



## LEGISLATING FOR ADEQUATE FOOD AND NUTRITION IN SCHOOLS

*'Investing in children is not only a human rights issue but also a profitable endeavor for every country: an investment in the most precious of all global public goods — our present and future humanity.'*

Alipui and O'Shea (2015)

### BACKGROUND

Multi-component school feeding programs are widely recognized as key instruments to achieve children's right to adequate food, education and health. They can contribute to preventing hunger and malnutrition, address micronutrient deficiencies and encourage healthy eating habits, depending on their aims.

#### Gender sensitive school food policies

Around the world, adolescent pregnancies are more likely to occur in marginalized communities, commonly driven by poverty and lack of education and employment opportunities.

It is widely recognized that school feeding programmes are key to increase girls' school attendance and enrollment. Yet, school feeding programs do not always address the specific conditions and needs of girls.

Including a gender perspective to school policies that deal with food and nutrition education can help to address gender inequalities in access to food and education and has positive impact to break the intergenerational cycle of malnutrition.

School feeding programs have an evident social protection role as they guarantee access to adequate food for the most vulnerable children while in school. School feeding can also have a positive impact on school attendance. Besides, increased schooling among adolescent girls can contribute to prevent early marriage and pregnancy. Combined with healthy meals and nutrition education, it can lead to improved nutritional outcomes for themselves and their future children.

FAO uses a school food and nutrition (SFN) approach to support countries in looking holistically at their school policies and programmes and finding strategic synergies to enhance impact on diets, child nutrition, local food systems and sustainable development. This approach is rooted in:

- **Promoting healthy school food environments and safe and nutritious school meals** through nutritional guidelines and standards, food policies and safety standards in school food supply and production;



- **Integrating food and nutrition education throughout the school system** to foster good food practices, outlooks and lasting healthy habits in children and their families;
- **Stimulating inclusive and sustainable procurement and value chains** through home grown-type school feeding programmes (providing access to safe, nutritious, diverse, acceptable and locally produced ingredients and foods);
- **Creating an enabling policy, legal and institutional environment** for holistic, multisectoral and synergistic school programmes and policies that deal with food and nutrition (i.e. supported by appropriate legal, regulatory and institutional tools).

## THE INTERNATIONAL AND REGIONAL FRAMEWORK

The right to food for school children is intrinsic to the human right to have access to sufficient, safe and nutritious food and to be free from hunger that is contained within the International Covenant on Economic, Social and Cultural Rights of 1966 and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights of 1978 (“Protocol of San Salvador”). The duty upon states to provide support and assistance to the rights of children is defined in the 1989 **Convention on the Rights of the Child (CRC)**.

**The Convention of the Rights of the Child (1989)** recognizes human rights of children that are of importance for school food and nutrition:

- Article 6 - the right to life, survival and development;
- Article 23 - the right to special protection of children with disabilities;
- Article 24 - the right to health and health services;
- Articles 18 & 26 - the right to social security and childcare services and facilities;
- Article 27 - the right to an adequate standard of living;
- Article 28 - the right to education.

Further commitments towards supporting the nutrition, health and well-being of children arise throughout the Sustainable Development Goals (SDGs), as well as in the ICN2 Rome Declaration on Nutrition and in the Voluntary Guidelines to support the progressive realization of the right to food in the context of national food security.

Regional commitments in Latin America and the Caribbean include the **Hunger-Free Latin America and the Caribbean Initiative 2025 (IALCSH)** and the **CELAC’s Plan for Food Security, Nutrition and Hunger Eradication 2025**.

Furthermore, FAO, together with the Spanish Cooperation and the Mexican Agency for International Development Cooperation (AMEXCID) has promoted since 2009 the **Parliamentary Front against Hunger in Latin America and the Caribbean (PFH LAC)**. This permanent and plural parliamentary network is composed of 21 national parliaments<sup>1</sup> and four regional and sub-regional parliaments. The PFH LAC pays special attention to well-being and nutrition in the drafting of legislation, especially when it benefits the right to health, education and food of children, particularly in the context of the COVID-19 pandemic (FAO, 2020a) and the new challenges countries will face in the post-pandemic period.

