

# ENSURING THE RIGHT TO ADEQUATE FOOD UNDER MARTIAL LAW IN UKRAINE

Kovalenko Tetiana

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**Annotation.** The article clarifies the nature and content of the right to adequate food, the specifics of its enshrining in international legal acts and national legislation, and also reveals the peculiarities of ensuring compliance with the right to adequate food under martial law in Ukraine. The right to adequate food is considered as the possibility for everyone to have free, stable economic and physical access to high-quality and safe food in quantities necessary and sufficient to fully satisfy a person's physiological needs for food, considering his age, health status, dietary needs, as well as religious, ethnic, and cultural preferences. As a component of the right to an adequate standard of living, the right to adequate food is a basic natural human right and has priority in guaranteeing the right to an adequate standard of living, compared to clothing or housing. After all, a person cannot exist without food, and insufficient food negatively affects health and can pose a threat to human life. The article finds that during martial law in Ukraine, the right to adequate food remains fundamental, ensuring access to sufficient and high-quality food as a component of the right to life and a decent standard of living. The observance of the right to adequate food under martial law in Ukraine is ensured by: the state's internal function of guaranteeing food security, creating an economic and legal mechanism for safe and balanced nutrition for children in educational institutions, providing adequate nutrition for defenders of Ukraine, as well as nutrition for internally displaced persons, ensuring uninterrupted supply of imported food and feed, simplifying food labeling, preventing shortages of food for domestic consumption, and providing state support for agricultural producers under martial law.

**Key words:** agricultural products, food security, nutrition, martial law, right to adequate food, right to an adequate standard of living.

## 1. Introduction.

The right to adequate nutrition ensures the basic human need for food and is a guarantee of the realization of the fundamental natural rights of everyone to life and health. This right is enshrined in international and national legal acts as a component of the multi-component right to an adequate standard of living, which includes food, clothing, housing, and other socially necessary goods. Thus, the Universal Declaration of Human Rights of 1948 proclaimed the right of everyone to a standard of living, including food, clothing, housing, medical care and social services, which is necessary for the maintenance of the health and well-being of himself and his family (Article 25). The International Covenant on Economic, Social and Cultural Rights of 1966 guarantees the right to an adequate standard of living and obliges states to take appropriate measures to ensure the realization of this right (Article 11). Similar provisions regulating the right to an adequate standard of living and its individual components are reflected in the provisions of other international human rights agreements, namely: the UN Convention on the Rights of the Child (Article 27), the Convention relating to the Status of Refugees (Article 20), the Convention on the Rights of Persons with Disabilities (Article 28), etc.

Based on the provisions of international legal acts, Article 48 of the Constitution of Ukraine of 1996 stipulates that everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing, and housing. In Ukrainian legal science, the right to an adequate standard of living is considered a social right. It is recognized as basic for the entire system of social and many economic

rights, since in practice the realization of this right is mediated through the exercise of other social and almost all economic rights.

**2. Analysis of scientific publications.** In the science of agrarian law of Ukraine, the problems of ensuring compliance with the right to adequate food remain beyond the attention of researchers who have focused their attention on the problems of food security as a guarantee of the right to adequate food. Thus, individual issues of legal ensuring of food security were covered in the works of O. M. Batygina, O. G. Bondar, S. I. Bugera, M. M. Chabanenko, O. V. Gafurova, Kh. A. Hryhorieva, V. M. Ermolenko, T. E. Kharytonova, G. S. Kornienko, T. O. Kovalenko, T. V. Kurman, M. Yu. Pokalchuk, A. M. Stativka, O. M. Tueva and other authors. The right to food as a legal category was studied by T. V. Kurman [1]. The Ukrainian experience of legal provision of food needs under martial law was studied by G. S. Kornienko [2]. However, the issue of ensuring compliance with the right to adequate food under martial law in Ukraine is still not a thoroughly studied agrarian and legal doctrine, which determines the relevance of this article.

**3. The aim of this article** is to clarify the nature and content of the right to adequate food, the specifics of its enshrining in international legal acts and national legislation, as well as to identify the features of ensuring compliance with the right to adequate food under martial law in Ukraine.

