



Framework Law on the Right to Food and Food Sovereignty

Latin American
and Caribbean
Parliament

Framework Law on the Right to Food and Food Sovereignty

Panama City, 2018

This publication of the Framework Law on School Feeding of the Latin American and Caribbean Parliament was prepared with support from the Mesoamerica Hunger Free programme, sponsored by the Food and Agriculture Organization of the United Nations (FAO) and the Mexican Agency of International Cooperation for Development (AMEXCID).

In case of discrepancy between the content of this version in English and the original version in Spanish, the version published in Spanish prevails.

PURPOSE

The Universal Declaration of Human Rights (1948) adopted by the United Nations General Assembly formally acknowledged the right to food as a human right. This is stated in article 25: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food.”

From then on, the right to food, or certain aspects of such right, have been included in a series of binding and non-binding international human rights instruments. For instance, the International Covenant on Economic, Social and Cultural Rights (ICESCR), which is the most comprehensive international instrument about this fundamental human right.

The right to food is legally binding for the 160 States Parties of the Covenant. Article 2 requires States Parties to adopt appropriate measures, particularly legislative measures, to progressively achieve the full realization of the rights recognized in the Covenant.

The right to adequate food and the fundamental right of protection against hunger were reaffirmed in the

World Food Summit of 1996, in which better ways of implementing food rights were encouraged and States were asked to ratify the Covenant. In such occasion, the Heads of State passed a declaration reaffirming the right of everyone to have access to healthy and nutritious food, consistent with the right to adequate food and the fundamental right to not suffer hunger. In addition, they “pledged our political will and our common and national commitment to achieving food security for all and to an ongoing effort to eradicate hunger...”.

In the “World Food Summit: five years later”, the creation of an Intergovernmental Working Group was decided, to elaborate a set of voluntary guidelines to support efforts to achieve the progressive realization of the right to adequate food in the context of national food security.

Moreover, States and society as a whole, its institutions, organizations, and local governments have a duty to guarantee food security for the population and create the adequate instruments and measures to ensure it, respecting the communities principles of cultural and productive diversity.

For this purpose, in 2004, the FAO Council unanimously

adopted the right to food guidelines. These Guidelines recommend the adoption of constitutional and legislative measures, as well as coordinated institutional frameworks to address the multisectoral dimensions of the right to food.

In addition, since 2006, the Food and Agriculture Organization of the United Nations (FAO) has supported countries that wish to adopt an approach to food security based on human rights.

For a national development strategy, preventing hunger, fighting poverty, reinforcing the role of agriculture and sustainable rural development must be considered. It must also encourage equality-based economic development and the creation of opportunities and abilities for people to improve their quality of living.

Acknowledging that the causes of lack of food and nutrition security are complex and are closely related to poverty, as well as unemployment, income, education, health and nutrition, and with losses in agriculture due to adverse climatic factors, comprehensive multisectoral and cross-discipline policies must be adopted.

However, a legal framework must be previously adop-

ted, in which the governing principles and guidelines are stated.

Therefore, legislative efforts constitute an essential role in this approach. This is why several countries have amended their constitutions or passed new framework laws to implement the right to food. Unfortunately, there is still a limited amount of information regarding this topic.

The Latin American and Caribbean Parliament, as a permanent democratic institution, representing all existing political trends of the legislative bodies of Latin America and the Caribbean, has contributed to advancing the right to food from all its commissions. It is in this regard that it has had an active intervention in the constitution of the Parliamentary Front Against Hunger, to consider in all social sectors the fight against hunger and lack of food security; to promote laws that build National Systems of Food and Nutrition Security, considering gender equality and social involvement, to fully guarantee the exercise of the right to food; as well to promote sufficient funding to implement the strategies of the National Food Policy.

It is important to face the need of a legal framework

to build a State policy on food and nutrition security and sovereignty that, in turn, coordinates the efforts of public and private institutions and organization; boosts its efficiency; and promotes the channeling of resources and investment towards a sustainable and competitive food farming national structure that contributes to improving life conditions of the population, particularly rural families where there are more problems related to lack of food security. For such purpose, this Draft for a Framework Law on Food Security shall contribute to the implementation of this right.

