LEGISLATING FOR A FOOD-SECURE FUTURE IN GUYANA:
A LAW ON FOOD SECURITY AND NUTRITION AND THE RIGHT TO ADEQUATE FOOD

“Achieving food and nutrition security and, in particular, achieving the early target of reducing food imports 25% by 2025, requires us to be all on board and all hands on deck. The challenging global economic conditions have given us the clearest indication that in order to survive as a Region, we must pull together in the spirit of the shared vision that created the Revised Treaty of Chaguaramas.”

(Dr Carla Natalie Barnett, Secretary-General of the Caribbean Community)

SUMMARY

This paper provides information on the state of food insecurity and malnutrition in Guyana, highlighting the value and importance of enacting a law that can support the progressive realization of the right to adequate food in this context. International obligations on the right to adequate food subscribed to by Guyana and its constitutional provisions support the case for legislating on this matter. A coordinated legislative approach to address food security and nutrition and support the progressive realization of the right to adequate food, leaving no one behind in Guyana, is needed.

INTRODUCTION

Despite recent progress, food insecurity and malnutrition persist in Guyana (CARICOM, FAO and WFP, 2022). A number of public policy measures are needed to tackle this issue. Among them, legislation can serve as a valuable tool, provided it is appropriately drafted and effectively implemented; an Act can provide the necessary legal and institutional framework for the adoption of guiding policies, programs, and initiatives to ensure the fulfilment of the right to adequate food.

For this reason, FAO has provided technical assistance to the Government of Guyana in drafting a bill on food security and nutrition and the right to adequate food (to be known as the “Food Security and Nutrition Bill”). This paper aims to serve as a tool to inform the discussion of said bill.

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**UNDERSTANDING FOOD SECURITY AND NUTRITION AND RELATED CONCEPTS**

**Food security** is an overarching concept that relates to ensuring that all individuals, at all times, have physical, social and economic access to an adequate and sufficient food supply. It has four dimensions: availability, accessibility, utilization and stability. Recently, the concept has evolved to include two additional dimensions: agency and sustainability (Rome Declaration and Plan of Action, 1996; FAO et al., 2023; CFS, 2021).

**Food security dimensions**

<table>
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<tr>
<th>Availability</th>
<th>Access</th>
<th>Utilization</th>
<th>Stability</th>
<th>Agency</th>
<th>Sustainability</th>
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<td>refers to the presence of food, including production, reserves, markets, and transportation.</td>
<td>pertains to whether households and individuals can physically and economically obtain this food.</td>
<td>involves not only having access but also maximizing nutrition and energy intake through good care, diverse diets, and access to clean water and healthcare.</td>
<td>refers to the overall system’s resilience, ensuring consistent food security, considering short-term and long-term influences.</td>
<td>is about individuals or groups making decisions in food production and distribution, impacting food system policies.</td>
<td>addresses the long-term capacity of food systems to provide food security without compromising economic, social, and environmental factors for future generations.</td>
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Consequently, **food insecurity** exists “when people lack secure access to sufficient amounts of safe and nutritious food for normal growth and development and an active and healthy life” (FAO, 2000).

Confusion often arises between the concepts of food security and food safety. **Food safety** specifically concerns the prevention and control of potential hazards within the food supply chain, including biological, chemical, and physical risks that could lead to illness and harm. While food safety is related to food security (as defined above), it differs in its focus. The absence of adequate food safety measures can compromise food security by exposing consumers to unsafe food, highlighting the necessity for a holistic approach to managing food systems and nutrition (CFS, 2021).

While food security ensures access to food, nutrition security emphasizes the adequacy of the nutrients provided. **Nutrition security** exists when secure access to a nutritious diet is combined with a sanitary environment, adequate health services, and proper care, ensuring a healthy and active life for all household members. Unlike food security, nutrition security also considers caregiving practices, health and hygiene alongside dietary adequacy (FAO et al., 2020)

Understanding nutrition security naturally leads to a discussion on **malnutrition**, which affects many populations globally:
Malnutrition refers to an abnormal physical condition resulting from insufficient, imbalanced, or excessive consumption of macronutrients (carbohydrates, protein, or fats) and/or micronutrients (vitamins and minerals). There are three primary conditions associated with malnutrition:

1. Undernutrition: This includes wasting (low weight-for-height), stunting (low height-for-age), and underweight (low weight-for-age).
2. Micronutrient-related malnutrition: Involves deficiencies (a lack of essential vitamins and minerals) or excess of micronutrients.
3. Overweight, obesity, and non-communicable diseases: This category includes conditions like heart disease, stroke, diabetes, and certain cancers, often linked to excess weight and unhealthy diets (WHO, 2023).