#### **4. Review and discussion.**

The current legislation of Ukraine does not disclose the concept of “adequate nutrition”. It is worth noting that this concept is evaluative, since the definition of “adequate” nutrition of a person depends on the economic, political, social and other conditions of life of society in a certain historical period. For example, those conditions of sufficiency of nutrition that were recognized as appropriate for people in the 19th century are unacceptable for people of the 21st century. The legal doctrine draws attention to the fact that the peculiarity of the provision “adequate standard of living” enshrined in Art. 48 of the Constitution of Ukraine is the absence of limits to this sufficiency, its recommendatory formulation and constant variability depending on the level of socio-economic development of the country and other factors [3, p. 344].

In legal science, the content of the broader concept of “adequate standard of living” is revealed through two main categories: subsistence minimum and minimum wage [4, p. 218]. At the same time, as the Constitutional Court of Ukraine notes, in a state that is declared social, the amount of the subsistence minimum determined by the legislator must actually ensure a decent standard of living for a person [5]. However, to clarify the meaning of the concept of “adequate nutrition”, the above categories are not enough, since the adequacy of nutrition directly affects a person’s health and well-being and should be determined by medical indicators regarding the quantity and quality of food for proper nutrition of a person, taking into account certain physiological characteristics (children, the elderly, disabled people, athletes, etc.). In particular, the Recommendations for Healthy Eating for Adults, approved by the Ministry of Health of Ukraine on December 8, 2017 [6], note that the risks to the health of modern people are primarily associated with neglecting the basic principles of a healthy lifestyle. The principles of healthy eating are its foundation. Consuming an adequate number of calories daily through a balanced set of mostly healthy foods can significantly reduce the risk of cardiovascular diseases, diabetes, and cancer, i.e. the most dangerous diseases for Ukrainians. The basic principles of adequate nutrition include the following: a) a “healthy food plate” (half of the plate – vegetables and fruits, a quarter – protein foods, a quarter – whole grains (cereals, whole grain bread); b) variety (including proteins, fats, carbohydrates, vitamins and minerals in the diet); c) regimen and hydration (regular meals (3 main meals + snacks) and sufficient water); d) safety (foods must be high-quality, safe and nutritious); e) moderation (avoiding excessive consumption of salt (up to 5 g/day), sugar and fatty foods).

In Ukrainian legal science, there are different approaches to understanding the right to adequate nutrition. For example, Y. V. Kyrychenko considers the right to adequate nutrition as the right, first of all, to high-quality and high-calorie food so that a person does not feel hungry [3, p. 345]. According to G. A. Prochazka, the

right to adequate food can be defined as the right of every person to have constant and unlimited access to food and food products in quantity and quality sufficient to meet their dietary and cultural needs, and to receive, in accordance with their preferences, safe food, which will be necessary for the full maintenance of their physical and mental strength [7, p. 264].

Foreign scientists define the right to adequate food “as stable access to food in quantity and quality sufficient to meet one’s dietary and cultural needs” [8, p. 69], as “the suitability of food products in quantity and quality necessary to meet a person’s dietary needs, in the absence of hazardous components and suitable within a certain culture, as well as stable availability of such products, if this is not associated with a violation of other human rights” [9, p. 8]. The content of the right to adequate food includes the requirements of accessibility, suitability of food products, their acceptability, quality, satisfaction of dietary needs, religious, cultural, ethnic preferences. Its provision is associated with solving the problems of employment, age, disease, state of war, access to land, resources, etc. [10, p. 117].

Therefore, the right to adequate food can be defined as the possibility for everyone to have free, stable economic and physical access to high-quality and safe food in quantities necessary and sufficient to fully satisfy a person’s physiological needs for food, taking into account their age, health status, dietary needs, as well as religious, ethnic, and cultural preferences. As a component of the right to an adequate standard of living, the right to adequate food is a basic natural human right and has priority in guaranteeing the right to an adequate standard of living, compared to clothing or housing. After all, a person cannot exist without food, and insufficient food negatively affects health and can pose a threat to human life.

Under martial law in Ukraine, the situation with the realization of the right to adequate food has become even more difficult. Thus, the Food Security Strategy of Ukraine for the period until 2027, approved by the order of the Cabinet of Ministers of Ukraine dated July 23, 2024 No. 684-r, states that according to the indicator “Food accessibility” Ukraine received 48.1 points out of 100 and is in 93rd place in the world and 26th place out of 26 European countries. The worst indicator of Ukrainian food security is “Sustainability and Adaptability” (43.5 points out of 100 and 94th place in the Global Food Security Index), which reflects the presence of significant problems with access to and management of water resources, as well as shortcomings in the risk management system. The only indicator that shows a better situation is “Food Quality and Safety Factor” (71.3 points out of 100 or 52nd place in the Global Food Security Index). According to its estimates, Ukrainians consume enough high-quality protein, and food products are generally safe, although the diet of the average Ukrainian is not distinguished by diversity

The right to adequate food during martial law in Ukraine remains fundamental, ensuring access to sufficient and quality food as a component of the right to life and a decent standard of living. The implementation of everyone’s constitutional right to adequate food is ensured by the state’s internal function of guaranteeing food security.

