



The nutrition right in Brazil: An analysis of state inefficiency in the coronavirus pandemic contexto

El derecho a la alimentación en Brasil: un análisis de la ineficiencia del Estado en el contexto de la pandemia de coronavirus

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Abstract: Issues linked to hunger and poverty are considered a serious political-social problem in Brazil, in which the situation is aggravated by the new coronavirus pandemic and the application of emergency measures. In detriment of this, the inefficiency of state actions with the aim of enshrining access to adequate food for all is evident, with a serious failure in the application of correct public policies, in which a vision of the government as a benefactor and not as a guarantor is established. of rights. Thus, we used a methodological procedure based on documental and exploratory analysis, with a bibliographic method, when analyzing literature on the subject and inserting a critical analysis of those referred, through a qualitative approach. From which an understanding of the right to food in relation to hunger and poverty in Brazil was made possible, as well as the understanding of failed actions regarding the guarantee of the aforementioned, in addition to the realization of the need to implement redistributive policies.

Keywords: *Food; Pandemic; Hungry; Public policy.*

Resumen: Las cuestiones relacionadas con la vivienda y la pobreza se consideran un grave problema político-social en Brasil, donde las situaciones se agravan con la pandemia del nuevo coronavirus y la aplicación de medidas de carácter emergente. Como resultado, se evidencia la ineficacia de las acciones estatales destinadas a consagrar el acceso a una alimentación adecuada para todos, con una grave falla en la aplicación de políticas públicas correctas, en las que se establece una visión del gobierno como benefactor y no como garante de derechos. Con ello, se utilizó un procedimiento metodológico basado en el análisis documental y exploratorio, de carácter metodológico bibliográfico, analizando la literatura sobre el tema e insertando un análisis crítico de las mismas, a través de un enfoque cualitativo. A partir de lo cual se hizo posible la comprensión del derecho a la alimentación en relación con el hambre y la pobreza en Brasil, así como la comprensión de las fallas en cuanto a la garantía del derecho a la alimentación, y la necesidad de implementar políticas redistributivas.

Palabras clave: *Alimentación; Pandemia; Hambre; Políticas públicas.*

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INTRODUCTION

In the Brazilian context, the Right to Food is socially constructed and assured by the national law, which can be considered as an unfolding of the Right to Health, being destined to all human beings in the condition of their own existence. It is the obligation of the state to guarantee its application in the territory.

In this way, evidencing the right in question, it is elementary to understand hunger as a major factor responsible for violating this right, since the experience caused by hunger is linked to food uncertainty. Therefore, the positive action of the State is necessary for the people who experience this reality. Even more so when its cause is beyond a single factor, going through a whole conjuncture that involves politics, social issues, and economics. Implying public policies that have the capacity to go through the capitalist conjuncture in which the country is inserted.

This is marked by the concentration of land, which prevents the effectiveness of its social function, because large landowners are predominant and their main objective is not the distribution of food necessary to meet national needs. But rather, the exportation of the food produced (LIMA, 2020).

Together, with the predominance of the export of food produced in the country, it creates a consumer market marked by rising prices, since domestic consumption is in the background. Corroborating, thus, with another factor that is the income needed to have access to quality food. In view of this, as mentioned above, it is necessary to implement public policies to balance this inequality, starting from the principle of guaranteeing a right and not the economic supremacy (FREITAS; PENAS, 2020).

Mainly, such factors were added to a global health crisis, which came to affect all areas, caused by the proliferation of the new coronavirus (SARS-CoV-2). This imposed restrictive measures on the entire population, directly affecting access to constant food. Considering that, the impacts caused by its dissemination generated a huge economic stagnation in the country, affecting mainly the most vulnerable, decreasing the rate of employees. Therefore, it did not take long for the hunger situation in the country to change.

And, it is at this moment that public actions should take charge of the situation. However, there is a gap left by the State, having as a parameter the inefficiency of the implemented public policies, because the level of food insecurity has been growing during the last years. Furthermore, it is potentiated by the chaos caused by the pandemic.

Exemplifying the facticity, as a way to alleviate the situation of extreme poverty in which several Brazilians have come to witness, the Emergency Aid was implemented - Law No. 13.982 of April 2, 2020. However, when evaluating the country's economic framework, its effects fall flat, being unable to guarantee the necessary minimum.

In this context, when analyzing the factual unfoldings of the problem, it becomes evident the need to address the issues, specifically the one involving governmental action in the search for solutions for the referred one. Moreover, it is understood as of great relevance the study to understand how the principles of the unfolding of the right to food are applied by the public administration, especially when dealing with the pandemic reality.

