

**The Human Right to Food in the Context of Political Participation,  
Equality and Nondiscrimination**

Joint Submission to the United Nations Universal Periodic Review  
of the United States of America

Thirty-Sixth Session of the Universal Periodic Review  
Human Rights Council

Submitted on October 3, 2019 by the following organizations<sup>1</sup>:

**University of Miami School of Law Human Rights Clinic**  
**Denisse Córdova Montes**  
**Raul Herrera**  
**Isabelle Janssen**  
**Gabriela Valentin**  
1311 Miller Drive, Coral Gables, FL 33146  
[hrc@law.miami.edu](mailto:hrc@law.miami.edu) | 305-284-2939 | [www.law.miami.edu/hrc](http://www.law.miami.edu/hrc)

**WhyHunger**  
**Alison Cohen**  
505 Eighth Avenue Suite 2100 New York, NY 10018  
[whyhunger.org](http://whyhunger.org) | 212-629-9785 | [alison@whyhunger.org](mailto:alison@whyhunger.org)

**FIAN International**  
**Emily Mattheisen**  
Willy-Brandt Platz 5, Heidelberg 69115 Germany  
[www.fian.org](http://www.fian.org) | +49 6221-65300-31 | [mattheisen@fian.org](mailto:mattheisen@fian.org)

**Food Studies Program at Syracuse University**  
**Anne C. Bellows**  
440 White Hall, Syracuse, NY 13244  
[falk.syr.edu/food-studies](http://falk.syr.edu/food-studies) | 315-443-4228 | [acbellow@syr.edu](mailto:acbellow@syr.edu)

---

<sup>1</sup> **Additional contributing organizations and individuals:** **Center for Hunger-Free Communities** [centerforhungerfreecommunities.org](http://centerforhungerfreecommunities.org) [mmc33@drexel.edu](mailto:mmc33@drexel.edu) 3600 Market Street, 7th Floor, Philadelphia, PA 19104; **Northwest Harvest** [www.northwestharvest.org](http://www.northwestharvest.org) [christinaw@northwestharvest.org](mailto:christinaw@northwestharvest.org) PO Box 12272 Seattle, WA 98102; **The Center for Popular Research, Education and Policy** [www.c-prep.org](http://www.c-prep.org) [hank@c-prep.org](mailto:hank@c-prep.org) PO Box 1823, Fort Washakie, WY 82514; **Molly D. Anderson**, William R. Kenan Jr. Professor of Food Studies, Academic Director, Food Studies Program, Member of International Panel of Experts in Sustainable Food Systems IPES-Food, [Molly@middlebury.edu](mailto:Molly@middlebury.edu) **Joseph Kiefer**, Vice President of Just Basics, Inc. [josephkiefer53@gmail.com](mailto:josephkiefer53@gmail.com); **Lisa Mase**, Co-Chair of Food Justice Committee, Farm to Plate Network (Vermont) [lisa@harmonizedcooking.com](mailto:lisa@harmonizedcooking.com); **Robert Ojeda**, Chief Program Officer at Community Food Bank of Southern Arizona [rojeda@communityfoodbank.org](mailto:rojeda@communityfoodbank.org); **Karen Washington** co-founder of the Black Urban Growers (BUGS) [karen@riseandrootfarm.com](mailto:karen@riseandrootfarm.com)

## Problem

1. Food insecurity is a significant problem in the United States (U.S.), exacerbated by the government's long-standing denial of human rights obligations, and in particular a neglect of the human right to adequate food. In 2018, 14.3 million<sup>1</sup> American households could not afford adequate food. Although food insecurity rates have been on a decline since a spike after the 2008 recession, the prevalence is still dangerously high. Children are highly affected, being present in 2.7 million<sup>2</sup> of those households. Many of these families facing food insecurity are often forced to make impossible decisions between food and receiving medical care, food and paying a mortgage or rent, and food and buying desperately needed school supplies and clothing for their children. They similarly face challenges in choosing the type of food they consume, as processed "junk" food is often less expensive than nutritious and sustainably-produced food. The most affected are often low-income working families, people of color, women, and children.
2. The U.S. has enacted legislation and programs to fiscally accommodate some households facing food insecurity. Under the

### **What Is SNAP?**

"The Supplemental Nutrition Assistance Program (SNAP) provides benefits to low-income, eligible households on an electronic benefit transfer (EBT) card; benefits can then be exchanged for foods at authorized retailers. SNAP reaches a large share of low-income households. In FY2018, a monthly average of 40.3 million persons participated in SNAP. Federal SNAP law provides two basic pathways for financial eligibility to the program: (1) meeting program-specific federal eligibility requirements; or (2) being automatically or "categorically" eligible for SNAP based on being eligible for or receiving benefits from other specified low-income assistance programs." (*Congressional Research Service*)

### **What is the Farm Bill?**

"The farm bill is an omnibus, multiyear law that governs an array of agricultural and food programs. It provides an opportunity for policymakers to comprehensively and periodically address agricultural and food issues. In addition to developing and enacting farm legislation, Congress is involved in overseeing its implementation. The farm bill is typically renewed about every five years." (*Congressional Research Service*)

Farm Bill, the

Supplemental Nutrition Assistance Program (SNAP) (formerly, Food Stamp Program) is a program that provides electronic benefits which are redeemable for SNAP-eligible foods at SNAP-eligible retailers. The monetary benefit amounts vary by the size of household and the benefit calculation rules. There are currently 40.3 million Americans enrolled in SNAP.<sup>3</sup> The Emergency Food Assistance Program (TEFAP) Provides food commodities through states to reach local emergency feeding organizations (i.e., food banks). The program receives \$623 million<sup>4</sup> dollars in funding per fiscal year. WIC is a specialized program only for women and children.

3. Although these programs are seemingly

### **What is WIC?**

"The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides nutrition-rich foods, nutrition education (including breastfeeding promotion and support), and health care and social services referrals to eligible low-income women, infants, and children. WIC is authorized by the Child Nutrition Act." (*Congressional Research Service*)

expansive, they fail to adequately address the availability, accessibility and sustainability of food for Americans. These programs are subject to a great deal of corporate influence, and

often do not prioritize the needs of the people who are benefiting from the program. Additionally, Congress has slowly eroded these programs and issues with eligibility,

bureaucratic and administrative barriers, and insufficiency plague many of the federal programs.

4. There is an opportunity for the U.S. to take a new approach to food issues in the U.S. and adopt a human rights model. This shifts the focus away from a charity model and towards food adequacy as a human right. Adopting a right to food approach would give the U.S. a roadmap of how to tackle the systemic causes of food insecurity.

