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Published in:
Public Health Nutrition

DOI (link to publication from Publisher):
[10.1017/S1368980015001627](https://doi.org/10.1017/S1368980015001627)

Publication date:
2016

Document Version
Publisher's PDF, also known as Version of record

[Link to publication from Aalborg University](#)

Citation for published version (APA):
Mikkelsen, B. E., Engesveen, K., Afflerbach, T., & Barnekow, V. (2016). The human rights framework, the school and healthier eating among young people: a European perspective. *Public Health Nutrition*, 19(1), 15-25.
<https://doi.org/10.1017/S1368980015001627>

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Review Article

The human rights framework, the school and healthier eating among young people: a European perspective

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Submitted 15 July 2014: Final revision received 11 January 2015: Accepted 17 March 2015: First published online 11 June 2015

Abstract

Objective: To give an account of provisions in the framework of international human rights and intergovernmental policy agreements in relation to eating at school and discuss how these provisions could be invoked to ensure healthy eating at school.

Design: A review of provisions in the international and European human rights frameworks and policy documents was performed in order to identify evidence and examples of provisions implying responsibilities of the school as a public service provider to ensure healthy eating.

Results: The review of the human rights and policy texts showed that there are a large number of provisions that can be invoked in support of measures at school which can contribute to ensuring healthier eating as well as better education supporting such measures.

Conclusions: The international frameworks of human rights and intergovernmental policy agreements should be invoked and translated into concrete strategies, policies, regulations and accountability mechanisms at national, regional, local and school levels. Ensuring healthy eating should be a top priority among all stakeholders in and around the school environment since it is a good investment in children's short- and long-term health and educational achievements.

Keywords

Human rights
 School meal programmes
 Obesity
 Healthy eating
 Young people

Unhealthy eating and lifestyles have become an increasing problem and are considered to constitute one of the leading causes of the rise in obesity and overweight among children, adolescents and adults in European societies^(1–3). High-energy low-nutrient diets and a low level of physical activity are among the main risk factors responsible for that development⁽¹⁾. According to the collaborative WHO cross-national study on the Health Behaviour of School-aged Children⁽⁴⁾, a significant number of young people do not follow current recommendations for nutrition and physical activity. Studies show that 40% of children's total daily energy intake comes from food taken during the school day^(5,6). Consequently, there is an obvious rationale for taking action to improve food and nutrition policies at school. Most recently, the World Food Programme has initiated work on the effect that meals and nutrition at school could have on the health and well-being of school pupils and students⁽⁷⁾. In addition, the EU Joint Research Centre has started work to map

school-level food and nutrition policies⁽⁸⁾. Approximately 115 million school-aged children are attending school in pre-primary, primary and secondary education in Europe – estimated for the forty-seven Member States of the Council of Europe⁽⁹⁾ – some of whom are spending up to 13 years of their life in school and are therefore exposed to the prevailing food environment. These numbers emphasise the considerable potential of interventions in this arena to reach a large number of students as well as their families and to be able to provide significant positive results on public health outcomes. A growing number of interventions on healthier eating have been carried out in schools and reported in the scientific literature over the past decade⁽¹⁰⁾ and have shown positive results on children's dietary behaviour^(11–13). Good nutrition in childhood and adolescence is important for children to grow and develop, for their ability to learn⁽¹⁴⁾ and for establishing good dietary practices that can be brought into adulthood. For adolescent girls good nutrition in

childhood and adolescence is important to establish a good nutritional status which in turn will affect future pregnancy outcomes.

Although the interest in regulatory approaches such as taxation of fats and sugars in food seems to be increasing, public involvement in the promotion of healthy eating measures has mostly been left to campaigns and information. The current trend towards longer school days, curricular reforms and increasing expectations related to public service provision at school, however, have fuelled a new interest in more environmentally targeted policies, for instance policies to increase the quality of school food⁽¹⁵⁾. As a result, a gradual transfer of responsibility for feeding young people seems to be taking place, pushing the responsibility for food and nutrition at school towards the public sphere. Although school food provision is not equally applied across the region and lunch boxes are still used in many countries as the dominant lunch type, schools can still through education influence the lunch box content.

Schools are increasingly being recognised as 'protected places' – captive spaces in which a certain normativity regarding nutritional practices is agreed upon among a broad range of concerned stakeholders^(16,17). The agreement is not limited to the availability of food and its nutritional quality: since schools are an important place for young people to acquire their life styles there is a growing understanding that schools should play a more active role in the teaching of good and healthy habits. The idea that food and nutrition at school can be viewed from a normative point of view has gained ground over the past decades^(18,19). The emergence of a human rights perspective with a focus on food has fuelled a debate not only on the right to food as such, but also on the right to nutritious and adequate food.