Food insecurity and malnutrition have significant individual and collective consequences, affecting both public health and the national economy. Addressing these issues grants socioeconomic benefits for individuals and society. People who are food secure are more productive, face fewer illnesses, and are more likely to invest in their future. This, in turn, helps to reduce the intergenerational transmission of poverty.

THE STATE OF FOOD SECURITY AND NUTRITION IN GUYANA

Throughout its history, Guyana has relied on the food and agriculture sector for economic development and employment opportunities. Despite being a prominent food producer in the Caribbean, Guyana still grapples with challenges related to food insecurity and malnutrition (MAG, 2021; WUSC, 2017). This situation arises from the fact that those living in poverty often lack the necessary income to afford an adequate amount of food that meets their daily caloric and nutritional needs, crucial for their well-being and productivity (FAO, 2023b). Challenges centre around accessibility, including job opportunities, food utilization and stability during economic adversities (MAG, 2011). The primary cause of household food insecurity is inadequate access to food, while malnutrition results from unhealthy food choices and eating habits (MAG, 2011).

Guyana has made substantial progress in addressing critical issues on food security and nutrition in recent years. A remarkable decrease in those unable to afford a healthy diet – from 42 percent in 2019 to 18.5 percent in 2021 – places Guyana below the regional average for Latin America and the Caribbean of 22.7 percent. Moreover, the country’s efforts have led to annual reductions in the prevalence of undernourishment, decreasing from 7.1 percent – between 2004 and 2006 – to under 2.5 percent from 2020 to 2022 (FAO et al., 2023). This positive change might be partially attributed to Guyana’s transition into an oil-producing country in 2019 (IFAD, 2021).

In 2022, FAO and the World Food Programme (WFP), in collaboration with the Caribbean Community (CARICOM), conducted a survey using the Food Insecurity Experience Scale (FIES).2 The findings revealed that 23 percent of respondents in Guyana experienced severe food insecurity, while 35 percent faced moderate food insecurity. These 58 percent of respondents experiencing severe or moderate food insecurity represent a 10 percent increase compared to Caribbean estimates (48 percent) (CARICOM, FAO and WFP, 2022).

In Guyana, the influence of Western culture has shifted food consumption behaviours, leading to the broader availability of various imported foods and products (Sockalingam et al., 2021). Furthermore, dietary patterns in the country are characterized by low consumption of fruits, vegetables, nuts, seeds, and dairy, favouring processed foods over traditional diets (IFAD, 2021). These changes have played a role in the increased risk factors for cardiovascular disease and

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2 The FIES is an essential metric for assessing the severity of food insecurity at both the household and individual levels, aligned with the Sustainable Development Goal of Zero Hunger (SDG 2). The FIES relies on individuals’ self-reported behaviours and experiences related to challenges in accessing food due to resource constraints during the 30 days leading up to the survey.
a surge in these kinds of cases within the country (Sockalingam et al., 2021). This has also led to an increase in adult obesity and the prevalence of non-communicable diseases, with over 70 percent of deaths linked to unhealthy diets and lifestyles (IFAD, 2021). Indeed, the prevalence of obesity in the adult population increased from 17.9 percent in 2012 to 20.2 percent in 2016 (FAO et al., 2023). Moreover, statistics reveal that 71 percent of adolescents consume soft drinks daily, while 56 percent consume fast foods weekly (IFAD, 2021).

