Illustration by Emily Chappell

The Right to Food

The Scottish Government has set out its ambition that Scotland becomes a Good Food Nation, a country where people from every walk of life take pride and pleasure in, and benefit from, the food they buy, serve, and eat day by day. To deliver this vision the government will launch a consultation on a Good Food Nation Bill during 2017. As part of this process, it has committed to drawing on the expertise of civic society to develop and implement its good food policy.

This discussion paper has been produced by **Nourish Scotland with contributions from Citizens Advice Scotland** as part of our work with the Scottish Food Coalition. We believe the Good Food Nation Bill has the potential to deliver real change in the food system; one that delivers high levels of well-being, social justice and environmental stewardship now and for future generations. This discussion paper focuses on **the right to food** and how it can contribute to the delivery of a just transition to a better food system. Following on from the Scottish Food Coalition's publication, *Plenty: Food Farming and Health in a New Scotland,* this is one of a series of discussion papers which explores cross-cutting issues relating to food, forming part of the Scottish Food Coalition's contribution to a national Good Food Conversation.

Where are we now?

Definitions

The right to food has become synonymous with campaigning on household food insecurity. However, the definition of right to food encapsulates much more than this. A rights-based approach is about the governance that underpins the food system.
The core pillars of the right to food are that food must be:

Accessible   Both financially and geographically

Adequate   Meeting dietary need, being free from harmful chemicals, and being culturally appropriate – including in how we access it

Available   Through access to land and other resources, processing distribution and marketing, and the sustainability of the food system in to the future – including its contribution to and resilience to climate change

As other Food Coalition partners are writing detailed discussion documents across these pillars, this document will cover a rights-based approach to food governance, and provide further detail specifically on a rights-based approach to accessing food. For an overview of challenges across the pillars of the right to food see the reference table at the end.

On food governance

There is no strategic legislation that reads across the food system. Food policy is fragmented across a large number of decision-making portfolios, including, health, social justice, communi-

ties, agriculture, environment, climate change, land reform, land-use management, and procurement; yet there is no strategy outlining the general direction of travel, and no guarantee that rights will be protected. The Scottish Government's Good Food Nation Policy made an important start but legislation is required to provide a clear structure and certainty for the future.

The UK Government signed up to the right to food in 1976 by ratifying the International Covenant on Economic, Social and Cultural Rights. However no action has been taken either to bring the Covenant in to effect in our domestic system, or to specifically progress on the right to food contained within Article 11.

The UN Committee responsible for reviewing performance with the Covenant reviewed the UK and made a number of strong recommendations including for strategic legislation protecting and progressing the right to food in June 2016. The Scottish Government's Independent Working Group on Food Poverty also made similar recommendations in their report *Dignity: Ending Hunger Together in Scotland* in June 2016 (Independent Working Group on Food Poverty, 2016). Cabinet Secretary for Communities, Social Security and Equality, Angela Constance MSP, in response to the *Dignity* report, committed to considering enshrining the right to food in Scots Law (Scottish Government, 2016).

On the accessibility of food

We know that household food insecurity is high in Scotland, but we cannot say definitively how high. It is likely to be somewhere between 10 - 27%, with the former figure representing moderate to severe food insecurity polled by the UN (UNFAO, 2016), and the latter figure representing the number of people whose incomes fall below the Minimum Income Standard – the cost of a socially acceptable standard of living (Hirsch, 2015). The Scottish Government has already discreetly committed to piloting some monitoring of household food insecurity, this should be comprehensively rolled out through the Scottish Health Survey as soon as possible and used to inform appropriate policy interventions.

Although there are many contributing factors which impact on individuals' and communities' access to food, we take the view that 'food poverty' is just one aspect of poverty more generally, and that the primary barrier to accessing good quality, nutritious food is low incomes and problems associated with the social security system.

