

# ***A National Inquiry into the Food Systems of South Africa***

## **TERMS OF REFERENCE**





## TERMS OF REFERENCE FOR THE NATIONAL INVESTIGATIVE HEARING INTO THE RIGHT TO FOOD

November 2025

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### 1. INTRODUCTION

- 1.1 **The South African Human Rights Commission (“the Commission”)** is a state institution established under chapter 9 of the Constitution. It is mandated, in terms of section 184(1) of the Constitution, to promote respect for human rights and a culture of human rights; to promote the protection, development and attainment of human rights; and to monitor and assess the observance of human rights in the Republic.
- 1.2 Under section 184(2) of the Constitution, the Commission is empowered to investigate and to report on the observance of human rights and to take steps to secure appropriate redress where human rights have been violated.
- 1.3 Furthermore, the Commission must require relevant organs of state, to provide it with information on the measures that have been taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment<sup>1</sup> as well as safety, freedom and security of persons.
- 1.4 The Commission has additional powers as regulated by national legislation including the **South African Human Rights Commission Act 40 of 2013 (“the SAHRC Act”)**. In terms of section 13(3) (a) of the SAHRC Act, the Commission is competent and obliged to *“investigate on its own initiative or on receipt of a complaint, any alleged violation of human rights”*.

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<sup>1</sup> Section 184(3) of the Constitution.

## 2. BACKGROUND

- 2.1 The South African Constitution explicitly guarantees the right to food. Section 27(1)(b) **affirms that 'everyone has the right to have access to sufficient food and water,' while section 28 (1)(c) guarantees that 'every child has the right to basic nutrition, shelter, basic health care services and social services.'** These provisions make the right to food legally enforceable, with children's rights to basic nutrition being an immediate obligation rather than one subject to progressive realisation.
- 2.2 Despite constitutional guarantees, millions of South Africans remain hungry daily. The 2025 General Household Survey found that about 14 million people went to bed hungry in 2024, representing approximately 22.2% of households. The Northern Cape reported the highest levels of household food insecurity (34.3%), followed by the Eastern Cape (31.3%) and Mpumalanga (30.4%)<sup>2</sup>. These statistics demonstrate that food insecurity is both widespread and unevenly distributed, disproportionately affecting rural and marginalised communities.
- 2.3 Child malnutrition persists as a national crisis. Stunting rates remain unchanged at approximately one in four children since the democratic transition.<sup>3</sup> Scholars argue that **South Africa has 'normalised hunger' despite being nationally food secure and maintaining one of the largest social protection systems in Africa.**<sup>4</sup> This normalisation represents a **collective failure of governance and accountability.** Stats SA's data further indicates that female-headed households and African-headed households are most at risk of food insecurity, and that large households and those dependent on social grants face particular vulnerability.<sup>5</sup>
- 2.4 Compounding the crisis of hunger is a growing food safety emergency. Between March 2018 and August 2020, 338 foodborne outbreaks were reported, with only 38% investigated, and very few comprehensively resolved. In 2024 alone, nearly 900 outbreaks were recorded<sup>6</sup>. The use of toxic pesticides such as Terbufos and aldicarb has been directly

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<sup>2</sup> Statistics South Africa (2025). *General Household Survey 2024*. Pretoria: Stats SA.

<sup>3</sup> Devereux, S. & Heywood, M. (2024). *World Food Day 2024: It's Time to 'Abnormalise' Hunger*. Daily Maverick.

<sup>4</sup> Ibid.

<sup>5</sup> Statistics South Africa (2023). *General Household Survey 2019–2023: Food Security Trends*. Pretoria: Stats SA.

<sup>6</sup> South African Medical Research Journal (2024). *Pesticide Poisoning and Child Mortality in South Africa*.

linked to child deaths in Soweto and other parts of the country, disproportionately affecting the poor and residents of informal settlements<sup>7</sup>. These dual crises of malnutrition and **unsafe food highlight systemic weaknesses in South Africa's food and governance systems**, including weak inspection regimes, insufficient enforcement capacity, and a lack of accountability across multiple sectors.

### 3. SCOPE OF THIS INQUIRY/NATIONAL HEARING

3.1 The inquiry will inquire into, make findings, report on and make recommendations concerning the following broad and overarching issues for investigation:

- 3.1.1 The structural dynamics and economic factors that perpetuate hunger and systemic exclusions, despite national food sufficiency.
- 3.1.2 The concentration of power in the food value chain and its impact on access, affordability, and nutritional quality.
- 3.1.3 The link between land access, tenure security, and food insecurity, especially for women, smallholder, and communal farmers.
- 3.1.4 The intersection between the right to food and related constitutional rights, i.e: dignity, health, water, and environment.
- 3.1.5 The role of indigenous knowledge systems, traditional seed practices, and agroecology in achieving food security and resilience.
- 3.1.6 Institutional coordination, policy coherence, and legislative adequacy in realising the right to food.
- 3.1.7 The role of civic participation, public accountability, and social movements in advancing the right to food.

### 4. PROCEDURE

- 4.1 Section 15(1) of the SAHRC Act states that the Commission may, in order to enable it to exercise its powers and perform its functions, conduct or cause to be conducted any investigation that is necessary for that purpose.

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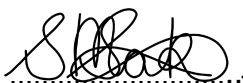
<sup>7</sup>Ibid.

- 4.2 The Commission will receive both written and oral submissions from identified government departments, state entities, business chambers, communities and interested parties for the purposes of the inquiry.
- 4.3 These terms of reference provide the framework for the inquiry and may not be materially amended unless specifically approved by the Commission.
- 4.4 Parties may be legally represented, but oral submissions must be made by the parties themselves.
- 4.5 This is an inquisitorial process. The evidence leaders and members of the panel will ask questions to the witnesses/participants.
- 4.6 The Commission has determined that inquiries should be open to the members of the public and the media having regard to the constitutional obligations of the Commission to observe the principles of accountability, openness and transparency.

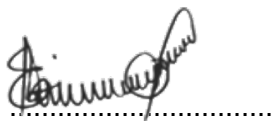
## 5. DATES OF THE INQUIRY

- 5.1 The inquiry will be held from Thursday, 12 March 2026, to Friday, 20 March 2026.

Signed by:



Sandra Makoasha  
Commissioner: SAHRC  
Chairperson of the Inquiry



Nomahlubi Khwinana  
Commissioner: SAHRC  
Inquiry Panellist



Philile Ntuli  
Commissioner: SAHRC  
Inquiry Panellist