## KEY BENEFITS FROM A HOLISTIC APPROACH TO FOOD AND NUTRITION IN SCHOOLS

- Multicomponent school feeding programmes and other synergistic policies can help governments meet their human rights obligations and contribute towards countries’ achievement of the Sustainable Development Goals, including SDGs 1 (No Poverty), 2 (Zero Hunger), 3 (Good Health and Well-being), 4 (Quality Education), 8 (Decent Work and Economic Growth) and 10 (Reduced Inequalities). Children reach schools at an age when they are building their food habits. Nutritious food and nutritional school education can also influence families, the school community and be a channel for wider community participation.
- School feeding programmes can increase school enrolment and attendance, as well as reduce dropout rate, particularly for girls.
- Food and nutrition education help children and youth make healthy food choices that support both human and environmental health.
- Creating procurement linkages between schools’ demand for healthy and safe food and family farming (i.e. Home-grown school feeding programmes) can strengthen the connection between nutrition, sustainable agriculture and local economic development, involving the whole school community.
- In order for small producers or family farmers to provide food directly to schools, public policies should establish simplified mechanisms and small enterprises and adopt concrete measures for supporting their activity.

<sup>1</sup> The following 21 countries have parliamentary fronts: Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Granada, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic, Saint Vincent and the Grenadines and Uruguay.

- School or urban gardens used as a learning platform can support school-based food and nutrition education.
- Children, their families, teachers, school staff, vendors, food service staff, civil society, government staff and local farmers, can all have an active role and responsibility in supporting healthier school meals and school food environments.

## LEGISLATING FOR ADEQUATE FOOD AND NUTRITION IN SCHOOLS

Adopting legislation on school food and nutrition is an optimum way to guarantee the right to adequate food to schoolchildren, ensuring long-term commitment regardless of political change. Legislation can ensure institutional mechanisms for implementation, coordination and accountability and underpins a holistic approach to food and nutrition in schools to reap maximum benefits.

The Latin American and Caribbean Parliament (PARLATINO) approved a **framework law on school meals** in November 2013. This law establishes a reference legal framework that allows each State to implement policies and strategies to guarantee, permanently and as a national priority, the right to food and food and nutrition security of children and adolescents, for the enjoyment of a healthy and active life. The school meals framework law is directed at school-age children and includes measures to prevent chronic malnutrition, reduce related diseases and promote healthier lifestyles in the region. It also sets out instruments for overseeing the implementation of effective public policies. The law is an important reference point for countries of the region when drafting national legislation aligned with international standards related to the protection and promotion of children's rights.

School feeding laws of some Latin America and Caribbean countries:

- **Bolivia:** Law No. 622, Law on School Feeding in the context of Food Sovereignty and the Plural Economy, 2014.
- **Brazil:** Law No. 11.947/2009, School Feeding Guidelines, 2009.
- **Guatemala:** Decree No. 16-2017, School Feeding Law, 2017.
- **Honduras:** Decree No. 125-2016, School Feeding Law, 2016.
- **Paraguay:** Law No. 6.277, 2019 that expands articles 2 and 10 of Law No. 5.210, School Feeding and Sanitary Control Law, 2014.
- **Peru:** Law No. 30021, Law for the Promotion of Healthy Food for Children and Adolescents, 2013.
- **Uruguay:** Law No. 19.140, on Healthy Eating in Educational Centers, 2013.

The Brazilian experience is an important regional benchmark. The National School Feeding Program (PNAE), dating from 1955, has been recognized as a model among developing countries for its quality and sustainability. Some of its main elements include: the coverage of the programme, the systematization and continuity of supply, the quality of the food offered at school, social control, the purchase of food from family farmers, the construction of face-to-face and virtual follow-up systems, the monitoring and evaluation, its decentralized management, and the set up of school gardens as tools for food and nutrition education.

The Latin American and Caribbean region has made notable progress in developing food-based dietary guidelines (FBDGs). At least 27 countries in the region have published theirs. Among Latin American countries, the majority did so between 1997 and 2001, while the Caribbean countries did so between 2002 and 2010 (FAO, 2014).<sup>2</sup>

## DRAFTING A SCHOOL FOOD AND NUTRITION LAW

The success of holistic approaches to food and nutrition in schools depends, to some extent, on adequate legal and institutional frameworks and public policies. A human rights approach, based on the principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law, should be used (FAO, 2012). This should set the foundations for countries' compliance with their international human rights obligations and raise greater public awareness of children's rights.

Legislation should establish clear institutional responsibilities and inclusive participation and coordination mechanisms among the different stakeholders involved, as well as encourage adequate budget allocations and a framework for monitoring and enforcement.

