

**LEGAL FRAMEWORKS FOR SUSTAINABLE
SUSTAINABLE SCHOOL FEEDING**

a dialogue based on the Latin American and Caribbean scenario

DRAFT

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Acronyms

ABC	Brazilian Cooperation Agency
AECID	Spanish Agency for International Development Cooperation
ALADI	Latin American Integration Association
LAC	Latin America and the Caribbean
ICN2	Second International Conference on Nutrition
CRC	Children's rights convention
CELAC	Community of Latin American and Caribbean States (by its Spanish acronym)
CENTA	National Center for Agricultural and Forestry Technology (by its Spanish acronym)
CEPAL	Economic Commission for Latin America and the Caribbean
CONASAN	National Council for Food and Nutritional Security (by its Spanish acronym)
RAF	Right to Adequate Food
OFL	Office of the First Lady
FNE	Food and Nutrition Education
FAO	Food and Agriculture Organization of the United Nations
FNDE	National Fund for Education Development (by its Portuguese acronym)
FNS	Food and Nutritional Security
PFH	Parliamentary Fronts against Hunger
IALCSH	Hunger-Free Latin American and the Caribbean Initiative (by its Spanish acronym)
INDES	National Sports Institute of El Salvador (by its Spanish acronym)
SFL	School Feeding Law
LAESS	Healthy and Sustainable School Feeding Law (by its Spanish acronym)
MAL	Ministry of Agriculture and Livestock

MEC	Ministry of Education of Brazil (by its Portuguese acronym)
MINEDUCYT	Ministry of Education, Science, and Technology of El Salvador (by its Spanish acronym)
MOH	Ministry of Health
MRE	Ministry of Foreign Affairs of Brazil (by its Portuguese acronym)
SDG	Sustainable Development Goals
NGO	Non-Governmental Organization
UN	United Nations
SFP	School Feeding Program
PARLATINO	Latin American and Caribbean Parliament (by its Spanish acronym)
PASE	School Food and Health Program of El Salvador (by its Spanish acronym)
ICESCR	International Covenant on Economic, Social, and Cultural Rights
WFP	World Food Program
PNAE	National School Feeding Program of Brazil (by its Portuguese acronym)
RAES	Sustainable School Feeding Network (by its Spanish acronym)
UNICEF	United Nations Children's Fund

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Presentation



Solange Fernandes, Coordinator of the National School Feeding Program of BRAZIL- FNDE

"We are very proud to see that Brazil has made available to neighboring countries all the accumulated and built knowledge on school feeding during almost seven decades of work. We believe that the publication 'Normative Frameworks for Sustainable School Feeding: A Dialogue from the Latin American and Caribbean Scenario' points out paths, progress, and challenges faced by the various nations of our region in strengthening, consolidating, and institutionalizing their school feeding programs, as a fundamental public policy in guaranteeing the human right to adequate and healthy food at school.

For us, it has been challenging and important to build together the tools that promote and consolidate these programs throughout our region and to ensure the delivery of quality food to millions of students. Also, taking as a reference the progress and lessons learned from the National School Feeding Program (PNAE), implemented by the National Fund for the Development of Education (FNDE) of Brazil.

In addition to establishing access to healthy food all over time, we have observed the crucial role of public purchases from family farming in promoting territorial development, and the implementation role of food and nutrition education actions for the creation of children's healthy habits, that benefit families and communities.

The guarantee of regulatory frameworks for school feeding policy is undoubtedly one of the main mechanisms for the sustainability of these programs. In addition, it is a very powerful strategy in achieving the sustainable development goals of the countries, especially concerning the fight against hunger and the improvement in the quality of education and health."

Brazilian international technical cooperation, based on the principles of collaboration, horizontality, and respect for the sovereignty of countries, is an important instrument for supporting developing countries in promoting structural changes in their productive and organizational systems, as a way of facing their challenges and stimulating growth. The basic idea is to socialize knowledge and successful experiences, contributing to the training of human resources and strengthening the institutions and policies of the cooperating countries.

In Brazil, the Brazilian Cooperation Agency of the Ministry of Foreign Affairs (ABC/MRE) is the coordinator of International Technical Cooperation. In the area of school feeding, it relies on the technical and financial support of the National Fund for the Development of Education (FNDE/MEC) to promote the exchange of experiences in school feeding in various regions, especially in Latin America, the Caribbean, Africa, and Asia.

Together with FAO, in Latin America and the Caribbean (LAC), school feeding actions are carried out within the framework of the Brazil-FAO International Cooperation Program, taking as a reference Brazil's National School Feeding Program (PNAE), which has contributed over the last decade to the regional agenda. Always from the perspective of the human right to food, with family farming as the main provider of fresh and healthy food for students every day.

On the part of FAO, the organization approved a new strategic framework (2022-2031) that seeks a sustainable world in the context of the 2030 Agenda of the United Nations (UN), based on the transformation of agrifood systems, basing its actions on four improvements: better production, better nutrition, a better environment, and a better life, leaving no one behind (FAO, 2021).

Likewise, FAO promotes actions for Food and Nutritional Security (FNS), through the Hunger-Free Latin America and the Caribbean Initiative (HFLAC), promoted by the Parliamentary Front against Hunger (PFH). The PFH is a platform that brings together regional, subregional and national legislators and representatives of civil society in 21 LAC countries. The Front allows an exchange of knowledge, opinions, and national and regional experiences to defeat hunger through agreements and laws, and to make effective the realization of the right to food (Frente Parlamentario Contra el Hambre, undated).

In 2020, FAO published a framework to support governments and institutions in developing their policies, programs, and other initiatives for school food and nutrition. One of the four areas presented in the publication is "Enabling Policy, Legal and Institutional Environment", which highlights the importance of legislation for sustainable school food and nutrition policies (FAO, 2020a).

For the LAC region, since 2009, the Brazilian government has been developing actions in conjunction with FAO, through the Brazil-FAO International Cooperation Program. These actions culminated in 2018 with the implementation of the Consolidation of School Feeding Programs in Latin America and the Caribbean project. This project consists of increasing strategies to strengthen school feeding policies and programs in 13 countries. In addition, it has promoted and consolidated intersectoral working groups in each country, which have fostered dialogue and the exchange of experiences in the region.

As part of the actions of this project, a study entitled "Regulatory frameworks for sustainable school feeding: A dialogue based on the scenario of Latin America and the Caribbean" was prepared. This document aims to share some experiences and the development of the process of elaboration and implementation of legal and regulatory frameworks for school feeding and to identify some key elements for its development. It is aimed at parliamentarians, policymakers, actors of the school community, and those individuals and professionals who have the interest, will, and intention to develop a draft law in favor of school feeding.

In addition, the systematized experience will be an important support tool for all countries participating in the Sustainable School Feeding Network (SFN), and who wish to make progress towards the consolidation of their legislative frameworks.

This document begins with some of the declarations, conventions, and initiatives that the different countries in Latin America have signed regarding food and nutrition as a right for children; as well as for the promotion of FSN, health, improved nutrition, child welfare, and the promotion of sustainable agriculture to address malnutrition in the region.

It also considers FAO's strategic framework 2022-2031 mentioned above, which proposes the transformation towards more efficient, inclusive, resilient, and sustainable agrifood systems, to achieve better production, better nutrition, a better environment, and a better life without leaving anyone behind.

The second section assesses how specific school feeding laws contribute to the achievement of the Sustainable Development Goals (SDGs) and constitute an opportunity for the different countries to concretize the commitments made and guarantee continuously the Right to Adequate Food (RAF), promoting other fundamental rights such as the right to health and education.

The third section, based on the various available records, presents some articles of regulations on school feeding that were built in LAC in the period from 2009 to 2020 (Brazil, Honduras, and Guatemala). It also identifies some benefits generated by legal frameworks on school feeding and the support and effectiveness of these programs.

The following section shares some elements that can guide countries that are in the process of reflection or formulation of specific regulatory frameworks for school feeding. It describes how to structure and give coherence to the regulations from the definition of the scope, objectives, conceptual definitions, and the approach to food as a right, in addition to the determination of institutional mechanisms for implementation, coordination, monitoring, follow-up, and accountability.

The following section presents a summary of the exercise carried out in El Salvador for the drafting of the first draft of the preliminary bill and the challenges of the socialization process. The process is still under development, but preliminary analysis work has already been carried out to identify the legal areas and key issues related to school feeding and the analysis of the regulatory framework and public policies on these issues.

Finally, after the tour of the concepts, different legal frameworks, laws of three Latin American countries on school feeding, and the experience in the construction of El Salvador, the main lessons learned in the region were identified. Also, some conclusions and general recommendations for managers and technicians who need to promote the process of formulating their laws in favor of a sustainable school feeding policy.

I – School Feeding in the international framework of the Human Right to Adequate Food



Guadalupe Valdez, FAO Zero Hunger Ambassador for Latin America and the Caribbean

"The relevance of a legal framework is that it establishes norms so that the State guarantees through public policies that the human right to food is realized, in this case, through educational and welfare policies. It is necessary to have tools and mechanisms so that people are aware of the right to food, but, above all, so that they can complain when the State does not guarantee this right. For this reason, parliament-government dialogue is essential in the formulation of legal frameworks that contribute to the design of public policies focused on the realization of the human right to food and food and nutritional security. This dialogue can be initiated through forums to highlight the importance of the issue in the country's political, economic, social, and cultural agenda, where sectors and actors express the commitment and political will to make it a reality. As recommendations, I suggest that the dialogue should be open, plural, and respectful, with a goal of the common good and not particular protagonisms, involving diverse social, political,

economic, and cultural sectors".

The latest State of Food Security and Nutrition in the World (SOFI) report showed that in LAC, around 56 million people were undernourished, while another 93.5 million experienced severe food insecurity in 2021. In addition, if severe and moderate food insecurity are added together, this brings the total to 267.7 million people. In other words, almost four out of every ten inhabitants of the region are unable to feed themselves adequately (FAO *et al.*, 2022). This situation has been increasing over the years, however, there are international and regional normative frameworks for the human right to adequate food and nutrition. This right has been established in numerous international treaties and instruments such as the Universal Declaration of Human Rights (ONU, 1948), the International Covenant on Economic, Social and Cultural Rights (ICESCR) (ONU, 1966), and the Children's Rights Convention (CRC) (UNICEF, 2006).

The CRC recognizes that children (under 18 years of age) are individuals with the right to full physical, mental and social development, and freely express their views. In addition, the Convention is also a model for the health, survival, and progress of all human society.

The human rights of children to food and school nutrition, including the right to have access to sufficient, safe, and nutritious food, and to be protected from hunger, are supported by the CRC.

The CRC mentions that it is in childhood and adolescence where the development and growth of people take place at full speed. If children and adolescents are not well nourished, it is impossible to carry out activities with a good disposition. In addition, if they are undernourished, there is a delay in psychomotor and physical development, a lack of attention that generates intellectual delay, the appearance of diseases that can cause irreparable damage in adulthood, and overweight and obesity. Likewise, food preferences are created in childhood, since it is when eating habits are developed that can reduce the risk of cardiovascular diseases, diabetes, and obesity, among others. For this reason, school food policy is directly linked to the productive cycle of the individual and society. Governments have assumed the role of strengthening and consolidating the policy to improve the living conditions of the current and future population and promote food and nutritional security (UNICEF, 2006).

As the great global pact of the moment, there are the Sustainable Development Goals (SDGs), established in 2015 that seek to achieve equality among people, protect the planet, and promote prosperity. For this, 17 goals were set out, among which is SDG 2: "Zero Hunger", which aims to end hunger to achieve food security and improved nutrition, promote sustainable agriculture, and promote support for small farmers. To this end, the school feeding program offers a school menu that should provide daily energy and ensure nutrients necessary for the proper development and bodily functioning of girls and boys, and also allow them to acquire good eating habits. In addition, the School Feeding Programs (SFP) encourage the development of menus appropriate to the age and better health conditions of students - with portions adapted to their needs and seasonal foods, all defined by specialized professionals.

