

GERMANY and THE RIGHT TO FOOD

LIST OF ISSUES in relation to Article 11, with reference also to Articles 7, 9, 10 and 12

in response to the 7th Periodic Report of the Federal German Government on the implementation of the International Covenant on Economic, Social and Cultural Rights ([ICESCR](#))

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This submission was coordinated by the **German network of food policy councils** and is carried by the following 12 co-authors and supporters, representing farming, food, health, environment, child and consumer protection organisations:

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Arbeitsgemeinschaft bäuerliche Landwirtschaft (AbL e.V.)
KLUG - Deutsche Allianz Klimawandel und Gesundheit e.V.
Deutsche Umwelthilfe e.V.
FIAN Deutschland e.V.
foodwatch e.V.
Deutsches Netzwerk Schulverpflegung e.V. (DNSV)
Netzwerk Solidarische Landwirtschaft e.V.
PAN - Physicians Association for Nutrition Deutschland e.V.
Save the Children Deutschland (for Issues 1, 2 and 3)
Slow Food Deutschland e.V.
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Issues covered:

1. Inadequacy of social welfare allowances in relation to dietary needs
2. Insufficient governance and public services in relation to adequate food
3. Inadequate access to healthy school meals
4. Inadequate food in hospitals, care and retirement homes
5. Insufficient protection from the influence and interests of third parties
6. Inadequate protection of Food Producers' Rights

1 Introduction

The thirteen listed organisations have combined their collective expertise to review the situation regarding the right to adequate food in Germany. Our collective assessment is that Germany does not sufficiently take steps, to the maximum of its available resources, to progressively realise the right to food in Germany. Specifically, Germany invests insufficient financial resources and political capital to alleviate food insecurity in all forms (food poverty) resulting in insufficient progress in reducing food insecurity, significant impacts on rights-holders and cumulating costs for society.

According to EU statistical data for the year 2024 (Eurostat), 11.2% of the German population were unable to afford a meal containing meat, fish or a vegetarian equivalent at least every second day. For single parent households this figure is significantly higher at 22.8%. According to the German Federal Statistical Office, 15.5% of the population live in poverty, with high rates amongst young adults (23-27%) and those older than 65 years of age (17-22%) according to [data of the German Parity Welfare Association](#). Around 2 million people currently use the services of the [German food bank associations](#). The [FAO reports](#) that 1.5% of the population suffered from severe food insecurity in 2022, with the number doubling since 2019.

There are different manifestations of food insecurity in Germany, such as [overweight and obesity](#), especially among vulnerable and marginalised groups of society, with particular impact amongst [women](#), [children and the elderly](#).

We hereby submit six issues and associated questions to detail our concerns. We further support the submission of "Forum Menschenrechte" (Issue 13 - on food insecurity).

Issue 1: Inadequacy of social welfare allowances in relation to dietary needs

ICESCR: Articles 9, 11 (§1), 12, with reference to Recommendation No. 47 and 51 of the Concluding Observation of the 7th report

Questions:

1. Why is the current system of social welfare allowances not guided by and therefore insufficient in relation to the purchase cost of food groups in accordance with the standards set by the German Nutrition Society?
2. What measures are in place to enable respective rights-holders to eat in accordance with their dietary (incl. special dietary requirements) and cultural needs?
3. How are individual needs e.g. of persons without accommodation considered and reflected in the system of allowances?
4. Given that food-related allowances are only revised every five years, what interim mechanisms are in place to ensure that sudden or significant food price increases are promptly and adequately addressed without compromising the ability of rights-holders to access adequate and affordable food?

