



Nourish Scotland is a Civil Society Organisation campaigning on food justice issues at a local, national, and international level. We believe that tasty and nutritious food should be accessible to all, and should treat workers and the environment fairly.

This is a submission to the UN Universal Period Review, **27th Session – UK**.

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Nourish Scotland recently participated in the 58th Session of the UN Committee on Economic, Social and Cultural Rights reviewing the UK's performance of obligations.

Nourish Scotland's CESCER evidence focused on Article 11 of ICESCR, specifically on the right to food, and associated rights where they intersect on food justice issues.

[Our evidence is available online here](#) and has been sent to the UPR Working Group as an Annex to this submission.

Page 1 - 6 of this report contains Nourish Scotland's recommendations to the UPR Working Group. Page 7 onwards lists the key Concluding Observations on the right to food from CESCER and CRC in 2016.



This UPR evidence focuses specifically on the right to food and associated rights.

Recommendation 1:

Nourish Scotland notes that in the 2nd cycle of the UPR there were no recommendations made specifically addressing the inadequacy of protection and regression on the right to food in the UK, and encourages the UPR Working Group to **make this a priority issue in the 3rd cycle of the UPR.**

Recommendation 103 (Cuba) raised concerns with the lack of guarantee for socio-economic rights, references other aspects of Article 11 ICESCR, including the right to health and the right to housing, but omitted reference to the right to food.

Recommendation 2:

Nourish Scotland notes the absence of domestic incorporation of the ICESCR, and encourages the UPR Working Group to **recommend full incorporation of the ICESCR.**

In the absence of incorporation of the ICESCR and the OP-ICESCR, the rights are not effective in the UK. This was partially raised in **Recommendation 4 (Belarus), Recommendation 26 (Spain) and Recommendation 32 (Qatar).**

Recommendation 3:

Nourish Scotland notes the absence of any framework legislation or policy on the right to food, and encourages the UPR Working Group to **reiterate the recommendations made by CESCR in favour of a comprehensive national strategy, and recommends that this framework should be legislative and underpinned by the establishment of an independent Food Commission.**

In the absence of a strategic plan for the progression of the right to food, action across the various pillars is disparate and incoherent; fragmented across decision-making portfolios and monitoring regimes including on poverty, health, agriculture, environment, climate change, land-use, and rural economy.

Of particular concern is the absence of monitoring of household food insecurity. Estimates suggest food insecurity is somewhere between 10-27%, with the former

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figure representing moderate to severe food insecurity polled by the UN,¹ and the latter figure representing the number of people whose incomes fall below the Minimum Income Standard – linked at the cost of a socially acceptable standard of living.²

This ties in closely with **Recommendation 41 (Norway)** on needing a clear pathway to end child poverty by 2020. Directly on this point, the UK recently abolished income-related statutory monitoring and targets of child poverty in the Welfare and Work Reform Act 2016. It also links with **Recommendation 39 (Uzbekistan)** on equal enjoyment of socio-economic rights.

Framework legislation on the right to food should protect and progress across all pillars of the right to food, including on the financial accessibility of food which is the area in which the UK has most regressed since the 2nd cycle on the UPR. The UK Government has taken no meaningful action to reduce the need for food banks. Just one emergency food aid provider of the many, the Trussell Trust gave out 1,109,309 charitable food parcels in 2015/16 – one third of which went to children.³ See Nourish Scotland recommendations 4 and 5 for further information.

Recommendation 4:

Nourish Scotland notes that the National Minimum Wage and National Living Wage in the UK do not equate with the minimum needed for an adequate standard of living, and encourages the UPR Working Group to **recommend the UK Government raise all tiers of wages to the real Living Wage, independently calculated according to the Minimum Income Standard, thereby enabling all people to have financial access to food with dignity and choice.**

Having a very low income is the most significant contributor to household food insecurity. After housing costs, **21% of the UK population's income falls below the relative poverty line** – below 60% of the median income.

