

## Human Right to the Adequate Food in Brazil

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### 1 - Introduction

According to United Nations Organization data for Agriculture and Food (FAO), around 24 thousand people worldwide die as a result of problems derived from the hunger. In Brazil the scourges of the hunger and malnutrition were denounced by Josué de Castro<sup>1</sup> in the 1940's. He argued that “the hunger is [...], the biological expression of the social harm and that it is intimately connected with economical distortions. [...]”<sup>2</sup>.

Nowadays, the panorama of hunger and lack of nutritional food is increasing due to problems resulting from inadequate food. More recently the discussions regarding the genetically modified food and the use of fertile lands to the cultivation of biofuel manufacturing has caused concerns about the following issues: a) uncertain knowledge of the negative impacts and immediate risk for health and environment; b) continuous duration in space and time of small and medium rural producers; c) reduction of land occupation destined to food production and respective food price rising.

This set of matters leaves no doubt for the urgency of an unrestricted promotion of the DHAA in its indivisible dimensions – “which are the right to be free from hunger and bad nutrition and the right to have adequate food”, based on the principle of food security which requires the formulation of promotion politics aiming the right for

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<sup>2</sup> Text extracted from the interview given to Gonçalves de Araújo. Available at: <http://www.josuedecastro.com.br>. Access in June 30rd, 2008.

adequate food and nutrition, and of which may transcend the mere character of fighting against the hunger and / or the malnutrition.

It is based on the presupposition mentioned in the preceding paragraphs that the present article aims to contextualize the DHAA situation in Brazil from the exploitation of a new methodological proposal of measurement of the DhESCA<sup>3</sup> dimension, considering the difficulties and limitation caused mainly by the discontinuous researches and / or systematic data survey inherent to this theme that ends up making difficult the permanent construction of diagnostic indicators and the follow up in this field.

At first, we will make some notes concerning the outline of the conceptual and legal issues in international and national extent. For last we aimed to draw a profile about some aspects inherent to the current DHAA panorama from the use of a set of indicators, as one more of the possible tools, turned to the diagnosis and follow up of the advancements, retrocession and / or stagnation in this field.

## **2 – Food Safety and Human Right to Adequate Food in the international matters.**

### **2.1 – The evolution in food security concept**

The concept of food security bursts in the context of the First World War straightly connected “to the idea of national security and the capacity of each country to produce its own food in order not to be vulnerable to possible harassment, embargoes or boycotts from political or military motivation” (Valente, p. 03). Nevertheless, this discussion became strong in the second half of the 20<sup>th</sup> century, in the context of worldwide food crisis which took place in the period of 1972-74, by means of the agreements settled in the Worldwide Conference of Food held in 1974.

Initially, “the food security was understood as a politics of strategic storage and of safe and appropriate offer of foods, and not as a right of every human being to the access to a healthy food”. However, the raise of the worldwide food production, by the

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<sup>3</sup> Economical, Social, Cultural and Environmental Human Rights.

end of the 1970's, reinforced the understanding that the hunger and malnutrition were resulting from the access and not from the offer.

Considering this new understanding about the inherent causes of hunger and malnutrition matters, a new concept of food security was presented by the Organization of Food and Agriculture (FAO) of the United Nations Organization in 1983, based on the following principles: a) appropriate offer of foods. b) offer and food market stability; c) security in the access to the offered foods.

From the definition of food security presented by the Worldwide Bank in 1986, which praised "the access for part of all, all the time, the sufficient quantity of foods that leads to an active and healthy life", the debates and discussions, according to Valente started to consider that the food security cannot be seen as an exclusive consequence of self-sufficiency in food terms, presupposing so, the guarantee of purchasing power, economical growth, income redistribution, and reduction of the poverty for the population (*idem*, p. 03).

At the beginning of the 1990's, the food security concept incorporated the notions of: a) reliable food (not biologically or chemically contaminated); b) of food quality (nutritional, biological, sanitary and technological; c) of the diet, information and cultural option's balance (food habits) of human beings, bringing into the discussion simultaneously the equity and social justice matters, "[...]especially with what concerns the ethics relations among the current and future generations, the proper and sustainable use of the natural resources, environment and of the kind of development adopted", and of the sustainable way of life which the right to the food is definitely inserted in the "context of the right to life, dignity, self-determination and satisfaction to others basic needs" (*ibidem*, p. 04).

With the consolidation of this new concept in the promises assumed in the context of the International Conference of Nutrition promoted by FAO and by the World Health Organization in 1992, "the concept of domicile food security was strengthened,

incorporating the basic health assistance and the home care promoted to the family members". (*ibidem*, p 04).

So to speak, it ratifies, in this new phase, the comprehension of the food security with the access to good quality food as a way to provide the basic nutritional needs to the survival, amplifying the purpose of the Human Right to Adequate Food as a primary condition to the execution of other rights for being indivisible connected to the Right of Life (Malhotra & Fasel, 2006).