41 **Explanatory note:**

42 Art. 11 of the Covenant obliges Germany to actively work towards ensuring that all people in
43 Germany have access to adequate food as specified in General Comment 12. Germany is
44 failing to meet this obligation:

45 **Insufficient allowances:** The current daily food allowance are as follows: €6.42 for adults,
46 €3.29 for kids up to the age of 5 years, €3.59 for kids between 6 and 13 years, €4.32 for
47 teenagers between the ages of 14 and 17 years and €4.16 for under 25-year-olds that live with
48 their parents. These allowances are not enabling individuals to meet their basic food needs
49 adequately nor consistently with national dietary recommendations, as has been stated by [legal](#)
50 [experts](#) and the [Scientific Advisory Council to the Federal Ministry of Food and Agriculture](#).
51 Moreover, people cannot afford to take part in social and cultural food events, such as shared
52 meals, birthday celebrations or community events, where food must be purchased - referred to
53 as social food poverty.

54 Individuals who receive welfare payments based on their asylum and refugee status
55 (Asylbewerberleistungsgesetz (AsylbLG)) routinely receive an even smaller allocation and saw
56 a [cut in allocations in 2025](#) despite the parallel increase in consumer prices.

57 Multiple scientific assessments confirm the insufficiency of social welfare allowance: [example 1](#),
58 [example 2](#), [example 3](#).

59 **Insufficient adjustment in light of high food price inflation:** The Federal Ministry of Labour
60 and Social Affairs [determines the standard rates for social allowances every five years](#) on the
61 basis of consumption expenditure data from the Federal Statistical Office. The standard rates
62 are set with a significant lag time of more than two years following the statistical data collection,
63 with a possibility of year-on-year adjustments. Significant inflation rates impacting food prices in
64 excess of [25%](#) since 2020 ([even >35% for some basic food items](#)) were not counteracted by the
65 12.2% increase in welfare payments in January 2024. By skipping an additional increase in
66 2025 the government is knowingly fuelling the food insecurity/food poverty crisis.

67 **Inadequate method of calculation:** The standard rates are set on the basis of a restricted
68 product list reflecting the consumption statistics of the lowest 15% (single households) or 20%
69 (couples and families) of income groups in society, whereby the value of certain items (such as
70 flowers, pet food, alcohol, visits to a restaurant etc.) is disregarded/subtracted from the
71 consumption expenditure.

72 This method presents several shortcomings in ensuring the realisation of the right to adequate
73 food for rights-holders:

74 → **It is causing a negative feedback loop of household hardship:** If the lowest-income
75 groups refrain from buying certain foods or seek support from food banks during periods of
76 high inflation, their recorded nominal food expenditure is lower than the actual need and will
77 lead to an equivalent reduction or even removal of food groups in the calculation of

standard rates. For instance, recent inflation rates have meant that people stopped buying products like coffee and tea and reduced their consumption of shop-bought staple foods such as cereal products, dairy products and fruit and vegetables. A [survey undertaken by Save the Children during the winter months of 2024/2025](#) found that 23% of family households with less than 3000 EUR net income per month refrained from buying healthy foods very often or rather frequently. Because of these interdependencies in the calculation method a dip in consumption or rise in food bank usage penalises those households that are solely dependent on benefit payments.

→ **It fails to consider the national dietary guidelines and associated real-price food expenditure:** The Food-Based Dietary Guidelines (FBDG) of the German Nutrition Society were revised in March 2024 and call for a significant shift towards plant-based diets, including higher intakes of nuts, seeds, pulses and wholegrain cereal products. These food items tend to be comparatively more expensive and are underrepresented in the diets of low-income households and therefore also in the calculation methods that determine the standard rates.

→ **It ignores additional costs that people experience when they live hand-in-mouth or do not have access to a kitchen, fridge, food storage, drinking water and/or adhere to specific dietary requirements or food preferences:** People with special dietary needs often pay more for adequate food items and/or benefit less from supplementary hand-outs at food banks or community kitchens. Whereas people without appropriate kitchen facilities are often dependent on ready-made and/or processed meals and bottled beverages at higher cost. These additional costs are not appropriately reflected in the individual food allowances.

The new federal food strategy of 2024 acknowledges food poverty rates but fails to address the inadequacy of the method of calculation of social welfare allowance for food. The government has not yet implemented adequate monitoring and has stalled action in favour of yet more studies.