Chronic child malnutrition is prevalent in Guyana. It reaches 11.3 percent nationally, rising to 20 percent in lower-economic backgrounds and to 24.7 percent in Indigenous children (IFAD, 2021; UNICEF, 2017). The prevalence of overweight children under 5 years showed limited improvement, maintaining a rate of 5.7 percent in 2022 compared to 6.2 percent in 2012. Likewise, low birth weight prevalence remained around 17 percent from 2012 to 2020. However, recently, Guyana has made remarkable progress in combatting stunting among children under 5 years, decreasing from 14.5 percent in 2012 to 7.6 percent in 2022 (FAO et al., 2023).

**Gender disparities** pose a significant challenge for Guyana. In rural areas, women play a vital role in both food production and processing. However, their access to essential resources and services for these activities is significantly limited due to prevailing societal norms that limit women’s access to land. Many of the lands used by women for farming are either part of ancestral family estates, predominantly inherited by male family members, or owned by their husbands (FAO, 2023a). Furthermore, women are responsible for family care, and Indigenous women primarily oversee food production and preparation, while men focus on hunting and fishing (WUSC, 2017). Despite an increasing number of women in managerial roles and pursuing tertiary education, most of the country’s impoverished population is still composed of women (WUSC, 2017).

![Gender disparities in prevalence of diabetes, obesity and overweight in adults aged 18 and over](chart)

Moreover, there is a gender gap in overweight and obesity rates. Notably, 58.8 percent of women are overweight, with 30.5 percent living with obesity; compared to 43.8 percent of men, including 15.2 percent with obesity. Diabetes prevalence is significant, impacting 15.2 percent of adult women and 10.8 percent of men. This trend begins in childhood, with 7 percent of girls being overweight compared to 6 percent of boys under age 5. The pattern continues between ages 5 to 19, with 28.5 percent of girls and 27.2 percent of boys being overweight (Global Nutrition Report, 2021).

Furthermore, Guyana has the highest percentage of women of childbearing age with anaemia in South America and the second highest in Latin America and the Caribbean, affecting approximately 31 percent of women (FAO et al., 2023).

**UNDERSTANDING THE RIGHT TO ADEQUATE FOOD**

Expanding the discussion to include human rights, we must examine the right to adequate food. It should be clarified from the outset that food security and the right to adequate food are distinct yet complementary concepts. Food security is a policy-oriented situation that sets achievable goals, whereas the right to adequate food is a legal concept – a universal human right inherent to every person – imposing obligations on States and individuals (FAO, 2009).
Even individuals who are not food secure are entitled to the right to adequate food. Moreover, measuring and achieving food security contributes directly to fulfilling the right to adequate food.

Elaborating on this concept, the human right to adequate food is not the right to be fed but, primarily, the right to feed oneself with dignity.

The right to food is the right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear (Special Rapporteur on the right to food, 2001, para. 14).

The right to adequate food is recognized in Article 25(1) of the 1948 Universal Declaration of Human Rights and guaranteed in Article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) as well as in several treaties, such as the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Article 12), the 1989 Convention on the Rights of the Child (CRC) (Articles 24 and 27), and the 2006 Convention on the Rights of Persons with Disabilities (Article 28).

Building on this foundation, the Committee on Economic, Social and Cultural Rights, in its General Comment No. 12 of 1999, elaborates on the four key components of the right to adequate food. First, it involves the availability of food, which can be achieved through direct food production or efficient distribution systems. Secondly, food must be accessible to all in both economic and physical terms, with costs not compromising the satisfaction of other basic needs. Third, the sustainability of natural resources is vital to maintain a stable food supply for present and future generations. Fourth, food adequacy requires a sufficient quantity of nutritionally suitable food, free from harmful substances, and culturally acceptable to each individual’s group (General Comment No. 12, 1999).

3 Similarly, Article XI of the 1948 American Declaration of the Rights and Duties of Man recognizes this right as an integral part of the right to health and well-being.

4 As of May 2024, this treaty is legally binding for its 172 State Parties.
The right to adequate food requires States to create conditions so individuals can provide for their own sustenance. However, if individuals are unable to do so due to circumstances beyond their control, States are obligated to provide them with food or the means to acquire it. This is the fundamental right to be free from hunger, recognized in paragraph 2 of Article 11 cited earlier.

Inherent to this right are key principles such as non-discrimination, participation, transparency, human dignity, empowerment, accountability, and the rule of law (FAO, 2009).