Researching the Right to Food in the pandemic context is also justified by virtue of the principle of human dignity, a fundamental factor of the welfare state, as well as by understanding the inefficiency of the state in guaranteeing the Right in evidence.

THEORETICAL FOUNDATION

Hunger aggravated by pandemic: A political-social and legal problem

It is important to understand the impacts that hunger can have on the human body. For this, it is understood that hunger is characterized when the usual food does not reach the necessary level of energy supply for the maintenance of the individual's body, affecting its performance in daily activities. And, consequently, resulting in malnutrition: chronic energy deficiency (MONTEIRO, 2004).

Although hunger is a physiological condition caused in the human body, its true genesis is beyond this, so it can be understood as the result of a process founded in the center of social relations. For it is from the relationship of man with economic capital and private property that access to quality food will be defined. Therefore, we see that the consumption relationship is a definite point in this social context (FREITAS; PENA, 2020).

In this sense, it is necessary to establish the connection between food distribution and the concentration of rural land. Since, the national agricultural market is focused on the exportation of products produced from monoculture, disregarding the internal production of food. Thus, the members of the parliamentary front known as the "ruralist caucus", dominators of the agribusiness, add privileges among themselves, because rural policies end up being determined by their interests.

Therefore, it is inferred that their actions are based on the principle against agrarian reform and against the social movements in the countryside. It is worth noting that, at the expense of this export economic model, domestic consumption is left to depend on family farming, which daily faces the weight of inequality that the market imposes on it. (OXFAM, 2016).

Another factor that contributes to the construction of obstacles to proper access to food is the income of the population. Even if the country has enough production to meet the needs of the entire

population, its access is entirely linked to the source of income, taking into account that such factors define the ability to produce and buy them. Thus, according to Silveira and Almeida (1992, p. 161)

The low purchasing power of the population and the poor distribution of wealth hinder the technical-economic development of the domestic food crop production sector, since the stimuli via prices require that consumers realize incomes that allow them to afford this price increase.

Consequently, it became necessary for the state to intervene in this reality that the capitalist system had created. And, it was from the second dimension of rights - social rights - which aimed at a positive action of the state, that the right to food was integrated. Having recognition from several discussions on Human Rights (LENZA, 2021). And, here in Brazil, the Constitutional Amendment n. 64/2010 was responsible for implementing food in the list of social rights preordained in the art. 6 of the Magna Carta (BRASIL, 1988).

However, previously, there was already Law n. 11.346/2006, which was regulated by Decree n. 7.272/2010, and created the National System of Food and Nutritional Security (SISAN), having as its main objective to ensure the right to adequate food. According to its legal text, described in art. 2, adequate food is a fundamental right of human beings, intrinsic to the guarantee of their dignity and necessary for the realization of other constitutional rights (BRASIL, 2006).

From this whole political, social and economic context, a factor that has potentiated the difficulties in access to quality food was the emergence of the new coronavirus, which weakened the whole global conjuncture, not only Brazil. Mainly because it appeared in the midst of economic stagnation, dismantling of the health system, besides the dismantling caused to the food and nutritional security and social security programs. In conjunction with the increased level of poverty, further evidencing the aforementioned inequalities (SIPIONI et al., 2020).

Also, as previously mentioned, income is a discriminating factor, with regard to access to food available on the market, however, the current amount of unemployed people reaches 14.4 million, data from the second half of this year, by the Brazilian Institute of Geography and Statistics (IBGE, 2021). This situation, which was enhanced by the pandemic, has direct impacts on the labor market, increasing the number of informal workers (COSTA, 2020).

It is noteworthy, still, that even before the pandemic context, there was already a trend in the country of decreasing food security. Having in 2013, record the best level (77.4%) of food security of all history, reported by the National Household Sample Survey 2013 (PNAD - 2013). However, four years ahead, the 2017-2018 Household Budget Survey (POF 2017/2018) found that the food security situation was

experienced by only 63.3% of the households used in the survey. Registering a drop of 14.1 percentage points (GALINDO et al., 2021).

Moreover, taking into account all the limitations that the current crisis imposed, it became clear that the actions taken by the State were not sufficient to remedy the deficiencies caused by it. And, here, it is possible to mention the Emergency Aid that was created precisely for this guaranteeing purpose, but it did not have a relevant effect, given the economic context Brazil is living through. Thus, the inefficiency of public policies is clear, focusing on the basic needs that they cannot ensure (FILHO; JÚNIOR, 2020).