Issue 2: Insufficient governance and public services in relation to adequate food

ICESCR: Article 11 (§1), with reference to Recommendation 64 of the Concluding Observation of the 7th report

Questions:

1. With reference to the advice of the government's advisory board (WBAE) and Federal Food Strategy, what progress has been made in establishing a **standing co-ordination mechanism** that streamlines political and administrative measures to monitor food insecurity and to plan and co-ordinate the implementation of targeted measures to alleviate food insecurity at federal and sub-federal level?
2. What **mechanisms of redress and accountability** are available to people whose rights to food might have been violated due to inadequate food provisions in public or private institutions such as schools, hospitals, care homes, refugee and accommodation centres, prisons etc.?
3. What **budgetary and fiscal instruments (e.g. VAT)** are in place or will be put in place at federal level to secure the relative affordability of fresh, plant-based and sustainable foods as opposed to unhealthy and unsustainable options?
4. How does the government ensure the **meaningful participation of civil society**, in particular of the most affected groups and groups under vulnerable conditions, in the design, ongoing implementation and monitoring of policies related to the right to adequate food?

Explanatory note:

Recommendations of the federal scientific body:

In its [report of March 2023 on impacts of Covid-restrictions on access to food](#), the federal advisory board (WBAE) emphasises that Germany continues to underestimate the national risks of material and social food insecurity/food poverty. **The WBAE recommends the creation of a federal information and co-ordination platform to plan, ensure and co-ordinate the implementation of targeted measures** to alleviate food insecurity at federal and sub-federal level. This would be needed to ensure that vulnerable groups have access to sufficient and adequate food, not least in view of crisis prevention and crisis response management. Moreover, it recommends that the federal food strategy should respond with the corresponding “high priority” and a co-ordinated inter-ministerial task force on food insecurity/food poverty. The WBAE further **recommends “specific, measurable, ambitious, attainable and time-bound targets for interventions and regular monitoring”** ([page 114](#)) and lists a raft of relevant measures in its [2020](#) and [2023](#) reports.

Weak governance and accountability framework:

Deviating from earlier drafts, the federal food strategy was adopted in January 2024 without provisions for an inter-ministerial coordination mechanism on food poverty. The strategy lacks an accompanying budgetary instrument to support its roll-out and fails to introduce or streamline a rights-based approach to food policies across all government departments. Neither did it establish **mechanisms of redress and accountability** of duty bearers for people whose right to food might have been violated. Instead, the government opted for further studies, ignored the detailed recommendations of its own advisory board on food poverty and deferred implementation action without a timeline. To date there is no public evidence of any further efforts on the side of the government to plan, coordinate or implement measures to alleviate food insecurity/food poverty at national or sub-national level.

Public food services and healthy food environments:

Criticism continues to mount that the government highly depends on charitable and volunteer-based initiatives to feed increasing numbers of people that have no access to social-welfare or cannot cover basic food needs with their benefit payments. While these initiatives provide essential crisis support to vulnerable groups, the government must ensure that both the social welfare allowances and the public infrastructure secure access to adequate food for all people, with particular attention to the most vulnerable groups.

Aside from increasing social welfare allowances, a raft of measures have been recommended by the WBAE, including higher public investments in school food programmes, food voucher systems, investments, and structural improvements in the accessibility of public, charitable and private-sector canteen and food sharing infrastructure, as well as quality of canteen food. In view of people living on the breadline and/or without access to accommodation, the government should also decriminalise bin diving and prohibit businesses from discarding food that remains fit for consumption. Fiscal measures, such as a reduction of VAT on healthy and sustainable food items or tax breaks for healthy fruit and vegetable schemes at the work- or marketplace should all be considered.

The shift towards more plant-based diets, as recommended by the German Nutrition Society, can only succeed if such diets are accessible and affordable for everyone. Statutory measures are therefore needed to improve food environments, introduce dietary and fiscal incentives that favour plant-based over animal-based protein sources and transform supply chains in line with the principles of sustainable and healthy diets. To this end, the federal food strategy acknowledges that “the consumer landscape should support a healthy and sustainable diet” and that “the state should help to shape the framework for this and can take regulatory action for health protection reasons (e.g. for the well-being of children) ...”. Yet despite these public commitments, the government has not followed through with a coherent governance process, nor with appropriate regulatory, budgetary, or fiscal measures to improve food environments.

