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Promoting nutrition rights in Latin America

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In the early 1990s, more than US\$1.6 billion was spent annually in Latin America to subsidize food for people at risk of malnutrition. Still, malnutrition persists, partly because many of the programmes now in place are ineffective or poorly targeted. The nutrition rights approach can make feeding, health and education-based nutrition programmes more efficient by making them more decisively goal-oriented.

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Most of the nations of Latin America have endorsed the nutrition rights concept through their ratification of major international human rights agreements. Moreover, several have articulated nutrition rights in some form in their laws. In most cases, however, the assurances are vague and have not been enforced through the courts. The task, then, is to implement the commitments that have already been made to honour nutrition rights.

Several governmental and non-governmental organizations at the national, regional, and global levels have been working to promote nutrition rights in Latin America. Strategies for implementing commitments to assure adequate nutrition are being developed in national and regional campaigns. The idea that nutrition rights are desirable in principle and implementable in practice, even in poor countries, is spreading rapidly. Well-structured nutrition rights programmes, organized on a national basis but with vigorous support from regional and global organizations could make Latin America the first developing region to eliminate child malnutrition as a significant problem.

Although there have been serious set-backs as a result of economic crises and structural adjustment programmes over the last two decades, the overall nutrition

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Table 1 Regional prevalence and numbers of underweight preschool children¹ in developing countries, 1975–1990

Region	Percent underweight				Numbers underweight			
	1975	1980	1985	1990	1975	1980	1985	1990
	percent				in millions			
Sub-Saharan Africa	32.4	28.9	29.9	29.9	18.5	19.9	21.4	28.2
Near East/North Africa	19.8	17.2	15.1	13.4	5.2	5.0	5.0	4.8
South Asia	67.7	63.7	61.1	58.5	90.6	89.9	100.1	101.2
South East Asia	43.6	39.1	34.7	31.3	24.3	22.8	21.7	19.9
China	26.1	23.8	21.3	21.8	20.8	20.5	21.1	23.6
Middle America/Caribbean	19.3	17.7	15.2	15.4	3.4	3.1	2.8	3.0
South America	15.7	9.3	8.2	7.7	4.8	3.1	2.9	2.8
Global total	41.6	37.8	36.1	34.3	168	164	178	184
Total 0–4 child population in developing countries					402	434	493	536

¹Includes all children 0 through 60 months.

Source: Second World Nutrition Survey, ACC/SCN (1992–93), Geneva.

situation in Latin America is better than in other developing regions of the world, and it is improving over time. Some nations of the region are making good economic progress and are improving their food security. Nevertheless, in most countries of the region there are groups that suffer serious malnutrition. Economic progress and conventional nutrition programmes are helpful but slow in improving their nutritional situation. We believe that the problem of malnutrition in Latin America can be addressed decisively through effective implementation of the right to adequate nutrition, at least for young children.

Malnutrition in Latin America

Latin America as a whole is doing well in comparison with other developing regions of the world. As Table 1 and Fig. 1 show, South America reduced by one-half the prevalence of underweight preschool children since 1975 and had, in 1990, less than 8 per cent underweight children – the lowest rate among the developing regions identified by the United Nations. While the situation in Central (Middle) America and the Caribbean also compares favourably with the rest of the developing world, progress here has been slower than in South America. In 1990, the prevalence of underweight children in Central (Middle) America, at over 15 per cent, was twice as high as in South America. Despite the relatively favourable situation in Latin America as a whole, there is serious malnutrition in certain subregions and among sizable population pockets within countries. In several countries, including the continent's largest one, Brazil, the situation has recently become more serious as a result of economic crises and remedial short-term economic adjustment measures.

Data on protein–energy malnutrition among preschool children for individual Latin American countries in the late 1980s and early 1990s are shown in Table 2. Most of these prevalence estimates are based on weight-for-age standards, but some refer to other anthropometric measurements. The data suggest that the prevalence of protein–energy malnutrition among preschool children is highest in Guatemala, Mexico, the Dominican Republic, Panama, Honduras and Nicaragua.

