**MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION AND INTERNATIONAL TRADE (HUMAN RIGHTS DIVISION)**

**Healthy and Sustainable Food: Reducing the Environmental Impacts of the**

**Global Food System on Human Rights**

** 1. Please provide examples of ways in which the environmental impacts of the global food system are having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water and sanitation, food, culture, livelihoods, non-discrimination, a safe, clean, healthy and sustainable environment, and Indigenous peoples' rights.**

1.1 An increase in consumption of processed foods such as bacon and sausages, which are classified as carcinogens, is harmful to health.

1.2 Use of pesticides, insecticides, beyond permissible limits, for the production of vegetables is injurious to health.

1.3 Poorly maintained distribution systems can cause the quality of piped drinking water to deteriorate below acceptable levels and pose serious health risks.

1.4 Unsegregated water discharge and wastewater discharge systems can mix thereby contaminating drinking water.

1.5 Use of destructive fishing gears such as dynamite, trawl fishing, overfishing and unsustainable aquaculture practices can cause significant harm to the marine environment and deplete fish stocks. Consequently, affecting the livelihoods of coastal communities through reduced income and shortage of food.

1.6 Climate variability such as drought or floods also affects food production, prices and farmers’ livelihoods adversely leading to food insecurity.

1.7 Lower production also results in higher food prices, which jeopardizes food accessibility to the poorest segment of the community.

1.8 Due to flooding or landslides, houses are destroyed and cause heavy damage to property and loss of goods.

1.9 The lack of sewage system affects severely the water table and open-air household waste disposal leads to air pollution.

**2. How has climate change affected the global food system?**

2.1 Fire outbreak, flooding, storm and torrential rains severely affect the fertile soil leaving it unproductive and sterile, thus increasing the incidence for food scarcity;

2.2 Climate change effects such as increase in sea surface temperature, sea level rise, ocean acidification, coastal erosion result in a decrease in fish catch and fish production. Migratory and mating patterns of fish threaten the viability of fisheries thus affecting communities that rely on seafood as a primary source of protein; and

2.3 Rise in ambient temperature increases the risk of food spoilage and foodborne diseases due to rapid growth of micro-organisms.

 **3. 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?**

3.1 Policies are developed and regulated to enhance sustainable production and consumption of foods in line with the SDG Goal and other international instruments. There is also an array of legislations to prevent unsustainable practices as at **Annex**.

3.2 Joint collaborative engagement of the public and private sectors is also vital.

3.3 Pursuant to the UN Guiding Principles on Business and Human Rights, States have an obligation to protect by:

1. preventing, investigating, punishing and redressing human rights abuses that take place in the domestic business operations;
2. enacting and enforcing laws that require businesses to respect human rights; and
3. creating a regulatory environment that facilitates business respect for human rights and provide guidance to companies on their responsibilities.

3.4 Businesses have a corporate responsibility to:

1. prevent, mitigate and remedy human rights abuses by ensuring;
2. compliance with prevailing laws and sustainable production of food;
3. fair trading and ethical practices;
4. good manufacturing practices; and
5. adherence to national standards and international certifying bodies.
6. introduce a policy commitment to meet the responsibility to respect human rights;
7. undertake ongoing human rights due diligence to identify, prevent, mitigate and account for their human rights impacts by:
8. assuming responsibilities for each actions taken; and
9. ensure all traceability features are honestly reported.
10. communicate how businesses address their human rights impacts.

**4. 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.**

4.1 The State of Mauritius has an extensive legislative framework that ensures healthy and sustainably produced food as detailed in **Annex.** The following legislations are also applicable:

1. Use of Pesticides Act 2018;
2. Climate Change Act 2020; and
3. Chemical Fertiliser Control Act.

4.2 Moreover, the State of Mauritius has ratified various environment related Conventions and International Instruments to promote environmental preservation and sustainable exploitation of resources to ensure food security. They include, amongst others:

1. the United Nations Convention on the Law of the Sea 1982;
2. the Food and Agriculture Organization of the United Nations Code of Conduct for Responsible Fisheries;
3. the Agreement related to the Conservation and Management of Straddling and Highly Migratory Fish Stocks of the United Nations Law of the Sea (Fish Stocks Agreement) of 1995;
4. the Convention on Biodiversity; and
5. relevant rules specified under the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), on personal hygiene.

