

# The protection of the Right to adequate food in the Italian Constitution\*

by Maria Bottiglieri \*\*  
(23 novembre 2015)

## Introduction

The Right to food is “*the right to have a 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*” (Ziegler, 2004)<sup>1</sup>

The Right to Food is a basic human right, formally recognized by international rules<sup>2</sup> (De Schutter 2010, Golay 2011, Ziegler - Golay - Mahon – Way, 2011) and by about 100 Constitutions around the World (Knuth – Vidar 2011, Bottiglieri 2014a), including 24 Constitutions (Bottiglieri 2015 a) which directly protect this right.

Following its progressive incorporation into the Constitution around the world, in many Countries the general "duty to feed" has become a specific legal obligation, through this right which is implemented in two main ways: public policies (Graziano da Silva – Eduardo Del Grossi – Galvão de França, 2011) or constitutional judgments (Golay 2011; Bottiglieri 2014 (a)).

In the Italian Constitution, the Right to adequate food is not protected directly. Perhaps the Constituent Assembly believed that ensuring the Right to work was a sufficient "means to procure the bread"<sup>3</sup>.

However, in an era where unemployment is structural and the work/subsistence pairs were broken in Italy too, it is not sufficient to protect the Right to food only through the Right to work.

For this reason, this paper involves analysing the Constitutional Chart and the many dimensions of the Right to food that are already protected. To this end, it propose a *holistic* or *balanced* (Zagrebelsky 2014) constitutional overview<sup>4</sup>.

## 2. The Italian Constitution and the “Right to food approach”

FAO’s international research affirms that the Italian Constitution indirectly protects the Right to food through adherence to international treaties that recognise this right,

Indeed, Article 117.1 of the Constitution is a special parameter because it recognises that the international human rights treaties have primacy over national legislation<sup>5</sup>. This constitutional

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\*This Paper has been selected by the Scientific Committee of the *Colloquium 2015 Right To Food, Peace And Democracy (Topic: Land rights and access to food: promoting human dignity for hunger reduction)* hosted from 17th to 19th September 2015, by Università Cattolica del Sacro Cuore, promoted in cooperation with the International Federation of Catholic Universities (IFCU) and the Congregation for Catholic Education. Scritto sottoposto a referee.

1 Commission, The right to food. Report by the Special Rapporteur on the right to food, Mr. Jean Ziegler, (7 February 2001), Doc.U.N. E/CN.4/2001/53, paragraph 14.

2 Article 25 Universal Declaration of Human Rights (UDHR) and Art. 11 International Covenant on Economic, Social and Cultural Rights (ICESCR) as interpreted by General Comment No. 12: The Right to Adequate Food (12 May 1999 - E/C.12/1999/5).

3 Cfr. Statement of on VALENTI (DC) on ASSEMBLEA COSTITUENTE, *Atti del 29 aprile 1946*.

4 This Paper is based on the PhD thesis “*The right to adequate food. International, constitutional and local protection of a «new» fundamental right*” published on Bottiglieri 2015 (e), *Il diritto al cibo adeguato. Tutela internazionale, costituzionale e locale di un diritto fondamentale “nuovo”*, Polisworking papers n. 222 august 2015

provision is the potential "access point" in our legal system of international treaties like ICESCR

This means that the Right to food could be nationally applicable even if the Constitution does not include a direct reference to it.

This claim, although much debated, is acceptable.

However, within the Italian Constitution, the obligation to respect, protect and fulfil the Right to adequate food is based on other "autochthonous" legal foundations (Bottiglieri (e) 2015), not only on Article 117.1 of the Constitution but mainly in:

- Fundamental principles;
- Civil Rights and Duties;
- Ethical and Social Rights and Duties;
- Economic Rights and Duties.

