

## SCHOOL MEALS AS ENTITLEMENTS

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The core motivation for school feeding programmes everywhere is plainly articulated in the World Food Programme's concept:

WFP School Feeding Programmes encourage children to attend school by providing a free nutritious meal. Canteens are set up where school children can receive hot food and snacks. In many cases, this may be the only meal children eat during the day. This simple meal helps children concentrate on their studies and ensures they attend class.<sup>1</sup>

School meal programmes facilitate the educational process by increasing the likelihood that children will come to school and by making them more capable of learning. Beyond that, meal programmes can provide special opportunities for teaching. For example, the lunch period can be used to talk about various aspects of food and nutrition while the children are eating. The programmes can also be used to help build skills in food production and preparation, and they can be used as the locus for delivery of a variety of health services.

School meals can help students fulfil important nutritional and educational needs, but at times some students do not get the meals they are supposed to get. This difficulty can be turned into an opportunity. School meal programmes could be designed on the basis of a rights-based approach, so that the meals become clear and effective entitlements. Under such programmes, students would be likely to get better meal service. Moreover, students could learn from the way in which school meal programmes were organized. These programmes could be used to teach important things about the human right to adequate food and about the workings of rights systems generally. Older students could build important skills by becoming involved in the programme's design and operation.

### SCHOOL MEAL PROGRAMMES WORK IMPERFECTLY

There is a tendency to assume that people who are supposed to benefit from social service programmes actually get the quantity and quality of service they are supposed to get. The evidence shows that that is not true. In the Tamil Nadu Integrated Nutrition Programme in India for example, only about 77 percent of the eligible children were enrolled. In India's Integrated Child Development Services programme, the states with the greatest needs for the programme have the lowest levels of service.<sup>2</sup>

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<sup>1</sup> World Food Programme. *How does school feeding work?*

<http://www.food-force.com/index.php/reality/programmeme/71/P2>.

<sup>2</sup> Lokshin, M., et al., *Improved child nutrition? The Integrated Child Development Services in India*. Development and Change, 2005. 36(4): p. 613-640.

In the Food Stamps programme in the United States, there are many eligible people who do not participate because they encounter various obstacles.<sup>3</sup>

With regard to school meal programmes in particular, “quality issues need urgent attention”.<sup>4</sup> School meal programmes can go awry in many different ways. In one case in India, teachers were accused of mixing liquor and cannabis into the food, supposedly to make it more tasty and to speed up the cooking process.<sup>5</sup> There are indications that the school meal programmes are not effective in retaining attendance by dalits (scheduled castes and scheduled tribes), which suggests that they may not be getting the meals they are supposed to get.<sup>6</sup>

There have been cases in which attempts to monitor and correct failures have led to threats of violence. In Varanasi, India, a human rights activist visited a primary school to inquire into the implementation of the Mid Day Meal programme:

From his visit he found that the meals distributed for the children did not conform with the standards set down by the Supreme Court; there were no pulses included in the Khichdi (Indian dish consisting of mainly rice and lentils) that was served.

Issuk Ali suspected malpractices in the food distribution and has confirmation that much of the food intended to be cooked and distributed among the students, obtained free of cost from the government, is sold in open market through grocery shops. The cook as well as the village head of Belwa and the local police are suspected to gain illegal profits from this sale.<sup>7</sup>

Any programme that provides goods or services creates temptations for diversion of the goods or services away from the intended beneficiaries. There can be “furtive replacement of high-quality grain with low-quality grain” or appropriation by cooks and others of food intended for the school children.<sup>8</sup>

There would be abundant evidence of failures in the delivery of school meals if they were monitored more regularly. The premise of this essay is that there are often shortfalls in meeting goals for providing social services, especially for those who are relatively weak in political terms. Institutional arrangements should be established to help assure that the weak are well served.

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<sup>3</sup> United States. General Accounting Office and Food Stamp Program (U.S.). *Food stamp program: steps have been taken to increase participation of working families, but better tracking of efforts is needed: report to Congressional Requesters*. 2004.

