



LEGISLATIVE APPROACHES TO IMPROVE NUTRITION

'The way food is produced, marketed and made available to people has changed tremendously in the past 50 years. Many advances have been made, leading to more efficient food supply chains which have in turn generated improvements in food security and nutrition. Yet, malnutrition in all its forms continues to be one of the greatest challenges faced by our generation, and unhealthy diets are among the leading causes of death and disability.'

The Nutrition Challenge, FAO and WHO (2018)

BACKGROUND

According to the 2019 [Regional Overview of Food Security and Nutrition in Latin America and the Caribbean](#), 6.5% of the regional population lives with hunger, equivalent to 42.5 million people. Around 187 million people suffer from food insecurity in the region, a figure that has increased since 2014 and that is expected to rise due to the COVID-19 pandemic. In turn, and despite significant progress made to reduce child malnutrition, malnutrition due to overweight in the region –especially in children under 5 years– is one of the highest in the world. Among adults, obesity affects women and men unequally. It is estimated that 62 million adults with obesity in the region are women, representing 59% of the total population affected by this condition. The coexistence of a relatively high prevalence of malnutrition with overweight and obesity is known as the “double burden” of malnutrition. If malnutrition is also present in its two main aspects, that is, by weight or height and by micronutrient deficit, this tends to be referred to as a “triple burden”. These burdens may occur at the country, region, household or individual level.

“**Food and nutrition security** exists when all people at all times have physical, social and economic access to food, which is safe and consumed in sufficient quantity and quality to meet their dietary needs and food preferences, and is supported by an environment of adequate sanitation, health services and care, allowing for a healthy and active life.”

(Committee on World Food Security, 2012)

Food security has four dimensions: availability, access, utilization and stability. The three main determinants of nutrition security are: access to adequate food, adequate care and feeding practice, and access to appropriate health and sanitation environment.

Malnutrition occurs when the intake of essential macro- and micro-nutrients does not meet or exceeds the metabolic demands for those nutrients. These metabolic demands vary with age, gender and other physiological conditions and are also affected by environmental conditions including poor hygiene and sanitation that lead to food as well as waterborne diarrhoea (WHO, 2013).



Malnutrition has a number of different underlying causes, including poverty, disease, discrimination and ignorance. This leads to inability to access balanced diets as well as clean water and sanitation for an active and healthy life. Women's education and status is a major determinant of malnutrition of a family, in particular the children. The food supply chain (production, processing, markets) and the food environment (affordability, quality, safety, information) play important roles in what people choose to purchase, cook and eat.

INTERNATIONAL AND REGIONAL FRAMEWORKS

The right to nutrition derives from the **right to adequate food** and the **right to the highest attainable standard of health**, as set out in the Universal Declaration of Human Rights (1948), and subsequently adopted in the International Covenant on Economic, Social and Cultural Rights (CESCR) (1966) (Articles 11 & 12). General Comment No. 14 of the of the Committee on Economic, Social and Cultural Rights reaffirmed the nutrition dimension of the right to health with the express statement that **nutrition is one of the underlying determinants in the achievement of the highest attainable standards of physical and mental health**. Nutrition forms an explicit part of the right to health and the right to adequate standards living in other international treaties, such as the Convention on the Rights of the Child (CRC) (1989), (Articles 24 & 27) and the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) (1981) (Article 12).

At the regional level, the American Declaration of the Rights and Duties of Man recognises the right to the preservation of health through sanitary and social measures relating to food, among others (Art. XI). Likewise, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ("Protocol of San Salvador") (1988) explicitly recognizes the right to food in Article 12. Subsection 1 establishes that *"everyone has the right to adequate nutrition which guarantees the possibility of enjoying the highest level of physical, emotional and intellectual development"*.

In addition to the legally binding human rights obligations of the CESR, CEDAW, CRC and the Protocol of San Salvador, States have made numerous commitments addressing hunger and malnutrition. These include the Sustainable Development Goals (SDG 2), the Rome Declaration on Nutrition (2014), and the UN Decade of Action on Nutrition 2016-2025, at the global level; and the Community of Latin American and Caribbean States (CELAC, in Spanish) Plan for Food and Nutrition Security and the Eradication of Hunger 2025 (2014), at the regional level.

