

Scottish Food Coalition

Right to Food Commission - Evidence from Scottish Food Coalition

The [Scottish Food Coalition](#) brings together more than 80 organisations with a shared commitment to the right to food and to a fairer food system in Scotland.

1 Background

The Coalition has advocated for the right to food since it was set up in 2015. The right to food is not only integral to the right to an adequate standard of living (Article 11 of the International Covenant on Economic, Social and Cultural Rights) but, as General Comment 12 states, “It is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies... orientated to the eradication of poverty ...”

This is why Scottish civil society has advocated so hard, to introduce a Scottish Human Rights Bill which incorporates ICESCR and the Right to a Healthy Environment. Only in this way can we have an intersectional human rights-based approach to tackling the entrenched causes of poverty and environmental degradation on global, national and local scales.

The Coalition was successful in securing the Good Food Nation (Scotland) Act 2022 which requires the Scottish Government to think about food as an interconnected system, requiring the Scottish Government, Local Authorities and health boards to create food plans. It also establishes the Scottish Food Commission as an independent oversight body.

This is a useful framework law as recommended by General Comment 12. But it is not enough without a legally protected right to food and the associated Access to Justice requirements including robust accountability / complaints mechanisms, enhanced regulatory powers, and ‘the teeth’ of effective judicial routes to remedy. Without this, we cannot uphold our human right to available, accessible, adequate and sustainable food.

The right to food has been elaborated by the UN in General Comment no 12 (1999). This defines the core content of the right to adequate food as:

“The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.”

It also makes clear that dignity is an inherent aspect of the right to food. The right to food implies agency and choice – it is not except in extreme circumstances the right to be fed,

2 The right to a healthy environment

The intersection of the right to a healthy environment with economic, social and cultural rights, was made explicit in the UN General Comment 27 (2025) on economic, social and cultural rights and the environmental dimension of sustainable development. This recognises how “planetary environmental threats are driven by unsustainable levels of production and consumption”, jeopardising the equal realisation of ESC rights for all.

Briefly, the right to a healthy environment comprises six interdependent features which require standalone protection: clean air, safe climate, safe and sufficient water, non-toxic environments, healthy ecosystems and

biodiversity and healthy and sustainable food, as well as strengthening access to justice in compliance with the Aarhus Convention (see The substantive right to a healthy environment (ERCS, 2025)).

Incorporation of the right to a healthy environment would provide the road map to implement GCESCR General Comment 12 (s.7) that the adequate right to food implies sustainability for present and future generations.

Incorporation into Scots law has the potential to reprioritise budgetary choices to tackle environmental, socio-economic and health inequalities, connecting the dots between a healthy environment and healthy lives, and mutually reinforcing policy objectives to enhance wellbeing and sustainable development.

UN Special Rapporteurs have collated evidence which show how the recognition of this right contributes to better human rights outcomes (e.g rights to life, health, food, water and development) because it encourages stronger environmental laws and policies; and improved implementation and enforcement. The Right to a Healthy Environment in Practice: A Decade Before the Courts (2015-2025) and the R2HE Toolkit and database. detail how the right to a healthy environment is a fundamental legal instrument for addressing the planetary emergencies of climate change, nature and biodiversity loss, and pollution and waste.

Realising the right may have short-term costs with regard to awareness raising and capacity building among duty holders but introducing a rights-based approach will stimulate long-term efficiencies by addressing current inequalities and health costs and promoting the polluter pays and precautionary principles.

3 Next steps on the right to food

The Coalition lobbied hard to get the right to food in the Good Food Nation Bill but were unsuccessful – although the GFN Act refers to the right in its general principles. We were persuaded to wait for the incorporation of ICESCR in the Scottish Human Rights Bill.

In February 2024, Scottish Labour MSP Rhoda Grant lodged a Member's Bill to enshrine the Right to Food in Scots Law. But this ran out of parliamentary time and was not supported by the Scottish Government. As a Member's Bill, it wasn't as comprehensive as incorporating ICESCR and RtHE with robust accountability measures and access to justice mechanisms and resource for capacity building in the public sector.

The human rights bill has been in the making for a while, with much of the groundwork having been done by previous taskforce. There was a consultation on the proposed Bill in 2023. However, the Bill was not taken forward in 2024 as promised, for a variety of reasons including a lack of parliamentary time and unresolved issues about the limits of devolved competences.

The SNP committed in its 2026 manifesto to bring forward human rights legislation and the [latest report](#) by Scottish Government in 2025 sets out the next steps to be taken. We expect the legislation to be announced in September as part of the Programme for Government.

One of the many positive proposals for the new legislation is that 'dignity' will be set out as a core principle for implementation, and can be taken into account by the courts.

