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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Sikh Human Rights Group, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 February 2021]

* Issued as received, in the language(s) of submission only.



Interactive Dialogue with the Special Rapporteur on the right to food

We thank the Special Rapporteur (SR) whose report A/HRC/46/33 offers an enlightened analysis into the various issues that must be redressed in order for us to achieve global food security. However, and as highlighted in his report any future policy decisions or international directives must be taken with due consideration to the implementation of the United Nations (UN) Sustainable Development Goals (SDGs) and/or the continuance of well-established human rights norms.

Nevertheless, we agree with the SR definition of the right to food in paragraph 8 or that the right to food means that any food produced must be adequate and available but that it must also be accessible.

We also agree with his findings at paragraph 28 or that his mandate must, amongst various other matters, be to ensure that:

1. States connect local food producers to people in need by supporting local markets and local procurement programmes...; para 28(c) A/HRC/46/33.
2. States protect local farmers' and peasants' land tenure; para 28(e) A/HRC/46/33.
3. States must ensure that food from public stocks is distributed fairly and transparently and that States without such programmes should consider developing public food stocks sourced by local producers; para 28(f) A/HRC/46/33.
4. States are encouraged [by the international community. Particularly, the United Nations treaty bodies, the International Labour Organisation (ILO) and the Committee on World Food Security] to provide direct cash transfers when possible, since they are proving [in the Special Rapporteurs learned opinion] to be the most effective measure to prevent a hunger crisis; paragraphs 28(g), 100, 101, 102 and 103 A/HRC/46/33.

Therefore, in direct consideration of the abovementioned matters we would like to remind the SR of the Indian Government's recent actions or decision to enact:

1. The Farming Produce Trade and Commerce (Promotion and Facilitation) Bill 2020;
2. The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Bill 2020; and
3. The Essential Commodities (Amendment) Bill.

Which hereafter will collectively be referred to as the Three Farm Laws.

We wish to bring the Three Farm Laws to the attention of the Human Rights Council, primarily as these laws will unacceptably erode the existing fragile protection afforded to India's small farmers. As well as having far reaching negative implications for world poverty, the environment, the implementation and maintenance of the UN SDGs, global food security and the small farming sector around the globe.

The Three Farm Laws were brought in without any consultations or negotiations with the farmers and/or their unions. The current Government enjoys a large majority in Parliament. However, it refused to go through the normal stages of legislation, such as establishing a parliamentary working group, or permitting a proper debate in Parliament.

This is inconsistent with the remarks of the SR in paragraphs 81 – 83 of his report, where he specifically stated that the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas 73/165 (of which India is signatory) and the International Treaty on Plant Genetic Resources for Food and Agriculture (of which India is also signatory) requires contracting parties to take measures to protect and promote farmers' rights including their right, amongst various other matters, to participate in Governmental decision making processes at a national level.

Nevertheless, we recognise the SR remarks at paragraph 84 in which it was stated that 'it is clear that farmers' rights ultimately rest with national Governments and are subject to

national legislation'. However, we would also like to bring to your attention his following direction that 'farmers are [to be] treated as political participants in the whole process and not just commercial actors'.

Further or alternately, the Three Farm Laws have also removed the current system of independent evaluation of the farmers produce at local markets or APMC Mandis as they are known in India. For instance, prior to the enactment of the Three Farm Laws the Indian Government set an assured price, called a Minimum Support Price (MSP) for some 22 crops after considering production and transportation costs, such as fertilizers, diesel for tractors, electricity and so on. Furthermore and as mentioned directly above, in some provincial states there were sub-regional markets with warehouses. These ensured that the farmers did not have to travel long distances to sell their produce without fear of it rotting.

Therefore, the Indian Government has not only removed the farmers MSP and accessible market places without consulting the farmers or their unions but they have also failed and/or omitted to replace the current system with any financial support to ensure that small farming as occupation or a way of life is allowed to continue. The Government is contending that the reforms will result in the farmers being enabled to sell their crops on the open market at any price. However, what the Government has failed to acknowledge is that this will push prices down as large trading houses take over from the small traders. The farmers fear that they will go bankrupt and will consequently be forced to sell their lands to large trading houses. In other words, the farmers inherent right to access and to work their ancestral lands will be lost in less than a generation.

Therefore, we would like to remind the Human Rights Council of the SR's remarks at paragraph 27. In which it was stated that not only does 'people's access to land determine both their access to food and the general availability of food to communities... [but under the veil of the COVID-19 pandemic] Governments and companies, through new laws or coercion, are pushing through agribusiness, mining and infrastructure megaprojects on ancestral and farmlands. Those 'land grabs' threaten people's livelihoods and access to food'. Comments we contend cannot be more applicable to or easily envisaged other than through turning out attentions to the ongoing agricultural crisis in India.

We would also like to bring the following provisions of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas 73/165 to your attention:

- Article 11(3) provides that: States shall take appropriate measures to promote the access of peasants and other people working in rural areas to a fair, impartial and appropriate system of evaluation and certification of the quality of their products at the local, national and international levels, and to promote their participation in its formulation; and
- Article 16(2) provides that: States shall take appropriate measures to favour the access of peasants and other people working in rural areas to the means of transportation, and processing, drying and storage facilities necessary for selling their products on local, national and regional markets at prices that guarantee them a decent income and livelihood.

Therefore, the farmer protestors and their numerous supporters are directly asking through the Sikh Human Rights Group for the Human Rights Council and particularly the Special Rapporteur to release an urgent expression of concern and to take substantive actions to ensure that Indian Government immediately repeals the Three Farm Laws and enters into consultations and negotiations with the farmers and their unions before enacting any further agricultural reforms and as is so required by the UN Declaration on the Rights of Peasants.