

# RIGHT TO FOOD IN THE UNITED STATES: BRIEFING REPORT

Part 1: Food should be economically accessible for all

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Part 2: Food systems should be sustainable

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Part 3: Food should meet the nutritional, social, and cultural needs of all people

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Part 4: Food systems should be controlled by the people

## PART 5: FOOD RIGHTS SHOULD BE PROTECTED IN LAW AND POLICY

On April 7<sup>th</sup>, 2025 the National Right to Food Community of Practice submitted a report to the Fiftieth Session of the Universal Periodic Review of the United States of America, convened by the Human Rights Council. Our report, entitled [Progressing the Right to Food in the United States](#), was the result of months of focus groups, surveys, secondary research, and virtual meetings with our members. The joint submission included endorsements from 35 organizations throughout the United States. This briefing note discusses the lack of enforcement mechanisms and uniformity in protections for the right to food in the United States.



# INTRODUCTION

The United States has signed, but not ratified the International Covenant on Economic, Social, and Cultural Rights ([ICESCR](#)), which is the main human rights treaty protecting the right to food. President Carter's signing of ICESCR in 1977 signified the United States' agreement to participate in the treaty making process, but fell short of a commitment to progressively realize the right to food under the terms of this covenant. Ratification requires a two-thirds majority vote by the U.S. Senate, and the continued failure to ratify ICESCR limits the ability of the U.S. to be bound by the terms of the treaty.

Despite its fundamental role in drafting the Universal Declaration of Human Rights, and obligations to protect the right to food through other international treaties, the U.S. federal government [does not recognize](#) the right to food as a legally enforceable right that would guide domestic measures.

Only one state, Maine, has amended its constitution to include the right to food. This historic step was the result of more than a [decade of food advocacy](#) and provides an example of how the human right to food can be brought into the U.S. context.

*"The United States supports the right of everyone to an adequate standard of living, including food, as recognized in the Universal Declaration of Human Rights. Domestically, the United States pursues policies that promote access to food, and it is our objective to achieve a world where everyone has adequate access to food, but we do not treat the right to food as an enforceable obligation. The United States does not recognize any change in the current state of conventional or customary international law regarding rights related to food." - [U.S. Mission Geneva, 2017](#)*



Karen A. Spiller, Food Solutions New England, Coordination Team Member of the National Right to Food Community of Practice speaking at the Civil Society Consultation with the U.S. Delegation in Geneva in October of 2023. Photo by the [U.S. Mission in Geneva](#).

# RATIFICATION OF INTERNATIONAL TREATIES

The United States remains part of a minority of UN Member States that have failed to ratify ICESCR, the main international treaty that includes the right to food. Despite this, its signature in 1977 means it has an obligation to refrain from acts that would defeat the object and purpose of the treaty.

The U.S. has also signed but not ratified the Convention on the Rights of Persons with Disabilities ([CRPD](#)) and is the only country to sign but not ratify the Convention on the Rights of the Child ([CRC](#)). Both of these treaties recognize the right to food as part of the right to an adequate standard of living, similar to ICESCR. The U.S. has signed but not ratified the Convention on the Elimination of All Forms of Discrimination against Women ([CEDAW](#)), which recognizes the limited access to food that women in poverty often face.

The United States has ratified the International Covenant on Civil and Political Rights ([ICCPR](#)), the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment ([CAT](#)) and the International Convention on the Elimination of All Forms of Racial Discrimination ([ICERD](#)). These treaties do not explicitly mention the right to food, but fulfillment of these obligations depends on ensuring a right to food. For example, ICERD recognizes economic, social, and cultural rights as part of the "[full and equal enjoyment of human rights](#)".