A sound legal framework for food and nutrition in schools goes beyond a single law; it encompasses a set of laws and regulations governing the different and vital aspects of a holistic approach to food and nutrition in schools. Particular attention must be paid to regulatory coherence in respect of areas that are broader than food and nutrition in schools and are thus regulated in their own sets of laws, notably food safety, public procurement and nutrition standards. Therefore, ensuring linkages and coherence is among the key tasks of an SFN law.

<sup>2</sup> An upcoming FAO publication on "Food-based Dietary Guidelines: Resource Documents for Implementation" will include examples of how FBDGs have been used in school feeding and nutrition programs and their relationship to legislation in the countries of the region.

# POSSIBLE PROVISIONS OF A SCHOOL FOOD AND NUTRITION LAW

<b>Scope and objectives</b>	<p>Include here the wider objective of the law and its specific objectives, e.g. “to fulfil children’s right to adequate food at school, through a food systems approach providing children with healthy and sustainable food products”</p> <p>The scope of application - who is governed by the law and what activities and subject matters it covers, e.g. refer to who the rights holders are, and the duty bearers, including the obligation to protect and regulate third party activities, as well as the specific responsibilities of different state authorities.</p>
<b>Definitions</b>	<p>This section provides elements for a clear interpretation of the law, and defines terms and concepts, such as: school food, school meals, food and nutrition education, school food environment, food ration/portion, Home Grown School Feeding, healthy eating habits, canteens, kiosks etc. Include definitions of all key terms and ensure the definitions are consistent with international/regional human rights law.</p>
<b>Guiding Principles</b>	<p>This section sets out the fundamental principles for all levels of government actions: e.g. participation, accountability, non-discrimination, transparency, human dignity, empowerment and the rule of law. The guiding principles will provide the solid base for interpretation of the law. Special protection for vulnerable people should also be expressly included – e.g. schoolchildren with food allergies, diabetes or other special food needs, disabled children etc.</p>
<b>Right to school feeding</b>	<p>School meals should be recognized as legal entitlements accessible to every child who attends school without discrimination. Other elements can be included as entitlements, such as the nutritional value of school meals; their quantity; the frequency and duration of the school meal service; any costs; and accountability mechanisms available to remediate possible unsatisfactory service.</p>
<b>Institutional arrangements</b>	<p>Clearly define the role of national and decentralized institutions and other stakeholders to ensure the adequate implementation of the programme. Establish clear mandates and responsibilities for the coordination of the various institutions, agencies and actors involved at national and decentralized level with clear regulations or reference for their action.</p>
<b>Food procurement</b>	<p>It is recommended to set out the regulatory instruments necessary to link school food and meals with family farming. This can include a percentage goal of the procurement budget to be used on procurement of food directly from the defined target beneficiaries.</p>
<b>Preference clause for family farming</b>	<p>Special provision can be considered for purchases to come from family farming and include priority groups of more vulnerable producers, including women, members of indigenous communities and youth. This can strengthen target groups and provide them with a stable and predictable market for products.</p>
<b>Compliance with food safety legislation and requirements</b>	<p>To avoid any negative impacts on students’ health and nutritional status, and minimise or eliminate risks caused by unsafe water, poor sanitation, unsafe cooking, processing or preparation methods, it is vital to include regulatory provision for food safety and quality. This can include alignment with existing food safety legislation and should cover food safety control over food purchased by the school.</p>
<b>Compliance with nutritional guidelines and standards</b>	<p>There are nutrition guidelines and standards that apply to i) food provided by school meal programmes and ii) to food available at school in kiosks or vending machines. The objective is to ensure that all food items at school meet an appropriate amount of the daily energy and nutrient requirements of the targeted children and respond to programme objectives and the alignment with national Food-based Dietary Guidelines (FBDGs), if available.</p>
<b>School Food and Nutrition Education (SFNE)</b>	<p>Provision can be made here to clearly define how nutrition will be built into the school curriculum to integrate food and nutrition education into children’s learning. Resources for covering food and nutrition education in the school budget can be specified.</p> <p>Legislation can also cover, as a basis for nutrition education in schools, aspects such as: main sectoral responsibilities, minimum standards of quality, main thematic priorities to address, minimum time requirement in the curriculum, capacity requirements of front-line educators, school gardens as main platforms of SFNE, school communication and awareness campaigns and the requirement to use the national FBDGs, if available, among other elements.</p>
<b>Food marketing at school</b>	<p>Regulations should include advertising and marketing aimed at children and permitted in or near to the school grounds particularly regarding highly processed foods and those high in saturated fat, salt and added sugars in line with nutritional standards and national FBDGs if available.</p>
<b>Food retailing</b>	<p>Regulations should include provision that all food distributed and sold in schools must not only be safe, but also in line with children’s nutrition needs and priorities. Specific standards would be developed in the implementing regulations.</p>