The present paper explores the foundation of the rights-based view on food at school within a human rights perspective and investigates what role the broad framework of human rights and intergovernmental policies could play in the emergence of a new food-at-school normativity. The paper looks at the existing international and European

human rights and legal frameworks and discusses to which extent they can be utilised to improve healthy eating at school. It aims at laying out the different provisions within the broad framework of international human rights as well as intergovernmental policy documents that can support jurisdictional decisions to provide healthy meals in schools, both through the provision of nutritious food as well as the restriction of unhealthy food. It aims at inspiring policy makers to use these legal frameworks as a tool to scale up the development and implementation of specific food and nutrition policies at school and create accountability around the school's role in securing good nutrition among children. Furthermore, it aims at encouraging policy makers to develop policies and at contributing to the ongoing and relevant discussion of the future of school meal programmes and the role of nutrition education in school.

Methods

A review of the broad conceptual framework of human rights forms the basis of the paper. The documents were selected through a simplified snowballing technique in which the human rights experts network of the Council of Europe and WHO were used to identify the relevant documents. Since the number of treaties and other intergovernmental agreements addressing health and healthy eating for young people from a rights perspective is limited, no formal literature search was applied. Inclusion criteria for the documents were that they should have been adopted by an intergovernmental body, should have either a specific human rights perspective or a normative perspective, should be addressing health, food or healthy eating, as well as have a young people's perspective. Table 1 lists the identified documents.

The review identified a number of different texts and documents that matched the inclusion criteria. The following list gives an explanation of how the different types of documents in the paper are used in terms of adoption and legal status.

Table 1 Overview of names, coverage, legal status, year of publication and issuing organisation

Short name	Full name	Coverage	Year	Legal status	Organisation
UDHR	Universal Declaration of Human Rights	Global	1948	Declaration	UN
ICESCR	International Covenant on Economic, Social and Cultural Rights	Global	1966	Covenant	UN
CRC	Convention on the Rights of the Child	Global	1989	Convention	UN
ESC	The European Social Charter	Europe	1961	Charter	COE
ECHR	European Convention on Human Rights	Europe	1950	Convention	COE
COE ResAP	The Council of Europe Resolution on healthy eating in schools	Europe	2005	Resolution	COE
ECCO	European Charter on Counteracting Obesity ('the Istanbul charter')	Europe	2006	Charter	WHO Europe
ECGP	European Commission Green Paper: Promoting healthy diets and physical activity: a European dimension for the prevention of overweight, obesity and chronic diseases	EU Member States	2005	Recommendation	EC
ECWP	European Commission White Paper: A Strategy For Europe on Nutrition, Overweight and Obesity related health issues	EU Member States	2007	Recommendation	EC

COE, Council of Europe; WHO Europe, WHO Regional Office for Europe; EC, European Commission.

1. **Covenant:** a formal agreement between countries on taking action to respect human rights. A prominent example is the International Covenant on Economic, Social and Cultural Rights. A covenant is normally ratified by the participating countries and thereafter needs translation into national law.
2. **Convention:** a set of generally accepted standards and norms. In the framework of international law it refers to certain formal statements of principles such as for instance in the Convention on the Rights of the Child. Conventions are normally ratified by the participating countries and thereafter need translation into national law.
3. **Declaration:** in the context of human rights, a common standard of principles that all peoples in all nations should enjoy. The Universal Declaration of Human Rights is a prominent example.
4. **Green paper:** in the context of European Commission documents, green papers are documents published by the Commission to stimulate discussion on given topics at European level. Relevant stakeholders are invited to participate in a consultation process and debate on the basis of the proposals they put forward. Green papers may give rise to legislative developments that are then outlined in white papers.
5. **Resolution:** a resolution is a written policy agreement adopted by an international organization. It is binding for the signing parties.
6. **White paper:** in the context of the European Commission, white papers are documents containing proposals for action in a specific area. In some cases they can follow a green paper that is published to launch a consultation process at European level. When a white paper is favourably received by the Council, it can lead to an action programme for the Union in the area concerned.