## **Introduction**

5. All people in the U.S. should have their human RTF fully realized. While the U.S. has taken some steps to demonstrate its commitment to economic, social, and cultural rights, the RTF remains one of the most violated human rights in the country. The U.S. played a significant role in the elaboration and adoption of the Universal Declaration of Human Rights in 1948<sup>5</sup>, which consists of 30 articles affirming the full range of individuals' human rights. Furthermore, the U.S. ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)<sup>6</sup> and the Convention Against Torture (CAT)<sup>7</sup> in 1994, both of which prominently contain economic, social, and cultural rights, including the RTF.<sup>8</sup> The U.S. also took part in the development of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Right to Food Guidelines), and even committed to their adoption by the Food and Agriculture Organization of the United Nations (FAO) in 2004.<sup>9</sup> However, the lack of recognition of economic, social and cultural rights on a federal level shows how the human RTF has been grossly neglected by the U.S., particularly since the previous Universal Periodic Review in 2015.<sup>10</sup> The lack of recognition of economic, social and cultural rights in the U.S. is further made evident through the U.S.' refusal to ratify the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which defines the RTF as the right to feed oneself and one's families with dignity, through sufficient availability, accessibility, and adequate fulfilment of dietary needs in a sustainable manner.<sup>11</sup> While the U.S. ratified the International Covenant on Civil and Political Rights (ICCPR) in 1992, this treaty only makes up half of the International Bill of Human Rights.<sup>12</sup>
6. RTF violations in the U.S. are a direct result of violations of Article 25 and Articles 2 and 26 of the ICCPR, which enshrine the human right to political participation and the right to equality and non-discrimination.<sup>13</sup> Violations of Article 25 stem from the demise of political ethics by allowing corporate lobbying to have undue influence on the political process responsible for food system laws and policies.<sup>14</sup> Corporate lobbying impedes peoples' right to political participation in the governance of their food systems, from small-scale farm production to the distribution and consumption of food.<sup>15</sup> Additionally, the human RTF in the U.S. is intertwined with structural discrimination on the basis of race, gender, and socioeconomic status because hunger and malnutrition disproportionately affect people of color, women and children, and the poor, among other marginalized groups. This is a clear violation of Articles 2 and 26, which guarantee equality before the law.<sup>16</sup> The human RTF is not a foreign problem that can be ignored, it is a domestic issue that the U.S. has a duty to respect, protect, and fulfill.

## **I. Unlimited lobbying by corporations violate the right to political participation, as guaranteed by Article 25 of the ICCPR.**

1. The U.S. fosters a market-led economy centered on private corporations making a profit. Corporations engage tactics focused on creating an environment geared towards their success, measured by returns on investment and the accumulation of wealth. Prime among these tactics is lobbying. Through lobbying, corporations are able to influence legislation, political campaigns, and nutrition and food assistance programs, among other things, linked to their significant financial wealth. Lobbying is unlimited in the U.S., giving corporations immeasurable influence over the conduct of public affairs. This influence restricts citizens' right to participate in the conduct of public affairs and exercise political power, thus compromising the free will of the electors. The diminished political power of the people allows corporations to dictate policies that reduce the availability and accessibility of adequate food.<sup>17</sup> The U.S. is plainly in violation of its obligation to respect, protect, and fulfill citizens' right to political participation, as guaranteed by Article 25 of the ICCPR.<sup>18</sup>
2. Following the Supreme Court decision in *Citizens United v. Federal Election Commission* in 2010, the ability to influence government and politics through lobbying is viewed as a right corporations hold in the same way individuals would.<sup>19</sup> Lobbying is considered an exercise of the right to petition the government and the freedom of speech, as guaranteed by the First Amendment.<sup>20</sup> Lobbying is at an all-time high. The food sector alone invested over \$170 million in SNAP-related lobbying on the 2018 Farm Bill.<sup>21</sup> The unlimited lobby gives corporations access to the conduct of public affairs that no individual citizen enjoys.
3. The right to political participation also encompasses the right to exercise political power. Paragraph five of General Comment 25 guarantees the right to exercise legislative, executive and administrative political power at all levels of government.<sup>22</sup> Allowing and embracing unlimited spending by corporations grants unequal political power. This is exemplified through lobbyists' access to legislation like the Farm Bill. Lobbyists achieve corporations' policy goals by developing relationships with those in government<sup>23</sup> through strategies like political campaign contributions<sup>24</sup> and former legislators becoming lobbyists.<sup>25</sup> Furthermore, once an individual is elected, they will fill political appointee positions, often with individuals with conflicts of interest.<sup>26</sup> This is especially prevalent in the executive branch.<sup>27</sup> The political power is placed in the hands of those who fund the campaigns. Article 25 further requires any restrictions placed on these rights be objectively reasonable. Allowing corporate dollars to dominate the legislative process is unreasonable, as it neglects the demands and needs of citizens.

## **II. The inability to exercise the right to political participation erodes the fulfillment of the RTF.**

4. The U.S. is in violation of its obligation to respect the availability dimension of the human RTF by allowing the corporate-driven Farm Bill to negatively impact small-scale farmers. The extended period of time during which the policies and budgets promulgated by the

Farm Bill remain codified in law prompts massive amounts of spending on lobbying by corporations that desire profit-driven outcomes, as opposed to outcomes that prioritize the public interest. Companies from all sectors—both in and out of the food industry—lobbied on the Farm Bill in 2018. The outcomes of lobbying on the Farm Bill lay the foundation for impacting other aspects of our food systems and ensuring conditions where corporations continue to push for policies that maximize profits over the livelihood, health, and well-being of U.S. citizens.

5. One of the major aspects of the bill which impacts the RTF is the structure of the subsidy program. The federal government spends about \$20 billion a year on farm subsidies.<sup>28</sup> The USDA runs many direct and indirect assistance programs for farmers. While some of these programs benefit small farmers and producers of livestock, fruits, and vegetables, of the three largest subsidy programs roughly 70% of the subsidies go to farmers of wheat, soy, and corn. The largest recipients of subsidies have received an average of \$18 million since 2008.<sup>29</sup> The majority of the subsidies go to corporate farms and wealthy farmers, leaving the possibility of smaller, food sovereign, and self-sustaining farms at a significant disadvantage. Farm subsidies are meant to ensure a stable and affordable food supply, but are most beneficial to large farms because of eligibility guidelines and fear over the political implications of adjusting those guidelines.<sup>30</sup> The various subsidy programs have different intended functions and requirements, but the majority impede additional assistance from reaching those who may need it most. The vast majority of the assistance is directed to the nation's largest producers of corn, soybeans, wheat and corn. Approximately 67% of these crops become animal feed.<sup>31</sup> The focus of farm subsidies on crops that do not directly contribute to alleviating the hunger problem prevalent in the U.S. continues to enrich corporations and high net-worth individuals. From 1995 to 2014, 50 people on the Forbes 400 list of the wealthiest Americans received farm subsidies.<sup>32</sup> Who directly benefits from the subsidies and the kinds of crops the subsidies protect are indicative of the corporate impact on food assistance programs and nutrition.
6. The U.S. is failing to satisfy the obligations to respect and protect people's ability to obtain adequate food by permitting states to deprioritize health in their food systems and enabling a system that relies on manufactured food. Crops of fruits and vegetables are considered specialty crops and are not eligible for many subsidies. This creates a situation where food crops are overproduced and "commodity crops" are less accessible, exacerbating the U.S. food system's increasing reliance on manufactured and processed foods. Many states have attempted to improve their food assistance systems by making them more health focused, especially in response to the increase of disease and other health issues related to nutritionally inadequate diets in the U.S. This has been pushed by increasing health issues related to inadequate diets in the U.S.<sup>33</sup> Every time these initiatives have been pushed in state legislatures, major corporations have lobbied to end all efforts striving for a healthier food system. For example, the Florida legislature considered a measure which would revoke SNAP eligibility for soda and other high-sugar and high-salt products.<sup>34</sup> Food manufacturing corporations lobbied against it and won.<sup>35</sup>
7. Various corporations profit significantly from food assistance programs; not only supermarkets and food manufacturers, but also the corporations that have contracts to

