



TRANSFORMING VICTORIA'S FOOD SYSTEM THROUGH HUMAN RIGHTS

**Tackling food insecurity through equitable
access to healthy and sustainable food**

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**GREATER
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Summary

- A rights-based approach to food could help Victoria tackle rising food insecurity and promote an equitable, resilient, healthy and sustainable food system
- The impacts of food systems on health and environmental sustainability undermine the realisation of human rights
- Victoria's Charter of Human Rights and Responsibilities should be amended to include the right to food and the right to a healthy environment
- Including these rights in Victoria's human rights charter would provide a mechanism for government accountability in relation to realisation of the rights

Introduction

Several parliamentary inquiries in the state of Victoria have recognised the need to tackle rising food insecurity, strengthen the resilience of the state's food system to climate and geopolitical shocks and ensure the state's food system is healthier, fairer and more sustainable.^{1,2} This briefing explores how adopting a human rights framework could help Victoria to tackle rising food insecurity and underpin a transformation of the state's food system.

The briefing focuses on two internationally recognised human rights, the right to adequate food and the right to a healthy environment. It examines the significance of these rights for transforming food systems, and their links to related human rights. It recommends that Victoria's *Charter of Human Rights and Responsibilities* be amended to include the rights to adequate food and a healthy environment. These rights are fundamental building blocks to promote equitable access to healthy and sustainable food in Victoria.

This briefing is from the Foodprint Melbourne research team at the University of Melbourne. The Foodprint Melbourne team collaborates with a broad range of stakeholders to generate evidence and policy approaches that promote an equitable, resilient, healthy and sustainable food system for Melbourne and Victoria. The project is funded by Greater Melbourne Foundation.

A rights-based approach is needed to transform Victoria's food system

“A rights-based approach, focused on the right to food and the right to a healthy environment, is an essential catalyst for accelerating the transformation from today's unsustainable food systems to a future where everyone enjoys healthy and sustainable food, workers are treated fairly and degraded ecosystems are restored. This is an obligation for States, not an option”³

UN Special Rapporteur on human rights and the environment, 2021

There is growing international recognition of the importance of upholding human rights for a transformation to equitable, resilient, healthy and sustainable food systems.^{4,5} Food systems are currently highly inequitable, and their impacts on the environment and human health undermine the realisation of many human rights, including the rights to food, health, water and Indigenous rights.⁶

Access to food is inequitable in Victoria. Around 8% of adults experienced severe food insecurity in 2022 (that is, they ran out of food at times and could not afford to buy more).⁷ The prevalence of severe food insecurity can be much higher in some population groups, such as low-income households and Aboriginal and Torres Strait Islanders. Poor diet undermines health and is one of the main contributors to the burden of disease in Australia,⁸ and food production in the state contributes to significant environmental impacts on land and river systems.⁹ Power is also highly concentrated in food supply chains, giving large corporations the ability to shape the state's food system in ways that may lead to poor health and environmental outcomes, undermining the realisation of human rights.

Climate shocks and stresses (such as fire, flood and drought) and geopolitical shocks (such as Russia's invasion of Ukraine and the Middle East conflict) are disrupting Victoria's food system, leading to rising food prices and food insecurity.¹⁰ The prevalence of food insecurity in Victoria rose around 40% between 2020 and 2022 during the COVID-19 pandemic,¹¹ and food relief agencies have reported rising demand for food relief in response to cost of living pressures during the Middle East conflict.¹²