On the other hand, SDG 4: "Quality Education", is aimed at ensuring inclusive, equitable, quality education and promoting lifelong learning opportunities for all. SFPs are known for good physical learning conditions, have the potential to promote better performance, lower school dropout rates, better cognitive, human, and social development, and stimulate positive changes in eating habits.

Regarding SDG 5: "Gender equality", it is aimed at achieving gender equality and empowering all women and girls. The SAPs also represent inclusion for girls, adolescents, and young women, in addition to providing work opportunities for rural women producers and thus contributing to the promotion of equality through human development.

The Rome Declaration on Nutrition of the Second International Conference on Nutrition (ICN2) (FAO and WHO, 2014) and the Voluntary Guidelines to Support the Progressive Realization of the Right to Food in the Context of National Food Security (FAO, 2005), establish commitments to States in support of child nutrition, health, and well-being. The Conference reaffirmed the right of all people to have access to safe and nutritious food in sufficient quantity, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.

In Latin America and the Caribbean, the regional commitments of the IALCSH (FAO, 2022) have been adopted. This is a political agreement of the countries of the region that, starting in 2005 within the framework of the Latin

American Summit on Chronic Hunger, have as their main goal the total eradication of hunger and the achievement of FSN by 2025. It also seeks to ensure that States and their societies responsibly face the challenges of implementing the right to food from an intersectoral perspective. The objective is to achieve a broad consensus that will enable the effective implementation of public policies on food and nutritional security.

In 2015, the Community of Latin American and Caribbean States (CELAC) approved the FNS-CELAC 2025 Plan, a roadmap that promotes comprehensive public policies to reduce poverty, improve conditions in the rural world, adapt agriculture to climate change, reduce food waste, and address disaster risk, among other multiple challenges. This commitment reinforced the proposals of the IALCSH, which was proposed by the countries of the region in 2005.

The plan was developed by the countries with the technical support of FAO, the support of the Latin American Integration Association (ALADI), and the Economic Commission for Latin America and the Caribbean (ECLAC). This strategy is aligned with high-level global commitments, such as the SDGs. The plan consists of a series of national and regional recommendations for the development of policies, programs, and legal initiatives covering four pillars and 10 lines of action. Pillar 3 includes school feeding as a key measure for FSN.

Similarly, the School Feeding Framework Law approved by the Latin American and Caribbean Parliament (PARLATINO by its Spanish acronym) (FAO, 2020b) in November 2013, establishes a legal framework of reference that allows each State to implement policies and strategies to guarantee, permanently and as a national priority, the right to food and FSN of the child and adolescent population, so that they can enjoy a healthy and active life. This law focuses on school-age children and includes measures to guarantee the continuous and permanent supply of healthy food at school and food and nutrition education (FNE) to prevent chronic malnutrition, reduce associated diseases and promote healthier lifestyles in the region. It also provides instruments for monitoring the implementation of effective public policies and is an important reference point for the countries of the region when drafting national legislation in line with international standards for the protection and promotion of children's rights.

FAO's strategic framework for 2022-2031 seeks to support the 2030 Agenda by transforming toward more efficient, inclusive, resilient, and sustainable agriculture systems to achieve better production, better nutrition, better environment, and better lives, leaving no one behind (FAO, 2021).



Better production: Sustainable consumption and production patterns through efficient and inclusive food and agricultural supply chains, with their priority lines of agricultural innovation, equitable access, and digital agriculture.

	<p>Better nutrition: Ending hunger, achieving food security, and improving nutrition, with its priority lines of healthy diets, attention to vulnerable people, safe food, and reducing food losses, among others.</p>
	<p>Better environment: Sustainable use of terrestrial and marine ecosystems, as well as combating climate change, with its priority lines of mitigation, the bioeconomy, and sustainable urban food systems, among others.</p>
	<p>A better life: Inclusive economic growth for the reduction of social inequalities.</p>

Following the strategic framework, it is suggested that the following aspects be taken into account when comprehensively reviewing their school food policies and programs:

- **Promotion of healthy school environments, school food, and adequate and nutritious snacks** following the food guidelines and nutritional standards, policies, and safety standards on food in the production and supply of school food.
- **Integration of food and nutrition education throughout the school system** to promote good food practices and perspectives, as well as lasting healthy habits for school children and their families.
- **Encourage public procurement policies for Family Farming (FF) and inclusive and sustainable value chains** through school feeding programs with local products (offering access to safe, nutritious, diverse, acceptable, locally produced, and territorially relevant ingredients and food).
- **Formulation of policies and institutional and budgetary legal frameworks** conducive to school programs and policies that address food and nutrition with a comprehensive, multisectoral and synergistic approach (i.e., supported by appropriate legal, regulatory, and institutional tools).

- **Gender-sensitive school feeding policies.** Incorporating a gender perspective into school food and nutrition education policies can help combat gender inequalities in access to food and education and have a positive impact on breaking the intergenerational cycle of malnutrition.

Based on these approaches and the adoption for the consolidation of public policies related to the welfare of the population, with special attention to children covered by the education systems through school feeding programs, will constitute the north that will make technical-political decisions viable and will underpin national actions on food and its different processes.

“Ending hunger, food insecurity and malnutrition requires innovative legal frameworks, based on the guarantee of the right to adequate food, to achieve multiple results. Among them, the modification of food environments towards healthier and more sustainable models; the transformation of food systems, increasing the supply of fruits, vegetables, and legumes, i.e., healthy foods; the delivery of school meals following the dietary guidelines of each country and with cultural relevance; the purchase of food from local family farming, encouraging short marketing circuits, among others. These school feeding laws, which also include cross-cutting food and nutrition education strategies in the school curriculum, will allow permanent changes in eating practices and lifestyles during childhood, otherwise, it will be more difficult to correct them in adulthood. Particularly, the obesity epidemic and its terrible consequences is a malnutrition problem that today affects up to 40% of children and adolescents in schools. Therefore, for schools to be modulating spaces for the hunger and malnutrition situation in our region, it is essential to have the support and mandate from the State through strong laws on healthy and sustainable school feeding that include a holistic approach to the problem, multi-sectoral and multi-stakeholder participation, the establishment of monitoring and evaluation systems, as well as other keys elements in the policy cycle to be effective and efficient”.



II – The importance of specific school feeding laws

“To address structural issues related to the achievement of SDG2 (Zero Hunger), which are characterized by being multisectoral and complex problems, policies that are agreed upon by most of the actors and interests involved are needed, with a medium-term vision that transcends the different governments. In other words, State policies are needed to ensure a set of actions over time and the commitment of society as a whole to the challenges posed by these structural changes. In democratic systems, the work of parliaments is a necessary condition for building these State policies. Thus, the inclusion of parliaments in collaborative work with executives, academia, and social actors, has allowed for broadening the discussion, strengthening the inclusion of issues related to the fight against hunger and malnutrition in the political agenda of society. In addition, it has made it possible to approve legislation and budgets (State policies) that ensure the continuity of the policy beyond the government that takes office. Finally, the participation of parliaments allows for more effective political control over the implementation of these policies. For all these reasons, parliaments must be present in the discussion, construction, and monitoring of this type of State policy. [A State policy does not end with the process of passing the law; it must have a role in the monitoring and evaluation of the implementation of these policies, allowing them to be improved and adapted to the changing conditions of society”.



Luis Lobo, Coordinator of the Project in support of the Hunger Free Latin America and the Caribbean Initiative

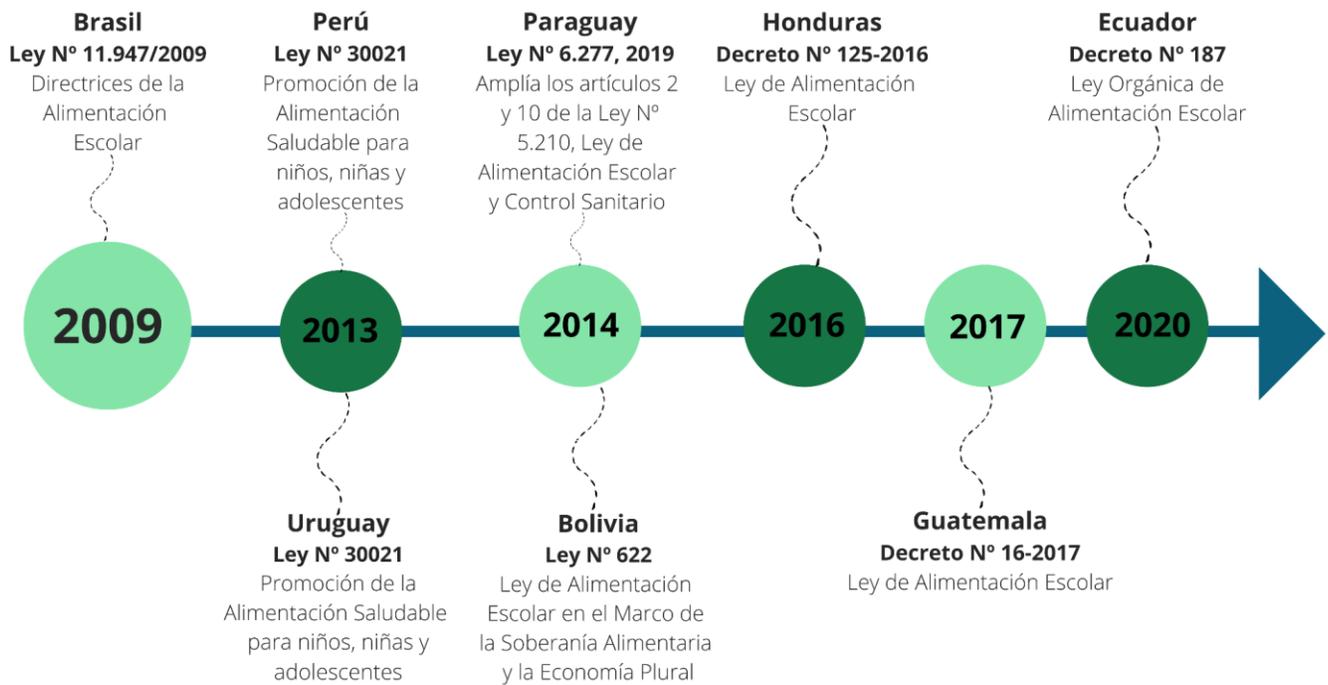
School feeding has been an opportunity for the different States to concretize the commitments made, fulfill their obligations, and generate a continuous development of the right to food, life, health, and education, in an integrated manner, and throughout the school year, including in periods of health crises or other emergencies.

The fact of not having a specific law on school feeding means that its components are scattered in different rules and with different hierarchies. Its provisions related to school feeding can be found in the laws of some entities, as well as in regulations, manuals, and guidelines. This causes difficulties in access to a specific regulatory framework to define budgets and organization of the policy in the annual or multiannual planning as appropriate. In addition, it leaves the programs vulnerable to the interests and prioritization of each governmental administration, and they remain without clarity on the distribution of roles and responsibilities of each sector, actor, or institution in the development of this important action in favor of food and nutritional security, mainly the nutrition of school-age children.

Since 2009, with the enactment of the specific law on school feeding in Brazil, a period of frequent dialogue has begun regarding legal frameworks that contemplate these different regulatory components of the programs.

Based on FAO records, 8 countries with legal frameworks for school feeding in LAC can be highlighted. Each regulation has its particularities, but they are similar in aims and objectives.