The right to adequate food holds fundamental importance for the realization of all human rights and imposes specific obligations on all State bodies. These obligations require States to gradually achieve the full realization of the right to adequate food, making use of the maximum available resources, ensuring that all individuals have access to sufficient, nutritionally adequate, and safe food (General Comment No. 12, 1999).

The right to adequate food imposes three types of obligations on States: to respect, protect, and fulfil. In turn, the obligation to fulfil includes the obligations to facilitate and to provide.

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<th>State Obligations on the Right to Adequate Food</th>
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<td><strong>RESPECT</strong></td>
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<td>“The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access.”</td>
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<tr>
<td><strong>PROTECT</strong></td>
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<tr>
<td>“The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food.”</td>
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<td><strong>FULFILL</strong></td>
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<td>The obligation to fulfil (facilitate) requires the State to actively improve people’s access to resources to ensure their livelihood, including food security. Additionally, if individuals or groups cannot secure adequate food due to circumstances beyond their control, States have the obligation to fulfil (provide) that right directly.</td>
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In light of these State obligations, the role of domestic legal systems in upholding international human rights standards becomes evident. Although the ICESCR does not specify how it should be implemented domestically, the Committee recommends incorporating the ICESCR into national law to allow individuals to directly invoke their rights (General Comment No. 9, 1998). Specifically, for the right to food, legislative action is often required for effective enforcement. Incorporating international treaties into national legislation ensures robust protection, allowing individuals to seek redress for violations related to food accessibility, availability, or adequacy (FAO, 2009).

The right to adequate food is further elaborated in the 2004 Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, an instrument approved by the FAO Council. They provide detailed, persuasive, and clear guidance for implementing it. They recommend a range of measures, including constitutional and legislative actions, as well as the adoption of institutional frameworks to address the intersectoral dimensions of the right to adequate food. Subsequent instruments adopted by the Committee...
on World Food Security aimed to build upon and complement the work and mandates of other international bodies, such as the 2021 Voluntary Guidelines on Food Systems and Nutrition.

Highlighting the importance of adopting legislative measures, the next section will delve into national approaches to legislating the right to adequate food.

**RECOGNITION OF THE RIGHT TO ADEQUATE FOOD AT THE NATIONAL LEVEL**

Countries worldwide have adopted legislative measures to recognize the right to adequate food through their constitutions, framework laws or sectoral laws. Although many countries worldwide provide some form of constitutional recognition of the right to food, 29 countries explicitly recognize the right to adequate food in their constitutions.³

While constitutional supremacy mandates that all laws and policies shall align with its provisions, relying solely on constitutional recognition is inadequate to tackle the intricate challenges to ensure everyone’s food security and nutrition and their right to adequate food. A coordinated approach encompassing public policy, appropriate legislation, institutions and budget allocation is imperative. This is where a law becomes instrumental.

Therefore, many States have adopted laws that address food security and nutrition with the objective of progressively realizing the right to adequate food for people in their jurisdictions. This legal approach has been implemented by countries with common law traditions and has gained notable traction in Latin America and Caribbean countries.

Among countries with common law traditions, India’s National Food Security Act (2013), known as the Right to Food Bill, aims to ensure food and nutritional security by providing access to quality and affordable food. It establishes entitlements for priority households, guaranteeing subsidized food grains under the Targeted Public Distribution System. Special groups, such as pregnant women and lactating mothers, receive free daily meals. Additionally, it allows for the constitution of a State Food Commission to monitor and review the implementation of the Act at the State level.

In Zambia, the Food and Nutrition Act, No. 3 (2020) establishes a national food and nutrition program and a National Food and Nutrition Commission. The Commission is tasked with formulating the national food and nutrition program, conducting research, coordinating programs, advocating for good nutrition practices, and maintaining a national food and nutrition information system. The Act also outlines the powers of authorized officers, registration procedures for nutrition groups, and the role of the Coordinating Committee in ensuring food and nutrition security.

