



Legislative approaches to improve nutrition

“The current situation in terms of hunger and malnutrition in Africa is totally incompatible with the vision of the African Union and the aspirations for the peoples of Africa It is indeed, an irony of the tallest order that Africa is presently having the highest levels of malnutrition in the world as it is a continent with exceptional natural resources and experiencing rapid economic growth”.

From African Regional
Nutrition Strategy 2016-2025

BACKGROUND

In sub-Saharan Africa, close to 50 percent of children under five suffer from vitamin A deficiency, 33 percent are stunted, 7 percent are wasted and 5 percent are overweight. Anaemia affects 39 percent of women of reproductive age (15-49), while 20 percent of adult men and 40 percent of adult women in the region are overweight or obese (FAO, 2017). These are all forms of malnutrition. The co-existence of overweight, vitamin deficiency and stunting is common in most countries, and often occur in the same household. This is referred to as the double burden of malnutrition.

“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.”

(Proposed definition by the Committee on World Food Security Secretariat to CFS - CFS 2012/39/4)

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 Global Nutrition Policy Review, 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.

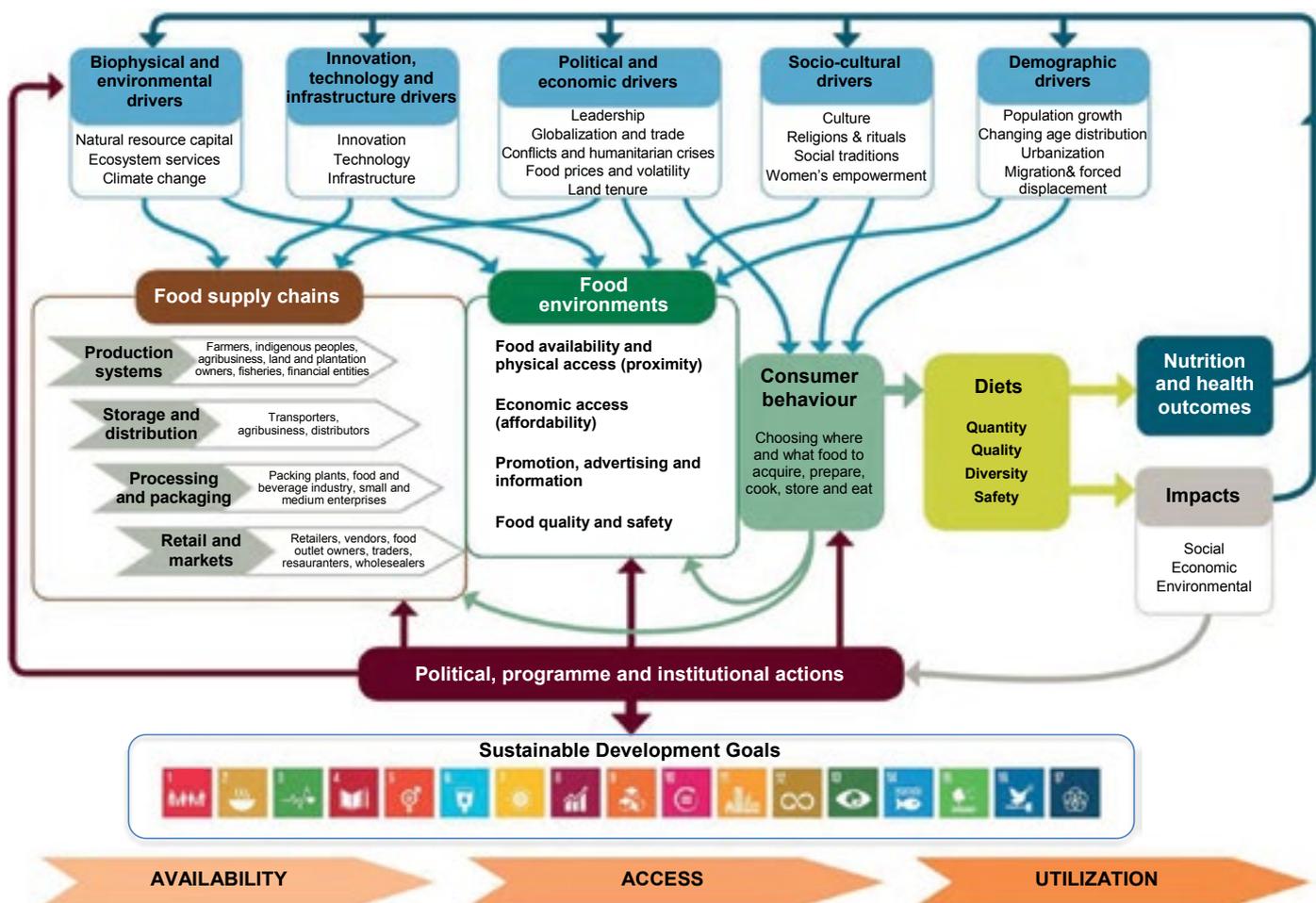
INTERNATIONAL AND REGIONAL FRAMEWORKS

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 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); the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) (1981) (Article 12), and the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (PACRWA) (2003) (Article 14).

In addition to the legally binding human rights obligations of the CESCR, CEDAW, CRC and PACRWA, States have made numerous commitments to addressing hunger and malnutrition, including in the Sustainable Development Goals (SDG 2), the Rome Declaration on Nutrition (2014), the UN Decade of Action on Nutrition 2016-2025, at the global level, and the Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared prosperity and Improved Livelihoods (2014), the African Regional Nutrition Strategy of 2016-2025 and Agenda 2063: the Africa we want (2015), at the regional level in Africa.

FOOD SYSTEMS FOR DIETS AND NUTRITION



The African Regional Nutrition Strategy 2016-2025 highlights that each of the conditions of nutrition, i.e., food, health and care, are **necessary but none by themselves is sufficient** to ensure optimal nutrition. It highlights the need for multi-sectoral approaches, coordination and improved accountability and governance.

The Regional Strategy 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 many African countries, direct assistance with policies and projects that bring together governments, civil society and the private sector for improved 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.

Recommendation 5.

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

States and IGOs should:

- a) Ensure that laws and policies provide men and women equal access to resources including land, financial and technical resources, water and energy;
- b) 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;
- c) Strengthen rural women's participation and representation at all levels of policy-making for FSN, to ensure their perspectives are taken into account;
- d) 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. Nutrition and food systems, p 18