Citizen Advice Bureaux (CABs) across Scotland have seen clients destitute and unable to buy food after struggling to afford payments for essential goods and services; Scottish CABs dealt with over 8,200 new issues relating to food banks and parcels in 2015/16, an increase of 11% from the year prior. Recent research by Citizens Advice Scotland (CAS) found that, for CAB clients, the most common causes of needing advice regarding foodbanks and food parcels were associated with the benefits system (Citizens Advice Scotland, 2016a).

A further consequence of poverty – and that inhibits attempts to improve one's financial situation – is that low income households often find that they pay more for basic goods and services simply due to their position in markets. This is known as the *poverty premium* Caplovitz, 1967).

In addition to paying more for goods and services generally, people on low incomes frequently live in areas not well served by large supermarkets and therefore find they are unable to get the best deals on food price or variety. Isolated rural consumers also may be unable to reach their nearest supermarket because of the distances and subsequent travel costs involved.

Illustrating this point, research conducted by the Dumfries and Galloway Citizens Advice Service found that food prices were generally higher in the more disadvantaged areas of Dumfries and Galloway, with people paying up to 55% more for the same items than those living a few miles away (BBC, 2015).

CAS-commissioned Ipsos MORI research from August 2015 found that amongst people who had reduced expenditure, food was the item that was cut back upon the most, with 43% saying they had done so (Citizens Advice Scotland, 2016b). The Scottish Welfare Fund has been an important safety net for people who fall through the social security safety net, but much more could be done to ensure the Fund is accessible including through clear referral pathways.

We know that a large number of the people who are food insecure are children – a third of all food bank parcels distributed by the Trussell Trust network were for children (Trussell Trust, 2016a). While some progress has been made on improving access to and nutrition of school meals, particularly through free school meals for all P1 – P3 children, there is still much work to be done. This is needed especially outside of term time with 1 in 5 parents skipping a meal or more to feed their children (Trussell Trust, 2016b). From the point of view of children themselves, recent research by Nourish Scotland, the Children and Young People's Commissioner Scotland and Home-Start UK Scotland found that children have a nuanced understanding of food insecurity, including their food needs, barriers, and solutions, though have been historically excluded from food decision making at all levels (CYPCS, Nourish Scotland, Home-Start UK Scotland, 2016). A starting point would be to co-create forums with children for their inclusion in decision-making.

What are others doing?

Some countries have protected a rights-based approach in their constitution, others through specific legislation incorporating the International Covenant on Economic, Social and Cultural Rights, and others through right to food specific legislation.

Even though in theory constitutionalisation gives the greatest protection to rights, in practice, regardless of the form incorporation has taken, most European nations are failing to adequately protect and progress the right to food. Scotland could be a European leader in this respect. Countries in the global south have a stronger record of protecting the right to food, including India, Brazil, and most recently Nepal.

There is now clear Scottish precedent on implementing international obligations within domestic legislation without full incorporation:
- **Children and Young People (Scotland) Act 2014** ('the Scottish Ministers must keep under consideration whether there are any steps which they could take which would or might

secure better or further effect in Scotland of the UNCRC requirements')

- **Land Reform (Scotland) Act 2016** (in preparing a Land Rights and Responsibilities Statement, Scottish Ministers must have regard to the desirability of promoting respect for, and observance of, relevant human rights, including the International Covenant on Economic, Social and Cultural Rights).

What do we want?

We would like to see:

- A legal commitment to a rights-based approach, with cabinet-level strategic and policy coherence on protecting and progressing the right to food.
- Independent oversight and monitoring of statutory targets and the protection and progression of the right to food.
- The Living Wage as a floor for all workers regardless of age, and the linking of social security to the Minimum Income Standard – thereby enabling everyone to have access to a basic basket of goods and services, including food, with dignity and choice.

How do we get there?

On food governance

- A Food Rights and Responsibilities Statement would protect and progress the right to food as defined by the International Covenant on Economic, Social and Cultural Rights.
- Annual reports to Parliament on progress towards statutory targets, as well as more general research and advice.