The UK Government has undertaken a significant programme of reforming social security under the guise of 'work being the best route out of poverty', **but 63% of the total number of people whose incomes fall below the poverty line are employed.**⁴ This is because of a combination of low pay and insecure work. 6 million people currently earn below the real Living Wage – equating to one fifth of the UK workforce.⁵

¹ Food and Agriculture Organization of the UN, *Voices of the Hungry: Methods for estimating comparable prevalence rates of food insecurity experienced by adults throughout the world* (FAO, 2016)

² D Hirsch, *Minimum Income Standard UK* (JRF, 2015)

³ Trussell Trust, Latest Stats (Trussell Trust 2015/16)

⁴ ONS, Households Below Average Income 1994/5 – 2013/14 (ONS, 2015); 50% in Scotland, see Scottish Government, Poverty and income inequality in Scotland: 2013/14 (SG, 2015)

⁵ ONS, Estimates of employee jobs paid less than the living wage (ONS, 2015)

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There is a significant gender pay gap in this respect; 29% of women are paid less than the real Living Wage, compared to 18% of men. Many of the people earning very low wages work in food and drink; 70% of people working in hospitality and catering and 35% of people working in agriculture, forestry and fishing earn less than the real Living Wage.⁶

These issues were partially raised by **Recommendation 62 (Sudan), Recommendation 64 (Algeria), and Recommendation 65 (Ukraine).**

Recommendation 5:

Nourish Scotland notes that the UK Government's reform of social security has had a devastating impact on financially vulnerable and marginalised people, pushing many in to food insecurity and destitution, and encourages the UPR Working Group to **recommend the UK Government undertakes a cumulative impact assessment of reforms, paying particular attention to non-discrimination duties, and to recommend that the Scottish Government uses its newly devolved welfare powers to ensure the adequacy of social security by aligning entitlements to the Minimum Income Standard.**

The UK Government has undertaken a programme of ideologically motivated reform of social security, shifting from a system based on entitlement to one based on conditionality, **the costs of which have in many cases outweighed the money saved.**⁷ Reform of social security has had a disproportionate impact on women, children, and disabled people, with a staggering **85% of the cuts being taken from women's incomes.**⁸ For a more detailed analysis of the reforms, please see Nourish Scotland's CESC evidence, attached as an Annex to this submission.

The UK Government's reform to social security were not reasonable, necessary or proportionate – in violation of the principle of realising rights to the maximum of available resources. At the same time as the reforms have dramatically cut and limited eligibility to social security, the UK Government has reduced the tax burden of the wealthiest earners and businesses. One forecast predicts that the most recent changes will mean that **the highest 20% of earners will have been granted the same amount in 'shadow welfare' or tax breaks as the lowest 20% of earners –** approximately £10,000 by 2020.⁹

These concerns were raised in **Recommendation 42 (Nepal) and Recommendation 101 (Viet Nam).**

⁶ ONS, Estimates of employee jobs paid less than the living wage (ONS, 2015)

⁷ National Audit Office, Contracted out health and disability assessments (NAO, 2016) HC 609

⁸ Engender, Shadow report to CESC Pre-Sessional Working Group – 6th periodic review of UK (Engender, 2015); The Fawcett Society, Where's the benefit? An independent inquiry in to women and JSA (Fawcett, 2015); Welfare Reform Committee, Women and Social Security (Scottish Parliament, 2015) SP 773

⁹ A Harrop, All in this together (Fabian Society, 2016)

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Recommendation 6:

Nourish Scotland notes that there is no legal guarantee that the state will ensure geographical access to food where people do not have access because of illness, disability, or age, and encourages the UPR Working Group to **recommend that the UK Government and the Scottish Government respectively introduce a duty on local authorities to provide access to food where people would be unable to independently access it otherwise.**

Local authorities are not legally required to ensure vulnerable people who would otherwise not be able to geographically access food are supported with such access. Many have historically provided low-cost community meals or 'meals on wheels' home delivery service, paid for by the individuals. Local authority have significantly reduced this service since 2009, **with over 60% of services suspended, and have more than doubled the cost of the service pricing many people out.**¹⁰

Recommendation 7:

Nourish Scotland notes that poor diet now poses the greatest threat to the health and survival of UK citizens, and encourages the UPR Working Group to **recommend to the UK Government and the Scottish Government where the respective power is devolved to adopt regulatory and fiscal measures to reduce the cost of healthy food, control advertising and promotion, and control the ubiquity of unhealthy foods through land-use planning.**

'The diets of typical British families now pose the greatest threat to their health and survival'¹¹ Yet interventions in the UK have repeatedly focused on behaviour change, largely ignoring the powerful environmental drivers of poor health.

