

Briefing for the Public Petitions Committee

Petition Number: [PE1733](#):

Main Petitioner: Peter Ritchie on behalf of Scottish Food Coalition

Subject: Human right to adequate food

Calls on the Parliament to urge the Scottish Government to make the Right to Food part of Scots Law.

Background

The [Universal Declaration of Human Rights](#), proclaimed by the United Nations General Assembly in Paris on 10 December 1948, states at Article 25 that:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”.

The UN Food and Agriculture Organisation (FAO) states that:

“Enough food is produced to feed everyone – however over 820 million people are currently suffering from chronic hunger. Every woman, man and child has the right to adequate food”.

The FAO “key policy messages” [state](#):

The right to adequate food is a legal obligation under international law. First recognized as a human right in the Universal Declaration of Human Rights (Article 25) in 1948, there are now 169 States Parties (as of May 2019) to the International Covenant on Economic, Social and Cultural Rights. This is a binding agreement, which provides a legal guarantee for the fundamental right to be free from hunger as well as the progressive realization of the right to adequate food (Article 11).

Article 24 of the [United Nations Convention on the Rights of the Child](#) (UNRC) outlines that States Parties:

“shall pursue full implementation of this right and, in particular, shall take appropriate measures: (a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution”

Special Rapporteurs are independent experts appointed by the [UN Human Rights Council](#) to examine and report back on a country situation or a specific human rights theme. For the [Special Rapporteur on the right to food](#) this:

“is the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear. This definition is in line with the core elements of the right to food as defined by General Comment No. 12 of the United Nations Committee on Economic, Social and Cultural Rights (the body in charge of monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights in those states which are party to it). The Committee declared that “the right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food will have to be realized progressively. However, States have a core obligation to take the necessary action to mitigate and alleviate hunger even in times of natural or other disasters”.

[Sustainable Development Goal 2](#), is to end hunger, achieve food security and improved nutrition and promote sustainable agriculture. This Goal “recognizes the inter linkages among supporting sustainable agriculture, empowering small farmers, promoting gender equality, ending rural poverty, ensuring healthy lifestyles, tackling climate change, and other issues addressed within the set of 17 Sustainable Development Goals in the Post-2015 Development Agenda”.

In July 2019, an [open letter](#) to the First Minister, with over 70 signatories, including the UN Special Rapporteur on the right to food, called for the Good Food Nation Bill to be brought forward before the end of this Parliament, stating that:

“Enshrining the right to food in Scots law supports the Government’s commitment to strengthening human rights in Scotland. It also brings together issues of dignified access, land use, health and sustainability,

with strong connections to the Sustainable Development Goals and the National Performance Framework”.

Scottish Government Action

The Scottish Government’s Programme for Scotland 2019-20 includes a number of statements in relation to human rights, including:

- The Programme [...] builds on our reforms to the justice system and our commitment to human rights.
- The National Taskforce for Human Rights Leadership will continue its work to establish a legislative framework for a Scottish Bill of Rights. This will be preceded, by the end of this Parliament, by legislation to incorporate the United Nations Convention on the Rights of the Child.
- Our work to tackle poverty is built on the firm belief that inequality is a human rights issue that we must do everything we can to overcome.
- Poverty and inequality are human rights issues. Our vision is for every person in Scotland to live with human dignity and enjoy their rights in full. We will continue to take action to reduce child poverty, tackle food insecurity and make sure that the voices of those who experience poverty are heard.
- The National Taskforce for Human Rights Leadership will work to ensure that Scotland is a world leader in putting human rights into practice. It will develop a new statutory framework which will help to safeguard the human rights of everyone in Scotland.
- We are committed to incorporating the [United Nations Convention on the Rights of the Child](#) (UNCRC) into Scots Law. We will deliver the legislation needed to do this by the end of this Parliamentary term. Our consultation on how a new Act could incorporate the UNCRC has just closed, and we will respond to this in the coming months”.

The Programme further states:

“The First Minister’s Advisory Group on Human Rights Leadership presented its recommendations at the end of 2018. We have now established a National Taskforce for Human Rights Leadership which will work to ensure Scotland is a world leader in putting human rights into practice. It will focus on the development of a new statutory framework which will help to safeguard the human rights of everyone in Scotland. It will drive work to give practical effect to the protections provided by other treaties and obligations, including the Convention on the Elimination of all forms of Discrimination Against Women, and bringing them into domestic law. The Taskforce will report on its work in 2021”.

On food insecurity the Programme states:

“We know that too many people struggle with the cost of food and our commitment to the UN Sustainable Development Goals means that our goal is for zero hunger in Scotland”.

Good Food Nation policy

In 2014, the Scottish Government published the national food and drink policy [Becoming a Good Food Nation](#) with the vision that:

“by 2025 Scotland will be “a Good Food Nation, where people from every walk of life take pride and pleasure in, and benefit from, the food they produce, buy, cook, serve, and eat each day.”

In 2015, the non-statutory [Scottish Food Commission](#) was established, reporting in 2017 that:

“there should also be a right to good food for all. This requires political will, public support and a long-term approach, and a partnership between government and local authorities”.

In December 2018, the Scottish Government [consulted](#) on proposals or legislation around the Good Food Nation policy. This stated:

“Scottish Ministers undertook, in response to recommendations from the Short Life Working Group on Food Poverty in 2016, to explore whether a right to food might potentially be reflected in domestic legislation. This consultation proposes that the legislation which establishes the Good Food Nation framework will have regard to the international human rights framework, in line with Scotland’s well-established human rights obligations. Rather than seeking to incorporate a right to food in isolation from any larger package of human rights measures, the Good Food Nation framework will focus on embedding processes for ensuring that the substance of the right to food has effect as a matter of everyday good practice. The option of exploring a right to food which is directly enforceable as a matter of Scots law has not been ruled out. It is best considered, however, as part of the wider work on incorporation currently being done by the First Minister’s Advisory Group on Human Rights Leadership. The Group reported in December 2018 and full account will be taken of its recommendations, including in relation to incorporation of the right to food”.

The Good Food Nation Bill was announced in the Scottish Government’s legislative programme in the Programme for Scotland for 2019-2020:

“The food and drink industry is a vital part of Scotland’s economy and of rural and island communities across the country. We are working towards a Scotland where people benefit from and take pride and pleasure in the food we produce, buy, cook, serve and eat every day. We will lay before Parliament a Good Food Nation Bill to provide a statutory framework to support this ambition”.

And:

“This Bill will underpin the significant work already being done – or planned – to deliver the Good Food Nation ambition in Scotland. It places responsibilities on Scottish Ministers and selected public bodies to set out statements of policy on food and to have regard to these statements in the exercise of relevant functions”.

At the time of writing, there is no detail on when the Bill will be introduced in the Parliament.

Scottish Parliament Action

The idea of a right to food has been raised on a number of occasions in the Scottish Parliament. Examples include a [debate](#) on 13 September 2018 and a [debate](#) on 3 April 2019, from which the following is extracted:

Mark Ruskell (Mid Scotland and Fife) (Green):

Will the minister enshrine a right to food in the forthcoming good food nation bill?

Joe FitzPatrick:

Through the good food nation bill, we will look at how we can give better effect to a rights-based approach in practice, as we have done with social security.

Graeme Cook

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11/09/2019

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