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

The Pan-African policy environment already provides a framework for policy interventions in nutrition, which can be built on for legislative interventions, bearing in mind the need for a combination of interventions, both more general and very specific to nutrition.

African 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 outcome in the future and the attainment of the Sustainable Development Goals.

EXAMPLES OF INTERVENTIONS TO IMPROVE NUTRITION

Nutrition sensitive interventions	Nutrition specific interventions
• Agriculture & food security	• Adolescent health and preconception nutrition
• Social safety nets	• Maternal dietary supplementation
• Early childhood development	• Multiple micronutrient supplementation or fortification
• Maternal mental health	• Breastfeeding and complementary feeding
• Women's empowerment	• Diet supplementation for children
• Child protection	• Dietary diversification
• Classroom education	• Feeding behaviours and stimulation
• Water and sanitation	• Treatment of severe acute malnutrition
• Health & family planning services	• Disease prevention and management

Source: African Regional Nutrition Strategy 2016-2025

SOME NUTRITION ACTION EXAMPLES IN AFRICA

Country	Nutrition action
1. Uganda 2. Rwanda 3. Kenya	Adult and Junior farmer field and life schools training, where rural women, men and youth receive training. This approach is being integrated into countries' agricultural policies and programmes to address malnutrition and rural poverty. Farmer Schools are established and staff trained to work within the school. The recipients of the training are helped with capacity building and extension skills. The aim is for communities to receive adequate training in nutrition-enhancing local and sustainable food production and in nutrition education for better nutrition practices and food choices.
4. Somalia	Somalia has vast ocean resources, but its fishing industry is under-developed and fisheries unexploited. Increasing the consumption of fish in Somalia will strengthen the livelihood of fisherfolk and provide a more nutrient-rich diet for Somali households. Somali authorities campaign to encourage Somalis to eat more fish, to fight hunger. Somalia's fisheries sector receives support by way of training in sustainable fishing... e.g. cold chains to support fish preservation, distribution and marketing, and an information campaign on nutrition: "Fish is Good for You" targeting female heads of households and young people, encouraging fish consumption for better health.
5. Niger	The «3N Initiative» (Nigeriens Nourishing Nigeriens) develops national ministries' capacities to address nutrition challenges in the country. Activities include empowering local communities; joint planning and targeting for better nutrition at community level, with UN Agencies; integrating nutrition objectives into key policy documents, programmes and projects; and the development of nutrition assessments and analysis of the Dietary Diversity Score for Women.
6. Rwanda ¹	Social Protection systems include productive asset transfers, improving diets at the household level by enhancing sustainable food production through the provision of productive assets, such as livestock or agricultural inputs. This also improves food availability and can play a role in increasing dietary diversity. The Girinka Programme in Rwanda targets poor households and enables them to own a dairy cow. Milk consumption is reported to have increased as a result.

