

CIVIL SOCIETY SUBMISSION

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UNIVERSAL PERIODIC REVIEW (FOURTH CYCLE)

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Description of the main activities of the organisation:

ClientEarth – Anwälte der Erde e.V. is a registered non-profit association consisting of lawyers, environmental and policy experts. ClientEarth uses the law to hold governments and businesses to account over climate change, nature loss and pollution. In September 2022, ClientEarth e.V. was recognised as a environmental association pursuant to the Environmental Appeals Act, granting it special participation and litigation rights.¹

Date of establishment: 2018.

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¹ General information: <https://www.umweltbundesamt.de/en/recognition-of-environmental-nature-protection>; For list of recognised associations: https://www.umweltbundesamt.de/sites/default/files/medien/2378/dokumente/anerkannte_umwelt-und_naturschutzvereinigungen_0.pdf.

Previous Recommendations

Human Rights and Climate Change

1. During the 3rd UPR cycle, it was recommended that Germany “[c]ontinue to strengthen international cooperation in addressing climate change and its impacts for the promotion and protection of human rights.”² Further, it was recommended that Germany “[c]ontinue to better explore renewable sources (...) to reduce greenhouse gas emissions”.³ Germany supported both recommendations.
2. In its corresponding mid-term report, Germany submitted that it “is working to meet ambitious targets to reduce Germany’s greenhouse gas emissions and is also pushing for ambitious climate action at the EU and international level.”⁴
3. In regards to international cooperation, we welcome Germany’s recent support of UN General Assembly Resolution A/77/L.58, requesting an advisory opinion from the International Court of Justice on state obligations under international law in the context of the climate crisis.⁵
4. **Germany is constitutionally obliged to protect fundamental rights from climate harms**, which entails the reduction of greenhouse gas (GHG) emissions.⁶ The Constitutional Court held that these reductions cannot be “offloaded onto the future”, as this would entail profound infringements on the rights and freedoms of future generations. As a consequence, ambitious climate action is required in the present.
5. The national legislation that serves to implement this constitutional obligation is the Climate Protection Act (Klimaschutzgesetz; KSG).⁷ The KSG functions as a framework that does not prescribe in detail the measures and actions needed to reduce emissions. Rather, it sets overarching national reduction targets and defines a binding GHG budget for different sectors in the form of annually permissible emissions, so-called “sector targets”.⁸

² A/HRC/39/9/Add.1, Report of the Working Group on the Universal Periodic Review – Germany (11 September 2018), recommendation 155.116 (Viet Nam). Also see thematic list of recommendations: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2Flib-docs%2FHRBodies%2FUPR%2FDocuments%2FSession30%2FDE%2FMatriceRecommendationsGermany.docx&wdOrigin=BROWSELINK>.

³ *Ibid.*, 155.117 (Senegal).

⁴ Federal Foreign Office, Fourteenth Human Rights Report of the German Government – Reference Period 1 October 2018 until 30 September 2020. Available at : <https://www.ohchr.org/sites/default/files/2022-05/Germany-3rd-cycle-mid-term-report.pdf>.

⁵ A/77/L.58, UNGA Resolution – Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change (Draft 1 March 2023). Passed by consent on 29 March 2023.

⁶ Federal Constitutional Court Press Release No. 31/2021, Constitutional complaints against the Federal Climate Change Act partially successful (29 April 2021). Available at: <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2021/bvg21-031.htm>.

⁷ ClientEarth & Green Legal Impact, Juristische Kurzstudie: Ohne Ziele kein Klimaschutz (March 2023). Available at: <https://www.clientearth.de/media/mptbi2dy/2023-03-13-kurzstudie-sektorziele-im-klimaschutzgesetz-clientearth-green-legal-impact.pdf>.

