

Mandates of the Special Rapporteur on extreme poverty and human rights; and the Special Rapporteur on the right to food

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extreme poverty and human rights and Special Rapporteur on the right to food, pursuant to Human Rights Council resolutions 44/13 and 32/8.

In this connection, we would like to bring to the attention of your Excellency's Government information concerning **the deepening level of food insecurity among low-income households, particularly families with children, and the lack of comprehensive measures to ensure their access to adequate food.**

At the outset, we would like to welcome the recent announcement of your Excellency's Government on 16 June 2020 to establish a £120 million "Covid Summer Food Fund"¹ to extend the existing food voucher scheme to provide food to approximately 1.3 million children over the summer holiday. We commend continuous efforts of your Excellency's Government to immediately address severe economic and social consequences of COVID-19 on low-income families and recognize that this is a formidable challenge for many Governments facing such an unprecedented crisis. We also note the first review by the Government of the National Food Strategy, issued on 29 July 2020.

The purpose of this letter, however, is to draw the attention of your Excellency's Government to the reports of an alarming increase in food-insecure households with children as a result of COVID-19 and to engage in a dialogue with your Excellency's Government on the need to provide for access to adequate food through a more comprehensive social protection scheme.

Context –COVID-19 and Food Insecurity

The economic and social consequences of the COVID-19 pandemic have been particularly severe for low-income households in the United Kingdom. According to the official statistics, in Great Britain, the pandemic has resulted in reduced income levels for approximately 8.6 million people and 2.6 million people are struggling to pay for essential goods and services, such as food and energy.² In part because other expenses such as for housing, energy or transport cannot be compressed, income losses arising

¹ <https://www.gov.uk/guidance/covid-summer-food-fund>

² Office for National Statistics, Personal and economic well-being in Great Britain: May 2020, <https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/bulletins/personalandeconomicwellbeingintheuk/may2020>

from the COVID-19 crisis have significantly contributed to an increase in the number of persons who are food insecure: households living in poverty sacrifice on meals because they have no other option if they want to stay off the streets.³ A recent survey conducted by the Food Standards Agency indicates that almost 1 in 5 persons had cut down meal sizes or skipped meals during the months of April and May, due to not having enough money.⁴ It has been reported that levels of food insecurity are almost 250 percent higher than they were prior to the lockdown, with approximately 4.9 million adults and 1.7 million children currently food insecure.⁵

Even before the COVID-19 crisis, food insecurity was on a rising trend and one of serious concerns facing low-income households. In 2016, the UN Committee on Economic, Social and Cultural Rights expressed concerns about the lack of adequate measures adopted by Your Excellency's Government to address the increasing levels of food insecurity and malnutrition, as well as to reduce the reliance on food banks.⁶ In 2017, between 8 and 10 percent of households in the United Kingdom were food insecure, rising from 28 percent to 46 percent of low-income adults between 2004 and 2016.⁷ The former Special Rapporteur on extreme poverty and human rights, who visited the United Kingdom in 2018, pointed out that austerity policies implemented since 2010 had devastating consequences on low-income households and directly contributed to an increase in poverty, homelessness and rough sleeping, and food insecurity.⁸ Over the past years, the number of people who rely on food banks has dramatically increased. Food bank use increased almost four-fold between 2012–2013 and 2017–2018, and there are now over 2,000 food banks operating in the United Kingdom, compared to only 29 at the height of the financial crisis in 2008.⁹

The COVID-19 crisis has deepened food insecurity that many households in vulnerable situations were already facing. Evidence indicates that families with children, who were already living in poverty before the crisis, have been particularly affected and plunged into deeper hardships. Reports suggest that parents with children who were living in poverty before the crisis are around 50 per cent more likely to have lost their jobs than those with children but not in poverty.¹⁰ According to the abovementioned

³ Rachel Loopstra, Vulnerability to food insecurity since the COVID-19 lockdown, 14 April 2020, https://foodfoundation.org.uk/wp-content/uploads/2020/04/Report_COVID19FoodInsecurity-final.pdf

⁴ The number of people (or people in their households) who had cut down meal sizes or skipped meals due to not having enough money was 18% in April and 16% in May. Food Standards Agency, Covid-19 Consumer Tracker Waves 1 and 2 (June 2019), <https://www.food.gov.uk/sites/default/files/media/document/covid-19-consumer-tracker-report.pdf>, at 7.