Figure 1. Policy frameworks in Latin America and the Caribbean



Source: Own elaboration

As could be seen, some countries in the region have specific laws on school feeding, for example, the Brazilian law, Law No. 11.947/2009, which establishes the School Feeding Guidelines, implemented by the PNAE, which has been recognized worldwide as a reference policy among developing countries for its quality and sustainability. Among the elements that integrate the PNAE Brazil, it is regulated the coverage and management of the program, delivery time, type of food, the form of participation, public procurement, monitoring, and evaluation system, and school gardens as a pedagogical tool, as shown in the following diagram:

Figure 2. Guidelines of the National School Feeding Program in Brazil - PNAE



Source: Own elaboration

Like Brazil, other countries have made progress in regulating school meals by issuing regulatory frameworks to guarantee the right to food in schools and strengthen the fight against hunger, malnutrition, and malnutrition.

To ensure and guarantee the human right to food framework during the pandemic, Brazil and several countries in the region adapted the law to ensure that students could receive food despite being in virtual systems.

Many laws were drafted with the systematic support of the Parliamentary Front against Hunger and the Brazil-FAO International Cooperation Program, as well as the support of the Spanish Agency for International Cooperation for Development (AECID), as part of the IALCSH.

To support the strengthening of school feeding programs, the Brazil-FAO International Cooperation defined the Sustainable Schools methodology, which serves as a reference for decision-makers and legislators, as a school feeding reference (pilots). This methodology promotes institutional and intersectoral articulation/coordination, the involvement of the educational community, adequate and healthy school menus, pedagogical school gardens, kitchen reforms, canteens, warehouses, and the purchase of family farming products.

It is important to highlight some of the results obtained through the Sustainable Schools methodology (FAO, ABC/MRE, and FNDE/MEC, 2022):

Figure 3. Impacts on the Sustainable schools implementation



Source: Own elaboration

Sustainable Schools is a methodology created and developed by Brazil-FAO International Cooperation together with the countries to unite the different government sectors at the horizontal level and promote articulated work with the departmental and municipal spheres. It allows the actors to know the challenges, overcoming mechanisms, and potentials to develop sustainable school feeding programs at the national level.

FAO's support for the development of legal frameworks for school feeding (FAO, 2016) has been essential to ensure compliance by States with the right to adequate food at school and to improve education and health, agriculture, among others.

The existence of legal frameworks makes it possible to: legally preserve the relevance of these programs for the fulfillment of the RAF of children and adolescents, grant an institutional framework with defined competencies and accountability, grant budgets for their implementation, promote the articulation of different actors and sectors of the food system, and the participation of the entire school community, as well as provide guidance on technical and administrative aspects for their management. It also allows the development of more adequate and healthy menus, and PA public procurement for this type of program, among other administrative and regulatory aspects. The regional study indicates that the regulatory objectives allow a better assessment of the level of support and implementation of school feeding programs and their effectiveness. It mentions, among others, the following benefits:

Figure 4. Results on the policy framework implementation



Contribution to generating a school feeding program that guarantees conditions for students to learn and therefore improves educational indicators.

Affirmative action for the comprehensive protection of students.

Articulation of public policies aimed at reducing poverty and promoting food and nutritional security (FNS).

Source: Own elaboration

Generally speaking, it can be stated that a specific law allows school feeding programs to efficiently and effectively meet their food, nutrition, development, and education objectives.

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III – Some school feeding laws in the region



Bruno Silva – Technical advisor of the National Fund for Educational Development– FNDE/ MEC/Brazil

“A legal framework that regulates, institutionalizes, and defines the attributions of each actor involved - municipal, state, and federal - in the school feeding program is essential for the sustainability of this policy over time. The experience of more than 66 years in school feeding of the Brazilian National School Feeding Program, PNAE, with specific law since 2009, has been recognized as a sustainable reference by the countries of our region since the beginning of the Brazil-FAO Cooperation on school feeding. This accumulation of experience and Brazil's legal framework has allowed the country to support countries in strengthening and consolidating their policies for more than a decade.

We work to have laws and legal frameworks that regulate and transform school feeding into a State policy to guarantee the human right to food and not to have an assistance policy vision. It should be noted that the legal framework

may vary in importance and significance, depending on the stage of the implementation process of the school feeding program”.

Three school feeding laws are presented below, in which their formulation can be assessed through examples of some articles that allow us to understand the variables proposed by FAO. Likewise, it is possible to identify how each aspect is addressed according to the needs and goals set in each country.

Brazil School Feeding Law

Under the coordination of the Ministry of Education and the National Fund for the Development of Education (FNDE), Laws No. 11.947/2009 "School Feeding Law" and No. 13.987/2020 (amending Law No. 11.947) are in force in Brazil, both of which are legislative decrees issued by the Congress of the Federative Republic of Brazil. In addition, Resolution No. 21 of November 16, 2021, which amends Resolution CD/FNDE No. 6 of May 8, 2020, and Resolution No. 02 of April 9, 2020, which provides for the implementation of the National School Feeding Program-PNAE- during the period of public calamity arising from COVID-19.

The cited articles belong to Law No. 11,947, except when otherwise cited.

Table 1. Characteristics on the Brazil School Feeding Law

General Aspects	Brazil School Feeding Law
Scope and objectives	Art.4 To contribute to the growth and biopsychosocial development, learning, school performance, and formation of healthy eating habits of students, through food and nutrition education actions and the supply of rations that meet their nutritional needs during the school period.
Definitions	Art. 1 School meals: any food offered in the school environment regardless of its origin during the school period.
Guiding Principles	<p>Art.2</p> <p>I- Use of healthy and adequate food: use of varied and safe food, respecting culture, traditions, and healthy eating habits, to improve school performance, per their age group and health status, including those who need specific attention.</p> <p>II - The inclusion of food and nutrition education in the teaching and learning process, is included in the school curriculum.</p> <p>III - The universality of care for students enrolled in the public basic education network.</p> <p>IV - Community participation in social control.</p> <p>V - The support to sustainable development, with the acquisition of food produced locally, by rural family entrepreneurs, prioritizing the traditional indigenous communities and successors from the <i>quilombos</i>¹.</p> <p>VI - The right to school food guarantees food and nutritional security of students with equal access, respecting the biological differences between ages and health conditions of students.</p>
Right to school feeding	Art.3 School meals are a right of students in public basic education and a duty of the State and shall be promoted and encouraged with a view to meeting the guidelines outlined in this law.
Institutional provisions	<p>Art.7 States may transfer the responsibility for school meals to their municipalities.</p> <p>Art.16 Coordination of the PNAE has the following attributions: to establish the general rules for planning, execution, control, monitoring, and evaluation of the PNAE; to transfer financial resources to the States, Federal District, Municipalities, and federal schools; to promote institutional articulation; to promote the adoption of guidelines and goals established in international pacts and agreements; to provide general technical guidance; to cooperate in the human resources training process; to promote the development of studies and research.</p> <p>Art.28 Monitoring the application of financial resources through audits and inspections and analysis of accountability processes.</p>
Food purchases	Art.13 Procurement of food must obey the menu planned by the nutritionist.
Preferential clause for family farming	Art. 14 Of the total financial resources provided by the FNDE, a minimum of 30% must be used for family agriculture and agrarian reform settlements, traditional indigenous communities, and successors from <i>quilombos</i> .

¹ Quilombos refer to historical settlements of maroons or black slaves. Today these territories are occupied by Afro-descendant communities.

General Aspects	Brazil School Feeding Law
Compliance with nutritional guidelines and standards	<p>Art.11 The technical responsibility for school meals in the States, Federal Districts, Municipalities, and federal schools corresponds to the nutritionists.</p> <p>Art.12 The school feeding menus shall be elaborated by the nutritionist in charge.</p> <p>Resolution N° 02 (09 April 2020).</p> <p>Art. 2 § 2º The food kit must follow the determinations of the PNAE legislation in terms of nutritional and sanitary quality, respecting eating habits, and local culture, and, preferably, composed of natural and minimally processed foods, both perishable and non-perishable.</p>
School food and nutrition education (FNE)	<p>Art.15 The Ministry of Education is responsible for proposing educational actions inserted in the school curriculum, addressing the theme of food, nutrition, and the development of healthy living practices.</p>
Food sales	<p>Resolution No. 21 (November 16, 2021).</p> <p>Art. 39 The individual sales limit of the farmer and rural family entrepreneur for school meals must respect the maximum value of R\$40,000 per Declaration of Aptitude to Pronaf (DAP) Family/year/executing entity.</p>
Involvement of students, parents, and the community	<p>N° 13.987.</p> <p>Art. 21-A. During the period of suspension of classes in public schools due to emergency or public calamity, immediate distribution is authorized to parents or guardians throughout the national territory and, exceptionally, to enrolled students.</p>
Monitoring	<p>Art.19 The School Feeding Council is responsible for: Follow-up and supervision of compliance with established guidelines; application of allocated resources; monitoring food quality and hygienic conditions, acceptability of the menus offered; receiving the annual management report of the PNAE and issuing a conclusion approving or disapproving the execution of the program.</p>
Accountability and transparency mechanisms	<p>Art. 10 Any individual or legal entity may denounce irregularities in the application of the resources allocated to the implementation of the PNAE.</p> <p>§2º The FNDE is authorized to suspend the delivery of resources in the following cases: failure to render accounts as defined by its Deliberation Council; refusal to render accounts; use of resources in disagreement with the criteria established for the execution of the Direct Money to School Programme, as verified by the analysis of the document or authorship. In case of omission in the submission of financial statements, or insertion of false documents or statements.</p>
Sanctions	<p>Art.20 The FNDE is authorized to suspend the delivery of PNAE resources when the States, Federal District, or Municipalities: do not constitute the respective School Feeding Council or fail to make the necessary adjustments aimed at its full operation; do not render accounts of the resources previously received for the execution of the PNAE; commit irregularities in the execution of the PNAE.</p>
Financial Provisions	<p>Art. 5 The financial resources allocated in the Union budget for the execution of the PNAE shall be delivered in fractions to the States, Federal Districts, Municipalities, and federal schools by the FNDE.</p> <p>§1º The transfer of financial resources to execute the PNAE shall be made automatically by the FNDE without the need for a covenant, adjustment, agreement, or contract, through a deposit in a specific current account.</p>

General Aspects	Brazil School Feeding Law
	<p>§2º The financial resources mentioned in §1º shall be included in the budgets of the States, Federal Districts, and Municipalities served. These shall be used exclusively for the acquisition of food.</p> <p>§3º The balances of financial resources received on account of the PNAE existing on December 31, shall be reprogrammed for the following period, strictly observing the purpose of their transfer in the terms dictated by the Deliberation Council of the FNDE.</p> <p>§4º The amount of financial resources referred to in §1º article shall be calculated based on the number of students duly enrolled in basic public education in each of the governmental entities, according to the official enrollment data obtained in the school census conducted by the Ministry of Education.</p>
<p>Final and transitory provisions</p>	<p>Art.22 The Direct Money at School Program (PDDE) to provide financial assistance on a supplementary basis to public basic education schools of the state, municipal and Federal District networks, and special education schools qualified as beneficiaries of social assistance or direct and free attention to the public, observing the provisions of art. 25, becomes governed by the provisions of this law.</p> <p>§The financial assistance to be granted to each beneficiary educational establishment will be defined annually and will be based on the number of students enrolled in basic education according to the data extracted from the school census conducted by the Ministry of Education, observing the provisions of art. 24.</p>

Source: Own elaboration based on Decree No. 11,947 of June 16, 2009 and amendment No. 13,987 of April 7, 2020.

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Guatemala School Feeding Law



Deputy Jairo Flores, Coordinator of the Parliamentary Front against Hunger of Guatemala

“The functions of parliamentarians include legislation, oversight, and intermediation. These functions allow them to have a broad overview of the needs of the population and the complexities of implementation of some of the regulations already stipulated. The parliamentary vision is crucial for the establishment of public policies since they are the ones who oversee these regulations and find dysfunctions in their implementation. These experiences allow parliamentarians to get involved in the formulation of proposals on behalf of the most vulnerable population.