operate food assistance programs in each state. Supermarkets make millions in food assistance expenditures each year.<sup>36</sup> The Statement on the Visit to the USA by the UN Special Rapporteur on extreme poverty and human rights highlights the impact of corporations profiting from public benefit programs.<sup>37</sup> Much of some of the supermarkets' labor force is dependent on SNAP due to low wages and some of these supermarkets are the largest redeemers of SNAP benefits across the country. It is unreasonable that supermarkets benefit economically from assistance programs its employees are forced to depend on. These profits are in essence a corporate subsidy for perpetuating poverty and limiting employees' ability through economic access to fulfill the RTF. This is further complicated by the fact that each state handles its own contracts and funds related to the implementation of SNAP and similar programs. In an unsurprising note, the documentation on corporate profits from SNAP are either insufficiently kept or unreleased by the USDA. These corporations lobby extensively when improvements to the system or food eligibility standards are proposed, indicating that the profits corporations gain from public benefit programs are sufficient to warrant swift action when threatened with regulation.<sup>38</sup>

8. The U.S. government is in violation of its obligation to fulfill by failing to facilitate and promote the enjoyment of its people's RTF, and instead working towards decreased accessibility of food. During the period of negotiation and debate for the 2018 Farm Bill, the U.S. government was actively working towards taking SNAP benefits from millions of U.S. citizens. The Trump Administration and conservative representatives that sought more stringent work requirements for adults who depend on these benefits. Although the measure was eventually dropped, top government officials are looking for other ways to restrict access. The Trump administration has just proposed a rule that will limit SNAP eligibility—pushing millions off of the program.<sup>39</sup> This administration is also proposing changes to the nutritional standards of school lunches. The U.S. government is not only ignoring the issue of food availability, accessibility and adequacy, but actively exacerbating the effects of a system structured to enhance corporate wealth.
9. The impacts are enabled by the monetary influence of corporations. The access corporations have on major legislation has a trickle-down effect that ultimately inhibits significant progress on RTF issues. This influence is a violation of Article 25 of the ICCPR because citizens do not freely elect representatives and have unequal ability to exercise political power. Lobbying enables the Farm Bill and food assistance programs to be weaponized as tools for corporations to continue to accumulate wealth.

### **III. Structural discrimination against marginalized communities enables and worsens violations of the RTF, violating the Right to Equality and Nondiscrimination.**

1. Violations of the human RTF in the U.S. are intimately intertwined with and lead directly to violations of Article 2(1) and Article 26 of the ICCPR, as well as violations of Article 5(e) of the ICERD.<sup>40</sup> Food insecurity is linked with structural discrimination on the bases of race, gender, and socioeconomic status. The Human Rights Committee's General Comment 18 on non-discrimination defines discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect or nullifying or impairing the recognition, enjoyment or exercise,

on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life.”<sup>41</sup> Marginalized communities, such as LGBTQ+ individuals, women, people of color, Indigenous people, undocumented immigrants, and low-income populations, experience violations of the adequacy, availability, and accessibility dimensions of the RTF. Across all of these communities, children face a yet more magnified risk of RTF and Rights of the Child violations, imperiling their educational development and future health and economic security.<sup>42</sup>

**a. People of color experience a higher risk of food insecurity because of structural and interpersonal racism.**

2. Racial minority populations in the U.S. often experience hunger at rates unparalleled by their white counterparts as a result of violations of the economic accessibility dimension of the RTF. A USDA study found that 21.2% of surveyed African American households experienced food insecurity in 2018, along with 16.2% of Hispanic households (compared to 8.1% of white households).<sup>43</sup> This is linked to the widely disparate poverty rates experienced by racial and ethnic groups. In 2018, the poverty rate for African Americans was 20.8% (8.9 million persons), and 17.6% for Hispanics (10.5 million persons).<sup>44</sup> The income gap between racial groups is an important factor; in 2018, the median household income for whites was \$70,642, whereas for blacks it was \$41,361.<sup>45</sup> Much of this poverty is caused by structural discrimination, which the U.S. has yet to completely eradicate. Additionally, farmers of color face impediments to success, harming the accessibility and sustainability dimensions of the RTF for them and the communities that purchase their products.
3. Structural discrimination against people of color in the U.S. is found in multiple sectors. Wage disparities are evident as African Americans and Latina women with college degrees earn less than whites with college degrees.<sup>46</sup> A third of U.S. jobs are filled through referrals; white male applicants are advantaged over other groups, especially minority women, because they receive a majority of the referrals and bonuses.<sup>47</sup> Thus, people of color may be less likely to fill well-paying jobs, which results in lower incomes.<sup>48</sup> Additionally, the mass incarceration of people of color results in economic hardship, as a criminal record can be an impediment to the obtainment of a well-paying job or good housing.<sup>49</sup> This has resulted in a 91% rate of food insecurity among formerly incarcerated people who were recently released.<sup>50</sup> Additionally, if a parent is incarcerated, a child is more likely to experience food insecurity.<sup>51</sup> The U.S. government has not taken enough steps to ameliorate this systemic discrimination on a national level, and thus is making food less economically accessible for the affected populations.
4. In U.S. urban areas, the systemic racial discrimination is particularly pronounced, resulting in violations of the accessibility and adequacy dimensions of the RTF. The racial and economic inequities in these areas are built upon structural injustices, including segregation and isolation of many neighborhoods<sup>52</sup> Segregated and isolated neighborhoods, many of which are comprised of low-income populations of color, are generally dispossessed of infrastructure that makes fresh and nutritious foods accessible. Indeed, many living in these urban food apartheid<sup>53</sup> must drive long distances to obtain healthy food, which is made

worse if they do not have access to transportation.<sup>54</sup> Many members of marginalized groups can only access markets that sell cheap and unhealthy processed foods that are result in micronutrient deficiencies<sup>55</sup> and are linked to noncommunicable diseases, such as obesity and diabetes.<sup>56</sup> In fact, between 2013 and 2015, high incidences of non-communicable diseases, such as diabetes, were seen in Indigenous adults (15.1%), African American adults (12.7%) and Hispanic adults (12.1%).<sup>57</sup>

5. The U.S. is also in violation of the RTF of black farmers because it is failing in its obligation to realize equitable access to resources they need to grow food and feed themselves.<sup>58</sup> According to activist Karen Washington, farmers of color often face three issues: limited resources, limited capital, and lack of access to land caused by displacement and gentrification.<sup>59</sup> As noted in Section II, U.S. farming policies include many subsidies to larger corporate farms; farmers of color have not received as much support, even while growing fruits and vegetables.<sup>60</sup> Some white Americans inherited their land from a system that excluded black Americans centuries ago, which created an inherent disadvantage for African Americans attempting to get involved in farming.<sup>61</sup> Additionally, according to Washington, urban farmers are in a “constant fight” with city zoning laws.<sup>62</sup> Some cities restrict where to grow and where to sell agricultural products, creating tremendous challenges for urban growers.<sup>63</sup> Although the Farm Bill included provisions aimed at helping farmers of color, the U.S. government must do more to assist black and urban farmers, as well as those that depend on their products, secure sustainable access to fresh food.<sup>64</sup>
6. The U.S. has made significant progress through its implementation of civil rights programs aimed at fighting racism. However, the job is not yet done since the emphasis has been on securing individuals’ civil rights and not collective rights. The U.S. must do more to protect communities of color and fulfill its obligations of equality and nondiscrimination to ensure that the accessibility and adequacy dimensions of the RTF are satisfied for these populations.

