

Sydney Food Fairness Alliance

working towards food security and sustainable food systems

The Right to Food: Submission to the National Human Rights Consultation

June 2009

Mark Ludbrooke and Liz Millen

on behalf of

Sydney Food Fairness Alliance

GPO Box 1241 Sydney 2001

www.sydneyfoodfairness.org.au

Sydney Food Fairness Alliance

The Sydney Food Fairness Alliance (SFFA) is an incorporated association that works to promote food security and sustainable food systems across Sydney. Its members include health professionals, community workers, social justice advocates, community gardeners, academics and development practitioners. Members of the Alliance undertake advocacy, education, research and networking to promote access to affordable, healthy food that has been produced in a sustainable manner.

Introduction

SFFA welcomes the opportunity to comment on the National Human Rights Consultation.

SFFA submits that Australia should commit to protect and promote the **right to food**. This submission introduces the concept of the right to food and contends that not all Australians have this right upheld. It in turn proposes that a legislated right to food would provide the framework to ensure all Australians maintain access to adequate food.

Which human rights and responsibilities should be protected and promoted?

SFFA submits that Australia must commit to protect and promote the **right to food**.

The right to food was first articulated in 1948 in the Universal Declaration of Human Rights. Article 25 decreed that:

everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food.¹

In 1966 the International Covenant on Economic, Social and Cultural Rights in turn affirmed:

the right of everyone to an adequate standard of living for himself and his family, including adequate food.²

¹ United Nations General Assembly, 1948, *Universal Declaration of Human Rights*, United Nations General Assembly resolution 217 A (III), United Nations, Geneva, Article 25.

² United Nations General Assembly, 1966, International Covenant on Economic, Social and Cultural Rights, United Nations General Assembly resolution 2200A (XXI), United Nations, Geneva, Article 11.

Thirty years later participants at the World Food Summit requested clarification about the meaning of the right to food.³ In response, the International Committee on Economic, Social and Cultural Rights produced General Comment 12. It advised that:

*the right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access to food.*⁴

Implicit in the notion of access is a **food supply** sufficient to meet demand. Without the existence of an adequate amount of food it follows that it is impossible for all people to have access to enough food. This implies the need for government planning for future food supplies to accommodate population growth, and to cope with any temporary disruptions to supply.

Beyond supply, access requires that people have the **physical capacity** to obtain food. This includes the functional ability to get to, acquire and transport food to its place of preparation and consumption. Physical access also requires that sources of food can be found **within reasonable distances** from where people reside or the availability of **transport to facilitate access**. It also necessitates that people have **safe routes** to and from food. Education, discrimination and language barriers also have the capacity to impinge upon access. Where a lack of independent living skills impairs physical access to, including the ability to consume, adequate food, the existence of social relations or services that assist with the abovementioned functions become prerequisites for access. This is essential for children and is also necessary for some frail older people, people with a physical or intellectual disability, people living with HIV/AIDS, and people living with a mental illness.

As important as physical access is its economic counterpart. At a minimum, **economic access** requires that people have the financial means to purchase adequate food. This implies that both individual or household income and the price of food are such as to facilitate acquisition and that essential non food expenses absorb no more than a reasonable proportion of total income.

As noted, the International Covenant on Economic, Social and Cultural Rights affirmed the right to **adequate food**. General Comment 12 in turn suggested that to be adequate food must be available:

*in a quantity and quality sufficient to satisfy the dietary needs of individuals.*⁵

³ Food and Agriculture Organisation, 1996, World Food Summit Plan of Action, Food and Agriculture Organisation, Objective 7.4.

⁴ United Nations Committee on Economic, Social and Cultural Rights, 1999, General Comment 12, Right to adequate food, U.N. Doc. E/C.12/1999/5, Geneva, United Nations, Paragraph 6.

⁵ Ibid, Paragraph 8.

Quantity is a reference to access to enough food and quality dictates that food must contain the appropriate macro and micronutrients.⁶ The dietary needs of individuals will in turn depend upon an array of factors including age, gender, health, metabolism, size, activity, climate and pregnancy. The right to an adequate quality and quantity of food dictates, inter alia, the need for comprehensive labelling of processed foods to enable consumers to make informed choices about their purchases.

