

UNIVERSAL PERIODIC REVIEW – FOURTH CYCLE

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SWITZERLAND

Submission by:



The implementation of the UNDROP in Swiss domestic laws and policies

INTRODUCTION

1. The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) has been adopted in 2018. Switzerland voted in favour of this adoption and played a central role during the UNDROP's negotiation. This positive role should now be translated into clear, tangible support for the UNDROP's implementation, both nationally and internationally.
2. In this contribution to the Universal Periodic Review (UPR) of Switzerland in 2023, we present measures that Switzerland should take in its domestic policy to support UNDROP's implementation in Switzerland. As the UNDROP was not yet adopted when Switzerland was last reviewed by the UPR in 2017, this topic is new. It was not included in any of the recommendations addressed to Switzerland in 2017.

THE UNDROP IN BRIEF

3. The aim of the UNDROP is to better protect peasants, fisherfolk, livestock breeders, gatherers and agricultural workers (hereinafter referred to as peasants). Peasants play a key role in global food security and in the preservation of natural resources, biological diversity, and food systems. Peasants are thus key contributors to ensuring the resilience needed to cope with climate change and other crises.
4. The UNDROP complements and reinforces other human rights instruments, and reaffirms the principle of international law according to which the obligations set out in the UN Charter, including those relating to human rights, take precedence over obligations under other treaties.
5. The UNDROP thus affirms that States should elaborate, interpret and apply the international standards and agreements to which they are a party in a manner consistent with the rights enshrined in the UNDROP (Art. 2.4). It affirms that States should ensure that their agricultural, economic, social, cultural and development policies are coherent with the realization of the rights its sets out (Art. 15.5).

6. The UNDROP recognizes many rights, including the rights to food and food sovereignty (Art. 15), to an adequate standard of living (Art. 16), to land and other natural resources (Arts. 5 and 17), to a safe, clean and healthy environment (Art. 18), to seeds (Art. 19) and to biological diversity (Art. 20). It stipulates that States should respect, protect and fulfil these rights (Art. 2), guarantee their enjoyment without discrimination (Art. 3), and eliminate all forms of discrimination against peasant women and other women working in rural areas (Art. 4).

IMPLEMENTING THE UNDROP

7. The role that Switzerland played during UNDROP's negotiation was key to achieving an instrument that is so highly relevant to today's realities. Switzerland was also one of the first States to commit to implement the UNDROP. It has supported expert seminars, conferences and studies on the role of States, international organizations and human rights mechanisms in UNDROP's implementation.

IMPLEMENTING THE UNDROP IN DOMESTIC LAWS AND POLICIES: CONTEXTUALIZATION OF SWITZERLAND

8. The UNDROP is a normative framework which provides concrete tools and leverages for States to address challenges faced by their peasant population. In high-income countries like Switzerland, agriculture also finds itself in a worrying situation. In the last decades, the number of farms has continuously decreased, especially small farms. The social and economic situation of peasants' families is degrading. For example, reports demonstrate that suicide rates among peasants are among the highest compared to other professional groups, and peasant families are particularly concerned by domestic violence. In a context of climate crisis, pandemics, biodiversity loss, etc., developing and strengthening agriculture and short food supply chains is urgent in order to ensure autonomous and sustainable food systems. The current tendencies in Swiss agriculture, however, do not ensure the maintenance of peasant farming and the country's food sovereignty.
9. In the following, we advance recommendations for five issues which are particularly problematic for Swiss peasants and are related to the UNDROP. These five issues are: food sovereignty, fair income, equal participation of all peasants, the right to information, access to land, and social security for peasant women.

FOOD SOVEREIGNTY

10. Coherent policies should be developed towards a vision of a radical change of paradigm in the food and agricultural system. Food sovereignty allows us to respond to the challenges of the multi-causal crisis we all have to cope with. Food sovereignty is also a way to promote a resilient, local and sustainable model of agriculture, which is a powerful tool to ensure food security, social peace and efficient protection of the environment.