Conceptual framework

The development of the international human rights framework has grown since World War II. As stated by Beitz⁽²⁰⁾: 'if the public discourse of peacetime global society can be said to have a common moral language, it is that of human rights.' After the War, for natural reasons, there was a massive interest in securing and ensuring the rights of citizens of the states, giving rise to the first set of principles: the Universal Declaration of Human Rights (UDHR)⁽²¹⁾. The Declaration's Article 25(1) specifically refers to food as part of a right to an adequate living standard. However, the UDHR is not legally binding on states, which triggered the development of specific conventions such as the European Convention on Human Rights (ECHR)⁽²²⁾ and the International Covenant of Economic, Social and Cultural Rights (ICESCR)⁽²³⁾. In 1990, the Convention on the Rights of the Child (CRC)⁽²⁴⁾ entered into force.

Human rights has not until now been thought of as a tool in the ongoing debate on how the food and nutrition

environment should look like at school. The present paper aims to change that. Although the formal human rights texts might be static, the application of them should be and in fact is constantly undergoing debate. Both the ICESCR and the CRC contain rights that are relevant to nutrition, health and education. The CRC is of particular interest in this regard as it lays out the rights of children and adolescents, and as it has been ratified by virtually all countries in the world including all European countries.

According to the provisions of these conventions, children have the right to 'enjoyment of the highest attainable standard of health' (ICESCR Article 12, CRC Article 24.1) and to 'adequate food' (ICESCR Article 11.1). The CRC further states that governments need to provide 'adequate nutritious foods and clean drinking-water' (CRC Article 24.2(c)). Furthermore, states' parties are obliged to take 'appropriate measures to combat disease and malnutrition' (CRC Article 24, Paragraph 2(c)) – which certainly must entail both under- and over-nourishment as well as poor quality diet in general. Finally, children's rights to 'rest and leisure' and 'to engage in play and recreational activities' (CRC Article 31.1) are also important to ensuring their nutritional well-being.

A key principle of the CRC is the notion of the 'best interest of the child', which 'shall be a primary consideration' in all actions concerning children undertaken by all actors (CRC Article 3.1). There are no references in the human rights texts that specifically refer to school food service and nutrition at school. However, the CRC states that: 'For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children' (CRC Article 18.2.2). The CRC further states that 'institutions, services and facilities responsible for the care or protection of children', such as schools, 'shall conform with the standards established by competent authorities, particularly in the areas of safety and health' to promote children's health and nutrition (CRC Article 3.3). In fact, education shall not only build children's cognitive capacity, but also enhance their 'physical abilities to their fullest potential' (CRC Article 29.1(a)). In relation to ensuring the child's physical development, the role of the state is to 'take appropriate measures to assist parents and others responsible for the child' such as schools, 'particularly with regard to i.a. nutrition' (CRC Article 27.3). Finally, states are also obliged to promote international cooperation in the area, which European states have done, for example through elaborating and adopting the Council of Europe Resolution on healthy eating at school⁽²⁵⁾.

Another important and more recent normative tool is the Voluntary Guidelines to Support the Progressive Realisation of the Right to Food in the Context of National Food Security⁽²⁶⁾. The Voluntary Guidelines address

overweight and micronutrient deficiencies as well as education on human rights in schools and also the establishment of extensions, such as educational gardens, intended to support the promotion of healthy nutrition. The Voluntary Guidelines encourage states to take steps to 'prevent overconsumption and unbalanced diets that may lead to malnutrition, obesity and degenerative diseases' through involving 'all relevant stakeholders, in particular communities and local government, in the design, implementation, management, monitoring and evaluation of programmes to increase the production and consumption of healthy and nutritious foods' (Guideline 10.2). Also of interest are the extensions mentioned in the School Fruit Scheme⁽²⁷⁾, the so-called accompanying measures. These include learning measures that are extra to the provision of fruit and vegetables and that are aimed at targeting the determinants of fruit and vegetable intake. Such measures include both traditional learning instruments such as books, brochures, flyers, posters, etc., as well as hands-on food activities. A broad range of such activities has been reported in the literature including school gardens^(28,29), cooking classes⁽³⁰⁾, Farm2School links^(31,32) and taste workshops^(33,34).

Results

The provisions in the framework of human rights and European intergovernmental policy documents with relevance for the promotion of healthy eating at school include the following six framework documents.

1. *European Convention on Human Rights*

The ECHR⁽²²⁾ is one of the ground pillars in the international human rights framework. It sets forth a number of fundamental rights and freedoms that form the basis for more specific rights concerning health and nutrition.

