

UPR Submission | Right to Adequate Food and Nutrition

Response to Recommendations

There were no recommendations made in the first cycle on the right to food.

2nd cycle, paragraph 124.21, Russian Federation

While the wording “[c]ontinue in its efforts” is nebulous and difficult to measure or assess, it is worth noting that food and nutrition insecurity (meaning food security, a sanitary environment, adequate health, education and care)ⁱ remain extremely prevalent in South Africa, especially among coloured and African populations in both urban and rural settings. In particular, South Africa is experiencing a double burden of malnutrition (combination of undernutrition and overweight) and a nutrition transition as a result of a dominant food system that is failing.ⁱⁱ

2nd cycle, paragraph 124.109, Venezuela AND paragraph 124.119, Cote d’Ivoire

Employment opportunities, and so the ability to access food through livelihood, are extremely limited outside of urban centres, particularly in the former homelands (Bantustans) such as the Eastern Cape (formerly Transkei). Further, there is extremely limited, if any, meaningful engagement by government with rural communities concerning community-led development initiatives, such as ecotourism, contrary to peoples’ right to development under the African regional human rights system. A lack of jobs in rural areas leads to adult male and youth labour migration to urban centres, leaving families – headed by the elderly, mothers, or even children – to struggle on their own in rural homes, while causing overcrowding in formal and informal townships in urban centres. In both situations, adequate food is commonly both unavailable and inaccessible.

Social policies should be people-centred and enable rural development in accordance with local communities’ desires, needs and expectations.

In this respect, the South African Government is not meeting its *protect* and *fulfil* obligations in relation to, among others, the right to adequate food and nutrition. In addition, the Government is in some cases even breaching its *respect* obligations. For example, the Government’s approach to subsistence and small-scale fishing in the Dwesa-Cwebe Nature Reserve has completely undermined the local customary communities’ rights to access natural resources, and taken away vital, nutritious food sources through the effective prohibition on marine and land resource harvesting.

2nd cycle, paragraph 124.126, Germany

The LRC recognises the Government’s child support grant (**CSG**) system and National School Nutrition Programme (**NSNP**), which are both positive measures for improving children’s living conditions and their access to adequate food. However, the LRC highlights that child support grants are not only used by families for the intended child, but also often support other family members without an income or other social grant. Further, the grants are not solely used for feeding purposes and are used for other households needs. Even if these issues of multiple users and uses were not the case, the amount of money provided by the child grant is not enough to provide a child with sufficient food to meet their nutritional needs.ⁱⁱⁱ As such, the CSG, while undoubtedly better than nothing, is on its own entirely inadequate to ensure full realisation of the right to food and nutrition of children.

While the NSNP does supplement food requirements of school-attending children, it does not assist those aged under 5 years or who have left school early, and nor does it provide food on weekends and during school holidays.

Relevant Issues not addressed during Previous Reviews

The LRC raises the following issues in relation to the right to adequate food and nutrition that have not been addressed during the previous reviews:

- *Lack of consultation on National Policy on Food and Nutrition Security (**Policy**) and substantive deficiencies*

The Policy itself was rushed through Cabinet in 2013 with a total lack of consultation. Unsurprisingly, it is substantively deficient and inadequate for proper realisation of the right to adequate food and nutrition – which requires broader, coordinated food systems reform. While the Government did offer some consultation for the Draft Implementation Plan, it was extremely limited, and the current status of the policy and implementation remains unclear.^{iv}

- *Need for progressive realisation: lack of right to adequate food and nutrition legislation*

The right to access sufficient food is constitutionally enshrined (s 27). According to the Constitution, the Government “must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights”. While the Government does indicate in the Policy that “the approval of this [Policy] could be an initial step towards a Food and Nutrition Security Act,” for which a Green and White Paper process is “envisaged,” no further indication or concrete proposal for such legislation has been proffered. Anecdotally, the Government is afraid to enact right to food and nutrition legislation as it fears liability – an inadequate reason for not taking reasonable legislative measures.

