

# Proposed Right to Food (Scotland) Bill

## Introduction

A proposal for a Bill to incorporate the human right to food into Scots Law The consultation runs from 24 June to 15 September 2020. All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (\*) require an answer. All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: Consultation document Privacy Notice

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

## About you

Please choose whether you are responding as an individual or on behalf of an organisation. Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Politician (MSP/MP/peer/MEP/Councillor)

Please select the category which best describes your organisation

*No Response*

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Colin Smyth MSP

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

## Aim and approach

Q1. Which of the following best expresses your view on enshrining the human right to food into Scots law?

Fully supportive

**Please explain the reasons for your response.**

Access to food is a basic human right and the law should reflect that. Food poverty is unfortunately a significant problem in Scotland which requires urgent action. While introducing a statutory Right to Food is not in itself a solution it will help to underpin the changes needed to address the issue. For example, it would encourage Governments to put in place the necessary systems and policies to deliver this right in practice. Likewise, it would allow laws which would have a negative impact on people's access to food to be challenged. In this way, it would help to reduce food poverty.

Q2. 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

**Please explain the reasons for your response**

As I indicated in my previous answer, putting a statutory Right to Food in legislation is only the first step towards tackling food poverty. Implementing a genuinely rights-based approach to food will require continued work and monitoring, and I believe an independent statutory body is the best way of achieving this. This will help to turn this law into a reality, by providing the ongoing expertise and scrutiny needed to assist the development of effective policies and structures. It is important that this body is independent from Government, so it is able to be objective and, where needed, critical.

Q3. What do you think would be the main practical advantages and disadvantages of the proposed Bill?

I believe this Bill takes a practical approach to a very complex issue. Food poverty is a huge issue, and its causes and implications span a range of policy areas. Unfortunately this means responsibility for the issue is shared between multiple departments, and as a result it is not always dealt with in a cohesive or strategic way. I believe the proposals in this Bill will help to underpin a more joined-up approach. By creating a specific statutory Right to Food it will force the issue to be considered in its own right, and indeed embedded in policymaking across the board as needed. Additionally, the proposals for an independent statutory body would facilitate joined-up working and provide some much needed strategic oversight and expertise on the issue.

Q4. 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

**Please explain the reasons for your response.**

While I fully support proposals to embed human rights into Scottish legislation more widely, I do not believe this is a reason to delay introducing a Right to Food. There are still no concrete proposals for such a framework to be introduced, and certainly no timeline. Given the urgency of this issue, the Right to Food should be progressed now, in such a way that will complement further rights-based legislation, and indeed provide a model for implementation of similar laws in the future. The Scottish Government have moved forward with the implementation of the UN Convention on the Rights of the Child as an individual issue, so it is clear there are no practical barriers to doing so with a Right to Food. Additionally, ensuring the statutory Right to Food is in place as soon as possible will ensure that it is incorporated into policymaking earlier. This is significant given the huge amount of relevant changes that will be brought forward following Brexit, particularly those relating to agriculture and agricultural support.

Q5. What advantages or disadvantages would there be to establishing a statutory body with responsibility for the right to food?

The advantage of an independent statutory body is the provision of robust, independent advice, scrutiny and expertise. It will help to deliver a more joined-up approach to policymaking, and helping to ensure coherence and consistency among different policy areas. It is also key to turning an abstract legislative right into practical changes and tangible improvements.

Q6. Which of the following best describes your view of placing responsibility for guaranteeing the right to food on the Scottish Government?

Fully supportive

**Please explain the reasons for your response.**

Ultimately only the Government could reasonably have responsibility to guaranteeing this right is actualised. If this responsibility is not placed on the Scottish Government then it is hard to see how it could be enforced. The key benefit to putting this right in law is that it would ensure that policy and law is consistent with this Right, but that would be lost if the Government did not have responsibility for guaranteeing it.

Q7. What impact do you believe bringing the right to food into law would have on:

	Significant impact	Some impact	No impact
(a) Reducing food insecurity	X		
(b) Improving people's health	X		
(c) Workers in the food sector			

**Please explain the reasons for your response**

As I have discussed, a right to food would underpin important changes to reduce food insecurity by ensuring that policy and law moving forward is consistent with this right. This will in turn improve health. Both malnutrition and obesity are closely related to poverty, and in general poor diet can increase risk of a huge number of health problems. Accordingly, any measures to improve access to food will help to improve health.

## Financial Implications

Q8. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost-neutral	Some reduction in cost	Significant reduction in cost	Unsure
<b>(a) Government and the public sector</b>		X				
<b>(b) Businesses</b>						X
<b>(c) Individuals</b>				X		

**Please explain the reasons for your response**

It is difficult to predict the cost of this Bill given the huge range in potential policies it could underpin. It is reasonable to expect some additional costs for the public sector, however it is worth noting there will hopefully be savings through health and other benefits. There are no obvious costs for businesses, but again this would depend on what policy changes are pursued to implement the Right to Food in practice. A rights-based approach to food is likely to save individuals money, specifically those most at risk of food poverty.

Q9. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

No, the Bill as it stands has minimal direct cost implications - simply the establishment of a statutory body. This is the bare minimum required to realise the aim behind the Bill.

## Equalities

Q10. 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

**Please explain the reasons for your response.**

This Bill looks to tackle food insecurity and poor health, which are systemic issues shown to disproportionately affect certain groups. Tackling these issues will reduce social, economic and health inequalities.

Q11. In what ways could any negative impact of the Bill on equality be minimised or avoided?

I do not anticipate any negative impact on equality.

## Sustainability

Q12. 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

**Please explain the reasons for your response.**

Ensuring everyone has access to adequate and nutritious food will always be necessary.

## General

Q13. Do you have any other comments or suggestions on the proposal?

*No Response*