

The Right to Food in the UK: A Literature Review

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to Food Commission**

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Abbreviations

CESCR	United Nations Committee on Economic Social and Cultural Rights
CMA	Competition and Markets Authorities
COVID-19	Coronavirus Disease of 2019
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities
CQC	Care Quality Commission
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ESC	European Social Charter
EU	European Union
FAO	Food and Agricultural Organization of the UN
GC	General Comment
GFN(S)A	Good Food Nation (Scotland) Act 2020
HFSS	High Fat, Salt and Sugar
HRA	Human Rights Act 1998
ICESCR	International Committee on Economic Social and Cultural Rights
NGO	Non-Governmental Organisation
NHS	National Health Service
SDIL	Soft Drinks Industry Levy
UK	United Kingdom
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities

Executive Summary

The right to food is a fundamental human right necessary for a dignified life and the realisation of other human rights. Hunger, malnutrition and dietary related illnesses all impact people's ability to live a dignified life and make autonomous choices. The UK has signed up to international human rights treaties that include the right to food. Yet this review based on academic literature, NGO reports and UN reports demonstrates that people in the UK still face hunger and food insecurity. The UK is not meeting the obligations it has agreed to in relation to the right to food.

The right to food in international human rights law

Article 11 of International Covenant on Economic, Social and Cultural Rights (ICESCR) contains the right to food. This right is expansive and has been stated by the UN Committee on Economic, Social and Cultural Rights (CESCR) to include a right to be free from hunger as well as a core of the right to adequate food. States are required to progressively realise the rights in the ICESCR, through concrete steps to the maximum of their available resources. Although in the case of hunger, the CESCR has indicated that a state where many people do not have sufficient to eat will likely be violating their obligations in relation to the ICESCR. The right to adequate food requires food that is available, physically and economically accessible and adequate. The adequacy of food is determined by its nutritional content, safety, cultural acceptability and sustainability.

Legislation, policy and the right to food in the UK

The UK has not incorporated the right to food or the ICESCR into UK law. This means that the right to food and the other rights in the ICESCR are not part of UK law. Courts cannot consider the right to food when ruling on cases and government departments and other public bodies do not have to consider or comply with the right to food when creating new law or designing policy. The result is a lack of protection for the right to food in UK law.

In Scotland, there is legislation to address food related policy and issues. The Good Food Nation (Scotland) Act 2020 (GFN(S)A) requires creation of national food plans, amongst

other requirements, for Scotland and consideration should be given to the right to food when this is being done. This legislation is an example of framework legislation, which can be an important component of implementing the right to food, alongside incorporation of the right into law, requiring compliance with the right to food by public authorities and ensuring effective monitoring of implementation of the right. Although this is a positive step in Scotland, it does not remove the UK Government's responsibility in relation to the right to food; the UK Government is ultimately responsible for ensuring that everyone in the UK has an adequate diet and that no one is going hungry.

Outside of the GFN(S)A the legal provision and policy relating to the food in the UK is spread across many areas of law, pieces of legislation and government departments. This leads to significant gaps in protection for the right to food. Fundamentally most people in the UK who are food insecure cannot afford food due to insufficient income and rising prices of food and other essentials. This primarily engages with social security provision and law. In addition, competition law, and the Competition and Markets Authority has considered food pricing in the grocery sector. Yet this is problematic as competition law focuses on consumer benefit meaning low prices and choice of goods. In the case of food, abundant choice of cheaper unhealthy ultra processed food, may not be a true consumer benefit.

Another example of gaps and incoherence in the law can be found in relation to physical access to food. Planning law has a role in how people physically access food, as it determines where food outlets can and cannot be located. The current National Planning Policy Framework does allow local authorities to block development of fast-food outlets where they would be a concern in relation to public health due to their location near schools. However, the same framework does little to protect vital community resource such as traditional markets, that are often depended on for affordable fresh food and culturally appropriate food.

Food safety in the UK is based on retained EU legislation and is robust. Yet, a lack of joined up policy in relation to border inspections and food safety is risking importation of food that may be unsafe with the risk of food borne disease outbreaks.

The gaps demonstrated in this literature review and the lack of compliance with the UK's international obligations indicate the need for both framework legislation and a national food plan to ensure gaps are closed and the right to food is realised in the UK. Framework legislation requires the setting of targets to address food related issues, creating plans to achieve these targets, and clear and consistent metrics that can monitor achievement of those targets. Such legislation should also require submission of these plans and monitoring reports to an independent body.

In addition to the need for framework legislation and a national food plan, among other recommendations made the UK should:

- Urgently develop a sustainable food action plan that ensures not only ongoing sustainable food production in relation to climate change and environmental degradation, but also resilience to global events and shocks. Such a plan should ensure continued availability and economic accessibility (affordability) of food
- Incorporate the ICESCR into UK law
- Ensure a basic income level for all that is sufficient to afford a nutritious adequate diet and the other essentials needed for an adequate standard of living
- Ratify the Optional Protocol to the ICESCR that includes the complaints mechanism.

1. Introduction

The right to food is a fundamental human right. It is required for a life that is dignified and is closely linked to the realisation of other human rights. The UK ratified the International Covenant on Economic Social and Cultural Rights (ICESCR) in 1976 but has not incorporated it into law. This means that the rights contained in the Covenant do not form part of UK law; courts cannot use them when deciding cases, and government and other public bodies do not have to consider or comply with these rights when creating policy and law. The ICESCR contains the right to food and the UK by ratifying the treaty have agreed to undertake the obligations it contains. Yet, the UK has high levels of food insecurity and an ongoing need for charitable food bank provision. Obesity and other dietary related illness are rising and are a major cost for the NHS. Many people in the UK are unable to access a nutritionally adequate diet.

There is no overarching food law or food plan for the UK. Although the devolved nations have taken steps in this direction, gaps remain in legal protection of the right and aspects of the right to food are dealt with by a wide range of legislation and policy. This lack of consistent implementation and planning for the right to food across the UK makes violations of the right to food more likely. It also makes it less likely that decision makers will consider all aspects of the right to food when policy decisions are being made.

2. The right to food: international human rights legal frameworks

The right to food is found in many international treaties. It has been found to be a component of many other rights such as the right to life,¹ the right to development,² and the prohibition of torture, inhuman or degrading treatment.³ It has been adjudicated upon in

¹ See, for example: *People's Union for Civil Liberties v Union of India*. (S.C. 2001) Writ Petition (Civil) No. 196/2001.

² See for example: *Social and Economic Rights Action Center & the Center for Economic and Social Rights v Nigeria*, (27 May 2022) Communication no 155/9.

³ See, for example: *Stanev v Bulgaria* App No 36760/06 [GC], [2012] 1 ECHR 3; *R.R and others v Hungary* App No 36037/17 [2021] and *M.S.S. v Belgium and Greece* App No30696/09 [GC], Merits and Just Satisfaction (21 January 2011).

constitutional courts and human rights courts.⁴ The right to food is also a feature of many countries' constitutions.⁵ Yet whether the right to food is actually a human right is still questioned, with some suggesting that it is better described as a policy goal.⁶ As a socio-economic right, people argue, the right to food is too imprecise to create clear legal obligations.⁷ The discussion that follows demonstrates why the right to food is a human right, necessary not only for a dignified life, but also to ensure people can enjoy other human rights. It then describes the obligations states have for the right to food, how the right to food has been incorporated in a variety of countries, and finally how the right to food can be implemented. It also addresses why the right to food is related to but distinct from food security.

2.1. The right to food a fundamental right for a dignified life

As will be discussed below, the right to food appears in several international human rights treaties. Such recognition of the right indicates that people consider access to food of fundamental importance. There are many reasons for this, such as a moral duty not to let people go hungry, as well as more political and consequentialist arguments that ensuring people have access to healthy food improves people's lives, limits health costs and helps people work, creating stronger economies. Legal philosophers have written at length about whether rights are rights, what their fundamental underpinning is and how we should justify them. Many of these reasons and justifications are valid.

Consequentialist arguments supporting the right to food, based on the idea that the value of a right to food is determined by its consequences,⁸ are numerous. A lack of food has been linked on multiple occasions of national and international instability, such as during the

⁴ Ibid (n 1 to 3)

⁵ For a comprehensive review, see: L Knuth and M Vidar, *Constitutional and Legal Protection of the Right to Food around the World* (FAO, 2011) <https://www.fao.org/right-to-food/resources/resources-detail/en/c/80544/>.

⁶ E W Vierdag, 'The Legal Nature of the Rights Granted by the International Covenant on Economic, Social and Cultural Rights' (1978) 9 *Netherlands Yearbook of International Law* 69, 93 and 103.

⁷ Mary Robinson, 'Advancing Economic, Social, and Cultural Rights: The Way Forward' (2004) 26 *Human Rights Quarterly Review* 86.

⁸ James E Penner and Emmanuel Melissaris, *McCouberty and White's Textbook on Jurisprudence* (5th Edition, OUP 2012) 93.

2007-8 global food crisis.⁹ This food crisis was one of the contributing factors to the Arab Spring and Syrian Civil War.¹⁰ Such events can result in mass migration and humanitarian crises. At a national level, ensuring everyone has a sufficient nutritious diet, and preventing hunger promotes internal stability. It also facilitates people being able to work, receive an education and reduces healthcare costs. These factors all have economic benefits for states.

Some legal scholars have suggested a more minimal conception of rights. Henry Shue proposes a collection of basic security and subsistence rights: ‘unpolluted air, unpolluted water, adequate food, adequate clothing, adequate shelter and minimal preventative health care.’¹¹ James Nickel has suggested a more expansive but still minimal collection rights than Shue based on ensuring a minimally good life.¹² Both these minimal conceptions of rights consider the right to food of fundamental importance.

The reason why a lack of food can cause riots, civil unrest and even wars, and food is part of the minimal conception of rights can be explained by the relationship of hunger to human dignity. Human dignity is often stated to be an underpinning foundation of rights in human rights treaties. However, these treaties do not define dignity leaving its definition to ‘intuitive understanding.’¹³ This however does not stop dignity being a concept with meaning that can inform both our understanding of and approach to human rights.¹⁴ Reading discussions about the meaning of human dignity it is apparent that certain concepts, phrases and words appear repeatedly, for example, equal moral worth,¹⁵ and respecting this

⁹ Travis J. Lybbert and Heather R Morgan, *Lessons from the Arab Spring: Food Security and Stability in the Middle East and North Africa* (OUP 2013), 357.

¹⁰ Caitlin Werrell, Francesco Femia and Troy Sternberg, ‘Did We See It Coming? State Fragility, Climate Vulnerability, and the Uprisings in Syria and Egypt’ (2015) 35 *The SAIS Review of International Affairs* 29, 44.

¹¹ Henry Shue, *Basic Rights. Subsistence Affluence, and US Foreign Policy. 40th Anniversary Edition* (Princeton University Press 2000) 52-3.

¹² James Nickel, *Making Sense of Human Rights* (2nd edn, Blackwell Publishing 2007) 139-40.

¹³ Oscar Schacter, ‘Human Dignity as a Normative Concept’ (1983) *The American Journal of International Law* 849.

¹⁴ Jeremy Waldron, ‘Is Dignity the Foundation of Human Rights?’ in Rowan Cruft, S. Matthew Liao and Massimo Renzo (eds), *Philosophical Foundations of Human Rights* (OUP 2015), 121.

¹⁵ John Tasioulas, ‘On the Foundation of Human Rights’ in Rowan Cruft, S Matthew Liao and Massimo Renzo (eds), *Philosophical Foundations of Human Rights* (OUP 2015) 54; Rowan Cruft, S Matthew Liao and Massimo Renzo, ‘The Philosophical Foundations of Human Rights. An Overview’ in Rowan Cruft, S Matthew Liao and Massimo Renzo (eds), *Philosophical Foundations of Human Rights* (OUP 2015), 5; Paolo G Carozza, ‘Human Dignity’ in Dinah Shelton (ed) *The Oxford Handbook of International Human Rights Law* (OUP 2015) 346.

equal moral worth,¹⁶ people's attitudes to certain groups,¹⁷ and intrinsic worth.¹⁸ This suggests that people have equal moral worth, and the actions of others should acknowledge this. In addition, for a dignified life people need to be able to act with autonomy and make decisions about their lives.¹⁹

Hunger as an affront to human dignity and our shared morality can be seen throughout historic events. Hunger is not just associated with the physical impacts of insufficient nutrition but also causes mental pain and anguish.²⁰ During wars, hunger has been used as a weapon to break resolve;²¹ suicide rates rose in 19th Century France as levels of starvation increased;²² narratives around the Irish Famine demonstrated that people starving due to circumstances beyond their control pricked the nations conscious.²³ Similar responses have been seen more recently during the COVID-19 pandemic when a footballer and businesses stepped in to ensure children did not go hungry whilst not attending school and unable to access free school meals.²⁴ The relationship of hunger to human dignity was also highlighted during the drafting of ICESCR. The Chilean delegate stated that 'Man could not.... have a sense of his own dignity if he was suffering from hunger.'²⁵

However, it is not just hunger that is related to human dignity. Beyond receiving the minimum calories, as will be discussed below, the right to food includes accessing an adequate and nutritionally appropriate diet. A person is unlikely to be able to live a dignified life and able to make full range of free choices if they are suffering from malnutrition, a

¹⁶ McCrudden, "Human Dignity and Judicial Interpretation of Human Rights" (2008) 19 European Journal of International Law 655, 675.

¹⁷ David Feldman, 'Human Dignity as a Legal Value: Part 1' [1999] Public Law 682686.

¹⁸ McCrudden (n 16).

¹⁹ For further discussion about dignity and the right to food see: Clare James, 'The Role of Dignity in Rights-Based Food Policy in the UK' (2025) 36 Kings Law Journal 338.

²⁰ For example, the FAO defines hunger as: an uncomfortable or painful physical sensation caused by insufficient consumption of dietary energy. FAO, 'Hunger and food insecurity' <https://www.fao.org/interactive/measuring-hunger/en/> accessed 7 April 2026.

²¹ Pitirim A Sorokin, *Hunger as a Factor in Human Affairs* (University of Florida Presses 1975) 102.

²² Ibid 105.

²³ James Vernon, *Hunger a Modern History* (Belknap Press of Harvard University 2007) 20.

²⁴ Haroon Siddique, 'Marcus Rashford forces Boris Johnson into second U-turn on child food poverty' *The Guardian* (8 November 2020) <https://www.theguardian.com/education/2020/nov/08/marcus-rashford-forces-boris-johnson-into-second-u-turn-on-child-food-poverty> accessed 7 April 2026; Abbey Maclure, 'The Leeds Restaurants and Businesses Offering Free Meals for Children During School Half Term' *Yorkshire Evening Post* (23 October 2020) <https://www.yorkshireeveningpost.co.uk/news/politics/leeds-restaurants-and-businesses-offering-free-meals-children-during-school-half-term-3013790> accessed 7 April 2026.

²⁵ UNGA, '1232nd Meeting, Report of the ECOSOC (A/5503), (15 October 1963) UN Doc A/C.3/SR.1232 as reproduced in Ben Saul, *The International Covenant on Economic, Social and Cultural Rights. Travaux Préparatoires 1948-1966* (Oxford University Press 2016) 2247.

micronutrient deficiency or other diet-related illness. Food is a central feature of culture and social interactions.²⁶ Limited food and choices related to food, can remove this aspect of human interaction and make people feel they are not of equal moral worth. Chronic food insecurity, where people cannot be sure they will be able to access food for themselves and families every month or are limited in what they can feed themselves and their families, is linked to mental health disorders.²⁷ These are all reasons why the right to food should be grounded in human dignity. In addition, the right to food is fundamental to the realisation of other human rights, also necessary to lead a full and dignified life.

1.1.2. The right to food is fundamental to the realisation of other human rights

In 1963, the proclamation of Tehran stated that human rights were indivisible, interdependent and interrelated.²⁸ The idea that human rights are indivisible, and that realisation of all rights is dependent on realisation of other rights has been frequently repeated by UN bodies.²⁹ Although the indivisibility of rights has been frequently reasserted, academics have questioned whether absolute indivisibility is a feature of the realisation of human rights. Indivisibility ignores that some human rights are *jus cogens*, that always apply to all states and so take higher priority.³⁰ Nickel has argued that the supporting relationship between rights is more nuanced. He argues that the interdependence between rights depends on the rights themselves, and the level of realisation in a particular state.³¹ Shue and Gilabert both argue that realisation of a certain level of some subsistence rights, such as the right to food, are likely to facilitate realisation of other rights.³² As such this argument is not at odds with those of Nickel, but that the right to food, due to the nature of the right will have strong supporting links to other rights.

²⁶ See, for example: UNCHR 'Report of the Special Rapporteur on the Right to Food, Jean Ziegler' (2004) UN Doc E/CN.4/2004/10 [3].

²⁷ Rachel A Liebe et al, "'I'm Doing the Best that I Can': Mothers Lived Experience with Food Insecurity, Coping Strategies, and Mental Health Implications' (2024) 8 Current Developments in Nutrition 102136.

²⁸ United Nations, 'Proclamation of Teheran: Final Act of the International on Human Rights' (1968) UN Doc. A/CONF.32/4.

²⁹ See, for example: World Summit Outcome 2005, UNGA resolution 60/1 (16 September 2005) UN DOC A/RES/60/1 part 1 [13].

³⁰ James Nickel, 'Rethinking Indivisibility: Towards a Theory of Supporting Relations between Human Rights' (2008) 30 Human Rights Quarterly 984, 995.

³¹ Ibid, 984.

³² Pablo Gilabert, 'The Importance of Linkage Arguments for the Theory and Practice of Human Rights: A Response to James Nickel' (2010) 32 Human Rights Quarterly 425; Henry Shue, *Basic Rights. Subsistence Affluence, and US Foreign Policy. 40th Anniversary Edition* (Princeton University Press 2000) 52-3.

More specifically, ‘minimum essential food which is nutritionally adequate and safe’ is a core component of the right to the highest attainable standard of health.³³ Food related diseases are a massive cause of ill-health and cost to the UK economy.³⁴ If people are hungry, malnourished or suffering from other dietary related diseases it is likely they may not be able to fully realise their right to education or right to work. More generally, in relation to civil and political rights, people who are hungry and food insecure are more likely to be marginalised in society and not fully realise their democratic rights such as freedom of association and the right to vote.³⁵ Hunger has also been found to be a violation of the prohibition of torture, inhuman or degrading treatment and punishment.³⁶ Finally in extreme circumstances, those that are hungry can lose their lives, a violation of the right to life.³⁷

The links between the right to food and other human rights has been confirmed in more recent research.³⁸ This research considered the realisation of human rights in states and carried out statistical analysis to establish links between rights. The analysis demonstrated links between the right to food and the rights to education, housing and work.³⁹ As such this confirms the fundamental importance of the right to food to ensure a realisation of other human rights and leading a dignified life. It also demonstrates that ensuring people enjoy the right to food will improve levels of education, employment as well as supporting policy to improve access to housing and health policies. As such, in addition to moral arguments that the right to food is necessary for a dignified life, there are also strong political arguments to incorporate the right to food into UK law.

