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Call for inputs by the Special Rapporteur on human rights and the environment, Dr. David Boyd to inform his thematic report [Healthy and Sustainable Food: Reducing the Environmental Impacts of the Global Food System on Human Rights](https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/HealthySustainableFood.aspx) to be presented to the UN General Assembly in 2021.

**Questionnaire**

The Special Rapporteur invites and welcomes your answers to the following questions:

1. Please provide examples of ways in which the environmental impacts of the global food system are having adverse impacts on human rights.

Under question 3 and 6, see examples of particularly toxic pesticides and their impacts in Mexico and Costa Rica.

1. How has climate change affected the global food system?

Under question 4, see case case Ashgar Leghari v. Federation of Pakistan where the Lahore High Court Green Bench discusses impacts of climate change on food security.

The Human Rights Commission of the Philippines conducted a path-breaking **inquiry on the human rights impacts of climate change** in the Philippines specifically in relation to the impacts of 47 Carbon Major companies. The process involved in this inquiry and the associated findings can contribute to understand and address systemic challenges to access to healthy and sustainable food.[[1]](#footnote-1),[[2]](#footnote-2) In one of the **public hearings** in this inquiry, Exhibit (3x) by Dr. Vincent Hilomen who works at the Biodiversity Management Bureau at the Department of Natural Resources in the Philippines showed how the effects of climate change are a direct **threat to the components of food chains**, which can in turn put at risk food security. His exhibit showed the profound effects of climate change in coastal and marine ecosystems such as fish escaping warm waters and migrating to higher latitudes **compromising the food security in the tropics** including in the Philippines. Another example of the impacts of climate change in global good systems provided by Dr. Hilomen is the impacts of climate change on mangroves -which function as fish habitat nursery- and which have been affected by sea level rise.

1. To protect a wide range of human rights, what are the specific obligations of States and responsibilities of businesses in terms of preventing, reducing, or eliminating environmental impacts caused by the unsustainable production or consumption of food? How can we shift to food systems that restore and regenerate nature rather than degrading ecosystems, while providing healthy diets for a global population that will exceed nine billion by 2050?

In its Constitution, Mexico recognises the right to a healthy environment and the right to nutritionally adequate food, sufficient and of good quality (Article 4). As for international treaties specifying rights of indigenous peoples, Mexico is party to the Indigenous and Tribal Peoples International Labour Organization Convention (No. 169). Jurisprudence specifying State obligations and business responsibilities including towards indigenous peoples can contribute to **safeguard healthy and sustainable produced food** and its **associated biocultural values and traditional knowledge**. For example, in 2015, Mexico’s Supreme Court unanimously ruled that the **government must consult indigenous communities** before planting GM soybeans, canceled Monsanto’s permits and prohibited the planting of GM soybeans in Campeche and Yucatán-southern states in Mexico which are rich in biocultural diversity. This ruling was the result of a coalition’s lawsuit led by Mayan beekeeper Leydy Pech, who won the Goldman Prize in 2020. For Mayan communities, beekeeping is part of a millennial tradition providing nutritious honey. In September 2017, Mexico’s Food and Agricultural Service revoked Monsanto’s permit to grow genetically modified soybeans in seven states.[[3]](#footnote-3)

One of the reasons why this case can be seen as a lever with transformative potential is the combination of strategies to advance what Pech frames as “lucha de la vida” (a struggle for life). Collaboration between Mayan beekeeper women organizations, an academic institution (Mexico’s Universidad Autonoma) and an intergovernmental organization (UN Development Programme) helped provide evidence of impacts of GM soy cultivation. The Universidad Autonoma confirmed that GM soy pollen was present in the local honey supply. Honey bees exposure to glyphosate perturbs the gut microbiota potentially affecting bees’ health and their effectiveness as pollinators.[[4]](#footnote-4) The Universidad Autonoma and the UN Development Programme helped identified traces of the glyphosate in the water supply of Hopelchén, and in the urine of town’s residents. Potential risks of glyphosate affecting human health have been identified by e.g. the World Health Organization’s International Agency of Research on Cancer which classified glyphosate as “probably carcinogenic to humans”.[[5]](#footnote-5)

1. Please provide specific examples of constitutional provisions, legislation, institutions, regulations, standards, jurisprudence, policies and programmes that apply a rights-based approach to ensuring healthy and sustainably produced food. Please include, inter alia, any instruments that refer directly to the right to a healthy environment.