## 2.1. Fundamental principles

Human and social dignity (see Articles 3, 36, 41 of the Constitution) are the key to interpret the different dimensions of the Right to food protected by the Italian Constitution. The Right to food, in fact, requires that the dignity of the person is nourished as much as his body (Ziegler 2004, Ziegler 2011). This means that every time malnutrition (e.g. undernutrition or obesity) is such to reduce the human being to an absolute minimum, every time human dignity is violated by extreme hunger, that's just the *right-time* the human dignity needs to be protected. The Right to adequate food must be interpreted as the Right to feed oneself with dignity.

The Italian Constitution protects at least three aspects:

Firstly, the level of access to food for each person has to guarantee equal social dignity in his interpersonal relationships with other social groups and in relations with public organisations (Article 2).

Secondly the retribution of the worker (Article 36 of the Constitution.) - or the measures of social assistance and welfare support (Article 38 of the Constitution) - should assure sufficient, nutritious, healthy, sustainable food. The retribution is adequate if the costs related to the acquisition of food required for an adequate diet, they should be at a level that does not threaten or compromise the exercise of other human rights (health, housing, education, among others). In Italian legislation, the lack of the effective application of the Right to food is linked also to the lack of an institution which protects people from falling into absolute poverty: in many Countries around the World (from Brasil to United Kingdom)<sup>6</sup>, the *Minimum wage* is adopted as a measure to combat hunger and poverty (Bottiglieri-Pizzolato, 2015).

Finally, under the article 41 of the Constitution, the Right to adequate food compatible with human dignity is also a limit of private-sector economic initiative (e.g. food consumers' law).

Dignity in access to food shouldn't be considered as a fundamental right among others, not a super-norm; dignity is a legal matter that integrates other already established fundamental principles, requiring a reinterpretation in the logic of indivisibility (Rodotà 2012)

Taking into account human dignity, this paper will show the other dimensions of the Right to food protected by the Italian Constitution.

The first group of provisions to consider is the one that recognises as true the labour principle (in particular Articles 1 and 4).

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5 Cfr. Corte cost. 348/2007, Corte cost. 349/2007.

6 E.g. Article 7 of Brazil Constitution highlights the link between the right to food and the minimum wage: «The following are rights of urban and rural workers, among others that aim to improve their social conditions: (...) nationally unified minimum wage, established by law, capable of satisfying their basic living needs and those of their families with housing, food, education, health, leisure, clothing, hygiene, transportation and social security, with periodical adjustments to maintain its purchasing power, it being forbidden to use it as an index for any purpose».

Work is the right which allows people to both access to food directly and indirectly. Directly, Articles 44 and 47 express a favour towards direct agricultural ownership and protect the production of food, through working the land.

Indirectly, Article 36 of the Constitution given that income from work is the main tool which allows access to food “through monetary purchases”.

Around this strong nucleus of provisions are all those that recognise the various dimensions of the Right to adequate food.

The constitutional protection of the cultural landscape dimension of the Right to food (“the foodscape”) is founded in Article 9 of the Constitution (e.g. the Mediterranean diet, recognized as an intangible cultural heritage by UNESCO in 2013 and the Vineyard Landscape of Piedmont, Langhe-Roero and Monferrato that is the only Italian “landscape of food” protected by UNESCO as a World heritage).

Under the combined provisions of Articles 32 and 9 of the Constitution, the aspects of environmental sustainability of the right to food is protected. This provision shall permit a consistent interpretation of any current issues such as agro-ecology<sup>7</sup> or GMOs.

Article 10 of the Constitution enables the identification of not only citizens but also foreigners and refugees as holders of the Right to food.

Article 11 of the Constitution may distinguish a Right to food in peacetime and in wartime. Peace is understood in the negative means (e.g. the absence of war) and in the positive sense (e.g. international cooperation). In wartime, using starvation of the civilian population as a method of warfare is prohibited and it is considered an international war crime<sup>8</sup>.

Among the fundamental principles, there are two provisions that characterise the constitutional approach to *Food sovereignty* “made in Italy”.

Article 1 of the Constitution is the legal basis of the collective right (Zagrebelky 2014) to *food sovereignty* that “belongs to the people and is exercised by the people in the forms and within the limits of the Constitution”.

