

Good Food Nation and Human Rights Workshop

Event Report

April 2019

The Scottish Government is currently seeking views on its proposals for a Good Food Nation Bill. This comes in a context of rising food insecurity as well as significant challenges connected to health and diet, meaning that many people across Scotland are affected by issues connected to the right to food, as set out in international human rights law.

In recognition of the importance of ensuring the participation of rights holders in decisions which affect their rights, the Scottish Human Rights Commission held a workshop with a group of people with lived experience of issues relating to food to inform our response to the Scottish Government’s consultation on a Good Food Nation Bill. This is the report from the workshop and reflects the experiences and priorities of the people who attended.

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# Who took part?

8 participants took part in the day supported by 3 Commission staff and one staff member from Nourish Scotland. Participants were invited through organisations and contacts of the Scottish Food Coalition.

1 Single Parent

1 Co-ordinator at Parenting Charity

1 Volunteer at a Community Food Bank

2 Volunteers at a Community Health Project

1 Co-ordinator at a Community Health Project

1 Volunteer at a Community Project

1 Co-ordinator at a Community Project

3 participants were women and 5 were men.

# What did people think the right to food meant?

In groups, participants spent time discussing what a right to food should mean. The following aspects were identified as being integral to the right to food.

“Healthy food”

“Affordable”

“Quality”

“Sustainability, including a sustainable living for farmers.”

“Where our food comes from/local growing.”

“Education – what to eat and how to make meals.”

“Access to land – can you use the land on council properties?”

“Local shops”

“Cost effectiveness”

“Variety”

“Rights of food workers”

“Confidence in cooking”

“Fuel”

“Budgeting”

“Social security”

It was noted that these aspects largely mapped directly on to definition of the right to food as set out within the ICESCR Committee’s General Comment No. 12 on the Right to Adequate Food. Participants then undertook an activity to support them to understand the different parts of the right to food and the obligations of governments in relation to the right to food.

# Issues Facing Participants

Participants were invited to discuss which aspects of the right to food they thought were being met in Scotland and where further action was needed. Participants’ comments have been analysed against the different elements of the right to food and some of the standards around government’s obligations with respect both to the right to food and to economic and social rights more generally.

## Accessibility

The economic and physical accessibility of good food was a core focus of discussion throughout the day. It was clear that everyone who attended had had experience of food insecurity themselves or were working alongside or supporting people who were experiencing this. Participants were concerned about the quality and nutritional value of food which was most commonly available and cheapest.

Participants noted that there were particular times of year when food insecurity became more likely or more acute, in particular school holidays and also in January following longer periods between pay and social security.

It was also noted that culturally or religiously appropriate food was sometimes harder for particular communities to access.

A more detailed case study on food insecurity has been set out in the consultation response [above](#_Case_Study_–).

## Adequacy

There were detailed discussions about responses to food insecurity, which were typically provided by civil society and small community organisations. Many of these were local, innovative and worked hard to protect the dignity and confidentiality of the people who used them. However, it was recognised that the food provided through food banks, food redistribution networks or other mechanisms was unable to meet cultural and dietary needs, as by its nature it is required to be stored without spoiling. Furthermore, public authorities were not stepping in to meet the need for fresh produce.

“Food banks provide dry food only. There is a need for fresh stuff e.g. milk, cheese, bread, fruit and veg. Food banks are having to find their own funding to provide this.”

It was interesting to note that even following discussions of governmental responsibilities under the right to food, few participants questioned the provision of these services by civil society rather than by government. One person noted that if government were to accept this role but fail to implement it effectively, it may make it more difficult for civil society to attract funding which would respond to need:

“Who is responsible for ensuring that people have enough to eat? There is a reliance on charities and the voluntary sector – there are trusting relationships there. If this becomes a statutory right without proper practical implementation, it might be hard for charities to find funding for this.”

Participants recognised that there was a role for government not just in providing food, but also providing sound and timely advice and information about relevant benefits, diet, health and food preparation.

“There are more and more parents who cannot cook. They are making choices on a limited budget. There needs to be some education, knowledge about what can be frozen.”

“I didn’t know I had to resubscribe to Healthy Start Vouchers after my baby was born. It would have meant that I could buy milk and fresh and frozen fruit. It wasn’t much per week but it would have helped.”

Participants described how the people who were most in need of information and support on diet, health and access to food were often not the ones to benefit from this:

“There is support and information to eat well - but only for those who can afford it. We need to target resources at those who need them most.”