## **2.2 – International documents of human rights to adequate food**

The Human Right for Adequate Food is registered in the first paragraph of Article 25 of the Universal Declaration of Human Rights in the recommendation of the right's promotion to an appropriate life standard, when postulating that "Each Men has the right to a standard of living which enables him and his family to assure health and well-being, including food, clothing, home, medical assistance and essential social services, [...]"<sup>4</sup>.

The DHAA was reaffirmed in 1966, in the Article 11 of the International Pact about the Economical, Social and Cultural Rights (PIDESC), which points out the importance of the food, clothing, and suitable way of living, and alleges to be the State's obligation to respect, protect, promote and make it easy to execute, since "without an adequate food, there's no humanity right, here considered as a right to the access to life and to the material, cultural, scientific and spiritual wealth produced by the human being" (Valente, p. 07). Nevertheless, only in 1996, 48 years after the promulgation of the Universal Declaration of Human Rights, FAO has organized the United Nations Representatives for Worldwide Food in Rome, where was drawn a plan

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<sup>4</sup> Letter from the Universal Declaration of Human Rights, article 25 *in* Human Rights: International documents, 2006).

of action turned to the implementation of DHAA and were established goals for the reduction to the half of the persons with food insecurity<sup>5</sup>.

Besides the poverty being pointed as the most determinant cause to the hunger and malnutrition, mechanisms to do the follow up of the goals fulfillment were also discussed. With this, in 1999 the High Office of the Human Rights of the Economical, Social and Cultural Rights Committee of UNO formulated a document that explains how the promotion of food security must be managed by the nations, with the perspective to guarantee the human rights.

Starting from a wide concept of food, the prepared document – General Comment number 12 – has defined the prescriptive DHAA content and its essential aspects: a) adaptation (social, economical, environmental, etc.); b) sustainability regarding availability and the continuous access and in a long term, so this does not interferes in the use of the other rights; c) sufficient availability (quantitative and qualitative – free from culturally adverse and acceptable substances) to fulfill the food needs of individuals, once it is connected to the access of productive ways and the existence of food at compatible prices with the social-economical conditions of the population. In what the obligation of the State concerns, the Committee specifies that it has the duty, while a representative of the civil society: to respect, protect, promote and execute.

### **3 – Food security and the guarantee of Human Rights to the Adequate Food in Brazil**

The first documentary references on food security were formulated by the federal government in the year of 1972, aiming to create public politics for food and nutrition. However, these were consolidated only in 1985, in the proposal named National

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<sup>5</sup> The term food insecurity embodies either the food disturbs connected to the need (hunger, malnutrition micronutrients' deficiency, etc), as others connected to the inadequate food habits to health (not contagious chronic diseases), as well as problems occurred by an insecure food (biological contamination, storage problems, genetic modifications, contaminated water, rests of chemical products, etc.). VALENTE, Flávio Luiz Schieki. The right of food. Available at: <http://www.abrandh.org.br>. Access in: May 28<sup>th</sup>, 2008.

Politics of Food Security, which its main point was to attend to the food needs of the population and reach the national auto-sufficiency of the food production. The same predicted the creation of a National Council of Food Security, compound by Ministers and representatives of the civil society under management of the Chief of State.

In 1991, a proposal of National Politics of Food Security that incorporated the discussions regarding the agricultural production and the supplying system of nutritional lacks and food quality, subsidized the preparation of the National Hunger and Misery Combat Plan and the creation of the National Council of Food Security (CONSEA) in partnership with the Citizenship Action against Hunger and Misery.

During the 1<sup>st</sup> National Conference of Food and Nutrition, in 1994, a creation of a National Council of Food and Nutrition (CNAN) and a National Food and Nutritional Security System (SISAN) was proposed, in the extent of the Ministry of Planning. From there resulted, among other actions, the preparation of the document “Declaration in defense of a national politics of food security”, where the main concepts and definitions related to Food Right were described, and the directives to its fulfillment.

The CONSEA creation represented the inclusion, in definite form, of the matter about food security in the political Brazilian quotidian, though its actions were limited. The same was extinguished during FHC government when its content was modified. However, due to the continuous pressure of civil society, through the National Forum of Citizenship Action and its National Executive General Office (INESC, ÁGORA, CARITAS), over the Executive General Office of Supportive Community a new level of articulation between the civil society and government was established. In this context was coined a new Brazilian concept of SAN<sup>6</sup>, described in the Brazilian document for the Worldwide Food Representatives (1996), where Brazil assumed the commitment of

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<sup>6</sup> As in the document the Food and Nutritional Security consists of giving guaranty to everyone to the conditions of access to basic food security and of quality, in a sufficient quantity, in a permanent way without implicate the access to other essential needs, based in health food education, contributing so to a dignified existence in a context of a total development of the human being.

implementing public politics aiming to reduce in up to 50% the number of malnourished ones, up to the year of 2015.

In 1997, the Federal Government incorporated the actions of DHAA's promotion to the responsibility of the Health Ministry, creating the Food and Nutrition Politics Coordination (GCPAN), which is in charge of carrying on the National Politics of Food and Nutrition, that began to be executed in 1997 and was discussed at the seminar of Pan-American Health Organization (OPAS), and had the presence of representatives of academic entities, of class and also from communitarian organizations (Arruda and Arruda, 2007).

