Right to Food

FACT SHEET
What is the Right to Food?

The right to food is a human right recognized under national and international law, which provides an individual human being access to food and feed themselves, either by producing their own food or by buying it. The right to food is linked to one’s right to life and dignity. But the right to food requires that food be available, accessible, and adequate for everyone without discrimination at all times.

If a home or person does not enjoy this level of access, they are food insecure. Equally important is the fact that the food must be shared within the family in such a way that every member of the household has access to adequate food. This division of food must also be done without discriminating unfairly on members of the household.

In South Africa, everyone should be able, without shame and unreasonable obstacles, to participate in everyday activities. This means that, amongst other things, they should be able to enjoy access to their basic needs like food, in a dignified manner. To produce their own food, people need seeds, water, skills for production and other resources. A person might also require access to capital.

Government’s Obligations

Section 27(1)(b) of the Constitution of the Republic of South Africa states that, “everyone has the right to have access to sufficient food and water.” This obligation is extended in section 27(2), according to which “the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.” According to the Section 35(2)(e) of the Constitution prisoner and detainees also have a right to sufficient food, and section 28(1)(c) states that every child has the right to “basic nutrition, shelter, basic health care services and social services.”

South Africa has also signed many international agreements, which means that it has to ensure the following:

1. **Respect:** of existing access to adequate food. Government can not to take any measures that result in preventing such access.
2. **Protect:** requires measures by government to ensure that companies, individuals or groups do not deprive other individuals of their access to adequate food.
3. **Fullfill:** means that government must pro-actively engage in activities intended to strengthen people’s access to resources that can be used in food production. If an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food, government must provide access to that right, directly.

This means that government must provide an enabling environment in which people can produce or procure adequate food for themselves and their families. In order to purchase food, a person must have access to income and government must ensure access to social security for those people and families that do not.

**Limitations to the Right to Access**

The right to food does not mean that individuals and groups have a right to be provided food. It means that one has the right to feed oneself in dignity through economic and other activities. In other words, individuals and groups are responsible for undertaking activities that enable them to have access to food. Nonetheless, the state has an important role to play in supporting these efforts.

The obligation on each individual is to feed themselves and their families. This can be done either by working one’s personal right to food unless they are interdependent on the legal rights of that person. Parents particularly, are obliged to provide food for their children. When they can’t, the state is obliged to step in and provide food for them. Other limitations in accessing the right to food reside with government policy and the lack of implementation of policies. Most of the agricultural land in South Africa is still owned by the white minority, and land redistribution is required. There is also a lack of support for small-scale farmers to promote food security and production. Urban farming is not adequately encouraged or supported, despite the need for food gardens in cities. The level of access to social grants is lower in rural areas, where impoverishment is rife, compared with urban areas.

There is a need for government to focus on effective land distribution, assist local small-scale farmers with skills and money for development, encourage and support urban farms and ensure that people in rural areas are aware of their right to social security and are able to access social grants. The government must also play programmes to prevent climate change and assist communities to adapt to the effects of climate change.

The right to work and to social security: employment and social security are often crucial means of obtaining food. On the other hand, minimum wages and social security benefits are often established taking into account the cost of basic food in the market.

The right to information: information is crucial for the right to food. It enables individuals to know about food and nutrition, markets and the allocation of resources. It strengthens people’s participation and free consumer choice. Protecting and promoting the right to seek, receive and impart information thus facilitates the enjoyment of the right to food.

**Facts on Food**

**South Africa has one of the highest rates of poverty and inequality in the world. Currently there are about 11 million people in South Africa who are food insecure (do not know where their next meal is coming from).**

**There are 12 million poor farmpeople insecure people, 70% of which live in rural areas. More than 60 percent of chronically hungry people are women.**

**Malnutrition remains the world’s most serious health problem and the single biggest contributor to child mortality, more than HIV/AIDS, TB and malaria combined.**

**Just under 80% of all South African food is genetically modified (GM).**

**GM is food altered by the inserting or removing of small fragments of genetic material, genes or organisms to create desirable characteristics. Such genetically modified organisms are also referred to as GMOs.**

**The long-term impacts of the consumption of GM foods are unknown and potentially hazardous.**

**What is the Right to Food?**

The right to food is a human right recognised under national and international law, which provides an individual human being access to food and feed themselves, either by producing their own food or by buying it. The right to food is linked to one’s right to life and dignity. The right to food requires that food be available, accessible, and adequate for everyone without discrimination at all times.

If a home or person does not enjoy this level of access, they are food insecure. Equally important is the fact that the food must be shared within the family in such a way that every member of the household has access to adequate food. This division of food must also be done without discriminating unfairly on members of the household.

In South Africa, everyone should be able, without shame and unreasonable obstacles, to participate in everyday activities. This means that, amongst other things, they should be able to enjoy access to their basic needs like food, in a dignified manner. To produce their own food, people need seeds, water, skills for production and other resources. A person might also require access to capital.

**Government’s Obligations**

Section 27(1)(b) of the Constitution of the Republic of South Africa states that, “everyone has the right to have access to sufficient food and water.” This obligation is extended in section 27(2), according to which “the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.” According to the Section 35(2)(e) of the Constitution prisoner and detainees also have a right to sufficient food, and section 28(1)(c) states that every child has the right to “basic nutrition, shelter, basic health care services and social services.”