4 How would having a right to food be delivered on the ground?

The building blocks are in place with the GFN Act as framing legislation. This requires the Scottish Government, Local Authorities and health boards to create crosscutting food plans. And the Scottish Food Commission (launched in March 2026) for independent oversight, if resourced and delivered well, will hold the authorities to account for delivery.

The Act requires authorities to consider key outcomes across the food system:

(a) social and economic wellbeing,

(b)the environment, including in particular in relation to—

(i)climate change, and

(ii)wildlife and the natural environment,

(c)health and physical and mental wellbeing (including in particular through the provision of health and social care services),

(d)economic development,

(e)animal welfare,

(f)education, and

(g)child poverty.

The first national plan produced by the Scottish Government in 2025 sets out 6 outcomes:

- **Outcome 1:** The food environment in Scotland enables people to eat well. Everyone benefits from reliable and dignified access to safe, nutritious, affordable, enjoyable, sustainable and age-appropriate food.
- **Outcome 2:** Scotland's food system is sustainable and contributes to a flourishing natural environment on our land and in our waters. It supports our net zero and climate adaptation ambitions and plays an important role in protecting and improving animal health and welfare and in restoring and regenerating biodiversity.
- **Outcome 3:** Scotland's food environment and wider food system enables and promotes a physically and mentally healthy population. This leads to the prevention of, and a reduction in, diet-related conditions.
- **Outcome 4:** Our food and drink sector is prosperous, diverse, innovative, and vital to national and local economic and social wellbeing. It is key to making Scotland food secure and food resilient, and creates and sustains jobs and businesses underpinned by fair work standards throughout food supply chains.
- **Outcome 5:** People and communities are empowered to participate in, and shape, their food system. Scotland has a thriving food culture with a population who are educated about good and sustainable food.
- **Outcome 6:** Decisions we make in Scotland contribute positively to local and global food systems transformation. Scotland actively engages in learning and exchanging knowledge and best practice internationally.

It also sets out some indicators for measuring progress. However, it includes no new targets, no additional resources and no new initiatives.

The implementation of the plan has been less effective because the lead department is the food and drink industry division within the Agriculture and Rural Economy Directorate. While there have been efforts to develop interdepartmental co-operation and an interministerial working group, the Good Food Nation agenda has not yet developed a high profile or secured First Minister backing. (These are all relevant considerations for securing progress at Westminster).

Scotland has lagged England in agricultural reform and is still essentially operating under the pre-2020 CAP regime, rewarding land ownership rather than delivery of public goods. This is slowing down progress towards more sustainable food production.

Most progress has been made in other areas, notably social security where the Scottish Child Payment has made a dent in child poverty and Best Start Foods has achieved high uptake and satisfaction. Delivering Best Start

Foods (the Scottish equivalent of Healthy Start) through Social Security Scotland (rather than the NHS) has allowed wider access and automatic enrolment.

In 2023, the Scottish Government published a 9 point plan – ‘Cash first – towards ending the need for food banks in Scotland’. As part of this, 8 local authorities developed new projects to implement cash first approaches, some highly successful. This plan has not yet been renewed, but is a practical example of implementing the right to food and would be a good fit in England with the introduction of the Crisis Resilience Fund.

Universal free school meals have also made a contribution, though rolling this out has not been straightforward and to date there have only been pilots in secondary schools. Cash payments by Councils to families in the school holidays (see for example <https://www.facebook.com/officialdundeeecity/posts/on-friday-3-july-a-7440-holiday-support-payment-will-be-made-to-each-child-in-p1/1321018310219385/>)

have been a more effective way of supporting children’s nutrition than schemes which require children to participate in holiday activities to access food.

In 2025, SG published their [population health framework](#) which seeks to prioritise primary prevention. While their proposals for improving nutrition are too narrowly focused on obesity, if these are implemented it will mark a step forward in regulating the food environment. This area of work is part of delivering on the ‘adequate’ element of the right to food: it is not just about enough calories.

Most recently, price caps in supermarkets have been proposed as a way to improve public health by making food more affordable

However, the key thing that is missing is a right to food. This changes the relationship between the state and its people, creating a duty for the state to ensure affordable, sustainable and culturally appropriate nutrition of its population.

The incorporation of this right into Scots law would make it unlawful for public bodies to act in a way that is incompatible with the right to food.

5 What resources are needed to deliver a right to food to make it meaningful for people who are food insecure?

Our preferred approach is to cost a nutritionally adequate, culturally valued shopping basket and to express that as a % of disposable income - the same way as we define fuel poverty in terms of how much of your income do you need to spend to be warm enough (SG specifies the degrees in the living room and the bedroom).