<b>Student, parent and community involvement</b>	To ensure inclusive non-discriminatory participation, and for acceptable nutrition and menu choices, express provision should be made for the involvement of parents, school children, educators, parents and guardians' associations, local community groups, indigenous peoples and others, in decision making, and in review and accountability mechanisms.
<b>Monitoring</b>	Establish and define in detail monitoring mechanisms at central and decentralized levels, including their composition, and mandate, providing for the participation of parents, school children, educators, parents and guardians' associations, local community groups, indigenous peoples and other beneficiaries. Likewise, include mechanisms that guarantee financial transparency.
<b>Accountability mechanisms and transparency</b>	Clearly establish the accountability of State organs in charge of law enforcement and the accountability mechanisms, including provision for the right to information in appropriate forms and languages and reporting obligations in relation to substantive and procedural requirements. Establish or refer to accessible, effective grievance mechanisms, including judicial, administrative and community level grievance mechanisms, guaranteeing the right of appeal.
<b>Sanctions</b>	Establish sanctions for non-compliance.
<b>Budget provisions</b>	Provision must be made to guarantee transparent and adequate financing and the financing arrangements necessary for implementation. Likewise, consider provision for including the corresponding ministry in the annual budget review and reaffirm the obligation to guarantee every child's right to adequate food at school even at times of cutbacks.
<b>Final and transitory provisions</b>	This can include any additional provisions stipulating for example the need to amend or review other related regulations or laws.

## PARLIAMENTARY ACTION CHECKLIST

Adequate food and nutrition of schoolchildren is an important contribution to securing their health and well-being, as well as supporting community development.

The [Parliamentary Front against Hunger in Latin America and the Caribbean \(PFH LAC\)](#) promotes this kind of initiatives in the region and provides a space to foster participation, connect interested parties, enhance transparency, and promote technical assistance and awareness-raising. Its alliance with FAO, the Spanish Cooperation, and the Mexican Agency for International Development Cooperation (AMEXCID), opens the possibility for parliamentarians and their advisors to participate in trainings, exchange of experiences and public information, and media campaigns to generate greater impact.

Parliamentarians play a key role, both in their countries and regionally, in promoting legislation and policies on these matters, through actions such as the following:

- Consider joining one of the national chapters of the Parliamentary Front against Hunger and Malnutrition in your country or forming one of these fronts if it does not exist in your country to promote laws for school food and nutrition.
- Review school food provision and context in the country and take advantage of windows of opportunity for making changes. Consider existing legislation and policy for all aspects of food systems and supply for school food, from production to consumption, e.g. nutritional standards, food safety and quality, nutrition education, financial incentives and identify specific areas to strengthen considering

best types of legislation for school food and nutrition, whether this requires a separate law on the matter, or coherent provisions across several laws.

- Revise and approve budget proposals that ensure public funding for food and nutrition in schools; monitor approved budgetary expenditures and identify spending gaps.
- Find opportunities in parliamentary process to table motions and raise questions, and place school food and nutrition on the political agenda.
- Seek a participatory drafting and consultation process with multisector partners: civil society, human rights experts, academia, family farmers organizations, women producers, advocacy groups for children and teacher and parents' groups.
- Participate in specific trainings and capacity building activities on school food and nutrition.
- Approve budgets and conduct inclusive consultations and public information campaigns to raise awareness of school food and nutrition and garner public support.
- Exercise parliamentary oversight of executive branch actions to ensure that school food and nutrition laws are respected and implemented according to the objectives for which they were enacted.
- Share good practices and experiences with other parliamentary groups in the region and the rest of the world.
- Consider opportunities for South-South Cooperation: could your country's experience benefit of other countries or could your country benefit from the support by other countries?

## REFERENCES/RESOURCES FOR FURTHER INFORMATION

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