³³ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12 of the Covenant)*, (11 August 2000) UN Doc E/C.12/2000/4 [43].

³⁴ See, for example: Bukky Balogun *et al* ‘Obesity’ (House of Commons Library Number 9049), 12 July 2021 [2.3].

³⁵ UN Office of the High Commissioner for Human Rights and UN Food and Agricultural Organization, ‘The Right to Adequate Food’ (Fact Sheet No. 34, 2010) <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-34-right-adequate-food> accessed 7 April 2026.

³⁶ See, for example: *R.R and others v Hungary* Application No 36037/17, Merits and Just Satisfaction, 2 March 2021, *Dudchenko v Russia* Application No 37717/05, Merits, 7 November 2017

³⁷ *Nencheva and others v Bulgaria* Application No 48609/06 Merits and Just Satisfaction, 18 June 2023.

³⁸ Jan Essink, Alberto Quintavalla and Jeroen Temperman, ‘The Indivisibility of Human Rights: An Empirical Analysis’ (2023) 23 Human Rights Law Review 1.

³⁹ *Ibid.*

2.2. The right to food in international human rights law

The right to food appears in many international human rights treaties including the UN Convention on the Rights of the Child (UNCRC), the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and the Geneva Conventions. This demonstrates that the international community consider the right of fundamental importance. The UK has ratified these treaties, which means that the UK is bound by the obligations the treaty contains. However, due to the nature of the UK's constitution, unless the UK, or a devolved legislature, such as the Scottish Parliament has then incorporated the treaty into UK law the treaty cannot be applied in UK courts and is not consider part of the law in the UK.

Article 11 ICESCR

Article 11 of the ICESCR is the most expansive statement of the right to food in international human rights law. It states:

- '1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.*
- 2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:*
 - (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;*
 - (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.'*

There are also several general principles in relation to the realisation of the rights in the Covenant that apply to the right to food.

Progressive realisation

Article 2(1) of the ICESCR indicates that the rights in the Covenant are to be achieved 'progressively.' This requires states to take steps to realise the rights in the Covenant. This approach recognises that the socio-economic status of states varies and so some will take longer to realise Covenant rights than others. It also acknowledges that the implementation of national plans, development of necessary infrastructure and the resulting improvement in the realisation of rights all take time. It has been argued that the nature of progressive realisation is too vague and imprecise, potentially allowing states to postpone implementation.⁴⁰ However, steps should be concrete, deliberate and targeted.⁴¹ States are expected to have a plan to implement a right within the resource constraints they face. As Flegg and Boyle have stated, the UN Committee on Economic, Social and Cultural Rights (CESCR) have developed factors to consider if whether such a plan fulfils a state's duty to take steps to progressively realise a right.⁴² These include the extent to which measures are deliberate, concrete and targeted; the nature of the exercise of discretion; the nature of resource allocation in relation to international standards; the timeframe for the steps taken; and the transparency of decision making.

Maximum available resources

The steps taken towards progressive realisation are to be taken to the maximum of a state's available resources.⁴³ This provision reflected the differing socio-economic status and varying positions of states in relation to the rights in the treaty when it was drafted. However, the drafters did not consider that a lack of resources was an excuse to indefinitely delay implementation of the rights in the Covenant.⁴⁴ It should also be noted that available

⁴⁰ See, for example: Theo Van Boven, 'Categories of Rights' in Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran (eds), *International Human Rights Law* (3rd edn, OUP 2018); Mary Robinson, 'Advancing Economic, Social, and Cultural Rights: The Way Forward' (2004) 26 *Human Rights Quarterly Review* 86.

⁴¹ UN Committee on Economic, Social and Cultural Rights, General Comment No.3: *The Nature of State Parties' Obligations (Article 2 para 1)*, (14 December 1990), E/1991/23 (GC 3) [2].

⁴² Aidan Flegg and Katie Boyle, 'Economic, Social and Cultural Rights: International Legal Obligations- An explainer (University of Stirling, 2022) < https://dspace.stir.ac.uk/retrieve/a0d9b086-e59f-44da-a091-4f0a0676afd8/02-Briefing%201%20International%20Obligations_18MAY22.pdf > accessed 7 April 2026.

⁴³ Article 2(1) ICESCR.

⁴⁴ Matthew Craven, *The International Covenant on Economic, Social and Cultural Rights. A Perspective on Its Development* (Clarendon Paperbacks 1995) 136.

resources are also considered to include international assistance, including aid and technical assistance.⁴⁵ The question as to what constitutes a state's available resources, and whether a state is utilising its maximum available resources is not easy to answer. There is a requirement that budgets and decisions be transparent.⁴⁶ In relation to what resources are available, the CESCR in State reports gives states a margin of discretion to how much is spent on socio-economic rights.⁴⁷ However, the CESCR has given opinions on states' approaches in this respect, especially when the amount of spending on socio-economic rights has decreased.⁴⁸

Non-retrogression

In relation to the rights in the ICESCR, states are also under an obligation to avoid measures that result in 'backsliding' in the realisation of a right. This principle of non-retrogression indicates that states should not reduce delivery of a particular right.⁴⁹ This obligation applies even in times of crisis. An example of this can be seen in the UK during the COVID-19 pandemic. In September 2021, the UK Government announced the Universal Credit uplift payments made during the height of the pandemic would be stopped. Civil society raised concerns about the number of people this would force into poverty.⁵⁰ Olivier de Schutter, the Special Rapporteur on Extreme Poverty and Human Rights at the time, indicated this was clearly a retrogressive measure.⁵¹ The measure had not been sufficiently justified and so was a retrogressive measure.

The CESCR has indicated that retrogressive measures 'would require the most careful consideration and would need to be fully justified by the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources.'⁵² More

⁴⁵ Ibid 144.

⁴⁶ Katie Boyle et al, *Access to Social Justice. Effective Remedies for Social Rights*. (Bristol University Press, (2025) <https://doi.org/10.51952/9781529237924.ch002> accessed 8 April 2026.

⁴⁷ Craven (n 44) 137.

⁴⁸ Ibid.

⁴⁹ Boyle et al (n 46).

⁵⁰ See, for example: Centre for Microsimulation and Policy Analysis, 'Cancelling the £20 uplift will push 1 million people and 450,000 children into poverty'

<https://www.microsimulation.ac.uk/about/news/2021/09/24/cancelling-the-20-uplift-will-push-1-million-people-and-450000-children-into-poverty/> accessed 6 April 2026.

⁵¹ <https://www.theguardian.com/society/2021/sep/16/unconscionable-universal-credit-cut-breaks-human-rights-law-says-un-envoy> accessed 23 April 2026.

⁵² GC 3 (n 41) [9].

recently, in 2012, in response to states introducing austerity measures following the 2008 financial crash, Ariranga G. Pillay, Chairperson of the CESCR reaffirmed that any retrogressive measures must be temporary during the period of the crisis, the policy must be necessary and proportionate and not discriminatory.⁵³ There was also a requirement that the alternate policies or ‘a failure to act would be more detrimental’ to socio-economic rights.⁵⁴ As such, retrogressive measures should be rarely adopted and need to be fully justified in a transparent way.

Non-discrimination

Although the rights in the ICESCR are to be realised progressively, states are required to implement the principle of non-discrimination immediately.⁵⁵ This requires that states ensure access to rights in a non-discriminatory way. To fulfil this obligation states will need to consider which groups are particularly vulnerable to having their rights violated and address their disadvantage and ensure policies address their needs.⁵⁶ For example, in relation to the right to food, if access to food is recorded at household level, such data may fail to recognise that women in households often go without to ensure their children have sufficient food.⁵⁷ Likewise considering overall affordability and access to food may fail to highlight that Disabled people are more likely to experience food security for a number of reasons,⁵⁸ such as inaccessibility of online shopping or insufficient income. This requires appropriate planning and collection of evidence to ensure that those that are marginalised or that may be missed by statistical data are also considered in policy to facilitate the realisation of rights.

⁵³ Ariranga G Pillay, UN Doc CESCR/48th/SP/MAB/SW <https://www.converge.org.nz/pma/cescr0512.pdf> accessed 6 April 2026.

⁵⁴ Ibid.

⁵⁵ GC 3 (n 41) [1].

⁵⁶ Boyle et al (n 46).

⁵⁷ See, for example: Home Start, ‘Nearly Half of UK Parents Skip Meals to Feed Their Children New Study Finds’ <https://www.home-start.org.uk/news/nearly-half-of-uk-parents-skip-meals-to-feed-their-children-new-study-finds> accessed 7 April 2026.

⁵⁸ See, for example: The Food Foundation, ‘Food Insecurity and Inequalities Experienced by Disabled People’ https://foodfoundation.org.uk/sites/default/files/2023-12/Disabilities%20briefing_FINAL.pdf accessed 7 April 2026.

Content of the right to food: CESCR General Comments and Typologies

In 1999 General Comment (GC) 12 of the CESCR provided authoritative guidance as to the content of the right to food and the obligations states had in relation to the right to food. Although not legally binding in the same way as treaty obligations, this document is key to understanding the content of the right to food and the steps needed to be taken by states to fully implement the right to food. However, before turning to consider this document in detail, it is first necessary to consider GC 3 of the CESCR, which discusses the general obligations of states in relation to the rights in the ICESCR.

GC 3 described a ‘minimum core obligation’ to ensure a minimal essential level of the rights in the treaty. It then goes on to state that a ‘State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, prima facie, failing to discharge its obligations under the Covenant.’⁵⁹ The Committee goes on to acknowledge, in line with the principle of progressive realisation, as stated in Article 2(1) ICESCR, that some states may struggle to reach even this minimal level of rights realisation. A state must however demonstrate ‘that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations.’⁶⁰

The idea of a very minimal level of a right is then repeated in GC 12 in relation to the right to food. The first paragraph stating that ‘more immediate and urgent steps may be needed to ensure “the fundamental right to freedom from hunger and malnutrition.”’⁶¹ In paragraph 17, GC 12 also indicates that a violation of the Covenant occurs when ‘a state fails to ensure, the satisfaction of, at the very least, the minimum essential level required to be free from hunger.’ Together GCs 3 and 12 suggest the very minimum requirement of states is to ensure no one is hungry. Unless there are very exceptional circumstances, failure to do this will be a violation of the right to food. A situation where there is chronic and ongoing hunger, would certainly be violating the right to food.

⁵⁹ GC 3 (n 41) [10].

⁶⁰ Ibid.

⁶¹ UN Committee on Economic, Social and Cultural Rights, *General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)*, (12 May 1999) UN Doc E/C.12/1995/5 (GC 12) [1].

State obligations do not end at this point. Beyond this very minimal level of realisation of the right to food, states need to take steps to progressively realise the right to adequate food.⁶² The CESCR considers the core content of the right to adequate food to be:

‘The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture;

The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.’⁶³

The CESCR then goes on to discuss in more detail the content of the core of the right to adequate food:

- ‘Dietary needs’ refers to the adequate nutrients for physical and mental wellbeing, in line with the stage of life and needs of the individual. It also refers to the need for dietary diversity and the importance of continuing access.
- ‘Free from adverse substances’ refers to food safety.
- ‘Acceptable within a given culture’ refers to both cultural and consumer acceptability. It requires consideration of non-nutrient based values in relation to food.
- ‘Availability’ refers to the way people can feed themselves either requiring land to grow their own food or ensuring functioning markets and infrastructure so it can reach where it is needed. It encompasses both physical and economic accessibility.
 - Physical accessibility requires food that is accessible to all. This means consideration is given to the needs of Disabled people, children, older people and people with characteristics which place them at increased risk of disadvantage. It also requires a state to consider food access during times of natural disasters and other emergencies.
 - Economic accessibility refers to the ability to afford food and that purchasing food does not impact the ability to afford other necessities that are required for other human rights.

⁶² Ibid [6].

⁶³ Ibid [8].

Beyond setting out this content of the right to food, GC 12 reaffirms the importance of non-discrimination in realisation of the right to food.⁶⁴ The CESCR also discusses the way states may implement the right to food. Whilst acknowledging the most appropriate strategy will vary from state to state, the GC does indicate some steps states should take:⁶⁵

- Adoption of a national strategy that considers food and nutrition security. This should be based on human rights principles and contain clear objectives, benchmarks and mechanisms for monitoring. The strategy should be participatory and transparent.
- Consider framework legislation that sets verifiable benchmarks, including targets, time frames, methods of measuring progress and methods of monitoring.
- States should actively engage with and collaborate with civil society and NGOs in the adoption of a national strategy, framework law and the ongoing policy development and monitoring.
- States need to provide remedies and accountability for people whose rights are violated. This can be judicial, but other appropriate remedies can be created.

GC 12 also introduces a three-level typology for state obligations in relation to human rights: respect, protect and fulfil.⁶⁶ The obligation to respect requires states not to prevent access to food, or take measures that negatively impact the realisation of the right to food. The obligation to protect requires that the state prevent negative impacts on the realisation of the right to food by non-state actors, which would include businesses. Finally, the obligation to fulfil contains two components; facilitate and provide. Facilitate requires states to strengthen access to food and the realisation of the right to food. Provide creates obligations overstate to provide the right directly, and so this requires states to provide food when people do not have physical or economic access to food.

Although the right to food is defined in GC 12, the comment does acknowledge some of the obligations will be realised more quickly and some will take time. Given the extensive nature of the right to food in Article 11(2) this raises the question as to how states should prioritise action. What should a national food plan address and what should any framework

⁶⁴ Ibid [17]-[18].

⁶⁵ Ibid [21]-[35].

⁶⁶ Ibid [15].

law contain? The approach suggested here is focusing on a minimum core of the right to food and the next section will define the content of the minimum core of the right to food.

The right to food in other human rights treaties:

Article 11 ICESCR is the most expansive statement of the right to food. However, other treaties and treaty bodies have recognised the fundamental importance of the right to food both as a right itself and in relation to the realisation of other rights. Article 28 of the UNCRPD contains the right to an adequate standard of living for persons with disabilities, including adequate food. In General Comment 5 the Committee on the Rights of Persons with Disabilities (CRPD) stated access to adequate food is also a fundamental component of living independently and being included in the community.⁶⁷ In 2017, even before the COVID-19 pandemic and current cost-of-living crisis, the Concluding Observations of the CRPD in relation to the UK raised concern about the impact of food insecurity on disabled people in the UK. The impact of austerity measures stemming from the 2008/9 financial crisis led to severe constraints on the finances of disabled people and their families, demonstrated by the increase in use of foodbanks.⁶⁸

Likewise, the UNCRC also recognises the importance of access to adequate food. Article 24, the right the enjoyment of the highest attainable standard of health requires states to combat malnutrition through the provision of adequate nutritious foods. It also requires education and information about nutrition for both parents and children. Article 27. The right to ‘an adequate standard of living for the child’s physical, mental, spiritual, moral and social development’ also indicates the importance of states ensuring access to adequate nutrition. Since 2008, the CRC in their concluding observations on the UK have raised concern about nutrition and child poverty, food insecurity in children in the UK and rising levels of obesity, and the resulting health inequalities this causes.⁶⁹ The Committee has

⁶⁷ Committee on the Rights of Persons with Disabilities, ‘General Comment No 5 (2017) on Living Independently and Being Included in the Community’ (27 October 2017) UN Doc CRPD/C/GC/5 [9] and [13].

⁶⁸ Committee on the Rights of Persons with Disabilities, ‘Concluding Observations on the Initial Report of the United Kingdom of Great Britain and Northern Ireland’ (3 October 2017) UN Doc CRPD/C/GBR/CO/1 [58].

⁶⁹ For example, see: CRC, Concluding Observations: United Kingdom of Great Britain and Northern Ireland’ (20 October 2008) UN Doc CDC/C/GBR/CO/4 [65].

repeatedly called for collection of food security and nutrition data for children and monitoring of the success of policies and programmes aimed to address these concerns.⁷⁰

2.3. State obligations for the right to food: the importance of the minimum core

The right to food, as stated in Article 11 ICESCR and developed by the CESCR, is an expansive right. It was also acknowledged by the drafters of the ICESCR and the CESCR that realising this right will be a progressive process; states are not expected to achieve this immediately or in a short time frame. This then raises the question as to how states should decide which components of the right to prioritise. Given the approach of the CESCR, the minimum core should be prioritised by states. The CESCR initially stated in General Comment 3, that the minimum core relating to food is preventing hunger. However, as Alston has pointed out the right to food as stated in the ICESCR contains two distinct norms: the right to be free from hunger and the right to adequate food.⁷¹ However, he has argued that these two rights should be synonymous because the role of human dignity in the Universal Declaration of Human Rights ‘makes it clear that the normative thrust is towards progressive improvement rather than a static concern with the satisfaction of bare needs.’⁷²

The approach of the Special Rapporteurs for the right to food to the question of whether the right to food as stated in Article 11 ICESCR contains two separate rights has varied. Ziegler suggested two rights: ‘the right to food and the right to freedom from hunger are human rights.’⁷³ De Schutter however suggested one right describing the right to adequate food as the way to alleviate hunger.⁷⁴ Elver took an approach lying between these two suggesting the right to food was ‘a distinct and fundamental right to be free from hunger and to have sustainable access to food.’⁷⁵

⁷⁰ For example, see: CRC, ‘Concluding Observation on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland’ (16 Jul 2016) UN Doc CRC/C/GBR/CO/5 [66-7].

⁷¹ Philip Alston, ‘International Law and the Human Right to Food’ in Phillip Alston and Katarina Tomaševski (eds), *The Right to Food* (Martinus Nijhoff 1984) 32.

⁷² *ibid* 33.

⁷³ UNCHR ‘Report of the Special Rapporteur on the Right to Food, Jean Ziegler’ (2005) UN Doc E/CN.4/2005/47 [5].

⁷⁴ UNGA ‘Right to Food Note by the Secretary General: Interim Report of the Special Rapporteur on the Right to Food, Hilal Elver’ (2013) UN Doc A/68/288 [8].