Along the year of 1998 there was created the Brazilian Forum of Food and Nutritional Security in the Brazilian states so these would prepare public politics of food and nutritional security, from the articulation of government actions and civil society. One year later, the approval of the final text resulting from the OPAS seminar which would say that that the "Politics integrates the National Health Politics and it is insert in the context of Food and Nutritional Security", marked an important character to the food discussion – understood to be a theme to be treated in a multi-sectorial form and in dialogue with the civil society and the productive sector.

In 2003, the federal government reactivated the CONSEA, trying to do from its new content more than a program turned to food, but a proposal of social inclusion. In the next year was held the 2<sup>nd</sup> National Conference of Food and Nutrition, and IBGE made a supplementary inquiry about food insecurity in the National Research for Domicile Sample (PNAD) in partnership with the Social Development and Hunger Combat Ministry.

After three years of the 2<sup>nd</sup> Conference and of the inquiry about food security, in July 2007, there was the 3<sup>rd</sup> National Conference of Food and Nutritional Security. There specialists tried to advance in the matters discussed previously, such as the National System of Food and Nutritional Security construction, which has already been approved and sanctioned in September 2006.

More recently, a matter that has divided specialists, researchers and militants' opinion in the field of the human rights, is the production of biofuel by the Brazilian Government.

The Brazilian experience in the biofuel production is not recent. Amid the discussions about the need to invest in renewable energy sources, the Brazilian Government began to stimulate the biofuel production, which must be progressively added to the diesel consumed in the country.

Since the biofuel production requires the use of fertile lands to be cultivated, the special narrator of the United Nations Organization for the Food Right alleges that such production may cause food prices to shoot up worldwide. In Brazil's case, where the concentration of lands still persists, the plantations turned to exportation and expansion to the agricultural frontier to areas of scrubland and the Amazonian region, the consequences can be disastrous if there's no regulation and inspection of the biofuel production in the Brazilian territory.

#### **4 – Measuring the Human Right to Adequate Food**

Nowadays, the culture of statistics and indicators is becoming more important in the academic sphere, of the public power and the civil society.

Although in the lasts decades many studies have been produced with the use of official public statistics, these are explored much more than their potential. In spite of such observations, it is convenient to call attention to the fact that, first of all, the totality of the social activity is not susceptible of apprehension; in second place we believe that the indicators – be quantitative or qualitative, should not be rectified because the sources of data registries result from social relations that must be considered to evaluate its credibility; in third place we assume that DHAA implies a diversity of details in which practice has no condition to comprise all of its implications. However, if it is well managed they are good indicatives of the social phenomenon in discussion.



Another important matter is the difficulty of the user regarding the use of specific statistics, be for the discontinuity and / or difficulties of obtaining financial aid to the fulfillment of its research.

According to Pessanha (2002), in Brazil many actions and programs of this matter have been implemented through distinct instances. Nevertheless, for the better use of these actions, the periodical evaluation of the matters related to the human right to adequate food has become more important.

The results of PNAD supplement, almost 70 years after the Josue de Castro's researches of the Northeast region are still alarming. In the year of 2004, around 66% of Brazilian domiciles could be found in a light, moderate or serious insecurity food situation, in other words, subjected to situations of deprivation that lead to health problems of several orders, etc.

In what refers to the domiciles included in social programs, the results show that in Brazil 14,9% were found in serious insecurity food situation, 26% in moderate insecurity, 25,1% in light insecurity food and 34% with food security. The food security was higher in big cities completing around 62,4% in domiciles against 50,1% domiciles in countryside cities. The serious insecurity food presented an opposite behaviour as described above. According to the research the security and insecurity food has also presented unequal distribution according to the age group and query race / color.

The states of North and Northeast regions, respectively, according to the IBGE, presented the worse results in the query residents in domiciles with insecurity food situation; they are the population residing in the group of 16 states most affected by the problems with the access to an adequate food. Since the research was carried on only in the year of 2004, we hardly could use it to do the follow up to observation of advancement or retrocession related to DHAA promotion or not.

## **5 – Methodology**

### **5.1 – Data Source and Indicators constructions**

In the sense of advancing for the diagnosis and DHAA follow up, the use of four indicators was proposed, aiming to measure the DHAA in Brazil, in two distinctive periods: 2001 and 2005. With this it was possible to observe the behaviour regarding the advance and / or retrocession in the human rights dimension.

Considering that the malnutrition is like the shape of the most serious form of weakness of individuals caused by the lack and / or absence of an adequate food, there were made two indicators based from the morbidity and mortality data from DATASUS System/ Ministry of Health: mortality and confinement tax for malnutrition. Both indicators were obtained from the quotient among the number of deaths and confinement for malnutrition respectively by the total population of the unities of the federation and of Brazil. It is important to emphasize, however, that there can have a subnumeration of these data, since many confinements or deaths may not identify the malnutrition as a primary cause, because it usually generates other health problems unleashing such events. Yet, the use of malnutrition data is still important because it provides us an approximation with the absence of the Right for Food, and as it has already been emphasized, it is guaranteed by Law, to all the individuals, without exception.