Issue 3: Inadequate access to healthy school meals

ICESCR Articles 10 (§3) and 11 (§1), with implications for Article 12 and reference to Recommendations 6, 51 and 53 of the Concluding Observation of the 7th report

Questions:

1. Following the political agreement at the assembly of state ministers, how is the government addressing delays in implementation and remaining barriers within the federal system to ensure that all children in full-day education are entitled to, benefit from and have unbureaucratic access to healthy school meals?
2. With reference to the recommendations of the federal advisory board (WBAE), how does the government ensure that access to public school meals or equivalent support can be upheld during periodic or unforeseen school closures?
3. Given the uniform/consensus recommendations for the introduction of free school meal programmes and the positive impacts on child health and development achieved with such

194 schemes in other countries, has the government evaluated and initiated possible
195 mechanisms of implementation in Germany?

196 **Explanatory note:**

197 **Lack of progress in implementation:**

198 In 2018 the Committee recommended that measures be taken “to ensure that children are
199 provided with school meals, as necessary, while further raising the awareness of parents and
200 children about the need for appropriate nutrition and providing families with support in this
201 regard”. The Committee further recommended to review the adequacy of child benefit
202 allowances and to address the difficulties faced by eligible households in accessing these
203 benefits, including free school meals.

204 However, progress in relation to the provision of adequate school meals in general and targeted
205 measures to prevent and alleviate child poverty in particular is insufficient. [Child poverty in
206 Germany remains high at 20%](#) (2023). Almost [one in four children \(23.9%\) under the age of 18
207 are at risk of poverty or social exclusion](#). Currently, under 70% of all school children fall within
208 the scope of school-meal programmes. However, [less than 60% of those eligible take actual
209 part in those schemes](#) and therefore less than 42% of all children benefit from school-meal
210 programmes. Some of the principal reasons for the low take-up rate are the complex application
211 and ordering systems and lack of quality of the food and canteen environment.

212 The government’s description in para. 155 of the 7th report, stating that “72.2% of general
213 schools” benefited from school meals is misleading and contradicts the figures of the [federal
214 centre of competence](#) (see above): i) the government data refers to the percentage of schools
215 that offered full-day education programmes in 2021/2022; almost 30% of schools do not.
216 Moreover, the government fails to explain that some schools (even some schools with full-day
217 programmes) and many pupils are not actually benefiting from school meal programmes
218 because of structural, administrative, or financial barriers.

219 As of August 2026, primary school children in Germany are entitled to full-day education,
220 starting with first graders and adding an additional grade each year. In October 2023, the
221 German assembly of state ministers for education adopted recommendations, stating that
222 “when children attend all-day school programmes, access to a healthy lunch in accordance with
223 the standards of the German Nutrition Society is an integral part of the programme.” However
224 statutory measures and budgetary plans to meet this promise and all the above
225 recommendations have not yet been taken or are stalled in limbo between federal and devolved
226 responsibilities. As a consequence, it is very likely that the expansion of all-day schooling will
227 proceed without ensuring equal access to school meals for all school children in full-day
228 education, reinforcing social disparities and undermining the realization of the right to adequate
229 food for all children.

230 **Bureaucratic application processes:**

231 Many families that are entitled to education and inclusion allowances (Bildungs- und
232 Teilhabeleistungen/ BuT) do not apply for the available benefits for school meals. According to
233 the [government’s own data](#), only 37.5% of children between the ages of 6 and 15 years and
234 living in households relying on benefits in accordance with the Social Code (Book II) were able
235 to access lunchtime meal benefits in 2023. Families are unable to navigate the highly
236 bureaucratic and burdensome application procedures. Planned simplifications in the basic child

237 allowance system mentioned in para. 107 of the 7th periodic report have not yet been
238 implemented in a uniform manner nationwide.

