

Theoretical Contributions on the Legal Basis of School Feeding Programs in Brazil and Mozambique¹

Contribuições Teóricas sobre a Base Legal dos Programas de Alimentação Escolar no Brasil e em Moçambique

Aportes teóricos sobre la base jurídica de los Programas de Alimentación Escolar en Brasil y Mozambique

Vitória Estêvão Tovela²
Federal University of Triângulo Mineiro

Renata Damião³
Federal University of São Paulo

Júlio Magido Velho Muara⁴
Maputo Higher Institute of Health Sciences – Mozambique

Luciana de Almeida Silva Teixeira⁵
Federal University of Triângulo Mineiro

Abstract: School Feeding Programs promote the Human Right to Adequate Food and Nutrition and strengthen learning, especially among vulnerable students. This article reviews the literature on the contributions of legal frameworks governing School Feeding Programs to social sustainability and the protection of students' rights in Brazil and Mozambique. It is a qualitative literature review conducted using the CAPES, SciELO, Google Scholar and BDTD databases, resulting in the selection of 24 sources. The findings were organized into three analytical axes: the importance of the legal framework for School Feeding Programmes; legal contributions to social sustainability; and the impact of the legal framework on the protection of beneficiaries' rights. It is concluded that, although insufficient on its own, the legal framework contributes to programme continuity, social equity and the inclusion of vulnerable populations in public schools.

Keywords: School Feeding; Sustainability Indicators; Social inclusion; Brazil; Mozambique.

¹ Professional Translator from Brazilian Portuguese to USA English: Christian Hygino Carvalho. Juiz de Fora, Minas Gerais (MG) – Brazil. E-mail: christianhc7@gmail.com; Lattes: <http://lattes.cnpq.br/1020672935930687>; ORCID: <https://orcid.org/0009-0004-6106-0602>.

² PhD student in Education at Federal University of Triângulo Mineiro (UFTM). Uberaba, Minas Gerais, (MG) – Brazil. E-mail: vitoriatovela@gmail.com; Lattes: <http://lattes.cnpq.br/3692880918325176>; ORCID: <https://orcid.org/0000-0002-9230-8007>.

³ PhD in Health Sciences from Federal University of São Paulo (UNIFESP). São Paulo (SP) – Brazil. E-mail: renata.damiao@uftm.edu.br; Lattes: <http://lattes.cnpq.br/6292312314937301>; ORCID: <https://orcid.org/0000-0001-5563-7349>.

⁴ PhD in Education from University of Vale do Rio dos Sinos (UNISINOS). São Leopoldo (RS) – Brazil. E-mail: velho-magido@hotmail.com. Lattes: <http://lattes.cnpq.br/9414007528405005>; ORCID: <https://orcid.org/0000-0002-6841-9786>.

⁵ PhD in Tropical Medicine and Infectious Diseases from Federal University of Triângulo Mineiro (UFTM). Uberaba, Minas Gerais (MG) – Brazil. E-mail: lalmeidast@gmail.com; Lattes: <http://lattes.cnpq.br/9160065216919649>; ORCID: <https://orcid.org/0000-0002-7197-0982>.

Resumo: Os Programas de Alimentação Escolar promovem o Direito Humano à Alimentação e Nutrição Adequadas e fortalecem a aprendizagem, especialmente entre alunos vulneráveis. Este artigo revisa a literatura sobre as contribuições das normas legais dos Programas de Alimentação Escolar para a sustentabilidade social e a proteção dos direitos dos alunos no Brasil e em Moçambique. Trata-se de uma revisão bibliográfica qualitativa, realizada nas bases CAPES, SciELO, Google Académico e BDTD, resultando na seleção de 24 fontes. Os resultados foram organizados em três eixos: a importância da base legal para os Programas de Alimentação Escolar; as contribuições legais para a sustentabilidade social; e o impacto da base legal na proteção dos direitos dos beneficiários. Conclui-se que a base legal, embora insuficiente por si só, contribui para a continuidade dos programas, a equidade social e a inclusão de populações vulneráveis nas escolas públicas.

Palavras-chave: Alimentação Escolar; Indicadores da Sustentabilidade; Inclusão social; Brasil; Moçambique.

Resumen: Los Programas de Alimentación Escolar promueven el Derecho Humano a una Alimentación y Nutrición Adequadas y fortalecen el aprendizaje, especialmente entre los estudiantes vulnerables. Este artículo revisa la literatura sobre las contribuciones de las normas legales de los Programas de Alimentación Escolar a la sostenibilidad social y a la protección de los derechos de los estudiantes en Brasil y Mozambique. Se trata de una revisión bibliográfica cualitativa realizada en las bases CAPES, SciELO, Google Académico y BDTD, que resultó en la selección de 24 fuentes. Los resultados se organizaron en tres ejes analíticos: la importancia de la base legal para los Programas de Alimentación Escolar; las contribuciones legales a la sostenibilidad social; y el impacto de la base legal en la protección de los derechos de los beneficiarios. Se concluye que la base legal, aunque insuficiente por sí sola, contribuye a la continuidad de los programas, a la equidad social y a la inclusión de poblaciones vulnerables en las escuelas públicas.

Palabras clave: Alimentación Escolar; Indicadores de la sostenibilidad; Inclusión social; Brasil; Mozambique.

Received on: April 04, 2025

Accepted on: September 14, 2026

Introduction

School Feeding Programs (SFPs) are fundamental strategic policies to guarantee the Human Right to Adequate Food and Nutrition (HRtAFN), especially for students in vulnerable situations. In addition to contributing to the quality of education, these programs play an essential role in protecting children's rights.