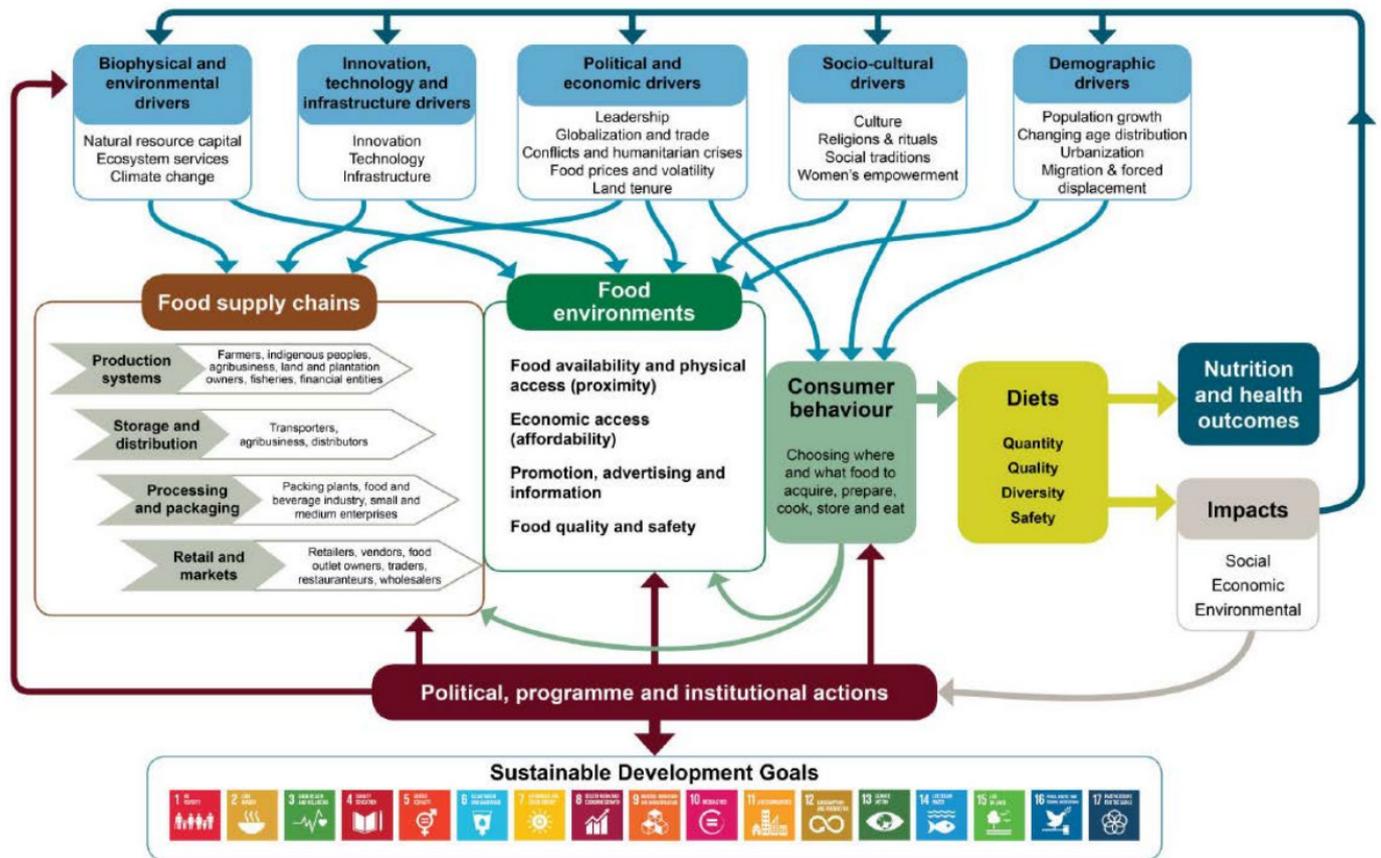
The [CELAC Plan for Food and Nutrition Security and the Eradication of Hunger 2025](#) highlights the consolidation, in the last years, of food and nutrition security on the regional public agenda. However, it also points out to the need to continue working to guarantee the aforementioned security in each one of the four dimensions previously described. Therefore, it is of great relevance to provide a coherent political and legal framework for each of the public actions developed by the different countries in the matter.

