

UNDP Plant Rights Assessment Package

The Right to Food based REVIEW Matrix for National laws related to Plant Rights (PVP, Seed, Biodiversity, Patent, GIs, Farmers, Communities and Related Indigenous Laws) –As per STAGE 3 of the PRA Inclusive Process Framework

Checklist based on the right to food as under General Comment No.12 (Art.11, para 1 and 2 ICESCR) E/C.12/1995/5*						
National Plant Variety Protection Law	National Seed Laws	National Patent law as applicable to plants and /or agrochemicals (TRIPS-plus)	National Biodiversity Law	National Farmers Rights (separate regime or included within another)	National Geographical Indications Law	National Indigenous Laws/ Community Rights
AVAILABILITY						
(p)ossibilities either for feeding oneself directly from productive land or other natural resources or for well functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand.						
Are there Provisions/Practices related to: Safeguards with respect to continued right to reuse and save seeds/plant varieties by farmers. Special protection or safeguards with respect to 'domestic varieties'	Are there Regulations/Practices related to: Distribution of seeds via seed fairs. Exceptions for specific varieties' Specific classification for 'domestic & farmers varieties'	Are there Provisions/Practices related to: Exceptions to 'domestic varieties' and special safeguards for 'farmers varieties' Requirements for agrochemicals stringent including no 'new use', disclosure of origin and exceptions to natural and known fertilizers	Are there Provisions/Practices related to:	Are there Provisions/Practices related to:	Are there Provisions/Practices related to:	Are there Provisions/Practices related to:

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<p>ACCESSIBILITY</p> <p>Economic accessibility implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised. It applies to any acquisition pattern or entitlement through which people procure their food and is a measure of the extent to which it is satisfactory for the enjoyment of the right to adequate food. Attention through special programs for socially vulnerable groups such as landless persons (or women farmers??)</p> <p>Physical accessibility implies that adequate food must be accessible to everyone, including physically vulnerable (infants, young children, elderly, physically disabled, terminally ill etc.); victims of natural disasters, people living in disaster-prone areas may need special attention and sometimes priority consideration with respect to accessibility of food.</p>						
<p>Are there Provisions/Practices related to: Exceptions to domestic varieties specifically grown by women farmers Exceptions to home gardens Compulsory/Govt. Licenses applicable in case of disasters</p>	<p>Are there Regulations/Practices related to: Seed Pricing Review Mechanism Classification of seeds correlated to biodiversity classification Access programs for women cooperatives</p>	<p>Are there Provisions/Practices related to: Exceptions to domestic varieties specifically grown by women farmers. Varieties and plants grown in home gardens cannot be patented Compulsory/Govt. Licenses including for quick and free distribution in case of disasters, special attention etc.</p>	<p>Are there Provisions/Practices related to: Classification of endangered varieties and/or varieties grown in home gardens Govt. grants for home garden varieties</p>	<p>Are there Provisions/Practices related to:</p>	<p>Are there Provisions/Practices related to: Special provisions or concessions for home garden varieties. Specific protection for varieties grown by women collective OR women cooperatives</p>	<p>Are there Provisions/Practices related to:</p>

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<p>ADEQUACY Quality sufficient to satisfy the dietary needs of individuals, free from adverse substances and acceptable within a given culture. <u>Dietary Needs</u>: implies that the diet as a whole contains a mix of nutrition for physical and mental growth, development and maintenance and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation. Measures need to be taken to maintain, adapt or strengthen dietary diversity and appropriate consumption and feeding patterns, while ensuring changes in availability and access to food supply do not negatively affect dietary composition and intake <u>Free from adverse substances</u>: sets requirements for food safety and for a range of protective measures by both public and private means to prevent contamination of foodstuffs through adulteration and/or bad environmental hygiene or inappropriate handling at different stages throughout the food chain; care must be taken to identify and avoid or destroy naturally occurring toxins. <u>Cultural or consumer acceptability</u>: implies the need also to take into account, as far as possible, perceived non-nutrient based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies.</p>						
<p>Are there Provisions/Practices related to: No exclusive rights for data related to quality No exclusive rights over classified dietary varieties Disclose prior informed consent on using source of knowledge</p>	<p>Are there Regulations/Practices related to: Quality data on public domain- necessary to establish balanced food safety measures Govt. concessions for farm saved or grown seeds.</p>	<p>Are there Provisions/Practices related to: No exclusive rights for data related to quality. Exceptions to natural fertilizers. Govt. concessions/ incentives for use of seeds culturally acceptable. Disclose prior informed consent on using source of knowledge</p>	<p>Are there Provisions/Practices related to: Classification and Updated information on varieties that follow traditional dietary needs.</p>	<p>Are there Provisions/Practices related to:</p>	<p>Are there Provisions/Practices related to:</p>	<p>Are there Provisions/Practices related to: Specific protection for Community grown varieties –specifically those that follow cultural and traditional dietary needs Govt. incentives for continued production of the said varieties</p>

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<u>SUSTAINABILITY</u>						
This is intrinsically linked to the notion of adequate food or food security, implying that food is accessible for both present and future generations.						
Are there Provisions/Practices related to: Specific safeguards for varieties in national seed and community databases and registries	Are there Regulations/Practices related to: Establishing Database on seeds that are particularly vulnerable to climate change, depleting varieties etc.	Are there Provisions/Practices related to: Varieties in and derivations of such varieties in databases as not patentable	Are there Provisions/Practices related to:	Are there Provisions/Practices related to:	Are there Provisions/Practices related to: Disclosure of any information on climate adaptability and diversity in applications- no exclusive rights for this knowledge	Are there Provisions/Practices related to: Establishing community registries with specific information on knowledge regarding climate adaptability of seeds/varieties

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