⁷⁵ UNHRC ‘Report of the Special Rapporteur on the Right to Food, Hilal Elver’ (2014) UN Doc A/HRC/28/65 [2].

In General Comment 14, the CESCR confirmed the core obligations of states to ‘mitigate and alleviate hunger.’ They also clarified that alleviating hunger meant ensuring food that was safe and nutritionally adequate.⁷⁶ This approach suggests that the CESCR sees provision of safe and nutritionally adequate food to alleviate hunger and prevent malnutrition as a minimum requirement of both the right to food and the right to the highest attainable standard of health. However, this only addressed the ‘right to be free from hunger.’ Article 11 ICESCR also contains a right to adequate food and so the content of this right still needs to be established.

As discussed above the CESCR has indicated the core of the right to adequate food. Many academics have suggested that approaches based on should be part of the basic level of socio-economic right provision. Graham suggests that determining the destitution threshold in relation to the right to food requires consideration as to whether people can access food that ‘is adequate both as to quantity and quality, that food is sustainable, that the food allows for an appropriate diet, that the food is culturally acceptable and that the food is accessible.’⁷⁷ Likewise Boyle and Flegg summarise the right to adequate food as requiring food that satisfies dietary requirements, that is safe for human consumption, and is culturally appropriate. They also indicate such food should be available and physically and economically accessible.⁷⁸

In considering all these approaches, the approach suggested here is that there is a fundamental right to be free from hunger which requires that states ensure everyone within the jurisdiction has sufficient to meet their dietary needs to prevent hunger and malnutrition. Only in very exceptional circumstances will failure to achieve this not be considered a violation of the right to food. In addition, there is a right to adequate food. This requires states to ensure that food is available, and that people have physical and economic access to nutritionally appropriate, safe, culturally appropriate and sustainable food. It is this that is the core of the right to adequate food. Although this is to be progressively realised,

⁷⁶ Luke Graham *International Human Rights Law and Destitution. An Economic, Social and Cultural Rights Perspective* (Routledge 2023) 57.

⁷⁷ Ibid.

⁷⁸ Katie Boyle and Aidan Flegg, ‘The Right to Food in the UK – An Explainer’ (University of Stirling, 2022) https://dspace.stir.ac.uk/retrieve/67b40252-e5a0-420f-849e-2662d682f3da/05-Briefing4-food_18MAY22.pdf accessed 20 April 2026.

states should be taking active and concrete steps towards realisation, and the realisation of this core should be prioritised.

However, the use of the minimum core in relation to socio-economic rights is not without criticism. Both Young and Craven have questioned how precisely the content of the minimum core for a right can be defined. Young has argued that it is unlikely that the minimum core will ever be sufficiently clear to 'supply a predetermined content to economic and social rights, rank the value of particular claims, or set the level and criteria of stage justification required for a permissible infringement.'⁷⁹ Similarly Craven has raised a number of concerns about how a minimum core is to be determined; is it a general international standard of state specific and if state specific how is it to be defined so it both has a sufficiently precise content as well flexibility to allow individual states to set a minimum core.⁸⁰

There has also been doubt as to whether the minimum core of a right can be used by courts to determine if a state has violated a particular right. In the case of *Grootboom*, heard by the South African Constitutional Court, Yacoob J raised concerns that the court cannot assess the minimum core in relation to the right to housing. Assessing the right depends on opportunities for enjoyment of the right which would in turn be determined by availability of land, employment levels, income levels and the available resources.⁸¹

These are legitimate concerns, but the minimum core can still be a key concept in the implementation of the right to food. Even if a right is incorporated in national law, other policy and law will be necessary to implement that right. This can provide standards and definitions that can then be used in any court adjudication. In addition, the minimum core is a vital tool to direct policy. It identifies the priorities to ensure everyone, including those at greatest risk of violations realise the basic components of a right.⁸² It can provide a framework to assess where a state stands in relation to realisation of a right and what areas it needs to address. The core of the right for adequate food, alongside the right to be free

⁷⁹ K Young, 'The Minimum Core of Economic and Social Rights: A Concept in Search of Content' (2008) 33 The Yale Journal of International Law 113, 116.

⁸⁰ Craven (n 44) 141-3.

⁸¹ *Republic of South Africa v Grootboom* (2001) SA 46 (South African Constitution Court [32]).

⁸² David Bilchitz, *Poverty and Fundamental Rights. The Justification and Enforcement of Socio-Economic Rights* (OUP 2007).

from hunger, provides clear guidance to governments in relation to action needed to realise the right to food.

2.4. The right to food and food security

Having defined the minimum core of the right to food, the ways this can be incorporated and monitored will be considered. However, before moving on it is first necessary to discuss the relationship between food security and the right to food. The 2009 Food and Agricultural Organization (FAO) of the UN definition of food security is widely accepted and states that ‘food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary and food preferences for an active and healthy life.’ The FAO has also defined four pillars of food security: availability, access, stability, and utilisation.⁸³ Availability is affected by levels of production. It is also affected by net trade and stock levels in a state.⁸⁴ Access can relate to the economic ability to purchase food or the physical ability of people.⁸⁵ This may mean for some being provided with food due to their situation, ensuring there is infrastructure in place so people can get to where food is, or ensuring people have the land and other tools to grow their own food. Stability of food supply refers to a household’s abilities to withstand adverse circumstances and ‘shocks’ and maintain their food security.⁸⁶ Finally, utilisation relates to the nutritional aspects of food security and can also be affected by the availability of clean water, cooking facilities and uneven distribution of food to members of the household.⁸⁷

Comparing this to the discussion above about the content of the right to food, there are large areas of overlap between food security and the right to food. Food security is measured and reported by many states, including the UK.⁸⁸ It is also recorded and reported by NGOs.⁸⁹ Food security is an extensively researched area, with extensive policy discourse

⁸³ Food and Agricultural Organisation, ‘2009 Declaration of the World Summit on Food Security’ (16-18 November 2009) Un Doc WSFS 2009/2.

⁸⁴ FAO ‘World Food and Agriculture Statistical Pocket Book 2019’ (2019) <https://www.fao.org/3/ca6463en/ca6463en.pdf> accessed 15 March 2024, 15.

⁸⁵ *ibid* 16.

⁸⁶ *ibid* 20.

⁸⁷ *ibid* 22.

⁸⁸ s19 Agriculture Act 2020

⁸⁹ See, for example: The Food Foundation, ‘Food Insecurity Tracker’ <https://foodfoundation.org.uk/initiatives/food-insecurity-tracking> accessed 7 April 2026.

and is a widely developed concept.⁹⁰ This raises the question as to why food security is not sufficient alone to realise the right to food; is the right to food necessary?

Food security is framed as a technical policy goal.⁹¹ Unlike a legal right it can be changed and limited. Human rights are founded in dignity and so this adds additional considerations to the way the right to food is implemented. Hope Johnson has highlighted more features of a rights-based approach to food systems, highlighting the following aspects:

‘[P]rocedural standards, frameworks for understanding food system actors’ roles, clearer conceptual interlinkages with the environment, greater focus on the route causes, an understanding of mutually reinforcing dynamics between human freedoms, and the ability to empower.’⁹²

2.5. Incorporation and implementation of the right to food

There are many states that have incorporated the right to food into their national law. This has been done by including the right to food in the country’s constitution, by courts considering that the right to food is part of another right protected in that constitution, or by incorporating aspects of the right to food in framework legislation addressing the right to food or food security. In some countries known as monist states, once a state has ratified an international treaty it automatically becomes part of that states law and can be considered in domestic courts.⁹³ However, the UK is a dualist state, and so even though the UK has ratified the ICESCR, for the obligations it contains to be applied in UK law and courts, Parliament would have to create specific legislation.

Many states contain provisions in relation to the right to food in their constitutions. Brazil added the right to food to its constitution in 2010.⁹⁴ Article 27 of the South African Constitution states that everyone has a right to have access to sufficient food and water.⁹⁵

⁹⁰ Kerstin Mechlem, ‘Food Security and the Right to Food in the Discourse of the United Nations’ (2004) 10 European Law Journal 631, 633.

⁹¹ Hope Johnson, *International Agricultural Law and Policy* (Edward Elgar 2018) 46.

⁹² Ibid 4.

⁹³ Lidija Knuth and Margaret Vidar, *Constitutional and Legal Protection of the Right to Food around the World* (FAO 2011) <https://www.fao.org/right-to-food/resources/resources-detail/en/c/80544/> accessed 5 March 2024, 25.

⁹⁴ FAO, ‘The Right to Food Around the Globe’ <https://www.fao.org/right-to-food-around-the-globe/countries/bra/en/> accessed 20 April 2026.

⁹⁵ Knuth and Vidar (n 93) 15.

Colombia specifically recognises the right to food of children in Article 44 of its constitution.⁹⁶ In some constitutions the right to food is included as part of a broader right for example Article 21 of the Constitution of Belarus that mirrors the wording of Article 11 ICESCR and provides for a dignified standard of living that includes ‘appropriate food.’⁹⁷

The right to food is also considered to be implicitly included in other rights in constitutions as well as having been found to be implicit in rights protected by the constitution. Rights that protect access to a minimum wage or access to social security will implicitly protect the right to food.⁹⁸ In addition, constitutional courts have found the right to food to be included in other rights. The most prominent example of this is the right to food cases in India. The Constitutional Court found the right to food was part of the right to life, protected in Article 21 of the Indian Constitution. These cases resulted in court supervision of new government programmes including grain distribution and provision of free school meals.⁹⁹

The cases in India demonstrate an important point about incorporating and implementing the right to food. Acknowledging the right to food as a right that is protected in domestic law is only the first step of implementation. In India the court went on to require measures to address hunger. In Brazil, the constitution has contained the right to food since 2010. Before this a National Conference on Food and Nutritional Security was created in 2003. The Conference included both politicians and representatives from civil society and has become an ‘engine of the legal, social and political reform of the Brazilian Food System.’¹⁰⁰ It campaigned for a framework law that was passed in 2006 and the constitutional recognition of the right to food in 2010.¹⁰¹ These steps have succeeded in reducing hunger from 78 million out of a population of 185 million in 2003 to 8.7 million in 2023. This demonstrates the importance of coordinated policy and framework laws in implementing the right to food in national law and policy, even absent explicit constitutional protection.

⁹⁶ Ibid.

⁹⁷ Ibid, 16.

⁹⁸ Ibid, 17.

⁹⁹ Lauren Birchfield and Jessica Corsi, ‘The Right to Life is the Right to Food: Peoples Union for Civil Liberties v Union of India and Others’ (2010) 17 Human Rights Brief 15.

¹⁰⁰ UNHRC ‘The Right to Food, Finance and National Action Plans. Report of the Special Rapporteur on the Right to Food, Michael Fakhri’ (2025) UN Doc A/HRC/58/48 [38]-[45].

¹⁰¹ Ibid.

It is suggested that the UK formally incorporate the right to food into domestic law. It is also recommended this is done for all the rights in the ICESCR. As the UK does not have a written constitution, this could be done in a similar way to the incorporation of the European Convention on Human Rights (ECHR) by the Human Rights Act 1998 (HRA). The HRA requires that courts consider the decisions and declarations of the European Court of Human Rights when determining a question in relation to a right in the Convention.¹⁰² Courts must interpret legislation in a way that is compatible with rights in the ECHR,¹⁰³ and if they cannot issue a declaration of incompatibility so Parliament can revise the law.¹⁰⁴ The HRA also makes it 'unlawful for a public authority to act in a way which is incompatible with a Convention right.'¹⁰⁵ Such incorporation requires the courts to apply the rights and public authorities which courts and local authorities, but not the Houses of Parliament.¹⁰⁶

2.6. Framework Legislation for the right to food

Even if the UK incorporates the ICESCR or the right to food there is also a need for framework legislation. Such framework would require a national food plan to facilitate the realisation of the right to food. The CESCR has emphasised the importance of framework legislation in General Comment 12. Such legislation should clearly define its purpose, set targets and goals as well as indicate a time frame for their achievement.¹⁰⁷ The CESCR also indicates the importance of the legislation indicating the broad measures by which the targets are to be achieved and how civil society, private individuals, such as corporations, and rights holders would be engaged with to ensure the goals are achieved.¹⁰⁸

Scotland has enacted the Good Food Nation (Scotland) Act 2022 (GFN(S)A) which has many features of framework legislation. It requires a good food national plan to be published by Scottish ministers and laid before the Scottish Parliament. This plan must describe the main outcomes to be achieved in Scotland, the indicators that will assess the

¹⁰² s2 Human Rights Act 1998 (HRA).

¹⁰³ s3 HRA.

¹⁰⁴ s4 HRA.

¹⁰⁵ s6 HRA.

¹⁰⁶ Ibid.

¹⁰⁷ GC 12 (n 61) [29].

¹⁰⁸ Ibid.

achievement of these outcomes and finally the policies that will be pursued to achieve the outcomes.¹⁰⁹

However, the UK has no such similar legislation and much of the National Food Strategy released in 2022 under a previous government was not implemented.¹¹⁰ The CESCR in its Concluding Observations on the seventh periodic report of the UK recommended not only that the UK incorporate the rights in the ICESCR into UK law,¹¹¹ but also that the UK should ‘expedite the adoption of a comprehensive strategy for the protection and promotion of the right to adequate food, in consultation with relevant stakeholders.’¹¹² In addition, Michael Fakhri, the previous Special Rapporteur for the right to food as highlighted the importance of national action plans to implement the right to food.¹¹³ Even without protected legal status of the right to food, a national plan which commits the entire Government to the realisation of the right to food can create effective changes in food systems.¹¹⁴

Framework legislation to tackle food insecurity in the UK could make improvements in UK food systems and could address concerns highlighted in the Concluding Observations of the Economic and Social Council. These concerns were levels of food insecurity and reliance on foodbanks, measures to address the triple burden of malnutrition, ensure social protection programmes target those most in need, promote balanced diets and introduce taxes on junk food and sugary drinks as well as regulating marketing of these products.¹¹⁵ Approaches based in food security could address these concerns without engaging with a right to food framework. However, as discussed above, the right to food places specific duties and obligations on a state. Rights based approaches also consider power structures and the relationship between the Government and the people in a state. Most importantly they put people and human dignity at the centre of approaches to tackle food insecurity.

¹⁰⁹ GFNA s1(3).

¹¹⁰ See: Henry Dimbleby, ‘The National Food Strategy: The Plan (July 2021) <https://www.nationalfoodstrategy.org/the-report/> accessed 1 September 2021 and DEFRA, ‘Government Food Strategy’ (June 2022) <https://assets.publishing.service.gov.uk/media/62a6eb418fa8f5039a1bd7b5/government-food-strategy.pdf> accessed 17 April 2024.

¹¹¹ UN Economic and Social Council, ‘Concluding Observations on the Seventh Periodic Report of the United Kingdom of Great Britain and Northern Ireland’ (12 March 2025) Un Doc E/C.12/GBR/CO/7 [6 -7].

¹¹² Ibid [49].

¹¹³ UNHCR (n 100) [37].

¹¹⁴ Ibid.

¹¹⁵ UN Economic and Social Council (n 111) [49].

The FAO has suggested the PANTHER Principles in its Voluntary Guidelines to Support the Right to Food that should govern the relationship between the state and individual.¹¹⁶ These principles have been endorsed by Fakhri,¹¹⁷ and demonstrate what the right to food adds an approach based only on food security. These principles are participation, accountability, non-discrimination, transparency, human dignity, empowerment and the rule of law.¹¹⁸ Using and engaging with these principles would ensure a national food plan and framework legislation that work towards realising the right to food.

2.7. Monitoring the realisation of the right to food

A key part of a national food plan and framework legislation is monitoring. The achievement of any goals set need to be monitored and more widely, the progressive realisation of the right to food should be monitored. In GC 12, the CESCR states that parties to the ICESCR shall 'develop and maintain mechanisms to monitor progress towards the realization of the right to adequate food for all.'¹¹⁹ This process should also help identify any barriers to full implementation of the right to food as well as measures to tackle these barriers.¹²⁰

The implementation of the right to food is often monitored using quantitative measures. Levels of food insecurity, obesity, malnutrition and childhood stunting can all be used to represent aspects of the right to food in numerical format. Food prices, social security levels, minimum wages will also be key in assessing the affordability of food and related metrics. Quantitative measures allow quick comparisons and mapping of trends and so will always be an important part of monitoring for the right to food. However, it is important that measures, such a food security are recorded at the appropriate level. Individual level measurements are important in addition to household, regional or national level measures as these broader categories can obscure individual hunger and malnutrition.¹²¹

¹¹⁶ UNHCR (n 100) [35].

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ GC 12 (n 61) [31].

¹²⁰ Ibid.

¹²¹ Kerstin Mechlem, 'Food Security and the Right to Food in the Discourse of the United Nations' (2004) 10 European Law Journal 631, 635.

Thematic indicators have traditionally been considered more important for civil and political rights.¹²² Food security also has qualitative components and whether people *feel* food secure is important for how they may engage with policies and programmes to improve food security.¹²³ In addition whether you feel food secure, whether you believe that the government is concerned about your food security, and knowing how you are going to feed yourself all relate to people's feelings of equal moral worth and human dignity. The uncertainty and stigma associated with chronic food insecurity also impact people's mental health.¹²⁴ Without using qualitative measures, these important components of a right to good grounded in human dignity would be missed.

2.8. Bodies to monitor and provide remedies

General Comment 12 also indicates the importance of a representative process in developing national plans to realise the right to food.¹²⁵ In addition, an independent monitoring body, to review the plan, monitor compliance and highlight issues or potential violations of the right to food. As discussed above, the National Conference on Food Security in Brazil has performed some of these functions. The Good Food (Scotland) Act provides for establishment of a commission to perform some of these functions.

It is also necessary for full realisation of the right to food for those whose right is violated there is a form of redress. This could be a judicial remedy, with legislation incorporating the right to food also providing for courts to hear cases concerning violations of the right to food. However, effective remedies do not have to be judicial. Human Rights Commissions or other similar body could be empowered to consider violations.¹²⁶

¹²² Maria Green, 'What We Talk About When We Talk About Indicators: Current Approaches to Human Rights Measurement' (2001) 23 Human Rights Quarterly 1062, 1091.

¹²³ Bene et al. 'Is Resilience a Useful Concept in the Context of Food Security and Nutrition Programmes? Some Conceptual and Practical Considerations' (2016) 8 Food Security 123.

¹²⁴ Liebe et al (n 27).

¹²⁵ GC 12 (n 61) [23].

¹²⁶ GC 12 (n 61) [32].