Indeed, the social right to food, supported by the Major Law, is ignored. Denying, thus, primitive and necessary rights for the subsistence of human beings, denying them the minimum guarantee of a dignified life. It is salutary that the right to food should be provided to all, aiming at the prevalence of the supreme value of the Brazilian legal system, which is based on the dignity of the human person, provided in Article 1, item III of the Federal Constitution (BRAZIL, 1988).

This principle permeates all developments in Brazilian law, given its universal character, which defines the basic rules guiding civilized societies. It becomes inadmissible to be ignored, precisely because it is responsible for guaranteeing to every individual, due to his human conditioning, his human rights inherent to his existence. And, based on this foundation, prevent the imposition of despicable conditions (JUNIOR; BRUGNARA, 2017).

Therefore, it is up to the government to ensure and promote food and nutritional security, which consists of the realization of the right of everyone to have regular and permanent access to quality food, in quantities that can supply their meals in the correct form, without having to choose between a meal or other essential needs; so defines art. 3 of Law 11.346/2006 (BRASIL, 2006). Seeking, in these ways, to avoid the increase in the rates of people living in malnutrition conditions, caused precisely by the failure to implement effective public policies.

Impacts of emergency aid on the guarantee of the human right to adequate food

The pandemic of the new coronavirus (SARS-COV-2) creates a scenario of social chaos, with social, economic, cultural, and political impacts in Brazil, while, in order to mitigate these impacts, some alternatives have arisen, such as social isolation, quarantine, and testing of the population.

In this context, a collapse is created within the economy and a major problem occurs within the labor relations, in which these needed a new molding to adapt to the atypical situation established, thus, there was an increase in unemployment and lack of resources for subsistence for the population, a factor responsible for the expansion of the number of the poor.

As a way to mitigate the above mentioned impacts, corroborating the ideas of social security and assistance to the destitute, as well as the need to ensure the existential minimum for the population, the implementation of the emergency aid occurs, through Law n° 13.982, of April 2nd, 2020, which emerges with an urgent character within the Brazilian society, originating from great struggles and social claims.

The above-mentioned legislation reshapes the framework of vulnerability in the context of the pandemic, which takes into account numerous issues, such as survival circumstances, level of education, as well as an analysis of the family context. Thus, those who are eligible for the benefit have the opportunity to receive for three months an amount of R\$600.00 (six hundred reais). (BRASIL, 2020)

To qualify for the aid, the applicant must be of legal age, not have a formal job, not be entitled to social security or welfare benefits, have a per capita monthly family income of up to half a minimum wage or a total monthly family income of up to three minimum wages. (BRASIL, 2020)

Thus, Correia et al. (2020) points out that even if this aid is considered extremely important in the national scenario, especially to ensure the survival of the working class, there are numerous contradictions in this aid, in which it acts in a controversial way by offering an insufficient value for the maintenance of life, it should also be used in favor of capitalist purposes.

In view of these aspects, it is elementary to see the emergency aid as an indispensable factor, however, it is very flawed and cannot meet the needs of the population, especially when considering the great change in the economic panorama, as well as the access to consumer goods. Thus, it is considered insufficient to meet the needs of the population, considering the state obligation in order to mitigate the effects of the pandemic.

The Organization for Economic Cooperation and Development - OECD (2018) points out a high rate of poverty in the national territory, especially among children and adolescents, a factor responsible for potentiating many other inequalities within the national territory, where it is notorious the predominance of informal workers, considered as the most affected by the pandemic.

In this vein, it is elementary the approach to food, in which adequate food is considered a fundamental and universal Human Right, in which it ensures financial and physical access, in an uninterrupted way to adequate food, in which this is ensured in the Universal Declaration of Human Rights. (DIAS, 2009)

Therefore, when relating the objectives of the emergency aid with the state need to guarantee the right to food, it is evident that only the use of the benefit in question is not considered an absolute and efficient way to guarantee the human right to adequate food.

This issue is evidenced in the United Nations Organization Report (2021), which points to an absolute and disproportionate growth of hunger and poverty, in which this growth is capable of exceeding population growth.

Thus, Alpino et al. (2020, p. 5) when considering the government benefit in question and its insufficiency also points to the idea of emergency aid as a State action "that reflects a pejorative character, as something perishable, stigmatizing, and not the perspective of the right and duty of the State beyond an emergency income for the most vulnerable. Thus, the state obligation to guarantee the existential minimum for the population is left in the background.

Therefore, it is notorious the absence of actions with the objective of putting into effect the human right to food, in which a clear scenario of negligence of the interests of the underprivileged can be seen inside the national territory, especially when guaranteeing a basic right such as adequate food, in which the benefit offered by the Federal Government is seen as an act of charity.

