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CETIM

**“There is not a developed world and
an underdeveloped world
but a single world badly developed.”**

EDITORIAL

The world is holding its breath as the health crisis continues its path of devastation through many countries. Although some governments have managed to slow the pandemic with appropriate measures, others appear to be completely disarmed or are taking refuge in denial.

This pandemic reveals once again the stark inequalities between and within countries. It also reveals the inadequacy of public health and development policies that powerful entities have chosen or imposed on many countries. This pandemic has also highlighted the multiple crises facing humanity (economic, political, social, environmental etc).

While people continue to struggle for a fairer distribution of wealth, for social justice, environmental protection, for alternative ways to produce goods and services, most governments, in contrast, appear to have learnt nothing from the crisis. They continue to promote the same neoliberal recipes (privatization of public services, frenetic exploitation of natural, non renewable resources, « globalization » of the

production of goods and services, reduction, even abandonment of state control of the economy ; prices, salaries, working condition, international, financial and commercial exchange, etc). This is despite the fact that these recipes have clearly proven to be harmful to many countries, notably in relation to the weakness or non-existence of publicly controlled health systems.

A « strong » state is not necessarily synonymous with an autocratic state, as those who only know how to « wield the stick » would have us believe. As an organizational instrument in the service of society, a state must be responsible towards the whole population under its jurisdiction, meeting all their basic needs, and protecting them from the arbitrary actions of third parties (state or private entities), from natural catastrophes and pandemics. For a state to fulfil its functions, it is imperative that it controls development policy, discuss democratically with its population in full respect of equity and justice, and, at the same time, ensures that powerful private interests respect the public interest.

HUMAN RIGHTS

COVID-19 PANDEMIC AND HUMAN RIGHTS

The containment measures have shown – if it was not already obvious – just how important it is to observe and effectively implement all human rights (civil, political, economic, social and cultural), even as it has brought to light numerous violations of those rights.

The lockdown shows yet again that economic, social and cultural rights – such as the right to food, the right to health, the right to housing, the right to work and the right to education – are as crucial as civil and political rights¹. Let us not forget that the authorities keep insisting that the purpose of confinement and health barrier measures (physical distancing, hand washing, etc.) is to protect the right to life of each of us; they are thus an expression of the value society places on human life. What then of persons belonging to socially excluded groups, who are at particular risk of infection, such as those who live cheek by jowl in shanty towns with no running water? Where is the effective protection of these people's right to life when health measures are materially impossible for them to implement because their social rights have already been violated – no housing, no work, no food, no access to drinking water? To take an example from Geneva, does a State really meet its human rights obligations when its police officers step in to halt the distribution of food to hundreds of people in need? Is it acceptable that in rich countries there are tens of millions of people in need? Is it tolerable that, in this day and age, the needs of almost half of humanity – food, water, adequate housing, decent work, education – are to a greater or lesser extent unsatisfied?

These examples remind us that the violation of one human right can jeopardise the enjoyment of all the others. Thus the denial in law or in fact of the right to housing triggers a slew of dramatic consequences and gives rise to multiple violations of human rights in the areas of employment, education, health, social relationships and participation in decision-making (no right to vote, for example).

By virtue of their international undertakings, States have an obligation to protect, promote and give effect to all human rights for all groups under their jurisdiction, and first and foremost the most vulnerable, such as children, older people, refugees, migrants and persons with disabilities. They must also refrain from violating the human rights of groups in other States' jurisdictions by measures such as food or medical embargoes. In addition, States that have the means must show solidarity with States that for some reason (natural disaster, epidemic, lack of resources or technical capacity, etc.) are not in a position to guarantee the enjoyment of human rights to their populations.

Yet in practice we see massive violations of human rights on all continents. Some States believe the economy must keep going at all costs, no matter what the social utility of any given industry in an emergency situation and regardless of the risks to workers and public health, while at the same time they are unable to provide the population with medical or food products. In addition, most countries have no health care network worthy of the name, even in the West.

How did we get to this point? The situation has its roots in the economic and political choices that have been made, whether willingly or under pressure, over the last few decades. These decisions shut the State out of the economic arena and cut budget resources to the public sector, in particular in the field of health. The role of States has been, to a greater or lesser extent, confined to security issues and the repression of their own people as they demand social justice and protest against the destruction of their living environment.