239 **No progress in offering school meal programmes free of charge:**

240 [The federal advisory board \(WBAE\)](#) issued a set of policy recommendations in 2020, including
241 in support of the provision of universal, free school meals for all children in all-day preschool
242 and school settings, regardless of socio-economic status (page 506 ff). [In 2023, it also](#)
243 [emphasised](#) the State's failure to fulfil its obligation to protect the children's right to adequate
244 food during COVID-related school closures and recommended the establishment of
245 mechanisms to ensure continuous access to meals, irrespective of school operations.
246 Moreover, in 2024, [a "Citizens' Assembly on Nutrition in Transition" mandated by the German](#)
247 [Parliament reiterated the call for free school meals to all children in education and childcare](#) as
248 its first of nine recommendations to the government, to be financed through a combination of
249 federal and subnational budgets. All recommendations are still pending. There is no follow-up
250 process to ensure the recommendations are put into practice.

251

252 **Issue 4: Inadequate food in hospitals, care and retirement homes**

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254 **ICESCR: Articles 11 (§1) and 12**

255 **Questions:**

- 256 1. What mechanisms has the government set in place or will set out to assess and evaluate
257 the current role of hospital food in terms of its medical relevance for prevention, therapy and
258 recovery – particularly for vulnerable patient groups such as the elderly and chronically ill?
- 259 2. What measures has the government set in place or will set out to ensure that the legally
260 mandated provision of medically appropriate nutrition in hospitals (§ 39 SGB V) is complied
261 with consistently and effectively across the country?
- 262 3. What measures has the government set in place or will set out to ensure equivalent
263 improvements in the food services of care and retirement homes?
- 264 4. Is the government planning to introduce a dedicated reimbursement mechanism for hospital
265 nutrition within the system of reimbursement in accordance with Diagnosis Related Groups
266 (DRG) to reflect the medical and ecological importance of nutrition more accurately?
- 267 5. Why are there currently no mandatory standards for hospital food provisions in Germany?
268 Does the government intend to introduce binding nutritional standards – such as those
269 recommended by the German Nutrition Society (DGE) – as a requirement for all hospitals?
- 270 6. Why was the critical issue of hospital food provision not addressed in the recent hospital
271 reform?

272 **Explanatory note:**

273 Although nutrition in hospitals, care homes etc. should play a critical role in health promotion,
274 prevention and therapy, food provision in German hospitals is often inadequate from medical
275 and ecological perspectives.

276 In principle, appropriate nutrition is a legally mandated component of medical care in German
277 hospitals (in accordance with (§ 39 SGB V/ Social Code) and not an optional service. As such,
278 hospital food must fulfil its medical care mandate, but rarely does. When implemented,
279 optimised nutrition supports patient recovery, helps prevent malnutrition, promotes wound
280 healing, improves treatment tolerance and contributes to the prevention of numerous non-
281 communicable diseases. Despite this clinical relevance, current hospital food services in
282 Germany often fail to meet medical standards and the dietary needs of patients – particularly
283 among vulnerable groups such as the elderly and chronically ill. Addressing this gap is essential
284 to improving patient outcomes and ensuring high-quality and cost-efficient medical care.

285 Hospital food is a matter of national importance, but it does not receive the necessary attention
286 from policymakers and was entirely neglected during the 2023/2024 hospital reforms. In order to
287 contribute to medical treatment as well as to climate and environmental protection the topic
288 needs to gain significantly greater importance.

289 One structural barrier is the current classification of hospital food as a “non-medical service”
290 (like e.g., cleaning, IT, training) within the DRG System. As such, nutrition competes for limited
291 resources and is often deprioritised – despite its central role in recovery and treatment. This
292 systemic undervaluation is reflected in current spending levels: the average daily expenditure
293 for food per patient is €5.14. This amount must cover three main meals and any snacks as well
294 as account for the diverse dietary needs of patients. Due to this limited budget and rising food
295 and personnel costs, hospitals face significant challenges in providing meals that are
296 nutritionally adequate, health-promoting and environmentally friendly.