2.9. Key takeaways: the UK's obligations in relation to the right to food

1. The right to food has two components. A fundamental right to be free from hunger and a right to adequate food. The core of the right to adequate food requires that food is available, physically and economically accessible, and adequate. Adequate food is nutritional, culturally appropriate, safe and sustainable.
2. The UK should incorporate the rights in the ICESCR into domestic law.
3. The UK should create framework legislation for the right to food. This requires clear targets, the method of monitoring of those targets and provision for a national food plan that lays out how the targets will be met. The legislation should also lay out engagement with stakeholders, including civil society and individuals.
4. Framework legislation should include reference to the right to food and reference to the PANTHER principles:
 - a. Participation
 - b. Accountability
 - c. Non-discrimination
 - d. Transparency
 - e. Human dignity
 - f. Empowerment
 - g. Rule of law
5. The framework legislation needs to set out how the implementation will be monitored, ensuring the use of both quantitative and qualitative measures relating to realisation of the right to food.
6. An independent body that facilitates participation and also has a role in monitoring national food plans and their implementation should be created by framework legislation.
7. An effective remedy needs to be provided for those whose right to food is violated. This could be through a new ombudsman, or by empowering existing human rights bodies to hear complaints in relation to the right to food.

3. Food Law in the UK

Having established that the minimum core of the right to food consists of a right to be free from hunger and the core of the right to adequate food, this section will now consider the law that contributes to protecting the content of these obligations in the UK. The UK has a complex constitutional structure. Ultimately, the UK Government is responsible for the realisation of human rights in the UK.¹²⁷ However many aspects of food and agricultural law are devolved meaning that Scotland, Wales and Northern Ireland can legislate on these areas and so have approaches that differ from England. In addition, the devolved governments have also begun to legislate in relation to various human rights, making this also an area where the legal status of rights may vary across the UK. The discussion below will highlight what law covers the various components of the core of the right to food, any gaps or concerns about the legal and policy approaches, and areas where the devolved nations have taken a different approach.

3.1 Legal protections for the right to food in the UK

The UK has not incorporated the right to food into law or any of the rights in the ICESCR. In addition, the UK has not ratified the Optional Protocol to the ICESCR. This protocol contains the complaint mechanism for those whose ICESCR rights have been violated. The failure to ratify the optional protocol leaves limited recourse for those in the UK whose socio-economic rights, including the right to food, have been violated. If the optional protocol had been ratified this would allow individuals to take complaints about their rights being violated to an international human rights body. However, if the UK incorporated the right to food, the legislation doing this could also provide protections for those whose rights were being violated. The courts could consider these rights in cases, and legislation to incorporate could also include a complaints mechanism.

Protection through common law (law developed by courts) and judicial review is very limited.¹²⁸ Judicial review is process that ‘scrutinises’ decisions made by governmental and

¹²⁷ For example, see: UN CESCR, ‘Concluding Observations on the 6th Periodic Report of the United Kingdom of Great Britain and Northern Ireland’ (14th July 2016) UN DOC E/C.12/GBR/CO/6 [8].

¹²⁸ Mark Simpson, Gráinne McKeever and Ciara Fitzpatrick, ‘Legal Protection Against Destitution in the UK: The Case for a Right to a Subsistence Minimum’ (2023) 88 Modern Law Review 465.

other public bodies. It can then indicate that the decision has been made in an incorrect manner and require the decision be made again, often considering information that should have been considered in the first instance. There are several grounds for judicial review that consider different reasons the decision made is not appropriate and legal.¹²⁹ Unfortunately many of these grounds are unlikely to protect human rights. Courts have utilised principles of decisions being *ultra vires* (beyond the powers of the decision maker), the principle of legality, and the enhanced level of ‘anxious scrutiny’ in cases involving fundamental rights.¹³⁰

However, as the UK has not incorporated the ICESCR into UK law, allowing the courts to consider these rights, it is unlikely extensive obligations in relation to the right to food would be considered in judicial review cases. The courts traditionally have not used principles from treaties unless they have been incorporated into UK law through legislation.¹³¹ There have been moves away from this rigid approach.¹³² For example, Lord Steyn indicated in the *McKerr* case that this rigid approach may no longer be appropriate in human rights cases.¹³³ In the *ZH Tanzania* case principle of the best interests of a child, from the Conventions of the Rights of the Child was considered.¹³⁴ However, this approach is piecemeal and provides little if any guarantee the courts would engage with issues relating to the right to food as indicated in the ICESCR. More recently the Supreme Court has taken a firmer line, indicating that the UK courts are not bound by unincorporated rights from international law.¹³⁵

The courts have however indicated that the common law includes a fundamental right to elementary needs. Simon Brown LJ stating:

‘Either that, or the regulations necessarily contemplate for some a life so destitute, that to my mind no civilised nation can tolerate it. So basic are the human are the human

¹²⁹ Mark Elliot, ‘Beyond the European Convention: Human Rights and the Common Law’ 68 *Current Legal Problems* 85.

¹³⁰ *Ibid*

¹³¹ *JH Rayner (Mincing Lane) Ltd v Department of Trade and Industry* [1989] UKHL 3 WLR 969.

¹³² Katie Boyle, *Economic and Social Rights Law. Incorporation, Justiciability and Principles of Adjudication* (Routledge 2020) 167.

¹³³ *Re McKerr (AP) (Respondent) (Northern Ireland)* [2004] UKHL 12.

¹³⁴ *ZH (Tanzania)(FC) (Appellant) v Secretary of State for the Home Department (Respondent)* [2011] UKSC 4.

¹³⁵ *SC and Ors v Secretary of State for Work & Pensions* [2021] UKSC 26.

rights here at issue, that it cannot be necessary to resort to the European Convention on Human Rights (ECHR) to take notice of their violation.’¹³⁶

Although this is a powerful statement, the content of this common law right, is limited to situations of severe destitution. It is not clear if and how the courts could adjudicate on other matters related to matters related to the core of the right to adequate food, such as the sustainability and adequacy of Government nutrition advice and policy. This means judicial review and UK common law is unlikely to be a route of protection for the right to food beyond the most severe cases of destitution.

The UK is a party to the European Social Charter (ESC). The ESC groups rights into Articles and the right to food is grouped with health, social security and social protection.¹³⁷ The UK takes part in the reporting procedure of the ESC and has been criticised in relation to the level of social security provided and child poverty.¹³⁸ Simpson has argued that the social security provision in the UK is unlikely to be in conformity with the ESC.¹³⁹ In addition, to social security provision being insufficient and so likely to cause hunger and people being unable to economically access food, the ESC has also criticised the level of deaths in the UK due to dietary factors, relating to the adequacy of diets in the UK.¹⁴⁰ The UK has not a party to the collective complaints procedure of the ESC, and so although it is likely the UK is violating the provisions of this regional human rights treaty, it has little impact in the UK.¹⁴¹

This approach to the ESC and its complaint mechanism mirrors the approach towards the ICESCR. It is a political decision of our government as to which treaties they ratify. The political decisions not to ratify the optional protocol of the ICESCR and also not being a party to the complaints mechanism of the ESC have left people in the UK with very limited

¹³⁶ *R v Secretary of State for Social Security, ex parte Joint Council for the Welfare of Immigrants; R v Secretary of State for Social Security ex parte B* [1996] EWCA Civ J0621-9.

¹³⁷ Carole Belhocine, *The European Social Charter* (Council of Europe Publishing, 2012) p45.

¹³⁸ European Committee of Social Rights, UK Conclusions (2019) available at <https://rm.coe.int/rapport-uk-en/16809cfbf3> (accessed 30 March 2023); European Committee of Social Rights, UK Conclusions XXI-2(2017) available at <https://www.coe.int/en/web/european-social-charter/united-kingdom> (accessed 30 March 2023).

¹³⁹ Mark Simpson, ‘Assessing the compliance of the United Kingdom’s social security with its obligations under the European Social Charter’ (2018) 18 HRLR 745.

¹⁴⁰ European Committee of Social Rights, UK Conclusions XXI-2(2017) available at < <https://rm.coe.int/conclusions-xxii-2-2021-united-kingdom-en/1680a5da33> (accessed 30 March 2023).

¹⁴¹ Colm O’Cinneide, ‘The European Social Charter and the UK: why it matters’ (2018) 29 KLJ 275, pp 276 and 279.

domestic (see below) and international routes to complaint, dependent on the civil and political rights in the ECHR, when their socio-economic rights have been violated.

The only human rights treaty that has been incorporated into UK law is the ECHR. However, this is a treaty that is concerned largely with civil and political rights. The European Court of Human Rights (ECtHR) has indicated in the case of *Aire v Ireland* that there is no bright line between the two groups of rights, and the ECtHR will consider violations of socio-economic rights that involve rights protected in the ECHR.¹⁴² As a result, the ECtHR has considered cases where the complaints have had insufficient access to food as violations of both the right to life (Article 2 ECHR)¹⁴³ and the prohibition on torture, inhuman and degrading treatment and punishment (Article 3 ECHR).¹⁴⁴

This may seem a promising route of complaint for those whose right to food is violated. However, the cases dealing with food are limited to people who have been provided with insufficient food that results in hunger causing possible physical and mental health consequences and who are entirely dependent on the state for their wellbeing. Such cases have so far been limited to prisoners, people seeking asylum in immigration detention and people seeking asylum who are denied any form of material support. This route of redress is likely very limited and may not provide redress for those who are unable to feed themselves due to their level of income.¹⁴⁵ It is also not a route to redress for violation of the core of the adequate right to food.

The UK courts have also considered aspects of hunger under the Human Rights Act 1998 and the ECHR. In the case of *Limbuela*, the courts upheld a complaint that a decision of the Home Secretary to deny any material support, left them destitute and violated Article 3 ECHR.¹⁴⁶ The House of Lords did indicate that there was a general right to an adequate standard of living.¹⁴⁷ Lord Bingham stated that a breach of Article 3, would require deliberate action by the state that resulted in denial of shelter or food.¹⁴⁸

¹⁴² *Airey v Ireland* Application No 6289/73 Merits, 9 October 1979, [26].

¹⁴³ *Nencheva and others v Bulgaria* Application No 48609/06 Merits and Just Satisfaction, 18 June 2023.

¹⁴⁴ See: *Stanev V Bulgaria* (n 3); *R.R. and others v Hungary* Application No 36037/17, Merits and Just Satisfaction, 2 March 2021, *Dudchenko v Russia* Application No 37717/05, Merits, 7 November 2017. *M.S.S. V Belgium and Greece* 30696/09 Grand Chamber, Merits and Just Satisfaction, 21 January 2011.

¹⁴⁵ For further discussion see: Clare James, 'Food, Dignity and the European Court of Human Rights' (2024) 44 *Legal Studies* 519

¹⁴⁶ *R (Limbuela) v Home Secretary* [2005] UKHL 66.

¹⁴⁷ *Ibid* [66].

¹⁴⁸ *Ibid* [7].

The UK courts have also considered food in the context of people in prison. In *R v Governor of Frankland Prison ex P Russell*, the High Court considered the decision of a prison governor to deny people in prison access to normal meals as a punishment for refusing to wear prison uniforms. Those impacted were instead provided only a single meal a day in their cells.¹⁴⁹ The court found the governor's policy unlawful, as it was not authorised by the Prisoner Rules 1999. The court also stated indicated that adequate food was more than a basic level of calories to allow someone to survive.¹⁵⁰ Although this case does consider the nature of adequate food, within the context of a statutory regime, it is in a very specific circumstance in relation to those in prison.

More recently the UK Supreme Court has taken a more conservative approach to socio-economic rights. In *R (on the application of SC, CB and 8 children)*, a complaint that the two-child benefit cap violated articles 8 and 14 ECHR was considered. The comments of the court suggest the Supreme Court may now be less willing to rule against Government policies concerned about the 'risk of undue interference by the courts in the sphere of political choices.'

Currently in the UK, there are very limited routes of redress for those whose socio-economic rights are violated. The lack of incorporation of the ICESCR or the right to food into UK law, the lack of ratification of any international complaint procedures in relation to socio-economic rights, alongside the current conservative approach of the UK Supreme court mean no route of redress for the people in the UK whose right to food or right to social security is being violated. Incorporating the right to food into UK law and accompanying framework legislation would allow the courts to ensure people could access an adequate diet. Framework legislation could define the scope of the courts review; the often-raised concerns about judicial overreach in economic policy, the complexity of socio-economic rights for courts and lack of precise obligations would be bounded by the framework legislation.

¹⁴⁹ *R v Governor of Frankland Prison Ex p Russell* [2000] 1 WLR 2027.

¹⁵⁰ *Ibid* [17]; Prisoner Rules 1999 SI 1999/728.

3.2 Right to be free from hunger

In the UK hunger is usually a consequence of insufficient income.¹⁵¹ Since the COVID-19 pandemic and the subsequent massive increases in rates of inflation due to the cost-of-living crisis, the Ukraine War and the current war in Iran, food insecurity and use of charitable food banks have remained high. There are some situations, especially during times of emergency, when people may not be able to easily access food physically, which will be discussed below.

The first point to note in terms of the right to be free from hunger in the UK, is that hunger does not affect all demographics equally. Throughout the pandemic and into September 2022, the Food Foundation reported 25.8% of households with children were food insecure compared to 16.0% of households without children. The risk of food insecurity increases as the number of children in the household increases.¹⁵² Disabled people are also more likely to be food insecure. The Food Foundation, reporting on the impact of COVID-19 stated: 'Pre-existing inequalities experienced by people with health problems and disabilities have widened: people who are limited a lot are now five times more likely to be food insecure.'¹⁵³ By January 2021, 27% of those adults 'limited a lot' experienced food insecurity compared to 5% of adults that were 'not limited.' The Food Foundation also reported that 'BAME adults are twice as likely to experience food insecurity compared to White British Adults.'¹⁵⁴ These significant disparities suggest that there may also be a violation of the ICESCR through a failure to ensure measures implemented do not discriminate.¹⁵⁵ Although the Equality Act 2010 does address discrimination the part of the Act (section 1), that introduces a socio-economic duty on public bodies, has not yet been commenced, despite

¹⁵¹ Katie Pettifer and Michelle Patel, 'FSA 22-06-09 Household Food Insecurity Main Report' (FSA, 15 June 2022) <https://www.food.gov.uk/print/pdf/node/9711> accessed 18 July 2022 [1.3].

¹⁵² The Food Foundation, 'A Crisis Within A Crisis: The Impact of Covid-19 on Household Food Security (January 2021)' https://foodfoundation.org.uk/sites/default/files/2021-10/FF_Impact-of-Covid_FINAL.pdf accessed 28 April 2026.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

¹⁵⁵ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR) art 2(2).

the manifesto promises of the current Government.¹⁵⁶ This duty has however been introduced by both the Scottish and Welsh Governments.¹⁵⁷

Social security in the UK is overseen by the Department for Work and Pensions, but some aspects of social security are administered by Her Majesty's Revenue and Customs (child benefit and tax credit). In Great Britain it is 'reserved matter' meaning the UK central government determines law and policy in relation to the social security system. The Northern Ireland government has responsibility for social security, as it is a 'devolved competency' but the systems are maintained in line with the system in Great Britain.¹⁵⁸ The Scotland Act 2016 has given the Scottish government additional powers in relation to social security in relation to disability, payments to carers and the ability to top up and create new benefits.¹⁵⁹ A number of laws in the UK govern the social security system including: the Social Security Act 1975, the Social Security Act 1998 and the Social Security Administration Act 1992.

As already mentioned above the UK social security administration has been repeatedly criticised for failing to provide a sufficient level of income to support people's basic needs. Universal credit has been a factor in increasing levels of food bank usage.¹⁶⁰ Graham has also argued that the UK is not realising the right to social security and, as the UK approach has been to leave provision of goods and services needed for socio-economic rights to the private market, without sufficient income and the right to an adequate standard of living, including the right to food will not be realised in the UK.¹⁶¹ Amnesty International have also reported that the UK does not meet its obligations in relation to the right to social security. The lack of 'legally defined social protection floor means that social security

¹⁵⁶ See: <https://www.equalityhumanrights.com/media-centre/news/ehrc-publishes-new-research-socio-economic-duty-implementation-ahead-introduction>; <https://justfair.org.uk/a-duty-for-fairness-responding-to-the-call-for-evidence/>

¹⁵⁷ Equality Trust, 'Socio-economic Duty' available at <https://equalitytrust.org.uk/project/socio-economic-duty/> accessed 23 April 2026.

¹⁵⁸ Frank Hobson, Steven Kennedy and Andrew Mackley, 'An Introduction to Social Security in the UK' (House of Commons Library, June 2022) available at <https://researchbriefings.files.parliament.uk/documents/CBP-9535/CBP-9535.pdf> accessed 23 April 2026.

¹⁵⁹ Ibid.

¹⁶⁰ The Food Foundation 'Food insecurity in households in receipt of benefits' *The Food Foundation* (May 2022) available at https://foodfoundation.org.uk/sites/default/files/2022-08/Universal%20Credit%20and%20Food%20Insecurity%20Briefing%202022_1.pdf (accessed 25 July 2023).

¹⁶¹ Luke Graham (n 76) 110-111.

payments may fall below the necessary threshold to meet basic needs.’¹⁶² Austerity targeting and the levels of inflation have meant that social security has not reached this level and so people cannot afford those things they need, including food. In the case of food this is exacerbated as food is often one of the first things people reduce spending on to afford fixed costs such as rent and energy bills.¹⁶³

In 2023, the Guarantee our Essentials campaign was launched by the Trussell Trust and the Joseph Rowntree Foundation and was joined by other UK charities and NGOs. This campaign called for Universal Credit to be legally required to provide an amount that allowed people to realise their basic needs to live a dignified life.¹⁶⁴ Universal social security protection is a key mandate and priority for the International Labour Organisation (ILO).¹⁶⁵ The ILO indicates that the state should embedded in law robust, reliable and sustainable mechanisms to ensure social security provides a sufficient income to prevent poverty as well as reducing ‘inequality and combatting social exclusion.’¹⁶⁶

Many people in work are also unable to afford all the necessities required to realise the right to an adequate standard of living, including the right to food. During the COVID-19 pandemic many people working in the food sector were food insecure due to low incomes.¹⁶⁷ People in work facing food insecurity continues, especially in households where people work in the NHS and social care, the food sector and the education sector.¹⁶⁸ Low incomes do not just affect those in receipt of social security, it also affects the rights realisation of those in work.

¹⁶² Amnesty International, ‘Social Security. The Devastating Human Rights Impact of Social Security System Failures in the UK’ (2025) <https://media.amnesty.org.uk/documents/Social20Insecurity20Amnesty20UK20report20NEW.pdf> accessed 28 April 2026.