A third indicator was extracted from National Researches by Domicile Samples. Through this research it is possible to measure individual proportions that reside in domiciles which have an average of income per capita below  $\frac{1}{4}$  of minimum wage, it means, the population in miserable situation. The choice of the referred indicator starts from the principle that the measurement allows us to evaluate the contingent of population in situation of more deprivation from basic needs.

The fourth and last indicator was done by the student of Master's degree Baiena Souto during the execution of the project entitled Indicators System of Human Rights, having as a reference the historical of basic food basket, the essential nutritional needs

to the development of good physical health and matters surrounding the content inherent to the human right to adequate food.

With the advancement in the discussions related to the right of adequate food, the food needs of Brazilian population were reevaluated with the time, and were accompanied by IBGE through the fulfillment of the Research of Familiar Budget (POF). For this, it was used the amount of the basic food basket in the year of the research, being corrected annually in accordance with IPCA, also calculated by IBGE. With the amount found for each year it calculated the proportion or percentage of the family's average of monthly expenses with the basic food basket. The chart below shows the indicators and its respective data source used in the making of the same:

**Table 1 - INDICATORS**

HUMAN RIGHT TO THE ADEQUATE FOOD IN BRAZIL	MORTALITY FOR MALNUTRITION (100.000 mil habitantes)	DATASUS
	CONFINEMENT FOR MALNUTRITION (100.000 mil habitantes)	IBGE / PNAD
	POPULATION IN MISERABLE SITUATION	IPCA / PNAD
	PROPORTION OF THE FAMILY'S AVERAGE OF MONTHLY WITH THE BASIC FOOD BASKET	DATASUS

## 5.2 – Analisis of the results

Although it can be noticed that in the whole country there was a reduction for all indicators, when we separate the results by the unity of states of a federation, we then realize that there are significant inequalities, as we can notice in chart 1.

In what concerns the mortality taxes by malnutrition it was seen an increasing of this incident in the states of Acre, Bahia, Federal District, Maranhao, Paraiba and Roraima, standing out the increasing in Roraima, Paraiba and Acre with around of 330, 126 and 98% respectively.

Regarding the confinement by malnutrition we realize that in Acre, Alagoas, Bahia and Espirito Santo States also increased their taxes, though they did not have such significant increasings in the mortality taxes.

The states of Amapa and Roraima were the only that had an increasing on the proportion of individuals that reside in domicile that has an average income per capita below  $\frac{1}{4}$  of minimum wage (indigent). This indicator shows that even with the growth of the population's income in the last years, there is still a quite significant proportion of people that leave in extreme situations of poverty, in deprivation of the basic rights, such as food, and which makes necessary to point out that even with a reduction of this proportion for almost all unities of the federation, the bigger part of the North and Northeast region has a high proportion of indigents ones in Alagoas, Bahia, Ceara, Maranhao, Paraiba, Pernambuco, Piauí and Roraima state which are above 20%.

This indicator shows us that even with the growth of the population income in the last years, there is still a significant proportion of people living under situations of extreme poverty, and in this sense of basic rights deprivation, such as food, it makes necessary to point out that even with the reduction of this proportion for the unities of a federation, most part of the North and Northeast region has a great rate of indigents, in the states of Alagoas, Bahia, Ceara, Maranhao, Paraiba, Pernambuco, Piaui and Roraima are above 20%.

Finally, regarding the expenses of the familiar income destined to guarantee basic food basket Acre and Roraima state presented a raise, but since the previous indicator can point out that the bigger part of the states of North and Northeast region would comprise a significant proportion of the average familiar income to guarantee their basic food basket. For Acre, Amazon, Bahia, Ceara, Maranhao, Para, Pernambuco, Piaui, Roraima and Sergipe we found a proportion over 30%.

Although most significant Brazilian states has shown significant improvements in the two periods compared, the results also show that it is in the North and Northeast region that concentrate the biggest problems related to the scourge of hunger and of the guarantee of adequate food access.

The indicators also show that in Brazil families used to compromised around 26,88% of their income with food in the year of 2001, bringing it near to 22,79% in 2005. From this can be concluded that, although the income of a Brazilian citizen has grown, the proportion of the expenses with food is still very high. Such fact strengthen the theory that the volume wasted with food tends to corroborate to the increase of precariousness situation that generates insecurity food.

