

Uma mensagem para Portugal da Relatora das Nações Unidas para o Direito Humano à Alimentação Adequada - Hilal Elver

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Good morning Lisbon, Good morning ACTUAR and FIAN friends from Portugal and distinguished guests.

First of all, congratulations to you all organizing this event discussing existing legislation and future right to food law in Portugal. This is timely and important initiative.

As you know, there is no country in Europe having a constitutional principle or framework law to promote right to food in their legal system. Scotland has initiative called Good Food Law, still is going on last 2 years, and recently UK NGOs, some political parties, and unions are discussing similar initiative aftermath of the Brexit. I am involved in these two initiatives to support to realize right to food as much as I can. However, there is no clear development so far in Europe to promote right to food in national level.

I am hoping that maybe Portugal will be the first country in Europe to legislate right to food and will be a pioneer to other European countries. Although Europe is the most human rights friendly continent in the world, and a major political player of the developed world, economic social and cultural rights is not considered a priority.

Most of the European countries promote right to food as part of overseas development matter, to support agricultural investment and food assistance to developing countries, considering that internally there is no food insecurity issue in their own back yards.

However, Europe unlike the general belief, is the home of the 48 million food insecure people, the figure than increased since 2008 financial crises, and still continue not only in Southern Europe such as Spain, Portugal, and Greece, but even in UK. Nearly one in five UK children under 15 lives in a home where the parents cannot afford to put food on the table. According to a study from University of Porto 1 in 9 young adults are food insecure in Portugal. Young adults are considerably at greater risk of food insecurity.

The food insecurity is also associated with obesity and other non-communicable diseases such as diabetes and hypertension. Recent studies show that rising food insecurity strongly associated not just with malnutrition, but with sustained deterioration of mental health.

Austerity measures unfortunately cut many of the social protection systems, and left alone people that needs to be supported, mostly rural areas, generally are forgotten compare to city dwellers.

This is the case in Portugal as we know rural part of the country is significantly poor than Capital and other cities, and because of lack of job opportunity, and significant difficulty to sustain the impact of common agricultural policy of the EU. Family farmers, the backbone of Portugese society are disappearing and only old generation left out and left behind in their villages. In recent years, this sad story became world news with horrifying pictures showed to the world that aging villagers were the victim of wild fires, due to climate change induced extreme weather events, unprecedented drought that destroyed environment.

This should not happen in Portugal. Portugal was traditionally agricultural country, with highly specialized good quality production. However, after the EU common agricultural policies, Portugal, like many other developing countries, has become dependent of the larger international trade and economic policies that push farmers

more export oriented agriculture, rather than local production, family and local consumption oriented food and agricultural system.

This was the end of food sovereignty for many countries including Portugal. Local food production and consumption model are not struggling, or already lost the battle. WE are not only losing the farmers that they cannot compete with cheaper but lower quality, higher quantity of foods, they lost their livelihood, and they lost their health to exposing themselves global supermarket chains that feed us excessive salt, sugar and saturated fat, simply "junk foods."

So, what should be done in such a situation that even economic recovery somewhat is on the way, but growing inequality between rural and city, between men and women, and income inequalities still continue, because of non-inclusive economic growth and lack of legal and institutional system to respect, protect, and fulfill the right to food?

So, what is right to food? Most of the time right to food is confused with food security and interpreted as charity activities such as opening soup kitchens, and food banks to give food aid to vulnerable groups. These are nothing to do with right to food. Right to food is a legal entitlement for the citizens, and duty for States. Universal Declaration of Human Rights Article 25, and subsequent International Covenant of the economic, social and cultural rights Article 11, clearly articulates this right. Here are some policy recommendations:

- (1) The right to food requires that food be available, accessible and adequate. This means that all people, at all times, must be able to produce or obtain from markets enough food that is not only nutritionally sufficient, and which is culturally appropriate and safe. Most of the time availability is not an issue but accessibility and adequacy is. In case of Portugal, I think, restorative measures are necessary to revitalize family farming against industrialization food system, and returning to food sovereignty and promotion of local food, which helps health and economic recovery. This needs legal and institutional structure, as well as financial sources and more importantly, political will.
- (2) The right to food must also be sustainable, so that present enjoyment of the right does not interfere with the ability of future generations to enjoy available, accessible, and adequate food. This simply could be realized by returning family farming, and agroecology.
- (3) The right to food should not be construed narrowly, but as universal, interdependent, interrelated, and indivisible with all other human rights. Consider the rights to health, the clean drinking water and sanitation, social security, education, freedom of association, and access to justice. These rights depend on and enable the enjoyment of the right to food. In order to do this, all ministerial bodies should work together health, education, farming, environment and trade.
- (4) Any initiatives for policy and law should be discussed widely with all partners. The decision making mechanisms must be available and transparent to all.
- (5) The framework law must support family farming, which is generally in Portugal represents subsistence farmers, should be incentivized and supported to connect with local food distribution that farmers are able to access to market for their production easily. So the procurement mechanisms help to family farmers, and healthy food that could be distributed to school feeding programs, hospitals, and other governmental institutions. But for this an effective mechanism should be established by the government, This would be helpful to fight against rural poverty, food insecurity, and malnutrition as well as protection of environment.
- (6) Finally, all legal structure should have a monitoring and accountability mechanisms that citizens would be able to question the decisions and policies if there is a discrimination, and injustice, and if the system does not prioritize the most vulnerable first.

I think, establishing a legal and institutional structure based on these principles will give a good start to Portugal to recover and restore again the healthy national good food policy and a model of right to food in Europe.