⁵ Food Foundation, Food Foundation Polling: fourth survey – seven weeks into lockdown (22 May 2020), <https://foodfoundation.org.uk/vulnerable-groups/>

⁶ Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, E/C.12/GBR/CO/6 (2016), para. 53.

⁷ Food Standards Agency, Covid-19 Consumer Tracker Waves 1 and 2 (June 2019), <https://www.food.gov.uk/sites/default/files/media/document/covid-19-consumer-tracker-report.pdf>, at 8.

⁸ Report of the Special Rapporteur on extreme poverty and human rights, Visit to the United Kingdom of Great Britain and Northern Ireland, A/HRC/41/39/Add.1 (2019).

⁹ Ibid, para. 22.

¹⁰ Joseph Rowntree Foundation and Save the Children, A lifeline for our children: Strengthening the social security system for families with children during this pandemic (June 2020), <https://www.jrf.org.uk/file/55316/download?token=zdQGDbBp&filetype=briefing>, at 3.

survey by Food Standards Agency, food insecurity is particularly a concern for households with children, along with younger age groups (notably 16-24 years old) and those with a physical or mental health condition; furthermore, households with a child were “significantly more likely to have used food banks or food charities” to access food.¹¹ That survey was finalized before the Covid-19 crisis hit: all the available indicators point to the fact that the situation has worsened since.

Free School Meals (FSM), food voucher system and other support to address food insecurity

We are aware that the UK Government has in place a number of measures aimed at providing food to those in vulnerable situations, such as children from low-income backgrounds. One such measure is the Free School Meals (FSMs) program providing for free lunches at school to children whose parent or care giver is in receipt of qualifying welfare benefits. The average cost of providing a child with a meal during the school year is estimated at £437, which is a considerable expense for low-income families.¹² The FSM regime has thus become a vital means for many low-income families to ensure that their children have at least one nutritious meal per day. However, it has been long pointed out that the FSM regime is not adequate in terms of coverage to effectively address child hunger and food insecurity. In England, the FSM system covers 1.3 million children, but large numbers of children living in food-insecure households are reportedly ineligible to receive free school meals. Such children include, for instance, children whose parents have “No Recourse to Public Funds” (“NRPF”) due to their immigration status, and children who have become ineligible for FSMs after the Government restricted the eligibility to families on Universal Credit with net earning below £7,400 per year.¹³ In 2016, the UN Committee on the Rights of the Child expressed concerns about “the lack of comprehensive data on child food security” and about research findings indicating that “...currently available programmes, such as free school meal programmes, may not be effectively responding to child hunger”.¹⁴

We are also aware that, in response to the COVID-19 crisis and following school closures on 20 March 2020, the UK Government introduced a food voucher scheme, in order to ensure that those children who received FSMs continue to have access to meals. We understand that the scheme provided qualifying families with vouchers worth £15 per week per eligible child, which can be redeemed in a number of supermarkets and other shops. We have received many reports, however, indicating that the voucher scheme was fraught with technical and practical problems that prevented eligible families from using the vouchers to buy food.¹⁵ Among the problems were: technical glitches; delays in families receiving the vouchers; difficulties for many families to understand how the

¹¹ Food Standards Agency, Covid-19 Consumer Tracker Waves 1 and 2 (June 2019), <https://www.food.gov.uk/sites/default/files/media/document/covid-19-consumer-tracker-report.pdf>

¹² Sustain Briefing: Right to Food and Universal Free School Meals, February 2020.

¹³ Sustain Briefing: Right to Food and Universal Free School Meals, February 2020.

¹⁴ Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/5 (2016), para. 66(b).

¹⁵ Human Rights Watch, UK: Children in England Going Hungry with Schools Shut, 27 May 2020, <https://www.hrw.org/news/2020/05/27/uk-children-england-going-hungry-schools-shut>

voucher system worked, because of their limited language skills, internet access and digital skills; the inability of some supermarkets to process the vouchers at checkout; and the inability to redeem the vouchers at low-cost or independent shops and markets preferred by low-income families.¹⁶ A survey carried out after 5 weeks of lockdown found that that 500,000 children who were having FSMs before lockdown were still not receiving a meal substitute.¹⁷ While it has been reported that some of the technical problems have been fixed and that the system has improved, questions remain as to whether and how the existing problems on the user's end would be addressed, in order to ensure that all eligible families receive meal substitutes.

