

Elaine Smith MSP
The Scottish Parliament
Holyrood
Edinburgh
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15 September 2020

Dear Elaine Smith MSP

The Right to Food

The Scottish Human Rights Commission welcomes your proposals to incorporate the right to food into domestic law in Scotland. We agree that establishing a statutory human right to food for all is an issue of critical importance, highlighted in particular by the impacts of COVID-19. The Commission has set out some of its concerns with regard to the realisation of the right to food in Scotland during the early months of the pandemic [here- https://www.scottishhumanrights.com/media/2050/the-impact-of-covid-19-on-the-right-to-food-final.pdf](https://www.scottishhumanrights.com/media/2050/the-impact-of-covid-19-on-the-right-to-food-final.pdf).

The Commission has set out in full its case for incorporating the right to food previously in response to the governments' previous consultation on A Good Food Nation Bill. We would draw your attention to that analysis, which is equally relevant to your current proposals, and can be found [here- https://www.scottishhumanrights.com/media/1845/good-food-nation-shrc-consultation-response-final-4-april-2019.docx](https://www.scottishhumanrights.com/media/1845/good-food-nation-shrc-consultation-response-final-4-april-2019.docx)

In this analysis we set out that it is the Commission's view that "the incorporation of the right to food within a framework law is complementary and mutually supportive of an overarching human rights framework. A framework law will add necessary further normative elaboration of the right to food and also provide for bespoke governance

arrangements with regard to the right to food consistent with best practice principles.”

Whilst the Commission agrees an enforceable statutory right to food as part of a framework law on food would be a progressive step we also recognise the strong interdependence of the right to food with other rights, such as the right to the highest attainable standard of health, right to social security, right to work and right to a healthy environment. We further recognise that those who are most likely to experience violations of their right to food are often disabled people, women, children, black and ethnic minority populations and older people. The full incorporation of *all* international human rights standards, including specific protections for women, children, older people and black and minority ethnic groups will ultimately therefore result in the strongest and most holistic protection of the right to food for all.

The Commission therefore broadly supports your proposal to incorporate the right to food and hopes it can be regarded as one interrelated component of the strengthening of human rights protections in Scotland. As you will be aware, the [National Taskforce on Human Rights Leadership](#), of which the Commission is a member, is taking forward this agenda in relation to all economic, social and cultural and environmental rights at the current time.

The Commission would welcome your support, and the support of the Labour Party, for the incorporation of all international human rights, including the right to food, which we believe will be an essential component in strengthening accountability for the implementation of human rights as we recover and rebuild from the COVID-19 pandemic.

Yours sincerely



Judith Robertson
Chair of the Scottish Human Rights Commission