

Mandates of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the human rights to safe drinking water and sanitation

REFERENCE:
UA YEM 4/2017

14 June 2017

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 33/9 and 33/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the human rights to safe drinking water and sanitation of the population of the Republic of Yemen, in particular, in relation to the outbreak of cholera observed in Yemen since October 2016.**

Related concerns on access to healthcare, as well as widespread malnutrition, starvation and the spread of other infectious diseases, particularly amongst children and pregnant women, as well the growing number of internally displaced persons was addressed in a joint allegation letter sent to your Excellency's Government on 1 March 2017 (AL YEM 1/2017). We would like to thank your Excellency's Government for the detailed reply to this communication dated 1 May 2017.

Furthermore, the negative impact of the blockade on the enjoyment of basic human rights of people in the Republic of Yemen, in particular rights to food and health, was addressed in a communication sent to the Kingdom of Saudi Arabia on 17 November 2016 (AL SAU 6/2016) a copy of which was transmitted to your Excellency's Government.

According to the information received:

Only 55 per cent of population in Yemen had access to improved drinking water in 2010.¹ According to UNICEF, in 2012, one third of women and girls take 1.5 hours roundtrips to fetch water far away from their dwelling and only one third of Yemenis living in the rural areas use improved latrines or toilets.²

¹ WHO/UNICEF Joint Monitoring Programme for Water Supply and Sanitation

² UNICEF Yemen Fragile to Failed
https://www.unicef.org/spanish/infobycountry/files/Yemen--Fragile_to_Failed.pdf

Allegedly, the conflict in Yemen has caused destruction of water and sanitation infrastructure, negatively impacting the provision of safe drinking water and sanitation. The continuous fighting has allegedly led to the collapse of basic services, such as water supply to homes. Due to erratic power supply and the incapacity of water services providers, the Yemeni population experience a dramatic deterioration in access to safe drinking water, in particular, piped water. With little access to safe drinking water, civilians are being forced to buy water from private vendors who are dependent on uncontrolled and unreliable water sources, such as unprotected wells. Such circumstances have exposed the population, especially children, to a high risk of waterborne diseases. Additionally, the spread of cholera has been exacerbated by the breakdown of water and sanitation systems.

On 10 October 2016, the Ministry of Public Health and Population first announced the occurrence of cholera cases. Since then, the suspected number of cases of cholera had been on the rise.³ Between 27 April and 18 May 2017, there has been a significant upsurge in the number of suspected cholera cases. The outbreak has spread to around 210 districts in 18 governorates across the country, and the case fatality rate has exceeded 1 per cent. As of June 2017, the number of suspected cases nationwide exceeded 124,000, including approximately 900 associated deaths have been reported across the country, from Taiz, Aden, Lahj, Al-Hudaydah, Hajjah, Sana'a, Al-Baida and Ibb governorates. According to ICRC, one in every 200 Yemenis suspected of having been infected with cholera.⁴

According to UNICEF, there are substantial numbers of children in Yemen who die due to communicable diseases such as diarrhoea.⁵ Currently, up to 2.5 million children yearly are at risk of diarrhoea, compared to 1.5 million by end of 2014.

According to the response from the Yemeni Government, it has established medical teams to contain communicable diseases, particularly cholera. However, the Yemeni Government contends that its efforts continue to be impeded in some besieged areas, especially the city of Taiz.

The World Health Organization has intensified the cholera response activities to mitigate the outbreak, including the establishment of four cholera treatment facilities and 16 oral dehydration centres. WHO is also training health workers to manage the cases, deploying rapid response teams to manage cholera cases

³ WHO, Weekly cholera updates
<http://www.emro.who.int/health-topics/cholera-outbreak/weekly-cholera-updates.html>

⁴ 13 June 2017, ICRC - News Release No. 17/45.

⁵ UNICEF Yemen Fragile to Failed
https://www.unicef.org/spanish/infobycountry/files/Yemen--Fragile_to_Failed.pdf

investigations and respond to the outbreak, enhancing Yemen's disease early warning surveillance systems, and providing emergency medical supplies to treatment facilities.

Grave concern is expressed regarding the negative impact of the humanitarian situation in Yemen on the enjoyment of human rights to health and water and sanitation by its population. We express concern that as indirect cause of the armed conflict, population in the country, in particular, those in vulnerable situations, suffer from lack of access to safe drinking water and sanitation provisions which is a key underlying determinant for the enjoyment of the right to health. The lack of good quality, reliable drinking water may force people to obtain water from alternative, unsafe sources, exposing them to water-borne diseases such as cholera, other diarrhoeal diseases and schistosomiasis.

While efforts have been ongoing to mitigate the outbreak, we are concerned about the lack of response to address the drinking water and sanitation as the underlying determinant of health. We urge the Yemeni Government and the international community to commit themselves to achieving adequate supplies of safe drinking water and sanitation, protecting human health from water-related diseases and to carry out effective monitoring system.

In connection with above alleged facts and concerns, we would like to refer your Government to the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified by Yemen in 1987; in particular article 25 of the UDHR, and article 11 of the ICESCR, which provide that everyone has the right to an adequate standard of living.

The human rights to water and sanitation are essential human rights set forth in the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of Persons with Disabilities. Article 11 of the ICESCR consecrates the right to an adequate standard of living and article 12 of the ICESCR provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The Committee on Economic, Social and Cultural Rights, in its General Comments 14 and 15, establishes water as an underlying determinant of health and as a human right, derived from the right to an adequate standard of living. UN Human Rights Council in its resolution 15/9 of 2010 and UN General Assembly in its resolution 64/292 of 2010 explicitly recognized the human right to safe drinking water and sanitation.

Furthermore, the United Nations General Assembly in its resolution 70/169 of 2015 recognized that "the human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and

affordable water for personal and domestic use”, and that “the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living”.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of the affected population in compliance with international instruments.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide any details regarding steps taken to ensure the quality and safety of drinking water and sanitation for the population of the Republic of Yemen including any water quality test in accordance with WHO standards.
3. Please provide information regarding any measures to ensure the availability and accessibility of drinking water and sanitation to care for the needs of the population of the Republic of Yemen.
4. Please provide any information regarding steps taken to reduce or contain the spread of communicable diseases, particularly cholera.
5. Please indicate what steps are being taken by your Excellency’s Government to ensure the development, implementation, and monitoring of an appropriate provision of safe drinking water and adequate sanitation and provision of sufficient health facilities, goods and services.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Dainius Puras

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Léo Heller

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