Source: <http://www.fao.org/nutrition/policies-programmes/action-countries/en/>

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 the Caribbean region, on legislative changes regarding healthy food and nutritional well-being, for example, on nutritional guidelines and the regulation of advertising, particularly when directed at minors. 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**², which serves as a reference to the countries of the region, and beyond, to regulate the marketing of food for minors. Another example is the Parlatino **Framework Law on School Feeding** (2013)³, which includes reference to sustainable and inclusive school feeding, nutrition guidelines, promotion of diversification in agriculture, access to information and nutrition education as well as restrictions on marketing in and around schools.

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

¹ Nutrition and Social Protection 2015 FAO

² http://www.parlatino.org/pdf/leyes_marcos/leyes/proyecto-regulacion-publicidad-regulacion-pma-30-nov-2012.pdf

³ https://parlatino.org/pdf/leyes_marcos/leyes/ley-alimentacion-escolar-pma-19-oct-2013.pdf

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;
- 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;
- Law requiring the integration of nutrition education in school curriculum;
- Ensuring concerted and coordinated action by assigning institutional responsibilities, providing for budgetary and other commitments; and providing for multi-sectoral coordination mechanism to ensure the protection of the food, health and care aspects of nutrition (see brief 2 on framework laws).
- Ensure that procurement laws allow the provision of fresh food to beneficiaries and market access for small farmers in the context of institutional food purchases, such as school food and nutrition programmes;
- Enact legislation to support selected value chains, including incentives to specific value chains, promotion of production methods, fair contractual relations among parties and distribution channels accessible for small producers, including food markets;
- 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;
- Targeted legal measures relating to the needs of pregnant/lactating women, adolescent girls, infants and young children, people living with HIV/AIDS, people in institutional settings such as schools or hospitals, peoples in situations of vulnerability (disabilities, health issues etc.).

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. Codex Alimentarius food safety and quality standards contribute to ensure that food consumed does not harm the health of the consumer and help secure the nutritional value of food. Its labelling standards help consumers get information regarding the composition, use and nutritional value of the products. Codex standards also address issues related to essential nutrients added to food, infant and child foods, food hygiene and many more, which play an important role in food nutrition.
- 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

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:

- Join other parliamentarians to promote nutrition as a core part of the right to adequate food and food security, by forming and/or participating in a parliamentary alliance, such as a parliamentary alliance on food and nutrition security, a parliamentary committee, or other existing parliamentary groups;
- 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;
- Participate in capacity building trainings on all aspects of food systems and supply, from farm/market to plate, e.g. nutritional standards, food safety and quality, hygiene, nutrition education, and seek technical/expert advice in these issues;
- Allocate sufficient budget for nutrition-related interventions, including for the reduction and/or elimination of stunting, obesity and other forms of malnutrition, for nutrition education and awareness, and for enhanced and disaggregated data collection for sound information and better evidence-based decision-making;
- In exercising oversight roles, investigate 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) multisector partnerships, including with line ministries, civil society organizations, the private sector, human rights Institutions, lawyers' groups, academia, local producer organizations, including women producers, consumer groups, international development partners; and
- Seek South-South cooperation to share the experience of one's own country and those of other countries from the same region and beyond, and to collaborate with parliamentarians in other countries in developing model laws on subjects related to nutrition, drawing lessons from such laws in other regions, such as framework laws of the Parlatino.

REFERENCES/RESOURCES FOR FURTHER INFORMATION.

For further information on nutrition see:

<http://www.fao.org/nutrition>

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Codex Alimentarius

<http://www.fao.org/fao-who-codexalimentarius/home/en/>

SUN – Scaling up nutrition

<https://scalingupnutrition.org/>

WHO. FAO. 2018. *The nutrition challenge: food system solutions*
<http://www.fao.org/3/CA2024EN/ca2024en.pdf>