⁸ *Ibid.*

6. In March 2023, the federal government published a paper indicating the removal of annual sector targets, and a move towards an aggregated budget until 2030.⁹ No proposal for an adequate regulatory replacement of the annual sector targets has been made. It is thereby uncertain that Germany will meet its climate targets.¹⁰ Instead of specifying the transition to climate neutrality, which the Constitutional Court held to be necessary to protect future freedoms, the proposed changes bear the risk that a large share of the remaining budget will be used up in the upcoming years. Less specific targets also reduce the opportunities to enforce emission reductions obligations through legal and other means.
7. This risks not only violating the constitutional duty of climate protection, necessary to safeguard constitutional rights, but also those obligations Germany has accepted under international human rights law. Various UN human rights monitoring bodies have recognised the link between human rights violations and environmental degradation, including climate change.¹¹
8. **Recommendations:**
 - Continue efforts of supporting international cooperation addressing climate change through active and constructive participation in different international fora, including advisory proceedings before the International Court of Justice and the International Tribunal for the Law of the Sea.
 - Increase efforts to reduce greenhouse gas emissions. Where sector targets are removed, ensure that adequate alternatives are implemented that respect and safeguard constitutional and international human rights.

Business and Human Rights

9. During its 3rd UPR cycle, **Germany also received several recommendations on business and human rights.** These included a recommendation on effective oversight of corporate activities adversely affecting human rights.¹² Germany supported all business and human rights recommendations.
10. **In January 2023, the German Supply Chain Act entered into force.** It represents a step in the right direction, but remains insufficient. While the law aims to mitigate a list of human rights violations and environmental risks it does not, for example, account for the impact of climate change and deforestation on human rights.¹³

⁹ Modernisierungspaket für Klimaschutz und Planungsbeschleunigung (28 March 2023). Available at: https://www.spd.de/fileadmin/Dokumente/Beschluesse/20230328_Koalitionsausschuss.pdf.

¹⁰ March 2023 study (n7).

¹¹ CCPR/C/GC/36, UN Human Rights Committee – General Comment No. 36, Article 6: right to life (3 September 2019); CCPR/C/126/D/2751/2016, UN Human Rights Committee - Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2751/2016 (20 September 2019). Here the Human Rights Committee found a violation of the right to life as a result of pesticide pollution; A/HRC/40/55, UN Human Rights Council – Issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, Report of the Special Rapporteur (8 January 2019).

¹² A/HRC/39/9/Add.1, Report (n2).

¹³ Neither climate change nor deforestation are mentioned in the Supply Chain Act.

11. Further, it provides limited due diligence requirements with regard to indirect suppliers, usually associated with the beginning and production stages of a supply chain.¹⁴ This is where human rights impacts predominantly occur in German supply chains.¹⁵
12. The Act also does not cover the impacts of the downstream-side of the supply chain. Human rights violations or environmental pollution that occur after a product is delivered to the end consumer is not covered by the law.¹⁶
13. The Supply Chain Act thus leaves room for continued human rights violations.¹⁷ Germany needs to address the full extent of the transnational environmental impact of its supply chains.¹⁸
14. By way of example: **pesticides whose use is prohibited in the EU and Germany due to their adverse impacts on human health or the environment are still being produced in and exported by German companies to countries outside the EU.**¹⁹ In 2021, out of a total of 53,020 metric tons of active ingredients in crop protection products that were exported from Germany, 8,525 tons (= 16,08%) were unapproved for the EU market. A first analysis showed that about 160 of the active ingredients not approved in the EU were classified as having potentially harmful properties.²⁰
15. The implementation of a ban on the export of certain dangerous pesticides has been announced by the German government. It is important that it covers both pesticides and active ingredients classified too harmful to human health, as well as too harmful to the environment and biodiversity.²¹
16. Export rights should only be granted for pesticides that are approved under existing EU regulatory laws. This would guarantee that double standards cease to exist and that the same environmental and health standards applied in the EU are applied to exports.²² To truly make this ban effective, it is important that Germany push for similar

¹⁴ HR/PUB/11/04, Guiding Principles on Business and Human Rights – Implementing the United Nations “Protect, Respect and Remedy” Framework (2011), No. 19.

