

UNOFFICIAL TRANSLATION

Presidency of the Republic Civil House Sub-Directorate for Legal Affairs

LAW No. 11,346 OF 15 SEPTEMBER 2006

Establishing the National Food and Nutrition Security System (SISAN) to guarantee the human right to adequate food, and miscellaneous provisions

The PRESIDENT OF THE REPUBLIC hereby proclaims that the National Congress has adopted and approved the following Law:

CHAPTER I GENERAL PROVISIONS

Article 1. This Law provides the definitions, principles, guidelines, objectives and composition of the National Food and Nutrition Security System (SISAN), through which the public sector, with the participation of civil society organizations, shall formulate and implement policies, plans, programmes and actions to guarantee the human right to adequate food.

Article 2. Access to adequate food is a fundamental human right, and concerns the dignity of mankind. It is essential in order to enjoy the rights provided by the Federal Constitution, and the authorities shall adopt the necessary policies and actions to promote and guarantee food and nutrition security to the people.

§ 1. The adoption of these policies shall take account of environmental, cultural, economic, regional and social concerns.

§ 2. The authorities shall respect, protect, promote, inform, monitor, control and evaluate the degree to which the human right to adequate food is being guaranteed, and shall establish appropriate mechanisms for this purpose.

Article 3. Food and nutrition security means guaranteeing the right of every person to regular and permanent access to quality food, in sufficient amounts, without compromising access to other basic needs, based on dietary practices to promote health, in respect for cultural diversity and in a manner which is environmentally, culturally, economically and socially sustainable.

Article 4. Food and nutrition security includes:

- I. improving the conditions for ensuring access to food through production, particularly with respect to traditional and home-based agriculture, processing, industrialization, marketing, as well as through international agreements, food supply and distribution, including water, employment creation and incomes redistribution;
- II. biodiversity conservation and sustainable resource use;
- III. promoting the population's health, nutrition and food, particularly in relation to specific groups and the socially vulnerable;
- IV. guaranteeing biologically healthy, nutritious and technologically quality food, and the practices to encourage a healthy lifestyle in respect for the ethnic, racial and cultural diversity of the population;
- V. providing knowledge and access to information; and
- VI. implementing public policies and sustainable and participatory strategies for food production, marketing and consumption, in respect for the country's different cultural features.

Article 5. To attain the human right to adequate food, and food and nutrition security, sovereignty must be respected, and countries must be guaranteed the supremacy of their own decisions regarding food production and consumption.

Article 6. The State of Brazil shall promote technical cooperation with foreign countries, as a means of contributing to achieving the human right to adequate food at the international level.

CHAPTER II

THE NATIONAL FOOD AND NUTRITION SECURITY SYSTEM (SISAN)

Article 7. The human right to adequate food and national food and nutrition security shall be guaranteed through the SISAN which, consistently with relevant legislation, shall comprise a group of bodies and institutions representing the Union, States, Federal Districts and Municipalities and private for-profit or not-for-profit private organizations concerned with food and nutrition security, which express an interest in forming part of the System.

§ 1. Participation in SISAN provided by this article shall entail compliance with the System's principles and guidelines and be defined according to criteria set by the National Council of Food and Nutrition Security (CONSEA) and by the Inter-Departmental Food and Nutrition Security Chamber to be instituted by an Act of the Federal Executive.

§ 2. The bodies responsible for defining the criteria provided by paragraph (1) of this article may establish different and specific requirements for the public and private sectors.

§ 3. The bodies and public or private agencies and organizations belonging to the SISAN shall act independently, and may use their own autonomous decision-making procedures.

§ 4. The duties of public institutions shall not exclude the responsibility of the civil society organizations forming part of the SISAN.

Article 8. SISAN shall act according to the following principles:

I – universal and equitable access shall be guaranteed to adequate food, without any form of discrimination;

II – respect for the autonomy and dignity of the people;

III – social participation in formulating, implementing, supporting, monitoring and controlling food and nutrition security policies and plans in all areas of government; and

IV – ensuring transparency in respect of the programmes, actions and public/private resources, and the disbursement criteria.