Food system resilience and food security

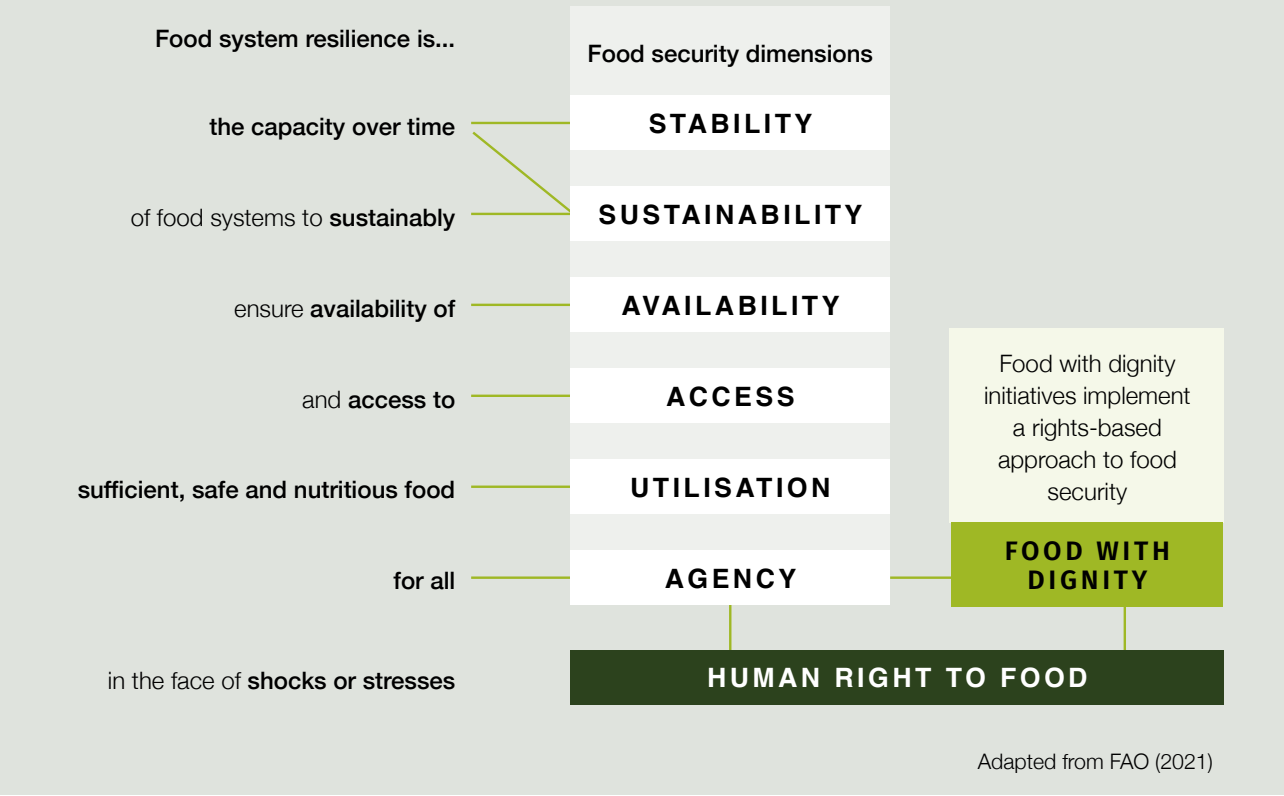


Figure 1: Food system resilience, food security and the human right to food.

The main approach to addressing food insecurity in Victoria and other parts of Australia is emergency food relief, which is delivered by charitable organisations. However, emergency food relief was designed to address short term food needs. Recipients of food relief do not have control over their own food provisioning, the food provided may not meet cultural food preferences, and many experience shame and embarrassment, which is a barrier to accessing services.¹³ New approaches are needed to tackle rising food insecurity in Victoria that address the root causes of the problem and are grounded in the human right to food, which emphasises people’s right to feed themselves through dignified means.

A ‘whole of government’ food security strategy should be developed for Victoria to address rising food insecurity and the environmental and health impacts of the state’s food system, underpinned by ministerial accountability for food system outcomes and legal recognition of relevant human rights. Giving legal force to the right to food and the right to a healthy environment by including them in Victoria’s Charter of Human Rights and Responsibilities would provide a mechanism to ensure government accountability for realisation of these rights. Complaints about breaches of the rights could be made to the Victorian Ombudsman or other relevant oversight bodies.¹⁴ The Victorian Parliament would need to consider whether proposed laws were compatible with the rights, Victorian courts would need to interpret the state’s laws in ways that uphold the rights, and Victorian public authorities and public sector workers would need to consider the rights when making decisions.¹⁵ The following sections discuss these rights in more detail and their relevance for transforming Victoria’s food system.

The right to food

A human right under international law

The right to adequate food is recognised in international law as a universal human right. It is articulated in Article 25 of the Universal Declaration of Human Rights and given legal force in Article 11 of the International Covenant of Economic, Social and Cultural Rights (ICESCR), as part of the right to an adequate standard of living.¹⁶

The right to food means that everyone has the right to be free from hunger and to have ongoing access to adequate food. The UN Committee on Economic, Social and Cultural Rights has defined *adequate food* as food that meets dietary needs for health, is safe and culturally acceptable, and sustainably produced and consumed, so that food is available and accessible to current and future generations.¹⁷

The right to adequate food is “the right to feed oneself in dignity” rather than “the right to be fed”.¹⁸ This means that people should have access to sufficient money and other resources to buy or grow their food, and that they should be able to exercise choice and control over their own food provisioning. The right to adequate food is closely linked to other human rights, including the rights of First Peoples to self-determination and to land.¹⁹