Recommendation

11. Switzerland should realize the right to food sovereignty enshrined in article 15.4 of the UNDROP, which demands States to guarantee peasants' right to determine their own food and agriculture systems, their right to participate in decision-making processes on food and agriculture policy, and their right to the respect of their cultures.

FAIR INCOME

12. Swiss peasants (as well as peasants in Europe and all over the world) are confronted with an immense pressure on prices for agricultural products. Peasants from all over the world are put in competition with each other and the global market for agricultural products defines the prices directly or indirectly. These prices do not reflect the real costs of production, i.e., the cost of labor, inputs, etc.

13. Furthermore, Swiss peasants are among the professional groups with the highest debt ratio in Europe. This is because in order to compensate for low prices, peasants specialize, intensify their crops or livestock, mechanize and build new infrastructures which demand high investments. This negatively impacts the environment as intensive agriculture relies on imports of chemical inputs, of food for animals as well as machinery. Despite a strong public support to agriculture through direct payments, peasants are in the lowest income category. Furthermore, many peasants would prefer to get fair/just prices than financial support in order to maintain autonomy (of course, support is needed for agriculture in difficult areas).

14. In line with article 16.6 of UNDROP, which provides that "States shall take appropriate measures to ensure fair wages and equal remuneration for work of equal value, without distinction of any kind", we demand effective measures to improve the economic situation of Swiss peasants.

Recommendation

15. To ensure fair wages (UNDROP's art.16.6), Switzerland should declare, as this has been done in Italy and Spain, that buying primary products below the real costs of production is an Unfair Trade Practice (UTP) which is forbidden and can be sanctioned.
16. Switzerland should develop the competencies of the actual Market observatory (OFAG/BLW), to enable peasants to have access to differentiated costs of production, and get adequate information on margins at all levels of the food supply chain.

ENSURE EQUAL PARTICIPATION OF ALL PEASANTS

17. A change in agricultural policy and food system needs to go hand in hand with a better control of commercial actors in order to reduce market pressure on peasants. Furthermore, the possibility for the participation of all peasant organizations and an equal say in commercial negotiations needs to be ensured (in line with articles 15.4 and 5 and 10 of the UNDROP). The representation of peasants in the discussions and negotiation is currently realized through the main Swiss Farmers' Union. This means that only the mainstream view of agriculture is represented and participates in most decision-making processes. Other smaller peasant associations do not have direct access to decision-making and their views are ignored.
18. Switzerland should promote the participation of associations which represent the diversity of agricultural practices and views, in line with articles 10 and 18 of the UNDROP which enshrine peasants' right "to active and free participation, directly and/or through their representative organizations, in the preparation and implementation of policies, programs and projects that may affect their lives, land and livelihoods". Furthermore, Switzerland should ensure their "right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge".

Recommendations

19. Switzerland should promote the participation, directly and/or through their representative organizations, of peasants. These organizations should reflect the diversity of views and agricultural practices, they must be strong, autonomous and independent.

20. Switzerland should take measures to ensure that peasants are involved in the preparation and implementation of policies, programs and projects that may affect their lives, land and livelihoods, and in the design and implementation of national and local climate change adaptation and mitigation policies.

ENSURE THE RIGHT TO INFORMATION

21. The right to participation is tightly linked to the right to information. According to UNDROP's article 11, "peasants and other people working in rural areas have the right to seek, receive, develop and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products". Peasants must have access to transparent information on costs and prices along the entire food supply chain.
22. More transparency leads not only to fairer conditions for peasants on the market, as consumers are equally victims of lack of transparency. Peasants are paid below the production costs and consumers often pay too much for food (without it benefiting producers). A recent study on the margins on products earned by the two major retailers in Switzerland (Migros and Coop) shows that gross margins on food products can exceed above 50% in certain cases.

Recommendation

23. Switzerland should take measures to ensure peasants' and consumers' right to seek, receive, develop and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products is respected.