2. *The European Social Charter*

The European Social Charter (ESC), opened for signature by the Council of Europe in 1961, aims at safeguarding social and economic rights and includes rights related to health and education. Article 11 of the 1996⁽³⁵⁾ revised ESC includes specific references to the right to the protection of health. Importantly, the revised ESC states that there should be health policies for preventing illness and governments should take appropriate measures designed to create a healthy environment for all citizens. The ESC ensures a system of supervision as states' parties are expected to prepare and submit national reports on the provisions on a regular basis, indicating how they implement the Charter in law and in practice. The reports are examined by a committee of independent experts who may recommend to the state to address situations that do not comply with the ESC.

3. *The Council of Europe Resolution on healthy eating in schools*

In 2001, the Council of Europe launched an initiative to develop a common response to the growing overweight and obesity rates and investigated the potential of schools to promote healthy eating habits and lifestyle among children and adolescents. As a result, Resolution ResAP-(2005)3⁽²⁵⁾ on healthy eating in schools was adopted by the Committee of Ministers on 15 September 2005. The Resolution was elaborated with reference to food and health-related recommendations from the Parliamentary Assembly Recommendation⁽³⁶⁾, the European Forum on Eating at School – Making Healthy Choices in Strasbourg⁽³⁷⁾, the Committee of Ministers' Recommendation on improving physical education and sport for children and young people in all European countries⁽³⁸⁾ and the First Action Plan for Food and Nutrition Policy 2000–2005 of the WHO European Region⁽³⁹⁾, which urged Member States to develop national plans of action on nutrition and physical activity. Although not mentioning the CRC specifically, the Second Action Plan focuses on six action areas including the reversal of the obesity trend in children and adolescents. The content of Resolution ResAP(2005)3 has been informed by a cross-European survey, a European forum and a series of expert consultations, all of which were reported in several papers^(40,41). The results were also disseminated through international collaboration channels in the public health nutrition field such as the EU Network for Nutrition and Physical Activity (NPAA) and through the European Network for Health Promoting Schools and WHO. The Resolution affirms that:

1. access to safe and healthy food is a human right;
2. proper food service will have beneficial effects on the learning ability of children and adolescents; and
3. access to healthy food in a long-term perspective will have beneficial effects on the health of individuals since it will contribute to reducing the risk of obesity and overweight.

Although the Resolution does not regard food provision in itself as a human right, it argues that in cases where food is provided, a human rights perspective can be applied. This implies that food should be supportive to pupils' health and ensure healthy eating options for vulnerable groups of pupils. Curricula on nutrition and food should also adopt a human rights perspective by focusing on children's rights to adequate food and healthy nutrition, food accessibility and availability. The Resolution recommends to governments to:

1. review the practices of food provision in schools to determine the extent to which these practices (or the absence of these practices) is compliant with, or is an integral part of, a health-promoting school approach;
2. consider the elaboration of national provisions and nutritional standards for the provision of food in schools; and

3. consider the development of assistance measures at national and regional levels to support schools in the adoption and implementation of policies for healthy eating.

The Resolution refers to a number of specific initiatives contained in its Appendix, highlighting the importance of taking into consideration the specific constitutional structures; the national, regional or local circumstances; the economic, social, cultural and technical situation of every Member State; and the different national approaches to school meals.

4. EU Commission Green Paper 'Promoting healthy diets and physical activity: a European dimension for the prevention of overweight, obesity and chronic diseases'

Protection of the rights of the child is an important issue in the European Community and specifically referred to in Article 3(3) of the Treaty of the European Union. The European Commission Green Paper on healthy diets and physical activity⁽⁴²⁾ makes several references to the obligation of policy makers to take action in school settings and in contexts where young people are involved. In the section areas for action (Section V.1.2) it is stated that 'As far as advertising and marketing is concerned, it has to be ensured that consumers are not misled, and that especially the credulity and lacking media literacy of vulnerable consumers and, in particular children, are not exploited. This regards in particular advertising for foods high in fat, salt and sugars, such as energy-dense snacks and sugar-sweetened soft drinks, and the marketing of such products in schools.' In Section V.3.1 it is stated that 'Important lifestyle choices pre-determining health risks at adult age are made during childhood and adolescence; it is therefore vital that children be guided towards healthy behaviours. Schools are a key setting for health-promoting interventions, and can contribute to the protection of children's health by promoting healthy diets and physical activity. There is also growing evidence that a healthy diet also improves concentration and learning ability. Moreover, schools have the potential to encourage children to undertake daily physical activity. Relevant measures could be considered at the appropriate level.' In Section V.3.2 it is stated that 'In order to avoid that children are exposed to conflicting messages, health education efforts by parents and in schools need to be supported by efforts from the media, health services, civil society and relevant sectors of industry (positive role models ...)'.