Congressman Jairo Flores, Coordinator of the Parliamentary Front against Hunger in Guatemala

The local government has the power to introduce bills into the Congress of the Republic. Good socialization of such an initiative contemplates being able to include all the benches and be inclusive of both civil society and non-governmental organizations. The success has repercussions in the support that exists to be able to advance from initiative to law through the votes of the qualified majority, this advance is marked within the parliamentary hemicycle”.

The School Feeding Law, Legislative Decree No. 16-2017 of September 26, 2017, and the reforms established by Legislative Decree No. 12-2021 of October 15, 2021, both issued by the Congress of the Republic of Guatemala, establish the regulatory framework for the School Feeding Program administered by the Ministry of Education.

Table 2. Characteristics on the Guatemala School Feeding Law

General Aspects	Guatemala School Feeding Law
Scope and objectives	<p>Art. 1 Objective. Guarantee school meals, promote health, and encourage healthy eating of children and adolescents attending public or private schools to take advantage of their teaching-learning process and the formation of healthy eating habits of students, through food and nutrition education actions and the provision of food for students during the school year, according to this Law and its regulations. In the case of private educational centers will not be beneficiaries of the School Feeding Program; however, the rules contained in this Law will apply to them.</p>

General Aspects	Guatemala School Feeding Law
<p>Definitions</p>	<p>Art. 6 Definitions. For this Law, the following definitions shall apply:</p> <p>a. Access to food: the capacity of a person, family, or community to be able to acquire at all times and in sufficient quantities the food necessary for an active and healthy life, with cultural, social, ethnic, and biological relevance. This can be economic or physical.</p> <p>c. School meals are the portion of nutritious, healthy, safe, culturally, ethnically, socially, and biologically acceptable food that students receive punctually in schools during school time. Such food complements the food at home and contributes to satisfying their daily diet.</p> <p>h. Right to school food and nutrition: is the access of every child to have regular, permanent, punctual, and free access to quantitatively and qualitatively adequate and sufficient food, which corresponds to the cultural traditions of students, within public educational centers.</p> <p>k. Healthy school: is the educational center that contributes to the development of basic competencies for life, favoring the biological, intellectual, emotional, and social well-being of schoolchildren, through comprehensive actions to promote the health of the educational community and its environment, favoring human and sustainable development.</p>
<p>Guiding Principles</p>	<p>Art. 5 Principles. School meals shall be governed by the following principles:</p> <p>d. Inclusion: The State shall implement appropriate measures to ensure that children affected by social, economic, and cultural exclusion are included among the priority groups for school feeding, with equal rights to others.</p> <p>h. Promotion of family farming: support to family farming in the acquisition of products necessary for the implementation of school feeding through the strengthening of actions to improve agricultural, fisheries, and aquaculture production, which will allow supplying the School Feeding Program. From the school level, the implementation of Pedagogical School Gardens will be coordinated and promoted as a learning tool with the possibility of complementing school meals.</p>
<p>Right to school feeding</p>	<p>Art. 4 School feeding. It corresponds to the State:</p> <p>a. To guarantee permanent and timely school days, the transfer of funds destined for school meals.</p> <p>c. Ensure that, at school, children and adolescents have timely access to the amount of food that is necessary for their healthy development, taking into consideration that they are exposed to unfavorable socioeconomic and environmental conditions.</p> <p>f. Promote the sustainable production of healthy, safe, and nutritious food by strengthening the capacities of small and medium-sized producers.</p> <p>g. Establish specific programs to support children with disabilities, to facilitate their integration into society and the proper assimilation of food.</p>
<p>Institutional provisions</p>	<p>Art. 31. Interagency Commission on School Feeding.</p> <p>The Interinstitutional Commission for School Feeding is created, whose function will be the analysis and actuarial studies of the program and its financing, to prepare and propose budget estimates.</p>
<p>Food purchases</p>	<p>Art. 15 Local purchases. If possible, the purchase of inputs shall be made in the same territorial jurisdiction in which the corresponding educational center is located, giving priority to purchases from suppliers that practice family agriculture in the locality in which the educational center is located. At least fifty percent (50%) of the total</p>

General Aspects	Guatemala School Feeding Law
	financial resources allocated to each educational center must be appropriate for purchases of products from family farming, provided that there is the necessary supply in the local market.
Compliance with nutritional guidelines and standards	Art. 17 Promotion of family farming. The Ministry of Agriculture, Livestock, and Food in coordination with the Ministry of Education shall design, implement and execute capacity-building programs for technical assistance and provide inputs to local producers focused on school feeding. Such programs shall be non-discriminatory in any sense.
Compliance with legislation and food safety requirements	Art. 24 Food safety. The Ministry of Education will promote, in coordination with the Ministry of Public Health and Social Assistance, and the Ministry of Agriculture, Livestock and Food, the implementation of good hygiene and sanitation practices in the storage, preparation, and distribution of food in the country's educational centers.
Compliance with nutritional guidelines and standards	Art. 20 National System of Information and Evaluation of School Feeding. In charge of the Ministry of Education as the governing body, which will constitute a monitoring tool to provide information and periodic analysis of the nutritional situation of the school population of the country in coordination with the National Food and Nutrition Security System and the National Health System. The data and information of the System shall be considered public information and of free access, and shall be disseminated permanently and periodically, except for the restrictions of law, under its corresponding regulations.
School food and nutrition education (FNE)	Art. 7 Food and nutrition education. The Ministry of Education, in coordination with the educational authorities of public and private schools, will promote the teaching of food and nutrition in nursery schools and educational centers, transmitting to students and parents adequate knowledge so that they reach the ability to correctly choose foods, as well as the most appropriate amounts that allow them to compose a healthy and balanced diet and exercise self-control in their diet.
School food marketing and advertising	Art. 27 Food sold in educational centers. The stores, kiosks, cafeterias, canteens, and other points of commercialization of food, which are located within public and private educational centers, for pre-primary and primary education will have available food and beverages of those contained in the list of healthy foods established according to this Law and its regulations.
Involvement of students, parents, and the community	Art. 14 Participation of Parents' Organizations. They must participate in food and nutrition education activities promoted by the Ministry of Education: Represent parents of the educational center or jurisdiction to which it belongs; Identify the priority needs of their educational community, regarding the School Feeding Program; Collaborate in the field of their competence in the development of national education plans and policies; Support in the implementation of the School Feeding Program funds. Promote the culture of management, transparency, and social audit.
Monitoring	Art. 20 National System of Information and Evaluation of School Feeding. In charge of the Ministry of Education as the governing body, a tool to provide information and periodically analyze the nutritional situation of the country's school population in coordination with the National Food and Nutrition Security System and the National Health System. The data and information of the System will be considered public information and free access.

General Aspects	Guatemala School Feeding Law
Accountability and transparency mechanisms	Art. 32 The Interinstitutional Commission on School Feeding shall conduct annual evaluations of the School Feeding Program, taking into consideration the initial and final enrollment of pre-primary and primary education levels, indicators of student permanence, weight, and height, budget execution, current prices of inputs. It shall send its reports to the Presidency of the Republic and the Commissions of Education, Science and Technology; Food Security; Agriculture, Livestock and Fisheries; and Public Finance and Currency of the Congress of the Republic.
Sanctions	Art. 39 Infringements. Any action or omission of public servants and other persons responsible for school meals, which contravenes or violates this Law and its regulations, is considered an infraction. Violations carried out by officials merit administrative, civil, and criminal liability.
Financial Provisions	Art. 33 Budgetary Allocation. For the application and execution of this Law, the Ministry of Public Finance, in the preparation of the General Budget of Income and Expenditures of the Nation, in each fiscal period, shall allocate a specific amount of at least four quetzals per day (Q4.00) per beneficiary. During the fiscal year 2022, for the pre-primary and primary education levels, a specific amount of at least six quetzals per day (Q6.00) per beneficiary shall be allocated. As of the fiscal year 2023, the following specific daily amounts shall be allocated as a minimum: (a) Initial education level, four quetzals (Q4.00). b) Pre-primary and primary education levels, six quetzals (Q6.00). Middle school education level, four quetzals (Q4.00)
Final and transitory provisions	Art. 43 Regulations. The Ministry of Education shall develop its functions as governing body in the regulations to be issued for this purpose, within a period not exceeding ninety (90) days from the entry into force of this Law. Article 44. Implementation of School Feeding. The Ministry of Education, in coordination with the Ministry of Public Health and Social Assistance, and the Ministry of Agriculture, Livestock and Food shall develop (with the assistance of certified nutritionists within a period of no more than ninety (90) days after the entry into force of this Law) a list of healthy foods with which they shall proceed to implement a menu as established in this Law.

Source: Own elaboration based on Decree No. 16-2017 of October 15, 2021, and Decree No. 12-2021 of September 26, 2017.

Honduras School Feeding Law

“Today (2022) more than 18 LAC countries are already reviewing their mechanisms on how to strengthen school feeding strategies. A first step is the development of solid regulatory frameworks, such as decrees and laws, which allow national procurement processes and incorporate nutrition aspects. This demonstrates the state's responsibility for the country's food and nutritional security”.



Decree No. 125-2016 – School Feeding Law of Honduras – established the regulatory framework for the National School Feeding Program, which is implemented by the Secretariat of State in the Office of Development and Social Inclusion in coordination with the Secretariat of State in the Office of Education.

Table 3. Characteristics on the Honduras School Feeding Law

General Aspects	Guatemala School Feeding Law
Scope and objectives	<p>Art. 1 Objective. To create the legal framework for the State of Honduras to provide children adequately, the nutritional food ration in all public educational centers at the pre-basic, basic, and progressively secondary education levels of the country, within the framework of the human right to food that includes the right of children not to suffer hunger and the generation of adequate conditions that contribute to healthy development both physically and psychologically, under conditions of freedom and dignity to promote educational indicators.</p> <p>Art. 3 Scope of application. This Law applies to natural and legal persons, national or foreign, who develop activities related to the feeding of children within the public education system through the National School Feeding Program.</p>
Definitions	<p>Art. 5 Definitions</p> <p>2) Complementary School Feeding: It is the portion of nutritious, healthy, and safe food that children receive in the framework of the National Public Education System and Special Education, such food complements the home diet and contributes to the daily kilocalorie requirements.</p> <p>7) Basic Health Package: It is a standardized package of essential basic health services, which form the core of services offered in all primary health care.</p>
Guiding Principles	<p>Art. 4 Principles.</p> <p>4) Universality: All children enrolled in the public education system at the pre-basic, basic, and progressively secondary education levels, as well as in special education, have the right to Adequate School Meals.</p>

Institutional provisions	<p>Art. 7 Jurisdiction of the Secretariat of State in the field of education.</p> <p>Art. 8 Competence of the Secretariat of State in the office of health.</p> <p>Art. 9 Competence of the Secretariat of State in the offices of agriculture and livestock (sag).</p> <p>Art. 10 Jurisdiction of the Secretariat of State in the office of finance.</p> <p>Art. 11 Competence of the municipalities.</p> <p>Art. 12 Inter-institutional coordination.</p>
Food purchases	<p>Art. 20 Supply Priority.</p> <p>The National School Feeding Program should give priority to the local supply of all components of school meals, from cooperative associations, associative enterprises of farmers, agro-industrial cooperative enterprises, encouraging the production of local family farming, with the participation of legally constituted companies and organizations engaged in primary production, industrialization, marketing, and service delivery.</p>
Preferential clause for family farming	
Compliance with legislation and food safety requirements	<p>Art. 8 Competence of the Secretariat of State in the Office of Health. The Secretary of State in the Office of Health, in coordination with the Secretaries of State in the Offices of Development, Social Inclusion, and Education shall support the implementation of the National School Feeding Program by making available human, technological and material resources at national, regional, and municipal levels. Providing proper nutritional monitoring to the children benefits and that the aspects of nutrition and safety and basic health package are applied efficiently.</p>
Compliance with nutritional guidelines and standards	<p>Art. 19 Scientific research. The Secretariat of State in the Office of Development and Social Inclusion, in coordination with higher education and scientific research centers, shall conduct studies that provide scientific evidence to support the formulation of standards and public policies on school feeding and nutrition, as well as contribute to the dissemination of information on these.</p>
School food and nutrition education (FNE)	<p>Art. 7 Competence of the Secretariat of State in the Office of Education. It is incumbent upon the Secretariat of State in the Office of Education:</p> <p>5) To implement the Food and Nutrition Education programs, including school gardens for pedagogical and entrepreneurial purposes; and,</p> <p>6) To develop training processes in Food Education with the School Food Committees.</p>
Involvement of students, parents, and the community	<p>Art. 13 Priority to the Social Sector of the economy to provide the components of School Feeding. The State gives priority as suppliers of the components of school meals, to cooperative associations, associative enterprises of peasants, agro-industrial cooperative enterprises, rural savings and credit banks, and family farmers.</p> <p>Without prejudice to the participation of those companies and legally constituted organizations engaged in primary production, industrialization, marketing, and service provision. The previous process shall be regulated based on the local purchasing procedure manual to contribute to reactivating the local economy.</p> <p>Art. 14 Participation of parents. Parents' associations through the School Feeding Committees shall actively participate in the implementation of this Law.</p>

