

## Proposal for a Right to Food Bill

### Response of the Children and Young People's Commissioner Scotland

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Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights.

The Commissioner is fully independent of the Scottish Government.

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### Introduction

We welcome the proposal for a Right to Food Bill. As recognised in the consultation document, food insecurity significantly affects children and young people across Scotland and the realisation of their human rights. Urgent action is needed to address the root causes of food insecurity and ensure that children and young people's right to food is universally realised and ensure all children and young people have access to quality, healthy nutritious food.

We strongly support this proposed Bill's intention to incorporate the right to food into Scots law as an urgent priority. We have previously called for the incorporation of the right to food into Scots Law as part of the Good Food Nation (Scotland) Bill, our Stage 1 evidence on that Bill can be found on our website.<sup>1</sup> Given increasing food insecurity and the urgent need for measures to address this, we support the incorporation of the right to food either through the Good Food Nation (Scotland) Bill or through this proposed Bill.

### Human Rights Framework

The right to food as a human right is enshrined in international human rights law in article 11 of the ICESCR. Article 11 recognises that:

- everyone has the right to an adequate level of food,
- governments must take measures to improve the production, conservation, and distribution of food,
- governments must tell people about the principles of nutrition,
- governments should develop or reform the ways they produce food so that natural resources are developed and used in the most efficient way, and

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<sup>1</sup> CYPCS. 2020. [Good Food Nation \(Scotland\) Bill – Stage 1 evidence](#).

- the world's food supplies should be distributed in an equitable way.

The [UN Committee on Economic, Social and Cultural Rights](#) provided further guidance in its [General Comment no. 12 on the right to adequate food](#). The right to food is comprised of four key elements: 1.) availability, 2.) adequacy, 3.) accessibility, and 4.) sustainability – for present and future generations. 'Adequacy' refers to the dietary needs of an individual which must be fulfilled not only in terms of quantity but also in terms of nutritious quality. 'Accessibility' includes affordability; individuals in all settings should be able to have an adequate diet without it affecting their other basic needs, such as housing, fuel, and other key costs.

The right to food directly engages the following human rights enshrined in the UNCRC:

- Article 6 – the right to life, survival, and development
- Article 26 – the right to social security
- Article 27 – the right to an adequate standard of living

The right to food is also closely linked to children's rights to health (UNCRC article 24) and education (UNCRC articles 28 and 29), among others. Nutrition is an essential component of the right to health and of the right to food and poor health impacts on the realisation of a wide range of children's human rights.

## **The impact of food insecurity on children and young people in Scotland**

Children and young people in Scotland have told us that poverty is the single-most important issue for them. This includes food poverty. The [2019 Children's Future Food Inquiry](#) highlighted that food insecurity is a longstanding serious problem for children UK-wide, particularly those living in poverty. Thousands of children across Scotland currently live in food insecurity - where they do not have consistent access to sufficient affordable, nutritious food. The rising cost of living and [increasing child poverty numbers](#) continues to affect children and young people's right to food across Scotland.

[Food insecurity affects](#) children's physical and mental health and lifelong development. Children who experience food insecurity are more likely to face adverse health outcomes, developmental risk, obesity, and malnutrition. Food insecurity also affects educational performance and can lead to behavioural problems.

[Three of the main causes](#) of food insecurity are low income, benefit delays, and benefit changes. These, combined with increasing housing, food, and fuel costs, affect parents/caregivers' ability to afford essential material needs, including food. As a result, children and their families are reliant on both food banks and free school meals for access to food.

Prior to 2021, there was [no single nationwide government measure for hunger](#) in the United Kingdom (UK)<sup>2</sup> and quality disaggregated data remains lacking at devolved or UK level. Prior to the pandemic, [an estimated 1.9 million children](#) experienced food insecurity across the UK. In 2019, 720,504 children UK-wide, including 80,623 in Scotland, [received food from 1,200 foodbanks](#),<sup>3</sup> with a 13% increase in food bank use in Scotland to feed children between 2018/19 and 2019/20. In January 2021, [2.3 million children in the UK](#) lived in households that had experienced food insecurity in the previous 6 months (12% of households with children) and 10% of households with children reported food insecurity in January 2021 alone.

Scottish Government analysis of the [Households Below Average Income, 2019/20 data tables](#)<sup>4</sup> found that 25% of children in Scotland lived in households with marginal, low, or very low food security in 2019/20. Furthermore, children living in poverty in Scotland were less likely to have high food security: just 48% of those in relative poverty and 49% of those in absolute poverty lived in high food security households.<sup>5</sup>

Food insecurity [has also worsened](#) since the onset of the Covid-19 pandemic and increased the need for an urgent response. To-date, there is no comprehensive data on the number of children affected by food insecurity in the wake of the pandemic.