The role of the Law for the implementation of the right to food

Stating that it is unacceptable for hunger to keep spreading throughout the world and that people have a right not suffering from hunger or undernourishment has been reaffirmed in many international instruments by many intergovernmental bodies, such as the Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development (IFAD), and the World Food Programme (WFP) of the United Nations.

As of the Second World War, the world has focused on eradicating hunger and guaranteeing world food secu-

rity. However, these efforts were not addressed in the framework of the human rights principles.

The 1996 World Food Summit and its follow-up have fostered deep changes in this situation. The efforts of the Office of the High Commissioner for Human Rights (OHCHR), the Committee on Economic, Social and Cultural Rights (CESCR), and FAO have allowed the content of the right to food to be more precise. The most effective implementation such right has been enabled, largely, due to the Voluntary Guidelines supporting the progressive fulfilling of the right to adequate food in the context of national food security (“Right to Food Guidelines”).

Nowadays, striving to guarantee everyone has a constant access to adequate food is not only considered morally imperative and an investment that returns huge economic benefits, but also the fulfilment of a basic human right.

The right to food is a legally binding obligation for the 160 States Parties of the International Covenant on Economic, Social and Cultural Rights (ICESCR) adopted by the General Assembly of the United Nations in 1966 and that became effective in 1976. Just as any other human

right, the main challenge of the right to food is to determine the most effective way of implementing it, i.e. how to make it effective nationally and how to proceed to force public authorities to be accountable regarding their compliance or lack thereof.

Pursuant to Article 2.1 of the ICESCR, each State Party shall “take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.”

International Law in its branch concerning human rights formally binds States Parties to literally include the provisions of the Covenant in their domestic laws. Ultimately, States Parties of the ICESCR shall individually determine the legal category of these provisions, in this specific case the right to food, in the context of the country’s legal framework.

Depending on the legal and constitutional system of the country, the provisions of an international treaty can become a domestic law through “automatic incor-

poration”, which will enact them into law directly and immediately. They can also be enacted by “legislative incorporation”, meaning the treaty’s provisions shall not be binding unless implemented through domestic legislation. In some States, the internal implementation of an international treaty is done by transformation, meaning amending relevant internal laws to align them with the treaty’s obligations.

Some countries also have a combined dualist/monist approach (like, Germany). According to General Comment 3 (GEN 3) of CESCR in many instances legislation is highly desirable and, in some cases, “may even be indispensable” to guarantee the fulfillment of the rights affirmed by the International Covenant on Economic, Social and Cultural Rights (paragraph 3).

When it comes to the relevant provisions of international treaties regarding the right to food, it is true that most obligations do not have immediate effect. This means that they cannot be implemented without the proper legislation.

In addition, the complex and cross-cutting nature of the right to food and its connection to other human rights requires legislative measures, even when the ICESCR

and other relevant human rights treaties can be applied directly in the internal legal framework. This is due to the fact that the incorporation of the right to food to the internal legal framework by legislative measures can offer a high degree of protection for such human right.

Internally, the legal strategy deemed adequate to implement the right to food shall depend on the situation of the country and the set of policies, institutions, and existing legal frameworks. In some countries, current constitutional provisions, and current sectoral legislation, could be sufficient to guarantee the actual enjoyment of the right to food for everyone within the jurisdiction. In other countries it may be necessary to draft a special framework law for the right to food before including it the relevant laws.

In countries in which human rights treaties automatically become law, the right to food could be directly implemented in the national level, and it shall become binding for the State's authorities and national courts.

However, defending a case exclusively based on the ICESCR text before the courts that ignore or are not fully aware of international human rights laws could have an uncertain outcome.

While it may be indispensable to adopt a legislative measure to implement the right to food (and all human rights) in the national level, legal remedies by themselves are not sufficient to guarantee their fulfilment.

The full exercise of an economic and social right, even acknowledging the constitution or a law, shall not be possible without the effective follow-up of the implemented policies and programmes.

Therefore, it may also be necessary to use other means that include a wide range of social, economic, and political measures.

Why choose a Framework Law for the Right to Food?

