

# THE 'RIGHT TO NUTRITION' IN ITS SOCIAL, LEGAL AND POLITICAL CONTEXT

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**A scoping study in two low-income countries**

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# Background and literature

- ‘Right to nutrition’ literature is largely normative, international focus
- Most literature takes a focus on children (or 1000 days)
- Most literature is written by nutritionists, not lawyers
  
- We found no empirical literature on a right to nutrition
- We found no nationally-focussed literature on a right to nutrition

## **Research question:**

To what extent is a ‘rights’ framing a useful way to address nutrition issues in two African countries?

# International movements



**Save the  
Children**

## **United Nations**

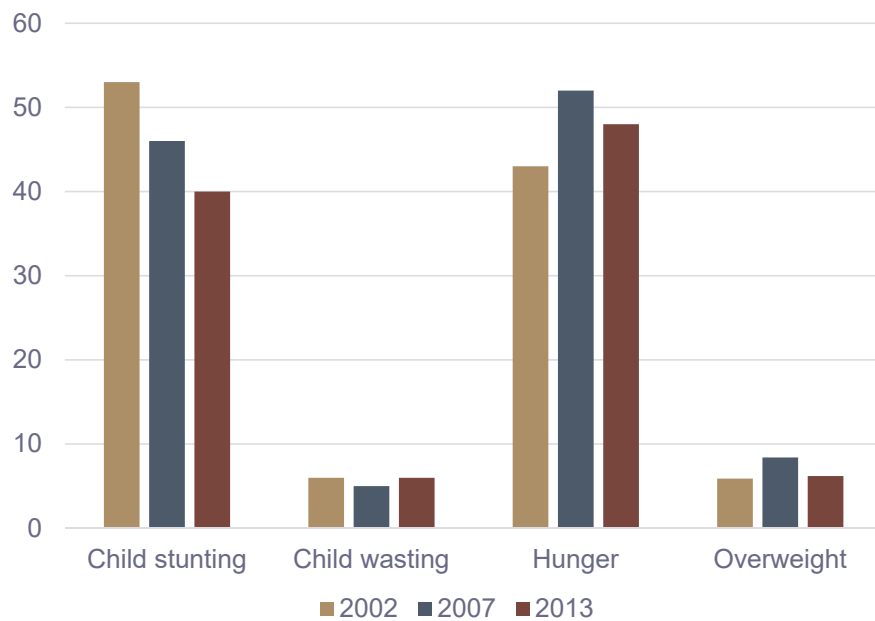
- 2015 United Nations Global Nutrition Agenda core principle number seven (of ten) on nutrition is that *'the UN is steered by a Human Rights-Based approach to nutrition'*

## **Scaling Up Nutrition (SUN)**

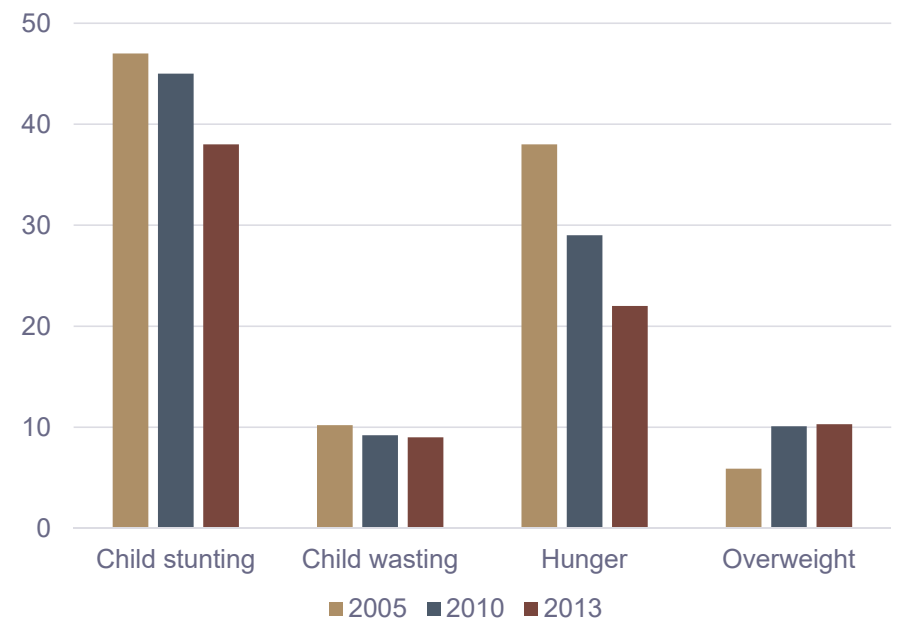
- *'Founded on the principle that all people have a right to food and good nutrition'*
- Calls for *'nutrition justice for all'*
- Rights-based approach noted in its original Principles of Engagement and 2016 strategy
- 2015 external evaluation: some *'see SUN as not taking a sufficiently rights-based approach, [and] ignoring the underlying food system causes of hunger and malnutrition'* (Mokorko 2015)

# National nutrition situation

## Zambia



## Sierra Leone



Sources: Global Nutrition Report 2017; UNICEF-WHO-WB joint malnutrition estimates 2017

