

# WORKING TOWARDS A BRIGHTER FUTURE

NEWSLETTER BROUGHT TO YOU BY THE SIKH HUMAN RIGHTS GROUP  
NGO WITH SPECIAL CONSULTATIVE STATUS AT THE UNITED NATIONS

## WHAT'S INSIDE?

MADE IN INDIA VS MAKE IN INDIA

1

WHAT IS HAPPENING IN MYANMAR?

1

WHY ARE THE FARMERS PROTESTING IN  
INDIA?

2

WHAT ARE WE DOING TO SUPPORT THE  
INDIAN FARMERS?

3

THE 46TH REGULAR SESSION OF THE  
UNITED NATIONS HUMAN RIGHTS COUNCIL

4

# MADE IN INDIA VS MAKE IN INDIA

BY BETHAN WALTERS

*This is the best time ever to be in India & it is even better to **Make in India***

PRIME MINISTER NARENDRA MODI  
February 13th 2016

## Made In vs Make In: Explained

The primary difference between 'Make in India' and 'Made in India' can be explained as a bottle of Coke is manufactured in India but eventually, those companies are not Indian, hence Coke can't be compared with 'Made in India'.

PM Modi is turning to industrial corporate farming companies rather than using their own farmers. This will leave **millions of farmers jobless** and will destroy the environment - an example of **Make in India but NOT Made in India**.

**India is just the beginning:** The worry is that **India is an experiment** and that the Corporates around the world are looking at how it will play out.

If the **Indian Government succeeds in deregulating farming** in India and allowing the corporate sector to drive out small farmers in large numbers, **other countries will follow suit**. In other words, State Governments will try to do the same and deregulate farming in their own countries. They will try to **push out small farmers** and bring in large-scale industrial farming companies.

We are witnessing a **corporate landgrab**. It may be starting in India but it will impact the **whole planet**.



## WHAT IS HAPPENING IN MYANMAR?

BY CARLOS ARBUTHNOTT

On the 1st of February 2021 the Military of Myanmar (also known as Burma) overthrew the country's fragile democratic Government in a coup d'état, arresting civilian leaders, shutting off the internet and cutting off domestic and international flights.

The coup returns the country to full military rule after a short span of quasi-democracy that began in 2011, when the military, which had been in power since 1962, implemented Parliamentary elections and other reforms.

Two days after troops took control of the Parliament and other State institutions, the country's civilian leader Ms Daw Aung San Suu Kyi was arrested by the military under obscure import laws.

On the 3rd of February 2021 her party stated that she had been charged with possessing at least 10 illegally imported walkie-talkies. Since then Ms Suu Kyi is now alleged to have violated the country's Natural Disaster Law.

However, the international community's response to her arrest has largely been to brand the charges as merely a pretext to keeping her detained. The UK's Prime Minister Boris Johnson has stated that the charges were 'fabricated' and 'a clear violation of her human rights', while a spokesperson for the US State Department has called them 'disturbing'.

Parliament was scheduled to hold its first session since the country's elections on the 8th of November 2020, in which the National League for Democracy, the country's leading civilian party, won 83% of the available seats. However, the military refused to accept the results of the election and consequently sought a declaration from the country's Supreme Court that the results were fraudulent. Whilst, simultaneously surrounding the Houses of Parliament with soldiers.

Since the coup began security officers have clashed with protestors and there have been numerous reports of the police using tear gas, rubber bullets and live rounds.

On the 3rd of March 2021 it was announced by UN envoy to Myanmar Christine Schraner Burgener that 'at least 50 people had now been killed and many wounded since the coup began'.

Furthermore, on the 15th of February Myanmar's military announced penalties of up to 20 years in prison for those were found to be opposing the coup leaders. The military has also warned domestic journalists not to describe the military take over as a coup.

However, the United Nations has been quick to respond and has warned the military leaders that there will be 'severe consequences' for any suppression of the ongoing anti-coup protests.