The SFPs undergo constant adaptations to suit the social, political and cultural specificities of each country (Alvarez, 2022). However, despite their relevance, they still face challenges that compromise their effectiveness. The standardization and compliance with the principles that govern these programs depend on legal guidelines that guarantee their quality and continuity (Alvarez, 2022). In Brazil, Law no. 11.947/2009 strengthened the operationalization of school feeding, aligning with article 6 of the 1988 Federal Constitution, which expands the protection of students' rights.

The legal basis not only ensures the stability of the STFs, but also holds the State responsible for the Food and Nutrition Security (FNS) of the students, creating mechanisms for accountability and monitoring (Alvarez, 2022; Brasil, 2019). In this sense, the legal basis emerges as a central element, contributing to the sustainability, durability and effectiveness of these programs. Therefore, this article aims to review the literature on the contributions of legal tools to the sustainability and protection of the rights of beneficiaries of STFs in Brazil and Mozambique. The relevance of this study lies in the need to understand how the legal basis, although not sufficient on its own to substantiate the STFs, contributes to respond adequately to the demands and challenges imposed by the different historical, political and cultural conjunctures of these countries.

It is hoped that this article will contribute to raising awareness among different social segments about the importance of formulating and improving normative guidelines, strengthening sustainability mechanisms, guaranteeing students' rights and promoting HRtAFN, positively impacting their nutritional status and the quality of learning.

Methodology

This article consists of a descriptive-exploratory bibliographic review of a qualitative nature. In this perspective, Gil (2002) points out that bibliographic research is based on the contributions of several authors on a given topic, allowing to gather and analyze different approaches already consolidated in the literature.

The qualitative approach made it possible to examine the nuances of the legal basis of the STFs, considering the socioeconomic and cultural contexts of Brazil and Mozambique, based on the assumption that each reality is specific and endowed with its own meanings. This understanding is based on Flick (2009), who highlights that phenomena must be analyzed in their concrete contexts. In a complementary way, Minayo (2014) emphasizes that qualitative research works with meanings, motivations, values, beliefs and intentionalities inherent to social relations. Thus, the analysis developed goes beyond the strictly normative dimension, seeking to understand the legal basis of STFs from their meanings, contexts and implications in the investigated scenarios.

The research was guided by the following guiding question: how does the legal basis contribute to social sustainability and the protection of students' rights in public schools in Brazil and Mozambique?

The bibliographic search was carried out between June 2024 and January 2025 in the SciELO, Google Scholar, Coordination for the Improvement of Higher Education Personnel (CAPES) and Brazilian Digital Library of Theses and Dissertations (BDTD) databases, using the descriptors “School Feeding Programs”, “legal guidelines”, “social sustainability and students' rights”, “Brazil” and “Mozambique”, combined through the Boolean operator OR.

Overly generic, ambiguous or poorly adherent descriptors to the object of study were excluded, as they present low thematic specificity and potential to recover materials not directly related to the legal basis of the School Feeding Programs.

As for the temporal delimitation, the research did not adopt this criterion, since the objective was to understand the contributions of the legal basis of the STF's throughout their historical trajectory. Only materials published in Portuguese were considered, in order to preserve the linguistic and cultural specificities of the investigated contexts.

Initially, 44 materials were identified, distributed among electronic books, scientific articles, dissertations, reports and official documents. After applying the selection criteria, based on the analysis of the titles, objectives, methodology, results and adherence to the guiding question, 24 materials were selected to compose the research corpus. Among the sources analyzed are scientific articles, dissertations, legislative and normative documents, with special attention to the Constitution of the Federative Republic of Brazil of 1988 and Law No. 11.947, of June 16, 2009.

After identifying the potentially relevant materials, the respective abstracts were analyzed, in order to verify their compatibility with the guiding question of the study. The adoption of previously defined criteria for identification, screening and selection of materials allowed to reduce subjectivity in the composition of the *corpus* and increase the credibility of the results. In addition, the prioritization of scientific documents, official legislation and recognized academic productions, associated with the triangulation between different types of sources, reinforced the interpretative consistency of the research and enabled the traceability of the methodological path. Thus, although not characterized as a systematic review in the strict sense, the study incorporates systematic methodological procedures compatible with contemporary standards of scientific quality.

It is important to highlight that this article, similar to what Hoffmann and Scheid (2007) report, does not presuppose symmetrical comparisons between the contributions of the legal tools of the School Feeding Programs in the two countries. The objective is to establish analytical approaches capable of clarifying, structuring and evaluating aspects still little explored in the literature.

In this sense, it is considered that the analysis of the contributions of the legal basis of the National School Feeding Program (PNAE), in Brazil, allows to identify institutional and normative advances that can offer elements of reflection for the National School Feeding Program (PRONAE), in Mozambique. However, it is not intended to present the Brazilian case as a model to be reproduced in full. As Muara and Werle (2020) discuss, the approximations between the two countries result from historical similarities, such as Portuguese colonization, ethnic-cultural diversity and socioeconomic inequalities present in both contexts. In this sense, the Brazilian experience is used as an analytical reference to understand challenges and possibilities that are also manifested in the Mozambican context.

Presentation of Results and Discussion

School Feeding Programs are recognized as decisive strategies for inclusion, promoting equal opportunities and the permanence of students in school, in addition to ensuring Food and Nutrition Security (FNS). These programs favor the biopsychosocial development of students, respecting their specific needs. However, its implementation requires constant legal and administrative updates to adapt to the socioeconomic and cultural contexts of the countries. For a better reflection of the selected materials, they were organized into three axes: The importance of the legal basis for STFs in Brazil and Mozambique; Legal contributions to the social sustainability of STFs and the Impact of the legal basis on the protection of beneficiaries' rights.