Several countries of the region have recently started to draft laws to guarantee and promote the full effectiveness of the right to food, among them are Argentina, Bolivia (Plurinational State of), Brazil, Ecuador, Costa Rica, Uruguay, Guatemala, Honduras, Nicaragua, Peru, and Venezuela (Bolivarian Republic of). Other countries have also launched initiatives regarding the right to food, but have not, yet, implemented specific legislative initiatives for this purpose.

Constitutional provisions are more widely expressed

while a framework law for the right to food can go deeper in more specific aspects of this right and make it effective in practical terms.

The term “Framework Law” refers to a legislative resource to address cross-sectoral issues. The legal framework states the general principles and obligations, leaving the definition of specific measures to enforcement regulations and competent authorities, to make such obligations effective usually within a determined period of time.

A Framework Law for the Right to Food can offer a precise definition of the scope and content of this human right and establish the obligations of State authorities and the private sector, as well as institutional measures, thus providing the legal basis for subsidiary legislation and other measures that competent authorities will have to adopt.

PREAMBLE

Whereas there are close to 53 million people living in hunger in Latin America and the Caribbean, 9 million of which are children under 5 with stunting.

Whereas the region produces sufficient food to feed the entire population and, therefore, hunger and undernourishment are not caused by lack of availability but inequality in the access to food.

Whereas the right to food is a universal human right, meaning that everyone has a right to live free from hunger and to have physical or economic access at all times to adequate food in terms of quantity, quality, and cultural acceptance.

Whereas in the 2008 Declaration of Salvador de Bahía, the 33 countries explicitly supported the Hunger-Free Latin America and Caribbean Initiative promoting “actions to guarantee food and nutrition security through public policies that boost rural development, sustainable production of food, innocuousness, distribution, and marketing.”

Whereas on December 2008 the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) was adopted and is already being ratified by several States of Latin America and the Caribbean.

Whereas in the Constitution of the Parliamentary Front

Against Hunger, adopted in Panama City on September 3 and 4, 2009, the commitment to create a Working Group to guarantee continuity of parliamentary work was made.

Whereas, in the Plenary Assembly of IFAP on September 15, 2009, it was also acknowledged that a policy on development and food security that is both sustainable and equal for everyone is necessary.

Whereas, during the Parliamentary Meeting held before the 2009 World Summit on Food Security in Rome, it was determined that “we, parliamentarians, play a key role in finding solutions to the problem of hunger (...) and there are many things that we can do as parliamentarians, like adopting legal frameworks and laws to protect the right to food.”

Whereas in the 2009 World Summit on Food Security, signing countries affirmed “the right of everyone to have access to safe, sufficient, and nutritious food, consistent with the progressive realization of the right to adequate food in the context of national food security” and that fulfilling such right shall depend, mostly, on legislative efforts to institutionalize it.

Whereas in the 25th Ordinary Assembly of the Latin American and Caribbean Parliament of December 3, 2009, the Latin American Declaration of Human Rights, known as Panama Declaration, was issued stating that “the right to water is a fundamental human right, inherent to life and human dignity” and that “all the people from Latin America have a right to food that ensures a healthy physical and mental development” (art. 7 and 11).

Whereas in the Unity Summit, constituted by the 21st Summit of the Rio Group and the 2nd Summit of Latin America and the Caribbean on Integration and Development (CALC) in Cancun, Mexico, there was an agreement to “strengthen integration processes regarding food and join efforts to support the Hunger-Free Latin America and Caribbean Initiative 2025”.

Whereas in the final declaration of the XVI Latin American Summit (Uruguay, November 2006) the heads of state and government expressed their commitment to the Initiative.

Whereas in the Summit of Latin America and the Caribbean on Integration and Development carried out on December 2008, the heads of state and government of

the region signed the Declaration of Salvador de Bahía, supporting the effort and including food and nutrition security as a priority in their common agenda.

Whereas, in the third World Summit on Food Security carried out in November 2009, world leaders committed to boosting the support of regional strategies for food security, like the Hunger-Free Latin America and the Caribbean Initiative.

Whereas in the Unity Summit, constituted by the 21st Summit of the Rio Group and the 2nd Summit of Latin America and the Caribbean on Integration and Development (CALC) in Cancun, Mexico on February 2010, Latin America and Caribbean heads of government explicitly stated their intention to strengthen integration processes regarding food and join efforts to support the Hunger-Free Latin America and Caribbean Initiative.