- *Disconnect between food and nutrition, and lack of coordinated policy efforts to address broader food systems problems*

Many of South Africa’s human rights-related issues can be connected to a lack of institutional cohesion between governmental departments. This is certainly the case in the food and nutrition sphere. In order to fully realise the human right to adequate food and nutrition in South Africa, broader food systems reform is essential. Departments such as Health; Agriculture, Forestry and Fisheries; Environment; and Deputy President must review and coordinate their efforts to tackle food and nutrition insecurity using the human rights-based approach. Further, the connection between food and nutrition must be acknowledged and investigated at all levels of the food value chain – from input to consumption.

- *Sufferers of HIV/AIDS*

Unlike for pensioners and children, there is no social grant for unemployed sufferers of HIV/AIDS. For example, one of our clients in the Eastern Cape is HIV positive and is currently unemployed. She relies on her mother’s pensioner grant and her deceased sister’s two children’s grants to cover the costs of transport to receive her medicine, and to provide for her food. Her diet is wholly inadequate for her medicinal needs, with the household most commonly eating foraged *imfino* (indigenous leafy greens) and mealie maize or pap (corn porridge), or on some days, even nothing at all. Our client is one of many in this appalling situation.

- *Urban food and nutrition security*

As mentioned above, food and nutrition insecurity is not limited in its prevalence to rural areas, but is also experienced to shockingly high degrees in urban settings. Even where people do have an income, the quality of the food available in formal and informal townships is abysmal – highly processed and calorie dense, full of sugar, salt and saturated fat – and fuels the vicious cycle of the nutrition transition and the double burden of malnutrition.

- *Gendered dimension of food and nutrition insecurity*

The food and nutrition-related policies (e.g. agricultural, nutrition and fisheries etc) that the Government does have in place are commonly insensitive to the gendered dimension of food and nutrition insecurity. For example, the Government's current implementation of the Policy for the Small Scale Fisheries Sector in South Africa is completely failing to recognise the claims of legitimate female fishers. While the gender dimension was considered in the design of the policy, the Government failed to develop a mechanism that would operationalise the gender equity aim and address previous discrimination against women.

The eligibility requirement to be classified a "small-scale fisher" – and so to both earn a livelihood and produce one's own food – effectively precludes women as the "10 year" experience requirement is being interpreted narrowly as the act of "fishing" only, and ignores the ancillary activities up and down value chain. These activities are generally performed by women and include helping to mend and repair nets, and clean and market the fish – the hidden household-based labour component.

The inability of women to fully realise their right to adequate food and nutrition has been shown in a multitude of studies to directly undermine the same rights of household dependents such as children and the elderly.

- *Lack of support for small-scale farmers*

In the context of the broader food systems reform referred to above, the Government must increase its support of and the market opportunities for small-scale farmers. The current concentration of high-value food production, processing and retail in a small number of large transnational corporations maintains the poverty cycle of smallholders and the cheap supply of empty calories that is causing incredibly serious health problems in South Africa.

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ⁱ Food and Agriculture Organization of the United Nations, *The State of Agricultural Commodity Markets IN DEPTH: Nutrition in trade and food security nexus* (2015) available at <http://www.fao.org/3/a-i5223e.pdf>.

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- ii See e.g., Kimani-Murage, *Exploring the paradox: double burden of malnutrition in rural South Africa* (2013) Glob Health Action, available at <http://www.sajcn.co.za/index.php/SAJCN/article/download/853/1129>; David Sanders, *Nutrition may be as big a challenge today as HIV/AIDS was 15 years ago* (August 22, 2016) available at <https://theconversation.com/nutrition-may-be-as-big-a-challenge-today-as-hiv-aids-was-15-years-ago-64208>.
- iii PACSA, *Children can't eat enough food on a Child Support Grant (CSG)*, Monthly Food Price Barometer (December 2014) available at http://www.pacsa.org.za/images/food_barometer/PACSA_Monthly_Food_Price_Barometer_December2014.pdf.
- iv See Laura Lopez Gonzalez, *Government opens up public comment period on food policy after uproar*, Health-E News (March 18, 2015) available at <https://www.health-e.org.za/2015/03/18/government-opens-up-public-comment-period-on-food-policy-after-uproar/>.