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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

South Asia: Poor governance and corruption in Bangladesh, India and Nepal leading to child malnutrition and widespread hunger

The Asian Legal Resource Centre (ALRC) wishes to highlight failures by the Bangladeshi, Indian and Nepalese governments in ensuring their citizen's right to food. All three are State Parties to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which guarantees the right to food as a fundamental right under article 11, but also have amongst the highest rates of child malnutrition and maternal mortality in Asia. These governments are depriving vulnerable groups from accessing resources, land and food; in particular landless Dalits (low caste communities in South Asia) and indigenous groups.

India

The Prime Minister announced in 2010 that the child malnutrition and starvation was not acceptable. However, the government has not given priority to food security and in fact contributes to many of the causes of widespread hunger. The National Food Security Act drafted in January 2011 fails to cover all of the poor in rural areas and introduces a weak mechanism for punishment of corrupt officials, which has been the root cause of the failure of the enforcement of various previous policies and programs related to the right to food for the poor. Rotten food grains found in several states in 2010, that should have been delivered to the poor, shows that poor governance is another important aspect that contributes to the government's failure to fulfill the right to food.

Child malnutrition cases documented in Madhya Pradesh expose the lack of government systems to ensure redress and lack of political will to ensure food self-sufficiency for the poor. In districts such as Sahariya, Rewa, Satna, Jhabua and Khandwa, more than 60% of the children are undernourished, and around 20 percent face severe acute malnutrition. High levels of child malnutrition have persisted for years here. Communities facing child malnutrition belong to tribes or Dalits confronting discrimination and corruption. The government's responses has been pitiful, and do not address the main causes of child malnutrition, instead often resorting to denial about the fact that malnutrition is behind the deaths of children. Emergency distribution measures typically fail to reach many malnourished children and the State is failing to put in place community-based health care systems that could prevent the recurrence of such emergencies.

Farmers are being forced to cultivate ever-smaller areas of land or even evicted from their land completely, engendering poverty and hunger. The government and third parties are taking over natural resources, including land, in the name of development' leading to scarcity of food. Poor villagers are being excluded from decision-making process and do not get any benefits from development projects, in violation of domestic laws.

Chutka village, located in Mandla district, Madhya Pradesh, is one of 38 villages predominantly occupied by tribes, where the government and the Nuclear Power Corporation of India Limited have been planning to establish a power plant since 1984. The villagers had previously been displaced during the building of the Bargi dam and now face displacement once again. The villagers were supposed to be provided with electricity following the building of the dam but this has not happened. Some could afford to buy agricultural land in other areas with the compensation provided, however they got much less land than before due to rising land prices.

The recent decision by the Indian Ministry of the Environment and Forests allowing Korean subsidiary Pohang Steel Company (POSCO)'s steel plant, mining and port project, launched in Orissa, also presents a number of problems including concerning the right to food. In the land acquisition process, over 40,000 villagers were completely excluded from their land and many were also assaulted by the police during a peaceful protest in May 2010. The decision to allow the project to go ahead went against the advice of four out of five committees formed by the Ministry of Environment and Forests. These committees suggested the withdrawal of the project due to its serious impact upon environment and violations of law tribal lands and livelihood. The Ministry chose to go with the recommendation of the one committee that gave the plan a positive response. In addition, the Ministry accepted the statement by the Ministry of Tribal Affairs concerning a land claim by the tribes in the affected areas, which stated that there was no land claim from six villages. This has led to criticism of both ministries.

Nepal

Nepal currently stands at a crossroads in its history and has the opportunity to create new policies and laws, and implement an effective system to guarantee the right to food for all, in particular the most vulnerable groups, such as Dalits and indigenous groups. Key policies concerning land redistribution, construction of infrastructure and food distribution have not been effective to date. Cases documented suggest that the main causes for this are discrimination against Dalits and indigenous groups, and non-transparency and corruption in enforcing policies and laws.

The Lands Act and other laws related to land and agrarian reform have been launched since the early 1960s, but the government has failed to implement them in practice. The government has instead succeeded in nationalizing forestlands that were home to indigenous people, depriving them of the resources that they have been depending on for generations. This has been accompanied by failed land redistribution to the landless. Official data shows that 30 percent of Nepal's rural population are landless, most of whom are Dalits who live in extreme poverty and starvation, whereas 54 percent are tenants on the land. 'Untouchability' has been abolished by law, but remains deeply rooted in a society and the main obstacle in implementing laws and policies aiming at guaranteeing the right to food to vulnerable groups.