¹⁶³ K Pettifer and M Patel, ‘FSA 22-06-09 Household Food Insecurity Main Report’ (FSA, 15 June 2022) available at <https://www.food.gov.uk/print/pdf/node/9711> (accessed 18 July 2022).

¹⁶⁴ Just Fair, ‘Leading Human Rights Organisations Join Call for UK Social Security to Include Essentials Guarantee’ (28 September 2023) <https://justfair.org.uk/leading-human-rights-organisations-join-call-for-uk-social-security-to-include-an-essentials-guarantee/> accessed 26 May 2026.

¹⁶⁵ ILO, ‘ILO Global Flagship Programme: Building Social Protection Floors for All’ <https://www.social-protection.org/gimi/Flagship.action> accessed 26 March 2026.

¹⁶⁶ Ibid.

¹⁶⁷ Bakers Food and Allied Workers Union, ‘Right to Food’ <https://www.bfawu.org/campaign/right-to-food/> accessed 29 May 2026.

¹⁶⁸ The Food Foundation, ‘New Data Shows UK Essential Workers Face Devastating Food Insecurity Levels (23 March 2023)’ <https://foodfoundation.org.uk/press-release/new-data-shows-uk-essential-workers-face-devastating-food-insecurity-levels-0> accessed 29 May 2023

Ensuring that everyone has sufficient income to afford a nutritious diet prevents food insecurity. More importantly, it does this in a way that allows people to feed themselves with dignity. They can buy food they enjoy, that is safe and suitable for medically indicated dietary needs and that is culturally appropriate. This gives agency and participation at the individual level – people can decide what they eat, how they prepare it, and when they eat. This is fundamental to allow people to live a dignified life.

Charitable provision to tackle food insecurity:

People who are left unable to afford food due to insufficient income are often then left turning to charitable responses to hunger. Such responses include food banks such as Trussell and an equal number of independent food banks,¹⁶⁹ as well as charities such as FareShare¹⁷⁰ that redistribute food that would have gone to waste to those that need it, community pantries and coops. In 2019 Human Rights Watch reported that in 2003 there were around 260 community food across the UK, which included a variety of projects such as food growing projects and community cafes; in 2019 there were 1231 food banks.¹⁷¹ This massive increase in food banks demonstrates the unacceptable levels of food insecurity in the UK.¹⁷²

Charitable responses are also problematic for several reasons. Firstly, they are not guaranteed and so if support for charities falls, due to people no longer being able to donate, or no longer have time to volunteer, the provision is not guaranteed.¹⁷³ Many people who are food insecure do not or cannot access such provisions. Reasons include the stigma associated with charitable provision, the times they are open or location, or the need to obtain a voucher to attend and receive support.¹⁷⁴ In addition, as well be discussed

¹⁶⁹ <https://www.trussell.org.uk/>; <https://www.foodaidnetwork.org.uk/>

¹⁷⁰ <https://fareshare.org.uk/>

¹⁷¹ Human Rights Watch, 'Nothing Left in the Cupboard. Austerity, Welfare Cuts, and the Right to Food in the UK' (2019) <https://www.hrw.org/report/2019/05/20/nothing-left-cupboards/austerity-welfare-cuts-and-right-food-uk> accessed 28 April 2026.

¹⁷² Ibid

¹⁷³ See for example, Graham (n 76) and HRW (n 171)

¹⁷⁴ Zachary Daly *et al*, 'Food-Related Worry and Food Bank Use During the COVID-19 Pandemic in Canada: Results from a Nationally Representative Multi-Round Study' (2023) 23 BMC Public Health 1723; Madeline Power *et al*, 'How Covid-19 has Exposed Inequalities in the UK Food System: The Case of the UK Food and Poverty' (2020) 2 Emerald Open Research <https://www.researchgate.net/publication/341367293_How_COVID-19_has_exposed_inequalities_in_the_UK_food_system_The_case_of_UK_food_and_poverty> accessed 5 March 2024.

further below, they may not cater for those that follow religious dietary requirements, or those that have food allergies.

More recently there has been criticism of government funding of these organisations, which embeds and makes charitable sources of support normalised and acceptable.¹⁷⁵ The Household Support Fund, run by local authorities to support families in poverty, could be used to fund food bank provision.¹⁷⁶ This has now been replaced by the Crisis and Resilience Fund.¹⁷⁷ This will be available to local authorities from April 2026 until the end of March 2029. It is being provided under s31 of the Local Government Act 2003. It aims to build financial resilience so households can better respond to financial shocks.¹⁷⁸ Payments can be provided to people in crisis, which could help limit acute food insecurity and prevent hunger. A cash first approach is in line with a rights-based approach. However, as the payments are not to be used as a long-term payment,¹⁷⁹ they cannot address chronic income insufficiency leading to violations of the right to food.

In May 2026, Keir Starmer, announced a National Programme to Redistribute Surplus Food, based on the Coronation Food Project.¹⁸⁰ The aim of this collation of food charities and social enterprises is to triple the volume of surplus food made available for redistribution.¹⁸¹ Initiatives to reduce food waste are on the surface a positive thing. However, providing surplus or waste food to people who are food insecure is problematic for rights-based approach. It does not tackle the issues within our food systems that result in surplus and wasted food, which is fundamental in ensuring a sustainable food system. It also does not allow people to feed themselves in a dignified way; redistributing waste food provides food to people who are food insecure that others have rejected. It removes choice

¹⁷⁵ Hannah Westwater, *Big Issue* (12 November 2021) 'Government accused of 'Institutionalising' Food Banks in New Guidance for Councils' <https://www.bigissue.com/news/social-justice/government-accused-of-institutionalising-food-banks-in-new-guidance-for-councils/> accessed 5 March 2024.

¹⁷⁶ GOV.UK, 'Household Support Fund: Guidance for Local Councils' (13 September 2023) <https://www.gov.uk/government/publications/household-support-fund-guidance-for-local-councils/household-support-fund-final-guidance-for-county-councils-and-unitary-authorities-in-england#working-with-other-organisations> accessed 5 March 2024.

¹⁷⁷ Department for Work and Pensions, 'Crisis and Resilience Fund (1 April 2026 to 31 March 2029)' (GOV.UK, 7 April 2026) <https://www.gov.uk/government/publications/crisis-and-resilience-fund-guidance-for-local-authorities-in-england-1-april-2026-to-31-march-2029> accessed 23 April 2026.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Ian Quinn, 'Keir Starmer Announces Landmark Plans to Triple Food Redistribution' (The Grocer, 14 May 2026) <https://www.thegrocer.co.uk/news/keir-starmer-announces-landmark-plans-to-triple-food-redistribution/718907.article> accessed 26 May 2026.

¹⁸¹ Ibid

in terms of what people eat and surplus food may not be nutritionally or culturally appropriate or meet dietary needs.

Scotland has started the Scottish Welfare fund which allows people to apply for grants to deal with a one-off crisis or help with independent living.¹⁸² The Scottish Government has recognised the importance of income level in relation to hunger, initiating a cash-first based approach to ending the need for food banks in Scotland.¹⁸³ Wales has a similar approach to Scotland under the Discretionary Assistance Fund with Emergency Assistance Payments and Individual Assistance Payments available.¹⁸⁴ In Northern Ireland, crisis support is provided via the Department for Communities, who administer social security.¹⁸⁵ There are a wide range of options available including discretionary support for short-term living expenses, loans for furniture, benefit advances and short term financial support.¹⁸⁶ Although there are forms of emergency support available in all the countries in the UK, these are not going to replace levels of income that ensure that people can afford the things they need have an adequate standard of living and live a dignified life. These funds are only designed to deal with sudden shocks, not long-term low income, poverty and chronic ongoing food insecurity.

Provision of free school meals across the UK can impact hunger. Universal free school meals are often recommended to address food insecurity in children as well as being important in relation to health and nutrition.¹⁸⁷ Provision of free school meals varies across the UK. In Scotland, all children in primary years 1 to 5 receive free school meals. For older children eligibility for school meals is means tested and depends on receipt of certain benefits.¹⁸⁸ Similarly in Wales primary age children are entitled to free school meals, but

¹⁸² mygov.scot, 'What the Scottish Welfare Fund Is' (4th June 2025) <https://www.mygov.scot/scottish-welfare-fund> accessed 23 April 2026.

¹⁸³ Scottish Government, 'Cash-First- Towards Ending the Need for Food Banks in Scotland; (5 June 2023) <<https://www.gov.scot/publications/cash-first-towards-ending-need-food-banks-scotland/>> accessed 31 January 2025.

¹⁸⁴ Welsh Government, 'Discretionary Assistance Fund <https://www.gov.wales/discretionary-assistance-fund-daf> accessed 23 April 2026.

¹⁸⁵ NIDirect Government Services, 'Finance Support Service (in times of crisis and need) <https://www.nidirect.gov.uk/contacts/finance-support-service-times-crisis-and-need> accessed 23 April 2026.

¹⁸⁶ NIDirect Government Services, 'Finance Support' <https://www.nidirect.gov.uk/campaigns/finance-support> accessed 23 April 2026.

¹⁸⁷ See, for example: Stephanie Hartgen Walker and Clare Lally, 'Child Food Insecurity and Free School Meals' (UK Parliament POSTnote 704, 21 July 2023) <<https://researchbriefings.files.parliament.uk/documents/POST-PN-0704/POST-PN-0704.pdf>> accessed 31 January 2025, 7.

¹⁸⁸ Scottish Government, 'Free School Meals' (5 June 2021) <<https://www.gov.scot/news/free-school-meals-1/>> accessed 30 January 2025.

parents may need to register. Free school meals for older children are means tested.¹⁸⁹ In Northern Ireland free school meals are not universal for any age group and are means tested.¹⁹⁰ In England all pupils in years 1 and 2 are entitled to free school meals.¹⁹¹ After this free school meal provision is means tested, however the Government is expanding the eligibility to include all households receiving Universal Credit in September 2026.¹⁹² In addition some local authorities can make the decision to expand free school meal provision. This has been done in London for all primary aged children in state schools.¹⁹³

The Department for Education is also providing funding for free breakfast clubs in England from April 2026. These will take the form of a 30-minute session before the school day when primary aged children can eat breakfast.¹⁹⁴ However, schools will have to adopt this scheme and there have been new reports that some schools consider the funds are insufficient to staff the provision and the requirement to run this 30 minutes before school starts may be problematic for some families.¹⁹⁵ The Scottish Government is extending free school breakfast clubs to all primary schools by August 2027.¹⁹⁶ In Northern Ireland, schools can apply for funding to support breakfast clubs,¹⁹⁷ and in Wales all primary aged children can have a free breakfast at school.¹⁹⁸

¹⁸⁹ Welsh Government, 'Universal Primary Free School Meals (UPFSM)' (July 2022)

<https://www.gov.wales/universal-primary-free-school-meals-upfsm> accessed 23 April 2026.

¹⁹⁰ NIDirect Government Services, 'Nutrition and School Meals' <https://www.nidirect.gov.uk/articles/nutrition-and-school-meals> accessed 23 April 2026.

¹⁹¹ Bridgid Francis-Devine, Xameerah Malik and Nerys Roberts, 'Food Poverty: Households, Food Banks and Free School Meals' (House of Commons Library No 9209, 2 September 2024) <<https://researchbriefings.files.parliament.uk/documents/CBP-9209/CBP-9209.pdf>> accessed 30 January 2025, 27.

¹⁹² Department for Education, 'Expanding Free School Meals: What Parents Need to Know' (GOV.UK, 4 June 2025) <https://educationhub.blog.gov.uk/2025/06/expanding-free-school-meals-what-parents-need-to-know/#:~:text=The%20new%20eligibility%20criteria%20for%20free%20school,poverty%20by%20the%20end%20of%20this%20Parliament> accessed 23 April 2026.

¹⁹³ City of London, 'Free School Meals' < <https://www.fis.cityoflondon.gov.uk/education-and-schools/free-school-meals>> accessed 11 May 2026.

¹⁹⁴ Department for Education, 'Free Breakfast Club Roll Out: Everything You Need to Know' (GOV.UK, 2 February 2026) <https://educationhub.blog.gov.uk/2026/02/free-breakfast-club-roll-out-everything-you-need-to-know/> accessed 23 April 2026.

¹⁹⁵ Jason Arunn Murugesu, 'My School Cannot Afford Free Breakfast Club' (BBC News, 19 April 2026) <https://www.bbc.co.uk/news/articles/c8x7217vv28o>, accessed 19 April 2026.

¹⁹⁶ Scottish Government, 'Expansion of Breakfast Clubs' (14 January 2026) <https://www.gov.scot/news/expansion-of-breakfast-clubs/> accessed 23 April 2026.

¹⁹⁷ <https://capuk.org/news-and-blog/everything-you-need-to-know-about-free-breakfast-clubs>

¹⁹⁸ Christians Against Poverty, 'Everything You Need to Know About Free Breakfast Clubs' (21 July 2025) <https://www.gov.wales/free-breakfast-primary-schools> accessed 23 April 2026.

Although there are positive aspects, and many children in the UK are receiving free school meals, there is a clear difference in provision. This has relevance not only to children being free from hunger, but also the core of the right to adequate food, given free school meals can improve access to nutritious food and educate children about food. The content of free school meals is particularly relevant in relation nutrition as part of the core of the right to adequate food. The current law that governs this is the Requirements for School Food Regulations 2014, but they no longer align with current guidance on nutrition. School meals have been criticised for their content and nutrition.¹⁹⁹ The Department for Education is currently asking for input to inform an update to these rules.²⁰⁰ Unlike hospital food and food provided in care settings which is monitored by the Care Quality Commission (discussed below), there is no body responsible for monitoring and enforcing standards in school meals. The Food Standards Agency (FSA) has trialled a scheme in which food safety offices also report on food standards in schools. Although this seemed to be feasible, the concern raised is whether local authorities could then follow up and make sure food standards are improved.²⁰¹

New guidance to improve the nutritional content of school meals has been introduced, requiring increased fruit, vegetables and wholegrains alongside reducing high fat, salt and sugar foods.²⁰² Such a step is positive, but concerns have been raised by UNISON, the union that represents those working in school kitchens. Specifically, UNISON is concerned that the outsourcing of school meals to the private sector puts profits above delivering nutritious meals.²⁰³ In addition, the equipment schools have may not be fit for purpose risking not only the standard of meals but also the safety of those preparing the meals.²⁰⁴ Such under resourcing and understaffing is also risking children with food allergies

¹⁹⁹ See, for example BiteBack: <https://www.biteback2030.com/bite-back-in-schools/>

²⁰⁰ Department for Education, 'School Food Standards: Updating the Legislative Framework' <https://consult.education.gov.uk/school-food-policy-team/school-food-standards-updating-the-leg-framework/> accessed 23 April 2026.

²⁰¹ FSA, 'Food Standards Agency Publishes Final Report on School Food Standards Compliance Pilot' (1 August 2024) <https://www.food.gov.uk/news-alerts/news/food-standards-agency-publishes-final-report-on-school-food-standards-compliance-pilot> accessed 27 May 2026.

²⁰² Department for Education, 'New School Food Standards: What Parents Need to Know' (GOV.UK, 13 April 2026) <https://educationhub.blog.gov.uk/2026/04/new-school-food-standards/> accessed 28 April 2026

²⁰³ Leigh Powell, 'Opinion: The Real Problems with School Food' (UNISON, 14 April 2026) <https://www.unison.org.uk/news/article/2026/04/opinion-the-real-problems-with-school-food/> accessed 28 April 2026.

²⁰⁴ Ibid

and other dietary requirements.²⁰⁵ This is a failure to ensure access to children to safe adequate food that meets their dietary needs.

The other area to be considered in relation to hunger is food pricing. This will be discussed in relation to economic access below. However, there are schemes to help parents access nutritious food. In Wales, Northern Ireland and England, the Healthy Start Scheme those that are pregnant or have parental responsibility for a child under 4 and are in receipt of qualifying benefits.²⁰⁶ Parents received a Health Start card that can be used to buy cow's milk or formula based on cow's milk; fresh, frozen, tinned fruit and vegetables; fresh, dried or tinned pulses.²⁰⁷ In Scotland a similar scheme is called Best Start Foods.²⁰⁸

Provision of free school meals and the schemes for children that are not yet attending schools are positive policies, that ensure that children from families with low incomes can access healthy food, these policies do not address the underlying cause of hunger in both children and adults. If the approach is that the goods and services that people need is to be provided through the market, then all people need sufficient income to be able to afford those things to provide an adequate standard of living. In the case of the food, the amount needed can be costing by calculating the cost of the Eatwell guide.²⁰⁹

However, this cannot stop here. Those living with food allergies and other complex dietary needs, such as diabetes and coeliac disease also need to be able to access an adequate and safe diet that prevents hunger and malnutrition. As mentioned above, the Healthy Start Scheme only provides for cow's milk-based milk products, which is problematic for those with cow's milk protein allergy. As the cost of living has increased in the UK, so has the cost of foods that are 'free-from'. The BBC in 2023 reported that pea milk that contains high levels of calcium was 50% higher in cost than cow's milk.²¹⁰ Gluten free pasta was

²⁰⁵ Leigh Powell, 'Allergies: School Meal Workers Being Set Up to Fail.' (SecEd, 20 September 2024) < <https://www.sec-ed.co.uk/content/blogs/allergies-school-meals-workers-being-set-up-to-fail>> accessed 28 April 2026.

²⁰⁶ NHS, 'How to Apply' <https://www.healthystart.nhs.uk/how-to-apply/> accessed 23 April 2026.

²⁰⁷ NHS, 'Using Healthy Start' (<https://www.healthystart.nhs.uk/frequently-asked-questions/using-healthy-start-fags/>) accessed 23 April 2026.

²⁰⁸ Scottish Government, 'Best Start Foods' (<https://www.gov.scot/policies/social-security/best-start-foods/>) accessed 23 April 2026.