In Article 2 of the Law of Ukraine “On the Principles of State Agrarian Policy and State Policy of Rural Development” of June 24, 2004, food security is defined as the protection of a person’s vital interests, which is expressed in the state guaranteeing unhindered economic access of a person to food products in order to maintain his or her normal life activities. The above normative definition has been subject to justified criticism in the legal literature, since it reflects only one aspect of food security in Ukraine - the economic accessibility of food products for the population. In addition, national regulatory legal acts do not define the components of food security, its principles, criteria, do not provide for an institutional and functional mechanism for its provision, etc. [11; 12].

One of the first laws that was adopted almost immediately after the introduction of martial law in Ukraine in February 2022 was the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Regarding the Creation of Conditions for Ensuring Food Security under Martial Law” of March 24, 2022. An analysis of this Law shows that its provisions were aimed at ensuring the realization of everyone’s right to adequate nutrition under martial law by introducing temporary special legal mechanisms for acquiring and exercising rights to agricultural land for sowing in the spring of 2022. In legal science, T. V. Kurman quite rightly draws attention to the fact that the specified Law “actually deals only with the creation of conditions for attracting land resources to agricultural production, while the issue of ensuring food security is not resolved by the

said Law and, unfortunately, does not form a legal mechanism for guaranteeing food security under martial law” [13, p. 16].

In addition to guaranteeing food security under martial law, the state applies economic and legal mechanisms aimed at ensuring and protecting everyone’s right to adequate food, in particular:

1) Ensuring safe and balanced nutrition for children in educational institutions, which is of particular importance in martial law. In conditions of constant threats to the life and health of children, providing high-quality nutrition in educational institutions becomes a form of their protection, support for physical and psychological well-being. On October 8, 2025, the Cabinet of Ministers of Ukraine amended the Resolution of March 24, 2021 No. 305 “On Approval of the Norms and Procedure for Organizing Nutrition in Educational Institutions and Children’s Health and Recreation Institutions”, which take into account today’s needs of children, adapt the requirements to the realities when traditional hot meals may be impossible due to emergency situations. This document defines the procedure for organizing nutrition for children, teachers and staff while staying in civil defense shelters. The founders of institutions are obliged to create reserves of water and long-term storage products, this applies to both ready-made chilled products and dishes from the buffet range to replace hot meals. It is worth noting that these changes allow for the provision of food even in local storage facilities or basements of schools during air raids or emergencies, and that this list and norms apply not only to students/children, but also to employees of educational institutions, children’s health and recreation facilities [14]. From September 2026, Ukraine plans to introduce free hot meals for all students in grades 1-11, for which the Government has allocated almost UAH 5.9 billion in subventions.

2) Providing full nutrition to the defenders of Ukraine. The nutrition of the military is carried out in accordance with state standards, which provide a full ration per day. These issues are regulated by the Resolution of the Cabinet of Ministers of Ukraine “On the Nutrition Standards of Military Personnel of the Armed Forces, Other Military Formations and the State Service for Special Communications and Information Protection, Police Officers, Privates, and Commanding Officers of Civil Defense Bodies and Units” dated March 29, 2002 No. 426. In field conditions, military personnel are provided with individual rations, and during a stationary stay, three or four meals a day, depending on the provision standards. The energy value of the daily ration of military personnel is not less than 3500 kcal. The purchase of products is carried out according to the approved Catalog, which includes 360 items. This allows you to form a balanced and varied menu for Ukrainian defenders. The food packages of military personnel according to the Product Catalog are purchased by the Ministry of Defense agency “State Rear Operator”. Their number is formed by the Command of the Logistics Forces of the Armed Forces of Ukraine, which submits a generalized application to the Procurement Policy Department of the Ministry of Defense of Ukraine. According to the results of the procurement, the price and calorie content are indicated for each product item [15]. The Resolution of the Cabinet of Ministers of Ukraine dated August 13, 2024 No. 955 (as amended on November 15, 2024 No. 1299) approved the Procedure for ensuring improved nutrition of military personnel during treatment in healthcare institutions of all forms of ownership and subordination in accordance with the standards applied in military medical institutions.