Currently 2 in 3 adults and 1 in 3 children in the UK are overweight or obese, 3 million people are believed to be malnourished and many more are at risk of becoming malnourished.¹² UK diets consistently fail across national dietary recommendations, and in Scotland **the Scottish Dietary Goals have been missed every years since monitoring began in 2001.**¹³ When diet is assessed by reference to socio-economic background, all income-deciles fail to meet dietary recommendations, however there is a clear margin of difference; people in the

¹⁰ Malnutrition Task Force, More than 46,000 older people stripped of their Meals on Wheels service (MTF, 2015)

¹¹ The Food Foundation, Force-Fed: Does the food system constrict healthy choices for typical British families? (Food Foundation, 2015)

¹² Department for Environment, Food and Rural Affairs, Food Statistics Pocketbook 2015 (DEFRA, 2016); BAPEN, Report from the advisory group on malnutrition (BAPEN, 2008)

¹³ See DEFRA, Family Food (DEFRA, 2013) for analysis against the Dietary Reference Values and EatWell Plate, and Food Standards Scotland, Monitoring progress towards the Scottish Dietary Goals 2001 -2012 (FSS, 2015)

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lowest income-deciles have the poorest diets –people with low incomes eat less fruit, vegetables, fibre and oily fish, but much more sugar than people with higher incomes.¹⁴ For a more detailed analysis of the need for fiscal and regulatory interventions see Nourish Scotland CESC evidence, attached as an annex to this submission.

Recommendation 8:

Nourish Scotland notes that access to land and other resources, processing, distribution, and markets present major barriers to new entrants and small-scale producers seeking to make a living out of local food and encourages the UPR Working Group to **recommend that the Scottish Government take urgent action to increase the financial accessibility of land and other resources, and secure the financial resilience of small scale producers, including by regulating unfair corporate practices.**

Access to land is dominated by the question of land affordability; with high prices inflated by land use speculation **making land ownership prohibitively expensive for most new entrants.** Low farm-gate prices have pushed many producers to closure with the result being fewer, larger farms in which production is increasingly mechanised and intensified.

The average farm income in Scotland of £23,000pa **is in real terms a fall of 55% from 2010.**¹⁵ When costs are considered **over a third of UK farms have a net farm income of less than zero, and 46% of farms are failing to recover their annual costs** – concerning, DEFRA predict that incomes will continue to decrease significantly across all farm-types.¹⁶

There is a significant power imbalance between producers and the operators of processing, distribution and retail in the UK, with large retailers being able to effectively stipulate production and price. Milk prices have drawn considerable attention recently, with the farm-gate price of milk falling dramatically from an average of 32p per litre in 2014 to an average 23p per litre in 2016. **This is far below the minimum cost of production** estimated at 30p per litre, while retail price has remained steady at 50p per litre.¹⁷ In the last decade **the number of dairy farmers has decreased from 21,616 to 13,815.**¹⁸

¹⁴ This is true both on UK-wide equalised income measures and using the Scottish Index of Multiple Deprivation, see respectively *ibid* DEFRA, 2013 and FSS, 2015

¹⁵ Scottish Government, Annual Estimates of Scottish Farm Business Income (FBI) (SG, 2016)

¹⁶ DEFRA, Agriculture in the UK 2014 (DEFRA, 2015)

¹⁷ DEFRA, UK milk prices and composition of milk (DEFRA, 2016)

¹⁸ A Bate, Briefing: UK Dairy Industry Statistics (House of Commons Library, 2016)

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Recommendation 9:

Nourish Scotland notes that food production has a significant environmental and climate impact and is vulnerable to the effects of climate change, and encourages the UPR Working Group to **recommend that the Scottish Government embeds statutory targets and monitoring on the environmental and climate impacts of the complete life-cycle of food from production to waste.**

The intensification of agriculture is responsible for multiple ecological crises, the costs of which are largely externalised. Significant water usage, impacts on air and water quality, animal welfare, soil erosion, biodiversity loss and climate change all undermine the availability of food now and in to the future.