The Importance of the Legal Basis for School Feeding Programs in Brazil and Mozambique

The formulation of the legal basis that ensures the permanent and uninterrupted supply of School Feeding (SF) has, since the first food initiatives, undergone updates in accordance with the socioeconomic dynamics of the countries that hold it. Assuming such dynamics, according to Téo and Monteiro (2012, p. 2), they become "[...] a unique opportunity for the construction of a differentiated food chain [...]". The government's recognition of the relevance of SF, as a strategy for inclusion and reduction of social disparities, especially in vulnerable layers, is a significant step towards the definition of legal guidelines that guarantee the consolidation of lasting programs. In this perspective, the stabilization of legal and institutional frameworks is a fundamental element for the guarantee of Food and Nutrition Security. As Alvarez (2022) argues, the institutionalization of this right reinvigorates the State's responsibility to achieve it, while establishing monitoring and accountability mechanisms that

allow civil society and national and international organizations to monitor and demand the implementation of the necessary actions.

In Brazil, from the period of slavery to the military dictatorship, history was marked by an undemocratic scenario, where citizens' rights were made invisible to the detriment of the interests of rulers who held power and wealth (Leão; Maluf, 2012). Meanwhile, the population faced precarious conditions, fighting for survival and begging for their basic rights. At that time, education was a right denied to most of the population, being treated as a privilege reserved for the elite (Castiano; Ngoenha, 2013). Access to and permanence in educational institutions were limited by barriers that favored only a minority, while current legislation remained exclusionary, disregarding the interests of the majority and ignoring popular demands for the fulfillment of state responsibilities.

In this context of inequality, the precarious living conditions of the vulnerable population drove the adoption of policies aimed at social inclusion. In Brazil, the first SF initiatives emerged in response to factors such as poverty and malnutrition, recognized as threats to collective well-being (Peixinho, 2013). Given this scenario, the government began to map the levels of vulnerability of the population (Castro, 1984) and to develop mechanisms to mitigate the impacts of hunger and malnutrition, consolidating SF as an essential strategy for social protection and promotion of educational equity.

Despite its broad scope, the program remained for decades linked to an assistentialist logic (Brasil, 2018). The 1988 Federal Constitution represented a change in this paradigm by recognizing school feeding as a social right, in line with the principles of the Democratic State of Law, aimed at the protection of fundamental rights, the promotion of human dignity and the confrontation of social inequalities (Miranda; Bahia, 2016).

With the promulgation of the Citizen Constitution in 1988, a new page was opened within the scope of the redemocratization of Brazil, reinforcing the principles of social development, social emancipation and rescue of equality and dignity of the human person (Miranda; Bahia, 2016). In this scenario, the education sector gained social impact by including food as an institutional strategy. Thus, the PNAE regulations reinforce compliance with the guidelines that guide the operation of the Program. Based on this regulation, the government and civil society are provided with legal instruments that simplify the monitoring of the program's course and any issues that arise.

However, in Mozambique there is a weakness in the contributions of the legal basis with regard to the recognition of SF as a constitutional right, since such a prerogative is

not formally established. Vunjanhe and Adriano (2015) report that during the civil war (1977-1992) the issue of food security of the populations was seen in a transversal way. According to the authors, during this period, Mozambique did not have a specific policy for food security, and the orientation of the sector was essentially driven by the government's five-year programs, the annual state budgets and the respective planning instruments (Vunjanhe and Adriano, 2015, p. 12,16).

In addition to the absence of guiding instruments for Agriculture and Food Security, the budget for this sector was also limited, especially for Family Farming (FF). Of the resources allocated, according to Vunjanhe and Adriano (2015, p. 16), "90% were allocated to the state sector, 2% to cooperatives and practically nothing to small-scale FF". Despite the updates to the Constitution of Mozambique (1975, 1990, 2004), the issue of FNS remains invisible, weakening the mechanisms of struggle and popular demand, since there is a lack of legal and protective instruments that guarantee the possibility of claiming this right (Manjama et al, 2024). This invisibility remains evident, because in the recent Constitution of the Republic of Mozambique, the food issue is still implicit.

This omission reduces, in a way, the weight that food should have as a universal right, as recommended in article 25 of the 1948 Universal Declaration of Human Rights (UDHR), of which Mozambique is a signatory. The UDHR agrees that:

All human beings are entitled to a standard of living adequate for the health and well-being of themselves and their families, including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond their control. (United Nations - UN, 1948).

Therefore, assuming that public policies are based on the guidelines of the Constitution of each country, in the same way that human rights, adopted by several countries, including Mozambique, are based on the UDHR, it was expected that the different Institutional Strategic Plans aligned with the STFs would address the issue of SF clearly and unequivocally. However, what is seen, in the Mozambican context, is that the responsibility for SF lies exclusively with the education sector (Fret; Pinto, 2015). As an example, the Food and Nutrition Security Strategy (ESAN 2008-2015) recognizes the relevance of SF for the improvement of the nutritional levels of vulnerable students. However, the responsibility for its implementation remains concentrated in the Ministry of Education and Culture (MEC)⁶, despite the recognition of the need for multisectoral action.

⁶ Former Ministry of Education and Human Development (MINEDH)

In turn, the National Strategy for Basic Social Security (ENSSB 2010-2014) defines that the Ministry of Education and Human Development (MINEDH) is responsible for ensuring and managing the dimension of School Social Action, which includes food for primary schools as well as other vulnerable groups; the Strategic Health Plan (PESS - 2014-2019) encourages the practice of healthy living through regular health education in schools (Fret; Pinto, 2015).

Therefore, the responsibility of each sector with regard to PRONAE is not clearly defined, although Mozambique (2013) states that these Strategic Plans are aligned with this program. In institutionalizing SF in the education system, it was incumbent upon the government to create legislation that would provide a clear framework of rights and duties for all parties involved, including program donors, beneficiaries, and executors, to ensure that the program is not easily altered or discontinued by arbitrary administrative decisions or policy changes. The dependence on external resources and the operational limitations of the program are reflected in the execution of school feeding. As noted by Fret and Pinto (2015), the recurrent lack of some products made it difficult to follow the planned menus, leading the cooks to adapt the meals with the available foods, which favored the frequent repetition of the menus.