<sup>4</sup> Drèze, J. and A. Goyal. 2003 *Future of Mid Day Meals*. Economic and Political Weekly, p. 4673-4683.

<sup>5</sup> Teachers 'spiced up' school meals. 2004 [http://news.bbc.co.uk/2/hi/south\\_asia/3931131.stm](http://news.bbc.co.uk/2/hi/south_asia/3931131.stm).

<sup>6</sup> Prasad CB. *Midday meals don't work for dalit children* <http://www.infochangeindia.org/analysis66.jsp#>.

<sup>7</sup> Asian Human Rights Commission. *India: Yet another attack on human rights activist in Belwa village, Uttar Pradesh*. <http://www.ahrchk.net/ua/mainfile.php/2006/1545/>.

<sup>8</sup> Drèze, J. and A. Goyal. 2003 *Future of Mid Day Meals*. Economic and Political Weekly, p. 4678.

The human right to adequate food is concerned primarily with assuring that people are enabled to provide for themselves in well-functioning societies.<sup>9</sup> However, it recognizes that under some conditions, such as emergencies or conditions of extreme poverty, governments and other agencies should provide food through food and nutrition service programmes such as meals, food stamps, subsidies, and ration shops.

When school meals and other programmes provide food and nutrition services, delivery systems sometimes break down in one way or another, and not everyone gets what they are supposed to get. Sometimes the meals are not of the quality they should be and sometimes they are not provided at all. From a human rights perspective, it is important to be clear about precisely what the participants are supposed to get. And it is important to be clear about whether they get the food as a matter of charity or as a matter of entitlement. Does the food belong to donors who are free to provide it or not as they please? Or does the food ultimately belong to the programme participants, and do they have a clear right to it? If the food is not provided in the proper way, can someone be called to account?

## **RIGHTS-BASED SOCIAL SYSTEMS**

The character of rights-based social systems is described in this section in a generic way. The following section suggests ways in which these ideas might be applied to school meal programmes.

In any well-developed system of rights there are three major roles to be fulfilled: the *rights holders*, the *duty bearers*, and the *agents of accountability*. The task of the agents of accountability is to make sure that those who have the duties carry out their obligations to those who have the rights. Thus, to describe a rights system, we need to know:

- A. The nature of the *rights holders* and their rights;
- B. The nature of the *duty bearers* and their obligations corresponding to the rights of the rights holders; and
- C. The nature of the *agents of accountability*, and the procedures through which they assure that the duty bearers meet their obligations to the rights holders. The accountability mechanisms include, in particular, the remedies available to the rights holders themselves.

One can have systems of rights in many different kinds of settings. The international human rights system is one concrete manifestation of the generic form. One can also have rights systems in clubs, classrooms, prisons and hospitals. In these cases, responsibility for implementation would rest not with a government but with the institution's administration.

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<sup>9</sup> Kent, G. 2005 *Freedom from want: the human right to adequate food*. Washington, D.C.: Georgetown University Press.

If one has a *human* right, one can make a claim that the government and others must do or desist from doing specific things to further human dignity. Human rights are universal by definition. In other cases, the claim may be against a local administrative unit of some kind. Some rights are universal, some are national, and some are local. Local rights apply only in particular jurisdictions. For example, my local hospital has a Patients' Bill of Rights. Not all rights are human rights. The term *human rights* is reserved for those rights that are universal and relate to human dignity. Most are spelled out in international human rights agreements.

Well-crafted rights systems should be clear not only about the nature of the rights but also about the nature of the corresponding duties of the duty bearers. They should spell out who must provide what services, from what resources, etc. It is in this articulation of obligations that the duty bearer's commitments are spelled out.

In a properly functioning rights system, those who have particular rights must know them. Just as rights holders must know their rights, the agents responsible for the realization of those rights, the duty bearers, must be aware of their duties. One of the obligations of duty bearers is to make sure that rights holders know their rights.

If social policies and programmes are to be rights-centred, they must be explicitly based on the idea that the beneficiaries are entitled to something. The core idea is that the beneficiaries should be able to be active participants in making sure they get that to which they are entitled.

