Policy Brief

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The Right to Food in the UK

The right to food and nutrition (RtFN) is a human right, but the high – and growing – levels of household food insecurity in the UK are in violation of this right, even though the UK Government has signed and ratified international instruments to protect, respect and fulfill the right to food and nutrition. Without incorporating the RtFN into domestic law so that it is justiciable, there are limited democratic mechanisms to challenge policies that cause persistent and worsening household food insecurity. Given the scale of the growing poverty crisis, it is now essential to incorporate the RtFN into domestic law to guarantee social protection for anyone living in the country, and to better understand and remove the structural root causes of poverty and associated hunger.

Household food insecurity in the UK violates the right to food and nutrition

Despite the UK having one of the biggest economies globally, a staggering 31% of respondents to a recent government survey were worried about food affordability (King et al., 2022). The Food Standards Agency's Food for You survey,[1] conducted over 12 months in 2022, shows that food insecurity in England and Wales affects 16% of households (Armstrong et al., 2022). In 2021 to 2022 the Family Resource Survey found that 6% of households experienced marginal food security, a further 3% had low food security, with an additional 3% experiencing very low food security (UK Government, 2022). However, this survey harvests information about food insecurity over a 30-day period, and thus the data fail to capture levels of food insecurity that people would face across the year (Goodwin, 2021). Aside from these surveys, household food insecurity is often underreported, thus masking the full scale of the problem (Pool and Dooris, 2021).

Why the right to food and nutrition needs to be enshrined in domestic law

The vision of the RtFN is to transform the entire food system and to ensure that food is seen as a fundamental human right rather than a commodity. Achieving this requires an approach that does not look at food in isolation, but instead understands how food interacts and is bound up with the realisation of other human rights, such as the right to adequate social security, or the right to housing. The RtFN also has emerged from critiques of the global food system, which commodifies food, strengthens corporate power, has failed to overcome persistent household food insecurity, drives environmental degradation, and violates human and labour rights (BFAWU, 2021; ETC, 2019). Rather than examine the entire food system, however, this policy paper will focus on one dimension of the RtFN: households' access to food.

The UK has signed and ratified numerous international human rights instruments that recognise the need for the state to protect, respect, and fulfil the right to food (see Box). The high levels of food insecurity in the country underline that the UK government has violated these international RtFN obligations. Furthermore, the Special Rapporteur on the RtFN at the United Nations, despite requests, has not been granted an official visit to assess the RtFN in the UK.

[1] See the Food and You 2 Wave research document at https://www.food.gov.uk/research/food-and-you-2/food-and-you-2-wave-4

Policy Highlights

Establish the right to food and nutrition (RtFN) in domestic law so that it is justiciable and provides democratic mechanisms that ensure public accountability in protecting this right.

Make crisis cash grants available to anyone in need, regardless of their immigration status, so that no-one experiences hunger.

Improve monitoring and analysis of household food insecurity to understand how gender, immigration status, race and other axes of difference are linked to food insecurity, and to establish robust data on the scale of food insecurity from the national to the household level.

Build policy on the experiences of the food insecure. Ensuring laws, policies, programmes and monitoring of the RtFN are shaped by those who are most affected is an essential component of effective and meaningful human rights policy making.

Abolish the root causes of food insecurity. RtFN violations are rooted in poverty, which itself is driven by complex structural factors, including poorly designed policies, discrimination and power structures. Abolishing hunger will mean transforming these foundational factors.

Defining food insecurity and the right to food and nutrition

Food insecurity is defined as a lack of consistent access to enough food for every person in a household to live an active, healthy life (USDA, 2022). The RtFN aims to ensure "that every human being has, alone or in community with others, to be free from hunger and malnutrition, to have physical and economic access at all times to adequate food – in quality and quantity – that is nutritious and culturally acceptable" (FIAN International, 2016). The UK is also a signatory of the 1948 Universal Declaration of Human Rights, which recognises the right to food, and the International Covenant on Economic, Social and Cultural Rights, Article 11(1), which articulates "the right of everyone to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions".