1 This was also why the Member States of the United Nations unanimously adopted a solemn declaration at the World Conference on Human Rights held in Vienna in June 1993, stating that "All human rights are universal, indivisible and interdependent and interrelated", placing all rights on the same footing and creating no hierarchy of rights.



Many of the States around the world that were subjected to so-called structural adjustment programs or similar measures have witnessed the destruction of public services, such as education, health, water and transport, and of their peasantry (through, for example, abolition of aid to family farmers and liberalisation of the food market) – all of which are essential to the population’s enjoyment of human rights without discrimination – and the privatisation of those sectors. In addition, such countries have often been compelled to abandon price and exchange controls and promote the free movement of capital. Beginning in the 1970s, when they were imposed on indebted countries in the South, structural adjustment programs (or similar measures by other names) have since been extended to countries in the North, in the form of, for example, the stringent austerity measures imposed on Greece

by the European Troika (European Commission, European Central Bank and International Monetary Fund) after the 2007-2008 financial crisis. As well as destroying public services and peasant farming, these programs have had other consequences such as increased poverty and financial insecurity, and greater inequality between and within countries.

By submitting to structural adjustment programs, whether willingly or under duress, States (and we are talking about the majority of the Member States of the United Nations) relinquished not only their own – and therefore their peoples’ – sovereignty but also any possibility of guaranteeing the enjoyment of all human rights to all populations under their jurisdiction.

You can find the complete version of the article on the CETIM's website.

UN HUMAN RIGHTS COMMITTEE DECLARES THE COLOMBIAN STATE RESPONSIBLE

The UN Human Rights Committee has ruled against Colombia for failing to investigate those who ordered the murder of a trade unionist who was defending the rights of workers at the multinational Coca-Cola in the country.

Following the assassination of Colombian trade unionist Adolfo Múnera in the city of Barranquilla, in August 2002, the Committee for Solidarity with Political Prisoners (CSPP) and the Europe-Third World Centre (CETIM) - representing the Múnera family and the trade union SINALTRAINAL - brought a complaint to the United Nations Human Rights Committee in 2015, in which they highlighted that: "The Colombian State (. ...) while recognizing that the murder of Mr. Adolfo Múnera was politically motivated, did not investigate those who allegedly ordered the murder, including the possible responsibility of the multinational Coca-Cola that had been publicly denounced for links to paramilitary groups". Adolfo had repeatedly requested protection from the state, especially after being threatened by these groups. However, despite the allegations, the Colombian state did not investigate the masterminds of the trade unionist's murder.

Eighteen years after his murder, on 19 May 2020, the United Nations Human Rights Committee concluded that the Colombian State had violated article 2, paragraph 3 and article 6, paragraph 1 of the International Covenant on Civil and Political Rights (ICCPR). In its decision, the Human Rights Committee recognized that in the Caribbean region there were numerous cases of murders of trade unionists during the period in which Adolfo Munera was murdered. Therefore, one or more masterminds should be suspected, which have not been investigated or sanctioned by

the Colombian judicial authorities. In its ruling, the Human Rights Committee referred to the State's obligation to provide effective legal recourse and to apply the regulatory and administrative tools to protect the lives of persons under its jurisdiction.

Although the perpetrator was sentenced to 17 years for Adolfo's murder, it should be noted that there was no criminal investigation into the interests behind the death of the well-known trade unionist, or into those who plotted or benefited from the crime. This type of situation has been recurrent in cases of this nature in the country. SINALTRAINAL, the trade union organization of which Munera was a member, has been particularly affected.

In fact, days before filing the complaint, the Coca Cola workers affiliated with Sinaltrainal arrived in the city of Bogotá and protested on Bolivar Square, near the presidential palace and the Congress of the Republic. During a week-long hunger strike, they demanded that the State provide justice for the murders and death threats against unionized Coca Cola workers in Sinaltrainal, without an effective response from the company or the State. On the contrary, there are still complaints about the possible involvement of this company's management in acts of union persecution, which have become notorious, among others, with the arrest of the head of investigations of Coca Cola - FEMSA, Julián Villarraga in 2019, against whom a judicial process is underway for allegedly being



part of an illegal espionage network, in which high ranking members of the Colombian public forces allegedly participate.