Article 5 of the Constitution is the legal basis of legislative, functional, and financial *Food autonomy* of Regions and other Local Authorities.

## 2.2. Civil Rights and Duties

In *Civil Rights and Duties* Title too, there are many very important provisions to protect the civil dimension of the Right to food.

Article 13 forms the basis of the personal freedom to choose one’s own dietary style (based on organic food, short chain food, fair trade food, vegetarian diet) and ask the State to respect it, even when one finds himself in a particular status of subjection such as in prisons (Bottiglieri b 2015).

Article 18 of the Constitution protects freedom of association around a different and specific food culture (e.g. Slow Food engaged to promoting a *good, clean and fair* food, the NGOs involved in the fight against world hunger or associations who fight against obesity).

The combined provisions of Articles 19 – 20 of the Constitution and Articles 7 and 8 acknowledge that believers may follow the dietary rules of their religious system; the State must respect and protect the religious dietary laws of the citizens, individually or associated (Chizzoniti - Tallacchini 2010; Bottiglieri (c) 2015).

Article 21 protects freedom of expression on the different conceptions of food (slow, fast, organic, fair, local, glocal).

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<sup>7</sup> HUMAN RIGHTS COUNCIL, *Agroecology and the Right to Food*). Report submitted by the Special Rapporteur on the right to food, Olivier De Schutter I - A/HRC/16/49, 20 December 2010 in [www.srfood.org](http://www.srfood.org)

<sup>8</sup> Article 8 (par. XXV) *Rome Statute*

### 2.3. Ethical and Social Rights and Duties

*Ethical and Social Rights and Duties* Title protects the social right aspect of the Right to food. Articles 29-30-31 of the Constitution form the constitutional legal basis of the duty to protect the Right to food in the family law such as the obligation of conjugal or parents (food) support. Article 32 of the Constitution forms the legal basis of the Right to healthy food. It forms the constitutional basis of the food law (Costato - Borghi – Rizzioli 2011), essential public service delivery standards (LEA), artificial nutrition and hydration (in hospital and at home, enteral and parenteral) and the regulation on GMOs.

Articles 33 and 34 of the Constitution protect the food and nutrition education in schools and the corresponding freedom of teaching (Bottiglieri d 2014); they also protect the scientific and technical research in the various disciplines who study the food: right, religion, gastronomy, sociology, medicine, agrarian.

### 2.4. Economic Rights and Duties

The Right to food is not only protected by constitutional provisions guaranteeing the rights of workers (see more *supra* par. 2.1.) but also by other provisions of Title III.

Article 41 protects two aspects:

- 1) the Right to freedom of economic enterprise to product, distribute, sell, administer foods and drinks – whether performed within traditional systems (large retailers), or within new food systems such as fair trade circuits or fair trade economy networks;
- 2) the rights to health food of the consumers.

Article 42 defines the type of the ownership structure of food that could be public or private good. In the EU's single market the food is qualified in terms of a good, not as an asset. The recent debate on the commons involves also the food or the means to access food (such as land). Among the many opinions there is the doctrine that qualifies the food as an "asset", when it exceeds the capabilities of individual access to the vital minimum, and as a "social asset" the food "necessary as basic nourishment". This doctrine qualifies the Right to food as a fundamental right, in the provision that coincides with the Right to subsistence, and as property right beyond the minimum necessary for survival (Ferrajoli 2012, I, II).

Article 44 of the Constitution is the constitutional basis of the right to "directly" access food, through the access to land via small and medium land ownership and through direct cultivation of the soil (Article 47).

## 3. The Italian Constitution and the "perspective of duties" to respect the Right to food

The reinterpretation of the Italian Constitution with a Right to food approach isn't sufficient without the perspective of duties.

### 3.1. The State duties

The State has general and specific legal obligations.

The specific obligations of States are the obligations to respect, protect, and fulfil the Right to food (Ziegler – Golay – Mahon - Way 2011; Golay 2011; De Schutter 2010).

- 1) The obligation *to respect* the Right to food is essentially an obligation to refrain from action. It implies the obligation of States to refrain from taking measures that prevent individuals from accessing food.