<p>Accountability and transparency mechanisms</p>	<p>Art. 4 Principles. Without prejudice to the principles adopted in the International Conventions referred to the matter and in complement to the principles already established in the Food and Nutritional Security Law, for this Law, the following principles are established</p> <p>In Nutritional Security Law, the following principles are established for the present Law:</p> <p>1) Accountability: The State guarantees transparency and accountability in actions aimed at the realization of the Right to Adequate School Food and Nutrition, promoting transparency in public action, citizen participation, and social auditing.</p> <p>Such accountability should start in the community itself and then in other established structures, schools, communities, and other levels.</p>
<p>Financial Provisions</p>	<p>Art. 10 The Secretariat of State in the Office of Finance, shall incorporate an annual budget line item to ensure the budgetary resources required for the proper functioning of the National School Feeding Program, under the Annual Operating Plan prepared by the Secretariat of State in the Office of Development and Social Inclusion as of Fiscal Year 2017.</p>
<p>Final and transitory provisions</p>	<p>Article 23. Regulations and manuals. The Executive Branch shall regulate this Law within sixty (60) days after it enters into force and shall issue within the same period the manuals to be prepared by the Inter-Institutional Technical Committee on School Feeding.</p>

Source: Own elaboration based on Decree No. 125-2016 of July 3, 2017.

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IV – Key elements for the formulation of a school feeding law

What elements can guide the drafting of school feeding laws?

“Legislation is a high-impact instrument to promote healthy diets in the school setting. School feeding laws can recognize school meals as a right and thus require that school meals, including those offered in the framework of school feeding programs, comply with mandatory school nutrition standards to ensure their adequacy and nutritional quality. For the impact of these measures to be greater, the legislation should define institutions responsible for ensuring compliance, inspection and control mechanisms, monitoring, and entities in charge of ensuring an independent evaluation to measure the impact of such measures on children's nutrition. It is also important to ensure complementary and coherent measures, such as regulating the sale of food in and around schools, strengthening food and nutrition education, encouraging the purchase of fresh local food, guaranteeing food safety in schools, and discouraging the consumption of unhealthy food”.



Luisa Cruz, Legal Advisor on school feeding and right to food topics - FAO Rome Legal Office

School feeding laws allow the realization of the right to adequate food at the school level. The construction of such laws is essential for the implementation of school feeding policy so that it is not subject to political or governmental changes.

Adopting laws to ensure school food and nutrition involves a process of elaboration that should consider several variables or elements to structure and give coherence to the internal regulations. Below, some guidelines are shared in the process of this elaboration:

Figure 5. Guiding elements in the development of school feeding laws

	Scope	That is, to whom the law applies and what are the activities and areas it covers, such as: student coverage, school menus, complementary policies such as restrictions on the sale and supply of unhealthy foods in schools, and school gardens as a pedagogical tool and food and nutrition education. As well as the introduction of a nutritional surveillance system, monitoring and evaluation mechanisms, budget, and the articulation of the public sector, among others.
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	Definitions	The specific meaning of the terms contained in the text of the law. School food, food, and nutrition education, school food environment, food ration/portion, school food with local products, healthy eating habits, canteen, school store.
	Right to food	Throughout the drafting of the law, it will be considered that everyone has the right to adequate food and this approach constitutes the necessary basis for elaborating its content, demanding its realization, and monitoring its compliance.
	Institutional provisions	Ensure institutional mechanisms for implementation, coordination, and accountability. Definition of roles and responsibilities of national institutions and actors involved in school feeding, and inter-institutional coordination at the national level and in a decentralized manner.
	Food purchases	Define a percentage of the public procurement budget for the direct purchase of school food from family farming.
	Articulation	Definition of institutional responsibilities and mechanisms for inclusive participation and coordination among the different actors involved, as well as proper budget allocation, supervision, and oversight.
	Financial mechanisms	Principles governing the allocation and expenditure of resources.
	Preferential purchases	Family farming is a resource for the provision of food to the school feeding program that comes from family farming and includes producers from vulnerable groups, such as women, members of indigenous communities, and youth.
	Education	For the full exercise of the right to food.

	<p><i>Food Safety</i></p>	<p>Avoid health risks and the consumption of food contaminated with chemicals or pesticides. Ensure food safety and quality and eliminate risks from unsafe water, poor sanitation, unsafe preparation, processing, or cooking methods.</p>
	<p><i>Nutritional Guidelines</i></p>	<p>Standards and guidelines for the consumption of foods in EAPs and foods available in kiosks or vending machines in schools must meet the minimum daily intake of energy and nutrients for the recipients</p>
	<p><i>Monitoring</i></p>	<p>Monitoring and evaluation of the State's performance based on proposed goals.</p>
	<p><i>Participation</i></p>	<p>Of civil society from its needs and demands to increase the transparency, efficiency, and effectiveness of the government. It also allows giving credibility and legitimacy to governmental decisions.</p>

Source: Own elaboration with information from FAO, 2020b.

The following are the elements that can be considered when drafting a proposal for a School Feeding Law, as proposed by the FAO (Cruz, 2020):

Figure 6. Elements to consider for the drafting of a school food law.



Source: Cruz, 2020

V - A look at the under-construction process in EL SALVADOR - year 2021

"Legal frameworks help establish a comprehensive approach to sustainably address the challenges of adequate food and nutrition in school feeding programs and, thus, to ensure nutritious, healthy, and culturally relevant snacks, which also come from local production to generate a positive impact on the economies of local producers.

A law that facilitates the sustained financing of these programs over time has the potential to change the food culture. In the medium and long term, it contributes to the prevention of non-communicable diseases caused by malnutrition, especially overweight and obesity, and this will lighten the burden on health systems and reduce the costs that the state allocates to these types of diseases. This, above all, will allow the full development of a country's children."



Diego Recalde, FAO
Representative of El Salvador

To establish a regulatory framework that contributes to the respect, protection, and defense of the human rights of children and adolescents enrolled in the education system. The government of El Salvador, through the Ministry of Education, Science, and Technology (MINEDUCYT by its Spanish acronym), in coordination with the Office of the First Lady of the Republic and the Office of the Presidential Commissioner for Operations and Cabinet of Government have tried to generate conditions to institutionalize healthy eating in school permanently.

The process began in 2021 and was supported by the Representation of the Food and Agriculture Organization of the United Nations in El Salvador, the Regional Initiative 1 from the Subregional Office in Panama, the Regional Office for Latin America and the Caribbean, the Development Law Service (Legal Office) and the Brazil-FAO International Cooperation Program. This joint effort involved the design and preparation of a preliminary draft of the School Feeding Law (SFL).

The aforementioned project seeks to institutionalize several components, among which the following stand out: (i) the permanent delivery of healthy snacks (ii) promoting the articulation between binding institutions from the national and territorial level; (iii) the purchase of fresh food from local production (iv) capacity building of various actors in the educational community through actions in Food and Nutrition Education (FNE), (v) the participation of the educational community, for the development of the School Food and Health Program, and (vi) ensuring access to healthy food within the Educational Centers, through the offer of lunch boxes and food in the Healthy School Stores and Cafeterias, among others. In this way, it is intended to provide a comprehensive response to the guarantee of the Human Right to Adequate Food, in addition, to lessening the effects of the health, social and economic crisis caused by the pandemic of COVID-19.

Currently (2022), El Salvador is in the preparatory stage of the law, through an internal review between the Executive and the small committee organized for the effect, to then be delivered to the Legislative Body or Parliament.

From a participatory methodology, for the identification of viable elements following the principles of human rights and the national context and institutional framework, as well as the recommendations established in the FAO Legal Guide on School Food and Nutrition (Cruz, 2020). The following road map was defined for the drafting of the School Feeding Law of El Salvador:

Figure 7. Road map of the construction of El Salvador School Feeding Law



A – Previews Activities



1. General evaluation of the School Feeding and Health Program of El Salvador

With the support of the Food and Agriculture Organization of the United Nations (FAO) and the Brazil-FAO International Cooperation Program, several studies and analyses of existing policies and regulations relevant to school feeding were carried out, identifying the following:

Table 4. Analysis of existing policies and regulations in El Salvador

<p>School Feeding and Health Program (PASE), implemented by the Ministry of Education, Science and Technology.</p>	<p>"Sustainable Schools" Model in School Feeding Programs in Mesoamerica in El Salvador, Honduras, and Guatemala.</p>	<p>Analysis of capacities for Food and Nutrition Education in Schools.</p>
<p>A qualitative review of the School Food and Health Program (PASE by its Spanish acronym), implemented by the National Directorate of Prevention and Social Programs, through the School Food and Health Management of MINEDUCYT in more than 5,000 public schools in the country, was carried out.</p> <p>The analysis was developed in a participatory manner, through consultations that took into account the views of the actors involved in the management and operation of the program from the central, departmental, and local levels.</p> <p>The study made it possible to identify strengths and difficulties in its implementation, to find strategic proposals for its improvement and analysis, and in turn, identify the possibilities for scaling up the Sustainable Schools approach in the country's public schools and guarantee the right to adequate food and thus achieve the SDGs.</p>	<p>In 2020, the current situation, progress, challenges, and recommendations to advance the methodology of sustainable schools as a management model for the development of school feeding programs in three Mesoamerican countries, Guatemala, Honduras, and El Salvador, were analyzed.</p> <p>As a result of this analysis, some elements related to the strengthening and sustainability of SAPs in the three countries are specified. For example: guaranteeing sustainability in budgetary investment in the programs; incorporating local products into food procurement programs; promoting and institutionalizing Food and Nutrition Education; integrating key elements to advance development into the work carried out by the country, through the draft bill.</p>	<p>In 2020, the capacities for Food and Nutrition Education in Schools were analyzed. With the participation of strategic multilevel actors for the FNE in El Salvador. Following consultation workshops, the FNE roadmap for the country was built with representatives of government institutions (institutions and organizations), NGOs, United Nations agencies, representatives of academia, teachers, and parents.</p> <p>Likewise, the policies and legal frameworks for FNE in schools, the main gaps, and alternative solutions were identified to direct actions for FNE in a coordinated and effective manner.</p>