## Availability

It was recognised that there were very few places to buy locally grown food or use community shops, rather than supermarkets. Participants were able to share some good examples of joint working between communities and public authorities to release land for community growing, although it was acknowledged that this was a far from straightforward process. However, many participants were positive about local growing initiatives; barriers to success included the need for upfront capital and equipment plus someone more knowledgeable to support the process.

“We need to make use of space that is available. It’s about knowing what space is communal space and can be used. Also that you can grow things on quite a small scale, for example growing potatoes in a bag. However, people do need a bit of upfront financial support for tools etc and also someone who knows what they are doing during the process.”

Participants also drew out the role of government in working with farmers to encourage the growth of nutritious food.

“Does government need to link up with food producers to support the growing of nutritious food?”

## Non-discrimination

It was noted that there were particular groups of people who faced barriers to realizing their right to food, including single parent families, people with mental health needs, people with learning disabilities and asylum seekers and refugees.

## Interdependence

Attendees were quick to draw out the interdependence of rights. Many noted the consequences of food insecurity and poor diet and nutrition upon the ability to realise other rights, such as the right to health, the right to work and the right to education.

“We need to understand food as connected to other things – health, education. We need to tackle the bigger picture.”

“Wide health inequalities are being exacerbated.”

Participants also recognised that structural issues, such as poor housing, changes to social security and low-paid or unstable work were a key driver in being unable to access nutritious and/or sufficient food.

“Why should parents and children be sanctioned? We don’t really have any good data on how many parents are skipping meals so that their kids can eat.”

“My universal credit was delayed. That meant that I was struggling to pay for food once I had paid for heating. Every week I top up my meter so that I know that’s paid for. The rest is for food.”

Many of the people who attended raised the issue of transport as a key barrier to accessing affordable food. It was felt that the costs of travelling to a low-cost supermarket, allotment or community group were often prohibitive when making choices about how to allocate very small amounts of resource.

The closure of community resources where people could come together, learn about food and participate in their community was also noted as a more problematic issue:

“Closure of libraries and community centres. We’re not able to use these as a community space any longer.”

# Accountability Session

The second part of the day focused on some of the ways in which the Scottish Government and other public authorities could be made accountable for actions or omissions which affected the right to food. Participants were asked about whether different types of accountability mechanisms were strong or weak, as well as what they thought about the details of some of the different mechanisms available.

## Regularly publishing a ‘statement of policy on food’

One of the proposals within the Good Food Nation consultation is that the Scottish Government and specified public authorities would have to publish a statement of policy on food every 5 years. It would include some targets and have regard to ‘relevant aspects’ of ICESCR.

Participants in general felt that this was a weaker form of accountability because of a lack of enforcement. They also felt that the situation was changeable and needed more regular review, alongside meaningful consultation and engagement during the preparation of the statement.

One participant felt that strengthening the requirements upon local councils, for example by placing a duty on them to measure and act upon food insecurity, would be a more effective form of remedy for individuals:

“We should place a duty on Councils to find out what’s going on in their local area, especially in relation to food insecurity.”

## Making the right to food justiciable

Participants were divided between those who thought this would be helpful and those who were less convinced that this was a realistic or useful remedy for people experiencing food insecurity:

“It’s strong for sure. But as an individual would you have the means, the legal aid, the mental health to do that? It’s strong but less practical.”

Participants felt that it would be important to ensure that people have access to advice to help overcome the barriers to accessing justice. However, they did consider whether civil society or public authorities could support people to bring cases or to have legal standing to bring these themselves.

Some participants noted that that because rights are all connected, having one right which was justiciable would support the realisation of other rights, by informing policy making to avoid violations.

## Human Rights Budgeting

There was strong recognition that budgetary processes could be scrutinised and assessed for their contribution to positive human rights outcomes and that this might go some way to addressing the interdependence of the issues which impact on the right to food.

“We need to look at budgets, roads, public transport, look at prices and zones, social isolation, look at need.”

## Reporting to Parliament

The role of the Scottish Parliament and local authority committees in scrutinising the decisions was recognised as valuable by all participants. However, as is acknowledged within much of the work on Parliamentary Reform and Parliament as an effective human rights guarantor, there needed to be connection between elected members and people experiencing human rights issues.

“It would be good for the Government to have to talk to MSPs about what’s happening. But also people with lived experience should get to go to Parliament.”

It was also felt that there would need to be engagement with the issue across various committees, due to the interdependence of human rights.