Rights imply entitlements, which are claims on specific goods or services. In any context, rights are - or are supposed to be - enforceable claims. Saying that entitlements are *enforceable* claims means that there must be some sort of institutional arrangement to which rights-holders whose claims are not satisfied can appeal to have the situation corrected. Enforceability means that the duty bearers, those who are to fulfil rights/entitlements must be obligated to do so, and they must be held accountable for their performance.

Rights represent goals or ideals. They are not always realized. A clear distinction should be made between having a right and having that right realized. If I pay you to paint my garage, I have a right to have it painted. Whether or not that right is in fact realized (fulfilled) is another matter.

The obligations are the explicit standards against which the accountability agency evaluates the performance of the duty-bearing agency. If the rights-holders entitlements and the corresponding obligations of the specified duty bearers are not clear and widely recognized and accepted, it will be difficult to hold the duty-bearing agents to account for failures to fulfil those rights.

Accountability agencies have two distinct phases in their operations. One element is monitoring or *detection* to determine whether there is deviation from the standard, and in what degree. The second is *correction* through which something is done with the information obtained to restore the behaviour to the zone of acceptability.

An accountability agency functions by assessing the performance of the duty bearers against the established standards. The accountability agency informs the duty bearers

of those assessments in order to guide them toward improving that performance. In some cases the accountability agency might also have the power to impose sanctions of different types, but in many cases they function on the basis of "constructive dialogue"—persuasion rather than punishment. In some cases, detecting and reporting on the deviation to the duty bearers may be sufficient to induce them to correct their own behaviours.

Accountability agencies might take several for. In regard to national human rights performance, accountability from “above” comes from international organizations, particularly the United Nations treaty bodies. Guidance from “below” comes from within the nation, from the civil society through concerned organizations and the population as a whole, and most importantly, from the rights holders themselves. When nations critically assess one another's human rights performance, that can be viewed as a kind of “external horizontal” accountability. There is also a kind of “internal horizontal” accountability when some government agencies monitor the performance of other government agencies. In other kinds of rights systems, such as those in hospitals or clubs, the responsibility for holding duty bearers accountable might go to an ombudsman or to a committee that is charged with that responsibility.

While there can be many different mechanisms of accountability, the most fundamental is that available to the rights holders themselves. Individuals who fail to get what they are entitled to should have means available to them for pressing their claims. Remedies for rights holders rest on the foundation that they must know their rights, and they must have appropriate institutional arrangements available to them for pursuing the realization of those rights. It is through these remedies that claims become enforceable. All rights (not just the human rights listed in international agreements) rest on the principle *ubi jus ibi remedium*—where there is a right there must be a remedy. Where there are no effective remedies, there are no effective rights.

The remedies available to rights holders are essential elements of any properly functioning rights system. These remedies assure that individual will not be treated simply as passive objects. Having rights that are enforceable means recognizing that people should have specific powers to make claims on the world in which they live.

To summarize, if people have a particular right (A), the duty for assuring the realization of that right should be clearly stated and assigned to some specific agency (B). Beyond that, there should be some sort of institutionalized accountability mechanism (C) to assure that the duty-bearing agency does what it is supposed to do. It is this system of accountability that provides the enforcement.

National governments can use this three-part framework—the ABCs—in drafting national law or policy designed to assure the realization of rights. The framework can also be used for adapting specific programmes, such as welfare programmes, to conform to the rights-based approach. The programme's policies may be reformulated so that its clients have clear entitlements to its services, and so that the programme makes explicit commitments to honour those entitlements. A complaint procedure can be established so that those who feel they have not obtained their entitlements can get a fair hearing and, if necessary, have the situation corrected. Rights-oriented programmes can be highly empowering, helping to engage people as active participants in shaping the circumstances in which they live.

These relationships can be visualized as shown in Figure 1. There are three main parties: the rights holder, the duty bearer, and the agent of accountability. The duty bearer is obligated to provide some sort of service to the rights holder, signified by the thick black arrow pointing down from the duty bear to the rights holder.