²⁰⁹ NHS, 'The Eatwell Guide' <https://www.nhs.uk/live-well/eat-well/food-guidelines-and-food-labels/the-eatwell-guide/> accessed 23 April 2026

²¹⁰ Lucy Pasha-Robinson, 'Cost of Living with Food Allergies Becoming 'Unbearable' (BBC News, 27 January 2023) <https://www.bbc.co.uk/news/uk-64389775> accessed 28 April 2026.

reported to have increased in price by 125% in one of the UK's biggest supermarkets.²¹¹ In addition to higher costs of purchasing food, families that manage food allergies face hidden costs in the form of the time needed to manage the food allergy.²¹² They also face social and psychological burdens, which can impact their overall well-being.²¹³

Food insecurity is also an increased risk in households that follow religious dietary requirements. In 2021 Jewish Futures reported, 'Rising food prices, stagnating wages, and higher costs of Kosher food make Jewish households especially vulnerable to food insecurity. Many low-income Jewish families are skipping meals, relying on food banks, and struggling to afford basic Kosher food products, which can be up to 50% more expensive than non-Kosher equivalents'²¹⁴ Muslim adults in the UK are twice as likely to be food insecure. For those that follow religious dietary requirements, accessing food banks is also problematic as they are often do not have halal or kosher options.²¹⁵ Any minimum level of income needs to take into account these potential added costs, or other measures need to be in place to ensure people can access food so they do not experience food insecurity due to the additional costs of dietary needs or religious dietary requirements.

3.3 Availability

In the UK, we import much of our food and grow and produce the rest. The food supply chains in the UK have, until recently, been considered to be adequate with food shortages being rare. However, during and since the Covid-19 the supply chain has been shown to be susceptible to shocks such as pandemics, extreme weather events and conflicts in other parts of the World.²¹⁶ There is much debate about how 'self-sufficient' countries should be

²¹¹ Ibid.

²¹² Jennifer L P Progdjjer, 'The Hidden Price of Food Allergy: Understanding the Social and Financial Burdens Families' (2025) 36 Paediatric Allergy Immunology.

²¹³ Ibid

²¹⁴ René Cassin, 'Written Submission to Just Fair's call for Evidence to Inform their 2025 Report to: the United Nations Committee of Economic, Social Cultural Rights As Part of the Seventh Periodic Review of the UK' (September 2024) https://justfair.org.uk/wp-content/uploads/2024/10/Rene-Cassin_CESCR-Evidence-Submission_2024.pdf accessed 28 April 2026.

²¹⁵ Maddy Power, 'Race Inequalities and Whiteness in UK Food Security: What We Know and What Needs to Change' (Everyday Society, 7th December 2023) <https://es.britsoc.co.uk/race-inequalities-and-whiteness-in-uk-food-insecurity-what-we-know-and-what-needs-to-change/> accessed 28 April 2026.

²¹⁶ See, for example: Tim Lang, *Feeding Britain. Our Food Problems and How to Fix Them* (Pelican 2020); Supermarket Culture' *The Guardian* (4 March 2023) <https://www.theguardian.com/environment/2023/mar/04/food-tsar-blames-shortages-on-uks-weird-supermarket-culture> accessed 13 July 2023;

in relation to food production, when considering cost, sustainability and climate change. There are many 'acceptable' approaches, but it is suggested that the UK government needs a clear food availability strategy that considers the reliance on imports and the risk of shocks to that supply as well as the sustainability of UK food production, both from an environmental perspective and economically for UK farmers. Finally, consideration of availability needs to make sure that we have sufficient affordable supplies of all components of healthy diet.

These factors will be influenced by the trade agreements the UK enters now it is no longer part of the EU. In addition, agricultural policy and the support provided to farmers in England under the Agriculture Act 2020 and the support provided by devolved governments can steer the nature of UK farming. However, the nature of support provided can also be limited by trade agreements and World Trade Organization rules as subsidies are seen to provide farmers in one country an unfair competitive advantage. There is some limited protection for farmers through the Groceries Code Adjudicator, a body that regulates relationships between the UK's large grocery retailers and their suppliers.²¹⁷ However, farmers are still often being paid very low amounts for produce as costs are rising.²¹⁸ Recently given rising costs farmers are reporting that they cannot afford to plant certain crops.²¹⁹

Ensuring ongoing available food supplies in the UK is complex and impacted by events outside of the UK, however the right to food indicates what governments should be considering as they develop plans to ensure ongoing food is imported and produced into the UK. The core of the right to adequate food should be a central consideration to ensure adequate, nutritious and sustainable food is and continues to be available in the UK.

²¹⁶ Kevin White and Grace Duncan, 'Why Fruit and Veg Shortages are Only a Tiny Bit About Brexit' *The Grocer* (23 February 2023) <https://www.thegrocer.co.uk/buying-and-supplying/why-fruit-and-veg-shortages-are-only-a-tiny-bit-about-brex/676636.article> accessed 13 July 2023.

²¹⁷ The Groceries Code Adjudicator 'About Us' <https://www.gov.uk/government/organisations/groceries-code-adjudicator/about> accessed 23 April 2026.

²¹⁸ Richard Moss, 'Supermarkets Urged to Pay Farmers More for Produce' (BBC News, 8 June 2025) <https://www.bbc.co.uk/news/articles/c1dey6zq235o> accessed 23 April 2026.

²¹⁹ Farming UK, 'Calls for Emergency Soil Scheme as Arable Sector Faces Worst Year in Decades' (22 April 2026) https://www.farminguk.com/news/call-for-emergency-soil-scheme-as-arable-sector-faces-worst-year-in-decades_68375.html accessed 23 April 2026.

3.4 Physical accessibility

Most people in the UK obtain some or all their food from supermarkets.²²⁰ However, supermarket provision varies across the UK. Areas referred to as food deserts and food swamps are familiar features in many urban areas. Food deserts are areas with a lack of access to fresh and nutritious food. Such areas are often characterised by convenience stores that predominantly sell ultra-processed and snack type food.²²¹ Food swamps are areas with an abundance of non-nutritious food options such as fast-food shops selling items like chips and other fried food.²²² More recently, rural areas have also been recognised to face difficulties accessing food due to lack of coverage by online shopping and reduced public transport options.²²³

A related issue that also involves economic accessibility is that supermarkets have moved into 'local convenience stores' and petrol forecourt shops.²²⁴ These shops are often relied on by those with lower incomes, due to a lack of transport options to get to larger stores or traditional markets.²²⁵ These stores do stock more fresh and basic foods compared to some convenience stores but they are usually more expensive than the equivalent goods in larger stores,²²⁶ meaning those on lower incomes can be dependent on higher cost options. This will be discussed further below in relation to economic accessibility and food pricing.

In rural areas, there can be a lack of choice of supermarkets, with only one shop serving a large area. The Priority Places for Food Index identifies areas with a lack of access

²²⁰ Megan Blake and Jonas Cromwell, 'Food Insecurity in UK Communities' (2022) https://www.researchgate.net/publication/365362129_Food_Security_UK_2021 accessed 1 March 2024.

²²¹ Amanda Whelan *et al*, 'Life in a 'Food Desert' (2002) 39 *Urban Studies* 2083.

²²² Yang, M., Wang, H. and Qiu, F. (2020), Neighbourhood food environments revisited: When food deserts meet food swamps. *The Canadian Geographer / Le Géographe canadien*, 64: 135-154. <https://doi.org/10.1111/cag.12570>

²²³ Fatemeh Janatabadi, Andy Newing, Alireza Ermagun, Social and spatial inequalities of contemporary food deserts: A compound of store and online access to food in the United Kingdom (2024) 163 *Applied Geography*, 101384. See also Consumer Date Research Centre, 'Priority Places for Food Index' <https://www.cdrc.ac.uk/priority-places-for-food-index/> accessed 23 February 2023.

²²⁴ Andrew Seth and Geoffrey Randall, *The Grocers* (Kogan Page 2011), 27.

²²⁵ X Clay, 'The Food Shopping Habit That's Costing You More Than You Think' *The Telegraph* (6 February 2023) <<https://www.telegraph.co.uk/food-and-drink/features/big-convenience-supermarket-rip-off/>>; E Simmonds, 'Supermarkets Fail to Make Cheaper Food Ranges Available to Most-At-Risk Shoppers' *Which?* (25 April 2023) <https://www.which.co.uk/news/article/supermarkets-fail-to-make-cheaper-food-ranges-available-to-most-at-risk-shoppers-az9sx1n2sJY9?utm_campaign=UPDATE&utm_content=1682404202&utm_medium=social&utm_source=twitter>.

²²⁶ *Ibid*.

to affordable and healthy food. It identifies many urban areas but also highlights rural areas where access to food is problematic.²²⁷ This is compounded by limited public transport in rural areas and the lack of access to budget supermarkets.²²⁸ In addition online grocery shopping is often not available in more rural locations, or where it is the choice is again limited.²²⁹

A final point in relation to accessing food is the importance of traditional markets. These have been recognised to be an important location for certain groups to purchase food. In addition to being a source of culturally appropriate food, they are important for those on lower incomes and older people.²³⁰ Local markets will often sell cheaper cuts of meat and allow people to buy single fruit, vegetables and meat items, which is often not possible in supermarkets. However, such markets are reducing in number and sometimes being sold for development.²³¹ Unfortunately, in many cases, appeals against planning decisions by local authorities often let developments go ahead.²³²

Where shops and markets are located is largely governed by planning law with some consideration of competition law. The National Planning Policy Framework (NPPF) sets out English Planning policy. The latest version issued in 2024, does recognise the need for policies and decisions to achieve ‘healthy, inclusive and safe places.’ This includes access to healthier food.²³³ It also specifically indicates that local authorities should refuse applications for hot food takeaways and fast-food outlets near schools and places children congregate and locations where evidence indicates they are having a negative impact on the local health.²³⁴

However, for the NPPF to be implemented it has to be included in the local authority’s plan, which requires amending when new planning frameworks are issued.²³⁵

²²⁷ See CDRC (n 223).

²²⁸ Patrick Butler, ‘Rural Britain is Becoming ‘Food Desert’ for Lower-Income Families, Study Finds’ (The Guardian, 18 May 2026) <https://www.theguardian.com/society/2026/may/18/rural-britain-healthy-affordable-food-desert-lower-income-families-study> accessed 26 May 2026.

²²⁹ Andy Newing, ‘How Online Grocery Shopping is Making Britain’s Urban-Rural Inequality Worse’ (6 June 2023) <https://www.cdrc.ac.uk/24933-2/> accessed 27 May 2026.

²³⁰ Andy Newing et al, ‘The Role of Traditional Retail Markets in Addressing Urban Food Deserts’ (2023) The International Review of Retail, Distribution and Consumer Research.

²³¹ Ibid.

²³² UNOHCHR, ‘Plans to Redevelop UK’s Seven Sister’s Market Pose Human Rights Threat, Say UN Experts’ (26 March 2019) <https://www.ohchr.org/en/press-releases/2019/03/plans-redevelop-uks-seven-sisters-market-pose-human-rights-threat-say-un> accessed 23 April 2026.

²³³ GOV.UK, ‘National Planning Policy Framework’ (February 2025) <https://www.gov.uk/government/publications/national-planning-policy-framework--2> accessed 23 April 2026.

²³⁴ Ibid

²³⁵ Ibid.

The NPFF requires certain evidence to be gathered and considered. If, however, local authorities have not yet updated their local plan, they may not obtain relevant evidence, for example from Directors of Public Health in relation to planning permission for new fast-food outlets. The NPFF, although indicating that applications for ‘unhealthy’ food outlets should be refused, there is no specific requirement or guidance that alternative outlets should be encouraged so people can obtain healthy alternatives. Refusing applications for takeaways may just leave people with even less physical access to food.

The equivalent Welsh policy does not contain explicit regulation of the location of hot food takeaways.²³⁶ In 2018, the Scottish Government issued a publication considering the relationship between the food environment and planning law.²³⁷ It demonstrates that planning permission in Scotland has been refused for fast-food outlets near to schools.²³⁸ In Northern Ireland, the Planning Act (Northern Ireland) 2011 requires the Department for Infrastructure to develop and co-ordinate planning policy. This policy allows local authorities to bring forward policies in relation to health and well-being such as the location of fast-food outlets in relation to schools.²³⁹

In relation to the location of supermarkets, especially larger stores, all the planning policies have a similar approach. Retail planning focuses on a ‘town-centre first’ approach.²⁴⁰ This involves a sequential test that firstly must demonstrate that there is no scope for the development in a town centre,²⁴¹ then, as the next option, adjacent to a town centre; finally moving to out-of-town locations as the last option.²⁴² Initially applications for new larger retail outlets, such as supermarkets also required that a future need for the store be

²³⁶ Welsh Government, ‘Planning Policy Wales’ (February 2024) <https://www.gov.wales/sites/default/files/publications/2024-07/planning-policy-wales-edition-12.pdf> accessed 23 April 2026.

²³⁷ Scottish Government, ‘Relationship Between Food Environment and Planning System: Research Summary’ (13 November 2018) <https://www.gov.scot/publications/research-project-explore-relationship-between-food-environment-planning-system/pages/3/> accessed 23 April 2026.

²³⁸ Ibid

²³⁹ Department for Infrastructure, ‘The Strategic Planning Policy Statement’ (2025) https://www.infrastructure-ni.gov.uk/sites/default/files/2026-04/The%20SPPS%2C%20Edition%20%20%28December%202025%29_0.pdf accessed 23 April 2026, 16.

²⁴⁰ Anne Findlay and Leigh Sparks, ‘Retail Planning Policy in the UK’ (2013) <https://stirlingretail.files.wordpress.com/2011/04/retail-planning-policy-in-the-united-kingdomfinal.pdf> accessed 11 June 2023, 6

²⁴¹ NPFF (n 233).

²⁴² Ibid.

demonstrated, but this was removed by the Baker report due to concerns about it undermining competition.²⁴³

Competition law has also been used to consider the supermarket location and planning law. In the Competition Commission report 'The Supply of Groceries in the UK Market Investigation' the impact of town-centre first approaches was considered.²⁴⁴ This report did conclude that the policy did affect competition between supermarkets due to the cost of applying to build a new store. However, the move of supermarkets into smaller more local stores was seen to counteract this and so the market was still competitive.²⁴⁵ However, as will be discussed below, the benefits of competition for consumers are narrowly viewed, focusing mainly on price and choice for consumers. Competition law would consider a market successful if people had a choice of low-priced unhealthy food.

Physical accessibility of food can also be a concern. For some Disabled people, especially if they have a low income, accessing shops can be difficult. Online shopping would be an alternative, but there are some locations in the UK with limited delivery services.²⁴⁶ Many supermarkets have minimum spends for online shopping and high delivery fees. The final barrier in relation to accessibility can be the website itself. Although the Equality Act 2010 does require accessibility, there are no specific laws to meet technical standards in relation to websites.

Finally, some people in the UK cannot access food unless it is provided to them. Populations such as people in prison and hospital who cannot leave due to their illness or detention under the Mental Health Act 1983 need to be provided with food. The Prison Rules 1999 is a statutory instrument that governs prisons in the UK. Section 24 indicates that food should be 'wholesome, nutritious, well-preserved and served, reasonably varied and sufficient in quantity.'²⁴⁷ For over 15 years this was accompanied by a four-page document that contained no additional guidance, with the result that food in prisons was not

²⁴³ Kate Barker, 'Barker Review of Land Use Planning' (2006) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228605/0118404857.pdf accessed 1 March 2024, 29.

²⁴⁴ The Supply of groceries in the UK market investigation' (2008) <https://www.ias.org.uk/uploads/pdf/Price%20docs/538.pdf> accessed 10 July 2023

²⁴⁵ Ibid.

²⁴⁶ Janatabadi, et al (n 223).

²⁴⁷ The Prison Rules 1999 Statutory Instrument 1999/728.

guaranteed to be healthy, balanced and enjoyable.²⁴⁸ In 2026 new guidance was released that importantly recognises the importance of food, not just as a source of nutrients but also its role in social interaction and mental wellbeing.²⁴⁹ It also mandates five portions of fruit and vegetables a day and limiting ultra processed food.²⁵⁰

In relation to those in hospitals and social care, the provision of food and drink is governed by Regulation 14 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. This requires providers to assess people's nutrition, and hydration needs and then ensure that the 'food and drink strategy' meets those needs. In addition, the National Standards for Healthcare Food and Drink published in 2022 indicate all healthcare providers should be ensuring appropriate choices through a named dietician and have a food and drink strategy.²⁵¹

However, the report also acknowledges not all healthcare providers are providing adequate food to patients. This is a clear area where the right to food and right to health overlap. The Care Quality Commission (CQC) can prosecute for breach of this regulation if a person is caused avoidable harm or a significant risk of harm due to a failure to follow the regulations.²⁵² The CQC is also responsible for assessing and monitoring the food provided in care settings. Despite these positive steps, concerns continue to be raised about provision of food in hospitals in relation to quality,²⁵³ and ensuring people have sufficient to eat in situations where corridors contain patients waiting for beds.²⁵⁴ Although having a statutory body to monitor and highlight where standards are not met, the funding, appropriate equipment and facilities also must be available to ensure people in health and care settings have access to a choice of nutritionally and culturally appropriate food.

²⁴⁸ Imogen Crossland, 'Is Prison Food Finally Getting an Upgrade' (Sustainable Food Trust, 3 February 2026) <https://sustainablefoodtrust.org/news-views/is-prison-food-finally-getting-an-upgrade/> accessed 23 April 2026.

²⁴⁹ Ibid.

²⁵⁰ Ministry of Justice, 'Food In Prisons Policy Framework' (GOV.UK, 9 February 2026) <https://www.gov.uk/government/publications/food-in-prisons-policy-framework> accessed 23 April 2026.

²⁵¹ NHS, 'National Standards for Healthcare Food and Drink' (28 March 2023) <https://www.england.nhs.uk/long-read/national-standards-for-healthcare-food-and-drink/> accessed 23 April 2026.

²⁵² Care Quality Commission, 'Regulations for Service Providers and Managers' <https://www.cqc.org.uk/guidance-regulation/providers/regulations-service-providers-and-managers/health-social-care-act/regulation-14> accessed 27 May 2026.

²⁵³ NHS (n 249)

²⁵⁴ Care Quality Commission, 'The State of Health Care and Adult Social Care in England 2024/25 (25 October 2025)' <https://www.cqc.org.uk/publications/major-report/state-care/2024-2025> accessed 27 May 2026.

Some disabled people or people with long term health conditions may require help with food preparation and feeding themselves. In most cases people will be responsible for these themselves. Support for costs from local authorities are means-tested depending on levels of capital; those with more than £23,250 in capital receive no support. Even if an individual's capital is below £14,250, they may still have to contribute from income, but at a lower level.²⁵⁵ Personal Independent Payments are available to help with the cost, and Attendance Allowance is also available for those over pension age. However, PIP has not been reviewed since it was introduced and may no longer be sufficient to pay for the support that people need to achieve a dignified life and greater independence.²⁵⁶

The Care Act 2014 sets out a statutory framework for financial assessments and charging for care, there is discretion as to whether they charge and if they are more generous than the legislation sets out. There may also be variation in what care is considered necessary after a care needs assessment. This leads to the possibility of differing levels of support at differing costs in the UK. In Scotland the Regulation of Care (Scotland) Act 2001 provides a similar scheme but the upper and lower capital limits are more generous. Similarly, Wales has more generous capital limits as provided for in the Social Services and Well-Being (Wales) Act 2014. In Northern Ireland, the Health and Social Care Act (Northern Ireland) 2022 is administered by the Health and Social Care Trust rather than local authorities and provides for the same capital limits as in England. These disparities mean that care costs and as a result the support people can afford to ensure they can feed themselves with dignity vary across the UK.