Advocates are increasingly making the case that the [right to food is a critical part of delivering on the United States' existing obligations](#), and is [deeply interconnected with other harms](#) being faced throughout the nation. For example, members of the National Right to Food Community of Practice engaged with the UN Special Rapporteur on Racism's country visit to the United States in 2023, and her report included a section and specific recommendations on the right to adequate food. In her report, Special Rapporteur Ashwini K.P. [discussed](#) the disproportionate levels of food insecurity experienced by racially marginalized groups in the U.S., including the elevated presence of food swamps and food deserts in places where racially marginalized groups live and work. The report also touched on the harms caused by the current corporatized food system's exploitative land use and labor practices, which disproportionately impact racially marginalized groups, and called attention to the inequitable distribution of federal support to farmers and issues within federal food assistance programs.

In 2022, the Committee on the Elimination of All Forms of Racial Discrimination recognized the [disproportionate impact of food insecurity on racial and ethnic minorities in the U.S.](#) due to "the disparate rates of poverty and unemployment in these communities, racial wage disparities, and legislation and practices that have a discriminatory effect on the tenure and use of land". This Committee [recommended](#) the adoption of a "comprehensive and rights-based national plan to end hunger" and encouraged the United States to "take effective measures against hunger, in consultation with all relevant stakeholders, including members of the communities most affected by food insecurity."

# INCORPORATION OF THE RIGHT TO FOOD IN STATE CONSTITUTIONS

Despite the lack of progress at the federal level, there has been an increase in legislative activity to incorporate the right to food and the right to a clean and healthy environment into state level constitutions and legislation.

In 2021, Maine became the first state to [enshrine the right to food in its state constitution](#). The amendment was the result of years of local activism, led by small farmers with support from allied lawmakers. Maine legislators continue working to [expand protections](#), and new [food sovereignty ordinances](#) have been passed in several towns throughout the state.

**RIGHT TO FOOD** *for* ME

“Producing more food within New England will do little to promote revitalized communities and food system equity unless the right to food is an explicit goal. The US government does not formally recognize the right to food, but all other industrialized countries do... Deliberate efforts toward achieving a larger, shared vision of a better food system for everyone to enjoy are critical... Such a vision must center on healthy food for all as a basic human right.”

– Brian Donahue, et al., A NEW ENGLAND FOOD VISION

**VOTE YES ON QUESTION 3**

PAID FOR BY RIGHT TO FOOD FOR MAINE

Since the successful passage of the amendment in Maine, additional states have expressed interest in enacting right to food legislation. Advocates in California, New York State, West Virginia, Iowa, and Colorado have worked with state legislators to draft and present bills to amend state constitutions to include the right to food. Local and state movements provide an opportunity to ensure that food advocacy is tailored to the needs of particular communities, while strengthening local food systems.

# PROTECTIONS VARY BY GEOGRAPHY AND POLITICAL CONTEXT

Progress in some states but not others has left the nation fractured in terms of legal protections. An individual in one state may be entitled to receive food assistance, or to enforce their right to food in court, while someone in the next state is left without access to food and means of state redress. A child in one state may have free access to school meals, while a child in another state may face hunger, even in the classroom. Stronger national policy approaches to address and enforce the right to food would provide consistent protections across the United States.

*"When we talk to local elected officials and department agency heads in [our city], people are just like, 'What's the right to food? What does that even mean?' ... the implementation of it, they don't understand. And they don't know what it would change. And I feel like they're kind of selfishly thinking about it like, 'Okay, if we implemented this right to food, how would it impact my job specifically and, how would it impact my work and my position?' I think they're kind of afraid of that accountability piece." - Interview*

## RECOMMENDATIONS

1. Ratify international treaties that protect the right to food, especially: International Covenant on Economic, Social, and Cultural Rights; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child; Convention on the Rights of Persons with Disabilities.
2. Develop a rights-based national food policy to strengthen protections for everyone in the United States and address current disparities based on race, ethnicity, and residency.
3. Incorporate the right to food and the right to a clean and healthy environment in state constitutions.
4. Pass resolutions or city ordinances that incorporate the right to food.

## ACKNOWLEDGEMENT

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This Briefing is based on [Progressing the Right to Food in the United States](#), a Joint Submission to the United Nations Universal Periodic Review of the United States submitted by the National Right to Food Community of Practice in April of 2025.