



POLICY BRIEF #3

PNAE'S LEGAL AND POLICY BASIS: Building a Pathway to Homegrown School Feeding



**World Food
Programme**
Centre of Excellence
against Hunger

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SCHOOL FEEDING



TIMELINE

1955

School Meals Campaign



1988

The Citizen's Constitution



2003

The Zero Hunger Strategy
Food Acquisition Programme - PAA
National School Feeding Programme - PNAE
Bolsa Família Programme
National Programme to Strengthen
Family Farming - PRONAF



2006

Organic Law for FNS (LOSAN)
National System for FNS (SISAN)



2008

PAA Regulation Decree



2009

School Feeding Law



2010

Human Right to Food
enshrined in the constitution
National FNS Policy
1st National FNS National Plan



The timeline above seeks to portray the Brazilian pathway up to the implementation of a home-grown school feeding programme. It does so by considering a broader context of the fight against hunger in the country, and through the main legal and institutional bases for food and nutrition security - developed between 1955 and 2010.



INTRODUCTION

Creating institutional and legal regulatory frameworks is an important way to ensure compliance with people's Food and Nutrition Security (FNS) at the national level. This is because the existence of norms that hold the State accountable for the guarantee of FNS create mechanisms of accountability, and give populations, national and international organizations the power to survey and demand certain actions from the State. Likewise, these regulatory frameworks help to institutionalize the effective functioning of food systems, and they can assist in potentializing multisectoral coordination. Finally, they are a powerful tool to ensure the sustainability of programmes and policies. Sharing good practices and fostering collaboration among countries in the global south is essential for creating or strengthening these legal frameworks and their implementation.

Since 2003, Brazil has adopted a global strategy to tackle hunger and malnutrition that articulates a range of programmes, including the National School Feeding Programme (PNAE) – a Brazilian HGFSF initiative run by the National Fund for the Development of Education. PNAE is one of the major Brazilian large-scale initiatives that purchase food from smallholder farmers. The programme is a social safety net for social development, with nutrition-specific components. PNAE became an international reference on how to combine and articulate school feeding and agricultural development interventions, to improve nutrition of populations that are often among the most vulnerable.

Following the logic of using regulatory tools to guarantee the right to food, in 2009, an important landmark for school feeding took place in Brazil. The country passed a law regulating the implementation of PNAE, which determined that a minimum of 30% of all food items purchased for this programme needed to come from smallholder farming. This legal framework consolidates an attempt to potentialize and expand the impacts of school feeding in Brazil, by making it home-grown.



THE PATHWAY

Two elements were central in setting food and nutritional security as a priority in Brazil: 1. The intense and continuous mobilization of civil society; and 2. a progressive institutionalization of the theme through the creation of public policies and legal frameworks.

In that context, the first relevant event to be mentioned is the signature of a decree that created the "School Meals Campaign" and the regulation of school feeding, in 1955. This milestone established the basis for the current Brazilian National School Feeding Program (PNAE). PNAE seeks to generate intersectoral impacts through the provision of healthy and regular school meals, in addition to promoting activities in food and nutrition education. The program is not only recognized for reducing hunger in the short term, but also for helping children's cognitive development. PNAE can also assist in breaking the cycle of poverty, by generating a stimulus for permanence and future employability of children in school.

With the enactment of a new Federal Constitution in 1988, the right to school feeding was guaranteed to all elementary school students. The expansion, decentralization and broader reach of PNAE happened progressively throughout the years, and were marked by a series of formal and legal provisions that ensured the development of the programme. This evolution also implicated the gradual inclusion of nutrition-sensitive and home-grown components in the programme.

In 2001, for example, a Provisional Measure regulating school feeding established that 70% of the resources transferred by the federal government to local ones be applied exclusively to basic products. The measure helped to ensure that institutional purchases were made with respect for regional eating habits and the agricultural vocation of each municipality, further fomenting the development of local economies.

The school feeding model promoted by PNAE, however, cannot be detached from the broader process of building a structured framework for the Brazilian food and nutrition security system.

Still in 2001, the non-governmental organization Instituto Cidadania produced a document entitled "The Zero Hunger Project", which emphasized the eminence of the problem of hunger in Brazil and the urgency to elaborate a specific policy to tackle it. The Zero Hunger Project was the basis for the Zero Hunger Program, launched in 2003 by former president Luís Inácio Lula da Silva. Thus, food and nutrition security (FNS) and the fight against hunger are placed as central pillars in the government's agenda.