¹⁵ See for example: Initiative Faire Landarbeit, Saisonarbeit in der Landwirtschaft 2021. Available at: <https://igbau.de/Binaries/Binary16991/2021-InitiativeFaireLandarbeit-Saisonarbeitsbericht.pdf>.

¹⁶ HR/PUB/11/04 (n14), No. 13.

¹⁷ Initiative Lieferkettengesetz, An analysis – What the new supply chain act delivers and what it doesn’t (11 June 2021). Available at: https://lieferkettengesetz.de/wp-content/uploads/2021/06/Initiative-Lieferkettengesetz_Analysis_What-the-new-supply-chain-act-delivers.pdf.

¹⁸ CRC/C/DEU/CO/5-6, Committee on the Rights of the Child – Concluding observations on the combined fifth and sixth periodic reports of Germany (13 October 2022), para 14.

¹⁹ Federal Ministry of Food and Agriculture (BMEL), Press Release Nr. 119/2022 – Özdemir: Exportverbot gesundheitsschädlicher Pestizide kommt (12 September 2022). Available at: <https://www.bmel.de/SharedDocs/Pressemitteilungen/DE/2022/119-vo-exportverbot-pestizide.html>; Heinrich Böll Stiftung, Imports and exports: banned but sold anyway, Pesticide Atlas 2022 (18 October 2022). Available at: <https://eu.boell.org/en/PesticideAtlas-imports-exports>.

²⁰ *Ibid.*, BMEL press release.

²¹ Joint open letter to German Agricultural Minister Cem Özdemir, Civil Society Organisations from the Global South in support of Germany’s move to prohibit the export of EU-banned pesticides (24 November 2022). Available at: <https://files.panap.net/resources/Open-international-NGO-Letter-to-Minister-Oezdemir-in-support-of-German-pesticide-export-ban-Nov-2022.pdf>.

²² Fries & Westphal, Umsetzung eines Ausfuhrverbots für bestimmte, gefährliche Pestizide aus Deutschland (September 2022). Available at: <https://www.boell.de/de/2022/09/12/umsetzung-eines-ausfuhrverbots-fuer-bestimmte-gefaehrliche-pestizide-aus-deutschland>.

legislation at the EU level.²³ A European Commission consultation on an export ban is expected shortly.

17. **German companies face allegations regarding the negative impacts of their products and business activities abroad**, beyond the pesticide industry. Germany is one of the EU's biggest importers and consumers of forest-risk commodities, such as soy, timber and palm oil. These are known to have strong links to deforestation, loss of biodiversity, GHG emissions and human rights violations in producing countries.²⁴ The incoming EU Deforestation Regulation will not require EU companies to address impacts such as biodiversity loss or human rights violations linked to their supply chains, unless this is expressly required in national law.²⁵

18. Recommendations:

- Ensure that pesticide bans in Germany and the EU eliminate the double standard, guaranteeing that the same human and environmental health standards applied in the EU are also applied to exports.
- Ensure that the announced German pesticide ban covers both active ingredients and the whole pesticide product, and that their effects on the environment and biodiversity are considered. Advocate for the same standards at EU level.
- Ensure that Germany actively engages in the development of further business and human rights frameworks at the regional and international level, such as the proposed EU Due Diligence.²⁶
- Fill existing protection gaps at the national level, to ensure that supply chains address all aspects of human and environmental rights, including rights of Indigenous Peoples, biodiversity and climate.

²³ Foodwatch, Export of banned pesticides: Commitment in EU Chemicals Strategy now needs new legislation (29 January 2021). Available at: <https://www.foodwatch.org/en/news/2021/export-of-banned-pesticides-commitment-in-eu-chemicals-strategy-now-needs-new-legislation/?cookieLevel=not-set>.