**b. Undocumented Immigrants are at risk of food insecurity due to U.S. immigration policy.**

7. The current administration’s immigration enforcement policies have created an atmosphere of fear for undocumented immigrants which prevents them from accessing food, even as they make up a significant part of the workforce of the food and farm industry.<sup>65</sup> Many undocumented immigrants are afraid to apply for their children’s food stamps or subsidized school lunch or even access food through a non-governmental food pantry because of the fear of being arrested and deported by Immigration and Customs Enforcement (ICE), resulting in food insecurity.<sup>66</sup> Additionally, whereas undocumented immigrants are excluded from participating in SNAP, some eligible immigrants fear that they may be deported for applying to government assistance, placing them under food insecurity as well.<sup>67</sup> These fears also make undocumented immigrants less likely to participate in surveys, which makes it “difficult to accurately measure food insecurity” in their households.<sup>68</sup> The anxious environment created by discriminatory U.S. immigration policy has resulted in violations of the accessibility dimension of the RTF.

**c. Indigenous communities are prone to food insecurity and lack of access to nutritious food as a result of discriminatory government policies.**

8. U.S. Indigenous communities are vulnerable to poverty and food insecurity. Like other communities of color, many Native American reservations experience food insecurity because of food apartheid.<sup>69</sup> For example, residents of the Pine Ridge Reservation are all in locations that are over 10 miles away from a supermarket.<sup>70</sup> The Special Rapporteur on Adequate Housing visited the Pine Ridge Reservation and noticed limited access to public transportation as well.<sup>71</sup> A recent study also revealed that 51% of Navajo Nation members had to leave their reservation to access groceries, with 155 miles being the shortest distance travelled.<sup>72</sup> Indigenous groups' access to food correlates with health problems: in 2015, 67% were overweight, 34% were obese, and 1 in 6 had been diagnosed of diabetes.<sup>73</sup> Poverty worsens food insecurity for Indigenous populations. Roughly 26% of Native Americans across the country live under the poverty line.<sup>74</sup> Many Indigenous persons depend on food assistance programs, such as SNAP and the Food Distribution Program on Indian Reservations.<sup>75</sup> Some Indigenous communities, such as the Lakota, experience challenges in attempting to access resources to produce, fish, or hunt their own food in accordance with their cultural practices.<sup>76</sup> Many Native Americans are unable to exercise their RTF in a culturally appropriate way due to insufficient accessibility and availability.
9. U.S. governmental policies and lack of reform have enabled these violations. Indigenous resource access problems stem from federal reservation land use policies.<sup>77</sup> Such policies work in tandem with some corporations' unsustainable land use to stifle Indigenous communities' attempts to maintain community-based resource stewardship institutions.<sup>78</sup> Additionally, the U.S. government has yet to make efforts to reform the reservation model to improve access to food markets, or incentivize distribution companies to create supply chains that bring food to these communities (rather than simply delivering to the strongest markets).<sup>79</sup> The U.S. has also yet to retool FDPIR and SNAP to better serve Indigenous communities that have community-based cultural models.<sup>80</sup>
10. The U.S.'s lack of fulfillment of the RTF for Indigenous peoples is a violation of Articles 2(1) and 26 of the ICCPR as the aforementioned policies aimed at these populations result in a discriminatory effect against their ability to feed themselves with dignity. The policies are also a violation of ICERD: General Recommendation 23 on the rights of Indigenous peoples specifies in Paragraph 4(c) that State parties should "provide indigenous peoples with conditions allowing for a sustainable economic and social development compatible with their cultural characteristics."<sup>81</sup> The U.S. government should reform its policies to fulfill and respect the accessibility and availability dimensions of the RTF for Indigenous communities.

**d. Women and LGBTQ+ individuals are especially vulnerable to food insecurity due to discrimination and inadequate protection.**

11. The U.S.'s failure to effectively respond to low-wage immigrant women workers' experiences with workplace sexual violence is in violation of its obligation to protect the

economic accessibility dimension of the RTF. Workplace harassment remains a persistent and under-reported problem in the U.S.<sup>82</sup> Immigrant women who mainly have access to low-wage work, such as domestic work and farm work, tend to be the most vulnerable to workplace sexual harassment, report it the least, and remain legally unprotected. In the U.S., there are “over 2 million domestic workers,” the vast majority of whom are female, and approximately, 2 million farmworkers, of whom “about 24 percent . . . are estimated to be female.”<sup>83 84</sup> Many domestic workers and farmworkers are immigrants and women of color, all of whom face particular difficulties as low-wage migrant workers, including, sexual violence and harassment.<sup>85</sup> Further, a worker’s risk of suffering sexual harassment is especially amplified in “isolated workspaces” and “workplaces with significant power disparities”,<sup>86</sup> which are inherent factors in domestic work and farm work. Federal labor laws have a long history of excluding low-wage, immigrant women— particularly domestic workers and farmworkers.<sup>87 88 89 90 91 92</sup> Gender-based violence, particularly the barriers faced by low-wage immigrant women and women of color, in the U.S. has a significant impact on the realization of their RTF because of their inability to earn a living to feed themselves and their families magnified by the unpaid reproductive labor that leaves women, as a group, more economically disadvantaged and more food insecure than men.

12. The U.S.’ systemic discrimination against LGBTQ+ persons is reflected in its lack of implementation of adequate measures to respect and protect LGBTQ+ rights, which results in violations of the RTF for these populations.<sup>93</sup> LGBTQ+ persons are more vulnerable to food insecurity at some point throughout their lifetimes than their non-LGBTQ+ counterparts.<sup>94</sup> More than 27% of LGBTQ+ adults (2.2 million people), experienced food insecurity in 2015, as they did not have sufficient funds to feed themselves or their families.<sup>95</sup> Discrimination is the root of much of this disparity. Food insecurity among the transgender community is especially prominent, as federal workplace discrimination laws offer inadequate remedies for gender identity discrimination, hindering their ability to participate in the traditional job market.<sup>96</sup> Transgender people are likely to skip meals and experience higher rates of depression and anxiety as a result of their low food security status.<sup>97</sup> Additionally, many transgender youth avoid seeking food assistance from food pantries out of fear of gender-based discrimination or physical retaliation.<sup>98</sup> Some have indicated that it is likely that many LGBTQ+ youth experience food insecurity due to an increased risk of homelessness; rejection and harassment after their coming out could force them to run away or become homeless.<sup>99</sup> The discrimination from service providers and workplaces often forces many transgender individuals to participate in the sex trade and engage in transactional sex for food, often referred to as “survival sex”.<sup>100</sup> Thus, the trickle-down effect of the U.S.’s improper enforcement of its equality & nondiscrimination obligations is that LGBTQ+ people experience violations of their RTF.

