

From a petition towards a law: the Portuguese case of mandatory vegan options in public canteens

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ABSTRACT

While the number of vegans living in Portugal has likely been increasing in the past years, there was, until very recently, little effective protection afforded to them by equality laws and policies from discrimination based on their ethical beliefs. This has changed with the approval of a law that establishes mandatory vegan options in all public canteens, following a popular petition effort initiated by the Portuguese Vegetarian Association. An overview of the lengthy process that has led Portugal to this important outcome is presented in this paper. It starts by reviewing the existing legal conditions prior to the law and the events that have taken place from the creation of a petition to the drafting of the first law proposals that eventually met the approval of the Portuguese parliament. Then it examines the conditions that were favourable to the approval of the law. Finally, the law is analysed in some detail, including its main advantages and caveats.

It's concluded that this law constitutes an important breakthrough for vegan rights, by establishing a legal framework that empowers individuals to protect themselves against discrimination. Despite the existence of some limitations, it nonetheless signifies a great step towards a more inclusive and equal society.

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INTRODUCTION

Portugal is a southwestern European country with a population of a little over ten million people. It's also ranked as the 18th highest scoring country in terms of social progress, ahead of other countries like Spain or Italy[1]. Such classification would warrant the expectation of a progressive stance towards lifestyles that are growing in popularity such as veganism. According to the latest statistical study from 2007, there are at least 30.000 vegetarian individuals living in Portugal. Furthermore, this same study concluded that at least 5% of the population excludes meat, fish, eggs or dairy from their daily diet and 2% never consumes any kind of meat[2]. Ten years later, there is no verifiable statistical data for a current estimate of the vegetarian population, nor are there any studies estimating the vegan population size, however, its presumable that its number has grown steadfastly, as the vegetarian and vegan market sectors have shown clear signs of accelerated growth.

While the number of vegans living in Portugal has likely been increasing, there was, until very recently, little effective protection afforded to them by equality laws and policies from discrimination on the basis of their ideological convictions. However, with the introduction of a new bill by the Portuguese parliament, which guarantees vegan options in all public

institutions, this paradigm may be about to change.

BEFORE THE PETITION

Portugal has an advanced legal framework, very well regarded worldwide for its respect for human rights and progressive stance on many social and cultural issues. We find that the Constitution of the Portuguese Republic is adamant in its affirmation that all citizens are equal before the law, proscribing any sort of discrimination[3]. Furthermore, the country has been mindful of international legal directives such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), the European Convention of Human Rights (ECHR) and the Charter of Fundamental Rights of the European Union (CFREU), by reforming its national body of legislation in the past decades and integrating its dispositions concerning the freedom of thought, conscience and religion, making clear that any violation or impairment of those should be punished by law[4][5].

Veganism, which constitutes an increasingly popular lifestyle based on the principle of boycott of any products or activities that involve animal exploitation, with an underlying ideological belief concerning animal welfare, ought to be considered in the light of these dispositions. While the Portuguese legal framework should protect vegan individuals against discrimination on the basis of belief, the fact is that, despite the existence of this discrimination, there was no mention of it by legislative or equality bodies, nor was it even recognized by the government or other public institutions.

Vegans and vegetarians alike, which represent a growing demographic in Portugal, are subject to various forms of discrimination and abuse in a systematic way, such as: the inexistence and denial of access to animal-derived food alternatives (i.e. a vegetarian meal) in public institutions, bullying and psychological abuse related to their personal beliefs, exclusion and stigmatization at work and schools, just to provide some examples.

Furthermore, it should be noted that the state is also committing a violation of its constitution and equality laws by not predicting the existence of considerable mass of individuals that object to a conventional and forcefully imposed dietary regime containing animal products, and not providing these individuals with alternative food services that respect their convictions. The fact that this takes place on a daily basis makes it a more concerning case of human rights violations.

A PETITION IS BORN

On February 2015, a petition was created on the Portuguese government's platform for popular petitions[6], demanding equal rights and the end to discrimination in public institution canteens, by establishing a mandatory vegetarian option in all government buildings, in particular, schools, universities and hospitals. Popular petitions must collect at least 4000 signatures to be discussed in parliament assembly, although 1000 signatures already grants the right to an audition by a parliament commission[7].

This petition was firstly promoted through the social media (e.g. facebook, twitter) and it quickly gained a lot of support, amassing over 5.000 signatures in just a couple of weeks. The petition was under the endorsement of the Portuguese Vegetarian Association (PVA), which was campaigning and arguing in favor of the petitioners. By February 2016, it had amassed over 15.000 signatures, through some successful campaigning efforts on social networks and with the support of the newspaper media, which had picked up on press releases, substantially

increasing the visibility of this popular endeavor. On March 2016, the PVA submitted the petition to parliament. The real number of signatures delivered was around 12.000, as the it was necessary to exclude some non-valid signatures[8].