Stanev v Bulgaria, was one of the first cases in which the ECtHR recognised that access to insufficient food could be a violation of Article 3 ECHR.²⁵⁷ The Court emphasised that a component of the inhuman and degrading treatment, was not just the nutritionally insufficiency of the diet provided to Stanev in the psychiatric care facility in which he was forced to live, but also the lack of choice or ability to help in preparation of that food.²⁵⁸ This recognition that to feed oneself in a dignified way is a fundamental part of what it is to be

²⁵⁵ See, for example: Leeds City Council, 'Help Paying for Care and Support at Home' <https://www.leeds.gov.uk/adult-social-care/how-to-get-adult-social-care-and-support/help-to-pay-for-care/help-paying-for-care-and-support> accessed 28 May 2026.

²⁵⁶ Department for Work and Pensions, 'The Timms Review' (GOV.UK, April 2026) <https://www.gov.uk/government/collections/the-timms-review> accessed 28 May 2026.

²⁵⁷ *Stanev v Bulgaria* (n 3).

²⁵⁸ Ibid

human, should be central to all care assessments and the provision of care services in the UK. No one should be fed without their participation in decisions about what to eat, when to eat and how they are fed.

3.5 Economic accessibility

The first and major consideration in relation to the economic accessibility relates to income levels and social security provision discussed above under the right to be free from hunger. However, the price of food is also going to influence the affordability and economic accessibility of food in the UK. In recent years, the price of food has been a particular concern.

The price of food is determined by the market. Food is a commodity in the UK that is sold and the price determined by those selling it. In the discussion around physical access to food and smaller local supermarket stores, the practice of companies charging more for equivalent products in smaller stores was mentioned. This has been criticised,²⁵⁹ but the supermarkets responded by indicating that the costs associated running smaller stores was higher and so higher prices were justified.²⁶⁰ Under UK law, this pricing practice is permissible.

Competition law will however intervene if there is suspicion of unfair practices. Sudden increases in food prices during between January 2022 and January 2023 led to claims of 'greedflation,' and the Competition and Market Authority (CMA) investigated pricing in supermarkets.²⁶¹ Competition law promotes free markets and will only intervene to ensure markets function correctly, and to prevent practices that limit competition.²⁶² Competition should ensure low prices, greater efficiency, better products, new product development, and more choice.²⁶³ When dealing with food, this approach can be

²⁵⁹ Which? (n 225)

²⁶⁰ Andrew Opie, quoted in Ian Quinn, 'Less-Than-Shocking Which? Research Into C-Stores is a Sign of the Times' *The Grocer* (25 April 2023) <https://www.thegrocer.co.uk/convenience/less-than-shocking-which-research-into-c-stores-is-a-sign-of-the-times/678609.article> accessed 13 July 2023.

²⁶¹ Gov.UK, 'CMA update on action to help contain cost of living pressures (15 May 2023) <<https://www.gov.uk/government/news/cma-update-on-action-to-help-contain-cost-of-living-pressure>> accessed 13 July 2023.

²⁶² R Whish and D Bailey, *Competition Law* (OUP 2021) 3-4.

²⁶³ *ibid*, 6.

problematic, as the cheapest food is often less nutritious and high in salt, fat and sugar.²⁶⁴ Consumers may face a choice between different types of unhealthy processed low price food.²⁶⁵ In the UK, the CMA can investigate markets with suspected unfair behaviour and states that they ‘encourage government and other regulators to use competition on behalf of consumers.’²⁶⁶

s25 of the Enterprise and Regulatory Reform Act 2013 requires the CMA to promote competition for the benefit of consumers. In the 2024 report on supermarkets the CMA stated states that their retailer profitability analysis ‘provides reassurance that competition between grocery retailers is generally working well.’²⁶⁷ The report did acknowledge that there are areas that could be improved for consumer benefit and has called upon UK governments to simplify rules governing the display of unit pricing.²⁶⁸ This would enable shoppers to ensure they were buying the cheapest size option of a particular food. Yet the focus is again on ensuring consumers can identify the cheapest food possible. Although important in the face of rapid price increases, the cheapest calories are often the most processed and unhealthy.²⁶⁹ The core of the right to adequate food requires that consumers can access an adequate diet, which is both affordable and nutritious. Unless this is seen as ‘consumer benefit’ rather than just price and choice, competition law is unlikely to protect the elements of the core of the right to adequate food. The idea of price caps on essential groceries has been raised in the UK on a number of occasions such as during the COVID-19 pandemic,²⁷⁰ during the May 2026 Scottish Parliament election campaigns,²⁷¹ and most recently by the UK Government²⁷². Such policies and approaches have been used in other

²⁶⁴ H Dimbleby, *Ravenous* (Profile Books, 2023) 13.

²⁶⁵ Dimbleby (n 262) 13 and 45; M Moss, *Hooked* (Penguin, 2021) 103-4; M Pollen, *The Omnivores Dilemma* (Bloomsbury 2011) 85-99.

²⁶⁶ Competition and Markets Authority, ‘About Us’ (Gov.UK) <<https://www.gov.uk/government/organisations/competition-and-markets-authority/about>> accessed 23 November 2024.

²⁶⁷ Competition and Market Authority, ‘CMA Cost of Living Update’ (26 July 2024) <<https://www.gov.uk/government/publications/cost-of-living-update/cma-cost-of-living-update#groceries>> accessed 17 February 2025.

²⁶⁸ Ibid.

²⁶⁹ Dimbleby (n 264).

²⁷⁰ James Hockaday, ‘Rishi Sunak’s Supermarket Price Cap Plan ‘Won’t Make a Jot of Difference, BRC Says’ (Yahoo News, 28 May 2023) <https://uk.news.yahoo.com/rishi-sunaks-supermarket-price-cap-plan-wont-make-a-jot-of-difference-brc-says-131610368.html> accessed 4 March 2024.

²⁷¹ Angus Cochrane, ‘Supermarket Food Prices to be Capped Under SNP Manifesto Pledge’ (BBC News, 16 April 2026) <https://www.bbc.co.uk/news/articles/cgrlpg97ey9o> accessed 23 April 2026.

²⁷² See, for example: HL Deb 20 May 2026 vol 856, cols 410 – 416.

countries.²⁷³ An interesting example is the voluntary code that many food companies have agreed to in France, which has cut the prices of 100 products including pasta and poultry.²⁷⁴ However, so far UK supermarkets appear to be against any such scheme.²⁷⁵ The complex policy and economic considerations are outside the scope of this discussion, and would have to be considered in the wording of any legislation that was introduced to implement price caps. However, that such policies are being considered might suggest that in relation to both physical and economic access to nutritious and affordable food, the current approach and reliance on competition law is not sufficient.

A related newer concern in relation to the price of food are fears that supermarkets may introduce dynamic pricing.²⁷⁶ This is pricing that can rapidly respond to supply and demand, as is seen in hotel and flight pricing. Supermarkets are trialling electronic price labels, which would permit rapid changes in prices on items, and so facilitate dynamic pricing which could result in increases in food prices.²⁷⁷ Rapidly changing food prices make it difficult for people to plan their food shopping. The cost of a weekly food shop would become more unpredictable making budgeting on a low income even more challenging. Anything that permits rapid increases in food prices day to day will also increase levels of food insecurity.

Related to the cost of food is also the cost of cooking and storing food safely. People may not be able to afford the electricity or gas or the appliances needed to store fresh and frozen food or cook food. As a result, people may be dependent on limited food that can be eaten from the packets, which is unlikely to be adequate from a nutrition point of view. In 2023, an estimated 480,000 households or 1.2 million people live without a washing

²⁷³ See for example: Allen B Paul, 'Food Price Controls Reconsidered' (1958) 40 *Journal of Farm Economics* 30, 33.

²⁷⁴ Ellen O'Dwyer, 'How France's Supermarket Price Control's Work, and Whether the UK Could Follow Them (The I Paper, 3 July 2023) https://inews.co.uk/news/how-france-supermarket-price-controls-work-uk-copy-2450041?srsltid=AfmBOoqx8eBzqSt4-vZZA4Vf51L_4xJZu5n6k_NWAFvvceAopsF9vn-K accessed 27 May 2026.

²⁷⁵ See, for example: Simon Jack, Emma Simpson and Kevin Peachy, 'Supermarkets Hit Back Over Pressure to Cap Price of Milk, Bread and Eggs.' (BBC News, 19 May 2026) <https://www.bbc.co.uk/news/articles/c5y7qz806q3o> accessed 27 May 2026.

²⁷⁶ Clare Lombardelli and Rupal Patel, 'This Time It's Personal: The Rise of Dynamic, Personalised Pricing and What it Means for Inflation' (Bank of England, 7 April 2026) <https://www.bankofengland.co.uk/bank-insights/2026/this-time-its-personal-the-rise-of-dynamic-personalised-pricing-and-what-it-means-for-inflation> accessed 27 May 2026.

²⁷⁷ Ibid

machine or fridge freezer or both.²⁷⁸ A lack of fridge freezer or cooker, or the income to run these appliances will severely limit the food people can consume. Related to the discussion above, this can be even more problematic for Disabled people, or people with dietary needs. For example, the Association of Charitable Organisations use the example of a young mother whose oven breaks, and she is no longer able to cook some of the limited items her autistic son will eat.²⁷⁹

Inability to cook for oneself is not just a consequence of a lack of appliances. It may also be related to the housing provided for some groups. Accommodation for asylum seekers may not provide areas suitable to cook a meal. Charities provide spaces for this and for homeless people to cook.²⁸⁰ Projects such as Cook Up not only improve accessibility but recognise the social and psychological importance in being able to choose what you eat and prepare that food yourself,²⁸¹ which is related to the cultural and consumer acceptability of food and people's overall wellbeing. The importance of basic cooking skills and developing healthy versions of traditional foods with local communities can also play a central role in ensuring people can access, prepare and cook a balanced nutritious diet.²⁸² Likewise, there is no statutory requirement for cooking facilities to be provided in temporary council accommodation.²⁸³

The Decent Homes Standard currently applies to social housing, but it is being expanded to include Private rental properties from 2035.²⁸⁴ Both the current and new guidance require adequate kitchens and bathrooms, indicating kitchens should be less than

²⁷⁸ The Association of Charitable Organisation, 'More Than Making Do: Understanding the Economic Impact of Essential Household Appliances' (2023) <https://www.aco.uk.net/wp-content/uploads/2023/06/Final-Social-Impact-of-White-Goods-Report.pdf> accessed 28 April 2026.

²⁷⁹ Ibid.

²⁸⁰ Quaker Social Action, 'Written Evidence to the Home Affairs Committee on the Home Office's Management of Asylum Accommodation' (2022) available at <https://committees.parliament.uk/writtenevidence/136160/pdf/> accessed 28 April 2026.

²⁸¹ <https://quakersocialaction.org.uk/we-can-help/homelessness-housing/cook> accessed 28 April 2026.

²⁸² See, for example: Leeds Beckett University, 'Free African and African-Caribbean Community Healthy Eating Event in Chapeltown, Leeds' <https://www.leedsbeckett.ac.uk/news/2022/10/african-caribbean-community-healthy-eating/> accessed 28 April 2026.

²⁸³ Shelter, 'Suitability of Bed and Breakfast Accommodation' https://england.shelter.org.uk/professional_resources/legal/homelessness_applications/suitability_of_accommodation_for_homeless_applicants/suitability_of_bed_and_breakfast_accommodation accessed 27 May 2026.

²⁸⁴ Ministry of Housing, Communities and Local Government, 'The New Decent Homes Standard: Policy Statement' (GOV.UK, January 2026) <https://www.gov.uk/government/consultations/consultation-on-a-reformed-decent-homes-standard-for-social-and-privately-rented-homes/outcome/the-new-decent-homes-standard-policy-statement> accessed 27 May 2026.

20 years old and have adequate space and layout.²⁸⁵ However, the requirements for a 'decent' home are not absolute; a property needs at least three from a list. This means that not all the features of a decent kitchen need to be in a property for it to meet the standard. This risks a property without an adequate kitchen being considered decent. In addition, for a kitchen to be considered in poor condition, it would require major repairs or replacement of 3 or more items out of cold-water drinking supply, hot water, sink, cooking provision, cupboards, worktop.²⁸⁶ This again could permit a kitchen with a broken cooking provision not to be considered in poor condition. There is also no legal requirement for landlords, including social housing landlords, to provide white goods and cookers.²⁸⁷ A final point to be noted is that an adequate kitchen must allow the occupant to be able to cook and prepare their own food. This will require reasonable accommodations to ensure disabled people are able to use their kitchens.

3.6 Nutrition and dietary need

The nutritional content of food is a key component of the core of the right to adequate food. Diets need to meet the physical needs of individuals throughout all stages of their lives. Our food environments are a massive influence on what we 'choose' to eat, alongside our ability to access certain types of food. This means that the way food is marketed, displayed in shops and the information and education about food we receive all influence what food we purchase and eat, and in turn the nutritional content of our diets.

3.6.1 Content of food

Until recently, the rules governing the content of food have been related to safety in terms of adverse substances rather than nutritional content. However, there have been several voluntary schemes that encouraged manufacturers to improve the nutritional content and

²⁸⁵ Department for Communities and Local Government, 'A Decent Home: Definitions and Guidance for Implementation' (June 2006) <https://assets.publishing.service.gov.uk/media/5a7968b740f0b63d72fc5926/138355.pdf> accessed 27 May 2026.

²⁸⁶ Ibid.

²⁸⁷ Claire Donovan, 'Furniture Poverty and the Role of Furnished Tenancies in Social Housing' (Redbrick, 12 February 2024) <https://redbrickblog.co.uk/2024/02/furniture-poverty-and-the-role-of-furnished-tenancies-in-social-housing/> accessed 27 May 2026.

limit negative health impacts of products. For example, a scheme run by Public Health England to reduce sugar, salt and fat. These schemes have not been considered successful.²⁸⁸ In contrast, the Soft Drinks Industry Levy (SDIL) which placed a levy on drinks with a sugar content beyond a certain level, and the Food (Promotion and Placement) (England) Regulations 2021, that limited where certain foods high in fat, salt and sugar could be placed in stores. The SDIL has been considered a success and in the Autumn Budget in 2025, two changes to the SDIL were announced. The minimum sugar content when the Levy applies is to be reduced and milk-based drinks with added sugar will no longer be exempt, bringing more drinks into the scope of the SDIL.²⁸⁹ This expansion of the SDIL was recommended by the CESCR in its Concluding observations, but the extension of taxes to other unhealthy foods has not yet occurred.

There has more recently been some suggestion that shareholders and company law may encourage companies to reformulate food to improve the nutritional content. Nestlé shareholders and Tesco shareholders have recently raised motions to encourage supermarkets to stock healthier foods and change the formulation of some unhealthy foods.²⁹⁰ Although not always successful, this action can be seen as a recognition that companies do need to make the food they sell healthier, and failure to do so could be a long-term risk to their ongoing profitability and success. However, shareholder action in relation to the largest supermarkets in the UK may be limited. Only Tesco and Sainsburys are publicly owned with large numbers of shareholders.

s172 (1d)) of the Companies Act 2006 requires that a Company Director must have regard to ‘the impact of the company's operations on the community and the environment.’ Directors will make disclosures on these matters in company reports, that shareholders then use to hold the directors to account. This duty to report on these matters extends to

²⁸⁸ T Corbin, ‘Voluntary Reformulation Not Working, Say Health Experts in Response to Govt Sugar Reduction Programme’ *Talking Retail* (2 December 2022) <<https://www.talkingretail.com/news/industry-news/voluntary-reformulation-not-working-say-health-experts-in-response-to-govt-sugar-reduction-programme-02-12-2022/>> accessed 13 July 2023.

²⁸⁹ Martin Brogaard and Gautum Vyas, ‘Assessing Recent Changes to the Soft Drinks Industry Levy’ (Institute for Fiscal Studies, 25 March 2026) <https://ifs.org.uk/publications/assessing-recent-changes-soft-drinks-industry-levy> accessed 23 April 2026.

²⁹⁰ James Davey, ‘Britain’s Tesco Concedes to Activist Shareholders on Health Targets’ (*Reuters*, 5 May 2021) <https://www.reuters.com/world/uk/britains-tesco-concedes-activist-shareholders-health-targets-2021-05-04/> accessed 8 June 2023. Anna Wise, ‘Shareholders Reject proposal to Cut Nestle’s Reliance on Unhealthy Products’ *Independent* (18 April 2024) < <https://www.independent.co.uk/business/shareholders-reject-proposal-to-cut-nestle-s-reliance-on-unhealthy-products-b2531053.html>> accessed 26 November 2024.

privately owned companies, however the limited number of shareholders such companies limit the possibility of motions such as those brought by Nestlé and Tesco shareholders.

The Government has recently announced introducing mandatory healthy food sales reporting for ‘all large companies in the food sector’ by the end of the current Parliament.²⁹¹ This reporting will then be used to set targets to increase ‘the healthiness of sales in all communities.’ How supermarkets achieve this would be their choice, but could include promotions, changing the formulation of food, and marketing.

3.6.2 Advertising and marketing of food

The way food is packaged, marketed and where it is positioned in stores can all influence what food people buy and so the nutritional adequacy of their diet. The Provision of Food Information to Consumers Regulation 1169/2011 (FIC) details what must be placed on pre-packed food. Articles 29 to 35 detail those things that must be declared in relation to nutrition. This includes the energy value, amounts of fat, saturates, carbohydrates, sugars, protein and salt. The FIC also requires a list of 14 substances that can cause allergies or intolerances to be listed if they are contained in a product.

There is also regulation that governs what companies can say about the food they produce and sell. For example, the traffic light system is often used on the front of many food packages; it is not compulsory, but it cannot be misleading or inaccurate. The law governing this is Regulation 1924/2006 on nutritional and health claims. This regulation limits health claims that can be made and ensures that they are not ‘false, ambiguous or misleading.’

