**OFFICE OF THE HIGH COMMISSIONER OF HUMAN RIGHTS**

**SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD**

**CALL FOR INPUT: IMPACT OF COVID-19 ON THE RIGHT TO FOOD**

**SUBMITTED BY:**

LEGAL RESOURCES CENTRE

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**ABOUT THE LEGAL RESOURCES CENTRE**

1. The Legal Resources Centre (LRC) is a public interest non-profit law clinic in South Africa founded in 1979. The LRC uses the law as an instrument for justice for poor and marginalised persons. The LRC pursues equality, access to justice, and the recognition of constitutional rights for all through creative and effective solutions. To this end, we provide legal advice and legal representation that empowers our clients, take on strategic and impact litigation, and participate in multi-pronged advocacy and law reform.
2. **INTRODUCTION**
3. The COVID-19 pandemic and measures implemented to curb the spread of the virus has had serious implications on food security and nutrition in South Africa.
4. Throughout the COVID-19 pandemic, an average 40% of households reported that they ran out of money for food.[[1]](#footnote-2)
5. In 2020, Statistics South Africa (STATSSA) reported that almost 24% of South Africans in 2020 were affected by moderate to severe food insecurity, with around 15% experiencing severe food insecurity.[[2]](#footnote-3) The number of affected persons in South Africa is arguably much higher than this because STATSSA’s report did not include migrants. In this context, the Integrated Food Security Phase Classification analysis report reported that from January to March 2021, 11.8 million people in South Africa’s hunger were deemed to be “at crisis level”.[[3]](#footnote-4)
6. Although household hunger has decreased somewhat since 2017, the number of children who have gone hungry, as well as the number households who ran out of food during the pandemic is alarming. On 24 March 2022, it was reported that 7 children had died of severe acute malnutrition in the Eastern Cape since January 2022. This example shows the grave consequences of a lack of access to adequate food.[[4]](#footnote-5)
7. In light hereof, the LRC welcomes the opportunity to provide input on the impact of COVID-19 on the right to food in South Africa.
8. **RESPONSE TO QUESTIONS**

*Q.1.*  *At what points over the past two years, and how, has the food system in your country been impacted by the COVID-19 pandemic? Have there been any specific sectors and locations that were more impacted?*

1. As an upper-middle income country with strong ties to global supply chains, South Africa was impacted by trade disruptions in two ways. The unavailability of certain foodstuffs and supplies contributed to the 3.5% rise in inflation which, in turn, saw the increase in food prices. Moreover, with the economic contraction of 7% in 2020 and the subsequent slow growth, unemployment increased, particularly in the informal sector. Individuals had less money to spend and what they had did not have the same buying power as before.[[5]](#footnote-6)
2. In terms of local distribution, South Africa saw supply chain interruptions in July 2021 as a result of riots in the Kwazulu-Natal and Gauteng provinces. The riots saw looting of essential foodstuffs, as well as damage to property. During the riots and in its immediate aftermath, companies avoided volatile areas, resulting in a lack to access to food in these areas.[[6]](#footnote-7)
3. Beyond the impact of supply chain interruptions, small-scale farmers were also affected. In places such as Cape Town, urban farmers, mostly elderly, unemployed women, cultivate between 100 and 200 large food gardens on public grounds. Most of these farmers were integrated into formal food value chains affiliated with intermediary programs that sell produce from township food to restaurants, hotels, and markets in ‘better-off’ city quarters. However, with the lockdown, small-scale farmers were not regarded as ‘essential services’. This resulted in farmers being unable to access their farms and markets.
4. In addition, farmers were also affected by market disruptions (such as the closure of restaurants and hotels) which made it difficult for them to sell their produce. As a result, many farmers sought new markets during lockdown, often selling their produce to their communities to compensate for the loss of demand.[[7]](#footnote-8)

*Q.2. What were the challenges in overcoming reduced access to adequate food and nutrition and interrelated impacts on other human rights during the crisis?*

1. As a result of South Africa’s strict lockdown, many individuals were unable to work and, therefore, lost the income needed to access adequate food and nutrition.
2. According to STATSSA, female-headed households were particularly affected as “almost half of female-headed households did not have an employed person in 2020”. In general, Limpopo (47,8%), Eastern Cape (47,3%), Free State (45,3%) and the North West (43,0%) had the highest number of unemployed households in 2020.[[8]](#footnote-9)
3. To curb the increasing levels of hunger across South Africa, food parcels were made available to individuals in communities who did not have access to nutritious food through, for example, Corona Crisis Food Parcels, an initiative of the government led, Solidarity Fund.[[9]](#footnote-10) An unfortunate reality and a major challenge in the distribution of these food parcels were distributors, including government officials, being accused of keeping the food parcels for themselves or distributing it to persons, like friends or family member, who were not in need.[[10]](#footnote-11)
4. Under the Solidarity Fund, the state also made available a Social Relief of Distress grant. The grant is R350 per month per household and individuals are ineligible if they are already receiving an adult social grant or an unemployment insurance benefit. Although this amount does assist in accessing food, the amount is too low to provide adequate nutrition to a household for a month. A further challenge is that undocumented individuals cannot access the grant.[[11]](#footnote-12)
5. With the closure of schools on 18 March 2020, 9 million learners who benefit from the National School Nutrition Programme (NSNP) could not access meals. In June 2020 when schools gradually reopened for certain grades, some learners again benefitted from the NSNP. However, many learners were still left behind.
6. In July 2020, the High Court held that the Minister of Basic Education and the MEC’s for Education of the 9 provinces in South Africa were in contravention of their constitutional duties for not rolling out the NSNP to all qualifying learners, whether at school again or not.[[12]](#footnote-13) The NSNP, therefore, had to resume and provide food to all qualifying learners. Those who had not yet returned to schools were allowed to collect food from their schools daily.