This assessment clearly showed that PRONAE in Mozambique, although approved by the Council of Ministers⁷, lacks robust legal support to ensure its efficient operationalization and ability to respond to the objectives for which it was designed. Therefore, it is convenient to create a specific legal basis for PRONAE, in order to ensure that the administrative and financial management commitments of the program are respected in the short, medium and long term, thus promoting a stable and predictable environment for its maximization.

Legal contributions to the social sustainability of School Feeding Programs

The social sustainability of STFs addressed in this article is related to the evaluation of their reach, in the inclusion of vulnerable populations, especially children and adolescents in vulnerable situations or living in remote areas, where disparities in opportunities are significantly accentuated. Thus, and based on the analysis of the materials that constituted this research, we had the opportunity to ascertain that one of the contributions that the PNAE law brought, in Brazil (Law 11.947/2009 of June 16,

⁷ Body responsible for the administration, development and consolidation of the legality of the country.

2009), was the universality in the service of students, the inclusion and appreciation of FF. Law No. 11.326, of July 24, 2006, establishes the directives for the elaboration of the National Policy on Family Farming and Rural Family Enterprises, considering that the article 3 of this law defines:

Family farmer and rural family entrepreneur, one who practices activities in rural areas, simultaneously meeting the following requirements: 1st. Does not hold, under any title, an area larger than four (4) fiscal modules; 2nd-Predominantly uses the labor of his or her own family in the economic activities of the establishment or enterprise; 3rd- Derives a minimum percentage of family income from the economic activities of the establishment or enterprise, as defined by the Executive Branch; 4th-Personally manages the establishment or enterprise together with his or her family. (Brasil, 2009).

Regarding the inclusion of FF in food policy, Antonioli and Cristofoli (2021) point out that the current PNAE project has important axes, such as encouraging the acquisition of FF products. This contributes significantly to the nutritional quality of meals, offering students a healthy diet, free of pesticides and chemical additives harmful to physical and cognitive development, in addition to promoting local and regional development.

Also in this aspect, a study carried out by Lopes (2017), in the Municipality of Rio Azul in the state of Paraná, in which it makes an analysis in rural communities about the National School Feeding Program, concluded, through the speeches of the farmers that policies, such as PNAE, allow the farmer to acquire complementation of income, through production and commercialization, for the schools of the public network of basic education, since the door-to-door sales, are considered activities that do not provide monthly economic guarantee for the farmers.

Parallel to the complementarity of income guaranteed by the link between the PNAE and FF, this in turn can reduce the marked social inequalities between populations (Neto; Pedro; Sousa, 2009). Such inequalities can lead to marginalization, generating differentiations in access to essential resources, such as food and education, in contradiction with article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 and ratified by Brazil on January 24, 1992. Paragraph 1 of Article 11 of the ICESCR states that:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent. (UN, 1966).

The right to adequate food is recognized as a core part of an adequate standard of living, as set out in the ICESCR, which emphasizes the need for appropriate measures and international cooperation for the full realization of this right. In this context, the PNAE presents itself as a public policy that, by reducing social disparities in the education sector, extends its benefits to communities. Its legal basis guides SF managers to prioritize the purchase of food from family farming, promoting income redistribution and positively impacting the living conditions of the families involved.

By analogy, the inclusion of FF as a legal requirement in the STFs resembles the creation of a protected local market, which values and creates financial stability for small farmers, through the employment of at least 30.0% of the total amount of financial resources transferred by the National Fund for the Development of Education (FNDE), a percentage increased to 45% as from January 1, 2026, according to Law No. 15.226/2025, for the acquisition of food from family farmers and/or rural family entrepreneurs (Alvarez, 2022; Manjama, et al. 2024). In addition to boosting the supply of fresh food to schools, this legal provision stimulates the socioeconomic development of local communities. According to Schwartzman et al. (2017), the adoption of the public call as a specific purchase modality allows the participation of family farming without the requirement of traditional bidding procedures, facilitating the access of these producers to institutional school feeding programs.

According to Manjama et al. (2024); Fret and Pinto (2015), in the Mozambican context, PRONAE acquires food from agriculture, without establishing a minimum value for this category of producers, opening space for price manipulation and speculation.

Another aspect highlighted by the aforementioned authors refers to the application of Decree No. 15/2010, of May 24, 2010, which regulates the acquisition of goods and services by the State. This decree presupposes a high level of formalization of economic agents, making it inadequate for the reality of family farmers, who generally do not meet these requirements. According to Fret and Pinto (2015)

[...] in order to be considered as a supplier, it must prove its legal, economic-financial, technical and fiscal qualification, in accordance with the requirements mentioned in the Tender document. The bidder must have a Unique Tax Identification Number (NUIF) and a valid discharge issued by the Tax Administration, a license or business registration certificate, and a valid declaration issued by the National Institute of Social Security. Depending on how the Tender document is formulated, other requirements may still be requested from competitors (Fret; Pinto, 2015, p. 42).

As can be seen, this procedural generalization for the acquisition of goods and services makes it impossible to include family farmers who, for the most part, do not meet the requirements and, consequently, have no chance of supplying products to the schools in their community. Thus, without the participation of local farmers, schools turn to distant suppliers, raising transport and storage costs and reducing food freshness and quality (Fret; Pinto, 2015).

A pilot evaluation of PRONAE in Mozambique, carried out by Fret and Pinto in 2015, found that the purchases made by schools did not prioritize local products. Basic foods such as corn flour and butter beans, produced in the country, came from other provinces; oil, garlic and onions were imported from South Africa; rice and some cereals came from Thailand or Pakistan. These products, often processed, had lower nutritional quality, compromising the health of students (Alvarez, 2022) and negatively affecting the social and economic well-being of local communities.