If the rights holder believes he has not gotten what he is supposed to get, he can complain to the duty bearer. However, if the duty bearer is much more powerful than the rights holder, it may be that the rights holder has only a soft, weak voice, as signified by the thin arrow pointing upward.

In an effective rights-based social system, instead of complaining directly to the duty bearer, the rights holder could complain to the agent of accountability, as indicated by the thin arrow going from the rights holder to the agent of accountability. The agent of accountability now passes the complaint on to the duty bearer, but with a much stronger voice, as signified by the thick arrow going from the agents of accountability to the duty bearer.

The agent of accountability can also take complaints from other parties, as suggested by the arrow coming up from the lower right corner. Some social systems have good mechanisms for taking complaints from various outside parties, but neglect to provide good channels of complaint for the rights holders themselves.

## **DESIGNING RIGHTS-BASED SCHOOL MEAL PROGRAMMES**

The preceding section examined the nature of rights-based social systems without regard to the specific content of the rights. That content may be found in the concrete, existing systems. For example, in the international human rights system, the rights are spelled out in various international agreements and a broad variety of documents that interpret those rights. School meals contribute to the realization of children's rights to education and to food, both of which are spelled out in the *Convention on the Rights of the Child* and other international agreements.<sup>10</sup> Here, however, we are concerned not so much with the nutritional and educational aspects of school meals as with the needs and rights of children to participate in, and learn to participate in, social life.

In terms of the resources available and their organization, many school meal programmes are rudimentary. When dealing with large numbers of people who are under high stress and may be highly mobile, school "meals" may amount to little more than the rapid distribution of high-energy biscuits. In those cases it may not be possible to improve the organization of the feeding programmes. Here, however, our concern is with stable, non-emergency situations in which there are reasonable levels of resources to work with, including not only food but also human resources.

School meal programmes generally are organized by adults who provide food to students who passively accept it. Some students may offer suggestions or complain from time to time, but they tend to learn that their views have little impact. They take what they get. They may find that they don't get their meals, or meals of the quality they expect, but often they find there is not much they can do about it. Although these

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<sup>10</sup> *Convention on the Rights of the Child*. 1991 <http://www.ohchr.org/english/law/crc.htm>.

difficulties can never be totally eliminated, they are likely to be reduced if school meals are organized as rights-based programmes.

In India, children have a clear right to school meals as a result of an explicit Supreme Court order of November 28, 2001. The order specified the entitlements of children to mid-day meals in detail, including minimum levels of calories and protein. In other places the commitment may come from the local government or community or even from the individual school. No matter how it originates, the content of the right to school meals needs to be plainly articulated and the holders of that right need to be clearly identified.

In national school meal programmes, the institutionalized monitoring and accountability to assure that this right is realized typically operates at the level of asking whether schools have a feeding programme and how many meals do they serve. They rarely ask whether individual students get the service they are supposed to get. The premise here is that the monitoring of social service programmes should involve the intended beneficiaries. If students have a right to school meals, their entitlements should be spelled out, saying which students are entitled to what food, and at what cost to them, if any. Students should also have a right to particular kinds of information, such as the contents of the meals that are planned, and perhaps their nutritive values. They should also have a right to information as to what they could do if their meals are unsatisfactory.

Most importantly, they should have a right to know what they are entitled to, and also what they can do about it if they don't get it. In India, one can only wonder how many children or parents know the actual content of the Supreme Court's specifications regarding school meals, or have any idea of what they should do if they don't get what the court says are their entitlement. As I have argued elsewhere, until local people in India know their rights and know that they have effective means through which to exercise them, there will be no effective system for ensuring the realization of the right to adequate food in India.<sup>11</sup>

The duty bearers include a broad range of people including cooks, servers, cleaners, the school principal, and the government agencies that fund and oversee the school meal programmes. Their duties should be plainly specified: who is to do what to assure that the rights are realized?