Beyond satisfying basic dietary requirements, it is widely understood that the quantity and quality of food consumed should be such as to ensure **quality of life**. Food must facilitate:

*physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation.*⁷

It is widely acknowledged that lack of healthy food can have serious impacts on children's ability to learn at school, as well as contributing to social exclusion, stress and anxiety in adults. It can also have a deleterious effect on length of stay in hospital which generates both economic costs and distress for individuals and families.

The right to food also requires that **culturally appropriate food** must be accessible. Specifically, the International Committee on Economic, Social and Cultural Rights notes that food must be:

*acceptable within a given culture.*⁸

By way of example, Muslims who choose to maintain a diet consistent with the teachings of the Qur'an should have access to food that is halal.

Just as integral as culturally appropriate food is the notion that **consumption must not be harmful to human health**. The 1996 World Food Summit clarified that the right to adequate food included:

*the right to access safe... food.*⁹

This aspect of the right to food has obvious implications for the manner in which food is grown, harvested, processed, transported, packaged, labelled, stored and prepared.

⁶ Eide, A., 1998, 'The human right to adequate food and freedom from hunger' in Food and Agriculture Organisation (ed), *The Right to Food in Theory and Practice*, Food and Agriculture Organisation.

⁷ United Nations Committee on Economic Social and Cultural Rights, above n 4, Paragraph 9.

⁸ United Nations Committee on Economic, Social and Cultural Rights, above n 4, Paragraph 8.

⁹ Food and Agriculture Organisation, above n 3.

Finally, central to all human rights is the notion of **human dignity**.¹⁰ Food must be **accessible in socially acceptable ways**, that do not require charity or reliance upon others' leftovers.

SFFA endorses the abovementioned definition of the right to food and contends that Australia must commit to respect, protect and uphold economic and physical access to adequate, healthy, safe, and culturally appropriate food for all.

Are human rights adequately protected and promoted?

SFFA acknowledges that Australia is a nation of relatively high income and wealth. Supermarkets and corner stores are stocked with many and varied foods. Job seekers, older people and people with disabilities may access both financial support and community services to assist them to meet their dietary needs. This appears to be a portrait of a nation with plenty on its plate. However, there is evidence that not everyone in Australia has their right to food upheld.

A number of national surveys have sought to determine the proportion of Australians who experience economic difficulty accessing enough food. In the first and only Australian National Nutrition Survey in 1995, 5.2 per cent of respondents indicated that they ran out of food and could not afford to purchase more at some stage over the course of the year.¹¹ Eight per cent of participants responded affirmatively to the same question in the 1995-1996 Australian Bureau of Statistics Population Survey Monitor¹² and 6.2 per cent did likewise in the 2001 NSW Child Health Survey.¹³ A report from the NSW Chief Health Officer in 2003 also indicated that:

*6.1 per cent of people in NSW reported that they had experienced food insecurity in the last 12 months, in that they had run out of food and could not afford to buy more.*¹⁴

So too, Australian Bureau of Statistics data commissioned by the Australian Council of Trade Unions for the Australian Industrial Relations Commission 2004 minimum wage case revealed that 59,000 people went without meals.¹⁵ More recently still, the 2006 NSW Population Health Survey confirmed results from the

¹⁰ United Nations, above, n 1.

¹¹ New South Wales Centre for Public Health Nutrition, 2003, Food Security Options Paper, New South Wales Centre for Public Health Nutrition, 2.

¹² Booth, S. & Smith, A. 2001, 'Food Security and Poverty in Australia - Challenges for Dieticians', Australian Journal of Nutrition and Dietetics, vol. 58, no. 3, 150-156.

¹³ NSW Centre for Public Health and Nutrition, above n 11, 2.

¹⁴ New South Wales Chief Health Officer, 2004, Health Related Behaviours Food Insecurity by Socio-Economic Status, NSW Department of Health, 2.