The CELAC Plan aligns itself with the [Scaling Up Nutrition \(SUN\)](#) movement, which advocates for increased investments for scaling up of proven and context-specific cost-effective nutrition-sensitive and nutrition-specific interventions through advocacy, responsible nutrition governance and private sector engagement. SUN offers countries, including six countries in the region (Costa Rica, El Salvador, Guatemala, Haiti, Honduras and Peru), direct assistance with policies and projects that bring together governments, civil society and the private sector for improved nutrition.

Furthermore, FAO, together with the Spanish Cooperation and the Mexican Agency for International Development Cooperation (AMEXCID), has promoted the [Parliamentary Front against Hunger in Latin America and the Caribbean \(PFH LAC\)](#). This permanent and plural parliamentary network is composed of 21 national parliaments¹ and four regional or sub-regional parliaments. The PFH LAC pays special attention to the right to adequate food and nutrition, especially in the context of the COVID-19 pandemic (FAO, 2020a) and the challenges countries will face in the post-pandemic period.

¹ *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.*

Food systems for diets and nutrition



HOW CAN COUNTRIES IMPROVE THE NUTRITION OF THEIR PEOPLE?

Nutrition can be tackled directly and indirectly. Policies to strengthen sustainable agriculture and smallholder farming need to be coupled with action to diminish food waste and loss and ensure the safety of the food system and information to consumers. Increased consumption of fresh fruit and vegetables and decreased consumption of overly processed foods that are often nutrition-poor and energy dense (high in fat, sugar and salt) can be promoted and supported by policy makers. Improving disposable incomes of consumers has a positive effect on consumption of balanced diets. Policy interventions to diminish poverty, enhance employment and strengthen social protection may therefore be effective.

Investing in access to clean drinking water and sanitation will also have a strong impact on nutritional outcomes, as does increased access to primary health care, with special attention to the nutritional status of children, teenage girls and women of reproductive age, bearing in mind that the first 1000 days from conception to about two years of age is crucial for a person's nutritional status beyond that age. Strengthening access to nutritious food for pregnant and breastfeeding women, promoting exclusive breastfeeding as opposed to infant formula, and supporting adequate supplementary feeding of infants and small children after the first six months of life are also important measures to improve nutritional outcomes.

Interventions against discrimination against women and girls can have a major impact on nutrition.

Recommendation 5.

"IMPROVE NUTRITIONAL OUTCOMES BY ENHANCING WOMEN'S RIGHTS AND EMPOWERMENT"

States and IGOs should:

- Ensure that laws and policies provide men and women equal access to resources including land, financial and technical resources, water and energy.
- Recognize and value the importance of unpaid care work for human health and FSN. Facilitate the preparation of nutritious food at the household level, recognizing the time this requires. Promote the redistribution of unpaid care work within the household.
- Strengthen rural women's participation and representation at all levels of policy-making for FSN, to ensure their perspectives are taken into account.
- Create an enabling environment to promote breastfeeding, ensuring that decisions to breastfeed do not result in women losing their economic security or any of their rights".

(HLPE, 2017, p. 18)

The regional policy framework proposes a series of measures in nutrition that can serve as a guide for the adoption of policy interventions, taking into account the need to adopt a combination of initiatives, both general and specific, particularly focused on nutrition.

Examples of interventions to improve nutrition

Nutrition sensitive interventions	Nutrition specific interventions
<ul style="list-style-type: none"> • Strengthening of the legal framework • Agriculture & food security • Social participation • Family farming • Empowerment of women • School feeding • Child protection • Classroom education 	<ul style="list-style-type: none"> • Inclusive food governance promotion • Family farming promotion • Strengthening and support of local production • Food supplements for children • Nutritional diversification • Promotion of healthy habits and food environments • School feeding programs • Nutritional education programs

Source: (CELAC, 2014).

Latin American and Caribbean countries are taking actions in different fields to tackle malnutrition. However, there is a need to redouble efforts if they want to see better nutrition outcomes in the future and the attainment of the Sustainable Development Goals.