In this way, the absence of a solid legal and normative basis perpetuates these practices, resulting in negative consequences regarding the guarantee of students' rights, such as access to quality food, and compromising the sustainable development of the communities where students live. Thus, the implementation of clear normative guidelines becomes essential to align school feeding policies with the principles of sustainability, equity and protection of children's rights, thus ensuring that all students, regardless of their socioeconomic status, race, gender, benefit.

In addition to the economic and community impacts, the social sustainability of the School Feeding Programs is also manifested in the universality and equity of the service to the beneficiaries. From this perspective, school feeding goes beyond the strictly nutritional function, constituting an instrument of social inclusion and the promotion of equal opportunities. By ensuring access to food for all students, regardless of their socioeconomic status, geographic location, race, gender or physical condition, the programs reinforce the principle of non-discrimination and contribute to the construction of inclusive and socially fair school environments.

The universality of the service refers to the guarantee of equal opportunities for all children and adolescents, simultaneously strengthening the feeling of belonging to the school space. According to Vendrametto (2022), this feeling favors the construction of the students' collective identity through shared food practices, consolidating social ties and promoting citizenship values. In the same direction, Silva, Amparo-Santos and Soares (2018) point out that coexistence around school feeding can contribute to the development of critical awareness and to the appreciation of the common good, allowing students to recognize injustices, question inequalities and actively participate in social life.

From this perspective, several African countries, including Mozambique, started to adopt school feeding as a strategy of social inclusion and mitigation of the effects of hunger and malnutrition on the educational process (Mozambique, 2013). In addition to contributing to improving the nutritional status of students, the program encourages enrollment, favors school permanence and encourages the participation of communities in school life.

However, when associated with the limited institutional capacity to monitor and evaluate its results, school feeding can continue to be perceived as an assistance and emergency measure, weakening its potential as an instrument for the promotion of rights. This reality shows that the protection of beneficiaries' rights does not depend on the existence of legal programs or norms, but on the institutional capacity to ensure their implementation, monitoring and sustainability.

Thus, the universalization of access to school feeding is a relevant dimension of social sustainability, as it expands educational opportunities and studies greater integration between school, family and community.

Impact of the legal basis on the protection of beneficiaries' rights

Despite the advances provided by the universalization of school feeding, the existence of a legal basis does not, by itself, eliminate practices and perceptions that can compromise the realization of the rights of beneficiaries. In this sense, the protection of students' rights does not depend on formal access to school feeding, but on how this policy is understood, implemented and experienced in the daily lives of schools. Issues related to stigmatization, welfare and the social perception of programs can weaken their inclusive potential and limit the effects intended by the legislation.

When analyzing the Brazilian context, Vendrametto (2022) observes that, despite the universal reach of the PNAE, the perception of school feeding as “food for poor students” still persists in certain contexts. Such an understanding can reinforce stigmatized identities and compromise the feeling of belonging of students, contrary to the principles of universality, equality and dignity that underlie public policy.

However, Vendrametto (2022), about the students' spirit of belonging, makes a counterpoint. He clarifies that in Brazil, despite the significant universal scope of the PNAE, as a public policy for the realization of the HRTAFN, it still does not favor the sense of belonging, since the idea persists that school feeding is seen, in many situations, as “food for poor students.”

According to Silva, Amparo-Santos and Soares (2018, p. 4) such stances "[...]" can lead students to feel less valued or that they are being judged by their financial situation, which can increase segregation in the school environment "[...]" and allow the development of low self-esteem that can culminate in failure and/or withdrawal. Vendrametto (2022, p. 89) emphasizes, even though "this contributes to the strengthening of stigmatized identities, which interfere with the students' sense of belonging in relation to the social groups with which they interact". Therefore, the legal basis of STFs must clearly reinforce the understanding that this policy constitutes a universal right and duty of the State and not an exclusive benefit for those with fewer resources (Silva; Amparo-Santos; Soares, 2018).

The concept of welfare, according to (Potrich, 2021), has historically been linked to assistance actions promoted by religious organizations and based on philanthropy and charity. Based on his understanding Potrich, (2021, p. 14) states that "[...]" there is no objective in welfare to emancipate the assisted person or encourage them to seek other means of support other than through help".

Thus, it is worth mentioning that in the medium or long term, school feeding can be perceived as a kind of "*exchange of favors*" both by direct beneficiaries, as well as by SF managers, teachers, school cooks, parents/guardians, among other stakeholders. Silva, Amparo-Soares and Santos (2018, p. 5) point out that this perception can "insinuate a condition of retribution for the action provided". Such a perspective has the potential to negatively influence children, leading them to understand that education is like a commodity that is only worthwhile if there is compensation, and may devalue the importance of learning and personal development.

This perception of "*exchange of favors*", associated with school feeding, may not be favorable for Mozambique where SF is linked to high levels of malnutrition, withdrawal and failure of students (Fret; Pinto, 2015). As an example, PRONAE predominantly serves schools located in arid and low-productivity regions (Mozambique, 2013), which reinforces, among students, the perception that they are benefited due to their socioeconomic condition. This understanding diverts the focus from the broader pedagogical purpose that PRONAE advocates:

Develop food and nutrition education actions to mitigate, in the medium and long term, the problem of malnutrition in the country; contribute to the development of students' skills through agricultural activities, such as horticulture, fruit and livestock; promote the improvement of the quality of education and the strengthening of the local economy [...]" (Mozambique, 2013, p. 8).