It is a negative duty, which is guaranteed when the State to respect the Right to food acceptable from the religious perspective;

2) The obligation *to protect* the Right to food requires that States ensure enterprises and private individuals do not deprive individuals of their Right to access adequate food. The obligation to protect includes the State's responsibility to ensure that private entities or individuals, including transnational corporations over which they exercise jurisdiction, do not deprive individuals of their economic, social and cultural rights. For example, the legislation on food hygiene<sup>9</sup>, which restricts the economic freedom of entrepreneurs, enabling the Right to healthy food of the consumers;

3) Finally, the obligation *to fulfil* is the requirement to take steps up to the maximum of their available resources, with a view to progressively ensure the full realisation of the Right to food for everyone through all appropriate means, especially including the adoption of legislative measures. This obligation implies that States should facilitate the realisation of the Right to food. This obligation can be implemented by measures of income support and food assistance measures (e.g. the social card, catering service of public canteens).

Among these three obligations, the third is the only one financially affected by the principle of balancing the public budget (Articles 81, 97 and 119 of the Constitution).

The duty to respect and protect do not have public costs and therefore there are no impediments to their theoretical and practical effectiveness.

How does the States fulfil the social dimension of the Right to food (Fasciglione 2014)? According to international treaties, social rights, such as Right to food, can be protected only within the limits of available resources. In the Italian Constitution, however, social rights must be guaranteed exactly as the civil rights, but limited to the "essential public service delivery standards" (= livelli essenziali delle prestazioni) that it more than the minimum content (Article 117.3 letter m).

Without public funding, the social dimension of the Right to food should not be financed only in excess of the "essential public service delivery standards".

However, in my opinion, even for the public services exceeding the basic level, the problem of financing may be excluded when the costs of the *food assistance services* are not borne by the Public Authorities but are "downloadable" on the market ( e.g. in the public canteens, prisons, hospitals, schools ...).

The public budget would remain unchanged if - with the same public funds - public procurement put "social clauses" in the tender contract (to provide meals respectful of religious and cultural food traditions of the beneficiaries) or green clauses (to supply organic or short chain food).

This public duty to fulfil the Right to food is based on the constitutional principle of "*solidarity food*", meaning the duty of the Republic to "remove economic and social obstacles which constrain the freedom to be free from hunger ... and prevent the full development of the human person and the effective participation of the political, economic and social development of each Country "(to paraphrase Article 3 of the Italian Constitution).

### **3.2. From the public duty of food solidarity to the private duties of convivial fraternity**

A convivial principle of fraternity is the mirror principle of food solidarity. This expression means the *conviviality of fraternity*, referring to eating at the same table that characterises family, friendship, religious and civic *milieu* (Bottiglieri (a) 2015).

Convivial fraternity and food solidarity constitute a proposed variation of the principle of solidarity: fraternal or social solidarity and public or father solidarity, both (Pizzolato 2012).

The fraternal or social solidarity develops itself between equals, operating on the horizontal level and public or paternal, which works on a vertical level. The first one, based on Article 2

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<sup>9</sup> Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs

of the Constitution, has to be encouraged (Article 118.2 of the Constitution.) The second one, based on Article 3.2. of the Constitution, should be guaranteed.

Measures to implement the principle of convivial fraternity are numerous and we can identify at least two types: those that attribute to legal obligations (such as the conjugal obligation to food support) or measures in which obligations are not justiciable (such as voluntary associations active in soup kitchens or NGOs that fight against world hunger).

### **3.3. The interdependence of duties: soup kitchens case study**

In the Turin Soup kitchens case-study (MOREGGIA, 2012), the mix between food solidarity and convivial fraternity is clearly visible.

The Turin Soup kitchens case-study could show how the public and private sector may interact in order to fulfil the Right to adequate food in support of the most vulnerable people, with a interdependences of Duties approach (SHUE 1984; Pizzolato 2012).