Once rights and duties are clearly articulated, the institutional arrangement that would make the system effectively rights-based would be the mechanisms of accountability. The arrangements could be quite simple. For example, one parent or teacher could be appointed as the school meals ombudsman, responsible for taking complaints and passing them on to appropriate authorities. Or a small committee could be formed in each school to take complaints. The committee could be formed of, say, one student from each grade level, and two teachers. To encourage vigorous participation by students, they should constitute a majority of the membership. These committees should not include any members of the lunch service staff, since they are to be monitored, and membership on the committee would entail a conflict of interests. The

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<sup>11</sup> Kent, G 2005 *Freedom from want: the human right to adequate food*. Washington, D.C. Georgetown University Press, p. 147.

committee members could be elected by their constituencies. Of course the composition of the committees would have to be configured according to the nature of the particular schools.

Instead of waiting for *ad hoc* complaints, students could engage in systematic monitoring. Students at each school could be supported in preparing annual assessments of their school meal programmes in a standardized format. They could assess their meals, and they could also assess their own nutritional status by recording their own heights and weights and illnesses. These exercises would generate useful data, and they would also help the students to discuss and explore the linkages among various factors in their worlds. The standardized data would allow for comparisons across schools and regions.

## **LAYERS OF RESPONSIBILITY**

The administration of school meal problems may involve many different agencies. They can be viewed as falling into different levels, roughly as follows:

- Students
- Parents
- Teachers
- School administrators
- Community
- Local government
- Nongovernmental organizations
- National government
- International nongovernmental organizations
- Intergovernmental organizations

The students are placed on top here to make it clear that they are not at the bottom of a hierarchy, but rather they are at the top, to be served in various ways.

The roles and responsibilities of the agents at each different level need to be clarified. Those lower in the hierarchy should not be expected to feed students directly, but instead they should provide support services to help those who are closer to the students in carrying out their functions. For example, as suggested earlier, national and international agencies could provide guidance to schools on how to carry out their monitoring work, and they could collect and analyze their data to help individual schools see how they fare in the bigger picture.

One way to sort the roles in a coherent way would be to focus on national legislation relating to school meals, perhaps as part of broader national legislation in support of the human right to adequate food. That legislation could establish the commitment to viewing school meals as entitlements at the national level.

National entitlement programmes could build on school meal programmes as they exist, but with adaptations to make them conform to the ABC model described earlier. Thus, the law could mandate that every school that has a meal programme must establish a School Meals Monitoring Committee (SMMC), one that is separate from the group that is responsible for providing the meals. Where schools are small, a



single SMMC might cover several schools. In every case, students should play a strong role in the SMMCs, and constitute a majority of its members.

In its start-up phase, the SMMC's first task would be to prepare a statement that describes the rights of students to school meals, with details about the content of meals, their quality, and when and how they are to be provided. This statement of "Entitlements Regarding School Meals" should be prepared in conformity with guidance provided from the local and national governments.

The second task would be to prepare a statement on "Duties Regarding School Meals" that describes the duties of various parties in relation to the provision of school meals. Who is to carry out what functions, with what resources? Their duties could include providing regular descriptive reports on what meals they have provided, costs and related matters.

The SMMC's third task would be to prepare a statement on "Monitoring the School Meals Programme" that describes its own role as the agent of accountability for the school meals programme. The SMMC would describe how it would carry out its task of assuring that those who had the duties carried them out, so that the students did in fact get the meals to which they were entitled. As part of this work, the SMMC would have to say what procedure would be used to take complaints from students and others, what steps would be taken to verify the complaints, and, when complaints were found to be valid, what steps would be taken to call for corrections.

All three of these statements—a) Entitlements Regarding School Meals, b) Duties Regarding School Meals, and c) Monitoring the School Meals Programme—would be regarded as "living documents," to be subjected to steady improvement based on what is learned from local experience and from reports on the experiences of others.

These steps could be taken by individual schools on their own initiative. However, national legislation could provide a common framework and system of support to establish such school-based programmes throughout the country. The national legislation could require these steps to be taken, but at the same time allow considerable latitude for schools and districts to design their responses in accordance with the particulars of their local circumstances.

