

Presidency of the Republic
Civil Cabinet
Subcommand for Juridical Affairs

Law No. 11.346 of the fifteenth of September of 2006

Creates SISAN – National Food and Nutritional Security System – to guarantee the human right to adequate food and nutrition and takes other measures.

THE PRESIDENT OF THE REPUBLIC I declare that the National Congress decrees and I sanction the following Law:

CHAPTER 1

GENERAL DISPOSITIONS

Art. 1. This Law establishes the definitions, principles, guidelines, objectives, and composition of the National Food and Nutritional Security System – SISAN, through which the government, together with the organized participation of the civil society, shall formulate and implement policies, plans, programs, and actions which seek to guarantee the human right to adequate food.

Art. 2. Adequate food is a basic human right, inherent to human dignity and indispensable to the realization of the rights established by the Federal Constitution. The government shall adopt the policies and actions needed to promote and guarantee food and nutritional security for the population.

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

§ 2. The government shall respect, protect, promote, provide, inform, monitor, supervise, and evaluate the realization of the human right to adequate food, as well as guarantee the mechanisms for its exigibility.

Art. 3. Food and nutritional security consists in the realization of the human right to regular and permanent access to good quality food, in sufficient quantity, without compromising the fulfillment other basic needs, having as its basis healthy nutritional habits that respect cultural diversity and that are environmentally, culturally, economically and socially sustainable.

Art. 4. Food and nutritional security comprises:

- I. Expansion of access to food through its production, particularly via family and traditional farming, food processing, industrialization and commercialization, including international agreements; better food supply and distribution, including of water; job creation and redistribution of wealth;
- II. The conservation of biodiversity and the sustainable use of resources;
- III. The promotion of health, food, and nutrition for the population, including specific population groups and those more socially vulnerable;

- IV. The guarantee of the biological, sanitary, nutritional, and technological qualities of the food, as well as its good use, which stimulates healthy food practices and lifestyles that respect the ethnic and racial diversity of the population;
- V. The production of knowledge and the access to information; and
- VI. The implementation of public policies and sustainable and participatory strategies of food production, commercialization and consumption, respecting the diverse cultural characteristics of the country.

Art. 5. The realization of the human right to adequate food and the attainment of food and nutritional security require respect for sovereignty, which confers to countries primacy in their decisions regarding the production and consumption of food products.

Art. 6. The Brazilian State shall make an effort to promote technical cooperation with foreign countries, thus contributing to the realization of the human right to adequate food worldwide.

CHAPTER II

OF THE NATIONAL FOOD AND SECURITY SYSTEM

Art. 7. The realization of the human right to adequate food and the attainment of food and nutritional security will be made possible through SISAN, constituted by agencies and entities of the Federal Union, states, the Federal District and of municipalities, and private institutions, profitable or not, related to food and nutritional security and interested in integrating the System, provided that the applicable legislation is respected.

§ 1. The participation in SISAN to which this article refers shall obey the principles and guidelines of the System and will be defined based on the criteria established by the National Council for Food and Nutritional Security – CONSEA – and by the Inter-Ministerial Chamber for Food and Nutritional Security, to be created by the Federal Executive Power.

§ 2. The agencies which are responsible for the definition of the criteria to which § 1 refers may establish distinct and particular requirements for the private and public sectors.

§ 3. The private or public agencies and entities which are part of SISAN shall work in an interdependent manner, but their autonomy to make decisions shall be preserved.

§ 4. The obligation of the State does not exclude the responsibility of those entities of the civil society that are part of SISAN.

Art. 8. SISAN shall be ruled by the following principles:

- I. Universality and equity in the access to adequate food, without any kind of discrimination;
- II. The preservation of autonomy and respect for the dignity of all;

- III. Social participation in the formulation, execution, examination, monitoring, and control of the policies and plans on food and nutritional security in all spheres of the Government; and
- IV. Transparency in the programs, actions, and public and private resources, and in the criteria for their concession.

Art. 9. SISAN is based on the following guidelines:

- I. Promotion of the inter-sectorality of policies, programs, and governmental and non-governmental actions;
- II. Decentralization of actions and articulation, under cooperation, among the spheres of the government;
- III. Monitoring of the food and nutrition condition of the population, seeking to subsidize the management cycle of policies for the area in the different spheres of the government;
- IV. Conjunction of immediate and direct measures which guarantee access to adequate food, through actions that improve the resources and means of autonomous subsistence of the population;
- V. Articulation between budget and management; and
- VI. Encouragement of research development and training of human resources.

