

# A Children's Rights Approach to the Double Burden of Malnutrition

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## Key messages

- > The Human Right to Adequate Food can be found in a number of international human rights documents, the most widely accepted of which is the Convention of the Rights of the Child.
- > The requirements under the Human Right to Adequate Food – to respect, to protect, to fulfill – can be linked to policy measures and global nutrition targets.
- > This connection gives more weight to interventions fighting the Double Burden of Malnutrition and can play a significant role in bringing about a world free from malnutrition.

The Human Right to Adequate Food has a broad legal basis and is articulated in numerous international human rights documents (see **Figure 1**), some of which focus on a particular group of individuals in specific circumstances, such as refugees, women and children. The most widely accepted of these documents is without doubt the Convention on the Rights of the Child (CRC): not only is it legally binding, but it is also the most widely ratified international document in history (all countries have ratified it except the United States). It is a symbol that the international community can reach a consensus – after all, the protection of children is a global concern. The importance of good nutrition during the first 1,000 days (from conception to the second birthday of a child) is globally known and accepted, as interventions during this timeframe reap the greatest benefits. The double burden of malnutrition represents the presence of both undernutrition and overnutrition, leading to various health issues. As the basis for a healthy life is laid down during childhood, the rights

of the child present an opportunity to attribute more importance to the problem of malnutrition, as depicted in **Figure 1** below.

The human right to adequate food aims to create an environment in which all people can provide for themselves by producing or buying food.<sup>1</sup>

One of the reasons why the Human Right to Adequate Food (HRTAF) has not received the necessary attention is the misunderstanding that it obliges states to hand out free food to everybody. Because this leads to dependency or might not be feasible

**FIGURE 1:** Key documents articulating the Human Right to Adequate Food (HRTAF)



The HRTAF is laid down in a number of international human rights documents. Orange indicates that the document is not legally binding, while the shades of green depict the extent of ratification of the document. The CRC is the most widely ratified of these documents.

at all, some states have been reluctant to put the realization of the HRTAF on the political agenda. However, it is in fact the individual's ability to provide for him- or herself that is covered as the right to adequate food.<sup>2</sup>

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**The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense that equates it with a minimum package of calories, proteins and other specific nutrients. The adequacy element further entails to take cultural acceptability into account, such as perceived non-nutrient-based values attached to food.**<sup>3</sup>

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Even though human rights, and thus the human right to adequate food, can only be realized when all members of society play their part, the primary owner of human rights obligations



Beneficiaries of a household feeding program in Mirjagonj Union, Bangladesh

is the respective national government. After all, the government signed human rights documents, and is therefore bound to the three requirements – to respect, to protect, to fulfill – under the human rights regime, which are also valid for children's rights.

We intend to link these requirements at the different levels of society with specific, tangible policy interventions that address both sides of the double burden of malnutrition. The WHO Double Duty policy recommendations can be used as a starting point. These are: **1)** exclusive breastfeeding in the first six months; **2)** improvement of early nutrition; **3)** improvement of maternal nutrition and ante-natal care; **4)** implementation of school food policies and programs; and **5)** the regulation of marketing activities.<sup>4</sup> The author is aware that there are many more policy interventions needed to solve the double burden of malnutrition globally.<sup>5</sup>

#### Obligations under the Human Right to Adequate Food (HRTAF)

**Negative duty:** the duty to refrain from doing something (in this case: refrain from interfering).

**Positive duty:** the obligation to take positive action.

The first obligation – 'to respect' – is a negative duty and falls directly on the state. Its primary obligation is to respect the freedom of each citizen to find a solution for his/her own nutritional situation and to ensure that state parties should not block existing access to adequate food, such as functioning market systems.<sup>6</sup> This can be construed to as the obligation of non-interference of the state itself – for example, by respecting cultural habits in relation to food choices or the role of NGOs.

The second obligation – 'to protect' – is also a negative duty. It falls on the state, but it does not target state actors. Instead it focuses on the behavior of non-state parties. This means that citizens' access to adequate food is protected by state parties from the harmful influence and interference of non-state actors, such as enterprises or individuals. The state must take positive action to protect the individual's right and hinder third parties from interfering with it, for example by designing national legislation governing maternity leave or by the promotion of breast-milk substitutes.

The third requirement – 'to fulfill' – can be further divided into two duties. The duty "to facilitate" means actively pursuing policies that ensure people's access to subsistence. Primarily, states are required to build an enabling environment consisting of economic and social systems, laws and institutions that support the individual's access to food and development. The elimination of gender-based discrimination or universal primary education can also be mentioned. Only under the second