The national legislation should call upon local and national governments to support these school-level initiatives in various ways. This should include providing resources, and thus, incentives, for the SMMCs as appropriate, and guidance and assistance for their operations. Governments should also help to establish monitoring procedures to be used by the SMMCs, and call upon the SMMCs to provide annual reports to the national government in a standard format.

Working in collaboration with national governments and with other international agencies, the World Food Programme could devise standardized school meal assessment instruments for use by students and school administrators.

The international agencies could collect information in a common format from national governments, and provide periodic reports based on analyses of the annual national reports. These reports could provide data on elements such as numbers of

meals served, quality of meals served, student reactions to the meal programmes etc. The international agencies working in collaboration with the national governments also could collect and analyze the SMMC statements to identify best practices.

In the start-up phase, the international agencies could provide guidance for the establishment of suitable national framework legislation.

## **PEDAGOGY**

Older students could be involved not only in using rights-based school meal programmes but also in designing them. Students could help to formulate the programme's rules of procedure, developing them incrementally over time. If they are well engaged in this process, and the teaching programme supports it, students should be able to see that the principles of rights-based programming can be applied in the larger society outside their schools.

Students could be involved in various ways in food production, preparation, serving, cleanup, data collection, the selection and evaluation of foods, etc. There could be some opportunities to volunteer to do these things, and some students might be assigned to carry out particular duties. There should be consequences for their failing to fulfil their duties, but these consequences should not include deprivation of basic food. The students themselves should participate in the design and imposition of appropriate consequences.

The imposition of clear duties not only for students but also for others would be particularly important in the design of phase-out strategies, as school meal programmes shift from dependence on resources from external donors to dependence on local human and material resources.

Traditionally, well-meaning adults provide school meals to silent students who accept whatever is offered to them. The students are not encouraged to ask why they get what they get. The task of the rights approach to school meals is to overcome the culture of silence, and to empower students by helping them to find their voice. Thus, establishing school meals as entitlements applies the insight of the late Brazilian educator, Paulo Freire, to meal programmes. Freire strongly criticized schooling in which education "becomes an act of depositing, in which the students are the depositories and the teacher is the depositor".<sup>12</sup> There is a striking analogy between this conventional "banking" education, designed only to fill passive students with information, and conventional meal programmes that are designed only to fill passive students with food.

Whether dealing with information or with food, students should be encouraged to become more critically involved as they mature. Mealtime can be viewed as an opportunity to support active engagement of students in helping to shape the world in which they live. School meals can become an important point of entry for a liberating education for students, and, through that, for the culture as a whole. Students who learn that they have rights and learn to stand up for their rights in relation to school meals are more likely to stand up in the larger world.

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<sup>12</sup> Freire, P. 1993 *Pedagogy of the oppressed*. p. 164 New York: Continuum.

## ASSESSING IMPACTS

School meal programmes generally produce significant nutritional and educational gains. The variety and magnitude of the benefits depend not only on whether school meals are provided but also on how they are provided. A few rights-based school meal programmes could be designed and implemented on a pilot basis to assess their impacts.

Established methods for gauging the impacts of school meal programmes are likely to show that rights-based programmes do better than conventional programmes on both nutritional and educational dimensions. These higher expectations arise because coverage of students and the quality of the meals is likely to improve under rights-based programmes.

To the extent that students become actively involved in using, designing, and operating these rights-based school meal programmes, they should also benefit in terms of knowledge and in terms of skills and other capacities. For example, when they feel they are not being treated properly, they should learn to voice their concerns to an appropriate body in an appropriate way. This can require not only skill but also courage. Active engagement in this way could help students to improve their self-esteem. Rights-based school meal programmes can be a significant means for empowering students, an objective that many educators now see as more fundamental than the transfer of knowledge.

Thus, rights-based school meal programmes are likely to provide some types of benefits that are not expected from conventional programmes. In addition to the usual measures of nutritional and educational impacts, an assessment could be made of students' learning in relation to rights generally and the human right to adequate food in particular. Of course these assessments should be correlated with the design of the teaching elements of the programme. Where they are integrated with the teaching agenda, school meal programmes could have a substantial positive impact on students' social skills and their understanding of human rights.