Free school meals are a crucial measure that help ensure children's right to food is fulfilled. We welcome the extension of free school meals for all children up to Primary 5 from January 2022. The pandemic has demonstrated that a cash-first approach to the provision of free school meal alternatives when schools closed was essential and most effective.

Further challenges with free school meals include eligibility - [as the threshold does not include all children affected by poverty](#), quantity - particularly at secondary level, the amount of money provided, and the potential stigma of being a recipient. In 2019, [a young person told us](#) of the limitations of free school meals, noting, *"I only get £2.55 on my card so I can't afford very much. Sometimes I can only get a juice or a drink and a snack."*

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<sup>2</sup> The Department for Work and Pensions (DWP) measured food insecurity for the first time in its annual Food and Resources Survey, with first data sets available in March 2021.

<sup>3</sup> This represented around two-thirds of foodbank provision.

<sup>4</sup> Most of the figures in these data tables come from DWP, 2021, *Family Resources Survey: financial year 2019 to 2020*, <https://www.gov.uk/government/statistics/family-resources-survey-financial-year-2019-to-2020>. The Family Resources Survey includes ten questions on household food security but the questions do not directly ask about the food security of children. Social Market Foundation, 2020, *Measuring and mitigating child hunger in the UK*; <https://www.smf.co.uk/wp-content/uploads/2020/12/Measuring-mitigating-child-hunger-Dec-20.pdf>

<sup>5</sup> Scottish Government, March 2021, *Poverty and Income Inequality in Scotland 2017-20*, <https://data.gov.scot/poverty/>; *Child Poverty Trends Food Security*, [https://data.gov.scot/poverty/#Child\\_poverty](https://data.gov.scot/poverty/#Child_poverty).

[Childhood obesity is of concern in Scotland](#), particularly between the ages of 12 and 15 and for children from deprived backgrounds. Poverty and deprivation are associated with poor nutritional outcomes. [Across the UK](#), there is a marked socio-economic gradient for childhood obesity and children in the most deprived parts of the country do not grow as well and are on average a centimetre shorter by the time they reach age 11 than children in the richest areas.

Children and young people across Scotland [have told us](#) how food insecurity affects them. In 2016, one child pointed out, *“When you’re hungry all you can think about is food.”* Another told us of the impact of food insecurity on learning stating, *“It’s really hard to concentrate.”* Children also talked about the potential impact of financial insecurity and not having enough to eat, stating that children feel upset, stressed, worried, and scared.

On nutrition, Young Scottish Ambassadors working with the [Future Food Inquiry](#) highlighted how easy it was for school pupils to eat unhealthy foods. [One Ambassador stated](#), *“In our community there is a dot-to-dot of takeaways lining our streets. They offer lunchtime specials to school children, they are even promoted on our bus tickets.”*

When talking about causes and solutions, children across all research groups for [our 2016 joint report](#) identified poverty as the most significant reason why some children may not have the food they need. When talking about the role of politicians in addressing food insecurity, one child said, *“They’re meant to look after us, they shouldn’t just be sitting there not caring and eating all the food.”* Children further identified the need for action, including steps to address poverty and homelessness, as well as practical measures, such as making fruit and vegetables cheaper and increasing the price of sweets to ensure healthy eating. Finally, they highlighted the importance of engaging with children when making decisions about the right to food. One child told us, *“... listen to everything that every child says [...] and take it all in and write it down and do all [she] can.”*

The UN Committee on the Rights of the Child,<sup>6</sup> the [UN Committee on Economic, Social and Cultural Rights](#), and the [UN Special Rapporteur on Extreme Poverty and Human Rights](#) have expressed concern about the links between poverty and food insecurity in Scotland, their impact on children, and barriers to the right to food for children, as well the efficacy of measures such as free school meals in realising the right to food for all children and young people in Scotland.

In 2016, one child described the impact of food insecurity stating, *“living is more important than surviving.”* Good nourishment and nutrition are essential for children and young people to reach their full potential and to survive and thrive.

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<sup>6</sup> In its [2016 findings and recommendations](#) and its [request for information for the current reporting cycle](#).

The pandemic has demonstrated the extent of food insecurity amongst Scotland's children. Incorporating the right to food directly into Scots law represents a major step towards ensuring the rights of all children and young people in Scotland are realised and must be progressed urgently, through either this proposed Bill or the Good Food Nation (Scotland) Bill.

**16 February 2022**