

30 YEARS
SUPPORTING

THE STRUGGLE FOR THE RIGHT TO FOOD & NUTRITION



Children

The right to grow up in a nourishing environment

Who is considered a child ...?

The United Nations defines *child* as “a human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier“. For reasons of protection, the Committee on the Rights of the Child, the monitoring body for the [Convention on the Rights of the Child](#) (hereafter Convention), has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18. Biologically speaking, a child is generally anyone between birth and puberty.

What are their rights?

The human rights of children are enshrined in the Convention, which entered into force in 1990 and is the most rapidly and widely ratified international human rights treaty in history. Children possess the same fundamental general human rights as adults, including the rights to life, development, access to justice, health, and expression, among others. Because of their age, vulnerability, and significance as the future generation, children are further entitled to special rights – such as the rights to play and recreation, education, and protection from particular forms of abuse – and a heightened level of protection of all of their rights. Similarly, their high dependence on their parents and adult caregivers – in particular mothers – entitles the family to special protection by proxy.

..and their right to food?

The human right to food and nutrition of children is a comprehensive concept intrinsically linked to the full realization of children’s rights. This right must be respected and fulfilled in an integrated manner by ensuring that all structural causes of hunger and malnutrition are addressed. This particularly applies in the case of children, because of their special vulnerable status and States’ heightened obligations towards them.

At the moment, the Convention primarily recognizes children’s right to food and nutrition in relation to the right to health (Article 24). In this context, the Convention calls for the provision of nutritious food for children and for the nutrition information and education of, as well as support for, those responsible for the children’s care and well-being, in particular parents. Furthermore, the Convention calls for appropriate pre-natal and post-natal health care for mothers and that parents and children be supported in the use of basic knowledge of child health and nutrition, including the advantages of breastfeeding.

In addition, it is interspersed in other articles of the Convention and in General Comments (GC) by the Committee on the Rights of the Child. It is at times linked to other rights and issues, such as social protection (Article 27); school feeding programs, the obesity epidemic, and the need to limit the exposure of children to advertisements and protect them from other business-driven activities that are damaging to their nutrition (GC 15); and the impact of the business sector on the natural resources on which children depend (GC 16).



Current challenges

The Convention presently lacks a holistic understanding of children's right to food and nutrition, as this right should not be subsumed under the Convention's Article 24. The realization of children's right to food and nutrition also requires the realization children's rights to social protection, adequate living and sanitation conditions and access to education, as well as to the right of their parents to employment and adequate working conditions, among others. As a result of the failure to realize a number of different rights, millions of children across the world face poor nutrition (3.1 million children under 5 die each year for this reason) and one in four are stunted. This has been illustrated in the region of Camotán, Guatemala, where children live in extreme poverty and have been suffering from severe malnutrition as a result of the lack governmental social assistance and its non-compliance with a judicial ruling on that matter.

The right to food and nutrition of the child as an infant is also intrinsically related to the right to breastfeeding of women. Some societies present a wide range of obstacles to breastfeeding, particularly when it comes to labor rights of working women and the lack conducive conditions to continued breastfeeding. In addition, governments have often failed to provide maternity protection and regulate the marketing of breastmilk substitutes. Currently, there exists a "misleading, aggressive and inappropriate" marketing of breast-milk substitutes, which disincentivizes breastfeeding, despite having proven to be the healthiest.

On another note, the right to food and nutrition of particular groups of children, such as indigenous and peasant children is too often violated at the hands of private and public actors with business interests. This is further exacerbated by the lack of government programs and policies in place to protect these affected populations.

Required approaches

The Committee should work towards the adoption of a General Comment on Children's Right to Food and Nutrition in order to foster the systematic monitoring of this right in relation to children at the national level. A holistic understanding of this right would also require the realization of women's full

range of human rights as a pre-condition and the adoption of the substantive interpretations given to economic, social, and cultural rights under the Convention on the Elimination of All Forms of Discrimination Against Women. In its recommendations to State parties, the Committee should emphasize the importance of the realization of women's rights throughout their life spans for the realization of children's right to food and nutrition. In this context, there must exist coherence with standards and recommendations set forth by the Committee on the Elimination of All Forms of Discrimination against Women in relation to women's right to food and nutrition, in particular its General Recommendation No. 34 on the rights of rural women.

The Committee should monitor State parties' fulfillment of their obligations with regard to the sustainability of the right to food and nutrition for children and future generations beyond the lifespans of large scale projects whenever environmental harm is a factor. This would ensure that adequate government programs are in place to guarantee the right to food and nutrition of affected children after natural resources have been completely destroyed or depleted. Similarly, the Committee should – through its periodic reviews – closely monitor the implementation of judicial sentences at the national level and make specific recommendations directed at the various government ministries and entities involved. This would ensure that the right to food and nutrition is realized for all children in a holistic and integrated manner.

Finally, the Committee should recommend that State parties provide special protection to the unique relationship that certain groups of children – such as indigenous children and those of peasant families – have with the environment in order to avert the particular threats these children face with regards to the impact of environmental degradation on their livelihoods and right to food.

What comes next?

The next series will look into the challenges migrants face to meet their human right to food and nutrition.

Want to know more?

Contact delrey@fian.org