Every right in our Constitution is equal. Rights are dependent on each other. For example, without food, it is difficult to learn at school and get an education. The rights apply to all in our country. Children, prisoners, non-nationals and the aged.

The right to food is a human right. Government is required to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights. The state has an important role to play in supporting these efforts.

The obligation on each individual is to feed themselves and their families. This can be done either by working one’s personal right to food unless they are interdependent or the legal rights of that person. Parents particularly, are obliged to provide food for their children. When they can’t, the state is obliged to step in and provide food for them. Other limitations in accessing the right to food reside with government policy and the lack of implementation of policies. Most of the agricultural land in South Africa is still owned by the white minority, and land redistribution is required. There is also a lack of support for small-scale farmers to promote food security and production. Urban farming is not adequately encouraged or supported, despite the need for food gardens in cities. The level of access to social grants is lower in rural areas, where impoverishment is rife, compared with urban areas.

There is a need for government to focus on effective land distribution, assist local small-scale farmers with skills and money for development, encourage and support urban farms and ensure that people in rural areas are aware of their right to social security and are able to access social grants. The government must also play programmes to prevent climate change and assist communities to adapt to the effects of climate change.

The right to work and to social security: employment and social security are often crucial means of obtaining food. On the other hand, minimum wages and social security benefits are often established taking into account the cost of basic food in the market.

The right to information: information is crucial for the right to food. It enables individuals to know about food and nutrition, markets and the allocation of resources. It strengthens people’s participation and free consumer choice. Protecting and promoting the right to seek, receive and impart information thus facilitates the enjoyment of the right to food.

**Facts on Food**

**South Africa has one of the highest rates of poverty and inequality in the world. Currently there are about 11 million people in South Africa who are food insecure (do not know where their next meal is coming from).**

**There are 12 million poor farmpeople insecure people, 70% of which live in rural areas. More than 60 percent of chronically hungry people are women.**

**Malnutrition remains the world’s most serious health problem and the single biggest contributor to child mortality, more than HIV/AIDS, TB and malaria combined.**

**Just under 80% of all South African food is genetically modified (GM).**

**GM is food altered by the inserting or removing of small fragments of genetic material, genes or organisms to create desirable characteristics. Such genetically modified organisms are also referred to as GMOs.**

**The long-term impacts of the consumption of GM foods are unknown and potentially hazardous.**

The role of the SAHRC

The South African Human Rights Commission (SAHRC) is an independent body set up by the Constitution to monitor, protect and promote the attainment of human rights in our country. South Africa has one of the highest rates of poverty and inequality. It is therefore of concern to the SAHRC when basic rights like the right to access food, are vulnerable. The SAHRC can assist to access the right to food by using its powers to engage with agencies like SASSA, local, provincial and national government departments, subsistence farmers about problems that people that are facing in communities and assisting vulnerable people (such as children and people with disabilities) to access their rights.

Whenever an individual or group is unable to enjoy the right to sufficient food by the means of their own disposal, the state has an obligation to fulfill the right directly and the SAHRC will assist people, particularly vulnerable groups to engage with government to access this right. The SAHRC must also ensure that it increases awareness of the right to access food and to thereby stimulate reforms in all sectors, including those involved in the production of food.

The SAHRC initiatives include addressing individual complaints, assistance to vulnerable groups like women and persons with disabilities; food cooperatives, government stakeholders and private sector role players to encourage reform at different levels in the production and supply of basic foods.
Contact us
Website: www.sahrc.org.za
Email: info@sahrc.org.za

Head Office:
Braampark Forum 3, 33 Hoofd Street,
Braamfontein, Johannesburg
Tel: 011 877 3600 | Fax: 011 403 0684

Eastern Cape
4th floor Oxford House, 86 Oxford Street,
East London
P.O. Box 972, East London 5200
Tel: 043 722 7828 | Fax: 043 722 7830

Free State
50 East Burger Street, 1st Floor TAB building, Bloemfontein
P.O. Box 4245, Bloemfontein, 9301
Tel: 051 447 1133 | Fax: 051 447 1128

Gauteng
2nd Floor, Braampark Forum 3, 33 Hoofd Street,
Braamfontein
Private Bag X 2700, Houghton, 2041
Tel: 011 877 3750 | Fax 011 403 0668

KwaZulu-Natal
First Floor, 136 Victoria Embankment, Durban
P.O. Box 1456, Durban, 4000
Tel: 031 304 7323/4/5 | Fax: 031 304 7323

Limpopo
First Floor, Office 102, Library Garden Square, Corner of Schoeman and Grobler Streets, Polokwane
P.O. Box 4431, Polokwane, 0700
Tel: 015 291 3500 | Fax: 015 291 3505

Mpumalanga
4th Floor Carltex Building, 32 Bell Street, Nelspruit
P.O. Box 6574, Nelspruit, 1200
Tel: 013 752 8929/5870 | Fax: 013 752 890

Northern Cape
45 Mark and Scot Road, Ancorley Building, Upington
P.O. Box 1816, Upington, 8800
Tel: 054 332 3993 | Fax: 054 332 7750

North West
170 Klopper Street, Rustenburg
P.O. Box 9586, Rustenburg, 0300
Tel: 014 592 0694 | Fax: 014 594 1069

Western Cape
7th Floor ABSA building, 132 Adderley Street,
Cape Town
P.O. Box 3563, Cape Town, 8000
Tel: 021 426 2277 | Fax: 021 426 2875