**TABLE 1:** Requirements under the Human Right to Adequate Food at different levels of society.<sup>8</sup>

Level of Society   requirement under HRTAF	To respect	To protect	To facilitate	To fulfill
<b>Individual   household</b>	<ul style="list-style-type: none"> <li>&gt; Respect positive cultural habits in food, health, care</li> <li>&gt; Respect individual choices</li> </ul>	Protect individual/ household from any type of exploitation and deterioration of entitlements necessary for nutrition security	<ul style="list-style-type: none"> <li>&gt; Facilitate transfer of knowledge/skills in relation to nutrition sector (capacity building)</li> <li>&gt; Facilitate reducing poverty (access to social safety nets)</li> </ul>	Provide direct support to individuals/households whose entitlements have broken down or are at risk
<b>Community   district</b>	Respect establishment of democratic community organizations	Protect communities and areas from economic/ cultural marginalization and exploitation	Facilitate community/district situation assessment and analysis	Reduce geographic disparities in resources
<b>National</b>	Respect the role of NGOs in poverty alleviation and nutrition	Protect individuals through legislation (Code of Marketing for Breastmilk Substitutes; salt iodization; maternity leave, food safety), regulatory system, food safety standards	<ul style="list-style-type: none"> <li>&gt; Ensure universal primary education</li> <li>&gt; Reduce gender-based constraints</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Provide basic services in health, agriculture, water, sanitation</li> <li>&gt; Incorporate nutrition in surveillance system</li> </ul>
<b>International</b>	Respect different ideologies (culture, religion, habits)	<ul style="list-style-type: none"> <li>&gt; Protect countries from the use of food as a political weapon</li> <li>&gt; Protect civilians from unacceptable suffering in times of disaster</li> </ul>	Facilitate international exchange and transfer of information, expertise, and experience in nutrition	<ul style="list-style-type: none"> <li>&gt; Assist victims of disasters, wars, other abuses</li> <li>&gt; Monitor the progress in nutrition</li> </ul>

part of the third obligation – the duty ‘to provide’ – is the state obliged to provide food or subsidies directly to individuals under specific circumstances. This latter obligation only takes effect if individuals are unable to provide food for themselves for reasons beyond their control (in the case, for instance, of natural disaster or particularly vulnerable groups). Under this requirement, the state is obliged, for example, to reduce geographic disparities in resources and to provide basic services in health and sanitation.

These three requirements can be realized at different levels of society – individual/household, regional/community, national and international level. **Table 1** shows the obligations under each requirement at each societal level.<sup>7</sup>

In the following sections, the WHO double-duty policy recommendations<sup>9</sup> will be linked with the obligations under the HRTAF. As the last step, the connection between these policies and selected international nutrition targets will be shown.

### Exclusive breastfeeding in the first six months

The importance of advocating for exclusive breastfeeding in the first six months has been accepted by the scientific community. This policy recommendation can be found under the **requirement to respect** at the individual/ household level, as the state is required to respect cultural habits and individual choices relating to food, health and care. On the other hand, there is also a link to the **requirement to protect** at the national level, as this obliges the state to protect the individual through legislation concerning marketing or food labeling – such as the implementation of the Code of Marketing for Breastmilk Substitutes. Furthermore, by strengthening the transfer of knowledge in relation to the nutrition sector and reducing gender-based constraints, breastfeeding behavior also falls under the **requirement to facilitate** at the individual and national level, respectively. Workplace policies enabling women to take breaks to breastfeed their children, or parental leave regulations, can



Complementary feeding at Kakuma Refugee Camp in Kenya

also have a positive impact on breastfeeding behavior. To sum up, strengthening breastfeeding has a far-reaching impact on the future health of an individual. Its relevance to the development of a child is undeniable, and it falls under several requirements of the children's right to adequate food.

#### Improvement of early nutrition

The necessity of healthy nutrition, not only during breastfeeding, but in general during early childhood, is the focus of the second policy recommendation. It can be categorized under the **requirement to respect** at the individual/household level, as the state is obliged to respect positive cultural values and individual choices in relation to nutrition, health and care. It further falls under the **requirement to protect** at the national level, as legislative regulations concerning the marketing and labeling of foodstuffs can have a considerable impact on nutrition decisions for young children.

#### Improvement of maternal nutrition and antenatal care

The role of maternal nutrition and health for the developing child is evident and is dependent on the reduction of discrimination against women. Such measures fall under the **requirement to facilitate** at the national level. The focus on the mother is further present under the **requirement to facilitate** at both the regional and national level, which require states to reduce geographic disparities (roads, infrastructure) and provide basic health services.

The first three WHO policy measures clearly focus on the importance of early nutrition for the development of the child. When designing specific policy interventions, special attention should be given to the crucial window of the first 1,000 days. Furthermore, they all show the important linkages between nutrition, children's rights and gender issues, revealing the interdependency of nutrition interventions and human rights.

#### Implementation of school food policies and programs

There are many examples of school food programs and policies



A Wayuu mother feeding her daughter in La Guajira, north Colombia

**TABLE 2:** WHO recommendations with the potential to improve rates of overweight in childhood

	SDG	WHA	WHO policies
Stunting, wasting	2.1, 2.2	1, 2	1, 2, 3, 4
Childhood mortality	3.2	4, 5, 6	1, 2, 3, 4, 5
Premature NCDs	3.4	3	5

Source: WHO, 2017

having positive effects on the nutrition status of children (World Food Programme, 2012).<sup>10</sup> These measures are firstly covered by the **requirement to protect** at the national level, which obliges the state to impose food standards and a regulatory system for marketing. Secondly, the **requirement to facilitate** at the national level shows an entry point for these interventions, as it states the importance of universal primary education. In case the entitlements of an individual (in this case a school child) have broken down or are at risk of breaking down, school food policies could oblige states **to provide** foods to the individual level directly.