RESPONSIBILITY OF COMMERCIAL ACTORS

24. While large retailers (the two major big retailers in Switzerland - Migros and COOP - control more than 80% of the Swiss market) make their profits at the cost of the producers and consumers, the market price does not take into account the negative impact on the environment produced by intensive agriculture cultivation. It is the States and citizens, through their taxes, who bear and will bear the costs of environmental clean-up. Therefore, large retailers (as well as multinational food and chemical companies) need to take their responsibilities.

25. As mentioned in UNDROP's article 2.5, States must ensure that commercial actors based on their territory are also subject to the Declaration and that their activities do not undermine its implementation. In the European Union, a directive with concrete guidelines already exists. The European Parliament developed a directive to protect the most vulnerable actors of the food supply chain in all European countries to counter power inequalities in the market. The directive defines forbidden commercial practices, as well as instruments to monitor and ensure the implementation of the directive.

Recommendations

26. Switzerland shall take all necessary measures to ensure that non-State actors, such as private individual, organizations, and transnational corporations respect and strengthen the rights of peasants and other people working in rural areas
27. Switzerland should follow the example on the Directive EU 2019/633 of April 17th 2019 of the European Parliament and the European Council on unfair trading practices in business-to-business relationships in the food supply chain and develop a list of forbidden and unfair trade practices as well as instruments to monitor its application and formulate sanctions.

RIGHT TO CONSERVATION AND PROTECTION OF THE ENVIRONMENT

28. Adequate modes of production and breeding protect, maintain and even restore the environment (soil, biodiversity, etc.). A healthy environment is also a crucial basis for productivity. UNDROP's article 18 provides that "peasants and other people working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use and manage". Realizing this right, as well as the right to healthy and adequate food produced through ecologically sound and sustainable methods as enshrined in UNDROP's article 15.4, is also positive and crucial for the whole society (consumers, inhabitants).
29. An efficient protection of the environment can only be fulfilled if measures are taken to promote agroecological practices through training and an adequate framework for producers.

Recommendations

30. In the professional training of future peasants, Switzerland should prioritize production and breeding methods which are coherent with the principles of agroecology.

31. Switzerland should develop and reinforce ongoing training for peasants towards a conversion to agroecology (organic farming, permaculture, agroforestry)

ENSURE ACCESS TO LAND

32. In Switzerland, access to farmland ownership is regulated by the law on rural land rights and limits, with a few exceptions, farmland ownership to individual peasants cultivating the land themselves. While the law adopted in 1994 has led to a good protection of farmland for peasants and peasant families, three groups of people encounter considerable difficulties in accessing farmland: young people/newcomers into agriculture not inheriting a farm; people willing to work as a collective; and women.
33. Collectives encounter difficulties to access land because the law on rural land rights is designed for individual peasants owning land and it is currently impossible for collectives to own farmland in Switzerland.
34. In terms of access to land for women, Swiss agriculture is still very traditional and patriarchal values prevail. Only about six percent of Swiss farms are headed by a woman. Most farms are still passed on from father to son. Studies have shown that farms in Switzerland headed by women are more often producing according to guidelines of organic agriculture.
35. Ensuring access to land for collectives would slow down the disappearance of farms in Switzerland, which has significantly increased in the last decades. A study conducted by the University of Lausanne (Floeder-Bühler and Rogenmoser 2015) shows that one-fourth of newly trained peasants anticipate encountering great difficulties to access farmland because they are not inheriting farmland within their family. Research in the field has shown that these newcomers into agriculture are particularly innovative in developing food production and distribution systems, which are ecologically and socially sustainable such as community-supported agriculture/vegetable baskets, and agroecological production. The difficulties to access farmland for newcomers is particularly linked to the following aspects:
36. Pressure to grow: Retiring peasants who do not have children willing to take over their farm tend to lease or sell their land to neighbors rather than sell the farm to motivated young people. Neighboring peasants are often very willing to lease or buy additional land because the financial pressure on agriculture leads peasants to increase their farming surface.