A few months afterwards, on October 2016, the representatives of the PVA were invited to parliament for a public audition in the presence of delegates from several political parties. The representatives were provided with the opportunity to present the petition and dissect the motivations that underlie its creation, with particular emphasis on an evaluation of needs expressed by the petitioners. Furthermore, several scientific arguments were put forward, as well as a political argument advocating for equal treatment, evoking constitutional rights. The delegates listened and asked several questions, allowing the clarification of raised concerns regarding logistics or prices of implementing a vegetarian option in all public institutions.

THE PETITION GIVES RISE TO A LAW

There draft laws already existed by June 2016, submitted by three political parties from the left-wing, covering the issue introduced by the petition:

- Draft law nr° 111/1ª, submitted by Pessoas-Animais-Natureza (PAN), on 22nd January, 2016[9]
- Draft law nr° 265/XIII/1ª, submitted by Bloco de Esquerda (BE) on 7th June, 2016[10]
- Draft law nr° 268/XIII/1ª, submitted by Partido Ecologista Os Verdes (PEV) on 9th June, 2016[11]

The party Pessoas-Animais-Natureza (PAN)[12] forced a parliament debate of the draft law on 16th June, reinforcing their position by alluding to the popular petition submitted by the Portuguese Vegetarian Association a few months prior. Although there was a general consensus across parties that implementing a vegetarian option in public canteens was an important step towards eliminating discrimination felt by thousands of people, the draft was considered to be faulty and in need of improvement, while several issues concerning possible food waste were raised.

In the ensuing months, these political parties articulated to produce a joint draft for a final law, submitted to the appropriate parliament commission. The parties sat together on 1st March 2017 to discuss and vote the draft, which was preliminarily approved.

Finally, the law that establishes an obligatory provision of vegetarian options in public canteens was approved in parliament on the 3rd March of 2017, with the votes in favor of five political parties from the left wing and the abstention of two political parties from the right wing.

THE IN-BETWEEN PROCESS AND KEY SUCCESS FACTORS

Several factors were critical in achieving legislative success and as such an important paradigm-shift for the vegan demographics. At least three major axis of collaboration can be identified in this process: the civic movement, embodied in the petitioners and the Portuguese Vegetarian Association, the political movement, embodied in three political parties from the left-wing, and an expert's panels intervention, led by the Portuguese Ministry of Health. Let's further analyze these factors.

In October 2015, there were general elections in Portugal, which gave rise to a left-wing political coalition in power and also placed a new political party in the parliament seats – the party for People-Animals-Nature (PAN). This new political configuration soon proved to be favorable to socially progressive measures and policies.

The close collaboration between the Portuguese Vegetarian Association (PVA) and the party Pessoas-Animais-Natureza (PAN) could be considered to have been vital in this success, by relying on an active exchange of information. The PVA was not only responsible for promoting and submitting the abovementioned petition, but also provided rigorous statistical information and issued one official opinion letter to all political parties, analyzing the existing law drafts and advocating in favor of the approval of this law, by deconstructing myths and prejudices regarding strict vegetarianism, presenting available scientific data and discussing key issues regarding implementation of the vegetarian menu in public canteens, such as price and logistics. Furthermore, the preliminary audition with PVA, aforementioned, was a crucial moment to seize the favorable opinion of undecided or reluctant party delegates, in particular from the center-left wing.

Moreover, between 2015 and 2016, the Portuguese General Directory of Health, under the coordination of the Ministry of Health, published guidelines for following a vegetarian diet, directed at health professionals[13][14]. In these important documents, it was recognized that a vegan diet could be adopted by any individual regardless of age and status, with several health benefits associated. More of late, it also published a guideline manual for implementing strict vegetarian options in public institution canteens, namely schools[15], which is considered to have been critically influential in the parliament decision process.

All of these factors created the conditions necessary to approve this law.

THE LAW

The approved law is termed Law nr.º 11/2017, under the designation of “Establishing the obligation of an existing vegetarian option in the menus of public canteens and refectories”[16]. It should also be noted that the law comes into effect within 6 months after its approval, which is the provided period for adaptation. This law applies to the canteens of all public administration entities and services, in particular to all:

- Health care units;
- Nursing homes;
- Primary and secondary schools;
- Universities;
- Prison facilities and guardianship facilities;
- Social services.

It states, under article 3º, that all public canteens must have at least one vegetarian option in their daily menus. What is extremely relevant in this law from the point of view of veganism is the fact that article 3º also defines ‘vegetarian option’ as a meal that does not contain any animal products whatsoever, meaning it’s the equivalent of a strict vegetarian or dietary vegan option.