However, there is a mismatch between the objectives established and the actions implemented in the program. In this sense, Vendrametto (2022, p. 89-90) highlights school feeding as a “pedagogical tool” capable of “promoting the students' sense of social participation, indicating the importance of acting in a citizen way in the face of public order issues”. The procedural asymmetries observed can be attributed, in part, to the absence of a robust normative instrument, which offers greater enforceability in the execution of policies that ensure the achievement of the expected results. This normative gap is not exclusive to Mozambique, it also affects the PNAE, in Brazil, where weaknesses in the application of legislation have compromised the effectiveness of the program.

The analysis of the selected materials revealed that, although the legal basis is indispensable to institutionalize and regulate school feeding programs, its effectiveness depends on the articulation with political, institutional and financial factors that ensure its implementation. In this sense, the protection of beneficiaries' rights does not derive only from the existence of legal norms, but from the State's ability to transform them into concrete and socially effective actions. A study by Bittencourt (2007), which evaluated the effectiveness of the PAE in the municipality of Guaíba, points out that these factors directly influence the context of implementation of the programs, especially the network of articulations and partnerships that enable their execution. This integration is crucial to reducing failures in the implementation of SFPs and ensuring effective protection of students' rights.

The provision of meals in schools is aligned with the fundamental social policies for the fulfillment of the Sustainable Development Goals (SDGs, 2015-2030) and for the country's economic and social development. HRtAFN is a fundamental and non-negotiable right (Bózi, 2005), internationally recognized, since the 1948 Universal Declaration of Human Rights (Siqueira et al. 2014). In the educational context, school feeding plays a strategic role, strengthening learning and promoting educational actions on food and nutrition.

Téo and Monteiro (2012) highlight three fundamental pillars to ensure respect for students' rights: the provision of safe and culturally appropriate food, the inclusion of food content in the school curriculum and the promotion of food sustainability, encouraging family farming and the consumption of organic foods. In Brazil, these principles have been supported by Law No. 11.947/2009 and CD/FNDE Resolution No. 06/2020, which guarantee the sustainability and effectiveness of the PNAE.

The following table highlights the significant benefits of a solid regulatory framework, as in the case of Brazil, which is fundamental to ensure social sustainability and the protection of students' rights. On the other hand, it shows that the lack of a robust legal basis, as observed in Mozambique, can lead to substantial losses, undermining the guarantee and protection of students' fundamental rights.

Table 1 - Legal and institutional dimensions of School Feeding Programs in Brazil and Mozambique

Analytical dimension	Brazil (PNAE)	Mozambique (PRONAE)	Implications for social sustainability
Legal basis	Consolidated and specific (Law no. 11.947/2009; Resolution no. 06/2020)	Incipient and weakly structured	Greater institutionalization allows continuity and effectiveness of actions
Supervisory body	FNDE (MEC): strong coordination, execution and financing	DINUSE ^s (MINEDH) coordination and management with slight operational capacity	Institutional capacity influences the efficiency and reach of the program
Universality	Constitutionally guaranteed; universal access	Not fully; limited coverage	Universality enhances equity and social impact
Stability	High: legal basis and continuous funding	Low: dependent on external partners	Instability compromises continuity and predictability
Family Farming	Strong integration (min. 30% of resources), recently 45%	Poor integration; unclear guidelines	Productive integration stimulates local economies and social inclusion
Purchasing mechanism	Public call: accessible and transparent	Bureaucratic and restrictive process	Simplified models extend access and participation
Origin of food	Predominantly local	Mixed (local and imported)	Local enhancement extends short circuits and sustainability
Dietitian	Mandatory attendance	Optional attendance	Qualified technical support improves nutritional quality and learning
Financial resources	Continuous public funding	External dependency	Financial autonomy ensures regularity of actions
Monitoring	Multi-level and with active social control	Centralized and limited	Social control enables transparency
Social impact	High: income generation and reduction of inequalities	Limited: low local impact	Solid structure amplifies positive socioeconomic effects

Source: Prepared by the authors 2026 based in Brazil (2018; 2020) and Mozambique (2013).

The information systematized in the table emphasizes that the presence of a solid regulatory framework, as in the Brazilian case, is directly associated with the consolidation of SF as a State policy, contributing to the universality of service, institutional stability and the guarantee of minimum quality standards. However, a critical reading of these data allows us to move beyond a normative interpretation,

revealing that the protection of beneficiaries' rights does not automatically derive from the existence of the law, but from its ability to produce concrete effects in social reality (Téo; Monteiro, 2012). Even in legally structured contexts, the realization of rights remains conditioned by political, economic and institutional factors.

In the case of Mozambique, the absence of a specific legal basis not only weakens the operationalization of the program, but exposes a profound gap: the difficulty of institutionalizing school feeding as a social right (Fret; Pinto, 2015). The emerging condition results in instability, discontinuity and inequality in access, compromising the social function of the program. Thus, the reflective analytical framework explains a central contradiction: while legislation can act as an instrument for the protection and promotion of rights, its absence, or fragility, exposes beneficiaries to situations of vulnerability. However, even when present, the legal framework does not eliminate structural inequalities, requiring integrated policies and effective implementation mechanisms and social oversight.

From the dimensions analyzed, it appears that school feeding programs have the potential to promote social sustainability, provided that they are supported by consistent legal bases and adequate institutional mechanisms. Thus, more than defining guidelines, it is important to guarantee their implementation, with strategies adapted to local contexts, in order to affirm these programs as instruments of equity and rights.

Final considerations

The analysis developed in this study emphasizes that, although the legal basis of school feeding policies represents a significant advance in the institutionalization of the right to food, its existence, by itself, does not ensure the effective protection of beneficiaries' rights. In both Brazil and Mozambique, it is observed that the normative formalization coexists with limitations that tension the materialization of this right in the school routine.

In the Brazilian case, the robustness of the legal framework and the relative solidification of the PNAE indicate a scenario structured in terms of formal guarantee of rights. However, even in this context, challenges related to management, inspection and regional inequalities persist, which compromise the universality and quality of food supply. In Mozambique, on the other hand, the dependence on international partnerships, combined with institutional and financial weaknesses, signals a framework in which the legal basis still does not consistently translate into an effective guarantee of rights, revealing a distance, still marked, between the normative plan and reality.