The human right to adequate food is “the right of every individual, alone or in community with others, to have physical and economic access at all times to sufficient, adequate and culturally acceptable food that is produced and consumed sustainably, preserving access to food for future generations” ²⁰

Around 172 countries have ratified the ICESCR, including Australia, requiring them to take steps towards eradicating hunger and achieving food security. The Right to Food Guidelines developed by the Food and Agriculture Organisation of the United Nations (FAO) provide guidance on how governments can respect, protect and fulfil this right.²¹

The right to food in Victoria

Australia ratified the ICESCR in 1975, which means the Australian Government has binding obligations under international law to respect, protect and fulfill the right to adequate food. However, this right has not been incorporated into domestic legislation, so it cannot be enforced under Australian law.²²

The right to food is not included in Victoria’s Charter of Human Rights and Responsibilities. However, other rights in the Charter may provide some protection for the right to adequate food, including cultural rights (Section 19) and the protection of families and children (Section 17).²³ Some local governments in Victoria have also recognised the right to food as a core principle in their food systems policies.²⁴

In 2024, the parliamentary *Inquiry into food security in Victoria* recommended amending Victoria’s Charter of Human Rights and Responsibilities to include the human right to food,²⁵ and the Victorian Government has taken this recommendation under review.²⁶ Amending the Charter to include the human right to food would provide a mechanism to raise complaints about breaches of the right.²⁷

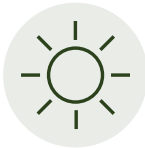
The right to a healthy environment

The right to a healthy environment was recognised as a human right by the United Nations General Assembly in a resolution passed in July 2022.²⁸ The right emphasises the interdependence of human rights and protection of the environment. Environmental protection is necessary to realise many basic human rights, such as the right to health, and upholding human rights is important for protecting the environment.²⁹

There is no single definition of the right to a healthy environment. However, the right is generally understood to include three procedural elements and six substantive elements, one of which is the right to healthy and sustainable food.

Elements of the right to a healthy environment³⁰

Substantive rights



A safe climate



Safe and sufficient water



Clean air



Healthy and sustainable food



Healthy ecosystems and biodiversity



Non-toxic environment

Procedural rights



Access to information



Public participation



Access to justice

Adapted from OHCHR, UNEP & UNDP (2023) What is the right to a healthy environment? Information Note.

Another substantive element of the right to a healthy environment is a safe climate. The right to a healthy environment is closely linked to the concept of climate justice, which centres equity and human rights in decisions and actions to address climate change and its impacts.³¹ This concept highlights the importance of centering and empowering the people most affected by climate change.

The right to a healthy environment recognises that First Peoples are particularly affected by environmental degradation, because of their unique relationship with their lands. The right to a healthy environment is therefore closely related to cultural rights for First Peoples.³²

The right to a healthy environment is not yet recognised as legally binding under international law, unlike the human right to food.³³ However, over 150 nations have given the right legal force through their constitutions, laws or court decisions.³⁴ They include Canada, France, Spain, South Africa, Colombia and Chile.³⁵

The right to a healthy environment in Victoria

Australia voted in favour of the United Nations General Assembly resolution to recognise the right to a healthy environment in 2022, but has not recognised the right in domestic laws, one of only 20% of United Nations member states not to have done so.³⁶

The right to a healthy environment can also be recognised through state and territory human rights legislation in Australia. Victoria’s Charter of Human Rights and Responsibilities does not include the human right to a healthy environment, although other interrelated rights are included in the Charter, such as cultural rights and protection of families and children. However, the ACT amended its human rights charter to explicitly include the right to a healthy environment, with effect from March 2025. This will make it possible to initiate complaints with the ACT Human Rights Commission in relation to breaches of the right.³⁷ Including the right to a healthy environment in the Victorian Charter of Human Rights and Responsibilities would require all parts of government to consider the right and would provide an avenue to raise complaints in relation to breaches of the right.

Legislating the right to a healthy environment in the ACT

The Australian Capital Territory is the first Australian jurisdiction to enshrine the right to a healthy environment in law through an amendment to the ACT’s *Human Rights Act* (2004), which came into force in March 2025. Section 27C of the Act recognises that everyone has the right to a clean, healthy and sustainable environment.