Soup kitchens are created and work thanks to the spirit of solidarity of thousands of volunteers and non-profit associations. In Torino, they are supported by specific local public policies, but the activities from private capital is both recognized and endowed with institutional value. This can be proposed in two ways:

1) with an actual support and not simply financial: the City does not provide canteens or residential homes for the elderly with contributions, but with meals;

2) with an organizational support: soup kitchens are managed in a way to effectively develop the service in order to have everyday at least an open canteen available on the territory.

Soup kitchens can get food for the poor starting from different sources: food banks, supermarkets offering products near their expiry date or the Municipality which provide the accreditate canteens with a specific meal.

There are about 15 soup kitchens in Turin, managed by non-profit associations: 5 of which have signed an agreement with Città di Torino. All of them work together with the Municipal Social Service Department (Baudino-Bottiglieri-Graglia, 2015).

It is utmost important to consider that the public administration without the charity service could not cover the costs for the canteens' system; on the other hand the charity service without even partial support of the public administration could hardly offer its service

The very critical point of this *food public service* is that it is not legal compulsory: the City of Turin started this service as an original interpretation of the rules to support the poor (LQ 328/2000 and LR Piemonte 1/2004)<sup>10</sup>. Another city may use different instruments or even decide not to do that at all. There is a sort of contradiction here; the administration discretionally decides to realize *Food public service* but it has to help people with alimentary issues and deficiencies with the *Health public service*.

And in this element there is the fallacy of the system: the Right to health is guaranteed as a right, whereas their Right to food is considered an interest, socially optional.

The result is that if the poor are just hungry, they can't be given the right to eat, because the food assistance service is an option, but if someone is sick for excess or lack of food, they will be given an adequate health service.

The contradiction of the system is not only an illogical paradox but also an issue related to the costs for cures which are definitely more expensive than those to provide food.

## **4. Constitutional qualification to the Right to food**

Having analysed the above constitutional regulations, it is possible describe the characteristics of the italian constitutional Right to adequate food (Bottiglieri e 2015).

The Right the food is featured by *Subject, Object, Interests protected by Constitution*,

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<sup>10</sup>Cfr. Determina dirigenziale 2013 05180/005 on [www.comune.torino.it](http://www.comune.torino.it)

*Purpose, Qualification, Responsible parties.*

### *Subject*

The recipient of the Right to food is he who is hungry, "who is in a state of need" for adequate food because it is rightful. It is this characteristic that the undernourished child and the prisoner have in common.

Is the hungry per se legal entity of Italian constitutional law (Buonomo, 2015)?

In the system of constitutional protection, the hungry one is not an autonomous subject of right: the Constitution is obtained not as absolute protection but regarding status: the hungry is protected as a patient, prisoner, child, farmer or consumer.

### *Object*

Object has complex and multi-dimensional structure but with a hard core represented only by the interest of the beneficiary, the right of access to food in a dignified and appropriate manner, suited to their personality, culture, religion, personal or social condition.

The Right to food is thus in "synthetic form" which expresses the guarantee of a number of situations.

### *Interests protected*

The interest being protected by Constitution is varied. They are either subjective rights or legitimate interests. As subjective rights, the Right to food is both a freedom (e.g. religious freedom) and social rights (e.g. Right to healthy food). Instead, the sound and effective management of public services related to food (school canteens, hospital canteens, soup kitchens) are set up for legitimate interests.

### *Purpose*

There are three possible functions of this right.

Firstly, the Right to food is a requirement and a pre-condition to fully enjoy other fundamental rights such as the Right to life or the right to a free and dignified existence. In this meaning, The Right to food is a basic right.

Secondly, the Right to food is an additional aim in which other rights are pre-ordained: the Right to work as land rights are also aimed at ensuring the Right to food for the worker and the farmer;

Thirdly, the Right to adequate food acts is a limit to other constitutional freedoms: the Right to healthy food for the consumer is the limit of economic initiative freedom for the food entrepreneurs.

### *Qualification*

"Food is our most basic need and right"<sup>11</sup> states the Parliament Assembly of Council of Europe in 2013 (Bottiglieri 2014 b).