In a less positive note, this article also states that, in accordance with food waste avoidance politics, a public institution may be exempted from offering a vegetarian option in their

menus if there is no demand for it. Furthermore, where there is very little demand, the public facilities are only under the obligation to establish a prior subscription system for the vegetarian option. While these may seem disappointing dispositions, they were necessary ones in order to approve this law and do not undermine the importance of this bill, as we'll see next.

In fact, this law, besides protecting the rights to equal treatment of all citizens, it provides them with a fundamental legal instrument to defend themselves when subject to discrimination. On this matter, article 6º states that the fulfillment of the law should be guaranteed by the National Authority on Food and Economical Safety (ASAE), which has the responsibility to inspect public canteen facilities. This implies that citizens should be able to denounce violations to this authority, besides being legally entitled to present a formal complaint for law infraction. For thousands of families that face discrimination, this could mean the only possibility they have to claim some justice and equal treatment.

CONCLUSION

Although European law directives clearly state that national governments should take precautions in order to respect the freedom of conscience, which would include the right to object to conventionally imposed dietary lifestyle, as is the case of veganism, often it's found that countries, including Portugal, have been doing little to effectively protect the rights of vegans, an increasing demographic throughout Europe. In the case of Portugal, this paradigm has begun to change very recently with a civic movement that has demanded more equality in public spaces and with the parliamentary approval of a new law that predicts mandatory vegan options in public canteens, promising a shift to more inclusive policies that take under consideration the interests of the vegan population. While the law may present some caveats, namely, the fact that it does not assure a vegan option where there is no demand for it, it's still legitimate to state that this law presents the Portuguese population with a reliable legal instrument to protect themselves against discrimination, while also proving to be a major breakthrough and important step towards a more equal and inclusive society.

BIBLIOGRAPHY

- Borges, C., Graça, P., Guerra, A., Pinho, J. P., Santos, C.T. & Santos, A. & Gomes Silva, S.C. (2016). *Alimentação Vegetariana em Idade Escolar*. Programa Nacional para a Promoção da Alimentação Saudável. Lisboa, Direcção-Geral da Saúde.
- Borges, C., Graça, P., Pinho, J. P., Santos, C.T. & Santos, A. & Gomes Silva, S.C. (2015). *Linhas de Orientação para uma Alimentação Vegetariana Saudável*. Programa Nacional para a Promoção da Alimentação Saudável. Lisboa, Direcção-Geral da Saúde.
- Cramês, M., Graça, P., Lobato, L., Santos, C.T. & Silva, S.G. (2016). *Planeamento de Refeições Vegetarianas para crianças em restauração coletiva: princípios base*. Programa Nacional para a Promoção da Alimentação Saudável. Lisboa, Direcção-Geral da Saúde.
- Diário da República Electrónico (2017). Lei nr.º 11/2017. Diário da República, Nrº 75, Série I.
- Parlamento (2005). Constitution of the Portuguese Republic. 7th edition.
- Pinto, P., Reis, I. (2010). Employment and labour law. Sociedade de Advogados.
- Porter. M. E. & Stern, S. (2016). Social Progress Index. Social progress imperative.

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- [1] *The Social Progress Imperative*. "[Social Progress Index](http://socialprogressimperative.org)". socialprogressimperative.org. Retrieved 14 September 2015.
- [2] <https://www.centrovegetariano.org/Article-451Portugal:%2030%20000%20Vegetarianos-Portugal%253A%2B30%2B000%2BVegetarianos.html>
- [3] <http://www.en.parlamento.pt/Legislation/CRP/Constitution7th.pdf>
- [4] <http://www.en.parlamento.pt/Legislation/CRP/Constitution7th.pdf>
- [5] http://www.pbbr.pt/0_content/publicacoes/artigos_publicacoes/Employment_and_Labour_Law_2010.pdf
- [6] <http://peticaopublica.com/pview.aspx?pi=PT76070>
- [7] https://www.parlamento.pt/Legislacao/Documents/Legislacao_Anotada/ExercicioDireitoPeticao_Anotado.pdf
- [8] <https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalhePeticao.aspx?BID=12760>
- [9] <https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalheIniciativa.aspx?BID=40000>
- [10] <https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalheIniciativa.aspx?BID=40458>
- [11] <https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalheIniciativa.aspx?BID=40479>
- [12] In translation to english: People-Animals-Nature
- [13] <http://nutrimento.pt/manuais-pnpas/linhas-de-orientacao-para-uma-alimentacao-vegetariana-saudavel/>
- [14] <http://nutrimento.pt/manuais-pnpas/alimentacao-vegetariana-em-idade-escolar/>
- [15] <http://nutrimento.pt/noticias/planeamento-de-refeicoes-vegetarianas-para-criancas-em-restauracao-coletiva-principios-base/>
- [16] <https://dre.pt/web/guest/pesquisa/-/search/106886578/details/normal?l=1>