

Überblick über Verstöße transnationaler Konzerne und weiteren Unternehmen im Rahmen des Rechts auf Nahrung

(Auszug aus der schriftlichen Stellungnahme von FIAN im Menschenrechtsrat, Juni 2015. Die gesamte Stellungnahme ist Verfügbar unter:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session1/FIAN_International.doc)

[...]

3.1.1. The offenses

The offenses and crimes by TNCs and other business enterprises in the context of the human right to food and nutrition include:

- **Forced evictions** of persons or groups depending of the respective natural resources to live in dignity and feed themselves and their families and communities. Such evictions include the displacement of people from the public lands, forests, grazing lands and mobility routs used to collect or produce food, trough mega- projects, including construction of infrastructure, agri-business, extractive industries, creation of natural parks, programs for the compensation of CO2 emissions, construction or tourism projects, among others.¹
- **Destruction of natural resources** used by communities to feed themselves and their families through violent actions.²
- **Destruction and depletion of ecosystems**, including through the overuse and depletion of water, destruction of forests, depletion of fish stocks.³
- **Damages to health and food through the spreading of agro-chemicals**, including damages to surrounding communities, harm to the health of agricultural workers and consumers, destruction of crops and poisoning of animals⁴
- **Destruction of food, crops, animals** and other goods required for the nutrition of the specific individual or community, condemning entire communities to hunger, malnutrition and in some cases also to starvation⁵

¹ Examples: Cases Mubende and Benet in Uganda, Case el Hatillo in Colombia, Case Guarani Kaiowa in Brasil, Case Sawhoyamaya in Paraguay, for more information see: <http://www.fian.org/what-we-do/case-work/>;

² Examples: Case Las Pavas in Colombia at: <http://www.fian.org/es/nuestro-trabajo/casos/colombia-las-pavas/>;
<http://www.fiancolombia.org/decision-de-la-corte-constitucional-de-colombia-en-favor-de-las-campesinas-y-campesinos-de-las-pavas/>; Case Mubende in Uganda at:
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCSS%2fUGA%2f20371&Lang=en, Parallel Report by The Ugandan National Coalition on ESCR c/o HURINET- Uganda, p. xxii, 9 and 23, and parallel report by FIAN International to Committee on Economic, Social and Cultural Rights at:
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCSS%2fUGA%2f20412&Lang=en.

³ Examples: Case of victims of Soya cultivation in Paraguay - Linked to case Curuguay. Case Curuguay at: http://www.fian.org/fileadmin/media/publications/Land_Conflicts_and_Criminalization_of_Peasant_Movements_.pdf, case Monte Oscuro, at: <https://docs.google.com/file/d/0B0xztRbEz69TN0RiY1M0WVlsalU/edit>, Colombia, Case El Hatillo, Colombia at: <http://www.fiancolombia.org/el-hatillo-la-violacion-del-derecho-a-la-alimentacion-en-una-comunidad-afectada-por-la-actividad-minera/#>.

⁴ Examples: Cases of victims of soya cultivation in Paraguay at: <http://www.rel-uita.org/index.php/es/agricultura/transgenicos/item/5289-soja-transgenica-y-la-violacion-de-los-derechos-humanos>.

⁵ Examples: Case Ocos in Guatemala, Informe sobre el Derecho a la Alimentación y la Situación de Defensoras y Defensores de Derechos, Humanos en Guatemala, Informe de Seguimiento, p.31 ss.

- **Distribution and marketing of unsafe food** causing physical and mental diseases, etc.⁶
- **Food blockades** impeding access to food of the population in the context of armed (and sometimes unarmed) conflicts⁷
- **Oppression of agricultural workers** including through modern forms of slavery and forced labour, non-payment of wages, discrimination against women through unequal payment, illegal detention, unsafe working conditions⁸
- **Harassment and criminalization of human rights defenders and trade unionists**, including through private armed forces, psychological harassment, denial of due process of law⁹
- **Abusive loan conditions and speculation with land** and other natural resources causing suicides of small farmers¹⁰
- Setting up **prix-fixing cartels, buyer cartels or other cartels that manipulate food and agricultural prices** and thereby harming access to adequate food and nutrition¹¹.
- **Destruction of small food producers' markets** for example by dumping thereby impeding their economic subsistence¹²
- **Non-compliance with the International Code of Marketing of Breast milk Substitutes**¹³

[...]

at: http://www.rtfn-watch.org/uploads/media/Guatemala_-_El_Derecho_a_la_Alimentaci%C3%B3n_y_la_Situaci%C3%B3n_de_Defensoras_y_Defensores_de_Derechos_humanos_02.pdf; Case Las Pavas in Colombia, at: <https://retornoalaspavas.wordpress.com/>

⁶ See pandemic of obesity and diabetes in Mexico, at: <http://eleconomista.com.mx/entretenimiento/2015/04/16/sistema-alimentario-modo-industria>; <http://www.vanguardia.com.mx/obesidadysucifrasenmexico-1418223.html>.

⁷ Example: Case Comunidad San José de Apartadó – Colombia, at: <http://www.pbi-colombia.org/field-projects/pbi-colombia/about-pbi-colombia/accompanied-organizations/peace-community-of-san-jose-de-apartado/>.

⁸ Example the case of tea plantations in India at: <http://www.globalresearch.ca/india-abusive-working-conditions-on-tea-plantations-owned-by-the-world-bank/5369969>.

⁹ Example: Case Bajo Aguan, Honduras at: <http://www.fian.org/what-we-do/case-work/honduras-bajo-aguan/>

¹⁰ See on cases in India: <https://www.danwatch.dk/nyhed/filmen-du-ikke-maa-se/>. Also on this regard the Concluding Observations of the CESCR to the state of India UN. Doc. E/C.12/IND/CO/5 8 August 2008, par 69, at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/436/08/PDF/G0843608.pdf?OpenElement>.

¹¹ See i.a: <http://www.cipamericas.org/archives/3968>; on prices speculation and the involvement of the financial and investment sectors see: de Schutter Olivier, Briefing Note 02, Food Commodities Speculation and Food Prices, Sept 2010 at: http://www2.ohchr.org/english/issues/food/docs/Briefing_Note_02_September_2010_EN.pdf.

¹² See Ghana chicken case: EU exports destroying local markets. EU, Ghana in Coomans, Fons; Künnemann, Rolf; Cases and Concepts on Extraterritorial Obligations in the Area of Economic, Social and Cultural Rights, Cambridge, 2012, p.17.

¹³ IBFAN, Breaking the Rules 2014 Evidence of Violations of the International Code of Marketing of Breastmilk Substitutes and subsequent resolutions compiled from January 2011 to December 2013, 2014, available at: <http://www.babymilkaction.org/wp-content/uploads/2014/05/BTR14inbrief.pdf>.