Is the fundamentality of need sufficient to define a right as fundamental (Cartabia 2008)? Perhaps it is not enough, but it is also necessary to understand that the need of food of 795 millions of people is essential not only subjectively, but also in an objective sense. If the need of food of 795 millions of people isn't a particular need, then also the correspondent claim could be defined as universal. In the need of food that universality can be recognised, consequently also the Right to food should be recognized as a fundamental right, not as "pathetic claim to ethical content".

In addition, other doctrine affirms that a right is essential if it appoints the appropriate technical legislation in order to achieve equality, democracy, peace, and protection of the

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<sup>11</sup> cf. *Ris/2013 of the Parliamentary Assembly of the Council of Europe*

weakest (Ferrajoli 2001). The Right to adequate food seems to be an appropriate technical regulation liable to pursue all four axiological criteria, especially equality and protection of the person who is legally weaker.

Fundamental rights are generally divided into rights of first, second and third generation. The Italian Constitution protects all dimensions of rights to food: Civil (consider personal freedom to choose one's own dietary style), social (consider food assistance policies as the soup kitchens for the poor), economic (think of the rights of the food consumers) and third generation dimension (think of environment sustainability for the agro-food production).

Most likely, the Right to food is particularly manifested clearly to those who view the restricted breakdown of rights in different categories. That is why it is preferred to be defined not a new fundamental right but a new way to protect an old need.

However, it would be considered new in our legal system, as it would be an autonomous formulation, pending the absence of its explicit configuration.

### *Responsible parties*

Who should respect the Right to adequate food?

Public and private entities both have the primary or subsidiary responsibility to respect the Right to food.

1) Public legal entities: the Italian Republic understanding as autonomous territories (cities, metropolitan cities, provinces, regions), State (with all its administrative bodies) and the autonomous institutions (such as school or university).

2) Private legal entities. Outstanding among these are and those who hold specific legal obligations. Think of the obligations of the OSA (food business operator) towards consumers of food or the responsibility of parents to secure the conditions of living necessary for the child's development (particularly with regard to nutrition, clothing and housing).

Between the private entities, there are also those who are holders of simple duties associated to community services, not justiciable (e.g.: volunteers at soup kitchens and NGOs).

## **5. Regulatory perspective**

Based on the analysis of the constitutional Right to food and duties to respect it, the question is: what are the regulatory proposals of constitutional significance aiming to fill in the Italian protection of this right?

Although the draft of a new law on the Right to food is of utmost importance, I do not consider necessary adding the Right to food in the Italian Constitution.

The variety of reasons are listed herein.

The issue compared shows that the Right to food is however situated in the constitutional text according to the culture of fundamental rights: there are Constitutions that recognize this right as a fundamental right, some Constitution include this right in the social rights, other in the *directive principles*, still others as part of the ancestral principles (such as *buen vivir*). The Right to food cannot be added to the Italian Constitution *ex abrupto*, subject to prior process of reweighting and relocation of this right within the system of protection of other fundamental rights. However, to reconsider the entire system of protection of fundamental rights means reviewing the hard core of the Constitutional pact.

The constitutionalisation of the Right to food, in the light of the above analysis carried out, does not appear necessary, because the many dimensions of this right are already protected or based on the Constitution. Indeed it is in this constitutional framework that some recent regional laws (see new Art. 5 Statuto of Regione Abruzzo or LR Lombardia 94/2015 "Legge di riconoscimento, tutela e promozione del diritto al cibo") explicitly promote the Right to food and regulate some relevant aspects (such as food waste).



On the other hand, it is important to consider that other important fundamental rights (e.g. Right to life, Right of the environment) are not protected by the Constitution directly, but this did not prevent the Constitutional Court or the Legislature to recognize and guarantee them. Nevertheless, legislative action, not of constitutional level, but of constitutional dignity, is utmost important to satisfy those unacceptable legal voids of protection due to two opposite phenomenon: on the one hand, the absence of an explicit regulation that recognises the Right to food as a fundamental right; on the other, the hyper-legislation in specific topics that regulate its different dimensions (from ritual slaughter to food law, from agricultural legislation to environment law).