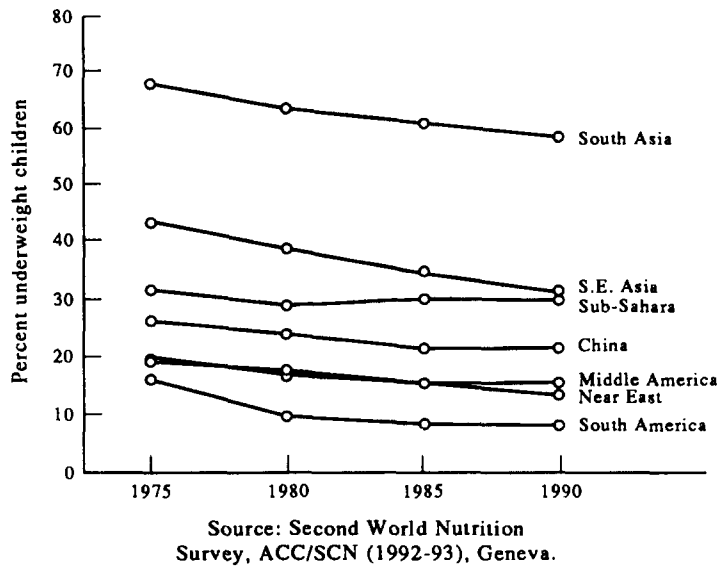


Figure 1 Trends in prevalence of underweight children, 1975-1990

While the table does not contain information on Haiti, it is known that malnutrition is widespread there.

There are also widespread malnutrition problems in the form of micronutrient deficiency diseases, especially endemic goitre caused by iodine deficiency, iron-deficiency-related nutritional anaemia and vitamin A deficiency. These deficiency diseases not only affect nutritional well-being and health but also can impair physical and mental capabilities. The deficiency diseases often increase child mortality.

Table 2 Nutrition data for Latin America

Country	Undernourished children (%)
Bolivia	11.7
Brazil	7.0
Chile	8.2
Colombia	10.8
Costa Rica	2.7
Cuba	0.9
Dominican Republic	28.8
Ecuador	9.7
El Salvador	15.2
Guatemala	38.5
Honduras	20.6
Mexico	35.1
Nicaragua	18.7
Panama	24.4
Peru	10.4
Venezuela	5.3

Source: Pan American Health Organization, *Health Conditions in the Americas, 1994 Edition*, Volume 1 (Washington, D.C.: PAHO, 1994), pp. 249.

Nutrition rights in Latin America

The right to adequate nutrition, and especially the right to food, is now well established in international law. It has been affirmed in different forms in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. In the World Declaration on Nutrition that concluded the International Conference on Nutrition in 1992, the nations of the world agreed that 'access to nutritionally adequate and safe food is a right of each individual'.

Most of the regions of Latin America have endorsed these international agreements. Moreover, several have articulated nutrition rights in some form in their laws. For example, Cuba's constitution assures that 'no child be left without schooling, food and clothing'. In Guatemala, the constitution stipulates that the state will guarantee the right to food of minors and the elderly and makes failure to provide food punishable by law.

Some of the constitutions include language referring to other assurances, such as the right to health or social security, that imply nutrition rights. In most cases, however, the assurances are vague and have not been enforced through the courts. There is little elaboration of distinct nutrition rights in detailed statutes and no legal enforcement. The task, then, is to implement the commitments that have already been made to honour nutrition rights.

National governments have obligations to *respect*, to *protect* and to *fulfil* nutrition rights. The obligation to respect the right to food 'calls for non-interference by the state in all cases where the individuals or groups can take care of their own needs without weakening the possibility for others to do the same'. The obligation to protect the right to food 'implies the responsibility of states to counteract or prevent activities and processes which negatively affect food security, particularly for the most vulnerable in society'. The obligation to fulfil requires the state to give 'assistance or direct provision' under some circumstances (see Centre for Human Rights, 1989, para. 170, 175, 180; also see Oshaug *et al.*, 1994).

The motivating idea underlying the nutrition rights vision is that malnutrition can be reduced by establishing clear rights to adequate nutrition *in the law* and assuring the implementation of that law. With such rights, individuals who are eligible because they are malnourished or at risk of malnutrition are entitled to specific services designed to prevent or alleviate that malnutrition. If those who are eligible do not get that service, they have effective means for complaining and getting that to which they are entitled. This remedy, this recourse, is also established by law (Kent, 1995).

National legislatures everywhere should affirm the principle that children have a right to adequate nutrition, should adopt corresponding legislation and should develop programmes fitting local circumstances to implement that legislation. Work in this direction is underway in Latin America.

The cost question

Sceptics tend to say nutrition rights are impractical because it would be too costly for national governments to meet their people's food and nutrition needs. This need not be so if emphasis is placed on improved cost-effectiveness. One approach is to focus on young children in poor families. They are highly vulnerable to malnutrition and do not need very much food. Nutrition programmes should not provide their total food needs, but only the increment needed to increase their intake to an adequate level.

