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March 1, 2021

Via Email: marc.garneau@parl.gc.ca

Hon. Marc Garneau
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario K1A 0A6

Dear Hon. Minister Garneau,

Re: Violation of Human Rights of Protesting Farmers in India

The South Asian Legal Clinic of British Columbia (SALCBC) is a non-partisan, not-for-profit organization that focuses on issues affecting the daily lives of South Asian British Columbians, including legal issues around human rights and economic justice for workers. We write, on behalf of the communities we serve, with concern about the ongoing state of affairs in India; specifically, the Indian government's stifling of rights to free speech and peaceful assembly since late 2019. This stifling has involved both threats of violence and violence against marginalized and protesting farmers; shutting down of the internet, water and electricity to silence dissenting voices; and human rights abuses against farmers, journalists and human rights defenders.¹

The farmers and their supporters protest against three new farm laws the Indian government enacted in September 2020. While the Indian Government suggests these laws will benefit the farmers, evidence is lacking as are any transitional supports to prevent farmers' livelihoods from being compromised. The farmers see these laws as making them more vulnerable by reducing their income security while allowing government and corporate interests to reduce food prices and take over their farmland. We note the complete lack of (1) consultation for these large scale changes to the agricultural sector and (2) acknowledgement of farmers' rights to associate and organize, contrary to ratified ILO conventions C011, C098, C141, and C144.² Further, the Former Chief Economist of the World Bank and Cornell University Professor of Economics, Kaushik Basu, among others, finds these laws "flawed" and "detrimental to farmers."³

¹ Amnesty International, "[India: Government must stop crushing farmers' protests and demonizing dissenters.](#)" February 9, 2021; Human Rights Watch, "[India: Journalists Covering Farmers Protests Charged](#)", February 2, 2021.

² International Labour Organization, [Conventions](#).

³ Kaushik Basu [@kaushikbasu]. (2020, December 10). "I've now studied India's new farm bills & realize they are flawed & will be detrimental to farmers. Our agriculture regulation needs change but the new laws will end up serving corporate interests more than farmers. Hats off to the sensibility & moral strength of India's farmers." [Tweet]. Twitter. See also: Times of India, "[Farm Laws - 3 experts - 2 opinions](#)." December 18, 2020.

On November 26, 2020, farmers from various regions, cultures and creeds began to gather. On route to Delhi, they were met with police barricades, water canons and tear gas. Approximately 250 million farmers made it past the barricades and set up protest sites around Delhi.

On January 26, 2021, following a tractor rally organized by protesting farmers, the Indian government's violent response escalated. There are confirmed reports of (1) protesters, journalists and activists going missing, (2) the Delhi Police Department forcibly taking individuals without due process, and (3) police-led beatings, sexual abuse and other forms of torture while individuals are held in illegal custody. The Indian government has built permanent cement barriers around protest sites to block access. The mainstream media cannot report events accurately, as they are pressured against presenting information that expresses dissent against the Indian government.⁴

SALCBC is concerned about these ongoing human rights violations. While we appreciate the Rt. Hon. Prime Minister Trudeau's December 1, 2020 and December 4, 2020 statements regarding the right to peaceful protest, the Indian government's minimizing of the human rights violations and arbitrary arrests, referring to them as 'domestic matters', is unacceptable. We request a public statement condemning the escalating attacks on and arbitrary arrests of protestors, contrary to the *UN International Covenant on Civil and Political Rights* (the ICCPR), to which India is a signatory. We specifically note the UN Committee on Civil and Political Rights adoption of General Comment No. 37 on the ICCPR's Article 21 (*the right to peaceful assembly*) in July 2020.⁵ We ask Canada to call on India to respect the rights to freedom of speech and peaceful assembly and to release all journalists, protesters and human rights defenders who have been imprisoned improperly, under draconian domestic laws, for expressing dissent.

Canada, through the *Canadian Charter of Rights and Freedoms* and the body of jurisprudence it has led to, is seen as a champion of human rights worldwide. Many Canadians have direct connections to India and to the protestors. We thus cannot overlook the largest protest in human history and the violent response to it. We urge the Canadian Government to make a formal statement and ensure the Indian government respects the basic human rights of farmers, journalists and human rights defenders. We look forward to receiving a copy of your statement.

Regards,

Meena Dhillon

Meena H.K. Dhillon

Co-Chair

South Asian Legal Clinic of British Columbia

www.salcbc.org

cc: Rt. Hon. Justin Trudeau, Prime Minister, P.C., M.P.

⁴ *Mujib Mashal & Sameer Yasir*, "India's Response to Farmers Protests in India stirs fear pattern." February 3, 2021, www.nytimes.com, Feb 3, 2021, <https://www.nytimes.com/2021/02/03/world/asia/india-modi-farmer-protest-censorship.html>; February 9, 2021.

⁵ [CCPR/C/GC/37](http://www.unhcr.org/refugees/article/43c4e624.html)