### The regulation of marketing activities

The requirement to protect focuses on the non-interference of non-state actors and calls for regulation of the private sector at the national level. This covers the last policy recommendation of the WHO double duty – the call for marketing regulation.

### Connection to global development goals

It is undeniable that all 17 Sustainable Development Goals (SDGs) have linkages with nutrition. SDG 2 specifically aims to end hunger (2.1), with a specific target on stunting and wasting reduction (2.2). SDG 3 is the goal of good health, and targets 3.2 and 3.4 focus on the preventable deaths of children under five and the reduction of premature mortality from NCDs, respectively (Table 2).

Another important set of global nutrition goals are the five targets formulated by the World Health Assembly (WHA), which are to be reached by 2025: a reduction of stunting, wasting, anemia in women in reproductive age and low birth weight, an increase in exclusive breastfeeding, and no increase in childhood overweight (Table 2). Both the SDGs as well as the WHA targets focus on the double burden of malnutrition, as both undernutrition and overweight are covered.

SDG 2.1 and 2.2 and WHA targets 1 and 2 all present a reduction of stunting and wasting. One also cannot deny the impact of anemia in women, exclusive breastfeeding and low birth weight (WHA 4, 5, 6) on preventable deaths of children under five (SDG 3.2). And it is further clear that no increase in childhood overweight (WHA 3) can improve the rate of premature mortality from NCDs (SDG 3.4).

As a next step, one could also argue that these global nutrition goals can be reached, at least partly, with the WHO double-duty actions. Based on the Lancet Framework, exclusive breastfeeding, early nutrition, maternal nutrition and antenatal care and school food policies (WHO policies 1, 2, 3, 4) can all lead to improved nutrition and therefore bring about a positive impact on stunting, wasting and death rates of children under five.

**TABLE 3:** Overview over the links between policy recommendations, nutrition targets and the HRTAF requirements

WHO policy	HRTAF requirement	SDG	WHA
Exclusive breastfeeding	To respect (individual)	2.1 end hunger	1, 2 stunting, wasting
	To protect (national)	2.2 stunting, wasting	4, 5, 6 anemia, exclusive
	To facilitate (national)	3.2 preventable deaths < 5	breastfeeding, LBW
Early nutrition	To respect (individual)	2.1 end hunger	1, 2 stunting, wasting
	To protect (national)	2.2 stunting, wasting	4, 5, 6 anemia, exclusive
	To facilitate (national)	3.2 preventable deaths < 5	breastfeeding, LBW
Maternal nutrition, antenatal care	To facilitate (national)	2.1 end hunger	1, 2 stunting, wasting
	To fulfill (national)	2.2 stunting, wasting	4, 5, 6 anemia, exclusive
		3.2 preventable deaths < 5	breastfeeding, LBW
School food policies, programs	To protect (national)	2.1 end hunger	1, 2 stunting, wasting
	To facilitate (national)	2.2 stunting, wasting	4, 5, 6 anemia, exclusive
	To provide (individual)	3.2 preventable deaths < 5	breastfeeding, LBW
Marketing	To protect (national)	3.2 preventable deaths < 5	4, 5, 6
		3.5 premature NCDs	3 childhood obesity

Additionally, all five of the WHO recommendations have the potential to improve the rates of childhood overweight that are linked to premature mortality from NCDs (see [Table 2](#)).

### Summary

In conclusion, there are several links between the two selected sets of targets for global nutrition goals – the SDGs and the nutrition targets formulated by the World Health Assembly. These can be implemented, at least to a certain extent, with the WHO double-duty policy recommendations, which would lead to a reduction of the double burden of malnutrition (underweight and overweight/obesity). And as the first part of this paper has shown, these policy recommendations can be related to the requirements under the children's right to adequate food. There are three levels influencing each other: international nutrition targets; policy recommendations; and the human rights framework, focusing especially on children's rights (see [Table 3](#)).

## “States are required to take appropriate action towards the realization of all human rights”

There is without doubt some criticism in relation to the practical applicability of the Convention of the Rights of the Child due to weak enforcement possibilities. However, states are still required to take appropriate action towards the realization of all human rights. Although this article does not present groundbreaking new evidence, it does provide new insights into how existing ideas can be connected and used as a combined force to make a stronger case for good nutrition. Connections as such should be leveraged to remind governments of their human rights obligations when discussing the implementation of nutrition policies. This framework can additionally be used to make the private sector aware of duties in relation to the protection of children. Making a stronger multisector case for children's rights is an important step to reach what might be the most important goal humanity faces today – a world free from malnutrition.

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