Focusing on climate change, food contributes significantly to Scotland's emissions, with just **agriculture and related land-use accounting for 23% of total emissions** – including nearly all non-carbon dioxide emissions.¹⁹ Scotland has performed better than the UK average in emissions reduction but has yet to effectively target agricultural emissions. There are significant gaps in food life-cycle emissions accounting, including in the public sector where there is no specific duty to report on food.²⁰

¹⁹ Scottish Government, Scottish Greenhouse Gas Emissions 2013 (SG, 2015)

²⁰ Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 No. 347



APPENDIX 1:

Key CESCR CO's relating to the right to food 2016 (E/C.12.GBR/CO/6):

(Recommendations 53-54 relate directly to the right to food, recommendations 5, 6, 16, 18, 19, 31, 36, 37, 40, 41, 42, 47 and 48 relate to associated rights.)

53. The Committee is concerned about the lack of adequate measures adopted by the State party to address the increasing levels of **food insecurity, malnutrition, including obesity, and the lack of adequate measures to reduce the reliance on food banks**. The Committee is also concerned about the lack of adequate measures adopted to increase the rates of breastfeeding (art. 12).

54. The Committee recommends that the State party **develop a comprehensive national strategy for the protection and promotion of the right to adequate food**, in order to address food insecurity in all jurisdictions of the State party and to promote healthier diets. This should include policies in support of breastfeeding in accordance with the resolutions of the World Health Assembly, including through breastfeeding breaks or breastfeeding facilities in educational institutions and workplaces. The Committee also recommends that the State party introduce higher taxes on junk foods and sugary drinks and consider adopting strict regulations on the marketing of such products, while ensuring improved access to healthy diets. The Committee refers the State party to its general comment No. 12 (1999) on the right to adequate food and the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the United Nations Food and Agriculture Organization, as well as to the International Code for Marketing of Breast-milk Substitutes.

5. While the Committee takes note of the State party's views on the **incorporation** of the Covenant rights into the domestic legislation, the Committee regrets that the Covenant rights cannot be directly applied by domestic courts, which may restrict the access to effective legal remedies for violations of Covenant rights.

6. The Committee recalls its previous recommendation (E/C.12.GBR/CO/5, para. 13) and urges the State party to fully **incorporate** the Covenant rights into its domestic legal order and ensure that victims of violations of economic, social and cultural rights have full access to effective legal remedies. The Committee draws the attention of the State party to its General Comment N° 9 (1998) on the domestic application of the Covenant.

16. The Committee is concerned about the adverse impact that recent changes to the fiscal policy in the State party, such as the increase to the inheritance tax limit and to the Value Added Tax, as well as the gradual reduction of the tax on corporate incomes, are having on the ability of the State party to address persistent social inequality and to collect sufficient resources to achieve the full realization of economic, social and cultural rights for the benefit of disadvantaged and marginalized individuals and groups. While noting the efforts that the State party and notably its Overseas Territories and Crown Dependencies are undertaking to tackle tax avoidance and cross-border tax abuse, the Committee is concerned that financial secrecy legislations and permissive rules on corporate tax are affecting the ability of the State party, as well other States to meet their obligation to mobilize the maximum available resources for the implementation of economic, social and cultural rights (art. 2, para 1).

18. The Committee is seriously concerned about the disproportionate adverse impact that austerity measures, introduced since 2010, are having on the enjoyment of economic, social and cultural rights by disadvantaged and marginalized individuals and groups. The Committee is concerned that the State party has not undertaken a comprehensive assessment of the cumulative impact of such

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measures on the realization of economic, social and cultural rights, in a way that is recognized by civil society and national independent monitoring mechanisms (art. 2, para. 1).

19. The Committee reminds the State party of its obligations under the Covenant to use the maximum of its available resources, with a view to progressively achieving the full realization of economic, social and cultural rights. The Committee draws the State party's attention to the recommendations contained in its open letter of 16 May 2012 to States parties on economic, social and cultural rights in the context of the economic and financial crisis, with regard to the criteria for austerity measures. Such measures must be temporary, necessary, proportionate, and not discriminatory and must not disproportionately affect the rights of disadvantaged and marginalized individuals and groups and respect the core content of rights. In that context, the Committee recommends that the State party review its policies and programmes introduced since 2010 and conduct a comprehensive assessment of the cumulative impact of these measures on the enjoyment of economic, social and cultural rights by disadvantaged and marginalized individuals and groups, in particular women, children and persons with disabilities that is recognized by all stakeholders.

31. The Committee is concerned at the high incidence of part-time work, precarious self-employment, temporary employment and the use of "zero hour contracts" in the State party, particularly affecting women. It is also concerned about the negative impact that all of those forms of employment have on the enjoyment by workers of their right to just and favourable conditions of work. Furthermore, the Committee is concerned about the high number of low-paid jobs, which affects in particular some sectors, such as the cleaning and homecare sectors (arts. 6–8).

