



SIAA Response - Right to Food Bill Consultation

September 2020



Scottish
**Independent
Advocacy
Alliance**

Introduction

The Scottish Independent Advocacy Alliance (SIAA) is a membership organisation that has the overall aim of ensuring that independent advocacy is available to any vulnerable person in Scotland. Independent advocacy safeguards people who are marginalised and discriminated against or whom services find difficult to serve, empowering people who need a stronger voice by enabling them to express their own needs and make their own decisions.

Independent advocates are human rights defenders, supporting vulnerable people and groups and standing up to injustice. We strongly support an explicit focus on human rights and are keen to see a rights-based approach underpinning a wide range of policy and practice so that all our citizens can live with dignity.

SIAA welcomes this opportunity to comment on the proposed Right to Food Bill. We broadly support a new law that would tackle issues of food insecurity and address the challenges facing Scotland's food system to make it fairer for all.

Question 1: Question 1: Which of the following best expresses your view on enshrining the human Right to Food into Scots law? (Fully supportive, Partially supportive, Neutral, Partially opposed, Fully opposed, Unsure)

The Right to Food is a holistic approach that looks at the food system in its entirety, focusing on the availability, accessibility, and adequacy of food. SIAA is fully supportive of the proposal in the Bill to enshrine the Right to Food into

Scottish law. Although the Right to Food is already protected under international law, enshrining it in domestic legislation will require more focused and proactive action from the Government as well as meaning that it is easier to hold the Government to account. This will help more people across Scotland to realise their Right to Food, improving the health and wellbeing of many individuals, communities, and the nation as a whole.

Question 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, Partially opposed, Fully opposed, Unsure)

Having robust mechanisms for holding duty-bearers to account is a key plank of human rights work and, consequently, SIAA is fully supportive of the proposal for an independent statutory body with responsibility for the Right to Food. Ensuring the body's independence would minimise conflicts of interest and allow it to scrutinise and question Government activity more effectively.

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

Advantages of the Bill:

- Enshrining the Right to Food in domestic law
- Giving enhanced credibility to the Scottish Government's rhetoric around embedding human rights in its day-to-day business
- Putting human rights at the centre of policymaking in relation to many aspects of the food system

- Making it easier for people to realise the Right to Food and easier to hold the government to account on its commitment to the Right to Food

Disadvantages of the Bill:

- Adopting an approach that is largely focused on food insecurity, at the expense of other key aspects of the Right to Food such as the impact of the food system on the environment, improved access to land and the fair treatment of people involved in food production.

Question 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?

SIAA is very supportive of the Scottish Government's commitment to broadening legislative support for human rights in the future. However, the timetable for this happening is not clear – both governmental priorities and the government itself are subject to change, meaning this wider commitment may not come to fruition for some time, if at all.

Given the urgent and cross-cutting nature of the challenges facing the food system, SIAA is fully supportive of prioritising enshrining a Right to Food into Scots law in advance of other legislation.

Question 5: What advantages or disadvantages would there be to establishing a statutory body with responsibility for the Right to Food?

As noted above in response to question 2, SIAA is fully supportive of the introduction of a statutory body with responsibility for the Right to Food.

Advantages of such a body:

- Holding the Government to account by gathering data, asking questions and driving action
- Recognising the complexity of the food system and helping develop a holistic approach that cuts across silos and entrenched attitudes and behaviours. This is particularly critical in relation to the Right to Food which is a whole-system approach that recognises the complexity of the food system and the inter-connectedness of its many parts, as well as the fact that different stakeholders in the system have different – sometimes oppositional – goals and priorities.
- Creating an independent body will minimise conflicts of interest and build public confidence in its ability to scrutinise government effectively and impartially, thus delivering meaningful change
- Ensuring representation from diverse perspectives across the food system, including a recognition of the expertise of people with lived experience of, for instance, food insecurity and the valuable role they can play in policymaking.

Potential disadvantages of such a body:

- A lack of independence from Government would be a serious concern to SIAA, as it would create significant conflicts of interest that would compromise the body's ability to do its job effectively.
- Likewise, a lack of diverse representation on the body, including people with lived experience, would also have a negative impact on its scope and efficacy.