**e. Low-income populations are disproportionately impacted by U.S. food policies.**

13. Low-income populations in the U.S. are particularly vulnerable to food insecurity. According to the Office of Disease Prevention and Health Promotion, 31.6% of low-income households experienced food insecurity in 2016, compared to the national average of 12.3%.<sup>101</sup> While the U.S. has taken action to address some of these issues, it has not done enough. The Congressional Research Service predicted that 76%<sup>102</sup> of the outlays of

the 2018 Farm Bill will go towards nutrition programs, predominantly to SNAP.<sup>103</sup> Previous sections of this submission have elaborated on the benefits and disadvantages in the SNAP framework. But the program's accessibility for low-income individuals is complex: certain SNAP requirements are waived by some state governments, as they are the primary authority in administration of the program.<sup>104</sup> Additionally, each state has different employment requirements in order to satisfy SNAP eligibility, meaning that someone who is otherwise qualified could be unable to obtain benefits.<sup>105</sup> This is worsened due to pressures from stigmas against SNAP users.<sup>106</sup> The current administration's efforts to cut food stamps noted in Section II worsen the equation.

14. In 2019, Northwest Harvest published a Focus Group Report called "Focus on Food Security: The Stress of Poverty and Toll on Health". The report includes interviews with many WIC recipients, including Lou, an immigrant mother.<sup>107</sup> She said that WIC allows her family "to get yogurt and...different types of whole grains. My kids get excited when we get WIC."<sup>108</sup> However, Lou expressed her worry that her access to nutritious food would be limited once her child ages out of the program.<sup>109</sup> "It's not like she won't be hungry!" she said.<sup>110</sup> Additionally, WIC and other child nutrition initiatives (which were last reauthorized by the Healthy, Hunger-Free Kids Act) expired in 2015.<sup>111</sup> Although the programs have been funded through appropriations bills, there have been no changes to their policies as of this date.<sup>112</sup> Therefore, these benefits are in legislative limbo, and the U.S. government has yet to improve them. This is especially dangerous for children living in low-income families, as food insecurity is harmful for their mental and physical health.<sup>113</sup>
15. The status of WIC and SNAP demonstrate that although the U.S. has made advancements in improving the economic accessibility dimension of the RTF these programs are in danger of being altogether undermined by government policy.

## **RECOMMENDATIONS**

1. Ratify ICESCR, CEDAW, and CRC.

### **FOOD SHOULD BE ADEQUATE AND NUTRITIOUS**

1. Increase and protect supplemental food and nutrition programs.
2. Regulate the marketing and labeling of unhealthy food.
3. Implement universal school food programs focusing on nutrition and addressing the existing stigma surrounding free and reduced meals, such as Breakfast After the Bell.
4. End proliferation of fast food restaurants in low-income neighborhoods and ensure that fresh and affordable food is accessible in all neighborhoods.
5. Meaningfully incorporate nutrition into right to food laws, policies, and programs.

### **FOOD SYSTEMS SHOULD BE CONTROLLED BY THE PEOPLE**

1. Adopt a rights-based national plan to end hunger that incorporates strong civic participation from those most affected.
2. Reverse Citizens United.
3. Strengthen anti-trust laws.
4. Protect the fishing, hunting, water, and land rights of Indigenous peoples.
5. Empower existing community outreach frameworks to address the RTF.
6. Adopt a rights-based national plan to end hunger that incorporates strong civic participation from those most affected.
7. Regulate corporate influence over research and lobbying on food.
8. Require increased transparency of corporate campaign donations and lobbying.

### **FOOD SHOULD BE ECONOMICALLY ACCESSIBLE**

1. Ensure adequate working conditions, living wages, and gender and racial equity.
2. Secure and protect land access for independent producers, particularly people of color and Indigenous communities.
3. Pay reparations to communities whose labor has been systematically exploited and have been dispossessed of their land since the founding of the U.S. and address the inequitable redistribution of land.
4. Address access, adequacy and quality of affordable housing, the immigration system, healthcare, and employment.
5. Promote and fund cooperative ownership of land and community food stores.

### **FOOD SHOULD BE ENVIRONMENTALLY SUSTAINABLE**

1. Support, subsidize and incentivize independent and small-scale food producers.
2. Incentivize food producers that implement sustainable practices.
3. Hold agricultural companies liable for their impacts on the environment, which taint water and food supplies.

---

<sup>1</sup>Alisha Coleman-Jensen, Matthew Rabbitt, Christian Gregory & Anita Singh, *Household Food Security in the United States in 2018* (Sept. 2019).

---

[https://www.ers.usda.gov/webdocs/publications/94849/err270\\_summary.pdf?v=963.1](https://www.ers.usda.gov/webdocs/publications/94849/err270_summary.pdf?v=963.1)

<sup>2</sup> *Id.*

<sup>3</sup> *2018 Farm Bill Primer: SNAP and Nutrition Title Programs* Congressional Research Service (Jan. 2019). (Except as noted, participation and funding data from USDA-FNS Key Data Report, dated November 2018, based on data through September 2018. SFMNP funding and data displayed for FY2017 from USDA-FNS program website).

<sup>4</sup> *Id.*

<sup>5</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December, 1948

<https://www.un.org/en/universal-declaration-human-rights/>

<sup>6</sup> UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195,

<https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>

<sup>7</sup> UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465.

<https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

<sup>8</sup> *Id.*

<sup>9</sup> *Right to Food*, Food & Ag. Org. of the U.N. <http://www.fao.org/policy-support/policy-themes/right-to-food/en/> (accessed October 2).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Fact Sheet No.2 (Rev.1)*, The International Bill of Human Rights, OHCHR,

<https://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf> accessed October 2.

<sup>13</sup> U.N., *Int'l Covenant on Civ. and Pol. Rts.*, General Comment Adopted by the Human Rights Committee, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (1996).

<sup>14</sup> *International Covenant on Civil and Political Rights art. 25*, Dec. 19, 1966, S. Treaty Doc. 95-20, 999 U.N.T.S. 171.

<sup>15</sup> *Id.*

<sup>16</sup> *International Covenant on Civil and Political Rights art. 26*, Dec. 19, 1966, S. Treaty Doc. 95-20, 999 U.N.T.S. 171.

<sup>17</sup> U.N., *Econ. & Soc. Council, Comm. on Economic, Social and Cultural Rights, Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights*, U.N. Doc. E/C.12/1999/5 (1999) (“Availability refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand. Accessibility encompasses both economic and physical accessibility: Economic accessibility implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised. Physical accessibility implies that adequate food must be accessible to everyone . . . [adequacy] implies 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.”).

<sup>18</sup> *International Covenant on Civil and Political Rights art. 25*, Dec. 19, 1966, S. Treaty Doc. 95-20, 999 U.N.T.S. 171 (“Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives[.]”).

<sup>19</sup> *Citizens United v. FEC*, 558 U.S. 310 (2010).

<sup>20</sup> *Id.* at 355.

<sup>21</sup> Andrew Fisher, *The Identity Crisis of America's Largest Anti-Hunger Program*, THE MIT PRESS READER (Aug. 1), <https://thereader.mitpress.mit.edu/snap-identity-crisis/>.

<sup>22</sup> U.N., *Int'l Covenant on Civ. and Pol. Rts.*, General Comment Adopted by the Human Rights Committee Under Article 40, Paragraph 4, of the *International Covenant on Civil and Political Rights*, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (1996) (“The conduct of public affairs, referred to in paragraph (a), is a broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers. It covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels.”).