Most importantly, in fulfilling the right to adequate nutrition, the objective is not to feed people but to prevent malnutrition. Adequate nutrition depends not only on food supply but also on adequate care and health services. Much of the malnutrition of children in Latin America, as elsewhere, is not so much due to an inadequate supply of food but to other factors, such as lack of information regarding the proper types of food for children or improper child care practices. Families may need education or day care services more than they need additional food supplies. The task of government is not to provide food directly, but to provide organizational support, incentives, monitoring services, education and the like. Government should be expected to provide food directly only in extreme circumstances.

A great deal of money is already being spent for nutrition-related services. In the early 1990s, more than US\$1.6 billion was spent annually in Latin America to subsidize or provide food for people supposedly at risk of malnutrition (Musgrove, 1993). Still, malnutrition persists. Many of the programs now in place are ineffective or poorly targeted. The nutrition rights approach can make feeding, health and education-based nutrition programmes more efficient and effective by making them more decisively goal-directed.

The nutrition rights approach builds on and uses conventional nutrition interventions, giving special attention to issues of targeting and effectiveness. Under such an approach, government no longer feeds people just to feed people. The obligation is not to deliver a specific quantity of food or services to all who are eligible, but to bring about a particular result: the end of their malnutrition. Many nations have a variety of nutrition-related activities, but they are not organized as coherent programmes. A nutrition rights framework can provide a basis for aligning these activities so they work together systematically to achieve the goal of ending malnutrition.

The Task Force on Children's Nutrition Rights

Nongovernmental organizations have now emerged to press the view that people should be adequately nourished as a matter of human rights. Several have agreed to work together under the umbrella of the World Alliance for Nutrition and Human Rights (WANAHR), established in 1994. Task forces under WANAHR pursue particular themes. The premise of the Task Force on Children's Nutrition Rights (TFCNR) is that the concept of the right to adequate nutrition is likely to be more acceptable, more politically feasible, if it focuses on children, especially children under five years of age.

The Task Force's work is based on the organization of national workshops on the theme. The workshops launch locally based long term campaigns to put an end to malnutrition among the nation's children through the establishment and effective implementation of clear laws regarding children's nutrition rights. Workshop organizers invite knowledgeable and influential people from government and from nongovernmental organizations concerned with children, nutrition and human rights. A few individuals who might arrange similar workshops in other nations in the region are also invited, primarily as observers. This strategy is creating an ongoing process of facilitation, networking and learning that is increasing recognition of children's rights to adequate nutrition.

Nutrition rights initiative in Guatemala

The Task Force on Children's Nutrition Rights has conducted two workshops in

Latin America, one in Guatemala on 24–26 February 1993 and another in Mexico on 13–15 May 1993.

The Guatemalan workshop: (1) focused on the current state of malnutrition in the country and the possibilities for improvement; (2) reviewed the status of Guatemala's law relating to children's nutrition rights and explored possibilities for strengthening the law in accordance with Guatemalan practices and conditions; and (3) formulated a framework and plan of action for a campaign for children's nutrition rights.

At the workshop, it was pointed out that the constitution of Guatemala, in Article 51, says that: 'The State will protect the physical, mental and moral health of minors and the elderly. The State will guarantee their right to food, health, education, and social security.' Article 55 says that failure to provide food in accordance with the law is punishable by law. Guatemala is also formally committed to nutrition rights by virtue of its ratification of the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, as well as its agreement with the final Declaration of the International Conference on Nutrition of 1992.

However, Guatemala's formal commitment to nutrition rights is not matched by a corresponding implementation record, as the facts of widespread malnutrition in the country clearly demonstrate. What is needed is the passing of specific ordinary laws and the establishment of appropriate governmental institutions and mechanisms to effectively implement children's nutrition rights in the nation. At the workshop, it was decided to launch a long-term campaign for the promotion of children's nutrition rights to be overseen by a Coordination Commission. A group was formed to prepare publications explaining the right, and another group was designated to undertake legislative lobbying. This lobbying group also was charged with advising an indigenous organization, *Movimiento Auténtico de Reconciliación*, on children's nutrition rights. In the follow-up, the campaign in Guatemala has been in contact with regional organizations and has also been working with MINUGUA, the United Nations International Mission for Guatemala.

The Task Force was centrally involved in preparing a new legal code for children and adolescents. Article 31 of the proposed code addresses the responsibility of parents to provide adequate nutrition for their children, while Article 34 deals with the responsibility of the state to combat malnutrition. In Article 41, the right of all children to adequate nutrition is affirmed. By July 1995, the Guatemalan Congress (Parliament) had discussed and amended the proposed code in three readings, leaving the text on nutrition rights essentially unchanged. Congress is expected to approve the new code.