On the accessibility of food

- The power to set the minimum wage is reserved to Westminster, though the Scottish Government could do more to promote living wage accreditation (which it currently funds the Poverty Alliance to do), and to promote the Living Wage through procurement standards.
- The forthcoming Social Security Bill could use the power to top-up benefits and introduce new discretionary payments to ensure that the Scottish social security system acts as an adequate safety net for the people of Scotland.
- The introduction of a legal duty on local authorities to provide services to ensure geographical access to food for people whose access is limited because of disability, illness, or age – for example through the protection of meals on wheels and other programmes.
- We would like to see the reintroduction of income and material-based statutory measuring of child poverty, with binding targets for reduction, including measuring and reducing the numbers of children experiencing food insecurity. This could be achieved by the Child Poverty Bill.

How do we measure progress?

Below is a short summary of evidence provided to the UN Committee on Economic, Social and Cultural Rights on the UK's - specifically Scotland's - performance across the pillars of the right to food. Delivering better in each of these categories will represent progress towards achieving a more equitable food system.

Financially	Wages & social security are too low to enable everyone to have access to a basic basket of essential goods and services. • 21% of people's incomes fall below the relative poverty line • 27% of people's incomes fall below the Minimum Income Standard • 10% people are experiencing moderate to severe food insecurity according to UN polling - placing the UK in the most food insecure half of EU nations. These figures are generally higher in vulnerable and marginalised groups; 28% of children and 27% of disabled people live in relative poverty
Geographically	Local authorities are not legally required to ensure vulnerable people who are not able to geographically access food because of illness, disability, or age are supported. • Over 60% of services have been suspended since 2009. • 50% of older people admitted to hospital are undernourished
To meet dietary need	The environmental drivers of poor diets, including the advertising and promotion of food high in fat, sugar and salt and the concentration of unhealthy food outlets, are rarely challenged. • 2/3 adults and 1/3 children in the UK are overweight or obese • All of the Scottish Dietary Goals have been missed every year since monitoring began in 2001
Free from harmful chemicals	Pesticide residues are now found in 46% of fresh food sold in the UK, doubling over the last decade, with no established timetable for reduction despite committing to in EU law. Livestock represent 45% of UK antibiotic use, increasing the risk of antibiotic resistance
Culturally appropriate	No comprehensive action has been taken to reduce the need for food banks – feeding hungry people with donated or redirected waste food is not a culturally appropriate solution and neither addresses the root cause of waste or hunger
Through access to land and other resources	Land ownership is prohibitively expensive for most new entrants, the majority of tenancies are short-term and insecure. Urban access to land in the form of allotments and community gardens is limited, with multiple local authority waiting lists of over 10 years.

Through access to processing, distribution and markets	Over a third of UK farms have a net farm income of less than zero, and 46% of farms are failing to recover their annual costs. Large retailers can effectively stipulate production and price to producers; 4 chains account for 70% of food purchased for consumption in the home, with only 5% of the remainder attributable to independent shops.
The sustainability of the food system now and in to the future	The intensification of agriculture is responsible for multiple ecological crises, the costs of which are largely externalised. Significant water usage, impacts on air and water quality, animal welfare, soil erosion, biodiversity loss and climate change all undermine the availability of food now and in to the future. Looking specifically at climate change, agriculture and related land-use accounts for 23% of Scotland's total climate change emissions

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About the Scottish Food Coalition

We are a civil society coalition working on food in Scotland. We are made up of established organisations working on the environment, poverty, health, workers' rights, food production and animal welfare. We have come together in recognition that the problems in our current food system are interconnected and cannot be changed by focusing on a single issue.

We are calling for a just transition to a better food system.

This coalition wants to see a vibrant and thriving food sector and food culture that puts people and the natural environment at its heart. We believe a successful food system is one that delivers high levels of well-being, social justice and environmental stewardship now and for future generations, in Scotland and abroad.