<sup>23</sup> Richard L. Hansen, *Lobbying, Rent-Seeking, and the Constitution*, 64 STAN. L. REV. 191, 220 (2012).

- 
- <sup>24</sup> Jonathan Martin, *The cash-for-speaker program*, POLITICO (July 29, 2010), <http://www.politico.com/news/stories/0710/40380.html> (“lobbyists and other major donors across the country who give the maximum or help raise \$100,000 will get meetings with Boehner, calls from senior aides with updates on the campaign and ‘VIP access to all events, including roundtables, briefings, breakout discussions and interactive panel discussions.’”).
- <sup>25</sup> Russell Berman, *An Exodus From Congress Tests the Lure of Lobbying*, THE ATLANTIC (May 1, 2018), <https://www.theatlantic.com/politics/archive/2018/05/lobbying-the-job-of-choice-for-retired-members-of-congress/558851/> (declaring that one in six lawmakers who left office after the 2016 elections became lobbyists).
- <sup>26</sup> Judy Nadler & Miriam Schulman, *Conflicts of Interest in Government*, MARKKULA CENTER FOR APPLIED ETHICS AT SANTA CLARA UNIV. (June 1, 2006), <https://www.scu.edu/government-ethics/resources/what-is-government-ethics/conflicts-of-interest-in-government/> (“Impropriety occurs when an officeholder, faced with conflicting interests, puts his or her personal or financial interest ahead of the public interest. In the simplest terms, the official reaps a monetary or other reward from a decision made in his or her public capacity.”).
- <sup>27</sup> Jeremy Venook, *The Trump Administration’s Conflicts of Interest: A Crib Sheet*, THE ATLANTIC (Jan. 18, 2017), <https://www.theatlantic.com/business/archive/2017/01/trumps-appointees-conflicts-of-interest-a-crib-sheet/512711/>.
- <sup>28</sup> *Farm Subsidy Information*, ENVTL. WORKING GROUP, <https://farm.ewg.org/region.php?fips=00000&statename=UnitedStates>.
- <sup>29</sup> Adam Andrzejewski, *Mapping the U.S. Subsidy \$1M Club*, FORBES (Aug. 14, 2018, 8:20 a.m.), <https://www.forbes.com/sites/adamandrzejewski/2018/08/14/mapping-the-u-s-farm-subsidy-1-million-club/#4c7981bb3efc>.
- <sup>30</sup> Tamar Haspel, *Why do taxpayers subsidize rich farmers?*, THE WASH. POST (Mar. 15, 2018), [https://www.washingtonpost.com/lifestyle/food/why-do-taxpayers-subsidize-rich-farmers/2018/03/15/50e89906-27b6-11e8-b79d-f3d931db7f68\\_story.html](https://www.washingtonpost.com/lifestyle/food/why-do-taxpayers-subsidize-rich-farmers/2018/03/15/50e89906-27b6-11e8-b79d-f3d931db7f68_story.html).
- <sup>31</sup> Brad Plumer, *How much of the world’s cropland is actually used to grow food?*, VOX (Dec. 16, 2014, 3:11 p.m.), <https://www.vox.com/2014/8/21/6053187/cropland-map-food-fuel-animal-feed>.
- <sup>32</sup> Robert Coleman, *The Rich Get Richer: 50 Billionaires Got Federal Farm Subsidies*, ENVTL. WORKING GROUP AG MAG (Apr. 18, 2016), <https://www.ewg.org/agmag/2016/04/rich-get-richer-50-billionaires-got-federal-farm-subsidies>.
- <sup>33</sup> *Why Good Nutrition is Important*, CENTER FOR SCIENCE IN THE PUBLIC INTEREST, <https://cspinet.org/eating-healthy/why-good-nutrition-important> (last visited Oct. 2, 2019) (“Unhealthy diet contributes to approximately 678,000 deaths each year in the U.S., due to nutrition- and obesity-related diseases, such as heart disease, cancer, and type 2 diabetes. In the last 30 years, obesity rates have doubled in adults, tripled in children, and quadrupled in adolescents.”).
- <sup>34</sup> Anahad O’Connor, *In the Shopping Cart of a Food Stamp Household: Lots of Soda*, N.Y. TIMES (Jan. 13, 2017), <https://www.nytimes.com/2017/01/13/well/eat/food-stamp-snap-soda.html>.
- <sup>35</sup> *Id.*
- <sup>36</sup> Michele Simon, *Food Stamps Follow the Money: Are Corporations Profiting from Hungry Americans?*, EAT DRINK POLITICS (June 2012), <http://www.eatdrinkpolitics.com/wp-content/uploads/FoodStampsFollowtheMoneySimon.pdf>.
- <sup>37</sup> Philip Alston, *Statement on Visit to the USA, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights*, U.N. HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER (Dec. 15, 2017), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22533&LangID=E>.
- <sup>38</sup> O’Connor, *supra* note 18.
- <sup>39</sup> Lola Fadulu, *Agriculture Department Flooded with Appeals to Stop Food Stamp Purge*, N.Y. TIMES (Sept. 23, 2019), <https://www.nytimes.com/2019/09/23/us/politics/agriculture-department-food-stamp-purge.html>.
- <sup>40</sup> Article 2(1) of the ICCPR states that “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Similarly, Article 26 states that “[a]ll persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

---

Meanwhile, Article 5(e) includes “[e]conomic, social and cultural rights” as among the rights that state parties should ensure are enjoyed by all citizens “without distinction as to race, colour, or national or ethnic origin...” Although the treaty itself does not mention the right to food, Paragraph 1 of General Recommendation 20 on Article 5 states that “the rights and freedoms mentioned in article 5 do not constitute an exhaustive list,” and include those derived from “...the Universal Declaration of Human Rights.” As noted earlier, the Universal Declaration recognizes the right to food. The General Recommendation further notes that although Article 5 does not create rights, it “assumes the existence and recognition of these rights.”

Sources: ICCPR, *supra*, art. 2 ¶1; art. 26.

International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195, 212.

Committee on the Elimination of Racial Discrimination, General Recommendation 20, at 124, U.N. Doc. A/51/18 Annex VIII (1996) (<http://hrlibrary.umn.edu/gencomm/genrexx.htm>)

<sup>41</sup> Human Rights Comm., CCPR General Comment No. 18: Non-discrimination, (1989).

<https://www.refworld.org/docid/453883fa8.html>

<sup>42</sup> CRC 24(2) and 27 violations. Children in all states, and in 99% of counties, experience hunger at higher rates than adults (<https://www.feedingamerica.org/about-us/press-room/study-shows-children-more-likely-face-hunger-overall-population-across-america>), impacting educational development (Poppendieck J. 2010. *Free for All*) and emotional and physical health during childhood (Chilton M, testimony, Philadelphia hearing, 2019.