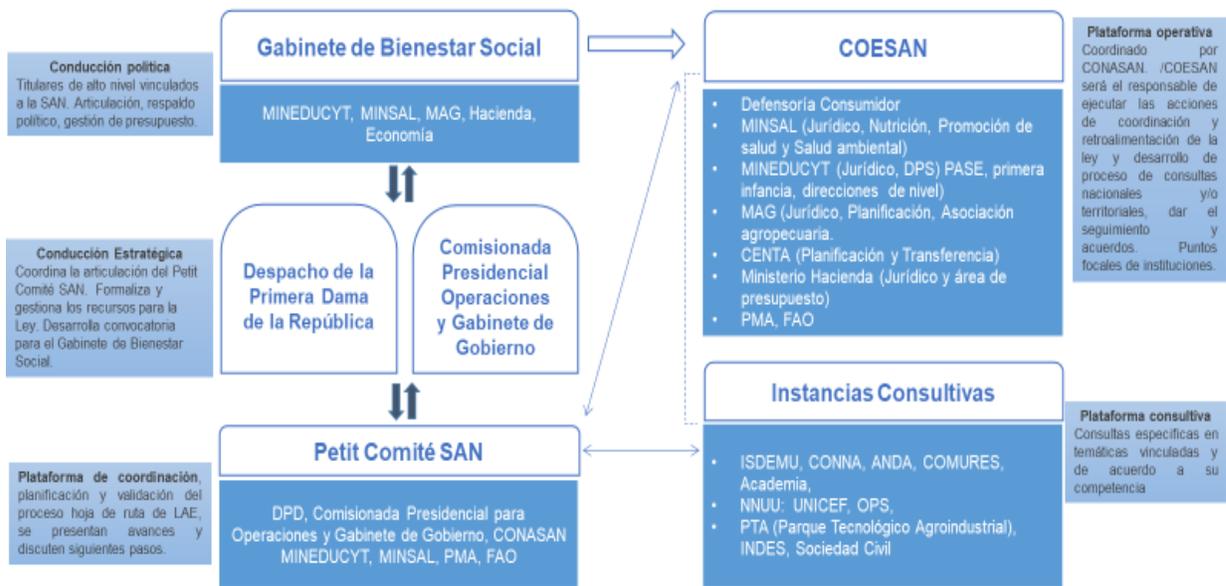
2. Identification of stakeholders

The design and development of the SFL have required the exchange of information and generation of knowledge on school feeding, as well as the participation of different actors and sectors to articulate interests and share experiences and previous learning. Also, prioritize and define issues, make collective decisions in favor of children and adolescents, ensure the RAF, and determine the monitoring to ensure its implementation and ensure that the proposed goals are achieved. It has generated a governance process that has been conceived as the collaboration between government institutions whose mandate or institutional role, linked to school feeding, has contributed through open, inclusive, and transparent dialogue to the good guidance in the management and organization of healthy school feeding. In this sense, it also brings legitimacy to the process and to the actions projected in the draft bill, considering the real needs of the PASE.

The participation of the different actors was conceived from a political, technical-operational, and consultative level. To this end, a small committee was defined to be responsible for planning, development of activities, and liaison with other stakeholders at different levels. Strategic management was also defined to articulate the different activities between the Small FNS Committee and the Social Welfare Cabinet, with the participation of the Office of the First Lady of the Republic and the Presidential Commissioner for Operations, and the Government Cabinet. In addition, political leadership was determined whose role was to promote articulation among stakeholders, provide high-level political support and commitment, and promote the management of the budget.

On the other hand, an operational platform was created to provide feedback on the draft bill to the different bodies that are part of the Technical Committee on Food and Nutritional Security, a space led by the National Committee on Food and Nutritional Security (CONASAN by its Spanish acronym).

Figure 8. Example of governance structure for the School Food Law process



Source: MINEDUCYT, 2021.

B - Design activities



3. Formation of the multidisciplinary group

It was decided to form a Small FNS Committee in charge of drafting the proposal for the Law on Healthy and Sustainable School Feeding (LAESS by its Spanish acronym), made up of technical representatives from supporting institutions and organizations:

- Office of the First Lady of the Republic
- Office of the Presidential Commissioner for Operations and Cabinet of Government
- National Council for Food and Nutritional Security
- Ministry of Education, Science, and Technology of El Salvador
- Ministry of Health of El Salvador

- Ministry of Health
- Ministry of Agriculture and Livestock
- National Center for Agricultural and Forestry Technology "Enrique Álvarez Córdova"
- United Nations Development Program (UNDP)
- Food and Agriculture Organization of the United Nations (FAO)



4. Identification of key legal areas and issues affecting school food and nutrition

The adoption of laws that guarantee school food and nutrition should be characterized as a long-term commitment and independent of political changes. These types of laws make it possible to strategically ensure the right to healthy, adequate, and relevant food for school-age children. It also allows each State to implement policies and strategies to ensure, permanently and as a national priority, the right to food and food and nutritional security of students, for the enjoyment of a healthy and active life that allows the optimal development of their capabilities.

Therefore, it was identified that the drafting of the SFL should apply a human rights approach based on the principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment, and rule of law (FAO, 2012). Likewise, it was identified that the SFL should be drafted in line with international standards related to the protection and promotion of children's rights, including measures for the prevention of chronic malnutrition, the reduction of associated diseases, and the promotion of healthier lifestyles. Similarly, particular attention should be paid to regulatory coherence under a set of laws of its own: food safety, public procurement, and nutritional standards, so that there is linkage and coherence with these areas.

Adequate legislation should therefore clearly define institutional responsibilities and establish mechanisms for inclusive participation and coordination among the different actors involved, in addition to promoting proper budget allocation and a framework for supervision and oversight.



5. Analysis of the regulatory and public policy framework for school meals

According to the FAO Legal Guide for School Food and Nutrition, to draft a law on school feeding with a comprehensive approach, it is necessary to identify the main international instruments, including the main human rights treaties such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), the CRC and the current national regulations that are relevant to healthy and sustainable school feeding. This helps to identify and

analyze gaps and possible contradictions in the legislation and thus respond with a proposal for a Healthy and Sustainable School Feeding Law that defines the rights and prerogatives of school-age children. Also, establishes clear institutional responsibilities, and inclusive participation, and improves coordination mechanisms between the different stakeholders involved, in addition to promoting an adequate budget allocation and a framework for monitoring and follow-up to ensure compliance.

In this regard, in El Salvador, a legal analysis of current national and international legislation consistent with the different areas that are relevant to a school food and nutrition approach was conducted, among which the following stand out:

- Legislation aimed at providing adequate food and nutrition in schools, as well as contributing to community development;
- Legislation that recognizes access to adequate and healthy school meals as a right;
- Legislation that assigns institutional responsibilities related to the right to healthy and sustainable school food;
- Legislation that establishes mechanisms and procedures to ensure transparency, participation, and accountability;
- Legislation that defines concrete budgetary commitments for the implementation of programs related to healthy and sustainable school feeding.

In this context, the legal analysis covered the following regulatory frameworks:

International Legal Framework:

El Salvador has signed numerous declarations and has also ratified international human rights treaties of particular relevance to school feeding. Among the human rights declarations, the country is a signatory of:

- The Universal Declaration of Human Rights (1948), recognizes the right of everyone to a standard of living adequate for health and well-being, including adequate food (art. 25.1).
- The Declaration of the Rights of the Child (1959), regulates the right to food (Principle 4).
- The Declaration on the Elimination of Discrimination against Women (1967), establishes that fathers and mothers shall have equal rights and duties concerning their children (art. 6.2 c) and the right of women to receive family allowances on equal terms with men (art. 10.1 d).
- The Universal Declaration on the Eradication of Hunger and Malnutrition (1974), establishes that all women, men, girls, and boys have the inalienable right to be free from hunger and malnutrition to be able to fully develop and maintain their physical and mental faculties. It also regulates the obligation of governments to formulate appropriate food and nutrition policies to ensure adequate nutrition for all people, as well as the obligation to remove obstacles to food production and grant appropriate incentives to agricultural producers.

- Within the Inter-American system, El Salvador is a signatory to the American Declaration of the Rights and Duties of Man (1948), which recognizes the right to the preservation of health and well-being, establishing that legal and political institutions must have as their primary purpose the protection of essential rights, including the preservation of human health through sanitary and social measures related to food (art. XI).

In addition, there are several non-binding international instruments, which constitute an essential source of recommendations, targets, and standards. These include the SDGs, the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, and Codex Alimentarius standards, among others. These can serve as a reference or source of inspiration when drafting national legislation.

Regarding the main international treaties on human rights, El Salvador has ratified the following treaties of relevance to school feeding:

- The International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1979.
- The Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ("Protocol of San Salvador" in 1995).
- The Convention on the Rights of the Child in 1990.
- The Convention on the Elimination of All Forms of Discrimination against Women in 1981.

National Legal Framework:

Concerning Salvadoran domestic regulations relevant to healthy and sustainable school feeding, we analyzed the laws, policies, programs, and internal guidelines (whose purpose, the scope of application, institutional responsibilities, violations and penalties, and coordination entities or mechanisms) that guarantee the right to school feeding. The following national frameworks were reviewed and analyzed:

- Constitution of the Republic of El Salvador
- Law for the Integral Protection of Children and Adolescents.
- General Education Law
- Health Code
- School Milk Glass Program Law
- Healthy School Stores and Cafeterias Regulations
- The law created the National Council for Food and Nutritional Security (CONASAN).
- Law on the Promotion, Protection, and Support of Breastfeeding
- Consumer Protection Law
- Law for the Creation of the Salvadoran System for Quality.
- Healthy and Sustainable School Feeding Strategy
- National Policy on Education and Integral Development for Early Childhood
- Policy for the Protection, Promotion, and Support of Breastfeeding
- National Food and Nutritional Security Policy

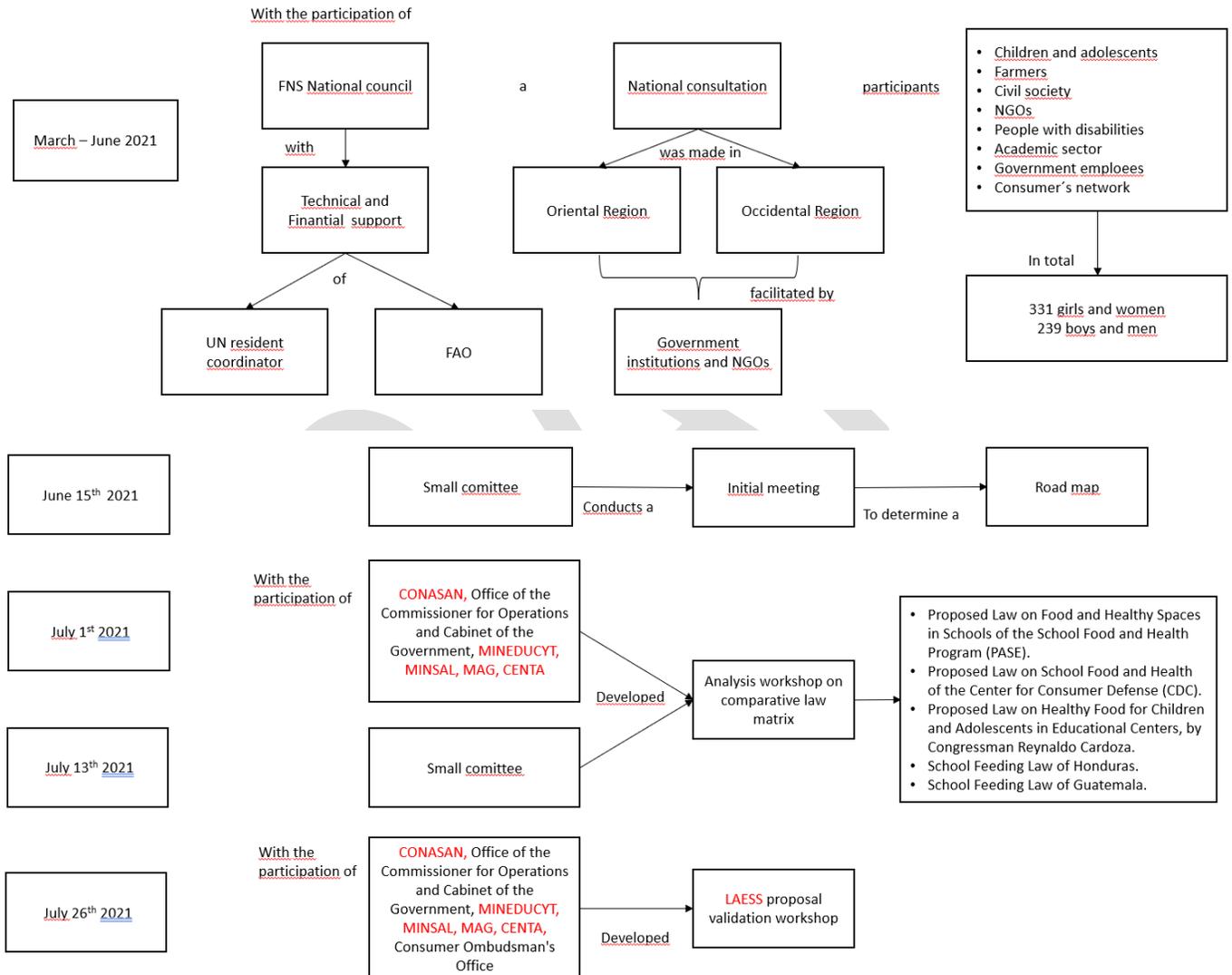
- Integral Protection of Children and Adolescents of El Salvador
- Guide for School Stores and Cafeterias
- School Food and Health Program (PASE) 2009-2014.
- Social Education Program 2009 - 2014 "Let's Go to School".
- Inclusive Education Policy
- National Strategic Plan for Food and Nutritional Security.