The new right includes the three procedural and six substantive elements, including the right to healthy and sustainable food. The ACT Government must now consider the right to a healthy environment when making new laws or developing new policies and programs. ACT citizens can also make a complaint if they believe the right to a healthy environment has been breached, or if a public authority has failed to consider the right in its decision-making.³⁸

This landmark reform better aligns human rights with climate action, supporting ecosystem health and safeguarding those most at risk from environmental harm. It also offers a model for other states and territories to follow in legally recognising the right to a healthy environment.

The right to healthy and sustainable food

The right to healthy and sustainable food is one of six substantive rights in the right to a healthy environment. It is complementary to the right to food, and States have an obligation to progressively realise this right alongside the right to food.³⁹ Healthy and sustainable food is defined by the Food and Agriculture Organization of the United Nations (FAO) as food that meets health and nutrition needs, is culturally acceptable, affordable, and has low environmental impacts – it protects climate, ecosystems and biodiversity.⁴⁰

The significant environmental impacts of industrial food systems undermine the realisation of many human rights, including the rights to food, life, and health. States have an obligation to prevent the environmental impacts of food systems interfering with the realisation of human rights. They also have obligations to respect the right by not taking action that violates it, to protect the right from being violated by third parties, particularly corporations, and to take positive steps to fulfill the right.⁴¹

Related human rights

Human rights are interdependent and indivisible. Enjoyment of one set of rights depends on other rights. This section describes some other human rights that are relevant to transforming Victoria’s food system. It is not an exhaustive list. Other relevant rights include the rights to health, life, water and Indigenous rights.

Relevance of the right for food system transformation

Status of the right in Victoria

Human right	Right to decent work
Victoria’s food system relies on thousands of workers, many of whom are in insecure employment, and who may themselves be at risk of food insecurity. Seasonal and migrant workers are vulnerable to gaps in employment protections. Protecting food system workers – through fair wages, job security, safe working conditions and labour rights – supports sustainable livelihoods and food security.	• Australia has binding obligations under international law in relation to this right • It has not been legislated as a standalone right at federal level but is implemented through statutes and institutions, including the Fair Work Act (2009) • It is not recognised as a standalone right in Victoria • Aspects of the right are implemented through legislative and policy frameworks in Victoria, including OHS and equal opportunity legislation • Victoria’s Charter of Human Rights and Responsibilities includes a right to freedom from forced work
Human right	Right to protection of cultural rights
This right refers to the ability of individuals and communities to practice and determine their cultural identity, including language, traditions and ways of life. Access to food that reflects cultural traditions and preferences is central to internationally recognised definitions of food security and the human right to food. For First Peoples, protection of cultural rights is closely linked to the rights to land and to self-determination. Access to Country and the resources needed to practice traditional approaches to food production supports food security and economic self-determination. Processes of colonisation continue to undermine the cultural rights and right to self-determination of Victoria’s First Peoples.	• Australia has binding obligations under international law as a signatory to several treaties to protect cultural rights and the rights of First Peoples • This right has not been legislated at national level as a standalone right • Protection of cultural rights is included in Victoria’s Charter of Human Rights and Responsibilities. The right also protects access for Victoria’s First Peoples to their lands, natural resources and traditional knowledge
Human right	Rights of the child
Food security is fundamental to the rights of the child, as consistent access to safe, nutritious, and culturally appropriate food underpins children’s health, wellbeing, and development. The obligation of States to protect the rights of the child from violations by third parties could be relevant to the introduction of regulation to restrict marketing of unhealthy foods to children.	• Australia has ratified the Convention on the Rights of the Child (CRC), and has binding obligations to ensure all children enjoy the rights • Victoria’s Charter of Human Rights and Responsibilities includes a right to protection of families and children • The right to protection of families and children reflects the principles of the CRC by prioritising a child’s right to protection in their best interests and to be without discrimination

Recommendations

1. **Amend Victoria’s Charter of Human Rights and Responsibilities** to include the human right to food and the right to a healthy environment (which includes the right to healthy and sustainable food)
2. **Develop a ‘whole of government’ food security strategy for Victoria**, which is underpinned by the human right to food and the right to healthy and sustainable food. The strategy should address all six dimensions of food security and should adopt a ‘food systems’ approach. The strategy should establish clear accountability for addressing food security and realising the human right to food and the right to healthy and sustainable food across government departments and levels of government
 - a. Embed Aboriginal self-determination at the centre of Victoria’s food security strategy
 - b. Provide policy guidance to local governments on developing local food strategies that recognise the right to food and the right to healthy and sustainable food, and that have regard to state government targets

More information

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