



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITION NO.

PE01733

Name of petitioner

Peter Ritchie on behalf of Scottish Food Coalition

Petition title

Human right to adequate food

Petition summary

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

Action taken to resolve issues of concern before submitting the petition

I served as a member of an independent working group on food poverty convened by the then Cabinet Secretary Alex Neil MSP in 2015 which recommended that *'The Scottish Government should explore how the right to food can be enshrined within Scots Law'*.

Since 2016, I have worked with others to convene the Scottish Food Coalition, a network of more than 30 local and national organisations. The Coalition has repeatedly pressed the Scottish Government to progress their commitment to a 'Good Food Nation' Bill, which would read across a wide range of food issues, including food insecurity. The Coalition believes that this Bill should have the right to food as its cornerstone and highlighted this in their response to Scottish Government's Good Food Nation consultation in December 2018.

Petition background information

Introduction

According to international law, everyone has a right to adequate food and to a food system that treats people and the environment fairly. However, without protection in Scots Law these rights cannot shape policy or practice and cannot be enforced in Scotland.

Putting the right to food into Scots Law is key to securing a socially and environmentally just food system in Scotland.

Policy

Whilst policy has an important role to play, we need legislation to ensure transformational change in our food system. To date, our siloed policy initiatives have

not delivered substantive results.

For example, over twenty years on from the Scottish Diet Action Plan in 1996, the Scottish diet has still not changed, and we remain the most overweight nation in Europe.

Similarly, in the last ten years, there has been no improvement in our use of nitrogen and pesticides, despite knowledge of their significant environmental impact.

A Good Food Nation Bill offers the chance to embed food-related policy in a human rights framework. This will allow a co-ordinated approach to be taken towards a wide range of issues and provide new mechanisms for governance, reporting and accountability.

Crucially, legislation will help to maintain progress and prevent any backwards steps.

Human Rights Context

The International Covenant on Economic, Social and Cultural Rights (ICESCR), which includes the right to an adequate standard of living, to food and to be free of hunger, recognises the value of legislating to protect and safeguard rights, stating that national legislation is desirable, and sometimes indispensable, in implementing Covenant rights.

Similarly, the Office of the High Commissioner for Human Rights highlights that legislation can help ensure Governments, Government departments and other agencies work together to protect food-related rights, stating: “The legal framework for institutional coordination is particularly important for the right to food, responsibilities for which typically go well beyond the mandate of any one sectoral ministry.”

The UN Committee on Economic, Social and Cultural Rights believes that States should consider adopting a framework law as a means of successfully implementing a right to food national strategy.

The former UN Special Rapporteur on the right to food has also previously supported a national framework law as a means of ensuring individuals’ rights to food were respected, protected and fulfilled.

By incorporating the right to food into a framework law on good food, the Scottish Government would be demonstrating leadership in a UK context, and building upon work already done at an international level.

First Minister’s Advisory Group on Human Rights Leadership

The First Minister’s Advisory Group on Human Rights Leadership published their report in December 2018. This recommended that primary legislation be brought forward, which would ‘re-state the rights already provided under the Human Rights Act 1998’ and ‘provide further rights drawn from UN treaties ratified by the UK, but not yet incorporated, including economic, social and cultural, as well as environmental rights’.

The report also states that nothing in their recommendations for new human rights legislation should “supersede, undermine or otherwise negatively impact any more comprehensive proposals for the protection of human rights by the Scottish Government.”

When the Scottish Government first responded to the independent working group on food poverty in 2016, then Cabinet Secretary Angela Constance stated that she was ‘committed to exploring a range of options, including looking into potentially enshrining the right to food in Scots Law’.

In the Scottish Government’s consultation on a Good Food Nation in December 2018, the call from the Coalition and others to enshrine the right to food in legislation was acknowledged. However, it was proposed that this should be considered as part of wider legislation to strengthen and codify human rights in Scotland.

The Coalition believes that the incorporation of the right to food within the legislation which establishes the Good Food Nation framework is complementary and supportive of any forthcoming human rights legislation.