¹⁵ Australian Council of Trade Unions, 2004, New Data Fuels 'Working Poor' Fears: 60000 people can't afford food <www.actu.asn.au/public/news/1078871227_15158.html> at February 2006.

Australian National Nutrition Survey when it found that 5.6 per cent of adults experienced some food insecurity in the previous 12 months.¹⁶

More localised studies indicate that people who experience social or economic disadvantage are much more likely than the general population to experience an infringement of their right to food. In 2004 a telephone survey of residents of three socially disadvantaged localities in south west Sydney revealed 21.9 per cent of respondents to be food insecure.¹⁷ More alarmingly, the study suggested that 30 per cent of families with dependent children and almost 50 per cent of sole parent families experienced food insecurity.¹⁸ The authors conclude that this estimation was considerably higher than previous national figures because of the socio economics of the sample and because their questions probed the dimensions of food security.¹⁹

Similarly, data from the 2001 NSW Child Health Survey revealed that:

*parents from low income areas were three times more likely to run out of food and not have enough money to buy more than parents from other areas.*²⁰

It also submitted that Indigenous Australians, ethnic minorities and people with physical disabilities were chronically affected.²¹ The Australian National Nutrition Survey added that the unemployed are especially vulnerable: when respondents were limited to the jobless the percentage of food insecure rose from 5.2 per cent to 11.3 per cent.²² The NSW Chief Health Officer has concurred with such correlations by suggesting that:

*food insecurity increased with decreasing socio- economic status.*²³

Recent submissions to the House Standing Committee on Aboriginal and Torres Strait Islander Affairs *Inquiry into community stores in remote Aboriginal and Torres Strait Islander communities* have also highlighted that the right to food goes unrealised in many rural and remote Indigenous communities. In particular, there is evidence that the high price of fruits and vegetables ensures they are out of reach of many households. Alarmingly, the Australian Red Cross reports that food insecurity is a major contributor to the inequality of health status between

¹⁶ NSW Health, 2006, NSW Population Health Survey 2006 Report on Adult Health <www.health.nsw.gov.au/pubs/2007/adulthealthreport06.html> at June 2007.

¹⁷ Nolan, M., Rikard-Bell, G., Mohsin, M., Williams, M., 2006, Food insecurity in three socially disadvantaged localities in Sydney, Australia, South West Sydney Area Health Service, 22.

¹⁸ Ibid.

¹⁹ Ibid, 10.

²⁰ NSW Centre for Public Health and Nutrition, above n 11, 2.

²¹ Anglicare Sydney Research and Planning Unit, 2003, Food Insecurity: A Welfare Agency Perspective, Anglicare, Sydney, 11.

²² NSW Centre for Public Health and Nutrition, above n 11, 2.

²³ New South Wales Chief Health Officer, above n 14, 2.

Indigenous and non-Indigenous people and to the difference of 17 years in life expectancy.²⁴

Demand for food vouchers and free meal services offers additional evidence of a breach of the right to food in Australia. A 2007 study by the Redfern Waterloo Food Security Project found that the local Anglicare office provided food parcels, vouchers and financial support to 1770 clients across 68 suburbs of inner and eastern Sydney.²⁵ It also reported that the local St Vincent de Paul store spent \$1000 in vouchers per week for residents of the local suburb of Waterloo and up to \$3000 for residents of neighbouring Redfern.²⁶

Meal wise, the abovementioned report revealed that the Salvation Army at Waterloo served a low cost lunch every day for 35 to 40 people and the St Vincent de Paul Catholic Church in Redfern provided a free lunch for 120 people twice per week.²⁷ More recently, Bill Crews has indicated that the Exodus Foundation serves breakfast and lunch for up to 400 people every day in Ashfield and fears the number will reach 700 by the end of this year and possibly 1000 into next year.²⁸

Similarly, an Anglicare study of emergency relief recipients in Sydney revealed that more than half did not have enough to eat either often or sometimes²⁹ and that over a third cut the size of their meals or skipped meals nearly every month.³⁰

Enquiring into the rationale for the use of its services, a 2006 study of consumers of a Sydney soup kitchen revealed that hunger and limited access to regular, adequate quantities of food were fundamental.³¹

The demand for these services demonstrates the existence of people who, at times, cannot afford enough food. More than this, it illustrates that some people are compelled to access food in a manner that is inconsistent with human dignity. Having to ask and be assessed as eligible for food vouchers and in turn publicly use these vouchers at local supermarkets is not a socially acceptable way to provide for oneself and family. It is not, in turn, consistent with the realisation of the right to food.