5. European Commission White Paper 'A Strategy for Europe on Nutrition, Overweight and Obesity related health issues'

The White Paper on 'A Strategy for Europe on Nutrition, Overweight and Obesity related health issues'⁽¹⁶⁾ by the Commission of the European Communities makes several references to the importance of eating at school. In Chapter 2 it is said that 'the strategy will require action

from a wide range of private actors, such as the food industry and civil society, and actors at local level, such as schools and community organisations'.

In particular, the Common Agricultural Policy and the School Fruit Scheme are mentioned and in Chapter 4 it is stated that 'the Commission is committed to promoting public health goals, and the most recent example of this is the reform of the Common Market Organisation (CMO) for fruit and vegetables which is aimed at promoting consumption within specific settings, such as schools'.

The White Paper underlines the importance of school in nutrition education. In Chapter 4 it is stated that childhood 'is an important period to instil a preference for healthy behaviours, and to learn the life skills necessary to maintain a healthy lifestyle. Schools clearly play a crucial role in this respect.'

Moreover, later in the same chapter schools are referred to as a priority setting. 'Schools bear a great responsibility in ensuring that children not only understand the importance of good nutrition and exercise but can actually benefit from both. They can be assisted in this through appropriate partnerships with private parties, including the business community. Schools should be protected environments and such partnerships should be undertaken in a transparent and non-commercial way'.

6. European Charter on Counteracting Obesity

The European Charter on Counteracting Obesity, adopted by European Health Ministers at the WHO European Ministerial Conference in Istanbul⁽⁴³⁾, underpins on several occasions the obligations of policy and decision makers to take serious steps to promote and secure health in different arenas. For instance, in Section 2.4.7 it is stressed that 'Particular importance is attached to settings such as the home and families, communities, kindergartens, schools etc ...'. In Section 2.4.9 a package of essential preventive actions includes '... reduction of marketing pressure, particularly to children; ensuring access to and availability of healthier food, including fruit and vegetables, ... provision of healthier foods, opportunities for daily physical activity, and nutrition and physical education in schools ...'. In Section 2.4.11 the importance of using measures with demonstrated effectiveness is stressed and the following projects are highlighted as 'projects with proven impact on the consumption of healthier foods and levels of physical activity such as: schemes to offer people free fruit at school; affordable pricing for healthier foods ... establishing bicycle priority routes; encouraging children to walk to school'. Furthermore, it is stressed that 'There is also evidence that many interventions against obesity, such as school programmes and active transport, are highly cost-effective'.

Discussion

As demonstrated above, there are a number of specific provisions in both the international and the European

human rights framework that directly or indirectly address eating at school. The CRC, the ICESCR and the ESC establish to some extent the rights to food, nutrition and health, the CRC specifically doing so in relation to children and adolescents. The further interpretation of the core rights and corresponding obligations and the development of resolutions, practical guidelines and policy recommendations imply that these rights mean something more than an expression of interest or value defined in moral or ethical terms. On the one hand, school meals often fail to comply with current nutritional advice⁽¹⁵⁾. On the other hand, the responsibility for school food provision is increasingly moving from the private and family sphere to the public sphere, with the set-up of school cafeterias and the tendency for longer school days, and thus it becomes a public responsibility to ensure that children indeed can make healthy choices among a selection of healthy foods rather than between healthy and unhealthy foods.

Due to their legal form, the instruments described in the former sections can indeed become powerful tools for taking action. The Council of Europe Resolution ResAP-(2005)3 on healthy eating in schools, in particular, gives tangible recommendations for issues to address the topic and steps to take at national level.

Children do not only need healthy diets at home but also when they are outside home, for instance at school, regardless of whether the food is provided by the institution or brought from home. Concerning children, there is a particular urgency embedded in the facts that (i) children need balanced levels of nutrients for optimal growth and (ii) behavioural patterns, such as physical activity and dietary habits, learnt in childhood seem to track into adulthood. Whereas there is no doubt that action is timely and that human rights instruments can prove to be powerful tools to enhance such action, the allocation of specific responsibilities and the ways to ensure the accountability of the responsible actors need to be elaborated at all levels.