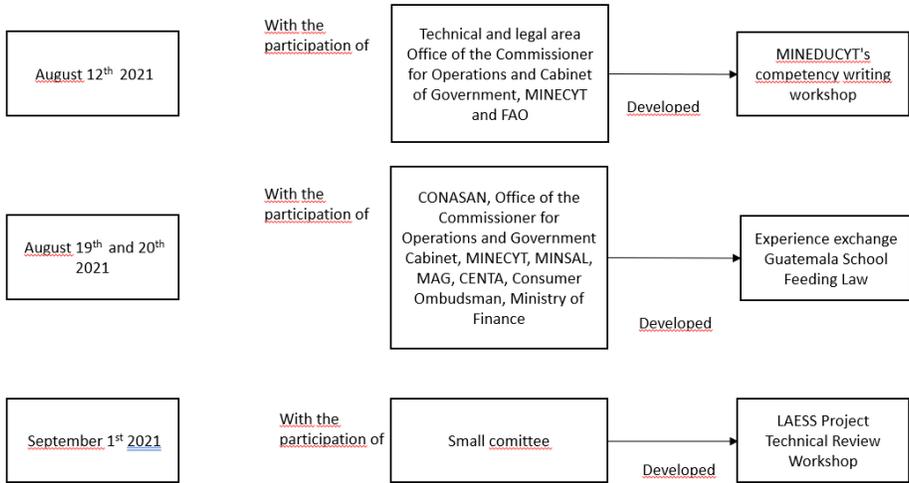
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6. Participatory process of the proposed draft

Figure 9. Participatory process of the proposed school food law draft in El Salvador





Source: Own elaboration with the participatory workshops memos.

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C - Socialization



7. Presentation to the Legislative Assembly

This phase has not yet begun. In El Salvador, the preliminary draft of the SFL is in the phase of feedback from the Small Technical Committee formed, so the following highlights several challenges to materializing this legal instrument:

1. The consensus at the technical and political level is to define the mechanism of legislation to protect and guarantee the Right to Adequate Food for children and adolescents. That is, to reach a consensus on whether the provision on school feeding to be submitted to the Legislative Assembly should be done specifically, through a school feeding law, or as an integral part of the Education Law Reform currently under consideration.
2. El Salvador recognizes the importance of sustained funding for school feeding. However, it is necessary to ensure budgetary resources to: i) diversify the menu according to the current nutritional profile and the healthy eating approach (varied, sufficient, and of nutritional quality); ii) promote food education on FSN (school gardens as a learning tool); iii) invest in infrastructure and adequate equipment for the preparation and consumption of food (kitchens, warehouses, and canteens); and iv) ensure diagnostic, monitoring and evaluation systems.
3. Sending by the Executive Branch of the preliminary draft of the SFL to the Legislative Assembly for its study and technical and budgetary analysis with the different related commissions, for the benefit of children and adolescents who are part of the national education system.

The main lessons learned so far from the El Salvador experience



Leonardo Quiroa, School Feeding Director – El Salvador

“The School Feeding Program is an important strategy that contributes to the enjoyment of the right to adequate food for children and adolescents in the education system, and therefore, it is important to have regulatory frameworks that facilitate the implementation and sustainability of this program.

Among the lessons learned could be mentioned:

- It is necessary to have an Inter-institutional Technical Committee to support the program for the development of proposals for the School Feeding Law and other regulatory frameworks to improve the program.

- With this intersectionality, the interest of the heads of different state portfolios in creating regulatory frameworks to achieve common objectives for the School Feeding Program is increased.

- It is important to have regulatory frameworks that clearly define institutional responsibilities with the inclusive participation of different key actors that contribute to the effectiveness and impact of the program.

- Establish cooperative alliances that allow the development of an articulated and joint work with international organizations, and governmental and non-governmental institutions that seek to benefit the student population.

- The accompaniment of international organizations is of great importance in the process of law formation since it is through them that countries have the opportunity to learn about the work of other countries on the same subject, and to learn from the experience that these countries have had.

- Propose actions to improve the nutritional status of children and adolescents through the provision of food to students, to meet their immediate food needs and improve learning conditions, encouraging the participation of the educational community and strengthening their knowledge and skills in health, food, and nutrition.

- Under this framework, the Ministry of Education, Science and Technology of El Salvador (MINEDUCYT), has expressed its strong commitment to the design and presentation of a proposal for a Healthy School Feeding Law, to contribute and promote respect, protection, and fulfillment of the Right to Adequate Food and health of the school population, for the enjoyment of a healthy and productive life”.

What would be done again

Based on the experience of drafting the El Salvador law, it is possible to make some recommendations in terms of lessons learned.

1. The formation of a governance structure at the national level that considers the levels of active participation at the political, strategic, and technical operational levels, since this gives legitimacy to the process.

2. Joint definition and delimitation of the provisions to be considered in the draft bill. For it to become solid and comprehensive, it involves a set of laws, regulations, and provisions governing various vital aspects, from a comprehensive approach to school food and nutrition (public procurement, FNS approach, FNE, and sanctions, among others).
3. Consolidate a technical team with a multidisciplinary approach that includes specialists in binding areas such as: nutritionists, specialists in environmental and safety units, health promotion, early childhood, law, education, agronomy, legal sciences or law, and those responsible for the management and planning of social policy, among others.
4. Generate awareness dialogues and exchange of experiences with other countries in the region that have made significant progress in school feeding and good practices, for the generation of knowledge and learning to implement successful actions in a contextualized manner.
5. Political dialogue with the Legislative Assembly, through the Commission on Agriculture, Education and members of the Parliamentary Front against Hunger in the country, to raise awareness about the holistic approach of school feeding programs and how these, through multiple components and binding policies, contribute to guarantee human rights and contribute to the achievement of the SDGs, in addition to enhancing the integral development of children and adolescents.

What can be improved

1. Formalize and make visible, through a public event, the inter-institutional Technical Committee that participates in the SFL formulation process, to effectively communicate at all levels (technical and political) the effort being developed.
2. Promote the development of technical consultations with civil society at the national and territorial level autonomously and exclusively for an SFL formulation process.
3. Promote the approach to the Ministries involved to identify budget items, which can be used to strengthen the School Feeding and Health Program, since this allows the phasing of all the components proposed in the draft bill, for example: school snacks, FNE, and public purchases of food through fresh food, among others.

VI – Main lessons learned in the region

"National legal frameworks on school feeding and nutrition, with a focus on the right to adequate food, are very important to combat hunger, food and nutrition insecurity, and malnutrition in all its forms and to realize the human rights of children and adolescents to food, health, and education, among others. The laws make it possible to create an appropriate institutional framework, with the mandate to adopt, implement and monitor national policies, plans, and programs in this area. These measures must be adopted in a participatory and transparent manner, involving all stakeholders. By having a legal basis, the measures adopted are more solid and durable over time, beyond changes of government. This must go hand in hand with adequate budget allocations and mechanisms for oversight, accountability, and administrative or judicial actions to enforce the rights of children and adolescents.

Robust legislation on school food and nutrition can have a positive impact on ensuring that school food and nutrition programs have significant state support and adequate budgets. In addition, these laws can contain specific provisions on public procurement, through which family farming can be promoted and local food systems strengthened, which positively affects the healthy diets of the school population, increasing the percentage of children who consume enough fruits and vegetables. They can also contain provisions on food education so that healthy lifestyles and diets are promoted in schools from early childhood."



Manuela Cui, Oficial Jurista de la FAO para América Latina y el Caribe

The FAO legal guide for school food and nutrition (Cruz, 2020), states that only through a law can, it can be institutionalized and establish the necessary procedures for the effective implementation of school feeding programs and ensure that the government allocates the resources that are necessary to implement the program (a line in the public budget; specific taxes). In this same document, it is specified that laws are instruments of public policy and translate political intentions into legal obligations, in addition to giving permanence to rules and policies. Therefore, a school feeding program, based on policy frameworks, includes the following elements:

- It has an assured programmatic continuity;
- It has a competent authority and assigned institutions with responsibilities clearly defined by law;
- Mobilizes public resources and institutions in support of the program; and
- It fulfills a right recognized in national legislation (adequate food at school is understood as a right and not as a government option).

According to the information presented in this document, in the experience of the countries of the Latin American region, different legal and regulatory frameworks, initiatives and processes can be identified. It cannot be described as good or bad, but rather should be emphasized that each one makes a special contribution in terms of social protection, the effective fulfillment of human rights, and providing special attention to children and adolescents.

In this regard, we congratulate each of the countries that ensure a food supplement or a complete meal for children in the education systems. There is no doubt that each country fulfills its commitments according to the resources and political will available and the existing regulatory frameworks in the country.

Countries with school feeding laws are well aware that there is no perfect law. The present situation, the COVID-19 pandemic, is a clear example that regulatory frameworks should be flexible, adjustable, and of course subject to revision over time according to the development and social, cultural, political, and economic scenarios.

In one of the forums organized by El Salvador (2021), one of the panelists compared the School Feeding Law with the union of two people to form a household, where it is assumed that it is a path of joy and satisfaction as well as obstacles and possible problems. In that sense, the law is the union of technical, financial, and administrative actions that bring positive results and strategic actions in the short, medium, and long term, but also new challenges and challenges or situations that were possibly not considered or that arose from new processes. Of course, the most important thing in the creation, formulation, or implementation of any law is to start.

One should not wait to have the best possible law, but a law that is good and effective enough to directly and immediately benefit children and adolescents in the education system.

It is important to take into account that, in the end, what is expected is to offer all students a menu:

- Balanced** so that the proportions of carbohydrates, fats, and proteins are appropriate for each age;
- Complete** including foods from all food groups (vegetables and fruits, grains and tubers, legumes and foods of animal origin);
- Sufficient** to ensure student satiety and contribute to eradicating hunger and reducing malnutrition in all its forms;
- Varied** with a diversity of foods, textures, colors, flavors, and ways of preparation;
- Suitable** to tastes, culture, religion, and economic possibilities;
- Tasty** so that most students will enjoy the food; and
- Permanent** so that food is available every day of the school year.

The following are the lessons learned and strengths to continue working and motivating all stakeholders.

- a. Legislation on school feeding and nutrition is a valid strategy to address the country's food and nutrition problems, particularly the problems of undernourishment, food insecurity, stunting, and obesity.
- b. School feeding programs contribute to increasing school enrollment and school attendance, and promote the reduction of the dropout rate, especially among the most vulnerable children.
- c. School feeding contributes to the food and nutritional security of children and adolescents.