Communities, NGOs and local authorities have been campaigning for the right to food to be incorporated into domestic law. In the 2019 general election, the majority of major political parties contained pledges on the RtFN in their manifestos. Since 2021, towns and cities across England have declared themselves to be RtFN areas, pledging to eradicate household food insecurity in a dignified and sustainable way. These intentions are important first steps in realising the RtFN at the regional level, but regional actions still require changes at the national level, as the right to food has not been incorporated into law in England, Wales or Northern Ireland (unlike Scotland, see Box) and thus the justiciability of this right is currently lacking.

In Scotland, the right to food is advancing more quickly than in the rest of the UK. A new human rights bill is set to be introduced that will fully incorporate four international human rights treaties that include protections of the RtFN. Importantly, it was developed through significant community consultation and inputs. In June 2022, Scotland's Parliament also passed the Good Food Nation Bill, which aims to improve the country's food system at both national and local levels. The bill requires Scottish ministers to produce a national Good Food plan every five years and aims to end the need for food banks.

This accountability gap means that individuals and their advocates can only rely on the provisions and protections of the Equality Act 2010 – which provides a legal framework to tackle discrimination to promote fairness and equality in England, Scotland and Wales – as well as on the Human Rights Act 1998.[2] However, the ability to mobilise these acts to tackle RtFN violations is limited. Instead, if the RtFN was incorporated into domestic legislation, it could open up avenues for judicial challenges on household food insecurity and other RtFN violations.

What's driving household food insecurity in the UK?

Poverty and inadequate support measures

Poverty drives household food insecurity. While there are some measures in place to reduce poverty – such as free school meals, working tax credits and social security entitlements – household food insecurity, and other indicators of poverty, remain high.

Poverty is a complex structural problem linked to globalisation of neoliberal capitalism, austerity, patriarchy, structural racism, classism, ableism, poor pay terms and conditions (inadequate minimum wage and zero-hour contracts), discrimination in the labour market, and inadequate protection afforded through social security. An RtFN approach will therefore need to face and navigate these complex intersectional challenges and identify durable transformative solutions (Figure 1).

To illustrate the complexity of the RtFN challenge, the rise in the UK's current era of household food insecurity started, arguably, with the onset of rising food prices after the financial crisis in 2008. These factors – a global financial crisis, food price rises, increases in the cost of living, and inadequate social security – are interlinked. For example, the UK Government responded to the global financial crisis by recapitalising banks nationally. The £1.162 trillion bailout was followed by wide-ranging austerity measures, including downsizing social security through a series of reforms that included replacing former entitlements with Universal Credit (UC) (Cooper and Whyte, 2017). As UC was gradually rolled out across the country, food insecurity steadily rose, as sanctions, deductions, delays in payment, and barriers to receiving it reduced social protection for those in most need (The Trussell Trust, 2019). In 2019-20, 43% of households receiving UC were food insecure (UK Government, 2022). Illustrating the importance of an adequate social security income level, household food insecurity fell by 16% in 2021 when the government increased UC by £20 a month (Goodwin, 2021).

The Family Resources and Food and You surveys show how income, education, region, ethnicity and the number of children in a household influence experiences of household food insecurity. Households in north-east and north-west England are more likely to be food insecure than in other regions, suggesting that regional economies, conditions and arguably class also interlink with food insecurity. Single adult households with one or more child are also more likely to face food insecurity. It is also possible to draw connections between specific child-related welfare policies and food insecurity. The 'two-child limit' that restricts the child element of Child Tax Credit (CTC) and UC awards to two children is understood as a key driver of poverty amongst households with more than two children (Richmond-Bishop and Ćurčić, 2021). As of March 2022, 1 in 12 UK children lived in a family affected by the two-child limit (Butler, 2022). The latest UK-wide food insecurity data show that households with three or more children are more likely to be food insecure than households with fewer or no children (UK Government, 2022).

[2] For details see https://www.equalityhumanrights.com/en/equality-act-2010/what-equality-act

It is also worth noting that single parent households are more likely to be headed by women, and the user profile of food banks show that single women with children are disproportionally over-represented. These findings indicate the links between structures of patriarchy and food insecurity. In addition, households where the head of the household is Black are the most likely of all ethnic groups to experience low or very low food security. This shows that food insecurity is also a question of race and structural racism, and particularly anti-Blackness (Richmond-Bishop and Singh, 2021).