4.3 Mauritius is also a member of:

1. the Indian Ocean Tuna Commission ;
2. the Convention for the Conservation of Antarctic Marine Living Resources ;
3. the South West Indian Ocean Fisheries Commission and Southern Indian Ocean Fisheries Agreement; and
4. Regional Fisheries Management Organisations and thus, implements all their fishery conservation and management measures for sustainable fisheries production.

**5. 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?**

5.1 The national legislations of Mauritius do not expressly state that ‘Mauritius recognises the right to a safe, clean, healthy and sustainable environment’. However, at the regional level, Mauritius has ratified the African Charter on Human and Peoples’ Rights in which Article 24 reads as follows: “*All peoples shall have the right to a general satisfactory environment favourable to their development*”.

5.2 Reference is also made to Section 2 of the Environment Protection Act, which reads as follows: “*It is declared that every person in Mauritius shall use his best endeavours to preserve and enhance the quality of life by caring responsibly for the natural environment of Mauritius*.”

5.3 The Environment Protection Act 2002 and the Fisheries and Marine Resources Act 2007 make provision for the protection of the environment and ensuring sustainable exploitation of resources for food security.

5.4 Other measures include the prohibition to use poisonous substances and dynamite for fishing, use of destructive fishing gears and prohibition to remove corals, closed season for net fishing amongst others. All coastal and marine development projects are fully scrutinized and all measures are taken to protect the environment and available resources so that there is a balance between economic development and protection of the environment.

5.5 The ban on use of highly toxic pesticides and the establishment of strong sensitization campaigns have shifted planters towards more ecofriendly products and farmers to adopt sustainable food production systems. Citizens have shown a growing concern towards the consumption of eco-friendly food crops and other products along the value chain. The Police de l’Environnement also ensures efficient prevention and control of environmental degradation and pollution.

5.6 Additionally, concerning livestock farming, Preliminary Environment Report or Environmental Impact Assessment is a prerequisite for certain category of enterprise and business scale under Environment Protection Act 2008.

**6. Please provide specific examples of good practices in preventing, reducing, or eliminating environmental impacts caused by the unsustainable production or consumption of food. These examples may occur at the international, regional, national, sub-national, or local level. Examples may involve monitoring food quality; guaranteeing procedural rights (e.g. public access to food information, public participation in decision-making about the environmental impacts of producing or consuming food, access to remedies); new technologies; legislation, regulations, standards, jurisprudence and policies that address the environmental impacts of the food system; and initiatives to achieve healthy and sustainably produced food (e.g. halting land conversion for agriculture, reducing greenhouse gas emissions, reducing air and water pollution, supporting agro ecology, agroforestry, organic farming and closed-loop aquaculture, increasing efficiencies, promoting healthy and sustainable diets such as plant-based, and avoiding food waste). Where possible, please provide evidence related to the implementation, enforcement, and  effectiveness of the good practices.**

6.1 Examples of good practices include:

1. sustainable fishing and conservation and protection of marine ecosystem;
2. reduction of pollution and other environmental issues;
3. healthy food production; and
4. continuous awareness.

Additional information pertaining to same can be found at **Annex.**

**7. 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.**

7.1 Challenges include, *inter-alia:*

1. lack of funds and inadequate resources;
2. lack of training on specific human rights instruments;
3. lack of expertise in environmental issues;
4. absence of regulatory framework in place for traceability of products which limits the possibility of setting up a sustainable agriculture supply chain;
5. absence of enforcement of regulations on use of pesticide. There are not sufficient resources to test the presence of pesticide residues in fresh foods as well as control the harvesting period after application of pesticides;
6. the regulatory framework is not rigid enough and needs further strengthening;
7. the country is faced with unpredictability in climate shift. Such a phenomenon encourages farmers to utilize agro-chemicals in the field.

