



THE RIGHT TO FOOD

in the United States



WHAT IS THE RIGHT TO FOOD?

The right to food is the human right of every person to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.² The right to adequate food not only means that one has the right to be fed, but to feed oneself and one's family with dignity. Ensuring the right to food does not mean that the government must feed its people; rather, the government must respect and protect the rights of individuals to feed themselves. No government will make the right to food a reality unless it pursues with equal resolve the realization of other human rights with which the right to food is inseparably connected, among them the universal rights of freedom of assembly and expression, to safe drinking water, to information, to education, and to the highest attainable standard of health. The right to food is guaranteed under numerous United Nations documents including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

DOES U.S. LAW RECOGNIZE THE RIGHT TO FOOD?

While the U.S. monitors food safety through the Food and Drug Administration (FDA) and food programs for the needy are a component of the Farm Bill, the U.S. government does not explicitly recognize the right to food. In fact, at the World Food Summit in 2002, the U.S. was the only country out of 182 that opposed all references to food as a human right, favoring privatization and biotechnology. It agreed to sign the final declaration after the right to food language had been diluted.³

IS THE U.S. FULFILLING THE RIGHT TO FOOD?

In the U.S., food is abundant, varied, and inexpensive. Nonetheless, inadequate policy and funding restrict the provision of ample nutritious food to many in America, limiting the realization of the right to food in a land of plenty.

Availability of Food in the U.S.

In the U.S., people from all backgrounds experience hunger. It is estimated that, each year, 3 million elderly⁴ and nearly 14 million children⁵ are served by Feeding America (formerly America's Second Harvest), a nationwide food bank network. Nearly 40% of households served have at least one adult working and almost 70% of them are living below the federal poverty line.⁶ According to the most recent data available in 2009, it is estimated that a total of more than 50 million Americans are living in food insecure households.⁷ Food insecurity is defined as a lack of access to enough food to fully meet basic needs at all times due to lack of financial resources.

The most ironic aspect of hunger in America is that many of the hungry come from the farming communities that work to feed the world. According to the U.S. Department of Agriculture (USDA), 14.2% of rural households are classified as food insecure, while 13.2% of suburban households are food insecure. Households in metropolitan areas have the highest levels of food insecurity at 17.2%.⁸ Often, Americans are hungry not because of the lack of available food; rather, they do not have the ability to purchase food or have access to food distribution services.

Food insecurity has harmful effects on learning, development, productivity, physical and psychological health, and family life. People who go without enough to eat are sick more often and miss work more frequently. Seniors and children are especially vulnerable. Hungry children have difficulty learning, are more susceptible to illness, miss more school, and suffer more medical and developmental problems than children with adequate nourishment.⁹ For seniors, food insecurity exacerbates disease, increases disability, decreases resistance to infection, and extends hospital stays.¹⁰

Adequacy of Food in the U.S.

The U.S.'s food supply is among the most varied and abundant in the world. Food that makes it to the supermarket shelves goes through a strict process to ensure that it is safe, nutritious, and healthy. Nonetheless, for a growing number of people, especially those of low-income, the food they consume does not have such guarantees. A 2009 report found that almost 80 percent of food insecure households reported that, at some time during the year, a child had been hungry, but the household just could not afford more food.¹¹ Low-income families have access to food from government and non-government sponsored programs, including the National School Lunch Program (NSLP) and the School Breakfast Program for students in public schools. Over 30 million students participate in NSLP daily. Although these programs have specific dietary guidelines, a package of fruit snacks qualifies as fruit and a Snickers bar meets nutritional requirements because it contains nuts.¹²

FOOD MUST BE:!

AVAILABLE - everybody should be able to obtain food either through the market system or have the means to produce it him or herself. Food should be available in quantities that are needed to satisfy one's physical needs.

ADEQUATE - the food available for consumption has to be adequate to the social, cultural, and environmental conditions of the person, and it must be free from harmful substances. The diet has to contain the mixture of nutrients that are necessary for physical and mental health and growth.

ACCESSIBLE - food must be physically and economically accessible. The price of food should be at such a level that it will not prevent the realization of other rights. Physical accessibility means that everyone should have access to food, particularly disadvantaged groups such as children, the disabled, and the elderly.

SUSTAINABLE - providing food for the current needs of the population should not jeopardize the long-term availability of food. Practices such as overgrazing, deforestation, and pollution of soil and water by pesticides are detrimental to the future availability or security of food.

EVERYONE HAS THE RIGHT TO FOOD....

"Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, 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 circumstances beyond his control." 25 (1)

Universal Declaration of Human Rights (UDHR), 1948.



Adequacy of Food in the U.S., continued

An increasing problem with the adequacy of food in America is the use of inferior products in foods. There are many foods made with hazardous chemicals, hormones, and in unsanitary conditions, due in large part to the U.S.'s policy favoring privatization and biotechnology in food production, as noted above.¹³ The marked increase in the use of high-fructose corn syrup in most food products has added to the presence of fat and sugar in many commonly eaten foods and exacerbates America's problems with obesity.¹⁴ Two-thirds of adults¹⁵ and nearly one in three children are overweight or obese.¹⁶ Furthermore, over the past few decades, the cost of vegetables and fresh fruits has increased significantly, while fats, oils, sugars, soft drinks and meats can be purchased at lower prices.¹⁷ This makes it difficult for people, especially those living in poverty, to provide nutritious food for themselves and their families.