- d. School gardens, as a learning experience and integration of areas for the development of competencies for life, help train children and adolescents in health, food, nutrition, and productivity habits.
- e. Linking the demand for products for school feeding programs with family agriculture, through parent organizations duly formed under this concept, strengthens the local economy and the development of communities.
- f. School feeding programs play a key role in promoting family farming, to ensure that families overcome their subsistence economy and become producers and suppliers of agricultural products to public schools.

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Conclusions and recommendations

“We believe that school feeding is crucial for the development of countries. For this reason, Brazil continues to strive for increasingly more qualified, efficient, comprehensive, and, at the same time, focused action. The ultimate goal of the cooperation is to support the development plan of the countries, seeking their sustainability and full development.

In this perspective, the Brazilian Cooperation Agency (ABC) understands that supporting and promoting legislative processes with partner countries is one of the ways to ensure the sustainability of the actions planned within the scope of the various initiatives that make up the broad portfolio of trilateral South-South technical cooperation agreements with international organizations.

Therefore, the support of the Brazil-FAO Alliance to the ongoing process of drafting the Food Law in El Salvador, in the context of the Consolidation of School Feeding Programs in Latin America and the Caribbean project, reported in this publication, is an attempt to share with all countries of the Sustainable School Feeding Network (RAES by its Spanish acronym) and other stakeholders, a path to follow in search of the desired sustainability of School Feeding for the region”.



Cecília Malaguti
Responsible for Trilateral South-South
Cooperation with ABC International
Organizations

1. School feeding programs are a nutrition-sensitive social protection measure that is part of the State's policies for the eradication of hunger and poverty, so all sectors and organs of the State must assume their role and commitment to contribute to these initiatives and, therefore, implement measures in this area.
2. School feeding and nutrition programs contribute to strengthening the human right to adequate food and the achievement of the SDGs, particularly those related to poverty reduction, zero hunger, health and well-being, and quality education, among others.
3. A participatory, orderly and properly guided process will enable a Healthy and Sustainable School Feeding Law that responds to the fundamental objective of guaranteeing the human rights to food, education, and health of school children, and promote political commitment at the executive and parliamentary levels.
4. The use of inter-institutional platforms related to school feeding and the national experiences generated by their technical teams will allow the construction of a Healthy and Sustainable School Feeding Law relevant to the national and territorial reality, considering the impacts according to the nutritional and food situation of the country.
5. The experiences in the development, implementation, and evaluation of school feeding programs in the region, from the legislative perspective, provide important inputs to States to improve their programs and to other States for the development of regulatory processes.
6. The project to strengthen school feeding programs of the Brazil-FAO Cooperation Program, through its Sustainable Schools initiative, is a comprehensive example of a policy for the development of linkage, organization, and management capacities in the countries of the region.

General Document Recommendations

"We recommend that, whenever possible, countries take as a reference for their School Feeding Bills the lessons learned and applied in municipalities that develop or have developed the Sustainable Schools methodology. This methodology is implemented concretely and jointly by different sectors and levels of government, which shows the reality, needs, and demands of each country. In addition, the methodology is based on one of the largest school feeding programs in the world, the National School Feeding Program (PNAE) of Brazil, which gives us, since 2009, legitimacy to dialogue with countries based on concrete experiences. A school feeding law is very important to raise the status of a government program to the status of a State policy that guarantees the human right to adequate food in the school environment. These programs show short, medium, and long-term impacts on the nutritional, educational, physical, and social development of students. They also generate income and dignity for a large number of food-producing families".



Najla Veloso, Coordinator of the project "Consolidation of School Feeding Programs in LAC".

Considering the present study on the regulatory frameworks for school feeding, it is important to mention some recommendations to managers and technicians who wish to formulate a school feeding law in their country:

1. It is advisable to create a baseline of the nutritional status of schoolchildren, the state of nutrition, and the school environment before the entry into force of the law so that the results and impacts of a national law on healthy and sustainable school feeding can be evaluated in the medium and long term.
2. It is suggested to have concrete outcome and impact indicators and a system for monitoring public spending and evaluating the results of these programs.
3. It is important to consider school feeding as a human right of all children and adolescents, and therefore, as a State public policy that ensures the best interests of children and is implemented through a series of instruments and actions.
4. It is important to design the structure of a program that guarantees inter-institutional linkage on the subject and the application of relevant and current regulations to achieve the proposed objectives.
5. It is important to involve all social actors and promote the formation of advocacy coalitions that encourage the development or improvement of regulations on school feeding, including parliaments (PFH LAC), related executives, the school community, academia, and international cooperation, among others.
6. Lessons can be learned from countries with regulatory and legal frameworks in place through exchanges of experiences, visits, and the use of bilateral cooperation instruments.
7. It is advisable to analyze the experiences of developing school feeding laws in countries of the region, as well as their reforms, difficulties, and achievements in their implementation so that these comparative experiences can serve as an experience for the construction of a participatory, contextualized, and relevant process.

8. The law should establish obligations of the State and clear institutional responsibilities to comply with school feeding as a right of all children and adolescents, and specifically provide mechanisms for the institutionalization of School Feeding Programs at the local level. Also, the educational community manages efficiently and transparently the processes of purchase or receipt of products, and the preparation and delivery of food to school children.
9. The integration of the educational community should be encouraged in all training processes for the promotion of healthy eating habits at the school level with projection to families, to successfully fight hunger and malnutrition.
10. Institutional roles and articulation mechanisms should be established to generate a functional, efficient and sustainable School Feeding Program with improvement processes that benefit students.
11. It is advisable to clearly define the strategic and budgetary aspects of school infrastructure improvement in terms of storage, preparation, delivery, and sanitation environments, for healthy and safe food.
12. It is necessary to establish intra- and inter-institutional coordination at all levels, to guide the responsibilities and educational actions, including parents, school principals, and teachers.
13. It is essential to ensure the coherence and complementarity of legislation in key areas such as, for example, food safety and ensure the effective implementation of laws and standards in this area to guarantee safety from the farm to the school cafeteria. To this end, it is necessary to ensure institutional coordination between the various ministries and decentralized authorities in charge of health, agriculture, and education.
14. It is recommended that legislation on school meals include provisions to regulate and define nutritional standards, to ensure that both school meals and the food available in and around schools are healthy and nutritious and can contribute to the realization of the right to adequate food in the school environment.
15. It is advisable to guarantee budgetary resources for the promotion of education on food and nutrition security, as well as for investment in adequate infrastructure and equipment for the preparation and consumption of food, also considering the development and implementation of systems for diagnosis, monitoring, and evaluation of school feeding programs.
16. It is advisable to include as part of the school feeding laws, mechanisms, and specific responsibilities that allow determining the impact of the law, and based on this, to review the contents of the law and its regulations according to the results of such ex-post evaluations.
17. It is suggested to consider measures that contribute to the access and affordability of healthy diets in the school environment, such as restrictions on the sale and supply of highly processed foods and food and nutrition education measures.

References

- Cruz, L.** 2020. *Legal Guide on school food and nutrition - Legislating for a healthy school food environment*. FAO Legal Guide No. 2 edition. Rome, FAO. <https://doi.org/10.4060/ca9730en>
- FAO.** 2005. *Directrices voluntarias en apoyo de la realización progresiva del derecho a una alimentación adecuada en el contexto de la seguridad alimentaria nacional. Aprobadas por el Consejo de la FAO en su 127º período de sesiones, noviembre de 2004*. Roma. <https://www.fao.org/3/y7937s/y7937s00.htm>
- FAO.** 2016. *Análisis de los marcos jurídicos en materia de alimentación escolar: El Salvador, Guatemala, Honduras y Nicaragua*. Rome, Italy, FAO. <https://www.fao.org/publications/card/es/c/7e9902cf-c385-444d-8fbd-58e75fb944e7/>
- FAO.** 2020a. Marco de la FAO para la alimentación y la nutrición escolar. <https://www.fao.org/3/ca4091es/ca4091es.pdf>
- FAO.** 2020b. Legislar para una alimentación y nutrición escolar adecuada. FAO. Cited 21 July 2022. <https://www.fao.org/publications/card/en/c/CB0442ES>
- FAO.** 2021. Marco estratégico para 2022-2031. <https://www.fao.org/3/cb7099es/cb7099es.pdf>
- FAO.** 2022. Apoyo a la Iniciativa América Latina y el Caribe sin Hambre 2025. Cited 2 October 2022. <https://www.fao.org/in-action/programa-espana-fao/proyectos/proyectos-en-curso/apoyo-a-la-iniciativa-america-latina-y-el-caribe-sin-hambre-2025/es/>
- FAO, ABC/MRE, & FNDE/MEC.** 2022. *El estado situacional de las Escuelas Sostenibles 2021: Resumen Ejecutivo*. Brasilia, FAO. <https://redraes.org/el-estado-situacional-de-las-escuelas-sostenibles-2021-resumen-ejecutivo/>
- FAO, IFAD, WHO, WFP, & UNICEF.** 2022. *Versión resumida de El estado de la seguridad alimentaria y la nutrición en el mundo 2022: Adaptación de las políticas alimentarias y agrícolas para hacer las dietas saludables más asequibles*. Rome, Italy, FAO, IFAD, WHO, WFP, UNICEF,. <https://doi.org/10.4060/cc0640es>
- FAO & WHO.** 2014. Declaración de Roma sobre la nutrición, CIN2. FAO. Cited 2 October 2022. https://www.sica.int/documentos/declaracion-de-roma-sobre-la-nutricion-cin2_1_92482.html
- Frente Parlamentario Contra el Hambre.** undated. Quiénes Somos. In: *Frente Parlamentario Contra el Hambre*. Cited 27 July 2022. <http://parlamentarioscontraelhambre.org/quienes-somos/>
- Ley de Alimentación Escolar: Creación del Programa de Alimentación Escolar**, Honduras, Decreto N. 125-2016 (3 de Julio de 2017). <https://www.fao.org/faolex/results/details/es/c/LEX-FAOC174256/>
- Ley de Alimentación Escolar: Dispõe sobre o atendimento da alimentação escolar e do Programa Dinheiro Direto na Escola aos alunos da educação básica**, Brasil, Decreto N. 11.947 (2009). https://www.planalto.gov.br/ccivil_03/_ato2007-2010/2009/lei/l11947.htm
- Ley de Alimentación Escolar**, Guatemala, Decreto N. 16-2017 (26 de Setiembre de 2017). disponible en: <https://portal.siinsan.gob.gt/wp-content/uploads/ley-y-su-reglamento-30012019-1.pdf>
- Ley N. 13.987** (7 de abril de 2020). <https://www.in.gov.br/en/web/dou/-/lei-n-13.987-de-7-de-abril-de-2020-251562793>

ONU. 1948. La Declaración Universal de Derechos Humanos | Naciones Unidas. In: *United Nations*. Cited 10 March 2022. <https://www.un.org/es/about-us/universal-declaration-of-human-rights>

ONU. 1966. Pacto Internacional de Derechos Económicos, Sociales y Culturales. In: *Naciones Unidas Derechos Humanos oficina del alto comisionado*. Cited 10 March 2022. <https://www.ohchr.org/sp/professionalinterest/pages/cescr.aspx>

Reforma a la Ley de Alimentación Escolar, Guatemala, Decreto N. 12-2021 (15 de octubre de 2021). (disponible en: https://www.congreso.gob.gt/noticias_congreso/7357/2021/4#gsc.tab=0).

UNICEF. 2006. Observación General N° 4 La salud y el desarrollo de los adolescentes en el contexto de la Convención sobre los Derechos del Niño. Naciones Unidas CRC/GC/2003/4. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G03/427/27/PDF/G0342727.pdf?OpenElement>

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