**Table 2**

BRAZIL AND UNITIES OF THE FEDERATION	MORTALITY FOR MALNUTRITION (100.000 mil habitantes)		CONFINEMENT FOR MALNUTRITION (100.000 mil habitantes)		POPULATION IN MISERABLE SITUATION *		PROPORTION OF THE FAMILY'S AVERAGE OF MONTHLY WITH THE BASIC FOOD BASKET	
	2001	2005	2001	2005	2001	2005	2001	2005
<b>Brazil</b>	<b>3,99</b>	<b>3,68</b>	<b>39,30</b>	<b>32,30</b>	<b>14,50</b>	<b>10,80</b>	<b>28,59</b>	<b>22,79</b>
Acre	2,79	5,52	10,30	12,70	18,40	15,20	21,69	25,83
Alagoas	6,97	5,37	65,30	66,90	35,00	28,70	36,42	29,42
Amapá	4,01	1,35	12,40	3,90	8,40	10,20	37,89	27,89
Amazon	3,62	3,99	20,60	17,30	21,10	9,00	33,47	30,91
Bahia	4,07	4,24	58,70	59,20	29,30	20,80	47,55	36,00
Ceara	3,66	2,98	29,70	15,60	28,90	23,60	41,27	32,80
Federal District	1,29	1,41	12,70	10,50	7,80	5,70	17,50	12,80
Espírito Santo	4,56	3,46	32,70	35,10	9,70	5,90	27,44	19,92
Goiás	1,90	2,63	17,10	18,60	7,60	5,10	24,47	17,45
Maranhao	2,22	2,83	36,20	26,30	33,30	27,00	42,56	37,04
Mato Grosso	3,28	2,82	42,10	32,60	8,60	5,60	24,73	19,35
Mato Grosso do Sul	7,53	5,21	68,50	43,20	7,90	6,20	26,91	20,81
Minas Gerais	5,25	4,38	43,60	43,10	8,80	5,00	33,54	24,82
Para	2,65	2,21	26,90	26,50	18,00	13,10	40,55	36,86
Paraíba	3,03	6,84	105,20	44,00	28,60	20,60	35,34	23,80
Paraná	3,50	2,64	35,30	25,80	9,90	5,90	25,97	19,56
Pernambuco	8,44	7,74	44,00	41,80	29,90	23,90	39,73	31,54
Piauí	2,61	1,60	34,30	26,20	32,00	28,90	43,48	32,40
Rio de Janeiro	5,19	4,95	57,30	54,50	7,60	5,80	27,29	21,88
Rio Grande do Norte	4,55	5,49	38,10	26,70	24,20	18,10	33,57	23,20
Rio Grande do Sul	3,49	3,25	37,10	34,20	7,90	6,40	28,41	22,93
Rondônia	6,74	2,41	43,20	12,80	13,70	8,90	29,46	24,04
Roraima	0,89	3,83	36,20	16,60	15,50	21,60	27,95	31,12
Santa Catarina	2,35	1,93	19,70	17,70	4,40	2,30	23,92	18,18
São Paulo	3,08	2,82	25,80	18,20	6,20	4,80	22,79	18,62
Sergipe	7,04	5,49	112,00	39,00	25,40	19,80	43,25	30,52
Tocantins	3,46	2,83	42,30	25,30	21,20	14,70	29,43	24,90

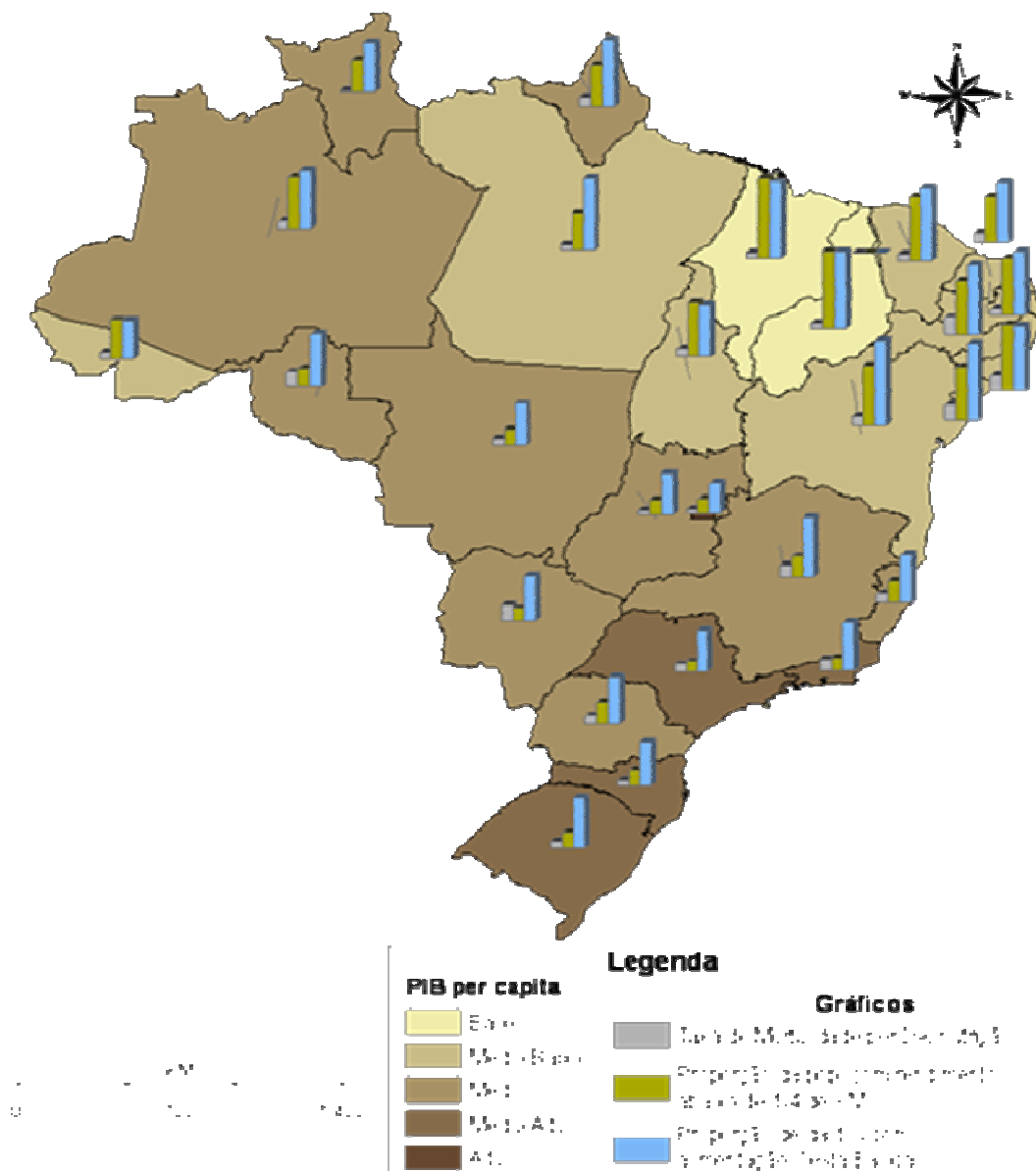
Fonte: DATASUS, IETS, IBGE - POF, IPCA, PNAD