Whereas in the Final Report of the I Meeting of Ministers of Social Development and Hunger and Poverty Eradication of Latin America and the Caribbean, held March 2011 in the Latin America and Caribbean Summit on Integration and Development (CALC), countries agreed to boost food policies in the region based on Latin American and Caribbean unity processes, such as the Hunger-Free Latin America and Caribbean Initiative

AWARE

That hunger eradication is an urgent goal that demands the effort and commitment of every actor of society.

That, in the fight against hunger and the search of food and nutrition security and sovereignty, it is necessary to foster mechanisms so that there are more women taking part in the meetings of the Parliamentary Front Against Hunger, for gender equality purposes.

RECOGNIZING:

The need to raise awareness in subnational congresses regarding the full enforcing of the right to food in current regulations, for it to be established definitively in institutional frameworks.

WE INTEND

To sponsor the creation of mechanisms that remove barriers for the purchase of family farming products to strengthen this type of farming, particularly for school feeding programmes.

To strengthen the levels of South-South cooperation and Triangular cooperation in the scope of food and

nutrition security, as well as food sovereignty, interchanging knowledge, and resources to develop efficient strategies according to the needs of each country and subregion, including recovering traditional, ancestral, and culturally appropriate products.

RECOGNIZING:

That States have three obligations: i) the obligation to respect the right to food, ii) the obligation to protect such right, and iii) the obligation to fulfil it. The obligation to fulfil the right to food entails two more secondary obligations: the obligation to facilitate and the obligation to supply, thus the need to have a general legal framework in terms of food security that includes criteria, principles, and parameters both internationally known and within the regional legal framework.

The parliamentarians of the Latin American and Caribbean Parliament and the Parliamentary Front Against Hunger of Latin America and the Caribbean agree to the following:

Framework Law on the Right to Food and Food Sovereignty

CHAPTER 1 GENERAL PROVISIONS

Article 1.- Object of the Law

To establish a reference legal framework that allows each State to implement policies and strategies to permanently guarantee, as national priority, the Right to Food, Food and Nutrition Security of the population to enjoy a healthy life.

Countries that have adopted the concept of Sovereignty shall adapt the object herein.

Article 2.- Obligations of States Parties:

- a. The duties of States are to respect, carry out, protect, and promote the human right to food. States shall report, monitor, control, and assess the fulfilling of this right, as well as guarantee the means to demand it.
- b. The human right to adequate food is considered a state policy with a comprehensive approach within the framework of national, sectorial, and regional

policies.

Article 3.- Object of the Law:

To fully guarantee the exercise of the human right to adequate food.

Article 4.- This Law is aimed at:

- a. Declaring the policy and strategy of the right to adequate food a national priority.
- b. Strengthening public institutional capacity so that each State can guarantee the right to food of the population, pursuant to the principles of cultural and productive diversity of communities, peoples, and nationalities.
- c. Implementing strategies to overcome undernourishment and hunger and guaranteeing health of the population of States Parties.”

Article 5.- Scope of Application:

Obligations derived from the right to food are binding for all the powers of States and other public and private education authorities of all levels (national, regional, or local).

The holders of the right to food are natural entities.

States must encourage international cooperation and provide the needed care to guarantee the fulfilling of the right to food in other countries. In case they can do so.

Article 6.- Governing Principles:

- a. **Participation:** People must be able to determine their own well-being and participate in the planning, creation, monitoring and assessment of the decisions which concern them. People must be able to participate in the performance of public activities, including the adoption and implementation of State policies.

Such participation should be free, active, and significant, directly exercised or mediated by organizations which represent specific interests.

- b. **Accountability:** States shall ensure that interventions are based on objective information and methods, have monitoring and ongoing assessment mechanisms, fostering transparency in public actions, social auditing, and considering the real needs of the population.

- c. **Equality:** All human beings are born free and equal in dignity and rights. The State shall promote the proper conditions to achieve actual and effective equality adopting provisions and policies of positive and differentiated action that value diversity. This is aimed at achieving equality and social justice, ensuring equal conditions for people to enjoy and exercise their rights to adequate food.
- d. **Non-discrimination:** The State shall respect, protect, and ensure the right to adequate food without discrimination specially protecting the most vulnerable population in terms of exercising their right to adequate food.

