



Newsletter about Pesticides

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Jurisdictional News



India: No mediation between Syngenta and poisoned farmers

The ongoing mediation between Syngenta and five NGOs involving more than fifty Indian farmers poisoned after spraying pesticides on cotton crops in the Yavatmal region has ended without any response to the victims' requests for compensation and action to prevent future contamination.

In 2017, hundreds of farmers and agricultural workers were severely poisoned as a result of pesticide spraying on cotton fields in India's Yavatmal district. In total, about [800 cases of poisoning](#) were recorded, including more than 20 deaths. An investigation by the Swiss NGO Public Eye [concluded](#) that nearly 100

of these poisonings and two deaths were linked to the use of the insecticide Polo, produced in Monthey (Switzerland) by the agrochemical multinational Syngenta. This insecticide is based on the active ingredient diafenthiuron, which is banned in Switzerland and in the European Union because of its toxicity and dangerousness, confirmed by the European Chemicals Agency (ECHA).

On September 17, 2020, five NGOs submitted a written [notification](#) to the Swiss NCP (National Contact Point) for the OECD Guidelines regarding the possible health and socio-economic impacts for a group of 51 Indian farmers and agricultural workers, users of pesticides produced by Syngenta: Maharashtra Association of Pesticide Poisoned Persons (MAPPP), Pesticide Action Network India (PAN India), Pesticide Action Network Asia Pacific (PAN AP), European Center for Constitutional and Human Rights (ECCHR) and Public Eye. PAN AP and ECCHR are partners of Justice Pesticides.

The organizations consider Syngenta's sales practices to be violations of national legislation and international pesticide management standards. They request that Syngenta provide financial compensation to the 51 affected farmers and adopt preventive measures to avoid further poisonings in the future.

The NCP had dismissed the issue of Syngenta's violation of the OECD Guidelines, but opened a mediation on the question of whether the pesticide **Polo** supplied by Syngenta was the cause of the alleged poisonings. However, as civil proceedings were also [initiated](#) by other victims of the pesticide in a court in Basel, Switzerland, Syngenta claimed that it could not discuss this issue in the Swiss OECD NCP. The NCP agreed with the Swiss company that discussions in the NCP could create serious prejudice for the company and that it was necessary to wait for the conclusion of the trial in Basel. The mediation then ended without an agreement being reached, either on the compensation of the damage caused, or on possible measures to be taken to avoid further poisoning.

For **Marcos Orellana**, UN Special Rapporteur on Toxic Substances and Human Rights, *"The group of 51 farmers and their families should not be [deprived](#) of their right to access remedy through a non-judicial process simply because another group of victims chose to file a civil lawsuit. This is setting a bad precedent that underscores the weaknesses of national contact points for the OECD Guidelines."*

Nevertheless, on July 28, 2022, the Swiss Civil Court in Basel, which was seized of the three civil actions brought by an Indian farmer and two wives of deceased Indian farmers, declared itself competent to deal with the case and granted legal aid to the three plaintiffs so that they could pursue their action in Switzerland against Syngenta. The court further decided to treat the three cases separately and not to join them because different evidentiary issues could arise in each case. For our partner ECCHR, this [decision](#) sends a clear message that the Swiss judicial system will handle cases brought by victims of damage caused abroad by Swiss companies.

If you have made it this far, can you make one more small effort to allow us to continue this work of investigation and information to help the victims of pesticides?

Justice Pesticides needs you.

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