Public policies to ensure the right to food in the national territory

In view of the above, it is clear that the pandemic situation is a factor responsible for elucidating and amplifying the inequalities present in the country.

For its part, the Brazilian Constitution ensures the development of these solutions, the so-called public policies, especially when analyzing the objectives of the Federative Republic of Brazil, in Article 3, III, with the objective of "eradicating poverty and marginalization and reducing social and regional inequalities. (BRAZIL, 1988)

Thus, according to Secchi (2016) public policies are defined as a group of guidelines for overcoming a public problem, an artifice that the government should use with the aim of intervening in the scope of social problems, which is clearly elucidated when dealing with the context in question.

Souza and Maia (2019) point out the view of the State as a factor of dual personality, which acts at the same time as a solver and causer of these problems, in which it is elementary the charge of governmental attitude in this context, such as the one carried out through pressure groups and media.

Thus, it is elementary to highlight the features the Welfare State enshrined in the Brazilian territory, in which it worships a dressing of welfare character and, therefore, attitudes in favor of society are understood as political rights to be exercised by the population, while there is the need for an active and reciprocal action in relation to the population to the administration. (LENZA, 2021)

It is elementary the existence of democratic environments, in which these are ordered in order to aggregate the social demands, since only through the participation and debate of the population there is the

possibility of reporting and combating the violation of fundamental rights and guarantees, these environments can be inserted through these actions.

Thus, Rocha (2009, p. 11) points out that: "public policies must respect the equality and autonomy of the recipients", therefore, in the context in question, one must consider the particularities of the Brazilian population, especially when developing policies that ensure a fundamental right.

In this vein, when analyzing the state traits developed at the national level and the need for population participation, it is understood that public policy is that perceived function of common interest within the legal system, in which these must have a realistic and deployable character.

When dealing with the need to implement ways to solve the adversity in question, one must consider hunger and poverty as chronic problems in the national context, especially when considering the structural distributive inequality present in the social sphere. Having said this, we explore the area of social rights, which includes food, as these are members of the second generation of human rights, in which we glimpse a state action aiming to ensure equality among individuals, as well as solidarity among them.

According to Dias (2009), the human right to adequate food is realized through public policies, in which it becomes a dead principle if it is not correctly translated into functional terms, i.e., into programs and activities, duly endowed with budgetary resources, that can be truly implemented by the government.

Streck and Morais (2014) point out a dubiety in this context, since the more the need for public policies is urged in the face of exponentially worsening poverty, the more the State, the only agent capable of eradicating social inequalities, shrinks by remaining inert when faced with the population's demands. This issue is clearly highlighted in the face of pandemic social chaos.

Thus, the food guarantee starts to take on a political and institutional character, in which the main objective of implementing public policies in this context should be a guide for overcoming poverty and reducing inequalities, while the assistance to the needy is extremely relevant.

Pessanha (2002) points out the urgent need for redistributive, structural or compensatory, universal or residual policies, that is, the need for financing services and resources aimed at the portion of the population most affected by scarcity. These must have their focus on reducing disparities and promoting social welfare.

The possibility of related government actions is extremely broad, and should benefit not only those segments of the population excluded from formal labor market opportunities, but also those who, even though they are active in this market, do not earn efficient incomes to achieve the right to food in its entirety.

Hirai and Anjos (2007) point out that the aforementioned issues should act as a basis for the State and civil society to work in order to expand and qualify the function of long-term public policies, not forgetting the performance of emergency actions and the training of human resources to work in this area,

especially in the field of social services. In this perspective, it is noted the need for the establishment of an action plan with the objective of applying these policies, with the improvement of the population's physical and economic access, the use and optimization of public and private resources to strengthen humanitarian resources. In this way, it is possible to modify the social and cultural bases of the populations considered at risk.

METHODOLOGY

The methodological procedure used for the development of this research is based on an exploratory analysis of the documental method, linked to a bibliographic review of books, scientific articles and current legislation in the legal system. The aim is to investigate how the Brazilian State acts to guarantee the human right to food, especially during the pandemic period, and to understand possible ways to ensure the right in question. According to Gil (2010, P. 44). "The bibliographical research is developed based on already elaborated material, consisting mainly of books and scientific articles". This research method allows the elaboration of a critical evaluation and synthesis regarding the state of knowledge directed to a certain subject, being an essential part of the constructive process.