Any distinction, exclusion, restriction, or preference based on race, color, age, language, religion, political belief, national or social origin, which has the purpose or effect of nullifying or impairing the right of individuals to food shall be deemed illegal and subject to legal penalties.

- e. **Empowerment:** People shall have the necessary knowledge, attributions, ability, capacity, and access to change their own lives, including the power to demand compensation from States if this right is viola-

ted. States shall establish specific provisions in terms of awareness, capacity strengthening, and education of the right to food.

Article 7.- Interpretation of the Law

The interpretation of the contents of the Law herein, as well as the enforcement by authorities, shall be in line with the applicable international instruments on the subject for each State, Constitution, and national regulations.

Article 8.- Most favorable interpretation principle

When facing multiple interpretations, the widest regulations or the most extensive interpretation shall prevail, if the question entails protected rights.

CHAPTER 2 DEFINITIONS

Article 9. - The following definitions shall be adopted for the purposes of this Law:

I- **Food and Nutrition Security** is defined as the guarantee of individuals, families, and the community as a whole to access at all times sufficient, healthy and nu-

tritious food, particularly food produced in the country in competitive, sustainable and equal conditions, so that its consumption provides nutrition, a healthy and socially productive life, and considers cultural diversity and consumer preferences.

Food Security has four components:

1. **Availability:** Availability of food in sufficient quantity and quality, obtained through the country's own production or by imports (including food aid).
2. **Accessibility;** The access of every person to the adequate resources (resources to which the person is entitled) to get adequate and nutritious food. These rights are defined as the set of products over which a person can have certain power, based on legal, political, economic and social agreements of the community (including traditional rights, such as the access to collective resources).
3. **Utilization:** Biological utilization of food through adequate food, drinkable water, health care to achieve a state of nutritional well-being were physiological needs are fulfilled.

4. **Stability:** To achieve food security, a population, a household, or a person should have access to adequate food at every time. There must not be a risk to lack of access to food as a consequence of sudden crisis of any kind or cyclical events. In this way, the concept of stability refers to availability as well as access to food.

II. **Food Sovereignty** refers to the right of a country to define its own sustainable policies and strategies regarding production, distribution, and consumption of food, to guarantee the right to healthy and nutritious food of the population, respecting cultures and diversity of productive systems, marketing, and rural space management.

III. **Adequacy:** Food is considered adequate based on several variables, such as innocuousness, nutritional quality, quantity, and cultural acceptance.

IV. **Vulnerability:** Factors that determine the susceptibility of suffering inadequate nutrition or likelihood of interruption of food provisions due to failure in the provision system.

V. **Priority care groups:** include babies, children, school-

children, pregnant and nursing women, elderly, refugees, internally displaced people, disabled people, people with catastrophic illnesses, armed conflict victims, population that lives in precarious conditions, groups that may suffer social marginalization and discrimination, and any other group that is considered as such in time.

VI. Minimum quantity of food is defined as the amount needed to cover the minimum food needs for a person to live with dignity and protected against hunger and undernourishment. It should be established based on age, health condition, occupation, and vulnerability state.

CHAPTER 3

SPECIFIC AREAS OF PROTECTION

Article 10.- Right to Food:

The Right to Adequate Food is the individual or collective human right to enjoy access at all times to adequate, safe, nutritious and culturally relevant food, so that it can be properly used to fulfill nutritional needs, live a healthy life, and achieve proper development in all areas. This human right entails accessibility, availability,

and use and stability of adequate food supply.

Article 11.- Conditions to exercise the Right to Food:

Everyone has the right to live in conditions that allow:

- I. To feed oneself by one's means through products provided by the earth or other natural resources, and/or access efficient distribution, processing, and marketing systems.
- II. To have the financial capacity to purchase sufficient quality food products, and also fulfil one's basic needs in terms of eating.
- III. To ensure access to adequate food in cases of unforeseeable events.
- IV. To access food products that contribute to adequate eating and clean water supply to achieve a state of nutritional well-being in which all physiological needs are fulfilled.

Article 12.- Special Provisions:

- I. Boys and girls have the right to adequate food and nutrition for their age that allows them to grow and develop.