²⁴ West *et al.*, Assessing tropical deforestation risk in Germany's agricultural commodity supply chains (2022). Available at: https://www.nachhaltige-agrarlieferketten.org/fileadmin/INA/Wissen_Werkzeuge/Studien_Leifaeden/Fortgeschrittene/Assessing-tropical-deforestation-in-Germanys-agricultural-commodity-supply-chains.pdf; Forest 500, The companies ignoring the human cost of deforestation (2021). Available at: https://forest500.org/sites/default/files/f500_human_rights_briefing_final.pdf.

²⁵ COM(2012) 706 final, 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 associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (17 November 2021).

²⁶ COM/2022/71 final, Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937 (23 February 2022).

Environmental Rights

Recognition of the Right to a Healthy Environment

19. **Germany does not enshrine the right to a healthy environment at the national level.** Article 20a of its Constitution provides for the protection of the natural foundations of life and animals as an objective to be pursued by laws and rules across all sectors.²⁷ As confirmed by the Constitutional Court, this is, however, not a subjective right.²⁸
20. **At the global level the right to a clean, healthy and sustainable environment was recognised** in October 2021, by the UN Human Rights Council.²⁹ This was subsequently reaffirmed by the UN General Assembly.³⁰ Germany voted in favour of both Resolutions. Both call on governments to adopt policies to ensure a clean, healthy and sustainable environment for all.
21. In a report to the Human Rights Council, the UN Special Rapporteur on human rights and the environment detailed the procedural and substantive elements of the right – which are widely accepted and form part of many States’ practice. The report clarified what international human rights law mandates in regards to environmental protection.³¹ This submission considers the following substantive and procedural elements of the right to a healthy environment: a safe climate (paras. 1-8); clean air (paras. 25-34), healthy and sustainable food (paras. 35-40); non-toxic environments (paras. 38-40); and access to environmental information (paras. 22, 31-34).³²
22. Germany ratified the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) in 2007. **Germany therefore recognises a broad range of environmental procedural rights.** Article 1 makes clear that these procedural rights are crucial to the protection of “*the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.*” Yet, Germany has not yet implemented the Aarhus Convention in full (see paras 31-34 below).
23. Both the Constitutional Court and the government have recognised that subjective rights – such as the right to life, health or property – can be adversely affected by

²⁷ German Institute for Human Rights, Position Paper: International recognition of a human right to a clean, healthy and sustainable environment (October 2021). Available at: https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Stellungnahmen/Position_Paper_International_recognition_of_a_human_right_to_a_clean_healthy_sustainable_environment.pdf.

²⁸ BVerfG, Beschluss des Ersten Senats (24 March 2021), para. 112.

²⁹ A/HRC/RES/48/13, Resolution adopted by the Human Rights Council on 8 October 2021 – The human right to a clean, healthy and sustainable environment.

³⁰ A/76/L.75, UNGA Resolution – The human right to a clean, healthy and sustainable environment (26 July 2022).

³¹ A/HRC/43/53, Human Rights Council – Right to a healthy environment; good practices (30 December 2019); A/HRC/37/59, Human Rights Council – Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (24 January 2018).

³² *Ibid.*, A/HRC/43/53. Procedural elements: (1) access to environmental information; (2) public participation in environmental decision-making; and (3) access to justice. Substantive elements: (1) clean air; (2) a safe climate; (3) healthy and sustainably produced food; (4) access to safe water and adequate sanitation; (5) non-toxic environment in which to live, work and play; and (6) healthy ecosystems and biodiversity.

environmental pollution and harms, including climate change. This is, however, distinct from the recognition of the stand-alone, subjective right to a healthy environment.

24. Recommendation:

- Work towards and ensure the full recognition and realisation of the right to a healthy environment and all its elements at the national level, essential to the protection of human life and health.