Initiative in Mexico

The workshop in Mexico was structured in much the same way as the Guatemalan one. Recognizing that the Mexican constitution makes no provision for children's nutrition rights, the workshop decided that the campaign in Mexico would focus on getting that right established in the constitution and on pressing the House of Representatives to pass appropriate laws to implement that right. These activities were to be pursued in the broader context of promoting the development of a 'Social Food and Nutrition Policy'. It was also agreed that the *Frente por el Derecho a la Alimentación* (Front for the Right to Food), representing non-governmental organizations such as *El Frente Contra el Hambre* and *Enlace*, would lead the campaign in Mexico.

Follow-up activities to the workshop, working towards the implementation of its recommendations, included meetings with the Mexican House of Representatives, notably the Commission on *Bienes y Servicios*, to review progress towards developing a new legislative initiative as proposed at the workshop, as well as participation at public hearings and working meetings organized by the House of Representatives.

As a result of the campaign led by the Front for the Right to Food, a 'National Accord against Hunger and for Food and Nutrition Rights', supported by 250 organizations and thousands of private citizens, was presented to the House of Representatives. The proposal called for a number of constitutional changes, including recognition of the government's obligation to guarantee the access of all Mexicans to an adequate diet.

In response, the House of Representatives prepared, in July 1994, a draft amendment for consideration by the Congress as a whole. This 'Constitutional Right to Food' (*El Derecho Constitucional a la Alimentación*) has now been enacted by the Congress – an enormous victory for all the non-governmental organizations that worked for it.

The success of the *Frente* in the Mexican campaign was made possible by its organization, its wide-ranging activities and, above all, the dedication of its people. The *Frente* constitutes an independent network of over 130 likeminded social and civil organizations fighting hunger and malnutrition and promoting the right of all Mexicans to an adequate and healthy diet. Among its specific objectives are:

- the sensitization of the population, the mass media and government institutions concerning the country's food and nutrition problems;
- the promotion of NGOs and popular participation in its activities and corresponding support;
- the organization of local committees for the fight against hunger and malnutrition;
- educational efforts concerning the right to food; and
- the promotion of political and legal action.

Details can be found in a recent publication by the *Frente* on its efforts.⁴

There have been additional activities beyond the Guatemalan and Mexican initiatives, supported by the TFCNR in cooperation with organizations such as the United Nations Children's Fund (UNICEF) and the United Nations Administrative Committee on Coordination/Subcommittee on Nutrition (ACC/SCN), with international NGOs and their national and regional affiliates and with political institutions. For example, the Task Force is coordinating with the national offices of the global organization, Defence for Children International, in planning workshops in Panama, Honduras and Bolivia. It has close relationships with the International Peace Research Association, especially through its Commission on International Human Rights and its regional affiliate, *Consejo Latinoamericano de Investigación para la Paz* (CLAIP).

The TFCNR believes that the regional international organizations can play a leading role in the promotion of children's nutrition rights in all developing regions of the world. An outstanding example on the political front is its collaboration with the Central American Parliament (PARLACEN), particularly its Commission on Human Rights. There are three major areas of action underway. First, the Task

⁴The *Frente por el derecho a la Alimentación* can be reached in Mexico City by phone at +1-(525)-273 33 43 or by fax at +1-(525)-273 46 48.

Force and PARLACEN have agreed to work together on campaigns to promote children's nutrition rights in all eight countries of the region. In this framework, PARLACEN, the Committee on Human Rights of Panama and the University of Panama are planning a national workshop on children's nutrition rights in Panama. Second, PARLACEN's Commission on Human Rights is preparing a study of the articles relating to children's nutrition rights in the constitutions of the eight countries of the region. Third, the PARLACEN Commission on Human Rights, in consultation with the Task Force, is preparing a Regional Resolution on the implementation of children's nutrition rights to be considered by PARLACEN. The TFCNR has also been in close contact with the Institute for Nutrition in Central America and Panama (INCAP) and the Pan American Health Organization (PAHO), which is the regional affiliate of the World Health Organization.

Outlook

The nations of Latin America have formally committed themselves to honour children's nutrition rights. Strategies for assuring that those commitments are fulfilled in practice are now being developed in national and regional campaigns. The idea that nutrition rights are desirable in principle and implementable in practice, even in poor countries, is spreading rapidly. A major impediment slowing the work is the lack of funds for planning and carrying out workshops and for further dissemination efforts.

Well-structured nutrition rights programs, organized on a national basis but with vigorous support from regional and global organizations, could make Latin America the first developing region to eliminate child malnutrition as a significant problem. The effort should be accelerated and it should be replicated in other regions of the world.

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