The Gandharva community, which numbers 21,000 individuals, is one such Dalit communities facing chronic hunger. 70 percent of the Gandharva are landless. Some have settled along the Manahara river bank in Bardiya district, with only 0.08 acres having been allotted to each household by the government in 1993. The villagers could build houses but struggle to cultivate food on this land. Women are forced to migrate to the Gulf countries as domestic workers and face many serious violations of their rights there, whereas the men migrate to neighbouring countries, as they cannot get jobs due to caste-based discrimination at home. Their wages are not sufficient to support their families, leading to a lack of nutrition and serious health issues, including paralysis amongst their children. Safe drinking water is not available, affecting food safety and health.

The government budget for 2008-9 enabled the establishment of a High Level Scientific Land Reform Commission in order to abolish feudal land ownership. As with many other human rights issues during the current period of political logjam in the country, the government has yet to adopt the recommendations made by the Commission. The 2010-11 budget targets food insecurity zones in Karnali and Mahakali, located in the far western area of Nepal but nothing has happened as yet. Villagers there go through food scarcity every year from February to June. The land is not productive enough to enable self-sufficiency. Earlier, they could cultivate medical plants and apples to get food by trade.

However, the government has since blocked the trade route without providing alternatives for their livelihood, leading to starvation and suicides.

In 2010, villagers in Karnali again suffered from hunger during the traditional festival in October, since the government failed to provide subsidized food in time. The price of rice subsidized by the government and delivered by the National Food Corporation is 1.5-2 times higher than in Kathmandu (at 80 Nepali rupees per kilogram) due to transportation difficulties, for which the poor villagers have to pay. The 2010-11 budget earmarked for infrastructure in Karnali has not materialised. The government has also failed to identify the poorest in the regions and instead distributes rice on a first-come-first-served basis. It is more difficult for the poorest, Dalits and the villagers living in the most remote districts, such as Karnali-Jumla, Humla, Kalikot, Mugu and Jumla, to reach towns where rice is disseminated. Dalits often have to wait for all non-Dalits villagers to have collected rice first, resulting in them often returning home without food.

Bangladesh

Bangladesh announced in its official statement on the budget for 2009-10 that the State was self-sufficient in terms of food production. The government, however, violates the right to food of vulnerable groups such as landless farmers, indigenous groups, minorities and women. Paddy farmers account for 69% of the population are the largest occupational sector in country, but many of them are landless and face child malnutrition and food insecurity. For some five months before and after harvest season each year, villagers do not have work and floods or droughts seriously affect cultivation, in particular in Northern Bangladesh.

Mr. Md. Rafiqul Islam has been living without sufficient resources in Gaibandha district, Northern Bangladesh, which is officially known to be the most vulnerable area in terms of food security. He is paid around 80-120 BDT (1.12-1.68 USD) per day for agricultural work only during the working season. The government has yet to set up a minimum wage. The price of staple rice has increased, and is now at around 35-40 BDT per kilogram in this area. His two sons and daughter face a lack of nutrition and his daughter is even deprived of the right to an education. The mostly landless elderly in the district also face a lack of food and healthcare. Cases documented in the district show that corrupt officials do not allow them to enjoy government food distribution and other policies and programs unless they pay bribes.

The budget for basic healthcare facilities has not been sufficiently allocated. Community clinics suffer from a lack of medicine. Social security programs targeting the elderly do not function effectively. Rafiqul's family does not enjoy any support from the government and has to pay bribes to officials and public representatives. Those who can afford to pay bribes often get the benefits although they are not eligible for them. Corruption is amongst the biggest obstacles that hampers food security for the poor here. The local government has responded that they would remedy this by identifying those in greatest need and ensuring government programs reach them, but this has not been witnessed yet.

The Asian Legal Resources Centre calls upon the Human Rights Council to:

(a) Demand that the governments of Bangladesh, India and Nepal establish mechanisms to clearly identify the poorest persons in the country, and effectively target food aid in their direction, in order to fulfil their right to food with a transparent system that is open to public scrutiny.

(b) Encourage these governments to establish complaints mechanism for the poor who are being denied their right to food, in order for them to receive redress.

(c) Suggest that the Special Rapporteurs on the rights to food, health and water work together to propose a comprehensive approach that these governments can adopt to tackle child malnutrition and the wider problem of hunger and related disease and deaths in Bangladesh, India and Nepal, as these three State face similar challenges.
