



INTERNATIONAL HUMAN RIGHTS PROTECTION IN THE GLOBAL FOOD CHAIN

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Scope of the research and partial results

Food production has been increasingly considered as one of the major sources of human rights violations and inequalities. Holding private actors accountable for human rights violations caused, contributed or directly linked to their activities is key to tackle the challenge of a **socially and environmentally sustainable food production** in the future.

The first stage of the research identified the main human rights impacts caused by agrifood production.

Child labor and forced labor are still widespread, both in global and local

supply chains and possibly fostered by unfair commercial practices in food supply chains; the **human right to a clean, safe, healthy and sustainable environment** (UNGA Res. A/76/L.75 of 28 July 2022) is impacted by major intensive agricultural and livestock production; the human rights of vulnerable groups, including **indigenous people**, are mostly impacted by global food supply chains.

The second stage of the research aims at identifying **actors in food supply chain and related accountability for human rights violations** based on current international and EU law

Ongoing research topics

✓ Mapping developments in international and EU law implementing corporate responsibility to respect human rights in food production

✓ Defining the perimeter of supply chain accountability by identifying actors and responsibility in agri-food supply chains based on conducts of cause, contribution and direct link to human rights abuses

✓ Mapping and evaluating the effectiveness of remedies in case of human rights violations in the context of agri-food production, both judicial and non-judicial, State-based and non-State based

Mapping business and human rights developments in domestic laws

- Approved law on mHRDD
- Approved law (issue or sector specific)
- Civil society initiative
- MP initiative



Mandatory **human rights due diligence laws (MHRDD)** are spreading across Europe. According to the **UN Guiding Principles on Business and Human Rights** and **OECD Guidelines for MNEs**, corporations should:

- ✓ Embed responsible business conduct into policies & management systems
- ✓ Identify and assess adverse impacts on human rights in operations, supply chains & BPs
- ✓ Cease, prevent or mitigate impacts
- ✓ Track implementation and results
- ✓ Communicate how impacts are addressed

Source: map based on data from the Mandatory due diligence portal of Business and Human Rights Resource Center (2022)

Focus: certifying sustainability?

The use of social and environmental sustainability logos and brands exponentially increased in the last decades, due to a growing awareness and consumer interest in responsible purchases, coupled with difficulties in controlling complex global chains



Social and green washing is a human rights matter: entities involved in **social auditing and certification process** should also comply with **minimum standards** of business and human rights, to minimize the risk of human rights abuses by certified companies

References: UK OECD National Contact Point, EC, IDI, LICADHO v Bonsucro, Final Statement 11 January 2022

News from international and EU law

International agreements on the State duty to regulate the conduct of business

✓ United Nations Working Group on Business and Human Rights, **Draft Legally Binding Instrument to Regulate, in International Human Rights Law, the activities of Transnational Corporations**

and other Business Enterprises (third revised draft released in August 2021), introducing an international obligation to regulate corporate accountability in domestic law

European Union Directives and Regulations

✓ Directive on **Unfair Trading Practices in Agriculture** (Directive 2019/633), imposing black list of unfair practices in commercial agreements widely recognized as a major sources of imbalances in food supply chains, causing human rights abuses through **cascade effect**. Italy implemented the Directive through Legislative Decree 198/2021 **banning electronic double auction** for agricultural and food products

✓ New Common Agricultural Policy (Regulation 2115/2021), States will adopt CAP strategic plans to implement the policy and its new social conditionality clause, that will **link direct payments to farmers to compliance with basic labour standards in agriculture**

European Union ongoing developments and proposals

✓ Proposal for a Directive of the European Parliament and of the Council **on corporate sustainability due diligence and amending Directive EU 2019/1937**, COM(2022) 71 final (23 February 2022), introducing mandatory human rights due diligence for companies with special clauses for **high-risk sectors as agriculture**

associated with deforestation and forest degradation, COM(2021) 706 final (17 November 2021), regulating the placing and export of **cattle, cocoa, coffee, oil palm, soya and wood**

✓ Proposal for a Regulation of the European Parliament and of the Council **on the making available on the Union Market as well as export from the Union of certain commodities and products**

✓ European Parliament resolution on a new trade instrument to **ban products made by forced labor** (9 June 2022), calling for a WTO-compatible trade instrument to complement the corporate sustainability due diligence rules, banning the import/export of products made or transported by forced labor