



# Right to Food

## FACT SHEET





## What is the Right to Food?

The right to food is a human right recognised under national and international law, which protects the right of human beings to access 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 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.

**Respect:** of existing access to adequate food. Government can not to take any measures that result in preventing such access;

**Protect:** requires measures by government to ensure that companies or individuals do not deprive other individuals of their access to adequate food;

**Fulfil:** 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 an 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 workin heir personal right to food unless they are infringing 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 role out programmes to prevent climate change and assist communities to adapt to the effects of climate change.



### Links between the right to food and other human rights<sup>1</sup>

**The right to health:** nutrition is a component of both the right to health and the right to food. I women who are pregnant or breastfeeding are denied access to nutritious food, she and her baby may be affected by malnourishment even if she receives pre- and post-natal care.

**The right to life:** when people are not able to feed themselves, they face the risk of death by starvation, malnutrition or resulting illnesses.

**The right to water:** the right to food cannot be realized if people lack sustainable access to safe and clean drinking water for personal and domestic use.

**The right to education:** hunger and malnutrition impair the learning abilities of children and may force them to drop out of school and work instead, limiting and undermining their enjoyment of their right to education.

<sup>1</sup> <http://www.ohchr.org/Documents/Publications/FactSheet34en.pdf>. Rights are all linked, the rights listed above are only some of the basic rights to which all people are entitled, which are limited or denied when people face food insecurity.

**The right to work and to social security:** The lack of adequate food and 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 food insecure people, 70% of which live in rural areas.<sup>2</sup> More than 60 percent of chronically hungry people are women.<sup>3</sup>

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.<sup>4</sup>

About 1.5 million children under the age of 6 years whose development is stunted by chronic malnutrition.

About 25% of all the hungry people in the world are from sub-Saharan Africa.

<sup>2</sup> <http://www.srfood.org/index.php/en/component/content/article/1524-mission-to-south-africa-preliminary-conclusions>  
<sup>3</sup> World Food Programme, 2009.  
<sup>4</sup> USAID, 2009

The lack of adequate food and nutrition is arguably the most critical issue facing children in South Africa today. The lack of access to food for children will affect rights such as the right to health, education and health.

Although South Africa is a producer of food, access to this food for all people in South Africa is difficult.

There is enough food in the world to feed every human being, but due to a number of factors, not everyone can access food.

Much of the best agricultural land in the world is used to grow commodities such as cotton, sisal, tea, tobacco, sugar cane, and cocoa, items which are non-food products or are marginally nutritious, but for which there is a big demand

Climate change is increasingly viewed as a current and future cause of hunger and poverty. By 2050, climate change and erratic weather patterns could have pushed another 24 million children into hunger. Almost half of these children would be in sub-Saharan Africa.<sup>5</sup>

A few private companies around the world hold the licence to use seeds to produce food and these companies decide on the price of those seeds that are then supplied to local farmers. The degree of control by a small majority over seeds, their quality, supply and prices impacts on the ability of people to grow their own food and produce cheaper food products

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.

<sup>5</sup> IFPRI, 2009



### The Role of the SAHRC

The South African Human Rights Commission (SAHRC) is an independent body set up by the Constitution to monitor, protect, promote and fulfil 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 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 at their own disposal, the state has an obligation to fulfil 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.

## 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 prisoners 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*

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



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