consciousness of most Brazilians is the 1996 massacre of 19 landless peasants at Eldorado do Carajás in Pará. Pressure from civil society led to the case finally being brought before a civil court in 2002. At the time of writing this report, a sentence had been handed down to one out of the three police officers in charge of the operation to clear landless demonstrators. However, the local responsible authorities, including the Governor of Pará, the Secretary of Public Security, and the Chief of the military police, have not been brought to justice. There is an urgent need, where local authorities are implicated, for trials to be held at the federal, rather than state level, so that political pressure does not affect the independence of judicial decision.⁴⁸

48. Other human rights abuses also continue to be prevalent. CPT reported allegations of continued existence of forced labour in Brazil. Between January 2001 and November 2001, 2,215 people were identified as working in slavery-like conditions.⁴⁹ CPT defines this as workers who are deprived of their fundamental liberty and kept captive in degrading working conditions, either through withholding of identity documents, debt, through the capture by armed militias. The Special Rapporteur commends the Government for establishing an Executive Group for the repression of forced labour and a Special Group for mobile inspection, and recognizes that forced labour has decreased in Brazil.⁵⁰

49. The Special Rapporteur also received a document on extreme poverty from the Brazilian Platform for Economic, Social and Cultural Rights, alleging 64 cases of violations of the right to food and housing.⁵¹ Most of these cases relate to the extreme poverty in which many individuals and families live in all parts of Brazil. They are testimonies to the suffering of Brazilians from an economic policy that is failing to allow Brazilians to feed themselves.

50. In another document submitted to the Special Rapporteur,⁵² FIAN signalled that nearly 5,000 smallholders and workers out of 47 communities might soon be expelled from their land through the construction of the Irapé dam in Alto Jequitinhonha. The 205-metre-high dam will submerge nearly 14,000 hectares in seven municipalities. Compensation for displacement being proposed by the state company Companhia Energética de Minas Gerais (CEMIG) is reportedly inadequate. The Special Rapporteur calls on the state and federal Government to review this project and to follow the Guiding Principles on Internal Displacement and the World Bank Guidelines on Resettlement for all cases of forced displacement.⁵³

C. Obstacles to the realization of the right to food

51. The Special Rapporteur believes that there are a number of key obstacles to achieving the full realization of the right to food in Brazil.

52. The first obstacle to fully realizing the right to food is the clash of development paradigms in Brazil and the conflict this generates between the Government and many civil society organizations. The Government has mostly focused on a neoliberal market model, which has favoured economic growth, but has failed to significantly reduce inequality. The current agricultural model, focused on liberalization and exports, has increased Brazil's production and made it one of the world's leading exporters, yet 22 million Brazilians do not have access to enough food each day. Much of civil society is driven by an alternative vision of social justice and the elimination of hunger and social inequality. Many NGOs have recorded that the benefits of economic growth are failing to trickle down to Brazil's poor, largely because of existing high levels of inequality. Wages are often very low, and productivity and profit gains are not being passed on to workers. Joao Pedro Stedile, one of the MST's most prominent leaders, argues that the current market model is producing greater hunger, poverty and marginalization. He sees current agricultural policy and the landless problem as intimately linked with extreme urban misery, as people are forced to migrate to the cities, feeding into the vicious circles of violence, repression and human rights abuses in both rural and urban areas.⁵⁴

53. The Special Rapporteur found that growth in agricultural production has not eradicated hunger. Nor has economic growth been enough to improve access to food, suggesting that the market model has proved insufficient to guarantee the right to food. Export orientation of agriculture and the import of cheaper food crops has also failed to feed all the poor. A trade-based strategy for food security is therefore not the answer to persistent hunger and malnutrition in Brazil. Although insufficient access to European and North American markets constitutes a clear obstacle to Brazil's further agricultural development, if this access is improved few of the benefits of greater agricultural exports are likely to trickle down to Brazil's hungry. Add-on social safety net programmes, while important, have also been unable to fully protect the right to food given limits on social spending and resistance to reform. Social

spending has been cut back under IMF demands to maintain a primary surplus in order to prioritize the payment of Brazil's debts, leaving discrepancies and a lack of transparency between the "funds allocated" to projects and the funds actually spent on social projects. In this sense, Brazil's debt and the IMF's stringent demands for fiscal surpluses also constitute an obstacle to realizing the right to food in Brazil.