# WHY ARE THE FARMERS PROTESTING IN INDIA?

BY VARIOUS AUTHORS

The issue at stake is the enactment of laws introducing free market forces in the small farming sector, which is a protected sector almost everywhere in the world. These are the **Farming Produce Trade and Commerce (Promotion and Facilitation) Bill 2020**; **The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Bill 2020**; and **The Essential Commodities (Amendment) Bill 2020**. These laws not only contravene international Treaties but they also have far reaching **negative implications** for **world poverty**, the **environment**, **food security** and **small farming**.

These laws, hereafter referred to as the **Three Farmer Laws**, will erode the fragile protection afforded to India's small farmers. The laws were brought in without any consultation or negotiation with the farmers. This contravenes the **UN Declaration on the Rights of Peasants**, adopted in **2018**. The current Government enjoys a large majority in Parliament. However, it has refused to go through the normal stages of legislation, such as setting up a parliamentary working group, or permitting a proper debate in Parliament.

Currently small farmers in India only have a **few protections**.

The Government sets an assured price, called **Minimum Support Price (MSP)** for some 22 crops after considering costs, such as fertilisers, diesel for tractors, electricity etc...

In some states there are sub-regional markets with warehouses, so small farmers don't have to travel long distances to sell and deliver their produce.

However, the **Three Farmer Laws** have removed **MSP** without replacing it with any financial support to ensure that small farming as an occupation carries on. The Government says that the small farmers can now sell their crops on the open market at any price.

However, what the Government has omitted to realise is that this will push prices down as large trading houses take over from the small farmers and traders of produce. Therefore, the farmers fear that they will go bankrupt and will consequently be forced to sell their lands to large trading houses.

**Secondly**, the laws will remove the subregional markets. Which will make it extremely difficult for farmers to move their produce without fear of it rotting and which in turn will unacceptably drive up the farmers transportation costs.

Therefore, both of these issues contravene the protections and facilities that the **UN Declaration on the Rights of Peasants 2018** seeks to protect in order to ensure that small farming as a way of life continues.

**The third violation of international human rights norms** is that the Three Farmer Laws have introduced the **denial of access to legal recourse** in the event of a dispute arising between a small farmer and a large national trader of produce. The Government has legislated that farmers cannot go to court but must instead refer the matter to arbitration by a local Government appointed Official, who by no means can be considered to be independent. Therefore, by removing access to an independent judicial system, the small farmers fear that they will be at the mercy of a Government officer who cannot be considered to be impartial or who will favour large corporate interests over the interests of the small farmers. In other words, it is highly likely that the Government official will not pay due consideration to the small farmers right to a reasonable standard of living as is so required by the **UN Declaration on the Rights of Peasants 2018**.

Therefore, the **farmers fear** that they will be driven out of farming as an occupation or a way of life and thrown to the unregulated employment sector. **Only 10% of Indians currently work in the regulated employment sector.**



**There are also far-reaching International Implications for the Three Farmer Laws**, whereby the knock-on effect will be highly detrimental. Firstly, the environment cannot survive the planned take over of large scale farming in India and soon to be other parts of the globe, it is highly unsustainable and will result, as seen in the Amazon, in the destruction of habitats and poisons entering our food as large commercial producers rely on the mass use of fertilisers, pesticides and other toxic chemicals to drive down their production costs.

In addition to the above, there are also **sociological implications**. For instance, these new reforms will leave the Indian framers at the mercy of big companies who will consistently endeavour to pay the farmers less, if at all, which in turn will allow a pandemic of poverty to spread across India's already struggling agricultural communities. Furthermore, large scale industrial farming in India will create more competition for small farmers around the world as large corporate producers are enabled to offer lower and lower prices for produce at larger volumes. In other words, prices and volumes that small farms simply cannot compete with.