This is a similar approach to the Minimum Income Standard and the Guarantee our Essentials work, but more fine grain - it’s important to base it on a culturally valued diet and also to make allowance for higher food prices in rural areas. See for example <https://www.nourishscotland.org/wp-content/uploads/2025/04/ORTF2-Pakistani-households-in-Scotland.pdf>

Say the agreement is that if food is more than 25% of disposable income you’re in food poverty, it’s possible to calculate what it would take either to raise incomes or to provide a food top-up so that no-one had to spend above that threshold to eat well.

Doing this work would be part of getting ready for implementation. And the Commission is already talking about relinking social security payments to reflect the cost of living.

6 What does being a 'good food nation' mean for people in food insecurity?

The Good Food Nation ambition is that everyone can take pride and pleasure in their food - not that everyone has enough calories to live. The GFN legislation reads across all the dimensions of the right to food, including agency.

There's a narrative that people who are food insecure are hungry and need to be fed. This diminishes people: we know that it's still important for people to have agency and dignity; to have culturally valued food. And we know that people still care about animal welfare, sustainability and fairness – though they may not be able to act on those concerns when the money has run out.

The Coalition does not see food redistribution as an effective or dignified approach for reducing food insecurity. It leaves people dependent on charity rather than able to claim the right to food.

The good food nation is about good food for all, breaking the link between income and diet. · A good food nation for Scotland: Why and How (Scottish Food Coalition, 2022) provides a comprehensive analysis of the systems approach required to address the interconnecting challenges facing our food system:

- Food insecurity -> food secure households
- Unsustainable farming and fishing -> sustainable farming and fishing
- Costs-driven public food -> local sustainable public food
- Unhealthy food environments -> enabling food environments
- Climate, nature and pollution crisis -> healthy nature and climate
- Undervalued food sector workers -> valued sector workers
- Poor animal and fish welfare -> high animal and fish welfare
- Diet-related illness - healthy diets
- Extractive supply chains – thriving local food businesses

How does 'a right' transpose into delivery on the ground?

There are different stages. See Prof Nicole Busby's analysis Current Priorities for Human Rights Incorporation Scotland (Busby, Oct 2025)

First, passing the law

The proposal is to transpose the actual wording, as far as possible within devolved competence, of ICESCR and the other treaties (CERD, CEDAW, CRPD) into new domestic legislation; and to include the right to a healthy environment.

There will be a compliance duty placed on relevant duty bearers: Scottish Ministers, local authorities, health boards, third sector orgs and businesses delivering public services.

Amendment to the Scotland Act 1998 would mean the duty could extend beyond devolved functions originating from Acts of the Scottish Parliament/ SSI etc: 'the devolution carve out' following 2021 Supreme Court judgement in the UNCRC incorporation.

The compliance duty to meet certain 'minimum core obligations' and to implement the principle of progressive realisation of full rights (non-regression and with the maximum of available resources available in line with international legal standards). Minimum standards agreed through participatory stakeholder involvement.

Second, building capability

It is imperative to invest in capability building (not capacity building) with public bodies. There has been some good progress on this:

The SG Human Rights and Disability Division convened an Oversight Board (chaired by the Minister for Equalities) and Capability Building Working Group for the HR Bill which really helped in building a common agenda and collaboration between sectors (public and third).

A mainstreaming strategy and action plan of training, leadership events and practical resources to support officers in applying human rights approaches within their specific professional contexts.

Engagement and buy-in from COSLA, Improvement Service and NHS Education for Scotland which had been missing previously. In one year there had been far greater understanding and appetite from local authorities, health boards, health and social care partnerships to integrate human rights thinking into existing systems and processes.

A newsletter charting progress.

Third, mainstreaming human rights

We must integrate human rights thinking into existing systems and processes and call it this (often rights-based approaches are being used but not recognised as such).

ICESCR consideration duty in all decision-making processes (could be a 'due regard' duty) in preparation for the compliance duty: legislation, policy, budgetary decision-making.

Failure to comply would potentially result in rights breaches being heard by the Scottish courts and tribunals.

Learning from the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024)

Look at Together, the Scottish Alliance for Children's Rights work which explains how the UNCRC (Incorporation) (Scotland) Act 2024 is being put into practice and civil society monitoring and evaluation via the #RightsOnTrack campaign.

The Children's Scheme is a duty on Scottish Government. There's no equivalent duty on the wider public sector but the duty and s6 compatibility applies within devolved competence and listed public authorities have to report on what they have done - and will do - to further the UNCRC every three years.

The Children's Scheme itself has been really useful in pushing SG to set out what it's doing to further the 'general measures of implementation' so that includes impact assessments, budgeting, data and monitoring, participation of children and lots more – frontloading a rights-based approach.

We want to see an equivalent Human Rights Scheme as part of the Human Rights Bill / Human Rights Impact Assessments and a reporting duty as it's proving to be a powerful way to push for proactive action from government, rather than just relying on having to push for remedy and redress after rights breaches have happened.