In relation to the selling of food, there are several areas of governing law. Pricing displays in food stores are governed by the Price Marking Order 2004 and the Consumer Protection from Unfair Trading Regulations 2008. Prices displayed should be clearly displayed, easy to read, match what is charged and next to the correct product. In addition, there are currently regulations that limit where certain unhealthy products are located within stores. The Food (Promotion and Placement) (England) Regulations 2021, SI

²⁹¹ Department of Health and Social Care, ‘10-year plan for England: Fit for the future’ (2025). Available at: <https://www.gov.uk/government/publications/10-year-health-plan-for-england-fit-for-the-future> (accessed 11 August 2025).

2021/1368) were introduced in 2021. They also banned discounts on volume sales of HFSS, for example buy-one-get-one-free but this did not come into force until October 2025.

Even when legislation is introduced it needs to be enforced. The enforcement of the HFSS legislation falls to Trading Standards and local authorities which are underfunded.²⁹² It was reported in 2023, following a freedom of information request, that since December 2022, only two English local councils have identified breaches of the HFSS rules. Suspected breaches have, however, been posted in trade magazines and on social media.²⁹³ Legislation is only effective if it provides clear guidance for those that must comply, and compliance can be monitored and enforced.

In January 2026, a ban on advertising 'junk food' before 9pm and at any time online came into force. This was a long-awaited law that had been provided for in the Health Act 2022 amending the Communications Act 2003. The ban is also regulated by the Communications Act 2003 (Restrictions on the Advertising of Less Healthy Food) (Effective Date) (Amendment) Regulations 2025 and the Advertising (Less Healthy Food Definitions and Exemptions) Regulations 2024.

3.6.3 Education

An important part of improving overall nutrition and reducing nutrition related diseases is education. This would include education around cooking so people can cook rather than rely on ultra-processed foods. As discussed above the provision and content of free school meals can be an important part of this. The National Curriculum determines what children in the UK are taught and when. It is currently being reviewed,²⁹⁴ and this is an ideal opportunity to ensure that food, nutrition and cooking are embedded in the curriculum. An additional source of food education is public health messaging and adult education in community settings.

²⁹² S Muir et al, 'UK Government's new placement legislation is a 'good first step': a rapid qualitative analysis of consumer, business, enforcement and health stakeholder perspectives. (2023) 21 BMC Medicine <https://bmcmmedicine.biomedcentral.com/articles/10.1186/s12916-023-02726-9#Tab>> (accessed 13 July 2023).

²⁹³ S Ball, 'Treading lightly on HFSS trading compliance' (2023) <https://www.kantar.com/uki/inspiration/health/2023-wp-treading-lightly-on-hfss-trading-compliance>> (accessed 4 March 2024).

²⁹⁴ Department for Education, 'What You Need to Know About Changes to the National Curriculum' (GOV.UK, 5 November 2025) <https://educationhub.blog.gov.uk/2025/11/what-you-need-to-know-about-the-changes-to-the-national-curriculum/> accessed 23 April 2026.

3.7 Free from adverse substances

UK food safety regulations are based largely on EU law and are robust. The main law is Regulations 178/2002 which is the regulation laying down the general principles of food law. In addition, there is the Food Safety Act 1990, Regulation 852/2004 which deals with the hygiene of food stuffs and Regulation 853/2004 which deals specifically with hygiene in relation to foods of animal origin. Food safety is overseen by the Food Standards Agency and Food Standards Scotland.

Although the UK has a robust food safety system, post-Brexit, the lack of adequate border checks has raised concerns in relation to food safety. High risk products should be imported through border control points so contaminants such as *Salmonella*, can potentially be detected.²⁹⁵ There have been reports of eggs and chicken products imported from Poland that may be a risk in relation to antibiotic-resistant *Salmonella*.²⁹⁶

3.8 Cultural and consumer acceptability

Another requirement of adequate food is that is culturally acceptable and acceptable to consumers. The importance of traditional markets in relation to accessing culturally acceptable food is discussed above. This component of the right to food is often forgotten. For example, during the COVID-19 pandemic vouchers provided to replace free school meals could only be used in larger supermarkets, which meant people could not purchase culturally appropriate food from local markets and shops.²⁹⁷ This clearly demonstrates the importance of national food plans that are backed by an incorporated right to food. When putting policies in place, decision makers would have to ensure that measures were compatible with all components of the right to food.

²⁹⁵ Food Standards Agency, 'Importing High-Risk Food and Feed into GB' (Food Standards Agency, 17 December 2021) <https://www.food.gov.uk/business-guidance/importing-high-risk-food-and-feed-into-gb> accessed 1 November 2023

²⁹⁶ Sustain, 'Three UK Supermarkets source antibiotic treated chicken from producer linked to Salmonella outbreak.' (Sustain, 20 June 2023) <https://www.sustainweb.org/news/jun23-uk-supermarkets-sell-chicken-dosed-human-critical-antibiotics/> accessed 1 November 2023

²⁹⁷ National Audit Office, 'Investigation into the Free School Meals Voucher Scheme' (2 December 2022) <https://www.nao.org.uk/wp-content/uploads/2020/12/Investigation-into-the-free-school-meals-voucher-scheme.pdf> accessed 23 April 2026

3.9 Sustainability

The way to make food systems sustainable is a controversial and much debated subject. As with how to ensure sustainable availability of food, there is no single ‘correct’ approach to this. However, sustainability is a component of the core of the right to adequate food, and so should be a central consideration in relation to agricultural policy and trade policy.

Agricultural policy is a devolved competency and so the four nations will have their own schemes for agricultural subsidies to support sustainable food production. In England agricultural subsidies are provided for in the Agriculture Act 2020 and the schemes offered by DEFRA. In Scotland the equivalent law is the Agriculture and Rural Communities (Scotland) Act 2024. In Wales there is the Agriculture (Wales) Act 2023 which introduced the Sustainable Land Management Framework. In Northern Ireland there is the Agriculture Act (Northern Ireland) 2025.

3.10 Food and agriculture in the devolved nations

The Scottish Parliament enacted the Good Food Nation (Scotland) Act in 2022 (GFN(S)A). This is an example of framework legislation. The GFN(S)A does not formally incorporate the right to food, but it does recognise its importance through s2(d) requiring ministers have regard to ‘the fact that adequate food is a human right...and is essential to the realisation of other rights.’ It also requires in s1(1) that Scottish Ministers must create a good food nation plan that indicates the main outcomes it aims to achieve in relation to food issues, indicators that will monitor the achievement of those aims and the policies that will be pursued to achieve those aims. Importantly the legislation also requires the creation of the Scottish Food Commission that will provide oversight. The Scottish Food Commission is an independent advisory body and will oversee the plans that the Local Authorities and Public Health Bodies make as required by the GFN(S)A. It will also advise ministers and ensure that stakeholders and communities are heard in the process.²⁹⁸

Scotland has also made progress in incorporating rights into national law. The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 directly incorporated the UNCRC into Scots law. There is also a long-awaited Human Rights Bill,

²⁹⁸ Scottish Government, ‘Good Food Nation’ <https://www.gov.scot/policies/food-and-drink/good-food-nation/> accessed 23 April 2026.

which is still be considered by the Scottish Parliament. This would incorporate the rights in the ICESCR into Scots law through a ‘compliance duty.’²⁹⁹ Decisions makers would then be required to consider these rights in public authority decision making.

In Wales, a Senedd Member Bill, the Food (Wales) Bill was also an example of framework legislation, but did not specifically mention the right to food, although it did engage with many components of the core of the right to food. However, it was voted down in May 2023.³⁰⁰ In 2025 the Northern Ireland Food Strategy Framework Action Plan for 2025 to 2027 was introduced. This has three missions: 1) To use food to improve lifelong health and wellbeing, 2) to support environmentally sustainable, safe and ethical agri-food supply chains, and 3) to further develop sustainable economic prosperity within the agri-food sector.³⁰¹ This puts into action the requirements if the Northern Ireland Food Strategy Framework that was published in November 2024. Principle 1, that should guide the plan is ‘right to food – everyone in society has the right to adequate, available, accessible, safe and nutritious food.’³⁰²

All three of the devolved nations are further ahead in attempting to implement the right to food than England. Even though none of these nations has yet incorporated the right to food into law, they have done some of developing framework legislation, creating monitoring bodies and creating plans to implement the right to food and other food related policies. Although these are all positive steps, it demonstrates the lack of joined up approach to food policy and law in the UK. Not only are matters related to the right to food governed by a wide range of disparate areas of law, attempts to realise and address the right to food vary between each of the four nations in the UK.

²⁹⁹ Scottish Government, ‘Human Rights Bill for Scotland: Discussion Paper’ (1 July 2025) <https://www.gov.scot/publications/human-rights-bill-scotland-discussion-paper/pages/5/> accessed 23 April 2026

³⁰⁰ M Shipton, ‘Food Security Law Voted Down by Senedd’ (Nation Cymru, 25 May 2023) <https://nation.cymru/news/food-security-law-voted-down-by-senedd/> accessed 23 April 2026.

³⁰¹ Department of Agriculture, Environment and Rural Affairs, ‘Food Strategy Framework Action Plan 2025-2027’ <https://www.daera-ni.gov.uk/sites/default/files/2025-05/Northern-Ireland-Food-Strategy-Framework-Action-Plan-2025-2027.PDF> accessed 23 April 2026

³⁰² Department of Agriculture, Environment and Rural Affairs, ‘Northern Ireland Food Strategy Framework’ (November 2024) <https://www.daera-ni.gov.uk/publications/northern-ireland-food-strategy-framework> accessed 23 April 2026

4.0 Recommendations

4.1 Immediate steps

The UK should incorporate the ICESCR into law and this should also develop legislation to facilitate the right to food. Such a legislative agenda and associated work take time, and so in the interim, the following urgent measures should be adopted to address the levels of food insecurity in the UK which is a violation of the UK's obligations under the ICESCR:

- The Government should publicly acknowledge it accepts the right to food as a human right and states its intention to work towards its realisation.
- Develop a sustainable food action plan that ensures not only ongoing sustainable food production in relation to climate change and environmental degradation, but also resilience to global events and shocks. Such a plan should ensure continued availability and economic accessibility (affordability) of food, especially considering current world events that threaten both the economic access and availability of food.

Take the following immediate measures in relation to the gaps in the legal frameworks that govern access to an affordable nutritious and culturally appropriate diet in the UK:

Legal Framework	How it facilitates realisation of the right to food	Current limitations	Suggested steps to address limitations
Social Security	Fundamental for economic accessibility of food in a dignified manner.	There is no minimum level for social security payments that ensures people can afford all the essentials for an adequate standard of living.	Consultation on amending social security legislation to ensure everyone has sufficient income to afford to purchase those things necessary for a dignified law even in the face of rising prices and regularly reviewed to ensure it is adequate.
Agriculture Act 2020	Monitoring the realisation of the right to food as the only legislative requirement for reporting on food	There is no statutory definition of how the data is to be reported. There is no duty to provide a plan to improve food security.	Amend the Agriculture Act to include aspects of food security that must be reported on to facilitate better monitoring of the realisation of the right to

	security in the UK. Also monitoring the sustainability and availability of food in the UK.	Reporting on individual and household food security is limited	food, including subjective and objective measures of food security at individual and household level. Require setting of enforceable targets to reduce individual food insecurity.
Planning Law NPFF	Physical access to food	Limited focus on access to nutritious affordable food. Requires local authority to implement in local plan.	Ensure future NPFFs specifically address access to affordable nutritious food in planning decisions and local plans. Support more rapid implementation of amended local plans by local authorities.
Competition law	Economic Accessibility	Focus on price and choice as consumer benefit not nutrition	Consultation on whether consumer benefit could be more widely interpreted in relation to the grocery sector or if bespoke legislation to address economic and physical accessibility of food and the grocery sector is required.
Competition law – Grocery Code Adjudicator	Availability, sustainability and economic accessibility through supply chain practices	Limited impact on prices farmers receive, which impacts the long-term availability and sustainability of food production in the UK.	Consultation on strengthening remit and expanding powers.
Trade and trade law	Availability, sustainability and economic accessibility can all	Trade agreements may not focus on the adequacy or sustainability of food being imported.	Ensure border checks and fully operational and sufficient to limit importation of food containing adverse

	be affected by food imports.	Importation of food that contains adverse substances is a risk without proper border checks.	substances. Develop a set of principles based on the right to food that must underpin all future trade agreements.
School food	Supports access to nutritious food . Reduces childhood food insecurity and hunger .	Free school meal provision varies across the UK. Standard of food provided also varies. There is no body that monitors the nutritional content of food provided.	Free school meals should be provided to all primary age children in the UK. Clear nutrition standards for the meals should be set. Facilities to provide those meals should be placed in schools and which can ensure that safe and suitable food can be provided to all children in order to appropriately meet their dietary needs. An independent body should be set up to monitor the provision.
Public health regulation (The Food (Promotion and Placement) (England) Regulations 2021, SI 2021/1368 and Communications Act 2003 (Restrictions on the Advertising of Less Healthy Food) (Effective Date) (Amendment) Regulations 2025 and the Advertising (Less Healthy Food Definitions and Exemptions) Regulations 2024)	Can contribute to adequate and nutritious food	Enforcement of the regulations in relation to placement and buy one get one free offers is limited. Offer measures are not considered, such as taxes and levy's on HFSS food, despite the success of the SDIL.	Consultation on introducing taxes on HFSS foods. Consider further restrictions on the way food is advertised to prevent 'health washing.'

Decent Homes Standards and temporary accommodation	Cooking facilities are fundamental to ensuring people can access a nutritious diet.	To meet the decent homes standard in social housing and rental housing from 2035, kitchens do not require a cooker or fridge. Temporary accommodation does not require cooking facilities.	Expand the requirement to access to cooking facilities to all temporary accommodation, social housing and private rental properties. This should include provision of a cooker, oven and fridge.
Redistribution of surplus food	Access to food and sustainability of food production.	Embedded charitable redistribution of waste food as a response to chronic food insecurity. Providing waste food instead of ensuring an income that provides the minimum to cover essentials is not a dignified way for people to access food.	Tackle the causes of food waste in the food supply chain. Look for alternative ways to utilise food waste that doesn't involve passing it to those who cannot economically access food. Ensure people have sufficient income to economically access food.
Equality Law	Ensure that everyone can access nutritious and culturally appropriate food that meets their dietary needs, including in relation to medical conditions or disabilities without discrimination.	Provision of culturally and nutritionally appropriate food varies when food is provided by the state (eg prisons, schools, hospitals). People may not be able to easily access adaptations they need in their homes to prepare their own food. Disabled people are more likely to	Urgent assessment and review of where provision of reasonable adjustments and payments for care vary across local authorities. Ensure social security is sufficient to meet peoples' needs in relation to culturally and nutritionally appropriate food (eg increased cost of dairy or gluten free food). Ensure that online grocery websites are accessible. Ensure all state provided food in hospitals, care

		experience food insecurity.	facilities, by local authorities, and schools meets peoples' needs. Ensure people are given choice and agency in relation to what they eat.
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4.2 Incorporation of the ICESCR into UK law.

The right to food and the other rights in the ICESCR should be incorporated into UK law.

Incorporation ensures that public officials and decisions makers must consider the right to food and facilitate its realisation. It would allow courts to consider the right to food, strengthening protection for the right and provide a route to redress for those whose right to food has been violated. Full incorporation of the rights in the ICESCR is needed given the interdependence of human rights. For example, the right to food cannot be realised without a right to social security.

4.3 Ratify the Optional Protocol to the ICESCR

The UK should ratify the Optional protocol to the ICESCR and join the complaints procedure of the ESC. This should accompany the system for redress in the UK for those whose right to food is violated. It will help calibrate the UK system and ensure the UK is meeting its international obligations in relation to the right to food.

4.4 Framework legislation for the right to food

The incorporation of the right to food into UK law is the first step to ensure the right to food in the UK is realised. Framework legislation needs to be enacted. This legislation must require the setting of targets by ministers to address food related issues, creation of a plan by ministers indicating how these targets will be achieved. This plan must be informed by input by communities, civil society and other relevant stakeholders. The plan must indicate how progress will be monitored and what measures will be used to assess the progress. It is also recommended that this process is susceptible to judicial review that will add an additional layer of accountability. Such legislation is necessary to ensure joined up protection of all aspects of the right to food. It is also recommended that the framework

legislation engage with the PANTHER principles (participation, accountability, non-discrimination, transparency, human dignity, empowerment and the rule of law) and that these principles are then applied to all plans and bodies created by the legislation.

4.5. Monitoring

Monitoring implementation is a fundamental component of incorporating and realising a right. Reporting on the reports and plans required under the framework legislation need to be monitored for compliance with the legislation, achievement of the goals and gaps. This reporting needs to include input from civil society and those with lived experience of rights. Only then will reports identify gaps and approaches to address them. It is also crucial that independent bodies are involved in the review of these reports. This could be through submission of reports to an existing human rights commission such as the Equality and Human Rights Commission or the Scottish Human Rights Commission. It could also be that a new independent body is set up specifically for the right to food or rights contained in the ICESCR. Any such body should have power to issue recommendations, guidance and also instigate independent investigations into areas of concern in relation to realising the right to food.

4.6 UK right to food plan

The UK requires a clear food policy, set out in a food plan. Due to the constitutional arrangement of the UK, each of the devolved nations and local authorities would need to develop a related food plan, tailored to their communities and needs. The National, devolved and local plans should clearly layout the measures to address the components of the right to food:

- Hunger
- Availability
- Access
 - Economic
 - Physical
- Adequacy
 - Nutrition

- Suitable to meet for medical/ disability requirements
- Cultural acceptability
- Sustainability

4.7 Ensure the UK Government supports progress made in devolved nations

The UK Government should facilitate and not block progress made in the devolved nations in relation to realisation of the right to food and the incorporation of human rights into their law.

4.8 Duties for decision makers

In addition to enacting the socio-economic duty in the Equality Act 2010, the government, through the incorporation of the ICESCR and framework legislation should require that the minimum core of the right to food is considered, engaged with and complied with by all government departments, decision makers, local authorities and other relevant public bodies.

4.9 UK redress for those whose right is violated

A fundamental aspect of rights is a route to redress for those whose rights are violated.

Incorporation of the right to food into UK law could allow this redress to be provided through the courts, as is seen with the rights in the ECHR and the HRA. However, redress could also be provided through an alternate complaints mechanism, provided for by legislation incorporating the right or framework legislation. Such a process would have to be impartial, transparent and provide real redress for those whose rights have been violated. There must also be robust provision included to protect complainants from victimisation (reprisals for having raised a complaint).