Since then, a series of policies, institutional mechanisms and legal instruments were established, aiming to strengthen the commitment to the FNS of the population, through a process of institutionalization. These tools are the basis for respect and promotion of the human right to adequate food in Brazil.



The Zero Hunger Programme was launched and gradually expanded in the years that followed. Soon, the programme began to shape the Zero Hunger Strategy, encompassing a set of intersectoral policies to address the structural causes of hunger and food insecurity. These policies focused on four main axes: 1. Expanding access to food for the low-income population, 2. Generating income for those most in need; 3. Strengthening family farming; and 4. Fostering multisectoral articulation, mobilization, and social control.

In addition to PNAE, three other important programmes are embedded in the Zero Hunger Strategy. The first is the Food Acquisition Programme (PAA), which foments institutional purchases from smallholder farming. Secondly, the National Programme to Strengthen Family Farming (PRONAF), that facilitates access to credit for smallholders.

And, lastly, the Bolsa Familia Programme, a conditional cash transfer that fosters improved health and education for beneficiaries and their families.

The main legal instrument concerning the guarantee of FNS and the promotion of the right to food in Brazil is the Organic Law of Food and Nutrition Security (LOSAN), created in 2006. The law assigns to the public power the duty to adopt measures that guarantee the Food and Nutritional Security of the population, based on the principles of universality, equity, autonomy, social participation and transparency.

LOSAN also stipulates the creation of an Integrated FNS System (SISAN), through which thematic policies in Brazil are coordinated. It is important to note that SISAN incorporates social participation mechanisms – social councils at federal, state and municipal level and periodic conferences. SISAN is the organizational basis for implementation of FNS promotion measures in Brazil, encompassing a broad concept of the theme, and intersectoral management.

In addition to creating a national system to operationalize food and nutrition security actions, LOSAN determined the formulation of the National Policy on Food and Nutrition Security (PNSAN 2010) and a National Food and Nutrition Security Plan (PLANSAN 2012-2015). While the law (LOSAN) establishes the principles and guidelines to be followed in the promotion of FNS in Brazil, the policy (PNSAN) creates the practical mechanisms for implementing this Law, and the plan (PLANSAN) determines the goals and actions to be carried out within a certain period of time.

Parallel to these more comprehensive measures, the use of institutional purchasing mechanisms in school feeding has also materialized through legal instruments. In 2009, a School Feeding Bill was sanctioned in Brazil. The 2009 Law that followed contributed to strengthen and expand the intersectoral impacts of the PNAE, through its regulation. In this sense, three elements were key in this legal tool: 1. The creation of School Feeding Councils as mechanisms of participation and social control; 2. The obligation of the school menu to be prepared by a nutritionist; and 3. The stipulation that a minimum of 30% of institutional purchases for school feeding come from smallholder farming. In 2013, a special norm was published to regulate purchases from smallholder farmers.



The implementation of legal instruments that strengthen and ensure the promotion of FNS is an important resource for placing responsibility on the State and holding it accountable in case of violation of rights. All of the legal milestones listed in this session or present in the above timeline, in addition to being the culmination of strong social mobilization processes, are central tools for organizing FNS policies. Ultimately, these tools were already progressively incorporating the idea of food as a human right in its principles. The inclusion of the right to food in the Brazilian federal constitution in 2010 contributed to reiterate and serve as a reference for all national legal instruments that discuss the subject. In addition, normative and legal frameworks serve to guarantee stability to actions beyond the decisions of a specific government, making them state policies. They also reinforce the logic of rights and guarantees for citizens - who can ultimately recur to the judiciary in cases of non-compliance with the rights and prerogatives envisaged.

CONCLUSÃO

School feeding initiatives have existed in Brazil for over 60 years. However, it was only in 2009 that PNAE - as it is currently set up - was officially regulated by a legal instrument. As mentioned above, one of the main changes promoted by this regulation was the obligation for 30% of institutional purchases for school feeding to come from smallholder farms. This measure has the role of strengthening local economies, promoting rural development, and contributing to the construction of sustainable food systems.

The historic developments detailed in this document leave no doubt that the process of turning PNAE into a home-grown school feeding programme was progressive and that it speaks to a broader context of FNS developments in Brazil. PNAE's story also shows the importance of having institutional and legal guarantees, as well as multi-sectoral and coordinated mechanisms that can serve as the basis for a programme to evolve. Finally, none of this would have been possible without the strong and continuous mobilization of civil society for better FNS, and sufficient political will to turn the programme into a universal and well-rounded initiative.



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