297 To address this issue, a dedicated and sufficient budget for wholesome, plant-based, and
298 climate-friendly hospital meals must be determined and implemented. This requires an explicit
299 and appropriate reimbursement structure within the DRG system.

300 Moreover, there are currently no binding standards for hospital catering that clinics are obligated
301 to follow. To ensure consistent quality and to support compliance with public health and climate
302 goals, mandatory standards for a wholesome, plant-based and sustainable hospital diet must be
303 established. The situation in relation to care and retirement homes is equivalent.

304 Aside from the clinical importance, food in medical and care institutions also has a considerable
305 environmental impact. The healthcare system in Germany is responsible for approximately
306 5.2% of national greenhouse gas emissions, with food provision accounting for about 12-30% of
307 the total climate footprint of individual institutions. As a result, improving nutrition is also a
308 critical lever for achieving climate neutrality in the health sector. This is especially important, as
309 climate-change related health risks, such as heat-stress, Vector-mediated diseases, allergies
310 and air pollution impose further rising costs for the health care sector.

311

312 **Issue 5: Insufficient protection from the influence and interests of third** 313 **parties**

314

315 **ICESCR: Article 11, with reference to Recommendations 8, 11 and 13 of the Concluding**
316 **Observation of the 7th report**

317 **Questions:**

- 318 1. How and by when will the government protect children and young adults from the negative
319 impacts of food advertisement?
- 320 2. What measures are in place or will be set out to protect rights-holders, including farmers,
321 small-scale food producers and consumers from the negative impacts of market dominance,
322 price strategies and advertisement power of the food retail and processing sector?
- 323 3. What has prevented the government from introducing an independent price observation
324 mechanism and will it do so in future?
- 325 4. How will the government increase the speed and rate of compliance with its own targets for
326 the reduction of salt, sugar and unhealthy fats in food products?
- 327 5. What complaint and redress mechanisms are in place or will be set out to ensure that the
328 rights of consumers, farmers and small-scale producers are upheld?

329 **Explanatory note:**

330 The federal government is failing to protect rights-holders from the negative impacts of the tricks
331 and trades of the farming and food industry. With reference to the General Comments 24,
332 "states parties should consider measures such as restricting marketing and advertising of
333 certain goods and services in order to protect public health".

334 The most prominent examples, where enterprises negatively impact on the rights-holders ability
335 to access adequate food and protect public health are:

- 336 a) Unlike other countries, Germany continues to focus on voluntary measures to reduce the
337 fat, salt and sugar content of processed foods. These voluntary measures have shown
338 little to no effect, with none of the voluntary goals met. There are no taxes, levies, no
339 required reformulation and no mandatory upper limits aimed at reducing fat, salt or
340 sugar.
- 341 b) Contrary to public commitments, the government conceded to industry pressure and
342 thus failed to put forward a law to protect children from the influence of food
343 advertisement and to regulate and limit unhealthy food adverts for unhealthy foods
344 targeted at children.
- 345 c) Government policies focus on behavioural or individual-based prevention in relation to
346 prominent food patterns and ignore structural and setting-based prevention almost
347 entirely. Measures to safeguard food environments e.g. from an oversupply, dominant
348 availability/visibility, advertising of and misinformation regarding unhealthy and
349 unsustainable foods are almost absent. There are no food related levies and food
350 taxation fails to set incentives for healthy and sustainable foods.
- 351 d) The food industry used deceptive "shrinkflation" – the practice of shrinking the amount or
352 quality of a product with no or little visible impact on the packaging size, consistency or
353 price of the product, making it difficult for a consumer to detect the change. There are no
354 statutory rules and mechanisms in place to prevent or protect consumers from this and
355 similar tricks.

