

YOUR VIEWS ON THE PROPOSAL

Note: All answers to the questions in this section may be published (unless your response is “not for publication”).

Aim and approach

1. Which of the following best expresses your view on enshrining the human right to food into Scots law?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Obesity Action Scotland are fully supportive of enshrining the human right to food into Scots law because it would help ensure that Scottish Government and other public sector bodies prioritise wellbeing of people and environment in decisions on the food system. Human and environmental health are tightly linked (1), and food is the common denominator. We have obesity crisis in Scotland with 65% of adult population carrying excess weight. Related to that, we have been missing Scottish Dietary Goals for two decades now (2). The burden of diet-related diseases is significant and growing. We cannot ignore how this affects people’s quality of life and length of life. This situation is the outcome of the totality of past decisions about food system that prioritised economic gain. While few may have gained wealth, the majority paid and will keep on paying with their health. The short-sighted monetary gain needs to be considered in the light of the serious long-term economic implications of obesity and diet-related disease crisis, with losses of productivity and large healthcare costs. We cannot keep repeating the same mistake. To achieve the needed shift in diet and diet-related health, we need improve accessibility, affordability and acceptability of healthy food in Scotland.

Right to Food in Scots law is a step in the right direction and would empower both Scottish Government and people in Scotland (3). Right to food would allow the government and people to shape markets and make markets serve the people and not the other way around. At the moment international trade dictates food policy which means that profits and commerce are defining food policy, as opposed to people’s everyday needs (3). With the right to food in law, the Scottish Government would find it easier to progress towards the economy of wellbeing, to which they committed too (4).

1. Swinburn B, Kraak VI, Allender S, et al (2019) The Global Syndemic of Obesity, Undernutrition and Climate Change: The Lancet Commission report. Lancet 393(10173):791- 846
2. Food Standards Scotland (2018) Scottish Diet – It needs to Change. Situation Report, 2018 Update.

3. Michael Fakhri, UN Special Rapporteur on Food, during a roundtable discussion on the right to food organised by the Scottish Food Coalition on 29th July 2020. Available from:
<https://www.youtube.com/watch?v=HiztRTX5sF8>
4. Advisory Group on Economic recovery (2020) Towards a robust, resilient wellbeing economy for Scotland. Available from:
<https://www.gov.scot/publications/towards-robust-resilient-wellbeing-economy-scotland-report-advisory-group-economic-recovery/pages/7/>

2. Which of the following best describes your view on the creation of an independent statutory body with responsibility for the right to food?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

We agree with the concept of an oversight body but its interaction with other, already existing, bodies responsible for food needs to be clear. We believe that such independent statutory body should recognise that food insecurity, climate change, public health, biodiversity, workers' rights, animal welfare, access to land, and waste are all part of the food system. Such body should be impartial and place equal focus on all above-mentioned areas. It should also recognise that a systems-wide approach is essential to protecting everyone's right to food and making sure the Government keeps its promises. At the moment, we do not have a good picture of how well the problems facing the food system are being tackled.

Such a statutory body would not only be responsible for guarding of the right to food but could also report on the state of the food system, focusing on the policy coherence across Government. This would enable Parliament to scrutinise future statements/plans and progress effectively. Additionally, an independent statutory body would create a platform for public participation in food policy, overseeing a democratic and rights-based approach to food.

We need an independent organisation which is not the Government to review and question the Government's plans, provide guidance, gather evidence, and report on how well the Government is delivering on its duties. It is important that the Government is held to account over its obligations and an independent statutory body is an important part of ensuring this happens.

3. What do you think would be the main practical advantages and disadvantages of the proposed Bill?

Advantages of the bill are that it will:

- help to make sure that human rights are at the centre of all of the Government's decisions on the food system
- establish an independent statutory body to review and report on the Government's work and ensure that its plans and decisions are scrutinised
- put duties on the Scottish Government and public bodies to set targets and measure its progress on making sure everyone enjoys their right to food
- As the UN Special Rapporteur on Food Michal Fakhri explained during a roundtable event held by the Scottish Food Coalition this summer, the right to food would give the Scottish Government arguments, legal power and responsibility to improve the food system. With the Right to Food enshrined in law, Scottish government would have a better ability to promote healthy food, address diet related diseases but also address undernutrition and improve environmental health (1).

A disadvantage of the bill is that the consultation is mostly focused on food insecurity. This is a very important part of the right to food, and like in Brazil food insecurity may be the 'spark' to introduce the right to food (2), but equal consideration should be given to other important aspects of the right. Right to food means right to adequate food. Adequate food is healthy and nutritious (3). It is not only about undernutrition but also about the access to healthy diets (4) focussing on nutritional quality of food. In fact, the approach for the right to food should include actions to address the triple threats of undernutrition, of obesity and of climate change – or what the Lancet commission on obesity (2019) called The Global Syndemic (5).