In the **case Ashgar Leghari v. Federation of Pakistan**[[6]](#footnote-6), the Lahore High Court Green Bench helped specify human rights obligations concerning safe climate, healthy and sustainable food and access to justice of people in vulnerable situations. It declared “Climate Change is a defining challenge of our time and has led to dramatic alterations inour planet’s climate system. For Pakistan, these climatic variations have primarily resulted in heavy floods and droughts, raising serious concerns regarding water and **food security**. On a **legal and constitutional plane** this is clarion call for the protection of fundamental rights of the citizens of Pakistan, in particular, the vulnerable and weak **segments of the society who are unable to approach this Court**.” This Court also considered that fundamental rights recognized in the Pakistan Constitution including the right to life (Article 9), the right to a healthy and clean environment and right to human dignity (Article 14) ought to be read with the **international environmental principles of sustainable development** and **inter and intra-generational equity.**

Applying a **human rights-based approach in implementing Multilateral Environmental Agreements such as the Convention on Biological Diversity** is a way to contribute to ensuring healthy and sustainably produced food. For example, the Nepal Biodiversity Strategy and Action Plan (2014-2020) refers explicitly to the Constitutional right of everyone to live in a healthy environment and associated state obligations including to pursue a policy to identifying and protecting traditional knowledge, skills and practices. The principles underpinning Nepal’s Biodiversity Strategy and Action Plan, include “Principle of the the Biodiversity and ecosystem services are the important bases for enhancing food security, improving local livelihoods and maintaining socio-ecological resilience.” This strategy recognizes that **agricultural diversity is key to food and livelihood security** of the people in Nepal including its rich diversity of agricultural crops, their wild relatives, and the extensive use of traditional botanical pesticides for crop protection with considerable success rate.

1. If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment, has this right contributed to preventing, reducing, or eliminating environmental impacts caused by the unsustainable production or consumption of food? If so, how? If not, why not?

Mexico, Costa Rica, Pakistan and Nepal are among the countries which recognise the right to a healthy environment; see examples of these countries under questions 3, 4 and 6.

1. Please provide specific examples of good practices in preventing, reducing, or eliminating environmental impacts caused by the unsustainable production or consumption of food.

National Human Rights Institutions (NHRIs) are among the institutions who have contributed to address environmental impacts caused by the unsustainable production or consumption of food. As an illustration, **Costa Rica NHRI** has a long history of addressing unsustainable food production practices. For example, in 1998, the Costa Rica NHRI investigated the impacts of farmworkers in banana plantations applying the **highly toxic pesticide** dibromochloropropane (DBCP) which caused the sterilization of men workers exposed to this pesticide.[[7]](#footnote-7) For women who were partners of men applying DBCP, physical and psychological implications range from miscarriages to congenial malformation of their sons and daughters.[[8]](#footnote-8) In 2016, the Costa Rica NHRI conducted an **investigation on the impacts of agrochemicals** used in the country, including those which have been banned in other countries but still available in Costa Rica, as well as their possible implications on human health and on the environment.[[9]](#footnote-9) In 2019, this NHRI presented **recommendations to the legislative** concerning enhanced control and better regulation concerning **pesticides and agrochemicals** in the country.[[10]](#footnote-10) Another example of NHRIs good practices is the **Azerbaijani NHRI** providing recommendations on measures to **reduce packaging and large-scale food waste** in public catering facilities in order to tackle unsustainable consumption practices.[[11]](#footnote-11)

1. Please identify specific challenges that your Government, business, or organization has faced in attempting to employ a rights-based approach to address the environmental impacts of food systems and the consequences of these problems for human rights.

One of the challenges for addressing the environmental impacts of food systems is the implementation of extra-territorial human rights obligations. Under question 8, see examples of initiatives to address this challenge.

1. Please specify ways in which additional protection is provided (or should be provided) for small-holders and populations who may be particularly vulnerable to unhealthy and unsustainably produced food.

Small-scale farmers are among the people particularly vulnerable to human rights violations by food production businesses. The National Human Rights Commission of Thailand investigated a case of a Thai company that operated the Koh Kong **sugar cane plantation** in Cambodia and associated allegations of forced evictions, killing of livestock, and loss of food security. The Commission’s investigation determined that the people’s rights to life, self-determination, development and participation were violated.[[12]](#footnote-12),[[13]](#footnote-13) Another example is the Malaysia NHRI who has investigated impacts of a Malaysian **palm oil plantation** project on the rights of people in Myanmar. The ‘Bangkok Declaration on **Extraterritorial Human Rights Obligations**’(2014), signed by five National Human Rights Institutions in Southeast Asia together with various civil society organizations[[14]](#footnote-14) is an example of instruments that can be used to address large-scale unsustainable production practices affecting populations in vulnerable situations.