The reflective analysis allowed us to affirm that the strength of the legislation cannot be analyzed in isolation, however, it must be understood in articulation with the political, economic and institutional conditions that support its implementation. However, the protection of beneficiaries' rights depends exclusively on the existence of flexible legal frameworks and the State's ability to operate them in an equitable, continuous and socially compromised manner.

In addition, the results of this study indicate that the centrality attributed to the legal basis, although necessary, can obscure structural dimensions that limit the effectiveness of public policies, such as socioeconomic inequalities, insufficient resources and asymmetries of power that cross the decision-making and management processes. Thus, there is a risk of consolidating a merely formal protection, which legitimizes the right in the discursive plane, but does not guarantee its full realization in the lives of the subjects.

Thus, this article contributes to the field of educational policies by problematizing the idea that normative strengthening, in isolation, is capable of ensuring rights. By externalizing the tensions between legality and effectiveness, the need to advance beyond the legal dimension is intensified, incorporating strategies that expand the governance, financing and social control of school feeding policies.

Finally, it is noteworthy that guaranteeing the right to school feeding requires structured laws and effective political commitments to social justice. Without this, the legal basis risks becoming an instrument of symbolic legitimation, unable to transform, in a concrete way, the living conditions of the beneficiaries for whom it is intended.

References

ALVAREZ, D. B. *O PNAE em fatos e números: a importância do Programa Nacional de Alimentação Escolar*. [livro eletrônico]. Brasília, DF: FIAN Brasil, 2022. Disponível em: https://fianbrasil.org.br/wp-content/uploads/2022/02/fatos-e-numeros-online_FIAN_ideal-2.pdf. Acesso em: 18 jan. 2024.

BITTENCOURT, J. M. V. *Uma avaliação da efetividade do Programa de Alimentação Escolar no Município de Guaíba*. 2007. Disponível em: <https://lume.ufrgs.br/bitstream/handle/10183/8892/000590395.pdf?sequence=1&isAllowed=y>. Acesso em: 20 jun. 2024.

BÓZI, E. T. *Direito à alimentação*. 2006. Disponível em: <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:31926a1d-c31f-46b7-9e54-596b3154bfda>. Acesso em: 5 set. 2024.

BRASIL. Presidência da República. *Resolução nº 06, de 08 de maio de 2020*. Dispõe sobre o atendimento da alimentação escolar aos estudantes da educação básica no âmbito do Programa Nacional de Alimentação Escolar – PNAE. Brasília, DF, 2020. Disponível em: <https://cecanesc.paginas.ufsc.br/files/2020/05/RESOLUÇÃO-Nº-6-DE-8-DE-MAIO-DE-2020-RESOLUÇÃO-Nº-6-DE-8-DE-MAIO-DE-2020-DOU-Imprensa-Nacional.pdf>. Acesso em: 19 out. 2024.

BRASIL. Conselho Deliberativo do Fundo Nacional de Desenvolvimento da Educação (FNDE). *Resolução nº 6, de 8 de maio de 2020*. Dispõe sobre o atendimento da alimentação escolar aos alunos da educação básica no âmbito do Programa Nacional de Alimentação Escolar – PNAE. Brasília, DF, 2020.

BRASIL. Fundo Nacional de Desenvolvimento da Educação (FNDE); Programa Mundial de Alimentação (PMA). *A base legal e política do PNAE: construindo um caminho para a alimentação escolar sustentável*. Brasília, DF, 2019. Disponível em: <https://acrobat.adobe.com/id/urn:aaid:sc:va6c2:e893c1c6-9096-4809-ad40-754f4210a115>. Acesso em: 11 dez. 2024.

BRASIL. Secretaria de Estado de Educação do Distrito Federal. *Manual da Alimentação Escolar do Distrito Federal*. Brasília, DF, 2021. Disponível em: <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:8726c5fd-d689-4a7a-85b0-3547396789a7>. Acesso em: 11 dez. 2024.

CASTIANO, P. J.; NGOENHA, S.; BERTHOUD, G. *A longa marcha duma educação para todos*. 3. ed. Maputo: Publix Editora, 2013.

CASTRO, J. *Geografia da fome: o dilema brasileiro: pão ou aço*. Rio de Janeiro: Edições Antares, 1984.

DE SIQUEIRA, R. L. et al. Análise da incorporação da perspectiva do Direito Humano à Alimentação Adequada no desenho institucional do Programa Nacional de Alimentação Escolar. *Ciência & Saúde Coletiva*, v.19, p. 301–310, 2014. Disponível em: <https://www.scielo.br/j/csc/a/Y36FpmxJQbDYqKCWYMyCKDH/?format=pdf&lang=pt>. Acesso em: 6 dez. 2024. DOI: <https://doi.org/10.1590/1413-81232014191.2114>.

DO NASCIMENTO, R. C. et al. O princípio da sustentabilidade na lei da merenda escolar. *Revista Ouricuri*, v. 8, n. 1, p. 011–022, 2018. Disponível em: <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:63824147-6423-4cc6-8d28-bf6134959a95>. Acesso em: 14 dez. 2024. DOI: <https://doi.org/10.59360/ouricuri.vol8.i1.a5345>.

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO). *El estado de la inseguridad alimentaria en el mundo*. Roma: FAO, 2015.

FREITAS, N. C.; ROMEU, M. C.; BARROSO, M. C. S. Análise crítica das reformas curriculares do Ensino Médio: implicações para o ensino de Ciências da Natureza. *Educar em Revista*, v. 40, e94740, 2024. Disponível em: <https://www.scielo.br/j/er/a/gv9JcRwDFHh79gnR34bZ36D/?lang=pt>. Acesso em: 25 abr. 2023. DOI: <https://doi.org/10.1590/1984-0411.94740>.