1. Diller PA (2013) Combating Obesity with a Right to Nutrition. 101 Georgetown Law Journal 969. Available from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2056571
2. FAO, 2007. Right to food: lessons learnt in Brazil. Available at: www.fao.org/3/a-a1331e.pdf
3. Dunger A (2012) Obesity, NCDs and the Right to Food. Health and Human Rights Journal. Available from: <https://www.hhrjournal.org/2012/04/obesity-ncds-and-the-right-to-food/>
4. <http://www.fao.org/director-general/former-dg/da-silva/my-articles/detail/en/c/1185960/>
5. Swinburn B, Kraak VI, Allender S, et al (2019) The Global Syndemic of Obesity, Undernutrition and Climate Change: The Lancet Commission report. Lancet 393(10173):791- 846

4. Which of the following expresses your view of enshrining a right to food into Scots law as a priority in advance of any further Scottish Government legislation on wider human rights?

- Fully supportive
 Partially supportive
 Neutral (neither support nor oppose)

- Partially opposed
- Fully opposed
- Unsure

It is encouraging that the Scottish Government has made a wider commitment to human rights in the future. However, we do not know when this will happen. There is also a concern that the right to food, which has been overlooked in the past, will continue to be overlooked if made part of a bigger package of rights. The challenges facing the food system are urgent, and the COVID-19 pandemic has highlighted the need for food system that provides healthy food. Healthy diet is key for improving immunity. The response to COVID-19 must include actions to help people in Scotland eat healthier diets. This will build resilience to communicable diseases and help to address diet-related NCDs, such as heart disease or diabetes, that are so prevalent in Scotland. Human rights-based approach will aid recovery from the COVID-19 pandemic by also building resilience for the future.

It is essential that right to food is put into Scots law as a priority, so the Scottish Government puts the wellbeing of people and the planet at the heart of its plans for recovery of the food system.

5. What advantages or disadvantages would there be to establishing a statutory body with responsibility for the right to food?

Advantages of establishing a statutory body are that it could:

- review and report on the Government's actions
- help to ensure that the Government works across the whole food system and recognises the links between, for example, food insecurity, low wages and poor health
- provide guidance and research to ensure the right to food is at the centre of Government decision making
- help ensure the Government is held to account
- ensure there is more diverse representation in decisions on our food system

It is important that the statutory body is independent from the Government so they provide different perspectives and are able to impartially judge progress. The independent statutory body should include people like scientists, health professionals, farmers and those who have had to visit food banks as they bring experience and knowledge needed to shape a food system that is fit for everyone.

6. Which of the following best describes your view of placing responsibility for guaranteeing the right to food on the Scottish Government?

- Fully supportive
- Partially supportive

- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

The right to food recognises that it is the Government that has the responsibility to deliver the right to food for everyone in Scotland. The right to food would create government responsibility for addressing structural issues in food production, processing and distribution (including marketing). So, responsibility for the processes that increase availability of HFSS food, for example agricultural policies, food trade, regulation of marketing or taxation of food and beverages would need to be considered for their impact on access to healthy food.

7. What impact do you believe bringing the right to food into law would have on:

(a) Reducing food insecurity

- Significant impact
- Some impact
- No impact

The right to food makes it clear that it is the Government's responsibility to tackle food insecurity. Charities and food banks should not be responsible for dealing with these issues. Putting the right to food into Scots law will ensure more Government resources go towards finding better alternatives to addressing food insecurity than charity and food banks, for example, ensuring a compassionate benefits system which enables people to eat well and access food with dignity. It is important that we have more than words on paper; putting the right to food into law will not end food banks overnight, and we need additional measures like an independent statutory body to monitor the Government's plans and decisions and make sure that it is taking appropriate actions.

(b) Improving people's health

- Significant impact
- Some impact
- No impact

The right to food makes it clear that it is the Government's responsibility to ensure that everyone can access food that is of good quality, nutritious, safe to eat and available with dignity. The reality is that we have obesity crisis in Scotland with 65% of adult population carrying excess weight. Related to that, we have been missing Scottish Dietary Goals for two decades now (2). The burden of diet-related diseases is significant and growing. We cannot ignore how this affects people's quality of life and length of life and well as the economic consequences of this situation. To

achieve the needed shift in diet and diet-related health, we need improve accessibility, affordability and acceptability of healthy food in Scotland. Putting the right to food into law will ensure the Government acts to change the food system so that it promotes better public health.