[https://www.centerforhungerfreecommunities.org/sites/default/files/pdfs/2child\\_hunger\\_hearing\\_2019-written\\_testimony\\_chilton\\_webfinal5b15d.pdf](https://www.centerforhungerfreecommunities.org/sites/default/files/pdfs/2child_hunger_hearing_2019-written_testimony_chilton_webfinal5b15d.pdf)) and adult life (e.g.,

<https://www.sciencedirect.com/science/article/abs/pii/S0165032717319183>; and

<https://onlinelibrary.wiley.com/doi/full/10.1111/add.14418>

<sup>43</sup> Alisha Coleman-Jensen et al., USDA Economic Research Service, Report No. 270, *Household Food Security in the United States in 2018* 14 (2019). <https://www.ers.usda.gov/webdocs/publications/94849/err-270.pdf?v=963.1>

<sup>44</sup> Jessica Semega, et al., U.S. Census Bureau, P60-266, *Income and Poverty in the United States: 2018* 13, 15 (2019). <https://www.census.gov/content/dam/Census/library/publications/2019/demo/p60-266.pdf>

<sup>45</sup> *Id.* at 5.

<sup>46</sup> Mariana Chilton et al., Drexel University Ctr. For Hunger-Free Communities, Children’s Health Watch, *Report on Food Insecurity & Systemic Inequality: From Disparities to Discrimination Getting At The Roots of Food Insecurity in America* 7 (2018)

[https://www.centerforhungerfreecommunities.org/sites/default/files/pdfs/chw\\_pa\\_disparities\\_nov\\_-\\_web\\_2.pdf](https://www.centerforhungerfreecommunities.org/sites/default/files/pdfs/chw_pa_disparities_nov_-_web_2.pdf).

(“In 2017, a Latinx woman working full time earned an average \$603 per week, whereas a white man earned an average of \$975 per week.”)

<sup>47</sup> Ruqaiyah Yearby, *The Impact of Structural Racism in Employment and Wages on Minority Women’s Health*, 43 Human Rights no. 3, 21, 22 (2018)

[https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/the-state-of-healthcare-in-the-united-states/minority-womens-health/](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/the-state-of-healthcare-in-the-united-states/minority-womens-health/).

<sup>48</sup> *See Id.*

<sup>49</sup> Chilton, et al., *supra*, at 8. (“Though they report similar drug use rates, Blacks are imprisoned for drug offenses at six times the rate of whites.”)

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> Elsadig Elsheikh & Nadia Barhoum, Haas Institute for a Fair and Inclusive Society, *Structural Racialization and Food Insecurity in the United States: A Report to the UN Human Rights Committee on the International Covenant on Civil and Political Rights* 3 (2013).

<https://haasinstitute.berkeley.edu/sites/default/files/Structural%20Racialization%20%20%26%20Food%20Insecurity%20in%20the%20US-%28Final%29.pdf>.

<sup>53</sup> Often referred to as “food deserts”, or as “areas, often in urban neighborhoods, that are void of fresh and healthy foods and where access to fresh and healthy foods is limited.” *See* Elsheikh & Barhoum, *supra* at 3. The term “food apartheid” is preferable because it highlights the structural discrimination at heart of this inequity.

<sup>54</sup> E.g. Elsheik & Barhoum, *supra* at 3; HealthyPeople.gov, Social Determinants of Health, Interventions and Resources, *Food Insecurity*, <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-health/interventions-resources/food-insecurity>.

---

<sup>55</sup> Defined as “a condition in which there is a lack or shortage of vitamins and minerals.” “Interim Report of the Special Rapporteur on the Right to Food” (3 August 2016) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/247/21/PDF/N1624721.pdf?OpenElement> at Paragraph 7.

<sup>56</sup> Elsheik & Barhoum, *supra* at 7; Special Rapporteur on the Right to Food, *Interim report of the Special Rapporteur on the right to food*, ¶ 19, 24, U.N. Doc. A/71/282 (Aug. 3, 2016) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/247/21/PDF/N1624721.pdf?OpenElement>.

<sup>57</sup> National Center for Chronic Disease Prevention and Health Protection, Centers for Disease Control and Prevention, *National Diabetes Statistics Report, 2017: Estimates of Diabetes and Its Burden in the United States 3* (2017) <https://www.cdc.gov/diabetes/pdfs/data/statistics/national-diabetes-statistics-report.pdf>

<sup>58</sup> This connects to the concept of “food sovereignty”, which was defined as “the right to peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems,” by the Declaration of the Forum for Food Sovereignty in Nyéléni in 2007. <http://usfoodsovereigntyalliance.org/what-is-food-sovereignty/>

<sup>59</sup> Telephone Interview with Karen Washington, Co-Founder of Rise & Root Farms and Black Urban Growers (Sep. 9, 2019).

<sup>60</sup> Megan Horst, *New Research Explores the Ongoing Impact of Racism on the U.S. Farming*, Civil Eats (2019) <https://civileats.com/2019/01/25/new-research-explores-the-ongoing-impact-of-racism-on-the-u-s-farming-landscape/>.

<sup>61</sup> *Id.*

<sup>62</sup> Telephone Interview with Karen Washington, Co-Founder of Rise & Root Farms and Black Urban Growers (Sep. 9, 2019).

<sup>63</sup> Juan Valdez, Upstart University, *City Zoning & Why It’s Important to Urban Farmers* (2017). <https://university.upstartfarmers.com/blog/city-zoning-urban-farmers>.

<sup>64</sup> Donna M. Owens, *Congress Passes Farm Bill That Will Help Black Farmers and HBCUs*, Essence (2019). <https://www.essence.com/news/congress-passes-farm-bill/>

<sup>65</sup> Samragyee De, WhyHunger, *From the Intern’s Desk: Immigration & Hunger: The Choices our Neighbors Are Making Today*, (2018). <https://whyhunger.org/category/blog/from-the-interns-desk-immigration-hunger-the-choices-our-neighbors-are-making-today/>

<sup>66</sup> *Id.*

<sup>67</sup> *E.g. Id.*; International Human Rights Clinic, *Nourishing Change: Fulfilling the Right to Food in the United States* (New York: NYU School of Law) at 13, 36 n.53 (2013).

(“Currently the following groups of non-citizens are eligible for SNAP benefits if they meet other eligibility requirements: lawful permanent residents who have lived in the United States for five years; children under the age of eighteen; refugees, asylees, or individuals granted a stay of deportation; women and children petitioning for legal permanent resident status under the Violence against Women Act (VAWA) who have resided in the country for at least five years; members of the U.S. Armed forces, former members of the U.S. Armed Forces, and dependents of current and former service members; those receiving dis-ability benefits; and those with forty quarters of work history. Undocumented immigrants are currently excluded from participating in SNAP.”)

<sup>68</sup> Molly Knowles, Joanna Simons, Mariana Chilton, *Food Insecurity and Public Health, in Food and Public Health*, 171, 177 (Allison Karpyn ed. 2018).

<sup>69</sup> Kathleen Pickering, Benjamin McShane-Jewell, Michael Brydger, Marcella Gilbert, and Linda Black Elk, *Written Testimony on Food Insecurity, Plains Indian Tribes, Pine Ridge and Rosebud Indian Reservations*, 1 (2015).

<sup>70</sup> *Id.*

<sup>71</sup> Special Rapporteur on Adequate Housing As A Component of The Right To An Adequate Standard Of Living, And On The Right To Non-Discrimination in This Context, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context*, ¶ 41, A/HRC/13/20/Add 4.

<sup>72</sup> Knowles, et al. *supra* at 177.

<sup>73</sup> Pickering, et al. *supra* at 2.

<sup>74</sup> *Id.* at 1.

<sup>75</sup> *Id.* at 4.

<sup>76</sup> *Id.* at 5.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *See Id.* at 2.