Some nutrition action examples in Latin America and the Caribbean

Country	Nutrition Action
1. Brazil	The implementation of the “National School Food Programme” (PNAE, in Portuguese) has allowed integrating actions of food and nutrition security, education and productive inclusion of family farming. The programme, whereby at least 30% of the resources allocated to school feeding are used to purchase food produced by family farming, has allowed access to a more nutritious diet and healthier eating habits to a part of the population exposed to food insecurity (especially young people). This has contributed to combat overweight and obesity among this vulnerable group.
2. Brazil	These countries have developed promotional, publicity and information measures to encourage healthier diets among people. These initiatives are aimed at ensuring that vulnerable groups, particularly children, are protected against the effects of advertising and the commercialization of food and beverages high in fat, saturated fat, trans-fatty acids, sugars and salt, and can grow in an environment that promotes an adequate nutrition.
3. Chile	
4. Panama	
5. Peru	
6. Mexico	
7. Ecuador	Under the “Misión Ternura” government strategy, actions have been developed in the country in order to strengthen investment in public policies and their impact on access to a nutritious diet by families in a situation of vulnerability. These interventions have been carried out to promote healthy eating habits of children in early childhood (under 5 years) and ensuring physical and economic access to nutritious food. These interventions have adopted a gender-sensitive approach while respecting cultural patterns that promote empowerment and, consequently, a social and behavioural change regarding healthy eating.
8. Dominican Republic	Public food supply and commercialization have the potential to improve the availability and physical access to adequate food, as well as decrease “food deserts” (defined as geographic areas whose residents have limited or no access to food due to the absence or low density of food entry points). Through the National Institute for Price Stabilization (INESPRE, in Spanish) and its physical warehouses, the Dominican State offers the population –mainly from poor and middle-income families– agricultural products of the basic food basket at affordable prices. Likewise, mobile warehouses serve families in a situation of greater vulnerability in areas that producer markets do not reach.

Source: (FAO et al., 2019).

ENABLING LEGAL FRAMEWORKS FOR SUSTAINABLE NUTRITION

There is considerable complexity in legislating for nutrition as it involves a wide range of issues. Countries will have differing needs and priorities to consider depending upon their population and the root causes of malnutrition. In rural areas, where only limited types of food may be available locally, issues such as access

to water and sanitation, school food and nutrition and economic access to adequate quantity and quality or diversity of foods may be important areas for legislation. In urban areas, food safety and quality, labelling, food composition - for example, salts, sugars, and fats in processed food - and marketing may be priorities. In countries with high dependence on food imports and low domestic production, nutrition education, consumer protection and financial accessibility to nutritious food that is not overly processed may be key.

Parliamentary alliances have been working in many countries around the world, especially in the Latin America and Caribbean region, on legislative changes regarding healthy food and nutritional well-being. For example, in 2012, the Latin American and Caribbean Parliament (PARLATINO) adopted the [Framework Law for Latin America on the Regulation of Publicity and Promotion of food and non-alcoholic drinks directed at children and adolescents](#), which serves as a reference to the countries of the region, and beyond, to regulate the advertising of food to minors. Other regional examples are the PARLATINO [Framework Law on the Right to Food and Food Sovereignty](#) (2012) and the [Framework Law on School Feeding](#) (2013). While the first serves as a reference for the development of policies and strategies in the field of right to food, food security and food sovereignty, the second proposes a regulation of sustainable and inclusive school feeding, nutrition guidelines, promotion of diversification in agriculture, access to information and nutrition education as well as restrictions on advertising in and around schools.

Some examples of legal instruments in Latin America and the Caribbean

Country	National legislation
Bolivia	Law No. 622 of 2014, Law on School Food in the context of Food Sovereignty and the Plural Economy; Law No. 775 of 2016, on Promotion of Healthy Eating.
Brazil	Law No. 11.947 of 2009, on School Food Guidelines.
Chile	Law No. 20.606 of 2012, on Nutritional Composition of Food and its Advertising.
Guatemala	Decree No.16 of 2017, School Food Law.
Mexico	Law on special tax on production and services. General Health Law, and its provisions regarding overweight, obesity and labeling of food and non-alcoholic beverages.
Paraguay	Law No. 5.210 of 2014, on School Food and Sanitary Control.
Peru	Law No. 30.021 of 2013, for the promotion of healthy eating for children and teenagers.

Source: (FAO et al., 2019).

