

## **Scottish Obesity Alliance response to the consultation on the Proposed Right to Food (Scotland) Bill (deadline 15<sup>th</sup> September 2020)**

### **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

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

The Scottish Obesity Alliance is fully supportive of enshrining the human right to food into Scots law. Our country has some of the highest incidences of obesity across OECD countries [1]. Currently 65% of adults are overweight or obese, and 26% of children aged 2 to 5 years old are at risk of being overweight including 13% who are at risk of being obese [2]. Overweight and obesity has become a major health issue in Scotland, negatively impacting on quality of life, affecting productivity and often leading to serious chronic conditions such as type 2 diabetes, cardiovascular disease and cancer.

To achieve the shift in diet and diet-related health, we need to improve our environment and increase the accessibility, affordability and acceptability of healthy food. Our vision is for a Scotland that promotes health and wellbeing. A Scotland where healthy food and physical activity choices are easy, acceptable, affordable and sustainable for all.

The government has a duty to make sure everyone can afford and enjoy a healthy and sustainable diet, and enshrining the right to food into Scots law is an important step in making this happen. It would allow the Government, and people in Scotland, to shape and make markets serve the needs of people and not the other way around. At the moment international trade dictates food policy which means that profits and commerce define food policy [3].

Furthermore the government has a duty to make sure the people producing the food have safe working conditions and receive a fair wage, and food is produced in a way that respects animals and the environment.

Given the climate emergency we face, we cannot settle for business as usual. Actions such as 1) increasing the consumption of local and seasonal fruit and vegetables and 2) reducing meat and dairy to address overweight and obesity can also deliver co-benefits for our climate. The Lancet Commission on Obesity 'The Global Syndemic of Obesity, Undernutrition and Climate Change' explores the co-existence of these challenges, highlighting that they are driven by the same underlying drivers within the same systems including urban design, land use and

food [4]. The report highlights triple duty actions that can address all three of these global health challenges for humans, the environment and our planet.

Putting the right to food into Scots law would make it more likely that the Scottish Government prioritises the health and wellbeing of our people and the environment in decisions on the food system.

1. OECD (2017). Obesity Update 2017 <http://www.oecd.org/health/health-systems/Obesity-Update-2017.pdf>.
2. The Scottish Government. (2018) The Scottish Health Survey, 2017 edition, volume 1 - main report. <https://www.gov.scot/Publications/2018/09/9247/downloads#res542085>
3. Michael Fakhri, UN Special Rapporteur on Food, during a roundtable discussion on the right to food organised by the Scottish Food Coalition on 29<sup>th</sup> July 2020. Available from: <https://www.youtube.com/watch?v=HiztRTX5sF8>
4. 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. 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

**Please explain the reasons for your response**

The Scottish Obesity Alliance is fully supportive of an independent statutory body with responsibility for the right to food.

There are agencies with a responsibility for food that already exist (e.g. Food Standards Scotland as the public sector food body for Scotland) and the relationship between any existing agencies and a new independent statutory body should be confirmed.

The food system is complicated and made up of many parts of Government, as well as individuals and companies. Everyone involved in the food system has different goals and priorities, and at the moment, we do not have a good picture of how well the problems facing the food system are being tackled.

We believe an independent statutory body would 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 and that a systems-wide approach is essential to protecting everyone's right to food and making sure the Government keeps its promises.

We need an independent organisation 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.

A statutory body would not only be responsible for holding the Government to account but could also report on the state of the food system, focusing on the policy coherence across Government. Additionally, an independent statutory body would create a platform for public participation in food policy, overseeing a democratic and rights-based approach to food.

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

It is important to enshrine the right to food into Scots law because everyone has the right to be able to eat well as part of a fair, healthy and sustainable food system.