In Latin America and the Caribbean, ten countries⁶ have enshrined the right to adequate food in framework laws. For instance, under Decree No. 32 (2005), Guatemala established the National System of Food and Nutrition Security Law. Brazil followed suit with the Law No. 11.346 on the National System for Food and Nutrition Security (2006), which established a Food and Nutrition Security System whose primary objective is promoting the right to adequate food throughout the country. In the Dominican Republic, the enactment of Law No. 589 (2016) resulted in the establishment of the National System for Food and Nutrition Sovereignty and Security. Furthermore, Mexico recently passed the General Law on Adequate and Sustainable Food (2024), which created the National Intersectoral System for Health, Food, Environment, and

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³ Information updated as of June 2024.
⁶ Brazil, Cuba, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Peru, the Dominican Republic and Bolivarian Republic of Venezuela (the). Information updated as of May 2024.
Competitiveness. This underscores a growing regional trend towards promoting sustainable agrifood systems while recognizing the right to adequate food within national legislation.

Furthermore, in 2012, the Latin American and Caribbean Parliament (PARLATINO) adopted the Framework Law on the Right to Food, Food Security, and Sovereignty. This landmark legislation, developed with FAO’s technical assistance, reflects a consensus among parliamentarians from Latin America and the Caribbean. The law not only identifies essential regulatory elements that should be encompassed in laws pertaining to this matter but also incorporates a human rights-based approach. The law underscores the importance of establishing a National Authority for the Implementation of the right to adequate food to serve as the primary coordinating body for nationwide implementation efforts. Although PARLATINO laws are not legally binding, they are valuable reference tools that countries can adapt and tailor to their unique contexts.

The approaches taken by different States provide insights into the diverse ways in which the right to adequate food can be incorporated into national legislation. These examples illustrate how each country adopts the legislative approach that is best suited to its national context.

**GUYANA’S CONSTITUTIONAL RECOGNITION OF THE RIGHT TO BE FREE FROM HUNGER**

Guyana is one of 15 Latin American and Caribbean countries that explicitly recognizes the right to food in its Constitution. Article 40(1) of Guyana’s Constitution establishes: “Every person in Guyana is entitled to the basic right to a happy, creative and productive life, free from hunger, ignorance and want. That right includes the fundamental rights and freedoms of the individual (...).” Therefore, the Constitution explicitly recognizes the core and basic content of the right to adequate food, which is the right to be free from hunger.

While the Constitution does not explicitly mention the right to adequate food in its entire extension, it grants legal value to international treaties to which Guyana is a Party. The Fourth Schedule lists international treaties such as the CRC, CEDAW, and ICESCR, which contain provisions on the right to adequate food. Article 154A of the Constitution mandates the State to take reasonable legislative and other measures, within its resources, for the progressive realization of human rights enshrined in these international treaties. This constitutional framework also establishes mechanisms for enforcing these rights, such as the Human Rights Commission (Articles 154A and 212N).

Additionally, Guyana’s Constitution includes several interconnected rights that are essential for realizing the right to adequate food, such as the right to life, work, education, equal pay, and access to land and land resources, among others. These rights are interrelated and interdependent, working in conjunction to ensure individuals’ well-being. However, constitutional recognition alone is insufficient. Effective implementation through specific legislation is crucial to ensuring the practical application and enforcement of the right to adequate food for the people of Guyana.

**WHY DOES GUYANA NEED A LAW ON FOOD SECURITY AND NUTRITION AND THE RIGHT TO ADEQUATE FOOD?**

As previously discussed, the state of food security and nutrition in Guyana presents significant challenges. Most notably, the country struggles with a triple burden of malnutrition, marked by elevated rates of chronic child malnutrition, widespread anaemia and gender disparity in obesity and overweight rates, and a rise in non-communicable diseases (IFAD, 2021). The draft Food Security and Nutrition Bill can effectively help tackle these challenges by requiring the government to implement specific measures and allocate a public budget aimed at reducing
malnutrition. It addresses concerns such as anaemia, stunting, wasting, overweight, and obesity in children and women. It also sets the basis for promoting access to healthy foods through more effective, inclusive, resilient and sustainable agrifood systems. Additionally, the draft Bill sets the foundations for developing further legislation and policies of school environments regarding the advertisement of certain foods and promoting the universalization of school feeding programs. Moreover, the law can play a crucial role in empowering women, fostering gender equality, and addressing health issues associated with food consumption.

