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**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on extreme poverty and human rights and the Special
Rapporteur on the right to food.**

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extreme poverty and human rights and Special Rapporteur on the right to food pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 17/13 and 13/4.

In this connection, we would like to bring to your Excellency's Government's attention information we have received regarding the **alleged corruption in the distribution mechanisms of the Vulnerable Group Feeding programme in Gaibandha district and the effects this alleged corruption is having on the ability of local families to access adequate food.**

According to the information received:

Vulnerable Group Feeding cardholders in the Monohorpur Union of Gaibandha district allegedly have not been receiving the food allotments owed to them. The residents of Gaibandha live in extreme poverty and the district is considered one of the most vulnerable areas in the country in regards to food security. We are told that almost all households in this area face extreme food insecurity and that death due to malnutrition and starvation is not uncommon.

Families in the region concerned access food through both small-scale farming and through purchase. According to the information received, the affected communities are made up of mostly landless peoples but also subsistence farmers, day labourers and petty merchants. We are told that while some families do own property, their holdings are most often large enough only for a small hut and provide no access to agricultural land. It is alleged that living on the banks of the Jamuna River adds further insecurity to the lives of local populations as the river

frequently floods and the river banks often erode, leading to the destruction of peoples' homes and farms. Finally, we are informed that even those able to find some form of employment receive very low wages. According to the allegations, most families are unable to access adequate food on their own.

As we understand it, the Vulnerable Group Feeding programme is one of several food distribution programmes in Bangladesh established to provide a social safety net to populations like the residents of Gaibandha. The programme seeks to provide food supplements in the form of rice to the most vulnerable families across the country who cannot meet basic needs of survival for reasons such as natural disasters or due to socio-economic circumstances. In providing food subsidies, the programme seeks to ensure food security for the poorest. We are informed that families must earn less than 4000 taka a day in order to be eligible for the subsidy, regardless of the type of the profession of the adults in the family. We understand that while the Government of Bangladesh, who sets basic requirements for eligibility, funds the programme, decisions regarding a) who exactly receives food allotments and b) how to conduct distributions, are made at the local level by district public servants and government representatives. In addition, we are told that the distributions themselves are coordinated and administered by local public servants. Finally, regardless of family size and need, we understand that through the programme families are allotted 15 kilograms of rice per month.

According to the information received 1000 Vulnerable Group Feeding cards have been allocated by the national government to the Monohorpur Union of the Gaibandha district. These cards are to be distributed to the poorest and most food insecure in the area. According to the allegations received however, the families who have been provided the feeding cards repeatedly do not receive the food they are owed, either receiving less than their allotment or no food at all. For example, we are informed that during the 21 May 2011 distribution many families did not receive their entire allotment from the administration. Rather than receiving the 15 kilograms allotted by the Government, many reported receiving only 3 kilograms. In addition we are informed that about 234 actual cardholders in Monohorpur Union, those entitled to receive an allotment of 15 kilograms of rice per month, did not receive any of their food subsidy. According to a second example, the local Vulnerable Group Feeding Committee allegedly has submitted muster rolls with false signatures to Palashbari sub-district government officials. We are informed that the supposed beneficiaries listed in the muster rolls were not informed that they were entitled to receive food subsidies from the programme.

In addition, many families who fit the criteria for the Vulnerable Group Feeding programme have reportedly not received feeding cards. We are informed that families in seven out of thirteen villages in Monohorpur Union were given feeding cards while families in another six villages were not.

According to the allegations received, corruption is at the root of the programme's reported failures at reaching the local families in need. More specifically, it is alleged that local public servants and political activists are responsible for the failures in implementing the programme. Among those allegedly responsible are Mr. AKM Moksed Chowdhury Biddut (chairperson of Upazila council), the sub-district committee of political parties Awami League and Jariyo, and the presidents of the Union Awami League and the Jariyo political party. Allegations also suggest that public servants are taking food items meant to be distributed to cardholders for themselves or for politicians and powerful people in the area.

According to the information received there is no administrative or judicial review process for those who believe they should be receiving benefits under the Vulnerable Group Feeding programme or for those who have not received their full monthly allotment. It is alleged that because of a lack of legal mechanisms for review of feeding programmes and because of the apparent corruption at local levels, local communities have no means for voicing complaints or concerns about the programme. Further, we are informed that the Anti-Corruption Commission has, as of yet, not examined corruption in the food distribution system.

We are informed that as a result of NGO intervention and accusations regarding corruption in the Vulnerable Group Feeding programme in Gaibandha, in September of 2011 the Minister of Food and Disaster Management, Muhammad Abdur Razzaque, ordered an investigation into the corruption to be conducted by district officials. The district officials convened a local meeting to investigate the complaints further. However, according to the allegations received only the local officials who were responsible for the distribution of the allotments were invited to the investigatory meeting and no members of the community, including those who received less than their 15 kilogram allotment, were invited or even made aware of the meeting's occurrence. We are informed that as a result, none of the alleged victims were able to participate in the investigation. Given this, we are told that despite the fact that the investigation allegedly found no corruption or wrongdoing, corruption and wrongdoing supposedly did occur.

Finally, in addition to the allegations regarding inconsistency in the receiving of allocated subsidies, allegations have also been raised that even if food subsidies were distributed justly, they would still not meet the food needs of vulnerable populations.