Art. 10. SISAN seeks to formulate and implement policies and plans on food and nutritional security, motivate the integration of efforts between the government and civil society, as well as promote the examination, monitoring, and evaluation of food and nutritional security in the country.

Art. 11. SISAN is composed by:

- I. The National Conference for Food and Nutritional Security, responsible for the recommendation to CONSEA of the guidelines and priorities of the National Policy and Plan on Food and Nutritional Security, as well as for the evaluation of SISAN;
- II. CONSEA, which responsible for the immediate advising of the President of the Republic, is in charge of :
 - a) Arranging for the convocation of the National Conference for Food and Nutritional Security, periodically, not more than four years apart, as well as defining the parameters of its composition, organization, and operation, based on its own regulation;

- b) Suggesting to the Federal Executive Power, in view of the deliberations of the National Conference for Food and Nutritional Security, the guidelines and priorities of the National Policy and Plan on Food and Nutritional Security, including the budgetary requirements for its execution.
 - c) Articulating, examining, and monitoring, in collaboration with other members of the System, the implementation and convergence of actions which are inherent to the National Policy and Plan on Food and Nutritional Security;
 - d) Defining, in collaboration with the Inter-Ministerial Chamber for Food and Nutritional Security, the criteria and procedures of integration into SISAN;
 - e) Instituting permanent mechanisms of articulation with related agencies and entities of food and nutritional security in the States, the Federal District, and municipalities, seeking to promote dialogue and the convergence of the actions which integrate SISAN;
 - f) Mobilizing and supporting entities of civil society in the discussion and implementation of public actions for food and nutritional security;
- III. The Inter-Ministerial Chamber for Food and Nutritional Security, composed by Ministers of State and Special Secretaries who are responsible for the portfolios related to the attainment of food and nutritional security, has the following responsibilities, among others:
- a) To elaborate, in view of the guidelines from CONSEA, the National Policy and Plan on Food and Nutritional Security, suggesting the guidelines, goals, basis of resources and tools to examine, monitor, and evaluate its implementation;
 - b) To coordinate the execution of the Policy and of the Plan;
 - c) To articulate the policies and plans of their related state agencies as well as those of the Federal District;
- IV. Agencies and entities of food and nutritional security of the Federal Union, states, Federal District, and municipalities;
- V. Private institutions, profitable or not, which are interested in integrating the System and respect the criteria, principles, and guidelines of SISAN.

§ 1. The National Conference for Food and Nutritional Security will be preceded by state, district, and municipal conferences, which shall be summoned and organized by related agencies and entities in the states, Federal District, and municipalities, from which the delegates to the National Conference will be chosen.

§ 2. CONSEA shall be composed based on the following criteria:

- I. $\frac{1}{3}$ (one third) of governmental representatives constituted by Ministers of State and Special Secretaries responsible for the portfolios related to the attainment of food and nutritional security;
- II. $\frac{2}{3}$ (two thirds) of civil society representatives chosen based on appointment criteria approved at the National Conference for Food and Nutritional Security; and
- III. Observers, including representatives of allied Federal Councils, international bodies, and of the Federal Public Ministry.

§ 3. CONSEA shall be presided by one of its members, a civil society representative, appointed by collegiate jury, according to regulations, and chosen by the President of the Republic.

§ 4. The performance of advisers, and permanent and substitute members of CONSEA shall be considered of relevant public interest and non-remunerated service.

CHAPTER III

FINAL AND TRANSITORY DISPOSITIONS

Art. 12. The current designations of members of CONSEA with their respective mandates remain.

Single paragraph - CONSEA shall, in the mandate of its current members, define when the next National Conference for Food and Nutritional Security will be held, the composition of its delegates, as well as the procedures for their appointment, according to § 2 of Art. 11 of this Law.

Art. 13. This Law shall come into effect as of the date of its publication.

Brasilia, the fifteenth of September of 2006; 185^o of the Independence and 118^o of the Republic

Luiz Inácio Lula da Silva
Patrus Ananias

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