



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.¹

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.

There is increased recognition of the social protection role of school feeding programs as they guarantee access to adequate food for the most vulnerable children while in school. School feeding can have a positive impact on school attendance of boys and girls; for the latter group it is also a key strategy to break the intergenerational cycle of malnutrition. Increased schooling among adolescent girls can contribute to prevent early marriage and pregnancy, and combined with healthy meals and nutrition education can lead to improved nutritional outcomes for themselves and their future children.

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 nutritional needs of girls. To increase the benefits of these programs, it is paramount to consider adolescent pregnancy and breastfeeding.

Also, early pregnancy is often associated with early marriage and school dropout. Increased schooling for girls, combined with healthy meals and nutrition education can improve their nutritional status as well as their future children's.

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

¹ Alipui and O'Shea. 2015. Investing in All Children: Towards Equitable, Inclusive, and Sustainable Development. Harvard International Review. September. Available at <http://hir.harvard.edu/article/?a=12071>

“School food and nutrition”(SFN) is an FAO 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 right of all people to have access to safe, sufficient, and nutritious food and to be free from hunger that is contained within the International Covenant on Economic, Social and Cultural Rights of 1966. 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)**.

Further commitments towards supporting the nutrition, health and well-being of children arise throughout the Sustainable Development

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 child care services and facilities;

Article 27 - the right to an adequate standard of living;

Article 28 - the right to education.

Goals (SDGs), as well as in the ICN2 Rome Declaration on Nutrition and in the Voluntary Guidelines to Support the Progressive Realisation of the Right to Food in the Context of National Food Security. African regional commitments include the Malabo Declaration of 2014 and the African Regional Nutrition Strategy of 2016-2025.

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).
- Schools reach children at an age when food and health habits are being formed. Nutritious school food and school-based food and nutrition 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 helps 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 local production (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 local procurement to work, public policies should establish clear linkages with small farmers and small enterprises and concrete measures for supporting their activity.
- 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

Securing school food and nutrition in legislation is an optimum way to guaranteeing school children their right to adequate food, 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.

DRAFTING A SCHOOL FOOD AND NUTRITION LAW

The success of holistic approaches to food and nutrition in schools depends to some extent on the enabling environment within which it is framed. Adequate legal, institutional and policy frameworks are vital. A human rights-focus

recognizing children's right to adequate food, and providing for participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law will provide a solid grounding, and support countries' compliance with international human rights instruments, as well as aid greater public awareness of the rights of the child.

Good legislation will define clear institutional responsibilities, establish inclusive participation, and coordination mechanisms among the different stakeholders involved, as well as encourage adequate budget allocation, 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.

Particular attention must be paid to regulatory coherence for 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. Ensuring linkages and coherence of School Food and Nutrition Law with these technical areas is among the key tasks of the SFN Law.

The Parlato framework law on school meals

The Parlato framework (model) law on school meals was approved in 2013 and makes reference to the Parlato framework law on the right to food, food security and food sovereignty, article 12 of which calls on states to implement school meal programmes in recognition of the right of all children to adequate food and nutrition. 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.

Source: FAO. 2017. Parliamentary Fronts Against Hunger, and legislative initiatives for the right to adequate food and nutrition.

