

Mandates of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on the human rights to safe drinking water and sanitation

REFERENCE:
UA BHR 4/2018

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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; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 33/9, 34/19 and 33/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning recent reports of alleged disconnection of water supply in Jau Prison and Dry Dock Detention Center.

According to the information received:

Since 9 July 2018, the water supply has been cut in several buildings in Jau Prison and certain sections in Dry Dock Detention Center. In Jau Prison, prisoners from Buildings 4, 12, 13, and 14 have reported water cuts. Several prisoners and detainees confirmed reports of water cuts in those building in Jau Prison and Building 17 of the Dry Dock Detention Center.

The water cuts are ongoing in some cases, with some water cuts lasting up to 36 hours. Some of the prisoners have reported that these water cuts concerned both drinking water as well as water for bathing and toilet facilities. During water cuts, allegedly, prisoners fill plastic bottles with water during the brief periods of supply so that they can use the water later for washing.

One prisoner reported that the toilets in Jau Prison have a weak water flow, and that water to bathrooms is supplied through a cycle of 20-minute periods followed by a cut lasting for four hours. Due to this, it is reported that prisoners are prevented from using toilet facilities due to the water cuts and this has, therefore, led to increased suffering for individuals with bowel and other digestive problems.

Multiple prisoners have reported that the disruption to access to water has led to skin diseases such as rashes and the spread of diseases, as the air conditioning is

turned off and the prisoners are not permitted access to the yard. It is reported that the type and extent of spread of diseases suffered by prisoners in Jau Prison is unknown owing to the limited access to the prison clinic, and denial of access to medical files of imprisoned relatives by family members. The temperature of around 37 degrees Celsius, with a heat index of 42 degrees Celsius has further exacerbated the situation at Jau Prison.

Serious concern is expressed at the alleged water cuts in Jau Prison and Dry Dock Detention Center, which may amount to a violation of the rights to water and sanitation and even to cruel, inhumane or degrading treatment. We are also concerned about the impact that water cuts are having on the health of prisoners; at the lack of information about the extent of the overall health situation within Jau Prison due to the potential spread of diseases; and at the restricted, or denial of, access to the prison clinic and to prisoner's medical files.

In connection with above alleged facts and concerns, we would like to refer your Government to the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Bahrain in 2007; in particular article 11 of the ICESCR, which recognizes the right of everyone to an adequate standard of living, including food and housing, and to the continuous improvement of living conditions. This article must be read in conjunction with article 2.2 of the Covenant, which provides for the exercise of any right under the Covenant without discrimination of any kind.

We recall the explicit recognition of the human rights to safe drinking water by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR. In its General Comment No. 15, the Committee on Economic, Social and Cultural Rights clarified that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. Furthermore, the UN General Assembly (resolution 70/169) and the Human Rights Council (resolution 33/10) recognized that water and sanitation are two distinct but interrelated human rights. In particular, we recall explicit recognition 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".

Water services must be physically accessible for everyone within or in the immediate vicinity of all spheres of their lives, particularly at home, but also in educational institutions, the workplace, prisons, and public places. In its General Comment No. 15, the Committee on Economic, Social and Cultural Rights clarified that

prisoners and detainees must be provided with sufficient and safe water for their daily individual requirements, taking note of the requirements of international humanitarian law and the United Nations Standard Minimum Rules for the Treatment of Prisoners (General Comment no. 15, para 16(g)).

The Standard Minimum Rules for the Treatment of Prisoners also known as Mandela Rules (first adopted in 1957, reviewed and unanimously adopted by the UN General Assembly (UN-Doc A/Res/70/175) on 17 December 2015) stipulates that “drinking water shall be available to every prisoner whenever he or she needs it.” (Rule 22.2); that “prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.” (Rule 18.1); that, “in order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.” (Rule 18.2).

Furthermore, we would like to draw your attention to the fact that both the Committee against Torture and the Human Rights Committee have consistently found that conditions of detention can amount to inhuman and degrading treatment.

We would like to finally refer to article 12 of the ICESCR which includes the obligation of States to respect the right to physical and mental health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services. The Mandela Rules referred to above further establish States’ responsibility to provide healthcare for prisoners and the duties of health care professionals in prisons, including their responsibility to protect prisoners’ physical and mental health, to prevent and treat diseases (Rule 32 (a)) and that all prisoners should be granted access to their files or may appoint a third party to access them (Rule 26.1).

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 above-mentioned person(s) 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/or comments(s) you may have on the above-mentioned allegations and, in particular, please explain the reasons for the reported water cuts.

2. Please provide any information on measures in place to ensure that prisoners and detainees have access to sufficient drinking water for personal use, both for consumption and for personal hygiene.
3. Please provide any information on the incidence of water-borne diseases among prisoners in Jau Prison and Dry Dock Detention Center. In particular, please provide any information on the measures taken to prevent the spread of any particular infectious disease that may have resulted from the water cuts and to protect and treat those affected prisoners and detainees.
4. Please provide information about the measures taken to ensure that prisoners and detainees, and/or third parties specifically appointed by them, have access to their concerned medical files upon request.
5. Please indicate the volume of the national budget devoted to the penitentiary system and, in particular, the budget devoted to the Jau Prison and Dry Dock Detention Center.
6. Please provide any information on measures taken to ensure that detainees and prisoners have access to adequate health care regardless of the time of day or during the night, under conditions of sufficient hygiene and privacy.
7. Please describe what actions have been or are being taken to ensure that detainees and prisoners in Jau Prison and Dry Dock Detention Center enjoy the right to the highest attainable standard of physical and mental health.

While awaiting a reply, we urge that all necessary interim measures be taken to remedy the alleged water cuts violations and prevent their re-occurrence in the future.

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

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Léo Heller
Special Rapporteur on the human rights to safe drinking water and sanitation