## Reporting to the UN

Participants recognised that there was some value to being able to hold the government to account on the international stage. It was felt to be a weaker form of accountability, due to the lack of enforcement and limited information and engagement in the process. However, it was recognised that there was huge potential for these processes to be strengthened through greater engagement and participation.

## Independent Food Commission

Participants were generally positive about the idea of an Independent Food Commission as being a focal point for holding government to account. They argued that this should have a range of people with different knowledge and expertise on it, including people with lived experience of right to food issues, who are in touch with the reality on the ground:

“This should have community leaders on it, MSPs, third sector representation, health professionals, people with lived experience like single parents, people working in agriculture, people who have experienced these issues.”

Such a Commission could ask for information such as compliance with targets. However, some participants felt that an independent body such as a Food Commission might risk deflecting responsibility away from government. For this reason it was felt to be a medium form of accountability, rather than a strong one.

## Targets

Participants felt that targets were a useful accountability tool, but acknowledged that they would need to be implemented in conjunction with other forms of accountability, such as a Food Commission, Parliamentary scrutiny and regular reporting. The framing of such targets was felt to be critical.

“It depends on whether we are measuring the right things.”

“The target should be the eradication of food poverty. There should be timeframes and sub targets.”

Participants agreed that there should be political accountability in relation to targets.

## Other suggestions

The group also made a number of suggestions for different kinds of remedies for people experiencing food insecurity:

“Some kind of public sector fund which people would be able to apply to, a bit like the Scottish Welfare Fund.”

“We should protect an element of UC for food and essentials.”

# Case Study on the Right to Food

## Emily and Callum’s story

Emily attended a right to food workshop at the Commission. She gave us her permission to relate her story as part of our consultation response.

Emily has a one year old son, Callum. They live together in local authority housing in a rural area away from town. Emily spoke about how much she loves her house and the possibilities she sees in growing food in her garden, which she says is large and well-suited to a vegetable plot. Emily gets support from a parenting charity, who hold a local group where single parents can come and spend time together, as well as learning to prepare and cook food. They go home with a food parcel to practice their new skills. Emily says that participating in this project has hugely increased her confidence in cooking, built skills appropriate for the workplace and reduced her sense of isolation.

On the day of the workshop, Emily told us that her Universal Credit had not come through. She had £0.82 in her bank account. She had run out of nappies and wipes and was concerned that if her Universal Credit didn’t arrive by 8 pm, she would have no money for milk, food or nappies for Callum. She recently had a food parcel delivered to her by the parenting organisation and told us that she would need another that week.

One of the barriers Emily faced related to transport. To reach a low cost supermarket on foot would be a 3 mile walk, making a 6 mile round trip with a baby in a buggy. To get the bus would cost £5 which would take a significant chunk out of her weekly budget.

Emily described how public services had not provided her with support and information at the right time. One example of this was access to Healthy Start Vouchers. She had had these while pregnant but had not been aware that she would need to resubscribe to these after her baby was born. They would have enabled her to buy milk and/or fresh or frozen fruit at a rate of £3.10 a week, but she missed out on these for a while because she didn’t have the right information. She only found out because she started to get support from the parenting charity. Emily was concerned that there may be many mothers missing out on this financial help because they did not have a link into support organisations.

Emily spoke about her concerns for the physical health of people with mental health needs. She described how Callum’s father, who has bipolar disorder, would struggle to make healthy choices around food and recognised how much a healthy diet could do to support better mental health for him.

Emily wants to return to work but is concerned about the cost of childcare for her son.

## What does Emily’s story show?

We all want to live in a society where we, and our children, have enough to eat. Emily’s story demonstrates that every day in Scotland, people are struggling to stay afloat. This means that children and families are often not getting the nutrition they need to grow, develop and thrive. In turn this affects people’s health, their ability to work or attend college and to fulfil their potential. As in Emily’s case, much of the time civil society is stepping in to make sure that people are not going hungry, responding to need by redistributing unsold or out-of-date food from supermarkets or other sources, and often developing highly-tailored local solutions to issues of food insecurity.

The Scottish Human Rights Commission believes that Good Food Nation is an opportunity to change our law so that it includes the right to food. The right to food sets out what is expected of governments in supporting people to get nutritious, safe, good quality and affordable food. This would mean that families like Emily and Callum would not be caught in the grip of food insecurity. The right to food is clear that governments have a dutyto provide food whenever an individual or group is unable, for reasons beyond their control, to access this themselves.

Both the Scottish Government and public bodies like councils would have to take the right to food into account, not just when they think about food policy, but also when making decisions on social security, health, childcare, employment and the environment.