The process had as its starting point the identification of the problem, search, selection, and analysis of articles and books on the theme, and finally the discussion and reasoning about the selected materials. A consultation and search procedure is inserted for the theme with the location of the appropriate legislation, doctrine and manuals of the area, this is developed in digital libraries, physical collection and databases.

In this context, an inductive analysis was adopted, in which the particular situation related to the pandemic and the Right to Food was selected in search of a generalization and comprehension of the problem in a broad way, this being done from the reading and observation. Thus, the question is: how is the right to food assured by the state machinery and how did it deal with this during the pandemic period? In view of the humanitarian crisis triggered by the new coronavirus and the implementation of emergency policies within the national territory. Moreover, we emphasize the presence of a research with a qualitative approach, since it seeks to analyze subjective aspects inherent to the social phenomenon of hunger linked to the human right to food, as well as a search to induce a critical reflection on the right to food in the pandemic context.

RESULTS AND DISCUSSIONS

In the first place, when arriving at the key point of the current study, it was possible to realize the direct correlation that the right to food has with human rights, being necessary for the realization of other basic human rights, such as the principle of human dignity guaranteed by the Democratic State of Law.

However, the presence of obstacles to its real implementation was verified, which were cited: the concentration of income, poor distribution of food, concentration of land, and the inefficiency of public policies. This has resulted in the neglect of the above-mentioned right.

Given the current conjecture of the capitalist system, the land has ceased to exercise its social function, the internal market for food production has become export-oriented, family agriculture has fallen into a commercial disadvantage, and, as a result of the historical class struggle, economic inequality has only increased.

From this context, which has been going on for a long time, the pandemic caused by the coronavirus has fostered the already existing inequalities and made it difficult to face the barriers built by the economic crisis, while the governmental inefficiency in controlling the chaos is evident.

Consequently, the number of people suffering from hunger or food insecurity has risen, but it is worth pointing out that these numbers had already been growing exponentially, according to the figures linked to unemployment and access to basic human needs.

In such a way that the benefit offered as a way out was considered insufficient to supply all the demands of the population, in which it was one of the culprits for the non-compliance with the necessary measures to control the social collapse, in which the population was pressured to seek other forms of subsistence.

Besides this, the inefficiency of the administrative machinery was proven when seeking effective ways to control the pandemic situation in relation to food for the population, especially when guaranteeing the existential minimum and ensuring the unfolding of this right, understood as the idea of not going hungry and food security in its strict sense.

Another preponderant factor evidenced during the present research was the occurrence of a massive violation of several other rights when considering the situation generated by Covid-19, in which actions in favor of the common good were considered as acts of charity, and not as an explicit obligation in the legislation, in accordance with the precepts of welfare incorporated in the basic norms.

Thus, it was also highlighted that the existing policies are not able to meet the population's desires, in which there is no redistributive policy that is in accordance with the precepts of the higher law.

CONCLUSIONS

In accordance with what has been explained in this research, the magnitude and the impact that the guarantee of the right to food has is evident, since it is one of the main factors responsible for the preservation of human dignity. And, it is from this that principles such as cooperation and solidarity are glimpsed.

Thus, when analyzing the principle in question in relation to the Brazilian scenario, one notices the state inefficiency in carrying out actions that aim to guarantee the referred principle, while there is an exponential growth of hunger and poverty, with a bad distribution of resources. These issues are accentuated with the outbreak of a pandemic scenario all over the world, in which it is visible the lack of governmental action in the sense of applying an effective solution.

Furthermore, the problems of poverty and hunger are considered bothersome and unacceptable in the world, especially in relation to the historical process of universalization of solidarity and isonomy, which are founding elements of the notion of citizenship, factors that underpin the Brazilian Democratic State.

Therefore, the application of effective solutions is seen as an obstacle still present in the State context. These solutions must have a rational and systematic character, with the purpose of meeting social expectations; moreover, they must not be overthrown by simple government instabilities, since their function is to control internal problems and avoid a collapse in the national system, guaranteeing opportunities and social evolution.

Facing this scenario, it is urgent to implement a policy of income redistribution with an effective character, capable of overcoming the emergency character and guaranteeing the preservation of life, as a strategy of accumulating forces to overcome the vision of the State as benefactor. For this, it is necessary to fight against setbacks in the political sphere, to avoid the withdrawal of rights.

Thus, through the implementation of new public policies and the implementation of existing ones, the human right to adequate food and food security must be guaranteed. In order to insert comprehensive measures in the normative, administrative, and budgetary spheres.

Finally, it is suggested that this research be deepened, especially in the scope of the possibilities of implementing redistributive policies, considering the great need to understand them in order to effectively apply their guidelines in the national territory.

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