While it is not recommended to adopt a single law on nutrition because nutrition-related issues form part of different legislative areas and putting them all in a single law could lead to fragmentation, there are some distinct entry points that can be identified across a number of relevant legal areas in order to enhance nutrition:

- Social protection legislation and minimum wages to enhance the ability of consumers to purchase adequate, nutritious food;
- Strengthen legislation on gender equality and women's empowerment, as well as the rights of

children and persons living with HIV/AIDS, among others;

- Enact laws that help keep girls in school, such as a gender sensitive law on school food and nutrition and free education at primary and secondary school levels;
- Enact framework laws on the right to food to ensure concerted and coordinated action by assigning institutional responsibilities, providing for budgetary and other commitments and providing for multi-sectoral coordination mechanisms to ensure the protection of the food, health and care aspects of nutrition (see brief 2 on framework laws);
- Legislation to incorporate food education in school curriculum;
- Ensure that procurement laws allow the provision of fresh food to beneficiaries and market access for small farmers or family farmers in the context of institutional food purchases, such as school food and nutrition programmes;
- Use pricing incentives through taxes, subsidies through law (as well as public information campaigns and other tools) to promote consumption of fresh products, including based on traditional knowledge, and disincentives for sugary drinks, and food or snacks high in fats, sugar or salt.

More specifically in the area of food law, a number of legal measures can be taken:

- Food safety and quality legislation that facilitates coordination among all stages of the food production chain, from farm to table, including standard setting processes, storage and transportation rules, traceability and recall mechanisms, rapid alert systems and emergency protocols, rules on food marketing and advertising and rules on labelling. Countries can incorporate *Codex Alimentarius* standards, which are highly relevant to nutrition, into their own food laws;
- Specific labelling schemes to provide consumers with essential information on nutritional contents of food (such as the traffic light system), nutrition guidelines, etc;
- Nutritional control on marketing, including regulation of food and snacks around school premises and public institutions and advertising and marketing aimed at children;
- Regulations related to food fortification to prevent and address micronutrient deficiencies e.g. adding iodine, iron and some vitamins to salt and staple foods;
- Regulations on specific food ingredients such as salt, fats (including trans fats) and sugar content in processed foods;

- Consumer protection legislation that facilitates (i) governmental control, and (ii) the enforcement of consumers' rights to get healthy and quality products, appropriate information to make informed choices, and grievance mechanisms in case of breach;
- Restricting marketing of breast milk substitutes in accordance with the WHO International Code of Marketing of Breast-milk Substitutes.

PARLIAMENTARY ACTION CHECKLIST

The **Parliamentary Front against Hunger in Latin America and the Caribbean** (PFH LAC) promotes legislative processes aimed at eradicating hunger and malnutrition for the achievement of the Sustainable Development Goal 2 (SDG2). The PFH LAC 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, individually or as members of parliamentary committees and alliances that aim to achieve the right to adequate food, poverty reduction and food and nutrition security objectives can act as proactive political agents in improving food systems and dietary habits that will confront the burdens of malnutrition in all its forms. Decision-makers must create an enabling environment to drive access to nutritious food, healthy diets and sustainable and safe means of production. The following actions could be considered:

- 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 nutrition as a core part of the right to adequate food and food security;
- Organize a review of existing nutrition-related legislation against the country context and internationally accepted standards and best practices, and seek windows of opportunity to strengthen the legislative framework through participatory processes, and seek compliance with international, regional and national nutrition-related commitments;
- Improve knowledge and capacity building on all aspects of food systems and supply, from farm/market to table, e.g. through nutritional standards, food safety and quality, hygiene, nutritional education and specialized technical advice on these issues, among other things;

- Allocate sufficient budgetary resources for nutrition-related interventions;
- Enhance data collection systems and statistical analysis on nutrition for sound information and better evidence-based decision-making;
- Assess the impact of laws and regulations (e.g. impact of regulations on small-scale producers) and budget allocation based on analytical studies and evidence gathered from constituents and other sources;
- Approve fiscal measures, such as higher taxes on unhealthy foods, or other financial incentives;
- Use participatory consultation processes – build alliances and seek (and promote) multi-sector partnerships, including with line ministries, civil society organizations, the private sector, human rights Institutions, academia, local producer organizations and consumer groups, with adequate participation and representation of women, indigenous people and Afro-descendants, among others;
- Consider opportunities for South-South Cooperation: could the experience of your country benefit other countries or could your country benefit from the support by other countries?
- Collaborate with parliamentarians from other countries in the development of model laws on food issues.

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