<http://www.fao.org/3/a-i7872e.pdf>

POSSIBLE PROVISIONS OF A SCHOOL FOOD AND NUTRITION LAW

Scope and objectives	<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 and the specific responsibilities of different state authorities.</p>
Definitions	<p>This section provides important clarity of interpretation by clearly defining 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>
Guiding Principles	<p>Set out the fundamental principles for all levels of government actions: e.g. participation, accountability, non-discrimination, transparency, human dignity, empowerment, rule of law. The guiding principles will provide the solid base for interpretation of the law. Special protections for vulnerable people should also be expressly included – e.g. children with food allergies, diabetes or other special food needs, disabled children etc.</p>
Entitlements	<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>
Institutional arrangements	<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>
Food procurement	<p>It is recommended to set out the regulatory instruments necessary to link school food and meals with local smallholder production. This can include a percentage goal of the procurement budget to be used on procurement of food directly from the defined target beneficiaries.</p>
Preference clause for local procurement	<p>Special provision can be considered for purchases to 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>
Compliance with food safety legislation/food safety requirements	<p>To avoid any negative impacts on students’ health and nutritional status, and minimise or eliminate risks caused by unsafe water and sanitation or 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>
Compliance with nutritional guidelines and standards	<p>Specifically, the objective of 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 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)², if available.</p>
School Food and Nutrition Education (SFNE)	<p>Provision can be made here to clearly define how nutrition will be built into the curriculum to integrate quality 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 main sectoral responsibilities, minimum standards of quality, main 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, a requirement to use the national FBDGs, if available, as a basis for nutrition education in schools and priority thematic contents among other elements.</p>
Food marketing at school	<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>

² While Africa was lagging behind in developing Food-based Dietary Guidelines, at least 8 countries in Africa have engaged in the development process and are likely to have them by the end of 2019. Examples on how FBDGs have been used in school food and nutrition programmes and their links to legislation can be found in the forthcoming FAO publication Food-based Dietary Guidelines: Implementation Resource Documents. For FAO work on FBDGs, see: <http://www.fao.org/nutrition/education/food-dietary-guidelines/home/en/>

POSSIBLE PROVISIONS OF A SCHOOL FOOD AND NUTRITION LAW (CONTINUED)

Food retailing rules	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.
Student, parent and community involvement	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' associations, local community groups, indigenous peoples and others, in decision making, and in review and accountability mechanisms.
Monitoring	Establish and define in detail a monitoring mechanism at central and decentralized levels, including its composition, and mandate, providing for stakeholder participation. Ensure transparency.
Accountability mechanisms/ transparency	Expressly clarify the accountability of public officials, government and the mechanisms of accountability, 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.
Sanctions and penalties	Establish sanctions for non-compliance.
Budget provisions	Provision must be made to guarantee transparent and adequate financing and the financing arrangements necessary for implementation. Consider provision for including Ministry of finance in the annual budget review and reaffirm the obligation guarantee every child's right to adequate food at school even at times of cutbacks. Include monitoring mechanisms to ensure financial transparency.
Final and transitory provisions	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 in schools and good nutrition can be an important contribution to securing children's health and well-being as well as supporting community development. Parliamentarians can be key to supporting effective legislation and action in countries and regionally, considering the following actions:

- Consider forming a parliamentary alliance on food security and nutrition and promote school food and nutrition legislation within it or an existing parliamentary group.
- Review school food provision and context in country and windows of opportunity, consider existing legislation and policy for all aspects of food systems and supply for school food, from farm/market to plate 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 – a separate law, 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, raise questions and place school food and nutrition on the political agenda.

Seek a participatory drafting and consultation process – with multisector partners, civil society inclusion, human rights experts, academia, local producer organizations, inclusion of women producers, advocacy groups for children and teacher and parents' groups.

- Seek knowledge growth, participate in specific trainings and capacity building activities on school food and nutrition.
- Approve budgets for inclusive public information and consultation, to raise awareness and garner public support; engage with constituents to determine levels of implementation and need for your roles in oversight and law making
- South-South cooperation – give/seek support from your own country examples or those of other countries from the region/beyond, e.g. Parliamentarians in Latin America and the

Caribbean have been active in driving school food legislation in their countries.

REFERENCES/RESOURCES FOR FURTHER INFORMATION

More information on this topic can be found at:

<http://www.fao.org/school-food/en/>

FAO. 2018. Regional Overview of National School Food and Nutrition Programmes in Africa:

<http://www.fao.org/3/i8063en/i8063en.PDF>

FAO. 2018. Home-grown School Feeding Resource Framework

<http://www.fao.org/3/i8724en/i8724en.pdf>

FAO. Forthcoming. Legal Guide to School Food and Nutrition

PARLATINO Framework Law on School feeding

<http://parlatino.org/wp-content/uploads/2017/09/ley-alimentacion-escolar-ing.pdf>