Human Rights and Environmental Pollution

Human Rights and Air Pollution

25. **Insufficient air quality standards.** In September 2021, the World Health Organization (WHO) published its updated air quality guidelines to reflect the most up to date science on air pollution and its implications for human health.³³ The levels of pollutants such as NO₂ (nitrogen dioxide), PM_{2.5} (fine particle particulate matter) and PM₁₀ (particulate matter) allowed under Germany's current air quality standards are many times what the WHO recommends³⁴ and thus "*associated with important risks to public health.*"³⁵
26. **State obligations** arise, amongst others, in the context of the right to life,³⁶ the right to private and family life,³⁷ and the right to health.³⁸ These are also guaranteed by the German Basic Law, whose interpretation must take into account Germany's international human rights obligations.³⁹ **The right to breathe clean and healthy air is also an essential component of the right to a healthy environment.**⁴⁰
27. **The evidence of the harmful effects of air pollution on human health is well documented.** This link has, amongst others, been recognised by the Committee on Economic, Social and Cultural Rights, commenting that everyone is entitled to the enjoyment of the highest attainable standard of health, which legally obliges States to reduce and prevent the pollution of air.⁴¹ According to the EU Environment Agency, an

³³ World Health Organization, WHO global air quality guidelines – Particulate matter (PM_{2.5} and PM₁₀), ozone, nitrogen dioxide, sulfur dioxide and carbon monoxide (2021). Available at:

<https://apps.who.int/iris/bitstream/handle/10665/345329/9789240034228-eng.pdf?sequence=1&isAllowed=y>.

³⁴ German Environment Agency, Air Quality 2021 - Preliminary Evaluation (February 2022). Available at: https://www.umweltbundesamt.de/sites/default/files/medien/479/publikationen/220303_hgp_luftqualitaet_engl_bf.pdf.

³⁵ WHO global air quality guidelines (n33), pg. xv.

³⁶ Article 6 International Covenant on Civil and Political Rights; Article 6 Convention on the Rights of the Child; Article 3 Universal Declaration of Human Rights.

³⁷ Article 8 European Convention of Human Rights; Article 7 Charter of Fundamental Rights of the European Union.

³⁸ Article 12 International Covenant on Economic Social and Cultural Rights.

³⁹ Article 25 German Constitution.

⁴⁰ A/HRC/43/53 (n31).

⁴¹ E/C.12/2000/4, Committee on Economic, Social and Cultural Rights – General Comment No. 14 (11 August 2000), paras. 34, 51.

estimated 59,800 people died prematurely in Germany in 2019 due to exposure to PM_{2,5} and NO₂.⁴²

28. **Greenhouse gas emissions are a form of air pollution.** To comply with international human rights obligations, States have to reduce their greenhouse gas emissions.⁴³
29. **Underestimation of the health costs of coal.** There are additional health costs linked to coal. In Europe, coal plants and the associated negative impacts on, amongst others, air and water quality cause around 23,000 premature deaths annually.⁴⁴ 60% of coal-related deaths can be attributed to derogations from the limits set out in the EU's Industrial Emissions Directive granted to coal operators.⁴⁵ In Germany, the 26,000 premature deaths that coal plants are set to be responsible for between 2022 and 2038 are projected to lead to costs of 73 Billion Euro.⁴⁶ These deaths and costs could be reduced by 65% if the coal phase-out is accelerated to the year 2030.⁴⁷
30. **The effects of air pollution are unevenly distributed.** Certain groups are particularly at risk. This includes pregnant women, older people, people with certain pre-existing health conditions, people who due to their occupation face particularly high exposure (e.g. outdoor workers) and children.⁴⁸ The WHO notes that these populations should be given special consideration when setting air quality standards.⁴⁹
31. **The right to a healthy environment and the related right to clean air also includes an obligation on access to information and science.**⁵⁰ It has been recognised that in the context of environmental pollution, **access to information is particularly critical, due to the potentially harmful effects on human health.**⁵¹ Access to information, reflecting up-to-date science, is essential to lessen adverse impacts of pollution on human health and human life.⁵² Air quality thus has to be monitored and the relevant information, including health advisories, has to be published to allow the public to educate itself on the associated risks.⁵³

⁴² European Environment Agency, Air quality in Europe 2021. Available at:

<https://www.eea.europa.eu/publications/air-quality-in-europe-2021/table-4/-table-3-premature-deaths-attributable-to-pm2-5-no2-and-o3-exposu>.