There are several possible regulatory hypothesis:

1) The *Framework law*, particularly recommended at international level, for its ability to deal with multi-sectorial matters such as food: indeed, it should be limited to defining obligations and general principles to be implemented, and would leave the competent authorities (in the Italian case, both regional and State authorities) the responsibility for defining specific measures to fulfil them<sup>12</sup>;

2) The complex *Consolidation Act* could form the outcome of the review of existing legislation on food, using the methodology proposed in the guidelines of FAO (FAO 2009). The Consolidation Act for the Right to food should be configured as complex for two reasons: it should take into account the plurality of subjects linked to the multiple dimensions for the Right to food and should streamline very different legal sources (regional, national and European level and within each level, sources of different types such as regulations and laws). Currently there does not appear to be any experience of *drafting* legislation that collect sources so different in level and type.

Whatever the legislative technique chosen, it is utmost important the regulatory goal: systematize the protections, fulfil the Right to food and make it finally fully justiciable.

This means making a similar action to the one that complies with the Consumer Code.

Even in that case, the fundamental rights of consumers were without question, already latent in the juridical system and had already obtained a solid constitutional basis.

However it is undeniable that to typify the fundamental rights of consumers (referred to in Article 2 of Legislative Decree 206/2005) has systematised the protections and has finally made such rights effective and above all legally enforceable.

Moreover, the Right to food, as others fundamental rights, really needs this: not so much to be theorised as to be guaranteed (Bobbio, 2005).

\*\* PhD in Diritto delle autonomie locali, servizi pubblici, diritti di cittadinanza – Università del Piemonte Orientale . Funzionario in PO per attività di cooperazione internazionale e pace del Comune di Torino

## Bibliography

Bobbio 2005, *L'età dei diritti*, Torino, Einaudi

Bottiglieri 2014 (a), *Il diritto ad un cibo adeguato: profili comparati di tutela costituzionale e questioni di giustiziabilità*, in Macchia (a cura di) *La persona e l'alimentazione: profili clinici*,

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12 *General Comments n. 12* n. 29: “States should consider the adoption of a framework law as a major instrument in the implementation of the national strategy concerning the right to food. The framework law should include provisions on its purpose; the targets or goals to be achieved and the time-frame to be set for the achievement of those targets”. See more in *The right to food guidelines* in [www.fao.org](http://www.fao.org) *Guide on Legislating for the Right to Food*, Roma 2009 in [www.fao.org](http://www.fao.org)

giuridici, culturali ed etico-religiosi – Atti del Convegno di Asti, 30 Novembre 2012, Aracne Roma 2014, 217-260.

Bottiglieri 2014 (b), *Le autonomie locali sono tenute ad attuare il diritto al cibo adeguato dei cittadini europei ? Commento a risoluzione assemblea parlamentare del Consiglio D'Europa n. 1957/2013 adottata il 3 ottobre 2013*, in Opal 4/2014 - Polis working papers n. 213/2014

Bottiglieri 2015 (a), *Tra "solidarietà alimentare" e "fraternità conviviale". Il diritto al cibo e i nostri doveri*, in Munera 2/2015

Bottiglieri 2015 (b), *Il "diritto al cibo adeguato" e l'alimentazione dei detenuti: tra tortura e trattamento inumano degradante*, in Di Giovanni - Gaza - Silvestrini (a cura di) 2016 *Le nuove giustificazioni della tortura nell'età dei diritti*, Morlacchi editore, Perugia (in corso di pubblicazione)

Bottiglieri 2015 (c), *Diritto al cibo adeguato e libertà religiosa nella Costituzione italiana* in Orientamenti sociali sardi 1/2015

Bottiglieri 2015 (d) *Il Comune può escludere un diritto alla scelta tra mensa e panino. Nota alla sentenza del TAR Piemonte del 31.07.2014, n. 1365*. in OPAL 6/2015, Polis working papers 218/2015