- II. States shall implement Adequate School Feeding Programmes.
- III. Women have a right to adequate food and nutrition during pregnancy and nursing.
- IV. States shall develop programmes to educate, promote, and encourage breastfeeding.
- V. States shall offer measures to ensure working women can breastfeed their babies during the first months of life.
- VI. States shall eliminate and prevent all forms of discrimination against women concerning the guarantee of the right to food, including less favorable treatment of women due to pregnancy and motherhood, and shall promote equal opportunities for men and women.
- VII. People who suffer hunger or undernourishment, or could suffer hunger or undernourishment, has a right to receive the minimum amount of food for their age, sex, health condition, and occupation.

Article 13

Competent authorities shall adopt regulations for special measures or shall present before the Legislative Power a draft to prevent and compensate discrimination practices caused by the enforcement of the right to food of certain groups or individuals.

CHAPTER 4 STATE OBLIGATIONS

Article 14

Depriving a person of food or the means to access food shall constitute an illegal action.

Article 15

States shall guarantee that laws and regulations that may result in impairing the exercise of the human right to food shall not be enforced.

Article 16

Deliberate deprivation of food shall be penalized through the necessary amendments of the penal code,

Article 17

States shall review the relevance of the administrative

and legislative framework to ensure the activities of private actors within their competence do not impair the right to adequate food of people.

Article 18

State's national budget shall allocate the necessary resources to implement the fundamental right to food.

Article 19

When States, by reason of human rights in international law, have limited resources, they shall give priority to the most vulnerable population.

Article 20

States shall establish information and cartography systems on lack of food security and vulnerability (SICIAV, Spanish acronym), to identify groups and households that are especially vulnerable to lack of food security and the causes.

Article 21

Competent public authorities shall sustain and increase food production in the country, within their means, strengthen the production of healthy and nutritious food, organize training and education programmes on the advantages and importance of a diverse diet, and

offer adequate food for people in higher risk situations.

Article 22

States shall provide the minimum amount of food to enforce the right of every person to be protected against hunger, those who cannot access adequate food, and it shall carry out the following actions for such purpose:

- I. To appoint the competent public authority.
- II. To establish the legal responsibility of the appointed authority for the constant, stable and timely supply of “the minimum amount of food” to any person who are suffers hunger and undernourishment, or who is at risk.
- III. Demand from the competent public authority to present before the Legislative Power, within the stated period of time, a draft for derived regulations, concerning the provision of the minimum amount of food.
- IV. Rules and regulations arising from the framework law on the minimum amount of food shall determine the exact amount of calories, proteins and micro-nutrients for the age, sex, and health condition in

accordance with age, sex, health condition, and occupation.

Article 23.- Right to Information

The State shall timely inform the population of the rights herein stated and the enforcement regulations, when they enter into effect, as well as other adopted measures to promote and encourage the right to food.

- I. For such purpose, the proper methods shall be used to communicate the information, including verbally (for instance through rural radio) using local languages. This is especially true for communities in remote areas and population with high levels of illiteracy.
- II. A simple, fair, and accessible procedure that allows people to gather relevant information on the right to food shall be deployed.
- III. The required information shall be demanded of the relevant public authorities within a short term.

Article 24

States shall include food and nutrition education, the right to food, and the principles of human rights in the curriculum for primary and basic education.

CHAPTER 5

PROVISIONS ON NATIONAL AUTHORITY FOR THE RIGHT TO FOOD

Article 25

States shall establish the creation of a National Authority for the Implementation of the right to food, to serve as main coordination body for the implementation of such right nationwide.

Article 26

The national authority for the right to food, when fulfilling its duties and attributions, shall:

- a. Apply the human right principles included in the law and other applicable international legal instruments to which the country has adhered.
- b. Closely work with the representatives of civil society to take into consideration their opinions.

Article 27.- Attributions and Duties

Attributions and duties of the national authority of the right to food through the framework law shall be subject to the circumstances of each individual country.