**8. 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 (e.g. women, children, persons living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, ethnic, racial, religious or other minorities, migrants and displaced persons). How can these populations be empowered to produce and consume healthy and sustainably produced food?**

8.1 A Marshall Plan against Poverty is operational since 2016 to eliminate absolute poverty. The Social Integration and Empowerment Act was also introduced in 2016 for the setting up of empowerment programmes and schemes to persons living in absolute poverty. New absolute poverty thresholds based on a minimum threshold of Rs 2,720 and a maximum of Rs 9,520 per adult basis were introduced.

8.2 Where the income of a household is assessed to be less than his/her corresponding poverty threshold, then the difference is paid in terms of a monthly subsistence allowance. The objective is to eliminate absolute poverty by ensuring that the basic needs of people living in absolute poverty are effectively met and they ultimately move out of the vicious circle of poverty. This is to enable them to meet the costs of basic food, clothing, and shelter needs.

8.3 Households eligible for subsistence allowance also benefit from various other empowerment scheme so that they can earn to have a decent life.

**9. How do you ensure that the rights of environmentalists working on food issues (Environmental human rights defenders) are protected? What efforts has your Government, business, or organization made to create a safe and enabling environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?**

9.1 Mauritius is a democratic state and the rights of its citizens are guaranteed by the Constitution (Section 3 to 16). Those provisions are safeguarded and applied to all citizens including Environmental human rights defenders. Moreover, Section 13 of the Constitution guarantees the people’s right to peacefully assemble without fear of harassment or intrusion.

The Constitution of the Republic of Mauritius can be accessed through the link :-[*https://mauritiusassembly.govmu.org/Documents/Legislations/constitutiouse of pn.pdf*](https://mauritiusassembly.govmu.org/Documents/Legislations/constitution.pdf)

9.2 The Constitution also makes provision under Section 17 for redress to be afforded to any individual whose rights have been, are being or are likely to be contravened. There is also the possibility of challenging acts of public bodies in Court by way of applications for judicial review on grounds of illegality, "Wednesbury unreasonableness", abuse of powers and procedural impropriety and the possibility of addressing minor petitions to the Attorney General.

9.3 Provision is available in the Criminal Code and specific laws such as the Equal Opportunity Act, Workers Right Act, etc. to ensure the rights of human rights defenders are not contravened. Specific laws in Mauritius allow workers including environmental human rights defenders to associate or join in trade unions via which they can express their views and concerns. They can also indulge in collective bargaining over matters relating to their work or conditions of work. The State of Mauritius is also signatory to some International Conventions associated with human rights such as the African Charter on Human and People’s Right.

9.4 Concerning Rodrigues, the Rodrigues Environment Committee ensures that all issues relating to environment are treated in consultation with all Government sectors, NGOs and any party concerned.

9.5 The Environment Protection Act gives the right of appeal to any person who is aggrieved by the decision of the Minister. In 2012, the Environment and Land Use Appeal Tribunal has been set to hear and determine such appeals.

**10. There is substantial evidence that the actions of high-income States (e.g. high levels of meat consumption, excessive calories, and food waste) are linked to adverse effects on food availability, food quality and ecosystem health in low- and middle income States. What are ways in which high-income States should assist low income States in reducing the environmental impacts of food systems while promoting healthy and sustainably produced food?**

10.1 Assistance from high-income States could include, inter-alia:

1. sharing of expertise: Transfer of proven technologies, for instance, renewable energy and knowhow to low-income countries;
2. financial and technical assistance: provision of financial assistance through bilateral or multilateral agreements and technical assistance in implementing sustainable food production practices;
3. production of healthy foods, and reduction in the use of boosters and other fertilizers and pesticides to increase production in very short lapse for profit motives;
4. sustainable trade through transformation of the supply chain power of small holder commercial farmers and agro-processing by grouping them in a collaborative relationship in a medium sized entity;
5. optimum use of renewable energies; and
6. setting up a knowledge hub for improved capacity building and hands-on training.

**11. For businesses, what policies or practices are in place to ensure that activities, products, and services across the entire food system (production, processing, distribution, marketing, retail, food loss and waste) achieve healthy and sustainably produced food and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?**

11.1 The United Nations Guiding Principles on Business and Human Rights (UNGPs) is fairly a new concept in the Mauritian business landscape. Relevant stakeholders including the private sector are sensitised on the guidelines and its incorporation in the various processes.

11.2 Please refer to measures enunciated in the reply to question 6 above.

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