In addition to the use of inferior products in foods, the FDA has come under increased scrutiny from leading independent experts for failing to protect and monitor the safety of the food in the U.S. Ongoing outbreaks of foodborne illnesses have shown that regulators do not have the money, equipment, and staff to keep industrial chemicals, salmonella, and E. coli from contaminating the U.S. food supply.¹⁸ According to the Center for Foodborne Illness Research & Prevention, "America's current array of food protections are not adequate to meet the new challenges created by a centralized, industrialized and global food supply. Instead, our fragmented food system is capable of delivering lethal and long-term health problems to large segments of America's population, particularly its children, elderly and individuals with compromised immune systems."¹⁹ According to the Center for Disease Control and Prevention, approximately 48 million Americans get sick, more than 128,000 are hospitalized, and 3,000 die from foodborne illnesses each year.²⁰

Accessibility of Food in the U.S.

In an attempt to assist the estimated 35 million Americans living with food insecurity, federal food programs are available for some low-income individuals. The most used program is the Food Stamp Program, now called the Supplemental Nutrition Assistance Program ("SNAP"), which has more than 33 million individuals participating every month.²¹ However, the average benefit of the food stamp program is only equivalent to \$133 per person per year.²² The Food Reach and Action Center ("FRAC") estimates that only two in three of those who are eligible under current rules are participating in the program.²³ In addition, while the average food stamp benefit is just \$3 a day, some households receive the minimum monthly benefit of \$14.²⁴ The program also excludes many legal immigrants, ex-drug felons, seniors, and working families struggling to make ends meet. Furthermore, much of the food provided by these programs is not of the highest quality, as it substitutes cheaper food products for expensive produce.²⁵

Accessibility of food also implies that personal and household food costs for an adequate diet should be at a level such that the satisfaction of other basic needs, like health, housing, and education, is not compromised.²⁶ For too many families and individuals, however, obtaining food is one of their many concerns. A typical U.S. household spends \$40 per person each week on food, meaning many households have difficulty receiving adequate food each day and many are forced to choose between paying for groceries, utilities, rent, child care, or medications.²⁷

Sustainability of Food in the U.S.

In the U.S., policy plays an important role in securing the right to food for everyone. Sound farm and agricultural laws, which regulate crop subsidies, country-of-origin labels, food stamps and conservation programs, greatly affect the U.S. food system. The legislation that deals with these issues is the Farm Bill. However, in its previous form, the Farm Bill did not create a system of sustainable agriculture that protected food health for consumers and animals, healthy conditions for workers and animals, and fair wages for farmers.²⁸ To provide better protections, a new Farm Bill was enacted in 2008.²⁹ Although an improvement from its predecessor, the 2008 Farm Bill remains limited due to the poor economy and federal budget constraints.³⁰

Farms in the U.S. continue to have reduced fruit and vegetable production because they are unable to earn a profit when competing with foreign imports from China and Central America, where labor pays about \$4 per day.³¹ Many farmers and agricultural communities in the U.S. are thus unable to have full control over the type and amount of food they produce and the means of production. Since the 1980s, family farmers who have used more sustainable agriculture techniques in their production have been threatened by big businesses and many have been pushed into poverty.³² Furthermore, the production methods that are favored today do not protect the environment. Agriculture is a major user of fossil fuels, adding significantly to greenhouse gas emissions.³³ While the Farm Bill is integral to food policy, it is imperative that the government create a more comprehensive approach to ensuring that food is available, adequate, accessible, and sustainable for everyone in the U.S.

U.S. Government Obligations³⁴

To ensure the right to food, the U.S. has the following obligations:

RESPECT

Governments must not interfere with individuals' livelihoods or deprive anyone of access to adequate food, and they must refrain from taking any retrogressive measures that are incompatible with the enjoyment of the right to food.

PROTECT

Governments must take measures to prevent individuals or enterprises, such as corporations, from depriving individuals of access to adequate (including safe) food. The obligation includes regulations on food hygiene, quality and labeling of standards, labor conditions, land tenure, and fair market prices.

FULFILL

Governments must both proactively create an enabling environment where people become self-reliant for food and provide food in emergencies for those at risk of hunger.

TAKE STEPS

Governments must take steps to the maximum of its available resources, with a view to achieving progressively the full realization of the right to food, based on the resources of society as a whole, not only the resources within the current budget.

MEET MINIMUM CORE

Governments must ensure the satisfaction of minimum essential standards and immediately address extreme situations such as providing direct food assistance during national disasters or war.

NON-DISCRIMINATION

Governments must ensure equity and non-discrimination in access to food, and in access to means and entitlements to acquire food, in order to prevent discriminatory outcomes and effects that nullify or impair the equal enjoyment of the right to food, whether due to class, race, gender, language, or other factors.

PROTECT MOST VULNERABLE

Governments must actively reach out to marginalized and excluded people, as they face the greatest barriers to realizing the right to food.

MONITOR AND REPORT

Governments must monitor and report on the right to food in relation to both conduct and results, so that they can be held accountable for both its action and its inaction.

Last updated November 2011

For citations and further information,
www.discoverhumanrights.org



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