The main duties and attributions shall be:

- a. To offer counseling to government agencies and coordinate several activities and the actors involved in the stages of implementation of the right to food nationally, regionally, and locally.
- b. To draft, adopt, and review national policies concerning the right to food to ensure they properly consider the changing needs of the population.
- c. To determine the proper benchmarks to assess the progress in the enforcement of the Model Law and exercise of the right to food. Benchmarks must be specific, verifiable, and time-restrained.
- d. To gather information regarding implementation of the right to food, and ensure it is shared and communicated to all stakeholders, in the adequate format and with the adequate content for a variety of users.
- e. To offer suggestions to harmonize sectorial policies concerning the right to food and to give recommendations for the required changes derived from the data gathered during the technical and human rights audit process.

- f. To establish priorities and coordinate resource allocation in agreement with such priorities.
- g. To submit proposals before the relevant ministry or government bodies for the amendment of applicable laws, rules and regulations, or policies, or to draft new laws, provisions, rules and regulations or policies regarding the right to food or one of its components (accessibility, availability, and food adequacy).
- h. Submit reports to the parliament regarding the state of implementation of the framework law and the right to food, as well as final remarks of the surveillance bodies of international treaties that have assessed the country's performance on right to food.

Article 28.- Constitution

Management and decision making shall reflect the multisectoral nature of the right to food: governments, research and statistical institutions, universities, representatives of civil society, of the private sector and Academia.

Governmental representatives shall be high-level officers, ensuring the right to food receives the adequate priority.

The Law shall govern the involvement of non-government representatives.

CHAPTER 6

PROVISIONS ON AUDITING SYSTEMS (Monitoring and Assessment)

Article 29

An embedded auditing system which, taking into account the type of existing institutions, their scope and capabilities, forces authorities and all-level entities to:

- a. Gather data regarding food and nutrition security, using auditing methods and monitoring processes that are in line with the principles of human rights stated by law.
- b. To itemize gathered data by age, sex, situation, and group.
- c. To assess the reached progress in terms of the right to food in the country.
- d. To establish or identify early warning mechanisms.

Article 30

The auditing system shall be led by an autonomous human rights specialized agency.

Article 31

The State shall ensure that the auditing institution has the necessary human and financial resources and credibility to ensure the effective auditing and monitoring of the right to food independently.

CHAPTER 7 PROVISIONS ON REPRESENTATION AND INVOLVEMENT OF CIVIL SOCIETY

Article 32

The State shall oversee that the relevant institutions enable full and transparent involvement of the private sector and society, and particularly representatives of the most vulnerable groups.

Article 33

The opinion of civil organizations involved with the subject shall be considered when policies or programmes, as they may influence the enjoyment of the right to food

or that of their components.

Article 34

For the purpose of achieving the foregoing article, the State shall establish:

- a. Measures to guarantee that consulting processes to examine specific areas of the framework law are carried out.
- b. Periodic open hearings in which the State shall report advances on the enforcement of the Law and the progressive implementation of the right to food.

Article 35.- Selection and Representation Criteria

To guarantee an effective representation of the representatives of society, the selection process shall require participation, transparency, and non-discrimination.

Article 36

To ensure a fair representation, the following shall be considered:

- a. The ability of the group to represent the relevant communities.

- b. The size of the group they represent.
- c. The geographic features (urban, rural, forestry, etc.).
- d. The technical abilities of the organization regarding right to food.
- e. The ability of the group to organize.
- f. The balance in terms of gender.
- g. The balance in terms of representation of relevant communities and their interests within society (farmers, indigenous peoples, fishers, local communities, forestry communities, etc.).

CHAPTER 8

PROVISIONS REGARDING PROCEEDINGS

Article 37.- Administrative Proceedings

Administrative decisions or actions which imply a violation of the law provisions or derived regulations, as well as failing to comply with an obligation associated to such provisions, shall be appealed before an upper administrative authority.

Article 38

The highest authority shall be competent to impose the

measures deemed necessary to repair the violation.

Article 39

Regulations shall state efficient and reasonable, in terms of time, administrative proceedings and the corresponding reparations.

Resources that are solely administrative shall be supplemented with the right to a legal revision before the competent court.

CHAPTER 9 PROVISIONS ON THE RIGHT TO FOOD

Article 40

Bodies with regulatory power shall adapt, from a substantive and procedural perspective, the laws and regulations concerning the right to food as stated in international treaties.

Article 41

The government shall adopt the necessary legal statutory means to make the framework law effective within a reasonable period of time.

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