THE ‘RIGHT TO NUTRITION’ IN ITS SOCIAL, LEGAL AND POLITICAL CONTEXT

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

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

- 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
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| Legal         | Constitutional backing for right to nutrition                           | • Document analysis • Interviews | • Case-country constitutions and constitutional cases
|               |                                                                        |                    | • Constitutional legal actors lawyers, judges, claimants…                                 |
|               | Other legal instruments relating to a right to nutrition                | • Document analysis • Interviews | • Case-country law legislation, cases and customary
|               |                                                                        |                    | • Legal actors lawyers, judges, claimants…                                                   |
| Policy        | Explicit statements of right to nutrition in policy documents           | • Document analysis • Interviews | • Case-country policy development plans, sectoral policy
|               |                                                                        |                    | • Policy actors politicians, senior bureaucrats, NGOs, donors…                              |
|               | Policy which implicitly supports a right to nutrition                   | • Document analysis • Interviews | • Case-country policy development plans, sectoral policy
|               |                                                                        |                    | • Policy actors politicians, senior bureaucrats, NGOs, donors…                              |
| Programme     | Interpretation of rights-related practice by implementers               | • Interviews        | • Bureaucrats national and local ‘street level’
|               | 'Grassroots' action on rights                                            |                    | • Private sector businesses and lobbyists                                                   |
|               | Social interpretation of rights concepts                                | • Interviews        | • Civil society actors NGOs, churches, citizen groups                                      |
|               | Reception of rights-related practice by citizens                         | • Interviews        | • Citizens claimants, and by gender / income / location / education…                       |
This is a contribution from the Sussex Sustainability Research Programme