Under the Scotland Act 1998, it is within devolved competency to observe and implement international human rights obligations. The Scottish Government therefore has the power to take steps to realise, and progressively realise, the right to food in line

has the power to take steps to realise, and progressively realise, the right to food in line with these obligations.

Wider Scottish Context

The Scottish Government has made several high-level commitments relevant to this petition. These include incorporating the UN's Sustainable Development Goals into the Scottish Government's National Performance Framework, as well as creating a National Performance Outcome stating that 'we will respect, protect and fulfil human rights' and ensure that everyone can live 'free from discrimination'.

The incorporation of the right to food in a Good Food Nation Bill would advance these aims. It would also assist in navigating the potential impacts of exiting the EU, which could affect the availability, accessibility, quality and sustainability of food in future.

Support for Legislation

There is widespread support for legislating on the right to food across communities in Scotland:

- Throughout the Good Food Nation consultation period, the Coalition held 60 different events across Scotland, from Motherwell to Dalkeith, Stirling, Dundee and Inverness, engaging with around 1,600 people. Throughout this engagement there was clear support for the right to food.
- Working closely with community groups, I have seen evidence of wide-spread support for a right to food across Scotland. These groups include community food initiatives, communities with lived-experience of food insecurity, small-scale producers and BME communities. They overwhelmingly support putting the right to food into Scots Law and believe it will make a meaningful difference. Their voices should be given weight in this conversation.
- There is evidence that the farming and food industry can also see the benefits of a coordinated approach towards the right to food, underpinned by legislation. At the 2017 stakeholder summit organised by the Scottish Food Commission, there was widespread support from the food and drink sector for a Good Food Nation Bill and for the right to food.
- Civil society has also demonstrated strong support for the right to food. In my role as Director of Nourish Scotland, I am a member of the Scottish Food Coalition, a cross-sectoral network of organisations, including the Trussell Trust, Independent Food Aid Network, Health and Social Care Alliance, Obesity Action Scotland, WWF, RSPB Scotland, Nourish Scotland, Unison and Unite. The network supports framework legislation based on the right to food, understanding the important role a rights-based model can play in joining up food systems governance, and the significant impact it can have across different sectors.
- The Scottish Human Rights Commission has also demonstrated strong support, stating in their response to the Scottish Government's Good Food Nation consultation: "the Commission believes that legislative proposals to build a Good Food Nation provide an excellent opportunity to take a rights-based approach to the food system and incorporate the right to food in Scotland."
- At the recent SNP conference, 70 SNP members, councillors, MPs and MSPs supported the statement: "I believe the government should make sure the people of Scotland can afford nutritious food, our hardworking food and drink producers are treated fairly and our incredible natural environment is protected. I support putting the Right to Food into Scots law." Additionally, 100 SNP members provided their contact details to Coalition members, indicating interest in learning more about the campaign.
- From the Coalition's meetings with MSPs from other parties, there is clear cross-party support in the Scottish Parliament for a Good Food Nation Bill, for the right to food and for the sectoral measures and targets proposed by the Coalition.

Conclusion

The Government should deliver on its manifesto commitment to bring forward a

framework Bill based on the right to food. It will be effective, popular and world-leading. The Scottish Food Coalition and communities across Scotland are ready and waiting to help the Scottish Parliament and the Scottish Government deliver it.

Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/RighttoFood>

Related information for petition

<http://www.foodcoalition.scot>

<http://www.scottishhumanrights.com>

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

How many signatures have you collected so far?

0

Closing date for collecting signatures online

22 / 08 / 2019

Comments to stimulate online discussion

- Food is at the heart of some of Scotland's biggest challenges, from inequality to ill health to ecological damage. It is a fundamental human right to have access to adequate, fairly-produced food.
- Scotland has only just started to measure food insecurity, but it is unacceptably high and amongst the highest rates in Europe. We have a food system of injustice. Many people are priced out of a decent diet, reliant on foodbanks and suffering the consequences of poor nutrition.
- We do not value the people who work to produce and process food, the farm animals, or the wildlife and natural resources, which enable us to eat well.
- The right to food should be part of Scots Law. The Scottish Government should take responsibility for transforming the food system and make sure it is founded on principles of social and environmental justice.