# Conceptual framework

## International

- Rights concepts in inter- and supra- national legal instruments
- Rights concepts in international organization policy

## Legal

- Constitutional backing for right to nutrition
- Other legal instruments relating to a right to nutrition

## Policy

- Explicit statements of right to nutrition in policy documents
- Policy which implicitly supports a right to nutrition

## Implementation

- Interpretation of rights-related practice by implementers
- 'Grassroots' action on rights

## Experience

- Social interpretation of rights concepts
- Reception of rights-related practice by citizens

# Inter- and supra- national legal instruments

## International

- **Universal Declaration of Human Rights 1948**  
– Art 25 right to a standard of living for health and well-being, including food
- **UN Convention on the Rights of the Child 1989** – Art 24 right to health, including adequate nutritious food, and parents and children are informed about nutrition (Z, SL)
- **International Covenant on Economic, Cultural and Social Rights 1966** – Art 11 adequate standard of living including food (Z, SL)
- **Convention on the Elimination of All Forms of Discrimination against Women** – Art 12 right to health care, and adequate nutrition for pregnant and lactating women (Z, SL)
- **Convention on the Rights of Persons with Disabilities** – Art 28 adequate standard of living including food (Z, SL)

## Africa

- **African Charter on Human and Peoples' Rights 1981** – Art 16 ‘the best attainable state of physical and mental health’ (Z, SL)
- **Protocol to the African Charter on Human Rights and Peoples' Rights on the Rights of Women** – Art 14(2)(b) nutritional services for prenatal and lactating women; Art 15 right to nutritious and adequate food (Z)
- **African Charter on the Rights and Welfare of the Child** – Art 14 provision of adequate nutrition; Art 20 assist parents to provide nutrition (SL)

# National Constitutions

## Zambia

- Original version 1991 - no right to food or nutrition
- 1996 amendment – no right to food or nutrition
- 2016 - Attempted to bring in a Bill of Rights in the new constitution – which included a right to health and food, with specific rights to food for children
- Referendum 2016, low turn out = not passed
- No second vote planned

## Sierra Leone

- Constitution 1991 – section 15 right to life.
- 2008 amendment – no mention of nutrition/food/health
- 2017 - Proposed new language in Section 15 to include food, health
- Proposed new right to highest attainable standard of health and food of acceptable quality
- Constitutional vote to coincide with March 2018 election

Aspect	Concept	Methods	Data / interview groups
<b>International</b>	Rights concepts in international legal instruments	<ul style="list-style-type: none"> <li>• Document analysis</li> </ul>	<ul style="list-style-type: none"> <li>• International legal documents</li> </ul>
	Rights concepts in international organizational policy	<ul style="list-style-type: none"> <li>• Document analysis</li> </ul>	<ul style="list-style-type: none"> <li>• International policy documents</li> </ul>
<b>Legal</b>	Constitutional backing for right to nutrition	<ul style="list-style-type: none"> <li>• Document analysis</li> <li>• Interviews</li> </ul>	<ul style="list-style-type: none"> <li>• Case-country constitutions and constitutional cases</li> <li>• Constitutional legal actors lawyers, judges, claimants...</li> </ul>
	Other legal instruments relating to a right to nutrition	<ul style="list-style-type: none"> <li>• Document analysis</li> <li>• Interviews</li> </ul>	<ul style="list-style-type: none"> <li>• Case-country law legislation, cases and customary</li> <li>• Legal actors lawyers, judges, claimants...</li> </ul>
<b>Policy</b>	Explicit statements of right to nutrition in policy documents	<ul style="list-style-type: none"> <li>• Document analysis</li> <li>• Interviews</li> </ul>	<ul style="list-style-type: none"> <li>• Case-country policy development plans, sectoral policy</li> <li>• Policy actors politicians, senior bureaucrats, NGOs, donors...</li> </ul>
	Policy which implicitly supports a right to nutrition	<ul style="list-style-type: none"> <li>• Document analysis</li> <li>• Interviews</li> </ul>	<ul style="list-style-type: none"> <li>• Case-country policy development plans, sectoral policy</li> <li>• Policy actors politicians, senior bureaucrats, NGOs, donors...</li> </ul>
<b>Programme</b>	Interpretation of rights-related practice by implementers	<ul style="list-style-type: none"> <li>• Interviews</li> </ul>	<ul style="list-style-type: none"> <li>• Bureaucrats national and local 'street level'</li> <li>• Private sector businesses and lobbyists</li> </ul>
	'Grassroots' action on rights	<ul style="list-style-type: none"> <li>• Interviews</li> </ul>	<ul style="list-style-type: none"> <li>• Civil society actors NGOs, churches, citizen groups</li> </ul>
<b>Experience</b>	Social interpretation of rights concepts	<ul style="list-style-type: none"> <li>• Interviews</li> </ul>	<ul style="list-style-type: none"> <li>• Citizens claimants, and by gender / income / location / education...</li> </ul>
	Reception of rights-related practice by citizens	<ul style="list-style-type: none"> <li>• Interviews</li> </ul>	<ul style="list-style-type: none"> <li>• Citizens claimants, and by gender / income / location / education...</li> </ul>



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