We acknowledge that, notwithstanding the shortcomings of the food voucher system, the Government has taken some positive steps to expand its reach. As noted above, the Government has announced an extension of the food voucher scheme over the six-week summer holiday and also recently allowed some categories of children with NRPF to be eligible for the FSM system, so that they could receive meal substitutes through the food voucher system. While we welcome these important steps, concerns with respect to the inadequate coverage of the FSM system remain. In this regard, we note that the first review of the National Food Strategy has recommended an expansion of FSMs to 1.5 million more children between 7 to 16-year-olds in households receiving Universal Credit benefit, as well as a nationwide expansion of holiday hunger schemes.¹⁸ The holiday hunger schemes are currently state-funded in 16 local council areas and only reach 50,000 children, when around 3 million children are reportedly at risk of hunger during the school holidays. As far as children with NRPF are concerned, it has been pointed out that it would still leave out many categories of children with NRPF who are equally in need for support. Furthermore, the extension is expected to be a temporary measure, ending as soon as schools reopen.

Beyond the food voucher system, the Government has taken action to increase support available to low-income households following the COVID-19 crisis. The Government has increased the standard allowance of Universal Credit by £20 per week and also expanded its coverage,¹⁹ in response to a record-high increase in the number of claims for Universal Credit. However, these measures are reportedly far from sufficient in ensuring that all children in need receive adequate food, as the increase in amount is not adapted to the number of children in beneficiary households. The existing restrictions in Universal Credit, such as the two-child limit and the benefit cap, also continue to negatively affect families with more than 2 children. Recent research shows that 43 per cent of families with children claiming Universal Credit or Child Tax Credit have cut back on food as a result of the COVID-19 crisis, and 72 per cent of those families had cut

¹⁶ Ibid.

¹⁷ Food Foundation Polling: Third survey – five weeks into lockdown, <https://foodfoundation.org.uk/vulnerable-groups/>

¹⁸ National Food Strategy: Part One, <https://www.nationalfoodstrategy.org/wp-content/uploads/2020/07/NFS-Part-One-SP-CP.pdf>, at 56.

¹⁹ For instance, eligibility requirements for certain claimants, such as the self-employed, have been eased. Department for Work and Pensions, Universal Credit: 29 April 2013 to 9 April 2020 (19 May 2020), <https://www.gov.uk/government/publications/universal-credit-29-april-2013-to-9-april-2020/universal-credit-29-april-2013-to-9-april-2020>

back on essential items, including food, utilities, and children’s needs such as books and toys.²⁰

The Government has furthermore pledged to distribute £63 million to local authorities in England to assist those struggling to afford food and other essentials due to coronavirus.²¹ While this is an important positive step, we have heard concerns as to whether the additional funding would be properly ring-fenced to address food insecurity among children, particularly in light of budget shortfalls that many local councils are facing due to COVID-19.

Given these shortcomings of the existing measures and the profound impact of COVID-19, people have increasingly turned to food banks and many other parts of the charitable sector, which is reportedly under severe strain.²² The use of food banks, which is often used as a proxy indicator for levels of poverty and food insecurity, has soared following the COVID-19 crisis. In the month of April 2020, the Trussell Trust has reported that the provision of emergency food parcels has increased by 89 per cent and that the number of families with children receiving parcels has almost doubled, compared to the same month last year.²³ They have clearly stated that it is unsustainable to “indefinitely meet an unprecedented level of increased demand” and called on the Government to consider a new income support scheme to low-income families, as well as the suspension of the benefit cap and the two-child limit on benefits: financial hardship, not the sudden pressure on the charity sector, is the root of the problem.²⁴ Similarly, the first part of the National Food Strategy has reportedly noted that “...the best way to tackle food poverty is to tackle poverty”, rather than relying on food banks and other emergency measures.²⁵

The overall picture that emerges from the information we have received is that the measures in place have not gone far enough to contain the effects of COVID-19 on food insecurity of low-income households, particularly families with children. The decade of austerity has already left low-income families vulnerable to food insecurity even before

²⁰ Joseph Rowntree Foundation and Save the Children, A lifeline for our children: Strengthening the social security system for families with children during this pandemic (June 2020), <https://www.jrf.org.uk/file/55316/download?token=zdQGDdBp&filetype=briefing>, at 12.