⁴³ A/HRC/40/55 (n11), para. 39; A/HRC/31/52, Human Rights Council – Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (1 February 2016).

⁴⁴ European Environmental Bureau *et al.*, Lifting Europe's Dark Cloud – How Cutting Coal Saves Lives (2016), pg. 5,7. Available at: <http://caneurope.org/content/uploads/2017/01/61-EEB-dark-cloud-report-v2-1r.pdf>.

⁴⁵ *Ibid.*

⁴⁶ Centre for Research on Energy and Clean Air, Health Impacts of Germany's Proposed Coal Power Plant Emissions Limits (May 2020), p. 1. Available at: <https://energyandcleanair.org/wp/wp-content/uploads/2021/03/Germany-Power-Plant-health-impacts.pdf>.

⁴⁷ *Ibid.*

⁴⁸ The particular risk for children, in part due to their developing lungs and immune systems, has been noted by the UN Special Rapporteur on Human Rights and the Environment A/HRC/40/55 (n11), para. 33. And in previous recommendation to Germany: CCPR/C/DEU/CO/7, Human Rights Committee – Concluding observations on the seventh periodic report of Germany (30 November 2021), para. 24; CRC/C/DEU/CO/5-6 (n18), para. 33.

⁴⁹ WHO global air quality guidelines (n33).

⁵⁰ A/HRC/43/55 (n31), para. 39. See also A/HRC/48/61, Right to science in the context of toxic substances – Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana (26 July 2021).

⁵¹ ECtHR, Roche v. the United Kingdom, Judgment of 19 October 2005, No. 32555/96, para. 167ff.

⁵² A/HRC/48/61 (n50).

⁵³ A/HRC/40/55 (n11), para. 61 ff; This is also recognised in Article 5 of the Aarhus Convention, which requires environmental information to be collected, organised and made available on electronic registers.

32. The importance of effective information on air pollution for the protection of health is also recognised by the WHO. The air quality information available in Germany is scattered, unreliable and inconsistent.⁵⁴

33. **The German air quality standards do not reflect the most up to date science.**⁵⁵ The limit values allow levels of air pollution substantially above the WHO recommendations. Many individuals face exposure that is classified as harmful by the scientific community. Despite the very clear and ever-growing evidence, Germany is still not taking sufficient steps to bring its national legal framework in line with the latest medical evidence, a necessary step to protect especially those most vulnerable to air pollution. Breathable air is essential to the realisation of human rights, including the right to life, health and a healthy environment. Equal, non-discriminate enjoyment of human rights has to be guaranteed.

34. Recommendations:

- Update national standards on air pollution to reflect the most recent scientific recommendations on air quality levels – particularly those developed by the WHO.
- Reduce reliance on coal in and accelerate the coal phase-out to 2030, to significantly reduce the risks to human life and health.
- Provide comprehensive air quality information, to ensure individuals can make necessary decisions for their health.

Human Rights and the Agricultural Sector

35. The agrifood sector's contribution to climate change, biodiversity loss, degradation of natural resources and negative impacts on human health, well-being and livelihoods jeopardise the capacity of present and future generations to access healthy and sustainable food. Healthy and sustainable food constitutes one of the six substantive elements of the right to a healthy environment, and is essential to the full enjoyment of human rights, including the rights to food, health and life.⁵⁶

36. **At 8.6 million tonnes per year, Germany is the EU's largest meat producer.**⁵⁷ Meat production contributes at least 14% to global greenhouse gas emissions.⁵⁸ In 2021, 13.4% of Germany's total emissions were produced by the meat and dairy sector.

⁵⁴ For example: the Federal Environment Agency does not publish any current daily values for PM_{2.5} and NO₂. Instead it only publishes annual mean values for PM_{2.5} and annual mean and hourly values for NO₂. In addition, it bases its recommendations threshold values that are significantly higher than the WHO recommendations, thereby negatively impacting human health. See: <https://www.umweltbundesamt.de/en/calculation-base-air-quality-index>.