After five years of litigation and monitoring, the Committee has recalled that the right to life includes the obligation of the State to adopt any law or measure appropriate for the protection of said right, especially in the case of persons who are particularly vulnerable due to specific threats and/or previous patterns of violence¹. According to the Human Rights Committee, an essential part of the right to life is the State's obligation to investigate and prosecute those responsible for its violation, since this is part of the concept of protecting and guaranteeing all rights recognized in the International Covenant on Civil and Political Rights.

The Committee's decision to declare the State responsible for non-compliance with the Covenant in violating the above-mentioned rights is transcendental and useful for all persons and organizations fighting against impunity in this type of crime, because it recalls the importance, as a guarantee of non-repetition, of an enlightening judicial investigation of

truth and justice, which results in criminal prosecution of the material and masterminds of the crimes, and consequently in the dismantling of the criminal organizations behind them.

Finally, the UN Human Rights Committee orders the State to provide, within 180 days, information on the measures it has adopted to shed light on the murder of trade union and community leader Adolfo Múnera, so that after 18 years of waiting, the motives and identities of those who determined his death can be known.

This decision comes at a time when the few judicial results of the Colombian State against those who determined and ordered the murders of social leaders and human rights defenders are publicly known. It also shows the importance of developing legal strategies to clarify these crimes, which allows the contexts in which they occur, the interests, motives, patterns and the systemic nature in which they were committed to be revealed. It also ensures that the members of the criminal structures and those behind them are brought to justice.

¹ Decision of the United Nations Human Rights Committee, adopted on 19 May 2020 under article 5, paragraph 4, of the Optional Protocol in respect of communication No. 3076/2017, p. 12.

CETIM'S STATEMENTS AT THE UN

In March 2020, before the Covid-19 crisis, the CETIM issued statements during the 43rd session of the Human Rights Council. Here are a few extracts:

Austerity measures and human rights violations in Ecuador

From December 2017 to June 2019, poverty in Ecuador affected 25.5% of the national population. Extreme poverty reached 9.5%. The above figures are linked to economic-social measures taken by the Government of Ecuador.

Revised draft for a legally binding instrument for TNCs

The revised draft for a legally binding instrument does not effectively tackle the basic challenges of globalisation and provide the necessary monitoring for TNC activities which violate human rights. Among these problems, we can cite broadening the scope to any type of business. Such an extension would only water down or even undermine the initial goal of the process by allowing the natural and legal persons who control TNC value chains to escape justice.

Right to adequate housing

Forced evictions and security of tenure in both urban and rural areas are still among the main hurdles to providing the right to housing.

In rural areas, the right to housing cannot be isolated from the right to land. This is an essential issue for peasants both to be able to live in dignity with their families and to be able to produce food.

Serious human rights violations in Chile

In October 2019, a massive protest movement began in Chile against a savage neoliberal model that widens social inequalities and disregards the democratic collective processes.

The CETIM intervened during the 43rd session of the Human Rights Council to denounce the serious and systematic human rights' violations, urging the Chilean government to put an end to the repression and calling on the Human Rights Council to activate its appropriate mechanisms and procedures.

Repression and persecution in Bolivia following the October 2019 elections

In October 2019, presidential elections were held in Bolivia to choose the country's new president for the period 2020-2025. These elections resulted in a constitutional breakdown and the seizure of power by an interim government led by the self-proclaimed Jeanine Añez, supported by the armed forces. The break-up has led to a situation of high levels of violence, repression and human rights violations; the massacres that have taken place remain unpunished to this day.

You can find CETIM's declarations in full on our website.

SWISS FOREIGN POLICY IN THE LIGHT OF THE DECLARATION ON PEASANTS' RIGHTS

The context of the current health crisis has put the situation of peasants around the world back at the heart of the debate.