We believe the 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

The Scottish Obesity Alliance believes the consultation is mostly focused on food insecurity. This is a very important part of the right to food, but equal consideration should be given to other important aspects of the right. For example, the fair treatment of people producing the food, maintaining high food standards, fair access to land, and the impact of the food system on animals and the environment. This must also include the right to food as means to improving the health of our population. The right to food must include improving physical access to adequate food, as well as economic access, where adequate food can be described as healthy and nutritious [1].

With the Right to Food enshrined in law, the Scottish Government would have the tool to promote healthy food, address diet-related ill-health and diseases including overweight, obesity and under-nutrition. The bill will be strengthened by increasing the focus on other aspects of the right to food.

1. 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. 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

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

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 one that supports our health and wellbeing. A healthy and nutritious diet is key for improving immunity, and the response to COVID-19 must include actions to support individuals to access and afford healthy food. This will help to build our resilience to infectious diseases and help to prevent diet-related illnesses and diseases such as Type 2 diabetes or heart disease.

It is essential that right to food is put into Scots law as a priority, so the Scottish Government puts the health of our nation 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?**

The Scottish Obesity Alliance believes the advantages of establishing a statutory body are:

- A statutory body can review and report on the Government's actions.
- A statutory body can 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.
- A statutory body can provide guidance and research to ensure the right to food is at the centre of Government decision making.
- A statutory body can help ensure the Government is held to account.
- A statutory body can ensure there is more diverse representation in decisions on our food system.

We believe the disadvantages of establishing a statutory body are:

- 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, 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.

Food production, processing and distribution (including advertising and marketing) is currently biased towards processes that increase the availability, affordability and accessibility of food and drink products that are high in fat, sugar and salt. This leads to an obesogenic environment where there is an emphasis on promotions, over-sized portions, and food and drink products that contain excessive amounts of calories, fat, sugar and salt. The right to food would create Government responsibility for addressing structural issues, e.g. agricultural policies, food trade, regulation of marketing or taxation of food and beverages and consider their impact on the right to adequate food i.e. the access to, availability and affordability of healthy food.

Furthermore charities have been filling the gaps left by Government when it comes to addressing the growing levels of food insecurity; this has led to more reliance on food banks. Workers in the food sector suffer high levels of job insecurity and poor wages. The way we produce food is harmful to animals and the environment.

The right to food recognises that these problems are Government failures as it is their responsibility to ensure everyone has enough money to afford nutritious food, through fair wages or adequate benefits, and our food system promotes the wellbeing of people, animals and our environment.

**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

Overweight and obesity has become a major health issue in Scotland. 65% of adults are overweight or obese. This negatively affects people's quality of life, often leads to serious chronic conditions and can affect productivity resulting in consequences for the economy.

To achieve the shift in diet and diet-related health, we need to improve the accessibility, affordability and acceptability of healthy food in Scotland. Our vision is for a Scotland that promotes health and wellbeing. A Scotland where healthy food and physical activity choices are easy, acceptable, affordable and sustainable for all.

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. Enshrining the right to food into Scots law will ensure that policy and law makers treat the food system as a public health priority.

Furthermore 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.

### 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 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

Businesses may have some increases in cost due to pay raises for staff whose wages are too low to afford nutritious food for them and their families. Unfair employment practices usually stay in place because they cut costs for businesses. However, there are also savings for businesses by changing these unfair practices. For example, there are likely to be fewer sick-days for staff who are mentally and physically healthier. A healthier workforce will be a more productive workforce and this will benefit the businesses. The food sector has struggled with job retention, but better conditions and fairer wages will attract more people into the sector providing more financial stability for businesses.

Additionally, a shift in public attitudes means that the goodwill that businesses get from acting ethically should help their business attract more customers and it will increase the value of their product on international markets.

Finally, in line with the Scottish Government's climate change goals, businesses going greener may lead to fewer financial penalties for waste and pollution – resulting in further savings.

(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

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

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
- Don't know

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

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?**

The Scottish Obesity Alliance believes 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.

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