The main responsible duty-bearer is the ratifying present parliaments and governments, which are responsible for their own actions and for regulating the actions of other key duty-bearers. These includes central and local governments and in the particular ministries and agencies responsible for health, food and education, other food authorities, nutritionists, doctors and nurses, teachers, school directors, school cafeteria managers, school staff, parents' representatives, school board members as well as private-sector school cafeterias. Their roles will vary according to the specific situation, but may generally be viewed at different levels of responsibility as described in the General Comments (GC) No. 12 on the right to adequate food and No. 14 on the right to the highest attainable standard of health⁽⁴⁴⁾. These levels include the obligation to respect existing good practices, protecting the right-holders from harmful intervention by third parties and fulfil through facilitation of healthy choices, through direct provision or through promotion of healthy habits. Some examples of specific obligations corresponding to the human rights to adequate food and the highest attainable standard of health in the context of healthy eating at school are provided in Boxes 1 and 2.

Governments are responsible for holding the other duty-bearers accountable for meeting these obligations. Accountability entails responsibility, answerability and enforceability⁽⁴⁵⁾. Accountability means that persons or institutions must have defined responsibilities, for example through adoption of standards for school food or adherence to the concepts used by the Network of Health Promoting Schools/Schools for Health in Europe or the Nutrition-Friendly Schools Initiative. They must be answerable for their conduct with regard to those responsibilities, e.g. marketing of unhealthy food to children still persists in the school setting despite the fact that national legislation has been adopted. Finally, they must be subject to forms of enforceable sanction if they fail

Box 1 Human rights enshrined in the Convention on the Rights of the Child (CRC) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) of relevance to ensuring good nutrition among children in the school setting

Children have the right to:

1. 'adequate food' (ICESCR Article 11), where the CRC explains that 'States Parties ... shall take appropriate measures ... to combat disease and malnutrition ... through, inter alia, ... the provision of adequate nutritious foods and clean drinking-water' (CRC Article 24.2(c)).
2. 'the highest attainable standard of health' (ICESCR Article 12, CRC Article 24.1).
3. 'a standard of living adequate for the child's physical ... development' (Article 27.1), where states' parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to i.a. nutrition (Article 27.3).
4. 'education' (Art. 28-1), which shall be directed to 'the development of the child's ... physical abilities to their fullest potential' (Article 29.1(a)).
5. 'rest and leisure' and 'to engage in play and recreational activities' (Article 31.1).

Box 2 General comments

The human rights are further interpreted in the so-called General Comments (GC) issued by the respective convention committees, i.e. the Committee on Economic, Social and Cultural Rights (International Covenant on Economic, Social and Cultural Rights (ICESCR)) and the Committee on the Rights of the Child (Convention on the Rights of the Child (CRC))⁽⁴⁹⁾. GC12 of the ICESCR on the right to adequate food emphasises that ‘the diet as a whole’ must contain ‘a mix of nutrients for physical and mental growth, development and maintenance’ for which specific measures might be necessary in order to ‘maintain, adapt or strengthen dietary diversity and appropriate consumption ... patterns, ... while ensuring that changes in availability and access to food supply as a minimum do not negatively affect dietary composition and intake’ (Paragraph 9)⁽⁴⁴⁾. GC15 to the CRC on the right to the highest attainable standard of health specifically addresses nutrition in schools as well as the increasing problem of child obesity and unhealthy eating patterns in children: ‘School feeding is desirable to ensure all pupils have access to a full meal every day, which can also enhance children’s attention for learning and increase school enrolment. The Committee recommends that this be combined with nutrition and health education, including setting up school gardens, and training teachers to improve children’s nutrition and healthy eating habits’ (Paragraph 46). ‘States should also address obesity in children, as it is associated with hypertension, early markers of cardiovascular disease, insulin resistance, psychological effects, a higher likelihood of adult obesity, and premature death. Children’s exposure to “fast foods” that are high in fat, sugar or salt, energy-dense and micronutrient-poor, and drinks containing high levels of caffeine or other potentially harmful substances should be limited. The marketing of these substances – especially when such marketing is focused on children – should be regulated and their availability in schools and other places controlled’ (Paragraph 47). It also addresses the need for age-appropriate nutrition education: ‘Children require information and education on all aspects of health to enable them to make informed choices in relation to their lifestyle and access to health services. Information and life skills education should address a broad range of health issues, including: healthy eating and the promotion of physical activity, sports and recreation; accident and injury prevention; sanitation, hand washing and other personal hygiene practices; and the dangers of alcohol, tobacco and psychoactive substance use. Information and education should encompass appropriate information about the children’s right to health, the obligations of Governments, and how and where to access health information and services, and should be provided as a core part of the school curriculum, as well as through health services and in other settings for children who are not in school. Materials providing information about health should be designed in collaboration with children and disseminated in a wide range of public settings’ (Paragraph 59). GC4 to the CRC on adolescent health states that ‘adolescents need to develop the skills necessary, including self-care skills, such as how to plan and prepare nutritionally balanced meals ... States parties should stimulate and support opportunities to build such skills through, inter alia, formal and informal education and training programmes, youth organizations and the media’ (Paragraph 27).