- e) Four large retail groups dominate the food retail sector with a market share of over 85% in Germany and with significant reach internationally. This significant market concentration in Germany has a considerable negative impacts on producer and consumer prices, contractual conditions, food environments and product ranges – for German and third country consumers, farmers and manufacturers alike. Farmers are often forced to sell products below production costs. Both the Federal Cartel Office and the federal government have criticised the high level of concentration in the food retail sector in Germany and recognised problems for competition, for fair prices along the supply chain and for smaller market participants such as farmers or medium-sized producers. And yet the Government has failed to set out regulatory measures. Moreover, it discussed but ultimately failed to agree on a price monitoring mechanism. Despite a number of fines against these retailers, no policy measures were taken to prevent the concentration of market power and structural imbalances that jeopardize the rights to adequate food and fair market access. Similar concerns relate to large German food processors and producers, such as Nord Zucker AG, Süd Zucker AG, Deutsches Milchkontor, Tönnies Group etc.

Issue 6: Food Producers' Rights

ICESCR: Articles 7 and 11, with reference to Recommendations 13 and 37 of the Concluding Observation of the 7th report

Questions

1. Given the growing land concentration and speculative agricultural land ownership in Germany, how will the government reverse this trend? Is it considering using adjustments in the land transfer tax scheme?
2. Small-scale farmers organisations have called for the introduction of common good criteria (Gemeinwohlkriterien) for public land lease (BVVG-land) on a permanent basis. What is hindering progress in implementation?
3. Farmers have criticised that recurring annual fees for seed reproduction conflict with their right to save, use, exchange and sell farm-saved seeds/propagating material. What measures are in place or will be taken to safeguard these rights?
4. Will the government guarantee that workers in the food and agriculture sectors, including seasonal and migrant workers, have legal certainty in obtaining the statutory minimum wage, as well as access to statutory health-, social-insurance and protection from sexual violence?
5. Given the powers under Article 148 of the Common Market Organization (CMO) of EU Member States to take regulatory measures to require processors to formalise their contractual relationship in order to protect dairy farmers by improving their bargaining position in the food supply chain, how is the government going to use its powers and offer protection to small-scale dairy producers?

396 Explanatory note

397 In accordance with General comment 12, governments “need to prevent discrimination in
398 access to food or resources for food. This should include: guarantees of full and equal access to
399 economic resources, particularly for women, including the right **to inheritance and the**
400 **ownership of land** and other property, credit, **natural resources** and appropriate technology;
401 measures to respect and protect self-employment and work which provides a remuneration
402 ensuring **a decent living for wage earners and their families** (as stipulated in Article 7 of the
403 Covenant)” (emphasis added).

404 Access to land, access to seeds and genetic resources and access to economic resources and
405 enterprise are all essential in realising the right to food. While ICESCR provides the human
406 rights obligation, the International Treaty on Plant Genetic Resources for Food and Agriculture
407 (ITPGRFA) and United Nations Declaration on the Rights of Peasants and Other People
408 Working in Rural Areas (UNDROP), amongst others, provide essential mechanisms to secure
409 these rights.

410 Right to Land:

411 In its General Comment 26, the CESCR explains that state parties are required to “adopt
412 legislative, administrative, budgetary and other measures and establish effective remedies
413 aimed at the full enjoyment of the rights under the Covenant relating to land, including the
414 access to, use of and control over land” and “shall facilitate secure, equitable and sustainable
415 access to, use of and control over land for those who depend on land to realize their economic,
416 social and cultural rights.” This resonates with the United Nations Declaration on the Rights of
417 Peasants and other People Working in Rural Areas (UNDROP). The European Parliament, in its
418 [resolution of 27 April 2017 on the state of play of farmland concentration in the EU](#), also
419 emphasises the human rights dimension of land governance in Europe: “...whereas access to
420 land is essential for the realisation of a number of human rights, and has an impact on the
421 Charter of Fundamental Rights of the European Union”.

422 Despite the stated aim of [Germany’s land policy](#) to grant access to agricultural land for as many
423 farmers as possible, land ownership in Germany is highly concentrated. According to the
424 [Federal Statistical Office](#), five percent of German landowners own over 40 percent of agrarian
425 land, while [almost 60 percent of these landowners are non-farmers](#). Due to a [threefold increase](#)
426 [in prices within the past twenty years](#), it has become increasingly difficult for small-scale farmers
427 - especially young peasants - to afford and access land. Between 2010 and 2023, the number
428 of farms in Germany decreased [from 299,134 to 255,010](#).¹ According to a [study commissioned](#)
429 [by the agricultural ministry](#), women are particularly affected: only 11% of German farms are led
430 by women.