36. Despite the increase of the national minimum wage that came into effect on 1 April 2016, the Committee is concerned that it is not sufficient to ensure a decent standard of living in the State party, particularly in London, and it does not apply for workers under the age of 25 (art 7).

37. The Committee recommends that the State party ensure that the national minimum wage is periodically reviewed and set at a level sufficient to provide all workers and their families with a decent standard of living. It also recommends that the State party extend the protection of the national minimum wage to those under the age of 25.

40. The Committee is deeply concerned about the various changes in the entitlements to, and cuts in, social benefits, introduced by the Welfare Reform Act 2012 and the Welfare Reform and Work Act of 2016, such as the reduction of the household benefit cap, the removal of the spare-room subsidy (bedroom tax), the four year freeze on certain benefits and the reduction in child tax credits. The Committee is particularly concerned about the adverse impact of these changes and cuts on the enjoyment of the rights to social security and to an adequate standard of living by disadvantaged and marginalized individuals and groups, including women, children, persons with disabilities, low-income families and families with two or more children. The Committee also is concerned about the extent to which the State party has made use of sanctions in relation to social security benefits and the absence of due process and access to justice for those affected by the use of sanctions (art. 9 and 11).

41. The Committee calls upon the State party to:

- (a) Review the **entitlement** conditions and reverse the cuts in social security benefits introduced by the Welfare Reform Act 2012 and the Welfare Reform and Work Act 2016;
- (b) **Restore the link between the rates of state benefits and the costs of living and guarantee that all social benefits provide a level of benefits sufficient to ensure an adequate standard of living, including access to health care, adequate housing and food;**
- (c) Review the use of **sanctions** in relation to social security benefits and ensure that they are used proportionately and are subject to prompt and independent dispute resolution mechanisms; and

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(d) Provide in its next report, **disaggregated data** on the impact of the reforms to social security on women, children, persons with disabilities, low-income families and families with two or more children.

42. The Committee draws the attention of the State party to its General Comment N°19 (2007) on the **right to social security**.

47. The Committee notes with concern that certain groups of the population are more affected by, or at an **increased risk of, poverty**, in particular persons with disabilities, persons belonging to ethnic, religious or other minorities, single-parent families and families with children. The Committee notes with concern that the State party does not have a specific definition of poverty and that the new Life Chances Strategy, as contained in the Welfare Reform and Work Act 2016, has repealed the duty to meet time bound targets on child poverty, which remains high and is projected to increase in the future, especially in Northern Ireland (art. 11).

48. The Committee recommends that the State party take steps to **introduce measures to guarantee targeted support to all those living in poverty or at risk of poverty**, in particular persons with disabilities, persons belonging to an ethnic, religious or other minorities, single-parent families and families with children and adopt an anti-poverty strategy in Northern Ireland. The Committee also urges the State party to develop a comprehensive child poverty strategy and reinstate the targets and reporting duties on child poverty. In that regard, the Committee draws the attention of the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights, adopted on 4 May 2001 (E/C.12/2001/10).

- emphasis added

Key CRC CO's relating to the right to food 2016 (CRC/C/GBR/CO/5):

66. The Committee is concerned about:

- (a) The high prevalence of **overweight and obesity** among children in many parts of the State party;
- (b) The **lack of comprehensive data on child food security**, while some research indicates that currently available programmes, such as free school meal programmes, may not be effectively responding to child hunger;
- (c) The extremely low rate of breastfeeding, the fact that only one per cent of women maintained exclusive breastfeeding for six months in 2010, and the inadequate regulation of marketing of breast-milk substitutes.

67. The Committee recommends that the State party:

- (a) **Systematically collect data on food security and nutrition for children**, including those relevant to breastfeeding, overweight and obesity, in order to identify the root causes of child food insecurity and malnutrition;
- (b) **Regularly monitor and assess the effectiveness of policies and programmes on child food security and nutrition**, including school meal programmes and food banks, and programmes addressing infants and young children;
- (c) Promote, protect and support breastfeeding in all policy areas where breastfeeding has an impact on child health, including obesity, certain non-communicable diseases and mental health, and fully implement the International Code of Marketing of Breast-milk Substitutes.

- emphasis added

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