Article 9. The SISAN shall comply with the following guidelines:

I. cross-sector policies, programmes and governmental and non-governmental actions shall be promoted;

II. all activities and their organization shall be decentralized acting on a cooperative basis consistently with the tier of government involved;

III. the food and nutrition situation shall be monitored in order to support policy cycle management at all levels of government;

IV. direct and immediate measures shall be combined to guarantee access to adequate food and to improve self-sustaining population levels;

V. the budget and its management shall be appropriately organized;

VI. encouragement shall be given to developing research and building people's capacities.

Article 10. The SISAN shall formulate and implement policies and plans for food and nutrition security, encouraging the integration of efforts between

government and civil society, and encourage support for, and the monitoring and evaluation of national food and nutrition security.

Article 11. The SISAN shall comprise:

I. – The National Food and Nutrition Security Conference, with responsibility for providing CONSEA with the guidelines and priorities of the Policy and the National Plan for Food Security, and for evaluating the SISAN;

II. – CONSEA, as an advisory body to the President of the Republic, vested with the following powers:

- (a) to convene the National Food and Nutrition Security Conference at least once every four years, and to issue Regulations defining the parameters for its composition, organization and operation;
- (b) after consideration of the resolutions adopted by the National Food and Nutrition Security Conference, to propose guidelines and priorities to the Federal Executive for of the Policy and National Food and Nutrition Security Plan, including the budgetary requirements for implementation;
- (c) acting jointly with the other members of the System, to design, support and monitor the implementation and ensure the convergence of actions relating to the National Food and Nutrition Security Policy and Plan;
- (d) acting jointly with the Inter-Departmental Food and Nutrition Security Chamber, to lay down the SISAN access criteria and procedures;
- (e) to institute permanent mechanisms for jointly acting with counterpart bodies responsible for food and nutrition security at the State, Federal District and Municipal levels, as a means of fostering dialogue and ensuring the convergence of SISAN's activities;
- (f) to mobilize and support civil society organizations in debating and implementing public action in the field of food and nutrition security;

III. – The Inter-Departmental Food and Nutrition Security Chamber, composed of the Ministries of State and Special Secretariats responsible for implementing food and nutrition security measures, are vested, *inter alia*, with the following powers and responsibilities:

- (a) to frame the National Food and Nutrition Security Policy and Plan consistently with the guidelines laid down by CONSEA, and to lay down guidelines, set goals, allocate budgetary resources and provide the instruments needed to support, monitor and evaluate their implementation;

- (b) to coordinate the implementation of the Policy and the Plan;
- (c) to coordinate the policies and plans of counterpart agencies at State and Federal District levels.

IV – The bodies and authorities concerned with food and nutritional security of the Union, States, Federal District and Municipalities; and

V – Private for-profit or not-for-profit agencies, interested in accession and willing to comply with the SISAN criteria, principles and guidelines.

§ 1 The National Food and Nutrition Security Conference shall be preceded by conferences convened held at the State, District and Municipal levels, at which the delegates to the National Conference will be chosen; these conferences shall be convened and organized by the counterpart bodies and agencies at State, Federal District and Municipal levels.

§ 2 The membership of CONSEA shall be chosen on the basis of the following criteria:

- I. one-third of the government representatives shall be Ministries of State and Special Secretariats responsible for food and nutrition security;
- II. two-thirds shall be representatives of civil society, selected according to the criteria adopted by the National Food and Nutrition Safety Conference; and
- III. observers, including representatives of similar authorities at Federal level, international agencies and the Public Federal Ministry.

§ 3 The CONSEA shall be chaired by one of its members, a representative of civil society, nominated by the plenary assembly according to the Regulations, and appointed by the President of the Republic.

§ 4 The advisory services provided of the permanent and alternate members of the CONSEA shall be considered as being in the paramount public interest and shall not be remunerated.

CHAPTER III FINAL AND TRANSITIONAL PROVISIONS

Article 12. The current appointments to the CONSEA with their respective terms of office shall be retained.

Single Paragraph. During the term of office of the present members, the CONSEA shall decide on the organization of the next National Food and

Nutrition Security Conference, the composition of the delegates, and the procedures for appointing them, pursuant to article 11(2) of this Law.

Article 13. This Law shall enter into force on the date of publication.

Brasilia, 15 September 2006; 185th year of Independence and 118th anniversary of the Republic.

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This text does not replace the one published in the D.O.U. on 18.9.2006