431 While the German government has acknowledged the negative impacts that the influx of non-
432 agricultural investors is having on farmers’ access to land, the government has as yet failed to
433 apply the UN Land Tenure Guidelines to its land policy and to fulfil its obligations as defined in
434 General Comment 26 and the UNDROP.

¹ While there is no disaggregated data regarding the size of each closed farm for 2023, such data from 2010 to 2020 reveals that 36.358 farms in Germany were closed, whereby 94 percent of them were smaller farms (under 50 ha).

435 **Right to Seeds:**

436 The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), in its
437 Article 9, obliges “each Contracting Party [...] to take measures to protect and promote Farmer’s
438 Rights” including their right to “save, use, exchange and sell farm-saved seed/propagating
439 material”. This is echoed in Article 19 of the UNDROP.

440 Germany violates these rights of peasants and small-scale farmers to save, use, exchange and
441 sell seed/propagating material. Farmers are required to pay a recurring annual fee for seed
442 reproduction (in conflict with ITPGRFA and UNDROP), with annual payments to the seed trust
443 management organisation amounting to around 15 million Euros per year.

444 Moreover, seed sovereignty, free access to genetic resources and the right of farmers and
445 horticulturists to freely replant their own crops are being jeopardised by the growing number of
446 patents on plants and animals, as well as by the impending abolition of current EU rules on
447 genetic modification. The latter will make GMO-free food production impossible.

448 **Workers in the food and agricultural sectors:**

449 While we were not able to find reliable figures for the numbers of seasonal and migrant workers
450 in the hospitality and food processing sectors, these figures do exist for the agriculture sector:
451 During the course of a year, around 270,000 seasonal agricultural workers work in Germany,
452 mainly seasonal workers from eastern and central Europe. During seasonal peaks, there are
453 more than 50,000 foreign nationals registered as short-term employees in agriculture.

454 Article 9 of the Covenant proclaims “the right of everyone to social security, including social
455 insurance”. According to General Comment 23, state parties must “comply with their core
456 obligations and take deliberate, concrete and targeted steps towards the progressive realization
457 of the right to just and favourable conditions of work, using maximum available resources.” This
458 includes workers in the food and agricultural sectors and is in line with various conventions
459 under the International Labor Organization.

460 In contrast to said obligations, the federal government has failed to grant adequate social
461 protection to seasonal migrant workers under “short-term employment”. [Many are excluded from](#)
462 the full coverage of health insurance with dramatic consequences, as a recent [legal analysis](#)
463 shows. Moreover, unfavourable working and living conditions of migrant and seasonal workers
464 on farms, in slaughterhouses and other parts of the food industry have long been [documented](#).
465 For instance, health and safety as well as basic workers rights of [slaughterhouse workers](#) and
466 [seasonal farm workers](#) were breached, especially during the Covid pandemic.

467 While the minimum wage applies to seasonal and migrant workers in the agriculture and food
468 sector, [the minister for agriculture has recently called this into question](#). Moreover, according to
469 a recent [study](#), workers are not sufficiently protected against minimum wage fraud and sexual
470 violence, as, inter alia, many employers deduct high accommodation costs from workers’
471 income and pay in piece rate wages that end up below the legal minimum wage.

472 **Protection of the rights of small-scale dairy producers:**

473 The government has chose not to use its powers under § 148 of the Common Market
474 Organization (CMO, part of CAP). As a consequence, milk producers in Germany are not
475 benefitting from prior contractual agreements on price -quantity reference prior to delivery.

476 Such contractual agreements are however needed in all agricultural areas to protect small- and
477 medium scale farmers and to enhance their negotiation power in order to obtain prices which
478 provide them with a living income and enable them to pay farm workers the mandatory
479 minimum wage.