54. In some regions, quasi-feudal structures and clientelistic relations between the poor and the powerful Brazilian families still constitute an obstacle to the realization of the right to food. The instrumentalization of food and water in order to maintain power and buy votes persists. The halting progress of land reform, lack of limits on land concentration and lack of implementation of tax reforms and social spending reforms is largely due to the resistance of some segments of the middle and upper classes, including some members of Congress. The relatively low levels of tax received from the rich in Brazil also constitutes an obstacle to increasing social spending and the resources available for implementing the right to food.⁵⁵

55. A certain climate of impunity for human rights abuses also constitutes a serious obstacle to the realization of the right to food. Structural weakness and occasional corruption within the legal system mean that those who have political connections sometimes benefit from impunity. The poor often live in fear of the conservative judicial system and are reluctant to use the courts to redress even the most basic violations of human rights. The slowness of the courts and the very low ratio of judges - one per 25,000 people - also contribute to this ineffectiveness. Although under Brazil's Constitution, economic, social and cultural rights are justiciable, in practice, Brazil's conservative judiciary does not take this into account and therefore it is difficult to seek remedy for violations of the right to food. A misunderstanding of human rights as "bandit's rights" by some sectors of society, which portrays human rights as only belonging to convicted criminals and therefore not worthy of support, also limits the realization of human rights.

56. Brazil's laws and decrees do not generally provide for effective remedy, either administrative or judicial, in cases where the policies are not implemented effectively or reaching the hungry and the poor. For example, the legislation on safety-net programmes (e.g., the *bolsas*) does not provide a mechanism for monitoring, control or remedy. In a rights-based approach, effective monitoring mechanisms should be incorporated into the regulatory and legal framework to ensure that programmes are implemented and do reach their intended beneficiaries within a specified time limit.

V. CONCLUSIONS AND RECOMMENDATIONS

57. The Special Rapporteur believes that Brazil has made important advances in terms of the protection of the right to food at the legal level and has designed several innovative programmes to address poverty, hunger and malnutrition. However, there remain problems in implementation of these programmes. The Special Rapporteur also believes that the Brazilian Government should use a greater proportion of resources to meet its obligation to progressively realize the right to food. The Special Rapporteur recommends that:

(a) The mandate of the new National Council for the Promotion of the Human Right to Food in Brazil should include monitoring the realization of the right to food. It should follow the Paris principles and be independent with effective participation of civil society;

(b) A national law on the right to food should be instituted to improve the protection of the right to food in Brazil and improve justiciability. Better understanding of all human rights, including the right to food, must be promoted across Brazil. Legislation on programmes related to hunger and malnutrition should include time limits for implementation and effective remedies (e.g., for the *bolsa* programmes) to promote government accountability and ensure that they reach the most vulnerable families. The proposed amendment to article 6 of the Constitution to include the right to food as a social right should be passed;

(c) Impunity for human rights violations must be addressed. Independence of national human rights institutions and the judicial system should be promoted. In cases where state authorities may be implicated in human rights abuses, cases should be tried at the federal level, as in e.g., the massacre in Eldorado de Carajas. Adequate resources for institutions, including the public prosecutor, should also be ensured. The number of federal public prosecutors should be increased to enhance capacity to investigate violations of the right to food. Improved judicial and administrative mechanisms of redress and accountability should be instituted. Implementation of the right to food should include better access to effective mechanisms for redress and accountability for the poor. Discriminatory practices within the judicial system and the lack of access of the poor to justice should be eliminated;

(d) More resources should be made available for addressing poverty, hunger and malnutrition. Reducing poverty and inequality will be important for public security, and will be more effective and less costly than a brutal, repressive law enforcement apparatus. There should be an end to the system of imprisonment in police stations for periods longer than 48 hours without a court hearing, to ensure compliance with both national and international standards. Actions to improve the often inhuman and unsanitary conditions of prisoners should be taken immediately;

(e) The current economic model should be reviewed to examine the impacts of macroeconomic policy and trade liberalization on poverty and social inequality. It should be ensured that the benefits of economic growth are more evenly distributed. Tax reform should be implemented to reduce the emphasis on regressive taxation, particularly tax on food consumption;