²¹ Ministry of Housing, Communities & Local Government, Department for Environment, Food & Rural Affairs, Department for Work and Pensions, and Victoria Prentis MP, £63 million for local authorities to assist those struggling to afford food and other essentials (11 June 2020), <https://www.gov.uk/government/news/63-million-for-local-authorities-to-assist-those-struggling-to-afford-food-and-other-essentials>

²² Andrew Mackley et al, Coronavirus: Support for household finances, The House of Commons Library Briefing Paper Number 8894, 22 June 2020, <https://commonslibrary.parliament.uk/research-briefings/cbp-8894/>

²³ The Trussell Trust, UK food banks report busiest month ever, as coalition urgently calls for funding to get money into people’s pockets quickly during pandemic (3 June 2020), <https://www.trusselltrust.org/2020/06/03/food-banks-busiest-month/>

²⁴ Patrick Butler, Food banks' stark warning to government: we can't do this alone, The Guardian (15 May 2020), <https://www.theguardian.com/society/2020/may/15/food-banks-warning-government-poor-families-coronavirus>

²⁵ National Food Strategy: Part One, <https://www.nationalfoodstrategy.org/wp-content/uploads/2020/07/NFS-Part-One-SP-CP.pdf>, at 55.

the COVID-19 crisis. It is our view that the deepening level of food insecurity can only be addressed through more comprehensive measures that address the existing structural deficiencies in the FSM system and other measures aimed at alleviating poverty and food insecurity, rather than piecemeal efforts of a temporary nature, designed to specifically address the negative impact of COVID-19.

In this context, we take this opportunity to recall the United Kingdom Government's obligations to fulfil the right to an adequate standard of living, including adequate food. As a State Party to the International Covenant on Economic, Social and Cultural Rights, the United Kingdom Government is under an obligation to make every effort to make use all available resources to satisfy minimum essential levels of economic, social and cultural rights, even in times of severe resource constraints.²⁶ The obligation to fulfil these rights, including the right to food, entails an obligation to ensure that all individuals can afford adequate diets, or to provide food directly, if people do not have the means to purchase food.²⁷ While taking note of a number of measures and efforts undertaken by the United Kingdom Government to provide for food and necessary resources to ensure food security, we are concerned that they are not adequate and comprehensive enough to counter the rising trend in food insecurity and the devastating impact of COVID-19, which has exacerbated hardships already experienced by many low-income households. Reliance on the charitable sector to provide for food is not the answer and surely cannot become a permanent part of the social protection system. In our view, it is ever more critical and urgent to consider overhauling the existing restrictions in the welfare regime – such as the benefit cap and the two-child limit – that pose obstacles for low-income families to ensure an adequate standard of living for their members, and to take concrete steps towards establishing a universal and comprehensive social protection system. We also would respectfully call on your Excellency's Government to recognize the right to adequate food in its domestic legal framework and give effect to it by ensuring that the welfare system is designed and implemented on the basis of the full respect for human rights.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comments that you may have on the above-mentioned allegations.
2. Please provide information on whether the United Kingdom Government would consider providing families eligible for the food voucher system with alternative support, such as cash payments, in view of the difficulties they reportedly experience in using the vouchers?

²⁶ Committee on economic, social and cultural rights, General comment No. 3 (1990): The nature of States parties' obligations (art. 2, para. 1, of the Covenant) (E/1991/3), para. 10..

²⁷ Committee on Economic, Social and Cultural Rights, General Comment No. 12 (1999): The right to adequate food (art. 11) (E/C.12/1999/5), para. 15.

3. Please provide information on whether the United Kingdom Government plans to extend the Free School Meals (FSM) system to broader categories of children whose parents fall belong to the “No Recourse to Public Funds” (NRPF) category and whether the extension would continue when the schools reopen.
4. Please provide information on how the United Kingdom Government regularly monitors and assesses the effectiveness of policies and programmes on child food security, in the implementation of the recommendation of the Committee on the Rights of the Child? We would appreciate being provided with a copy of such an assessment, if available.
5. Please provide information on how £63 million allocated to local authorities in England would be used to assist those struggling to afford food and other essentials due to the impacts of the COVID-19-related economic downturn.
6. Please provide information as to whether the Government is considering amending the regulations on Universal Credit, so that the benefit amount responds to the number of children in beneficiary households and provides for an adequate level of support to satisfy their needs, particularly children’s?
7. How does the Government plan to address the deepening level of food insecurity, taking into account recommendations contained in the first part of the National Food Strategy?

This communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) after 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency’s Government’s to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

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