Obesity and diet-related illnesses are longstanding issues and enshrining the right to food into Scots law will ensure that policy and law makers treat the food system as a health priority. On March 6, 2012, the UN Special Rapporteur on the Right to Food, Olivier De Schutter, presented a report (1) to the UN Human Rights Council entitled “The Right to an Adequate Diet: The Agriculture-Food-Health Nexus.” The report outlined 5 priority actions for addressing the nutritional component of the right to food:

- a) taxing unhealthy products
- b) regulating foods high in saturated fats, salt, and sugar
- c) cracking down on junk food advertising, especially to children
- d) overhauling misguided agricultural subsidies that make certain ingredients cheaper than others
- e) supporting local food production so that consumers have access to healthy, fresh, and nutritious foods.

Additionally, fairer wages, more secure employment and adequate social security benefits will mean that people are better able to afford nutritious food for them and their families. This will likely have a positive impact on mental health as stress, anxiety and depression associated with financial worries will lessen.

1. UN General Assembly, Human Rights Council (2011) Report submitted by the Special Rapporteur on the right to food, Olivier De Schutter. Available from: https://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.59_English.pdf

Financial implications

8. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

(a) Government and the public sector

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

It is difficult to answer this question without a specified timeframe. Time should be factored in when considering the cost and savings of the proposed bill. While the

legislation may incur some costs in the short or medium term, it is very likely to return savings in the long term. Specifically, it will cost the Government and the public-sector some money to make the necessary changes as it is underinvestment which has led to the failings we have long seen in our food system. For example, establishing an independent statutory body will be an investment. This will lead to some increase in cost but, equally, ensuring the food system improves public health will put less strain on the NHS. Currently, diet-related illnesses place huge avoidable costs on our health service. The financial impact of greater investment in the food system will be more than balanced out by an improvement to public health – as well as the positive impact on society and the environment.

(b) Businesses

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

N/A

(c) Individuals

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

Individuals that are unable to afford nutritious food for themselves and their families will see a reduction to their costs. Putting the right to food into law will place the responsibility on the Government to ensure everyone can afford nutritious food, through fair wages or adequate benefits. Though this is not about making food cheaper; it is about making sure everyone in Scotland can access healthy food with dignity. So, individuals and families would see a reduction in their costs relative to their income.

People will be mentally and physically healthier as a result and this can have far reaching positive financial implications. Improved public health can, for example, improve performance in school, resulting in better job prospects.

9. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

No, the purpose of the Bill is long-term investment in the food system. The right to food is about tackling the problems facing our food system. This requires ambition and big changes across the whole food system. The focus of any Bill on the right to food should be about strong social security, fair employment, protecting animals and the planet, and improving people's health and lives. This is worth our investment.

Equalities

10. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

- Positive
- Slightly positive
- Neutral (neither positive nor negative)
- Slightly negative
- Negative
- Unsure

The right to food is about improving the food system for the benefit of everyone in Scotland. Equality is at the heart of the right to food. We know that certain groups in society are more vulnerable to things like unfair employment practices, low wages or reliance on inadequate social security benefits. Improving these issues will have a positive impact on vulnerable people that suffer the most from these inequalities.

11. In what ways could any negative impact of the Bill on equality be minimised or avoided?

It is important to ensure that the independent statutory body includes representation from a diverse group of people. Scientists, farmers, food sector workers, charities and those forced to visit food banks must be involved as they would bring a range of experiences and knowledge needed to make a food system fit for everyone. It is important that this representation takes into account protected characteristics such as age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Promoting equality is at the heart of the right to food and so it must be key to any decisions about our food system.

Sustainability

12. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

- Yes
- No
- Unsure

The bill will have positive social and environmental impacts, and positive or neutral economic impacts. Making farming and fishing less wasteful and less polluting will have a positive environmental impact. Improving wages and social security so that individuals and families can afford a healthy diet will have a positive social impact. And improving business employment practices may come at an initial cost increase, but the benefit of job retention, a healthier workforce, and better public perception of those businesses should have a long term positive economic impact.

General

13. Do you have any other comments or suggestions on the proposal?

It is important that the right to food is put into Scots law. Our food system should be a Governmental priority as for too long it has been overlooked. There is a danger that this bill does not adequately focus on all aspects of the food system. Any proposals on the right to food are best put into law as part of a bill on the whole of the food system.

These proposals on the right to food fit very well into the Good Food Nation Bill – a food bill that was due to be introduced in Spring 2020 but was delayed due to the COVID-19 pandemic. The Good Food Nation Bill can change our food system by working across the whole food supply chain and looking after people and the planet. It should be based upon the right to food so that the Government knows what is important when it makes decisions on the food system.

The Good Food Nation Bill will work across the whole food system, from production to processing, distribution, selling, purchasing and consumption to ensure better outcomes for individuals, workers, the NHS, animals, and the environment.