3) Providing food to internally displaced persons. For these persons, the current legislation provides for: a) free hot meals for children with the status of an internally displaced person in preschool, general secondary and vocational education institutions (Law of Ukraine “On Amendments to Certain Laws of Ukraine Regarding the Provision of Free Meals to Children of Internally Displaced Persons” of January 16, 2020); b) cash assistance for housing for internally displaced persons, which is intended, in particular, for independent purchase of food; c) centralized humanitarian assistance, which the Government of Ukraine coordinates through regional military administrations the distribution of food packages in regions with the largest number of displaced persons.

4) Ensuring uninterrupted supply of imported food products and feed during martial law. The Resolution of the Cabinet of Ministers of Ukraine “On measures to ensure uninterrupted supply of imported food products and feed during martial law” dated March 9, 2022 No. 234 provides that for the period of martial law, food market operators who, as a result of military (combat) actions, are unable to fulfill the requirements of Article 10 of the Law of Ukraine “On Information for Consumers on Food Products” dated December 6,

2018 regarding information on imported food products may sell food products on the customs territory of Ukraine, information about which is presented in a language other than the state language. In this case, the batches of the specified food products must be accompanied by mandatory information about the food product, set out in the state language. Such information is provided at the request of consumers by food market operators who sell food products, in the manner determined by such operators. The labeling of food products and feed imported (sent) to the customs territory of Ukraine as humanitarian aid may be set out in a language other than the state language.

5) Simplification of food labeling during martial law. According to the Resolution of the Cabinet of Ministers of Ukraine "Some Issues of Food Labeling during Martial Law" dated March 3, 2022 No. 186, for the period of martial law, mandatory information on food labeling should be: name of the food product; quantity of the food product in established units of measurement; minimum shelf life or "use by" date; information about any ingredients or processing aids that cause allergic reactions or intolerance.

6) Preventing food shortages for domestic consumption. The Resolution of the Cabinet of Ministers of Ukraine "On Amendments to Appendices 1 and 5 of the Resolution of the Cabinet of Ministers of Ukraine No. 1424 of December 29, 2021" of March 5, 2022 introduced a de facto ban (zero quotas) on the export of strategically important food products and raw materials to ensure the food security of Ukraine under martial law. The volume of quotas "0" was established for the following goods: rye, oats, buckwheat, millet, sugar, salt. The export of live cattle and meat fell under the ban. The list of goods whose export requires a license was also expanded. The list included critically important agricultural products: wheat and a mixture of wheat and rye (meslin), corn, poultry meat, chicken eggs, and sunflower oil.

7) Ensuring state support for agricultural producers under martial law. In the legal science of Kh. A. Hryhorieva, special legal mechanisms aimed at state support for agricultural producers under martial law include: a budget subsidy per unit of cultivated agricultural land for economic activity - in the amount of 3,100 UAH per 1 ha, but not more than 372,000 UAH for one recipient; a special budget subsidy for keeping cattle (cows) - in the amount of 5,300 UAH per cow, but not more than 530,000 UAH for one recipient; grants for the creation or development of horticulture, berry growing and viticulture in the amount of no more than 70% of the cost of the planting project, but not more than 10 million UAH, provided that it is co-financed by the recipient's funds; grants for the creation or development of greenhouse farming [16].

**5. Conclusions.** The right to adequate food is the possibility for everyone to have free, stable economic and physical access to high-quality and safe food in quantities necessary and sufficient to fully satisfy a person's physiological needs for food, taking into account their age, health status, dietary needs, as well as religious, ethnic, and cultural preferences. As a component of the right to an adequate standard of living, the right to adequate food is a basic natural human right and has priority in guaranteeing the right to an adequate standard of living, compared to clothing or housing. After all, a person cannot exist without food, and insufficient food negatively affects health and can pose a threat to human life.

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**Tetiana Kovalenko,**

*Doctor of Law, Professor*

*Leading Researcher*

*Department of Agrarian, Land, Environmental and Space Law*

*V. M. Koretsky Institute of State and Law*

*National Academy of Sciences of Ukraine*

*E-mail: kovalenko.tetyana@gmail.com*

*ORCID: 0000 0002 7103 6209*