Concerns are expressed that while the feeding programme provides much needed relief for many of the most vulnerable in Bangladesh, current problems in the system result in the programme not meeting its intended goals. Moreover concerns are raised that many families are suffering and cannot access enough food to meet their needs because

of the failures in the programme's distributional mechanisms and due to the low quantity of food allotted through the programme.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the applicable international human rights norms and standards.

Article 25 of the Universal Declaration of Human Rights recognizes the right of everyone "to a standard of living adequate for the health and well-being of himself and of his family, including food." Furthermore article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) – which Bangladesh acceded to on 5 October 1998 – stipulates that States "recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions", and requires them to "take appropriate steps to ensure the realization of this right."

The right to adequate food is recognized also in the Convention on the Rights of the Child – ratified by Bangladesh on 3 August 1990 – in article 24.2(c) and article 27.3. In the Convention, the right to adequate food is to be read in conjunction with the right to life, survival and development stipulated at article 6. States parties to the Convention on the Rights of the Child commit themselves to combat "disease and malnutrition, including within the framework of primary health care, through, inter alia, (...) the provision of adequate nutritious foods and clean drinking-water."

The Committee on Economic, Social and Cultural Rights, which monitors the implementation of the Covenant, has defined the core content of the right to food in its General Comment No. 12, along with the corresponding obligations of States to respect, protect and fulfil the right to food. The Committee considers that the core content of the right to adequate food implies, inter alia, availability of food which refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand, and accessibility of food which encompasses both economic and physical accessibility. The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly.

The Committee states that especially disadvantaged groups may need special attention and sometimes priority consideration with respect to accessibility of food (E/C.12/1999/5, para. 13). The Committee makes special note of socially vulnerable groups such as landless persons and other particularly impoverished peoples, as segments of the population who may need specific attention from governments through for example, social programmes. While it is very positive that the government of Bangladesh has instituted policies and programmes to help the most disadvantaged, social programmes fail to support the right to food, when through corruption vulnerable populations do not receive their allotted entitlements.

Corruption in government programmes can have other impacts on the right to food as well. According the Committee, the formulation and implementation of national strategies for the right to food require full compliance with the principles of accountability and transparency (E/C.12/1999/5, para. 23). Accountability and transparency are deeply threatened by corruption.

Article 9 of the ICESCR recognizes “the right of everyone to social security, including social insurance.” While the Vulnerable Groups Feeding programme is a positive response to the State obligation to provide social assistance as a component of the right to social security, the Committee on Economic, Social and Cultural Rights, in its General Comment No. 19 indicated that one of the essential elements of the obligation is that benefits, whether in cash or in kind, must be adequate in amount and duration in order that everyone may realize his or her rights to family protection and assistance and to an adequate standard of living (E/C.12/GC/19, para 22).

As the Committee has underlined, social programmes must be based on the principles of accountability and transparency. In particular, State must ensure the right of individuals and organizations to seek, receive and impart information on core components of social programmes, such as eligibility criteria, benefit levels and existence of complaints and redress mechanisms, in a clear and transparent manner (E/C.12/GC/19 para. 26). Moreover, a complaint mechanism should be available and accessible so as to ensure that any person or groups who have experienced violations of their right to food and to social security have access to effective judicial or other appropriate remedies (E/C.12/1999/5, para. 32; E/C.12/GC/19, paras. 77-81), and mechanisms must be in place to monitor key elements of social programmes, such as the procedures utilized to register beneficiaries and the various implementation aspects of the programmes (E/C.12/GC/19 paras. 74-76). By not providing mechanism for review of decision-making or services provided, national food strategies fail at providing effective judicial or other remedies for individuals whose right to food has been violated.

It is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to

report on these cases to the Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts summarized above accurate?
2. How are decisions made as to the quantity of food to be distributed through the Vulnerable Group Feeding programme, and as to who will be given the responsibility to distribute the cards and the food subsidies?
3. What mechanisms are in place to monitor the implementation of the Vulnerable Group Feeding programme at the local level?
4. What mechanisms are in place for individuals to request a review of decisions regarding who receives benefits under the Vulnerable Group Feeding programme and are there any complaint mechanisms in place for individuals alleging that they did not receive their full monthly allotment?
5. If there are such mechanisms in place, are they independent from the authorities making the decision as to the attribution of benefits and do they have effective powers to grant remedies to victims?
6. Apart from the complaints voiced by NGOs, have complaints been lodged before independent redress mechanisms by local communities or individuals regarding corruption in the Vulnerable Group Feeding programme in Gaibandha?
7. Has information about the Vulnerable Group Feeding programme been made widely available to the public? If so, by which means is the information being distributed?
8. Apart from the investigation into corruption in the Vulnerable Group Feeding programme in Gaibandha which was reportedly conducted by district officials in 2011, has the government initiated any other investigations into corruption in the Vulnerable Group Feeding programme?
9. What mechanisms are in place for communities to request investigations into corrupt activities in government services and in the Vulnerable Group Feeding programme?

We would be most grateful to receive an answer within 60 days. We undertake to ensure that the response of your Excellency's Government will be taken into account in our assessment of the situation and in developing any recommendations that we may make for your Excellency's Government's consideration pursuant to the terms of our

respective mandates. Additionally, we undertake to ensure that the response of your Excellency's Government is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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