To learn more about the ongoing agricultural crisis in India please visit Sikh Human Rights Groups website at the following web address:

[www.shrg.net](http://www.shrg.net)



# WHAT ARE WE DOING TO SUPPORT THE INDIAN FARMERS?

In December 2020 the Sikh Human Rights Group (SHRG) wrote formal letters to the following United Nations representatives voicing our concerns and calling for their immediate action:

- The United Nations High Commissioner for Human Rights;
- The United Nations Special Rapporteur on Rights to Freedom of Peaceful Assembly and of Association; and
- The International Labour Organisation.

Since then Ms Michelle Bachelet Jeria the **United Nations High Commissioner for Human Rights** and the **United Nations Human Rights Office (OHCHR)** has called upon Prime Minister Modi, his majority Government and the Indian authorities to:

*'Exercise maximum restraint amidst ongoing protests by farmers. The rights to peaceful assembly and expression should be protected both offline and online. It's crucial to find equitable solutions with due respect to Human Rights for all'.*

The SHRG has also received a response from Ms Alette van Leur the **International Labour Organisations Sectoral Policies Department Director**. In which she stated:

*'The ILO is following the developments on the issue closely and is in contact with its local constituents providing guidance and technical assistance on the formulation and implementation of policies and strategies to address decent work deficits in the rural economy as well as promoting the ratification and implementation of relevant international labour standards.'*

In response to the ILOs reply to our letter the SHRG has requested further clarification on precisely what guidance and technical assistance the ILO is providing to local constituents as well requesting that the ILO clarifies its position on the **United Nations Declaration on Rights of Peasants 2018**. Specifically in regards to **Articles 10, 11, 12, 15 and 16**.



Following the **nationwide protests** held on the **26th of January 2021** the SHRG received a large amount of credible evidence in the form of **First Instance Reports (FIRs)** to suggest that there had been a crackdown by the Indian Government, police and army and which had resulted in the **arbitrary arrest and detention** of over 265 of the small farmer protestors.

Therefore, we immediately submitted 163+ of the cases to the **United Nations Working Group on Arbitrary Detention**. Requesting that they contact the relevant Indian authorities and take substantive actions to **redress the human rights violations** that had occurred and that were continuing to occur. To date and with the invaluable help of the protestors **primary legal counsel** we are still working hard on getting the detainees released on bail, the charges dropped against them and on submitting cases regarding the horrendous human rights violations that have occurred and continue to occur to the relevant UN Treaty Bodies and Working Groups.

On the **4th of February 2021** the SHRG received highly credible evidence from Dr Darshanpal Singh, located on the Singhu boarder, that him and **thousands of other small farmer protestors** situated in and around Delhi (India) had been **surrounded** by the Indian authorities (army and police) and had subsequently had their **water supplies, toilet, phone and internet facilities blocked off**. Which is not only wholly unacceptable in light of international humanitarian law and well-established human rights norms but also owing to the fact that there were **500+ children and elderly people** situated amongst the protestors.

Therefore, we immediately lodged urgent appeals with the **UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** and the **UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association**.

## SHRG: REPORT ON THE THREE FARM LAWS AND FARMER PROTESTS

In February 2021 we published a **comprehensive interim report** on the **Three Farm Laws** and the **ongoing protests across India**. Therefore, to learn more about the topics outlined below please read our report which is available at the following web address:

**[www.shrg.net](http://www.shrg.net)** under the heading **small farmers under threat (find out more)**.

**Topics include:**

- **THE CURRENT SYSTEM OF POLICY, LAWS AND FARMING IN INDIA**
- **CONSTITUTIONAL ISSUES AND CURRENT APPLICABLE LAWS**
- **DO THE NEW LAWS BENEFIT FARMERS?**
- **WHAT IS WRONG WITH THE CURRENT LAWS?**
- **WHAT ARE THE NEW LAWS?**
- **WHAT DO INTERNATIONAL TREATIES SAY ON THE MATTER AND WHY ARE THE NEW LAWS BREACHING INTERNATIONAL LAW?**
- **WHAT DO THE FARMERS WANT?**
- **WHAT ACTIONS HAVE THE FARMERS TAKEN THROUGHOUT THE PROTESTS?**
- **26th OF JANUARY 2021 EXPLAINED**
- **THE INTERNATIONAL COMMUNITY'S RESPONSE TO THE PROTESTS**