Adopting a Food Security and Nutrition Act would hold great significance for Guyana, particularly as it could spearhead CARICOM’s agricultural initiatives, aiming to reduce food imports by 25 percent by 2025 and enhance food security in the Caribbean region (MoF, 2023). Guyana stands out as the largest cereal producer in CARICOM and the third largest in the Caribbean, with a significant contribution through rice cultivation (CARICOM, FAO and WFP, 2022). This underscores that measures taken to improve food security and agriculture in Guyana have a ripple effect not only within the country but also across the entire Caribbean region (MoF, 2023). The proposed bill has the potential to promote rural development by highlighting the needs and the key role of family farmers, small-scale producers, rural women, Indigenous Peoples, and youth. Additionally, a law serves as an effective tool to align Guyana’s legal and policy framework with CARICOM’s 2010 Regional Food and Nutrition Security Policy.

Notably, Guyana’s coastal vulnerability means it is susceptible to external factors, including climate change and rising sea levels (MoF, 2023). Moreover, agricultural activities are conducted in low-lying areas, and 90 percent of the population lives below sea level (United Nations Guyana, 2023). Therefore, the Food Security and Nutrition Bill seeks to enhance emergency responses during crises and promote agrifood systems sustainability to increase resilience, adaption, and mitigation of the effects of climate change and natural disasters.

Furthermore, the draft Bill recognizes key factors influencing human rights realization, such as accessible complaint mechanisms. It empowers individuals to file complaints when their right to adequate food is violated, providing tools for redress and remedies (FAO, 2009).

Likewise, the draft Bill offers an opportunity to establish a governance mechanism. This mechanism will streamline efforts and ensure a coordinated approach to food security and nutrition and the right to adequate food throughout the entire agrifood systems and its actors. This encompasses activities involved in the production, aggregation, processing, distribution, consumption and disposal of food products (FAO et al., 2023).

Guyana currently lacks a comprehensive law regulating various aspects of the right to adequate food. If adopted, the Food Security and Nutrition Bill would establish a national policy providing stability, resources, and capacity for implementation. It would also strengthen institutional capabilities to ensure food security and nutrition and overcome hunger and malnutrition. If approved, the Act would be the first of its kind in the English-speaking Caribbean.

Therefore, such a law would be crucial for Guyana to fulfil its human rights obligations, address existing challenges, and make substantial progress toward ensuring food security and nutrition and the right to adequate food for all its inhabitants through sustainable, resilient and inclusive agrifood systems, leaving no one behind.

**CONCLUSIONS**

Guyana’s Constitutional recognition of the right to be free from hunger and its international obligations under several global and regional instruments regarding the broader right to adequate food represent a fundamental starting point. However, a more comprehensive and effective approach is needed to tackle the multifaceted challenges obstructing the realization
of this right. The adoption of a food security and nutrition law and its effective implementation represent an important tool to confront these issues. A legislative process requires inclusive and well-informed consultations involving diverse stakeholders, such as governmental bodies, civil society, and the private sector, among others. This collaborative effort must give special consideration to women’s organizations and Indigenous Peoples due to their higher risk of food insecurity and malnutrition, combined with their vital roles in agrifood systems.

While the right to adequate food is exercised at an individual level, it has collective dimensions. Therefore, beyond facilitating individuals’ physical and economic access to adequate food, all persons must also have access to sufficient, healthy, sustainable, and nutritious food through sustainable agrifood systems, including children, women, Indigenous Peoples, and rural populations, among others.

From a rights-based perspective, the State plays a fundamental role. It must adopt comprehensive public policies and implement structural changes across various domains, including legislative realms, to eliminate barriers hindering the realization of this right. It must also address the structural inequalities impacting its exercise. However, its effective realization demands collaborative efforts across all sectors of society.

States with food security and nutrition and the right to adequate food laws are better equipped to combat malnutrition challenges. Therefore, Guyana’s adoption of a Food Security and Nutrition Bill, tailored to its unique context and circumstances, would provide the country with tools to address pandemics, climate change, natural disasters or other situations that can affect the realization of the right to adequate food.

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