Bottiglieri 2015 (e), *Il diritto al cibo adeguato. Tutela internazionale, costituzionale e locale di un diritto fondamentale "nuovo"*. Tesi di Dottorato XXVII ciclo su Polisworking papers 222/2015

Bottiglieri-Pizzolato, *Right to food: policies not constitutional reforms*, in Centro Ecumenico Europeo per la Pace Quaderni per il dialogo e la pace - *Feeding The Planet, An Inclusive And Sustainable Development Paradigm* 1/2015 (Supplemento a "Il giornale dei lavoratori" n. 1/2015), pp. 41-45, su [www.ceep.it](http://www.ceep.it)

Buonomo 2015, *Introduzione alla parte II Diritto al cibo, cibo e diritti*, in Mascia M. - Tintori C. (a cura di), *Nutrire il pianeta? Per una alimentazione giusta, sostenibile, conviviale*, Milano, Bruno Mondadori

Cartabia 2008, *Gli strumenti di tutela dei diritti fondamentali* in *Iustitia* 4/2008

Chizzoniti - Tallacchini (cur) 2010, *Cibo e religione: diritto e diritti* - Quaderni del Dipartimento di Scienze Giuridiche dell'Università Cattolica del Sacro Cuore, Roma - Lecce, Libellula edizioni, [www.olir.it](http://www.olir.it)

Costato - Borghi - Rizzoli, 2011, *Compendio di diritto alimentare*, Padova, Cedam

De Schutter 2010, *International human rights laws*, CUP Cambridge

FAO 2009, *Guide on legislating for the right to food*, Roma, Fao [www.fao.org](http://www.fao.org)

Fasciglione 2014, *La tutela del diritto all'alimentazione in situazioni di crisi economico-finanziaria: alcune riflessioni*, in *Diritti umani e diritti internazionali* 2/2014, 429-449

Ferrajoli 2001, *I diritti fondamentali*, Roma – Bari, Editori Laterza.

Ferrajoli 2007, *Principia iuris. Teoria del diritto e della democrazia. Vol. I Teoria del diritto. Vol. II. Teoria della democrazia*, Roma – Bari, Editori Laterza

Golay, 2011, *Droit à l'alimentation et accès à la justice*, Bruxelles, Bruylant

Graziano da Silva – M. Eduardo Del Grossi – C. Galvão de França 2011, *The Fome zero (Zero hunger) program. The brazilian experience*, FAO Brasilia, su [fao.org](http://fao.org).

Knuth - M. Vidar 2011, *Constitutional and Legal Protection of the Right to Food around the World*, Roma, FAO, su [fao.org](http://fao.org)

Moreggia 2012, *Cibo e fragilità sociali*, in Baradello - Bottiglieri - Fiermonte – Mascia (a cura di), *Cibo e città. Atti del I workshop del progetto europeo "4cities4dev. Access to good, clean, fair food*, Roma, Ancicomunicare,

Pizzolato 2012, *Il principio costituzionale di fraternità*, Milano, Città Nuova

Rodotà 2012, *Il diritto di avere diritti*, Roma-Bari, Editori Laterza 2012

Shue 1984, *The interdependences of Duties*, in P. Alston - K Tomasevski (a cura di), *The Right to Food*, Leiden, Martinus Nijhoff Publishers,

*Torino per te. Guida ai servizi*; su [www.comune.torino.it](http://www.comune.torino.it).

Zagrebelsky 2014, *Due concetti costituzionali: sovranità alimentare e olismo*, in AA.VV., *Carlo Petrini: la coscienza del gusto*, Pollenzo, Slow Food Editore, 147-164

Ziegler - Golay - Mahon - Way 2011, *The Fight for the Right to Food*, Londra: Palgrave Macmillan

Ziegler, 2003, *Le droit à l'alimentation*, Paris: Mille et une nuits, Librairie Arthème Fayard, [Trad. it Ziegler 2004, *Dalla parte dei deboli. Il diritto all'alimentazione*, Milano, Tropea].