Question 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, Partially opposed, Fully opposed, Unsure)

SIAA believes that it is a Government's job to look after its citizens and ensure that they have the Right to Food. Consequently, we are fully supportive of placing responsibility for guaranteeing the Right to Food on the Scottish Government.

Question 7: What impact do you believe bringing the Right to Food into law would have on:

(a) Reducing Food Insecurity

It would have a significant impact on reducing food insecurity. Enshrining the Right to Food in Scottish law would make it clear that it is the Government's responsibility to tackle food insecurity.

Reducing food insecurity requires many different agencies and individuals to come together and recognise how they are interconnected and the impact that policy and practice in one area has on the food system as a whole. The Scottish

Government is in a unique position to bring stakeholders together and tackle the current siloed ways of working that are simply not effective.

Currently, charities and food banks fill many of the gaps created by poor policy and practice, but SIAA contends that they should not be responsible for tackling these issues. Furthermore, it is not sustainable – there was a 177% increase in the number of emergency food parcels distributed in May 2020 compared with May 2019 (Nourish Scotland). Food banks and food parcels, which have become normalised in Scotland, should not have to exist and enshrining the Right to Food in Scots Law would have a direct impact on this.

(b) Improving People's Health

Public health forms part of the whole-system approach advocated by the Right to Food and consequently SIAA would expect bringing the Right to Food into law to have a significant impact on improving people's health. The Right to Food is explicit that governments are not simply responsible for ensuring access to food, but ensuring access to food that is nutritious, of good quality and safe to eat, all of which would lead to improvements in physical health. These three dimensions ensure that people are free from hunger and food insecurity and able to feed themselves with dignity and choice. In addition, the reduction in stress and anxiety relating to food insecurity alongside the emphasis on allowing people to feed themselves with choice and dignity would also lead to improvements in mental health.

Question 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

There would likely be some increased cost in the public-sector to make the necessary changes to address the shortcomings of the food system. For example, establishing an independent statutory body will be an investment. However, in the longer term we would expect the positive shifts resulting from the proposed changes the Bill would create, to improve public health, therefore putting less strain on the NHS. Currently, diet-related illnesses place large, 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 – N/A

c) Individuals

We would expect a reduction in cost relative to their income for individuals and families. Improved food systems would result in people being in a better financial position to access and buy nutritious food and have increased choice around food. Reducing financial stress around food would have a positive impact on mental health as well as physical health.

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

The Bill should ensure that a human rights budgeting approach is taken. Human rights budgeting means distributing resources in a way that puts people first. It improves transparency and accountability, by linking budgetary decisions more directly to the human rights outcomes the government has prioritised. It provides the opportunity for government to work in cooperation with civil society to more effectively implement policies and deepens citizen participation in democratic processes. Monitoring and evaluating a human rights budgeting approach should be a core component of holding the Scottish Government accountable when fulfilling its duties to the Right to Food.

Question 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?

The Right to Food is about improving the food system for the benefit of everyone in Scotland. 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. Twenty per cent of people in Scotland live in relative poverty after housing costs. We know that this 20% is more likely to include marginalised groups that are experiencing food insecurity - for example, 50% of older people admitted to hospital are undernourished

(Scottish Human Rights Commission). Improving these issues will have a positive impact on vulnerable people that suffer the most from inequalities.

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

We believe it is important for there to be an independent statutory body that is representative of a range of experiences and knowledge of the food system. 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 and 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.

We would also like to see one-to-one and collective independent advocacy recognised as important tools that can be used by individuals or groups to help them realise their Right to Food. Collective independent advocacy provides opportunities for people to have a meaningful voice in legislative processes, policy making and strategic planning, combating discrimination, inequality and enabling people to take part as active citizens. Many issues could be negated by a recognition of the role that collective independent advocacy can play in promoting and enforcing people's Right to Food. It is particularly relevant in the context of the Right to Food because violations of rights often result in communities of interest and/or localities facing a common problem.

Question 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. The Bill will have positive social and environmental impacts, and positive or neutral economic impacts.

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

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.

SIAA is a Scottish Charitable Incorporated Organisation | Charity number
SC033576

enquiry@siaa.org.uk | www.siaa.org.uk

18 York Place | Edinburgh | EH1 3EP