



Agriculture, Nutrition and Health Academy Week
20 - 30 JUNE | ONLINE & SOUTH AFRICA

CHILDREN AND THE RIGHT TO FOOD & NUTRITION IN SOUTH AFRICA

PANEL DISCUSSION

AGRICULTURE NUTRITION AND HEALTH (ANH) ACADEMY WEEK: 20 – 30 JUNE, 2022

With eight years remaining in the pursuit of the sustainable development goals (SDGs), it is time for renewed action on ending child hunger and malnutrition in all its forms, everywhere in the world. However, the global crises caused by the pandemic of COVID-19, since early 2020, have compromised the world's commitment to the 2030 Agenda for Sustainable Development. For food systems, the Covid-19 pandemic, and the ongoing measures to contain it, have revealed a stark divide between those who have access to adequate, nutritious, affordable diets and essential nutrition services and those who do not. Looking at the South African experience, experts warned early-on that the lockdown instituted to manage the spread of the pandemic would threaten children's food and nutrition security the most. Launched at the height of the pandemic's lockdown, the 2020 South African Child Gauge report, focusing on nutrition and food in/security, reminds us that despite South Africa being classified as an upper-middle-income country, high stunting rates, micronutrient deficiencies, and overnutrition in the form of overweight and obesity in children are prevalent and getting worse. The authors describe the invisible, cumulative and devastating effects of chronic malnutrition as a form of "slow violence", stressing that poor nutrition stunts children's growth and hollows out their life chances.

Pointedly, children are a vulnerable segment of the population, often with no control over how they are situated. They are largely reliant on others to secure food for them. As such, in



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instances where their right to food and nutrition is compromised, children are often the most at risk for not being able to access adequate food. The ramifications of this are compounded by the fact that if children cannot access adequate food and nutrition, this diminishes the chance of their being able to “unlock” other fundamental rights and freedoms such as education and increases the chance of their being caught in poverty and unemployment as adults. The right to access sufficient food and basic nutrition as codified in the South African Constitution can thus be described as “central and facilitative” in nature, and “interdependent and interrelated” to other rights, especially in the case of the child.

On this basis, we seek to convene a plenary session that will take the form of a panel discussion at this year’s ANH Academy Week - delving deeper into the obligation to ensure the realisation of the right to access sufficient food and basic nutrition in South Africa for children. And since this obligation is “disaggregated” in nature it becomes difficult to conceptualise and to give content to. This makes the realisation of this right difficult to monitor and to enforce. Moreover, the fact that the South African Courts have yet to pronounce on the content of the law surrounding the right to food and nutrition in the broader sense, means that there is currently a lack of legal certainty as to what children and their caregivers can expect from the government as the principal duty-bearer of the right to food. In order to unpack and understand these issues better, a comprehensive discussion of the *status quo* is required that will lay the groundwork for interventions that go beyond the usual rights-speak rhetoric and into action. This forms the rationale for our panel discussion.

Legal and Policy Framework

Section 27 (1)(b) of the South African Constitution states that “everyone has the right to have access to sufficient food”. Besides extending this right to everyone, the Constitution gives children additional protection in Section 28 (1)(c) by providing that “every child has the right to basic nutrition”. Augmenting and supporting this explicit constitutional promise are rights such as equality, human dignity, life and freedom and security of the person, and health in sections 9, 10, 11, 12 and 27, respectively. Finally, sections 28 (1)(b), (d) and (e) and 28(2) of the Constitution also provide that every child has the right to care, to be protected from maltreatment, neglect, abuse or degradation and that the *“best interests of the child are of paramount importance in every matter concerning the child.”*

However, the Constitution of a state ought never to be examined in isolation. In establishing the content ascribed to a right, it is important to evaluate the legal and policy landscapes holistically - especially when the realization of the right warrants the involvement of various parties. This is particularly true where a country relies on somewhat of a piecemeal strategy in the realization of a particular right. Indeed, in South Africa, there is neither a dedicated piece of legislation nor a credible national strategy, which encapsulates the full ambit of the right to food and nutrition. Granted, a vast proliferation of statutes and policy documents canvass the child’s right to food and basic nutrition, but as alluded-to above, the rates of child hunger and malnutrition remain unacceptably high in the country despite these interventions. This means that deficits exist in policy, or implementation, or both. In order to facilitate systemic change geared toward the fulfillment of the right to food and nutrition, it is important to clearly define disparities in the structure or implementation of law and/or policy.

Panel Discussion Objectives

There are three objectives of the *“Right to Food and Nutrition in South Africa”* session to be hosted at the ANH Academy Week 2022:

1. To examine the interplay between different duty-bearers responsible for the realization of the right of the child to food and basic nutrition. These include:

- a. Parents and other caregivers;
 - b. Various government departments
 - c. Non-Governmental Organisations/ Social movements
2. To examine the evolving requirements for the realization of the right to food and nutrition according to the age and stage of development of the child;
 3. To delineate the fundamental challenges in the fulfilment of the right to food and basic nutrition and to safeguard children from the corporate power prevalent in the food value chain.

Facilitation

In order to co-ordinate the flow of discussions, to keep within time-limits, and to ensure that the voices of every participant are heard, the session will be moderated by a chairperson – Mr Mervyn Abrahams (Pietermaritzburg Economic Justice & Dignity group)

Participants

Dr Chantell Witten – Centre of Excellence in Food Security (University of the Western Cape)

Prof. Anne Marie Thow – University of Sydney (Australia): online

Ms Yandiswa Mazwana – Masi Creative Hub

Mr Lawrence Mbalati – The Healthy Living Alliance (HEALA)

Mr Marcus Solomon – Children’s Resources Centre (CRC)

Programme:

The discussion will be structured as follows:

	LIVE SESSION
17.25	Poem by Yamoria
17.30	Setting the scene for the panel discussion: Welcoming participants and introducing the panel discussion – Chair: Mr. Mervyn

	Abrahams
17.35	Key provocation: Addressing the slow violence of malnutrition and building child-centred food systems in South Africa – Dr. Chantell Witten
17.50	Panel Discussion: Realising the right to food in a context of evolving food and nutrition needs of children
	Strengthening the governance of food systems for health in Africa: a political economy analysis of food policy in South Africa – Prof. Anne Marie Thow (online)
	Turning rights into reality: insights on strategic advocacy and social movement building for the right to food and diet-related NCD prevention in SA – Mr. Lawrence Mbalati
	Community-level insights: food and nutrition champions - youth as connectors and enablers in Masiphumelele, Cape Town – Ms. Yandiswa Mazwana
18.15	Discussion with audience and action points
18.35	Concluding remarks and vote of thanks – Mr. Mervyn Abrahams
	OFFLINE
18.50	Mr. Marcus Solomon talk on the Children’s Resources Centre (CRC) campaign on the Right to Food for Children
19.00	Close - Harvest table light supper with refreshments served.

Outputs

The Outputs for this event will be:

1. Minutes of the Session;
2. A report highlighting salient elements of the discussion and way forward;
3. An audio/video-recording of the plenary session.