37. Lack of transparency: Information on available land for lease or sale is often passed on informally. Newcomers into agriculture who might not live in the area or belong to the relevant networks, often miss opportunities.
38. High prices for extra-familial farm transmission: Contrary to within family farm transmission where the law on rural land rights defines preferential buying conditions for the new generation, newcomers into agriculture have to buy farms at the market price. The market price is significantly higher than the price paid in the context of family farm transmission. Given the low income a peasant can expect to earn over a lifetime, this huge investment is very challenging to finance.
39. Insufficient retirement for peasants: Retiring peasants often count on the sale of their farm to assure their retirement. Low income in agriculture also results in minimal retirement plans for peasants. Selling their farm at a lower price in order to help the new generation is often not an option and can have negative consequences for them if they need supplementary benefits to complement their retirement plan. The state can refuse them if they sold their farm at a lower price (in order to help the new generation).
40. In line with articles 4 (non-discrimination against women) and 17 (right to land) of the UNDROP, Switzerland should ensure a facilitated access to farmland for newcomers into agriculture, farming collectives, and women.

Recommendations

41. Switzerland should develop mechanisms to ensure higher incomes in agriculture to solve several of the issues regarding access to farmland, especially in regards to peasants' retirement plans as well as financial means to buy farmland. In accordance with UNDROP's article 22.4: "States shall recognize the rights of peasants and other people working in rural areas to social security, including social insurance, and, in accordance with national circumstances, should establish or maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level."
42. Switzerland should install mechanisms to ensure more transparency in the lease and sale of agricultural land and modify the law on rural land rights to enable collectives to access land.
43. Switzerland should, according to UNDROP's article 17.6, give priority in the allocation

of public lands, fisheries and forests to landless peasants, young people, small scale fishers and other rural workers.

44. Switzerland should facilitate the access to land for individuals and/or collectives who want to produce food according to the principles of agroecology and for local markets. Furthermore, awareness should be raised about the importance and the possibility to sell the farm outside the family.
45. Switzerland should take measures to assure to women an equal access to, use of and management of land and natural resources, and to equal or priority treatment in land and agrarian reform and in land resettlement schemes (UNDROP's article 4.2.h) and take appropriate measures to remove and prohibit all forms of discrimination relating to the right to land, including those resulting from change of marital status, lack of legal capacity or lack of access to economic resources (UNDROP's article 17.2).
46. Switzerland should implement additional financial support for newcomers into agriculture when buying a farm as well as develop criteria to find a compromise between the "family transmission price" and the "market price".
47. Switzerland should take measures to promote and reinforce the representation of women in central agricultural organizations in order to ensure that women have an equal say in the development of Swiss agriculture.
48. Switzerland should raise awareness on gender stereotypes present in agriculture through informational campaigns on gender inequality, gender stereotypes, and the promotion of certain professions to women, as well as in professional and executive education.

SOCIAL SECURITY FOR PEASANT WOMEN

49. Swiss agriculture is often made of family business and family members significantly contribute to the farm work. However, there is no mandatory social security for family members working on the farm, which has a detrimental impact on women working with their spouse during a lifetime. This lack of social security is particularly problematic in the case of a divorce. The project of the agricultural policy for 2022 (AP22) had proposed the introduction of a mandatory social security for family members working on the family farm. As this new agricultural policy was suspended, this has not been realized.

Recommendations

50. In line with articles 22 and 4.2.c of the UNDROP, Switzerland should ensure that all family members working on family farms, especially peasant women, are covered by social security during their entire life cycle. This would protect peasant women from poverty, especially in the case of a divorce and during retirement.
51. Switzerland should promote forms of collective ownership of land to ensure that both spouses have the opportunity to have equal economic participation in the farm, as it exists for example in France (Groupement Agricole d'Exploitation en Commun (GAEC)).

ANNEX 1

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