⁵⁵ *Ibid.*

⁵⁶ A/76/179, Report of the Special Rapporteur on human rights and the environment - Healthy and sustainable food: reducing the environmental impacts of food systems on human rights (19 July 2021).

⁵⁷ Heinrich Böll Stiftung *et al.*, Meat Atlas 2021 – Facts and figures about the animals we eat (September 2021). Available at: <https://www.boell.de/sites/default/files/2021-09/Meat-Atlas-2021.pdf>.

⁵⁸ FAO, Tackling Climate Change through Livestock: A global assessment of emissions and mitigation opportunities (2013). Available at: <https://www.fao.org/3/i3437e/i3437e.pdf>; Heinrich Böll Stiftung, Statement – Politik muss Fleischwende jetzt einleiten (8 January 2021). Available at: <https://www.boell.de/de/2021/01/08/politik-muss-fleischwende-jetzt-einleiten?dimension1=presse>.

These emissions would range between 26-33%, if calculations considered food systems holistically, including aspects such as animal feed imports, transport, processing, energy consumption, to name a few.⁵⁹

37. Yet, none of the companies headquartered in Germany report emissions.⁶⁰ The practices of the agricultural sector directly impact biodiversity and the enjoyment of human rights. And while the German government has committed to reducing annual emissions in the agricultural sector in the coming year, the measures planned thus far, are not sufficient for achieving its 2030 mitigation targets.⁶¹

38. **The agricultural sector is closely associated with the use of harmful pesticides.** The amount of pesticides used in Germany has only decreased marginally in the last decades.⁶² This has direct negative implications on the country's biodiversity, which the government is obliged to protect.⁶³

39. **The overuse of pesticides** also has negative effects on the right to private and family life and the right to health, as pesticides may be found as residues in food, and their use impacts air quality, soil and water.⁶⁴ It also implicates the rights of workers as many are exposed to higher levels of pesticides.⁶⁵ Finally, limited information on the use and adverse impacts of pesticides is available, infringing on the right to access of information (paras. 22, 31-34).⁶⁶

40. **Recommendations:**

- Ensure that the legislation recognises the link between the agricultural sector, climate change and biodiversity loss and the adverse effects on human rights. Legislation must provide crucial protection for the enjoyment of human rights.
- Ensure that legislation – including at regional and international level – addresses gaps related to the right to information and science, to guarantee the enjoyment of the right to health.
- Ensure that the entirety of the agricultural sector is considered in national measures addressing climate change and biodiversity loss.

⁵⁹ Grethe *et al.*, Klimaschutz im Agrar- und Ernährungssystem Deutschlands: die drei zentralen Handlungsfelder auf dem Weg zur Klimaneutralität (2 June 2021). Available at: https://www.stiftung-klima.de/app/uploads/2021/06/2021-06-01-Klimaneutralitaet_Landwirtschaft.pdf.

⁶⁰ Institute for Agriculture & Trade Policy, Emissions Impossible Europe – How Europe's Big Meat and Dairy are heating up the planet (13 December 2021). Available at: <https://www.iatp.org/emissions-impossible-europe>.

⁶¹ Grethe *et al.* (n59). 2021 Klimaschutz im Agrar- und Ernährungssystem Deutschlands: die drei zentralen Handlungsfelder auf dem Weg zur Klimaneutralität.

⁶² Heinrich Böll Stiftung *et al.*, Pesticide Atlas 2022 – Facts and figures about toxic chemicals in agriculture (December 2022). Available at: https://eu.boell.org/sites/default/files/2023-01/pesticideatlas2022_2ndedition_web.pdf.

⁶³ *Ibid.*, pgs. 24-25.

⁶⁴ *Ibid.*, pgs. 20-23, 28-29, 30-31.

⁶⁵ *Ibid.*, pgs. 18-19.

⁶⁶ *Ibid.*, pgs. 34-35.