to meet their responsibilities without good reason, which in turn requires regular monitoring of compliance and sanctions as appropriate.

Depending on existing structures, the obligations in relation to healthy eating at school can be integrated into formalised monitoring and evaluation systems or new mechanisms can be developed. The work carried out by the Network of Health Promoting Schools and the Nutrition-Friendly Schools Initiative are good entry points for promoting healthy eating, knowledge about food, empowerment through, for instance, the ability to cook, to read food declarations, etc.

Human rights apply at all stages of the policy cycle, which set quality requirements concerning both desirable outcomes and processes. The Office of the High Commissioner on Human Rights has defined the key components of ‘good governance to entail transparency, responsibility, accountability, participation and responsiveness’. Thus, the realisation of children’s human rights

needs to include a participatory aspect. Studies show that school-based health education, life skills education and health promotion interventions are more likely to impact eating patterns and physical activity levels when delivered through whole-school approaches^(46,47). This means that children should be involved in preparing and taking decisions that are important for their lives, including in the areas of nutrition and health. Therefore, a participatory approach to the promotion of healthy eating and physical activity is crucial. In this respect, the framework provided by the ‘Young Minds Network’ offers a good opportunity to ensure the involvement of children and adolescents⁽⁴⁸⁾.

At international level, all states’ parties to the CRC must report to the Committee on the Rights of the Child on a regular basis. Although this reporting is exhaustive in scope, the number of issues to be dealt with in a short time leaves little time for discussion of specific topics. The broad scope of the CRC, which includes civil, economic, social and cultural rights, may also explain why

overweight and obesity so far have not been much at focus, although the CRC Committee included a paragraph in its recent General Comment on children's right to the highest attainable standard of health⁽⁴⁹⁾. The ESC system of supervision through reporting offers another opportunity to hold European states accountable for school-aged children's health care and nutrition. None of these mechanisms, however, include any sanctions for states that fail to comply.

It is important to keep in mind that whereas children's human rights are designed to protect the child, the correct application needs to entail an obligation to include a participatory aspect. Although this is not enshrined in the human rights network there is sufficient evidence to suggest that participatory approaches that have been developed within the framework of the Health Promoting School⁽⁵⁰⁾ seem to work best. There is good evidence that participatory structures in schools and classrooms align well with theories of learning and teaching where the student is treated as an actor participating actively and reflecting on his/her own learning processes.

The provisions in the intergovernmental recommendations and human rights documents presented herein could be used to advocate for regulations, programmes and accountability mechanisms to ensure healthy food and nutrition practices for young people at school. Being an institution under direct or indirect public responsibility that has huge impact on the lifestyle and life skills of the young generation, schools should provide opportunities, curricula and environments for healthier eating. The rights to the highest attainable standard of health, to adequate food and to be able to reach the full physical potential are firmly established in international and European human rights instruments. As public places and as societal cornerstones schools have a particular obligation to ensure that these rights are respected and reflected in the way school meal programmes are implemented. Schools have historically been seen as having a role to protect children from labour and of having an ethos implying certain levels of quality in the services they provide both with regard to education and other services such as food. As such, this role as a protected place can be seen as extending into protecting the child from unhealthy eating practices. Studies have shown that the nutritional quality of lunches provided by the school is often significantly better than alternatives such as lunch packs brought from home^(51,52).