(\* ) Measure individual proportions that reside in domiciles which have an average of income per capita below ¼ of minimum wage

## MAP 1

Mortality for malnutrition (100.000 peoples), population in miserable situation and proportion of the family's average of monthly with basic food basket - 2001

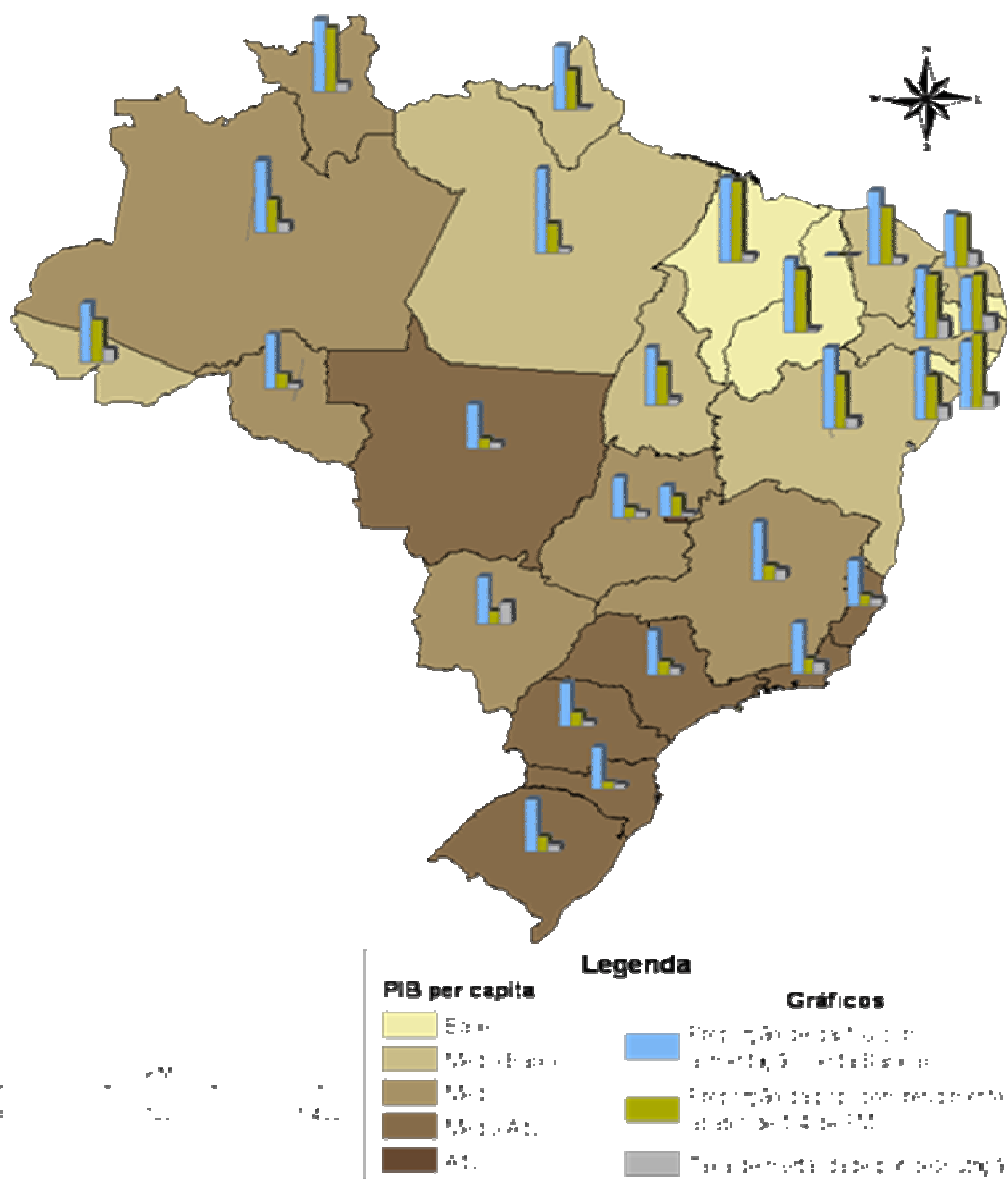
### Direito Humano à Alimentação Adequada-2001