(f) Agrarian reform should be implemented more rapidly. Expropriation and granting land titles should be speeded up. The projected law on limiting the size of landholdings should be implemented. Efforts to prevent *grillagem*, or land-grabbing, should be intensified. Resistance of some quarters of the political and economic elite to agrarian reform should be challenged, by offering compensation for land but without resorting to market-based mechanisms of land reform if these do not promote effective redistribution. The May 2000 law which stipulates that rural property that has been occupied will not be considered for agrarian reform purposes, should be revoked. Small-scale agriculture should be supported;

(g) More resources should be made available to enable the extension of the coverage of social safety net programmes, including *bolsa alimentação* and *bolsa escola* should be extended. Adequate resources should be provided for conducting cadastral surveys and a time limit set for a rapid and fair implementation. The level of the minimum wage should be enforced and raised to a level adequate to meet minimum daily food needs;

(h) Reform of social spending should be pursued to ensure that more resources are targeted towards the poorest. It should also be ensured that IMF requirements for budget surpluses do not limit the “available resources” in ways that prevent the realization of the right to food in Brazil. Social programmes should not be disproportionately penalized by IMF budget restrictions;

(i) Efforts to challenge relations of clientelism and the instrumentalization of food and water as a mechanism of maintaining political and economic power should be stepped up. Sustainable, community-controlled access to water for the poor in Brazil’s semi-arid region should be made a priority to eliminate clientelism. Government authorities as well as other political and economic elites should be held accountable if enforced control of resources, including land, food and water affects the right to food and water of the poor;

(j) The initiative of non-governmental organizations to appoint national special rapporteurs on human rights issues, including a special rapporteur on the right to food, should be granted the support to operate effectively;

(k) The Special Rapporteur recommends that the Government of Brazil defend the right to food in the ongoing Millennium Round of trade negotiations under the framework of the WTO. The Special Rapporteur advocates the right to food and the concept of food sovereignty⁵⁶ to ensure the primacy of the people’s right to food and food security;

(l) Finally, the Special Rapporteur recognizes the important progress accomplished by the federal Government in its fight against hunger and malnutrition. However, the persistence of hunger and malnutrition in a country so powerful and rich in economic resources as Brazil should not be tolerated. State obligations to fulfil the right to food should be reviewed in the context of the overall level of state resources. In a country with such an abundance of resources, it should be possible to ensure the right to food of all Brazilians. As Jean-Paul Sartre has said, “Time is not an abstract entity, it is human life.” The silent daily suffering of so many millions of hungry and malnourished Brazilians must be stopped.

Notes*

¹ Josué de Castro (1952): *The Geography of Hunger*. New York.

² From 15.7 per cent to 10.5 per cent between 1989 and 1996. IPEA, SEDH, MRE (2002): *A Segurança Alimentar e Nutricional e o Direito Humano a Alimentação no Brasil: Documento elaborado para a visita ao Brasil do Relator Especial da Comissão de Direitos Humanos da Organização das Nações Unidas sobre Direito a Alimentação*. Document elaborated by the Institute of Applied Economic Research, the Secretary of State for Human Rights and the Ministry of Foreign Affairs (hereafter IPEA 2002).

³ In 2000, 33 out of every 1,000 children die before age 5 compared to 48 in 1990.

* Endnotes to this report are reproduced as submitted.

⁴ UNDP: *Human Development Report 2002*.

⁵ The definition of the Extreme poverty line (“indigence” line) means that people living below this line are people whose income cannot guarantee the most basic need: food. Of a total population of around 170 million people, 54 million Brazilians live below the poverty line, and 22 million women, children and men suffer from extreme poverty. IPEA: 2002.

⁶ Projeto Fome Zero, Instituto Cidadania, Fundação Djalma Guimaraes (2001): *Uma Proposta de Política de Combate a Fome no Brasil*.

⁷ Personal communication with Special Rapporteur.

⁸ Ministry of Health (2000): *Política Nacional de Alimentação e Nutrição*.

⁹ The FAO estimates availability of 2,960 kilocalories per person per day in Brazil, significantly above the recommended minimum of 1,900 kcal/person/day. IPEA: op. cit. (note 4).

¹⁰ Global Justice Center, Pastoral Land Commission, and the Landless Workers Movement: “Agrarian Reform and Rural Violence” in *Global Justice: Human Rights in Brazil 2000*.

¹¹ 1996 Census of Agriculture in Brazil.

¹² IPEA 2002.

¹³ World Bank (2001): *Attacking Brazil’s Poverty: Volume I*. Washington.

¹⁴ IPEA 2002.