Those who implement school meal programmes would have to decide the extent to which enhancing students' understanding of how rights work and building their capacity to exercise their rights should be viewed as important in the design and assessment of the programmes. Clearly, school meal programmes must not be burdened with too many new and different objectives. The core argument here is that rights-based programmes are likely to prove advantageous even when assessed only in terms of the basic objectives of improving nutrition and educational performance that are common to all school meal programmes. The benefits in terms of rights-centred learning would be an added bonus.

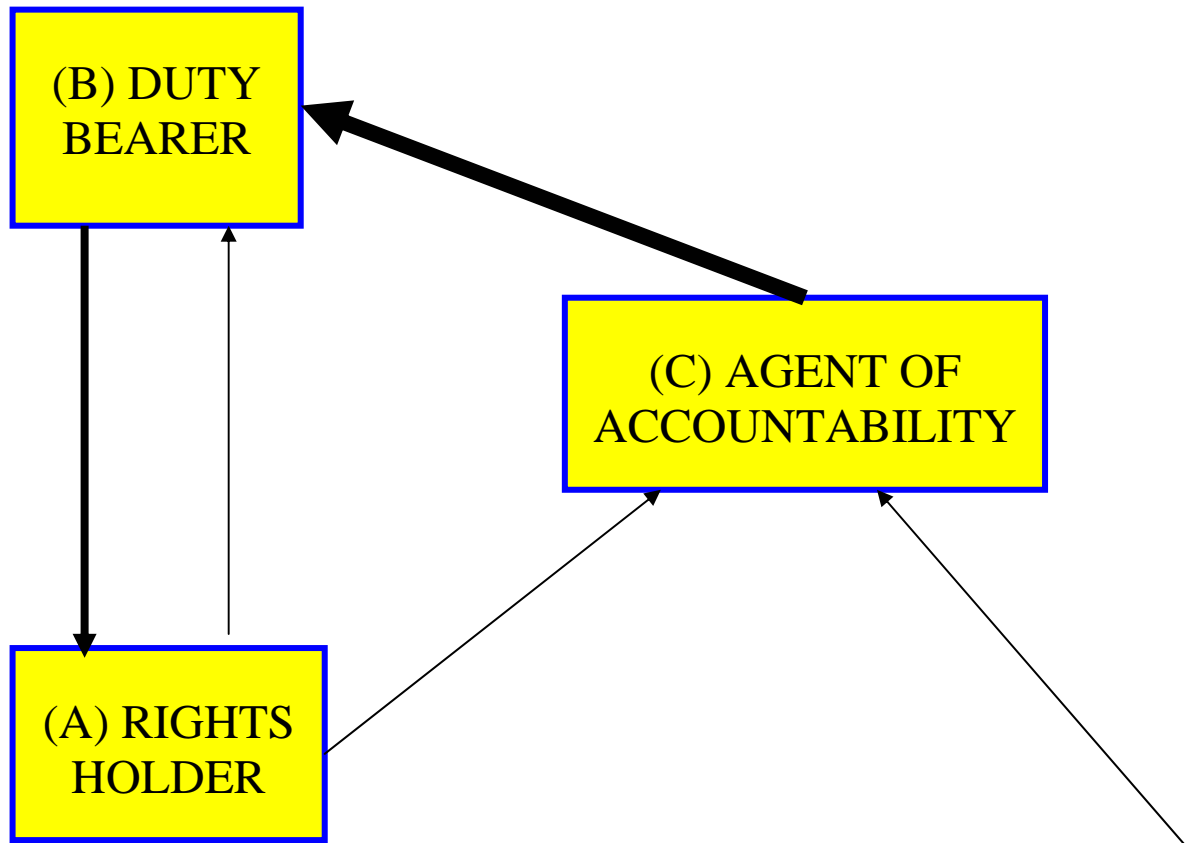


Figure 1 The ABCs of Rights-Based Social Systems