## MAP 2

Mortality for malnutrition (100.000 peoples), population in miserable situation and proportion of the family's average of monthly with basic food basket - 2005

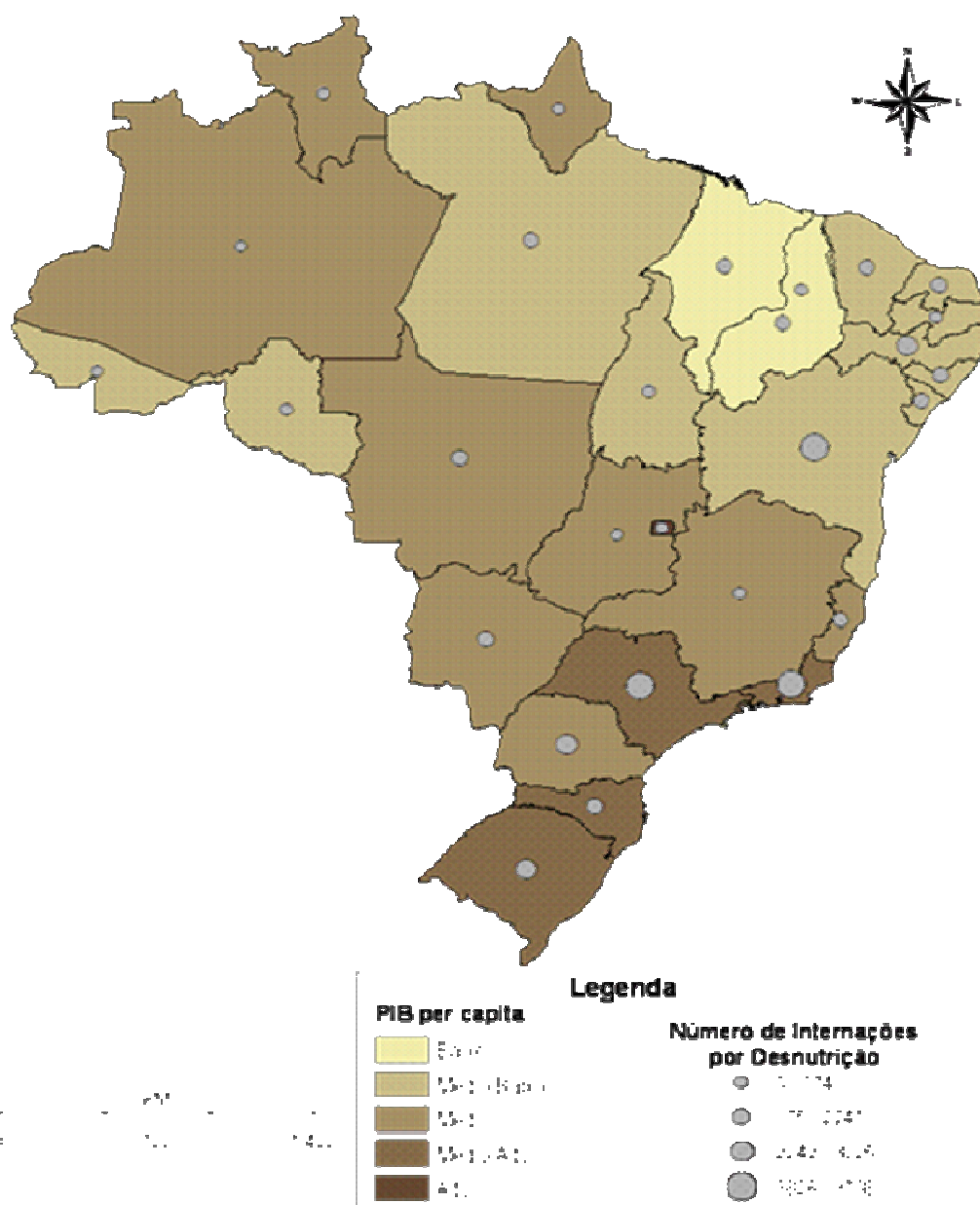
### Direito Humano à Alimentação Adequada-2005