As such it seems that the provisions can help developing a normative language for how food at school should be. The intergovernmental policy documents and recommendations as well as the human rights framework presented here provide a good case for strengthening the efforts to make schools a better place in terms of providing opportunities for healthier eating. In 2000, the UN appointed a Special Rapporteur on the Right to Food, who has recently expanded the debate from issues related to the availability and accessibility of food to the notion of

adequacy of food⁽¹⁹⁾. Adequacy means, for instance, that food should meet the current national nutritional recommendations. It is important to note that the human rights framework has been acting as a driver for the implementation of policies, strategies and regulations in many fields of societal importance, such as occupational safety and health as well as gender equality. One example of a provision in the human rights framework that has entered into legally binding commitments of the states is in Norway, where the CRC has been made part of the national law⁽⁵³⁾. In Sweden all new legal provisions are routinely checked for compatibility with CRC. This transfer of ideas from the realm of human rights to concrete legal provisions and strategies provides a good case in the discussion of healthy school food environments and school meal programmes. The concrete implementation of the more generic provisions in the human rights framework can best be achieved through the development of school food and nutrition policies. The literature provides good evidence on how to develop and maintain such policies. Introduction of whole-school approaches or development of school meal programmes, positive as well as negative lists for food availability at schools, implementation of school fruit schemes as well as rules and bans on competitive foods are examples of good practice.

For the CRC not all countries have laid out a clear roadmap for the steps from the ratification to the conversion into national strategies, policies and regulations. A few countries have translations of the provisions in the human rights framework into national law that makes children's right to free school food a legal right. That is the case in Sweden⁽⁵⁴⁾, Finland^(55,56) and Estonia⁽⁵⁷⁾. Most other countries have national strategies, policies and regulations in relation to the provision of food at school that are recommendations and that rest fully or partly on payment by the students/parents. Therefore it is important to raise awareness on the potential of translating international human rights provisions as well as intergovernmental policy agreements into concrete policies, regulations and laws that give concrete rights to food in the context of school. Especially it is important to make sure that the provisions in the CRC including the topics related to food and health are translated into national provisions in countries that still lag behind in implementation. It is also important to use the unique experiences and insights that the Swedish, Finnish and Estonian cases provide in terms of translating the right to food for young people into national law that makes free school meals available for all regardless of income.

The right to education is a well-established human right that is recognised and enjoyed in most countries, especially in Europe. In all school systems, all young people have equal right to attend classes in basic subjects. The right to education has for many years been considered a basic human right and most states provide education for their citizens.

The fact that healthy eating can be viewed from a rights perspective and that the protection of this right can be regarded as a human right has, since the Alma-Ata Charter⁽⁵⁸⁾, gained increasing momentum over the past decade^(19,59,60). One example of how meals in institutions have been regarded as a human rights issue is the case of meals in hospitals⁽¹⁸⁾, arguing that hospital patients enjoy a basic human right to proper nutrition when at hospital, and this viewpoint is supported by a Resolution of the Council of Europe on Food and Nutritional Care in Hospitals⁽⁶¹⁾.

For responsible parties at all levels, international and European human rights instruments can prove to be powerful tools to initiate and sustain action. It is necessary to draw their attention to the instruments described throughout the present paper and involve them in exploring how these norms can be operationalised in their communities, areas and countries in order to respect, protect and fulfil human rights by facilitating, promoting and providing healthy eating at school.

It should be noted that although the paper uses the sphere of the Council of Europe as the point of departure, the coverage is far beyond the level of EU Member States. In a European context it extends to include all ex-Yugoslav republics as well as all independent states arising from the former Soviet Union (except those in Central Asia). However, future work in this field should aim at global coverage as a topic for future work. Also the human rights approach to promotion of healthier eating at school we suggest as an idea for implementation in the recommendations on healthy diets and the WHO global action plan on non-communicable diseases.

Conclusion

The international frameworks of human rights and intergovernmental policy agreements should be invoked and translated into concrete strategies, policies, regulations and accountability mechanisms at national, regional, local and school levels. Ensuring healthy eating should be a top priority among all stakeholders in and around the school environment since it is a good investment in children's short- and long-term health and educational achievements.

Acknowledgements

Acknowledgements: The authors would like to thank Professor Thomas Ploug (Aalborg University), Assistant Professor Jose A. Torralba (Curriculum Studies at the University of Hawaii at Manoa) and Research Associate in Food Policy Samrat Singh (Imperial College, London) for valuable comments to the manuscript. *Financial support:* This research received no specific grant from any funding agency in the public, commercial or not-for-profit sectors. *Conflict of interest:* None. *Authorship:* B.E.M. wrote the first

draft; K.E. and T.A. were primarily responsible for the search for and collection of documents; V.B. wrote the text concerning the whole-school approach and commented and edited the full text in several rounds. All contributing authors commented and suggested phrasing and wordings on several versions of the manuscript. B.E.M. was responsible for the overall coordination of the work. *Ethics of human subject participation:* Ethical approval was not required.

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