As for support to small-scale farmers, **urban gardening initiatives including by women groups** can contribute to both physical and mental well-being and the enjoyment of the right to food and the right to a healthy environment in particular the healthy and sustainable produced food element of this right. With proper implementation, peri-urban and urban farming could be a major strategy to address to the serious effects of COVID-19. It may also contribute to the enjoyment of the right to work, particularly for the many women who completely or partially lost their jobs during to COVID-19 pandemic. While home gardening is clearly not a new practice, COVID-19 has made its value more visible both in terms of food production and mental health. Urban gardening including home gardening – which has been on the rise since COVID-19 – provides a renewed opportunity to produce healthy and sustainable food.[[15]](#footnote-15)

1. The public inquiry’s resources including the associated exhibits can be found at: <http://chr.gov.ph/nicc-resources/> See also A. Savaresi and J. Hartmann Using Human Rights Law to Address the Impacts of Climate Change: Early Reflections on the Carbon Majors Inquiry (2 November 2018). Workshop: Climate Change Litigation in the Asia Pacific, University of Singapore, June 2018. <https://ssrn.com/abstract=3277568> or [http://dx.doi.org/10.2139/ssrn.3277568](https://dx.doi.org/10.2139/ssrn.3277568)  [↑](#footnote-ref-1)
2. <https://www.climatedocket.com/2017/10/05/philippines-climate-change-human-rights/> [↑](#footnote-ref-2)
3. https://www.goldmanprize.org/recipient/leydy-pech/ [↑](#footnote-ref-3)
4. Erick V. S. Motta, Kasie Raymann, Nancy A. Moran, Glyphosate perturbs the gut microbiota of honey bees

   Proceedings of the National Academy of Sciences Oct 2018, 115 (41) 10305-10310; DOI: 10.1073/pnas.1803880115 [↑](#footnote-ref-4)
5. The potential risks for human health by glyphosate has been highlighted by e.g. the World Health Organization’s International Agency of Research on Cancer which classified glyphosate as “probably carcinogenic to humans”. https://www.iarc.who.int/featured-news/media-centre-iarc-news-glyphosate/ [↑](#footnote-ref-5)
6. https://elaw.org/es/node/15567 [↑](#footnote-ref-6)
7. Defensoría de los Habitantes de Costa Rica (1998) Expediente No. 250-23-98.

   See more on DBCP exposure at Thrupp LA. Sterilization of workers from pesticide exposure: the causes and consequences of DBCP-induced damage in Costa Rica and beyond. Int J Health Serv. 1991;21(4):731-57. [↑](#footnote-ref-7)
8. The used of DBCP did not only adversely impacted farmerworkers in Costa Rica, farmworkers in Nicaragua, Guatemala, Costa Rica, Ecuador, Panama, the Philippines, the US and various countries in West African countries were exposed to DBCP from the 1960s until cessation of its use, which has varied from country to country. https://beyondpesticides.org/dailynewsblog/2019/10/banana-workers-made-sterile-from-pesticide-sue-dow-in-france/ [↑](#footnote-ref-8)
9. https://www.usexpatcostarica.com/ombudsman-is-investigating-the-impact-of-agrochemicals-in-costa-rica/ [↑](#footnote-ref-9)
10. https://elperiodicocr.com/defensoria-pide-mayor-control-y-mejor-regulacion-sobre-plaguicidas/ [↑](#footnote-ref-10)
11. Office of the Commissioner for Human Rights of the Republic of Azerbaijan (n.d.), at p. 2 [↑](#footnote-ref-11)
12. Environmental Rights Database (n.d.-c). [↑](#footnote-ref-12)
13. [www.aseannews.net/asean-accountability-beyond-borders/](http://www.aseannews.net/asean-accountability-beyond-borders/) [↑](#footnote-ref-13)
14. [www.escr-net.org/sites/default/files/Bangkok%20Declaration%20on%20ETOs%20.pdf](https://www.escr-net.org/sites/default/files/Bangkok%20Declaration%20on%20ETOs%20.pdf) [↑](#footnote-ref-14)
15. Ituarte-Lima, C (in press) ‘Is COVID-19 frustrating or facilitating sustainability transformations? An assessment from a human rights law perspective’in *Human rights and COVID-19*, Kjaerum, M, Davis, M., Lyons, A., (eds), Routledge. [↑](#footnote-ref-15)