### MAP 3

CONFINEMENT FOR MALNUTRITION (100.000 peoples) - 2001

## Direito Humano à Alimentação Adequada-2001

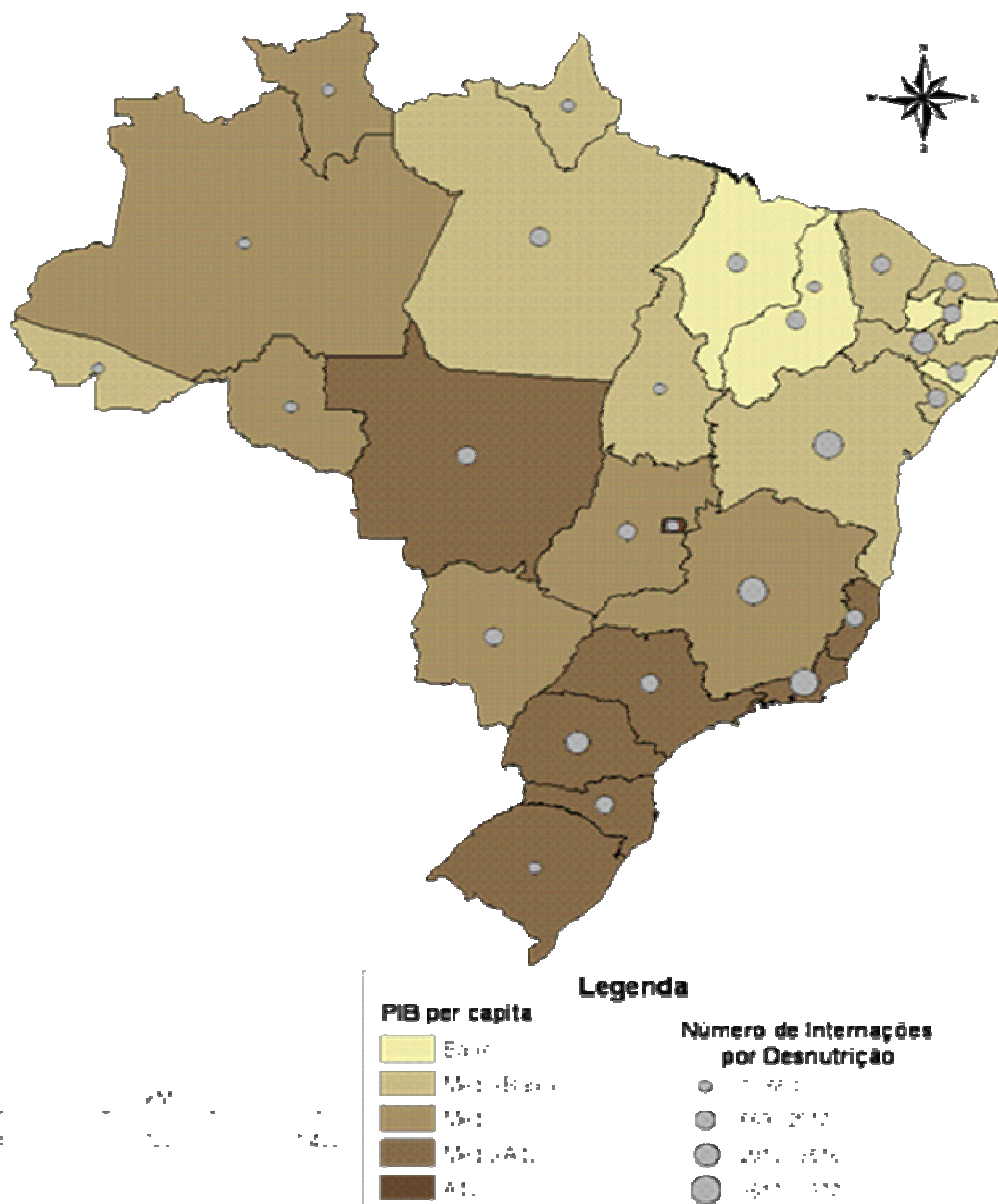




MAP 4

CONFINEMENT FOR MALNUTRITION (100.000 peoples) - 2005

Direito Humano à Alimentação Adequada-2005



## **6 – Final Considerations**

Much evolution has happened in debates surrounding DHAA in the last years, meantime, what we can emphasize is that even facing the advance in public politics and actions relative to income increasing, to the access of better health conditions, food and nutrition, it is still quite alarming the precariousness conditions where many segments of the population live.

Decades after the studies of Josue de Castro – which reveal the hunger to be the most alarming problems in Brazil – there can still be found contingents of population which are far from the use of the rights they deserve, even in the Legal extent and of the access to minimum conditions of food and nutrition.

Even so the human right to adequate food should be promoted to all individuals without exception, we are aware of the situations imposed by the capitalism system throughout the time led to precariousness situations of survival to a big part of the population around the world.

In Brazil can be notice in the last few years attempts to lessen these conditions through a series of programs which advance cannot be denied; however there is a lot to be done carried on.

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