Immigration status

One study found that 84% of people seeking asylum were unable to afford to buy enough food at some point during the COVID-19 pandemic, illustrating their disproportionate levels of household food insecurity (Richmond-Bishop, et al., 2021). This is directly linked to the Immigration and Asylum Act 1999. Under this act, migrants and people who are seeking asylum are subjected to the 'No Recourse to Public Funds' (NRPF) condition. This means they are denied access to most social security benefits and tax credits, council housing and local authority homelessness assistance (Jolly et al., 2022). Financial support to people who are seeking asylum is restricted to £39.63 per person per week, or just over £5 a day, which is hardly enough – especially in the context of rising living costs.

Some migrant families can seek additional support through Section 17 of the Children Act 1989, which places a general duty on local authorities to safeguard and promote the welfare of children under their jurisdiction through concrete support with accommodation and subsistence (HMC, 2019). However, this support varies widely between local authorities, and often advocates are needed to ensure that the local government complies with their duties. It is important to note also that most people who are refused their international right to seek asylum, undocumented people and migrants from the European Economic Area are unable to access Section 17 support, leaving them vulnerable to extreme poverty, food insecurity and destitution (Children's Legal Centre, 2019).

One possible outcome of the RtFN being incorporated into domestic law could be that RtFN entitlements are categorised as public funds, which would make them inaccessible to many migrant families. If this is the case, then the right to food, even if incorporated into domestic UK law, would not apply to all people, denting its universal potential. It is essential therefore that the RtFN centres on the experience of people who are subject to immigration control so that solutions guarantee that the RtFN remains a universal and inclusive vision (Singh, 2022).