More than ever, this crisis confirms the importance of protecting and promoting peasant rights. Around the world, this sector plays a vital role in providing people with healthy and affordable food. The Corona crisis is currently triggering a new worldwide food crisis, which, as usual, will affect the most vulnerable people, in particular those living in rural areas. It is therefore vital to put peasants back at the heart of the political debate to protect and ensure the local food supply.

This crisis reminds us of the key role of the UN Declaration on Peasants' Rights, adopted in December 2018. The latter provides public authorities with a practical tool to implement policy which protects peasant rights. The Declaration is an unprecedented framework to safeguard decent living and working conditions for this highly vulnerable sector while establishing relevant state responsibilities. Following the historic adoption of this instrument, a new phase is necessary: implementation. Legislators in different countries have to breathe life into this Declaration by creating the legal instruments and rules needed to protect and promote these rights.

This also applies to Switzerland. The country, which had a positive change during the negotiation process at the UN¹, has to commit to the effective imple-



mentation of the aforementioned Declaration at both national and international level.

Within this framework, several Swiss organisations including CETIM gathered together in a collective known as "The Friends of the Peasant Rights Declaration"². This group aims to contribute towards the implementation of the Declaration by Swiss public authorities through a campaign to inform, raise awareness and advocate at both local, cantonal and federal level.

To support this campaign, the collective has decided to elaborate a study analysing Swiss policy in the light of the Declaration. In order to do this, the collective has mandated two academics, one from the Academy of International Humanitarian Law and Human Rights in Geneva and an independent consultant. The study will be available from September 2020 and will attempt to answer the following questions: What is Swiss foreign policy in the areas of trade and development cooperation and is it in line with the Declaration? Does Swiss policy contribute to enhance and protect family peasantry?

Swiss policy, both at a national and international level, can and must contribute to developing sustainable agricultural models. We hope that this study will help make the Declaration a reality for Swiss peasants and peasants around the world. With this goal in mind, public authorities, elected officials, peasant organisations and other Swiss civil society organisations must continue working hand in hand.

1 Contrary to its position at the start of negotiations, Switzerland eventually worked to draft and adopt the declaration at the Human Rights Council. then at the UN General Assembly thanks to the mobilisation of civil society, supported by elected officials and political parties within regional and federal bodies.

2 The associations in question are Uniterre, EPER, PPP, Action de Carême, Swissaid, CETIM and FIAN Suisse.

PUBLICATION

Travailleurs et travailleuses agricoles à la peine*Introduction by Anne-Catherine Menétrey-Savary*

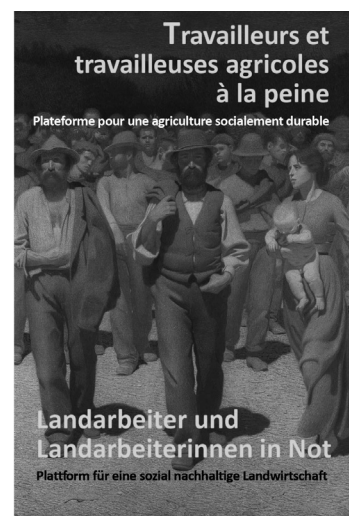
Published in two languages : French and German. Order from the CETIM website or by telephone/email

La Plateforme pour une agriculture socialement durable (the Platform for socially sustainable agriculture in Switzerland) includes organisations of agricultural producers, unions, consumer associations and organizations for the defense of migrants and other individuals.

The Platform contracted two young historians, Gilles Bourquin and Jan Chiarelli, to investigate the world of agricultural work. These researchers undertook a comparative study based on nine cantons and covering the period 2000 to 2018. They started by

examining the working conditions of agricultural workers, the majority of whom are immigrants and represent more than 25 % of the Swiss agricultural labour force.

But this is not all. Their study then looked at the social and economic problems of farmers : debt, low prices for products, and the rôle of the big distribution networks. The study reveals the unattractive reality of our agricultural system and the conditions of life of all those who work day in day out to produce our food.

**CALL FOR SUPPORT**

Fundraising work for CETIM has been affected by Covid 19. Nevertheless, our activities whether in publications or human rights, remain crucial. It is therefore ever more important to support us so that we can continue our work.

Thank you in advance for your precious support.

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