*Q.3.*  *Which segments of the population – e.g. migrants, agriculture workers, Indigenous peoples – have been more vulnerable and constrained in accessing adequate, nutritious and healthy food throughout the different phases of the pandemic? What were their main sources of procuring food? Which new risks and vulnerabilities in food access have you observed to emerge during the pandemic?*

1. One group that has proven particularly vulnerable are children. In March 2022, it was reported that 14 children under the age of five years have starved to death in the past 15 months in the Nelson Mandela Bay Metropolitan Municipality in the Eastern Cape, and hundreds more are receiving treatment for severe acute malnutrition.[[13]](#footnote-14) As explained above, the plight of children was exacerbated when the lockdown was imposed and some 9 million learners who received meals through the NSNP were denied access to meals.[[14]](#footnote-15)
2. Female-headed households have found themselves firmly within ambit of vulnerability with almost half of female-headed households being unemployed during in 2020.[[15]](#footnote-16) This has resulted in, for example, 59% of women in Cape Town reporting that they had limited the quantity of food they consumed daily compared to 30% of men.[[16]](#footnote-17) Moreover, with schools moving online, additional financial needs for electricity and mobile data created a severe conflict with the interest of purchasing food.

*Q.4. What beneficial or counter-productive measures have been deployed nationally and locally (laws, policies, fiscal measures, or social security/social safety nets) in the aftermath of the pandemic? What impact have they had on ensuring access to adequate food and nutrition? What was the role of workers, small-scale food producers, and the agri-food industry in the development and implementation of these measures?*

1. The state’s vague response to achieve food security through “establishing an enabling environment that involves the affordability of food, accessibility of food, quality and safety of food, as well as sustainable natural resources and resilience of the environment” is an increasing concern[[17]](#footnote-18)
2. The state has indicated that it has provided more than 100 000 farmers with input vouchers to expand their production. However, it is unclear whether this refers to the total number of farmers that have benefited from these vouchers, or just those who have benefitted during COVID-19.
3. The National State of Disaster ended at midnight on 5 April 2022. Thus, South Africa has only recently entered the realm of the “aftermath of the pandemic”. Some measures, such as the Social Relief of Distress Grant will remain in place for 30 days, meaning they will lapse on 5 May 2022 and will become regulated by separate Regulations to be adopted by the Department of Social Development.[[18]](#footnote-19)

*Q.5. What kind of food price variations, trade restrictions, and supply chain disruptions have had the most impact on main foodstuffs, nationally and locally?*

1. The average cost of the Household Food Basket, which contains a number of food items, increased from R4 018.25 in November 2020 to R4 272.44 in November 2021. This illustrates the cumulative impact of food price variations, trade restrictions, and supply chain disruptions.[[19]](#footnote-20)
2. In terms of specific food price variations, the Competition Commission has referred to the riots in KwaZulu Natal and Gauteng during 2021 as contributing to increased food prices “particularly on essential items such cooking oil, potatoes, meat and sugar”.[[20]](#footnote-21)
3. The Competition Commission, moreover, in March 2022 indicated that it will investigate the surge in the pricing of fresh produce during the pandemic. Fresh produce are essential foods, foods that “are critical to the socio-economic well-being of a nation”. The increase in fresh produce prices has meant that households “have to spend a far greater portion of their income to purchase essential products”.[[21]](#footnote-22)

*Q.6. What longer-term measures, if any, have been considered, nationally and locally, to address harmful impacts of the continued pandemic, as well as of future shocks? What lessons could be drawn from the pandemic about how to make your food systems more equitable, resilient and sustainable? In which way should the food system of your country be reformed in order to ensure better access to adequate food to everyone?*

1. It is unclear what the specific longer-term measures will be to address the harmful impacts of the pandemic. Throughout the pandemic, it became clear that reform is necessary to ensure access to adequate food for all.
2. In this regard, it is necessary to not only establish the content of the right to food under the South African Constitution, but also to engage the state on the steps that should be taken to fulfill this right.
3. Related hereto, there is a strong argument to be made that much more can be done to eliminate food waste through amending laws related to food production, labelling, donation, and tax incentives.[[22]](#footnote-23)
4. Finally, although the state has claimed to have provided 100 000 farmers with input vouchers, the state should be engaged to establish a robust plan to not only provide resources to increase the development of small-scale sustainable farming, but also to create conditions to facilitate the use of the produce in local markets.
5. **CONCLUSION**
6. We did not answer Questions 7 and 8, as these do not fall within our current work.
7. We trust that you will find this submission useful. Should you have any comments or questions, please do not hesitate to contact Amy-Leigh Payne at [amyleigh@lrc.org.za](mailto:amyleigh@lrc.org.za).

*ENDS*

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