FRET, B.; PINTO, J. *Avaliação externa: Programa Nacional da Alimentação Escolar (Pronae), projeto piloto em 12 escolas primárias das províncias de Tete, Nampula, Manica e Gaza*. Maputo: Programme Alimentaire Mondial, 2015.

GIL, A. C. *Como elaborar projetos de pesquisa*. São Paulo: Atlas, 2002.

HOFFMANN, M. B.; SCHEID, N. M. J. Analogias como ferramenta didática no ensino de biologia. *Ensaio Pesquisa em Educação em Ciências*, v. 9, n. 1, p. 21–37, 2007. Disponível em: <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:8457815a-0259-43e5-b93f-7750e81f905d>. Acesso em: 18 dez. 2024. DOI: <https://doi.org/10.1590/1983-21172007090103>.

LEÃO, M.; MALUF, R. S. *A construção social de um sistema público de segurança alimentar e nutricional a experiência brasileira*. Brasília: ABRANDH, 2012. Disponível em: <https://raisco.wordpress.com/wp-content/uploads/2015/02/a-construc3a7c3a3o-social-de-um-sistema-adrandh.pdf>. Acesso em: 9 mar. 2023.

MANJAMA, L. C. et al. Interlocução teórica sobre a Alimentação Escolar no Brasil e em Moçambique. *Revista Multidisciplinar do Nordeste Mineiro*, v. 4, n. 1, 2024. Disponível em: https://www.researchgate.net/publication/380280397_INTERLOCUCAO_TEORICA_SOBRE_A_ALIMENTACAO_ESCOLAR_NO_BRASIL_E_EM_MOCAMBIQUE. Acesso em: 18 set. 2023. DOI: <https://doi.org/10.61164/rnm.v4i1.2319>.

MOÇAMBIQUE. Ministério da Educação e Desenvolvimento Humano (MINEDH). *Programa Nacional de Alimentação Escolar*. Maputo: MINEDH, 2013.

MUARA, J. M. V.; WERLE, F. O. C. O regimento escolar e a desigualdade de oportunidades na educação moçambicana. *Revista Diálogo Educacional*, Curitiba, v. 20, n. 65, p. 957–980, 2020. Disponível em: http://educa.fcc.org.br/scielo.php?script=sci_arttext&pid=S1981-416X2020000200957&lng=pt&nrm=iso. Acesso em: 15 maio 2025. DOI: <https://doi.org/10.7213/1981-416X.20.065.AO02>.

ONU. *Declaração Universal dos Direitos Humanos*. 1948. Disponível em: <https://www.unicef.org/brazil/declaracao-universal-dos-direitos-humanos>. Acesso em: 3 out. 2022.

PEIXINHO, A. M. L. Um resgate histórico do Programa Nacional de Alimentação Escolar – PNAE. *Ciência & Saúde Coletiva*, 2011. Disponível em: <https://www.scielo.br/j/csc/a/386B5JLGr4qtcmc8FZytzQL/?format=pdf&lang=pt>. Acesso em: 2 fev. 2024. DOI: <https://doi.org/10.1590/S1413-81232013000400002>.

POTRICH, M. Clientelismo e assistencialismo: a tradição da assistência social no Brasil. *Revista Vernáculo*, n. 48, 2021. Disponível em: <https://revistas.ufpr.br/vernaculo/article/view/78764>. Acesso em: 27 abr. 2023. DOI: <https://doi.org/10.5380/rv.v0i48.78764>.

SANTARELLI, M. *Cooperação Sul-Sul brasileira: a experiência do Programa Nacional de Alimentação Escolar em Moçambique*. Rio de Janeiro: ActionAid Brasil, 2015. Disponível em: https://www.academia.edu/15767712/Coopera%C3%A7%C3%A3o_Sul_Sul_brasileira_a_experi%C3%A7%C3%A3o_do_Programa_Nacional_de_Alimenta%C3%A7%C3%A3o_Escolar_em_Mo%C3%A7ambique. Acesso em: 17 fev. 2023.

SCHWARTZMAN, F. et al. Antecedentes e elementos da vinculação do programa de alimentação escolar do Brasil com a agricultura familiar. *Cadernos de Saúde Pública*, v. 33, e00099816, 2017. Disponível em: <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:03d72728-5540-4b26-9b4a-edd006d116d0>. Acesso em: 26 dez. 2024. DOI: <https://doi.org/10.1590/0102-311X00099816>.

SILVA, E. O.; AMPARO-SANTOS, L.; SOARES, M. D. Alimentação escolar e constituição de identidades dos escolares: da merenda para pobres ao direito à alimentação. *Cadernos de Saúde Pública*, v. 34, e00142617, 2018. Disponível em <https://cadernos.ensp.fiocruz.br/ojs/index.php/csp/article/view/6766>. Acesso em: 16 abr. 2024. DOI: <https://doi.org/10.1590/0102-311X00142617>.

VENDREMETTO, O. *Alimentação escolar: vamos colocar os pratos à mesa: uma obrigação do Estado, um dever da sociedade*. São Paulo: Blucher Open Access, 2022. Disponível em: <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:b1daa18f-055f-4d56-a4ee-6c39366b5d6d>. Acesso em: 11 mar. 2023. DOI: <https://doi.org/10.5151/9786555501520>.

VUNJANHE, J.; ADRIANO, V. *Segurança Alimentar e Nutricional em Moçambique: um longo caminho por trilhar*. Rio de Janeiro: CERESAN/OXFAM, 2015. Disponível em: https://www.ceresan.net.br/wp-content/uploads/2016/docs/Estudo_de_caso_SAN_em_Mocambique.pdf. Acesso em: 22 abr. 2023.