¹⁵ Henriques, Ricardo 2001 “Desigualdade Racial no Brasil: Evolução das Condições de Vida na Década de 90”, IPEA: Brasília.

¹⁶ See report of Special Rapporteur on racial discrimination E/CN.4/1996/72/Add.1.

¹⁷ Robert Levine (1999), *The History of Brazil*. Greenwood Press, Westport, CN.

¹⁸ UNDP: *Human Development Report 2002*. Between 1977 and 1999, the Gini coefficient measure of inequality has remained at a constant level of 0.60 with few exceptions, one of the highest in the world IPEA: 2002, p. 19.

¹⁹ IPEA 2002, p. 19.

²⁰ World Bank (2001): *Attacking Brazil’s Poverty: Volume I*. Washington.

²¹ Personal communication, Senator Bernardo Cabral, President, Justice Commission.

²² Article 208-VII.

²³ Article 68, *Ato das Disposições Constitucionais Transitórias*, Law 7688.

²⁴ Presidential Decree 591 of 6 July 1992 proclaimed that the ICESCR will be implemented and fulfilled entirely. Law 8.069 of 13 July 1990 relates to the CRC.

²⁵ See Grootboom case, South African Supreme Court.

²⁶ Letter to Special Rapporteur from Permanent Mission of Brazil Geneva, 4 June 2002.

²⁷ IPEA 2002.

²⁸ IPEA 2002.

²⁹ www.righttofood.org.

³⁰ Clientelism is the term used to describe how persons or groups of higher status (patrons) take advantage of their authority and resources to protect and benefit those with inferior status (clients) in exchange for loyalty and/or votes.

³¹ Austragesilo de Melo 2002 “A Execucao Orcamentaria da Uniao de 2001” Nota Tecnica de INESC (Instituto de Estudos Socioeconomicos).

³² Austragesilo de Melo (2002).

³³ Law 8.913.

³⁴ See long version of this report.

³⁵ Provisional Measure 2.027.

³⁶ Following Roger Bastide (1978): *Images du Nordeste Mystique en Noir et Blanc*. Pandora/Actes Sud, 1995.

³⁷ Article 2, ICESCR.

³⁸ IPEA 2002.

³⁹ World Bank (2001).

⁴⁰ World Bank (2001).

⁴¹ World Bank (2001).

⁴² Letter dated 28 March 2002 from the Assessor Executivo da CDH da Ordem dos Advogados.

⁴³ Letter to Brazilian authorities dated 29 April 2002.

⁴⁴ By FIAN, CPT and other organizations, as referenced below.

⁴⁵ Global Justice Center: “Agrarian Reform and Rural Violence” in Global Justice: *Human Rights in Brazil 2000*.

⁴⁶ Comissão Pastoral da Terra (CPT): *Conflitos no Campo, Brazil 2000*, p. 13.

⁴⁷ FIAN: *Brazil: Landless rural workers arrested in Pará and in Sao Paulo*. Urgent actions, 15 March 2002. <http://www.fian.org/english-version/e-0205.htm>.

⁴⁸ The federal Government has the constitutional capacity to intervene under article 34.

⁴⁹ CPT: *Conflitos no Campo. Brazil 2000*, pp. 69-77.

⁵⁰ Statement by Ambassador Luiz Felipe de Seixas Corrêa, before the Working Group on Contemporary Forms of Slavery (Geneva, 30 May 2002).

⁵¹ Plataforma Interamericana de Direitos Humanos, Democracia e Desenvolvimento, Secao Brasileira (2002): *Extreme Poverty in Brazil: the situation of the right to food and adequate housing*. Benvenuto Lima, J. and Zetterstrom, L. (eds).

⁵² FIAN: *Brazil: Threats in Irapé, Minas Gerais*. Urgent actions, 25 January 2002. See <http://www.fian.org/english-version/e-0202.htm>.

⁵³ See http://www.unhchr.ch/html/menu2/7/b/principles_portug.htm.

⁵⁴ Joao Pedro Stedile in *Caros Amigo*, Revista Sao Paulo, No. 39.

⁵⁵ Moore M. and Lieberman E.S. (2002) “Tax rates in Brazil and South Africa”, *Governance and Development Review IDS*.

⁵⁶ Political Statement of the NGO/CSO Forum, Rome, 14 June 2002, <http://www.foodfirst.org/progs/global/food/finaldeclaration.html>.