# THE 46TH REGULAR SESSION OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL

## SHRGs PARTICIPATION IN THE UN HUMAN RIGHTS COUNCIL

Despite the fact that the UNHRC is not a subsidiary of ECOSOC **only NGOs with Consultative Status can be accredited to participate** in the Human Rights Council's sessions.

Therefore, SHRG can amongst various other matters:

- **Attend and observe all proceedings of the Human Rights Council** with the exception of the Council deliberations under the Complaints Procedure;
- **Submit written statements** to the Human Rights Council;
- **Make oral interventions** to the Human Rights Council;
- Participate in the Universal Periodic Review (UPR) which involves a review of the human rights records of all 192 United Nations Member States once every four years;
- **Participate in debates, interactive dialogues, panel discussions and informal meetings;** and
- **Organize 'parallel events'** on issues relevant to the work of the Human Rights Council.



SHRGs Director Dr Jasdev Rai (left) preparing to deliver his oral submission to the UN HRCs 46th Session. We would also like to thank Mr Hardial Rai (right) for making our video submissions possible during these difficult times.



## Our oral submissions to the UN Human Rights Councils 46th Session include:

- Item 3: Interactive dialogue with the Special Rapporteur on the **right to food** (26th February 2021) (A/HRC/46/33) **(4th on the list of speakers);**
- Item 3: Interactive dialogue with Special Rapporteur on **human rights and the environment** (3rd March 2021) (A/HRC/46/28) (30th on the list of speakers);
- Item 3: Interactive dialogue with the Special Rapporteur on **torture and other cruel, inhuman or degrading treatment or punishment** (4th March 2021) & ID with the SR in the field of **cultural rights** (A/HRC/46/34/AEV) (A/HRC/46/34/Add.1);
- Biennial High-level panel on **death penalty** (23rd February 2021) (A/HRC/RES/26/2) (A/HRC/RES/42/24) (8th on the list of speakers);
- Annual Debate: **Rights of persons with disabilities** (5th March 2021) Item 3 GD (A/HRC/7/9) (A/HRC/43/22) (5th on the list of speakers); and
- Item 8: General Debate on the **follow-up of the Vienna Declaration and Programme of Action** (18th March 2021) (35th on the list of speakers).

For more information on our current work please visit our website and follow us on our social media accounts:

**Website:** [www.shrg.net](http://www.shrg.net)

**Twitter:** @S\_H\_R\_G

**Instagram:** shrg\_net

Drafted by Mr Carlos Arbuthnott  
(Human Rights Officer and Project Coordinator)

## WHAT IS THE UNITED NATIONS HUMAN RIGHTS COUNCIL?

The UN Human Rights Council (Council or HRC) is the **principle intergovernmental body** within the United Nations (UN) system **responsible for strengthening the promotion and protection of human rights around the globe, and for addressing and taking action on human rights violations around the globe.**

The Council holds meetings throughout the year providing a multilateral forum to address human rights violations wherever and whenever they occur. **It responds to human rights emergencies and makes recommendations on how to better implement human rights on the ground.** The Council has the ability to discuss all thematic human rights issues and country-specific situations that require its attention.

The Council held its first session in June 2006. One year later, the Council adopted its 'Institution-Building' package by resolution 5/1 to guide its work and set up its procedures and mechanisms. Among the Council's subsidiary bodies are the Universal Periodic Review mechanism (UPR), the Special Procedures, the Advisory Committee and the Complaint Procedure.

The Council can also establish **international commissions of inquiry and fact-finding missions** investigating and responding to human rights violations, to help **expose violators and bring them to justice.**