²⁴ Australian Red Cross, 2009, Australian Red Cross Submission to House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry into Remote Stores, 9.

²⁵ Ludbrooke, 2007, The Right to Food in Redfern and Waterloo, 25.

²⁶ Ibid, 25.

²⁷ Ibid, 25.

²⁸ Hawkins, G., 2009, 'Charity begins at home: ideally yours, says Crews', Sydney Morning Herald <www.smh.com.au/national/charity-begins-at-home-ideally-yours-says-crews-20090406-9uw5.html> at 13 June 2009

²⁹ Anglicare Sydney Research and Planning Unit, 2003, Food Insecurity: A Welfare Agency Perspective, Anglicare, Sydney, 18.

³⁰ Anglicare Sydney Research and Planning Unit, above n 26, 21.

³¹ Wicks, R., Trevena, L. J. & Quine, S., 2006, 'Experiences of Food Insecurity among Urban Soup Kitchen Consumers: Insights for Improving Nutrition and Well-Being', Journal of the American Dietetic Association, vol 106, no 6, June 2006, Elsevier Inc, 923.

SFFA submits the aforementioned studies and cases as evidence that not all Australians have their right to food secured.

SFFA also notes that a lack of adequate food impinges on other human rights such as the right to education³² and the right to freely participate in the cultural life of the community.³³

How could Australia better protect and promote human rights?

SFFA contends that the adoption of a charter or bill of rights that includes the right to food would assist in ensuring all Australians enjoy economic and physical access to adequate, healthy, safe and culturally appropriate food in a dignified manner.

The notion of responsibilities is indispensable to the concept of rights. Legislation would provide the framework that obliges government and society to work to ensure the right to food.

Benefits likely to accrue as a result could include:

1. The development and adoption of a national or state based food policy detailing how Australia would work towards securing the right to food for all.
2. Regular monitoring of food security. Currently there is inadequate monitoring of food security in Australia, resulting in food insecurity remaining a largely hidden problem. Consequently large numbers of Australians are not currently enjoying the right to food.
3. Increases in pensions and benefits linked to changes in the price of a basket of essential goods and services including healthy food.
4. Funding and support for community food security programs where the right to food is at risk.
5. Support for emergency food relief services as a 'safety net'. SFFA supports human rights advocate George Kent's observation that:

*dignity does not come from being fed. It comes from providing for oneself.*³⁴

³² United Nations, above, n 1, Article 26.

³³ Ibid, Article 27.

³⁴ Kent, G., 2005, Freedom from Want: The Human Right to Adequate Food, Georgetown University Press, Washington, 46.

However, in recognition of the fact that there will always be circumstances in which people require assistance accessing food in response to a crisis, organisations offering temporary relief should be supported.

6. In encouraging community members and workers alike to regard food as a fundamental entitlement of all people, SFFA submits that the adoption of a legislated right to food would serve to reduce some of the stigma associated with difficulty accessing food for low-income and other disadvantaged households. It is surmised that this may in turn assist people to acknowledge, confront and respond to their circumstances.

7. SFFA also contends that the realisation of the right to food is a prerequisite for the fulfilment of a range of other fundamental human rights. In the case of the right to health³⁵, it will support efforts to address chronic disease prevention and weight issues including obesity, by recognising underlying and systemic issues of food access.

SFFA asks the Committee to recommend Australia makes a legislated commitment to respect, protect and uphold human rights **including the right to food**.

³⁵ United Nations General Assembly, above n 2, Article 14.