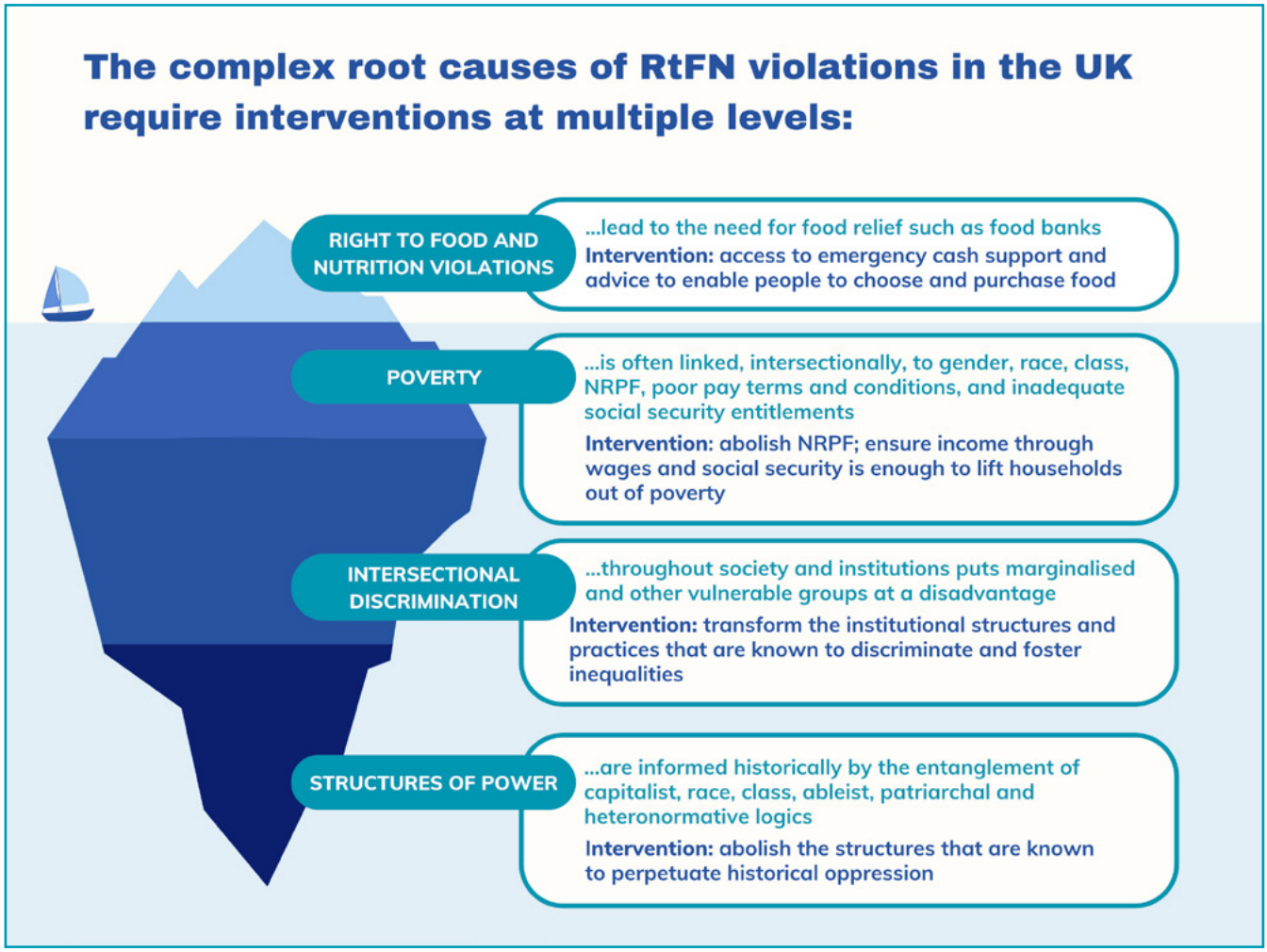


Figure 1: The complex root causes of RtFN violations

Essential steps for securing the RtFN in the UK

- **Make crisis cash grants available immediately via local authorities to anyone in need, regardless of their immigration status,** so that no individual or family experiences hunger or the difficult emotions associated with being reliant on charity[3] (Garthwaite, 2016).
- **Establish the RtFN in domestic law** so that it is justiciable and provides democratic mechanisms that ensure public accountability for the protection of this right. The RtFN entitlements should be universal and apply to all people, including anyone seeking asylum and/or subjected to the NRPF immigration rule. As an additional safeguard, the UN Special Rapporteur on the RtFN should be granted official state visits to provide an independent assessment of the achievement of the RtFN.
- **Improve monitoring and analysis of household food insecurity** to establish robust data on the scale of food insecurity at national, local authority, community and household levels for meaningful public policies (FILL, 2022). Design monitoring tools to understand how gender, immigration status, race and other axes of difference are linked to food insecurity. Government surveys need to incorporate intersectional analysis to recognise how structural racism, sexism and ableism are all inextricably linked. For example, we have little understanding of how gender intersects with other characteristics that link to household food insecurity and how this might create different experiences and disadvantages. Intersectional analysis can better understand these overlaps to improve public policies and programmes.
- **Build policy on the experiences of the food insecure.** Laws, policies, programmes and monitoring exercises developed to address the RtFN in the UK must be shaped by the experiences and participation of those who are most affected. This ensures that human right policies are situated in, and relevant and sensitive to, emerging community needs.
- **Transform the root causes of household food insecurity.** RtFN violations have their roots in complex structural factors. Abolishing hunger requires transforming these foundational factors (Figure 1). This also means transforming NRPF; Universal Credit; the two-child limit; poor pay, terms, conditions; discrimination in the labour market; and the lack of universal free school meals so that the poorest households can meet the rising costs of living. In addition, there is a need to connect access to food with agroecology to transform the failing food system (De Schutter, 2012).

Authors

Jasber Singh
Jasber.Singh@coventry.ac.uk
and
Imogen Richmond-Bishop

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Contact

Michelle Nailor
edu113@coventry.ac.uk

Centre for Agroecology, Water and Resilience (CAWR)Coventry University
Ryton Gardens
Wolston Lane
Coventry, CV8 3LG
United Kingdom

Tel: +44 (0)2477 651679

https://www.coventry.ac.uk/research/areas-of-research/agroecology-water-resilience/

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[3] See the Independent Food Aid Network infographic at www.foodaidnetwork.org.uk/infographics

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