<sup>80</sup> *See Id.* at 4.

- 
- <sup>81</sup> Committee on the Elimination of Racial Discrimination, General Recommendation 23, U.N. Doc. A/52/18 Annex V (1997) <http://hrlibrary.umn.edu/gencomm/genrexxiii.htm>.
- <sup>82</sup> Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace, Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic* (June 2016), [https://www.eeoc.gov/eeoc/task\\_force/harassment/report.cfm](https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm).
- <sup>83</sup> The ACLU, *Female Domestic and Agricultural Workers Confront an Epidemic of Sexual Harassment* (May 2018), <https://www.aclu.org/blog/womens-rights/womens-rights-workplace/female-domestic-and-agricultural-workers-confront>.
- <sup>84</sup> Human Rights Watch, *Cultivating Fear: The Vulnerability of Immigrant Farmworkers in the US to Sexual Violence and Sexual Harassment* (May 2012), <https://www.hrw.org/report/2012/05/15/cultivating-fear/vulnerability-immigrant-farmworkers-us-sexual-violence-and-sexual> (Citing the National Agricultural Workers Survey).
- <sup>85</sup> The ACLU, *Female Domestic and Agricultural Workers Confront an Epidemic of Sexual Harassment* (May 2018), <https://www.aclu.org/blog/womens-rights/womens-rights-workplace/female-domestic-and-agricultural-workers-confront>.
- <sup>86</sup> *Id.*
- <sup>87</sup> <https://www.nlr.gov/how-we-work/national-labor-relations-act>
- <sup>88</sup> <https://www.dol.gov/whd/flsa/>
- <sup>89</sup> The National Labor Relations Act (NLRA) protects a worker’s right to collective bargaining and right to organize and the Fair Labor Standards Act (FLSA) ensures that workers are paid minimum wage and overtime pay.
- <sup>90</sup> <https://www.nlr.gov/rights-we-protect/whats-law/employees/i-am-represented-union/are-you-covered>
- <sup>91</sup> <https://www.dol.gov/whd/regs/compliance/whdfs12.pdf>
- <sup>92</sup> <https://www.dol.gov/whd/homecare/factsheets.htm>
- <sup>93</sup> Brittany Fry, *Body Politics: Transmisogyny and the RtAFN for Trans Youth of Color*, (Manuscript in preparation (Bellows AC, Adviser)). Syracuse University, Food Studies Program; *See also* Paula P. Gioia, *Coming Out: Gender Diversity in the Food System*, Right to Food and Nutrition Watch Issue 11: Women’s Power in Food Struggles, 34-41 (2019).
- <sup>94</sup> Taylor N.T. Brown et al., The Williams Institute, *Food Insecurity and SNAP Participation in the LGBT Community*, (2016) <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-and-SNAP-Participation-in-the-LGBT-Community.pdf>
- <sup>95</sup> *Id.* at 1. (Compared to 17% of non-LGBTQ+ adults).
- <sup>96</sup> Fry, *supra* at 1 (citing Madelajne Cleghorn, et al., *Employment discrimination against LGBT persons*, 19(2) *Geo. J. Gender & L.* 367 (2018); Joseph Nicholas DeFilippis, “What about the rest of us?” *an overview of LGBT poverty issues and a call to action.* 27(3) *J. Progressive Hum. Serv.* 143, 143-174. (doi:10.1080/10428232.2016.1198673) (2016)
- <sup>97</sup> Fry, *supra* at 1 (citing Jennifer Russomanno et al., *Food Insecurity Among Transgender and Gender Nonconforming Individuals in the Southeast United States: A Qualitative Study*, 4(1) *Transgender Health* 89, 89-99. (doi:10.1089/trgh.2018.0024) (2019); M. Elmore et al., *Prevalence of food insecurity, anxiety and depression in LGBT young adults*, 118(10) *Journal of the Academy of Nutrition and Dietetics*, A165. (doi:10.1016/j.jand.2018.08.146.) (2018)
- <sup>98</sup> Fry, *supra* at 1 (citing Russomano, *supra*; A.H. Grossman & A.R. D’Augelli, *Transgender youth: Invisible and vulnerable*, 51(1) *J. Homosex.* 111, 111-128. (doi:10.1300/J082v51n01\_06) (2006)
- <sup>99</sup> Knowles, et al. *supra* at 178.
- <sup>100</sup> Fry, *supra* at 1 (citing Daniella Barreto et al., *Food Insecurity Increases HIV Risk Among Young Sex Workers in Metro Vancouver, Canada*, 21(3) *AIDS and Behavior* 734, 734-744 (doi:10.1007/s10461-016-1558-8) (2017); C.H. Logie et al., *Factors associated with sex work involvement among transgender women in Jamaica: A cross-sectional study*, 20(1) *Journal of the International AIDS Society* 21422-n/a. (doi:10.7448/IAS.20.01/21422) (2017).
- <sup>101</sup> HealthyPeople.gov, *supra*, <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-health/interventions-resources/food-insecurity#34>.
- <sup>102</sup> Down from 80% in the 2014 Farm Bill. *See* Renee Johnson, Congressional Research Service, R44784, *Previewing a 2018 Farm Bill* 9, <https://fas.org/sgp/crs/misc/R44784.pdf> (2017).
- <sup>103</sup> Randy Alison Aussenberg & Kara Clifford Billings, Congressional Research Service, IF11087, *2018 Farm Bill Primer: SNAP and Nutrition Title Programs* 1, <https://fas.org/sgp/crs/misc/IF11087.pdf> (2019).
- <sup>104</sup> <https://eligibility.com/food-stamps>
- <sup>105</sup> <https://eligibility.com/food-stamps/do-the-employment-requirements-for-eligibility-apply-to-everyone>

---

Some of these requirements include: 1) individuals must actively look for work when unemployed; 2) individuals offered a job while on SNAP benefits must take it; 3) individuals who are employed are not allowed to quit their job, and if recently unemployed, may be required to provide proof that this was not voluntary.

<sup>106</sup> See Jasmine White, Healthier Colorado, *Shut Down The Stigma Surrounding SNAP*, <https://healthiercolorado.org/blog-post/shut-stigma-surrounding-snap/> (2018)

<sup>107</sup> Northwest Harvest, *Focus on Food Security: The Stress of Poverty and Toll on Health: Northwest Harvest's Focus Group Report 2019* 8, [https://www.northwestharvest.org/stuff/contentmgr/files/1/e3ec1be97c9f9f9da61525d9d505109c/pdf/focus\\_on\\_food\\_securityreport\\_fy19.pdf](https://www.northwestharvest.org/stuff/contentmgr/files/1/e3ec1be97c9f9f9da61525d9d505109c/pdf/focus_on_food_securityreport_fy19.pdf) (2019)

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> Billings & Aussenberg, IF10266, *supra* at 1; Johnson, R44784, *supra* at 34-35.

Note: The National School Lunch Program and the School Breakfast Program are permanent. However, other programs such as the Summer Food Service Program and the Farmers Market Nutrition Program have permanent authority but an expired authorization of appropriations.

<sup>112</sup> <https://fas.org/sgp/crs/misc/IF10266.pdf>

<sup>113</sup> See Mariana Chilton & Donald Rose, *A Rights-Based Approach to Food Insecurity in the United States*, 99(7) *Am. J. Pub. Health* 1203, 1203.