

Mandates of the Special Rapporteur on the human rights to safe drinking water and sanitation; the Special Rapporteur on the right to food; 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 of internally displaced persons

REFERENCE:
AL SYR 3/2020

2 October 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the human rights to safe drinking water and sanitation; Special Rapporteur on the right to food; 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 of internally displaced persons, pursuant to Human Rights Council resolutions 42/5, 32/8, 42/16 and 41/15.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding **the deprivation of approximately 600,000 persons in northeast Syria including internally displaced persons from safe access to water due to the repeated interruptions of the work of the Alouk water pumping station, the primary source of water in the region.**

According to the information received:

Alouk water pumping station was established in 2010, as a solution to the then water crisis in al-Hasakah and outskirts. The station is located near the village of Alouk Sharqi, 10 km east of Ras al-Ayn/ Serekaniye, in northeast Syria, with a pump capacity of approximately 175,000 m³ of drinking water per day. The station is a primary source of water, covering the needs of over 600,000 persons of the population in northeast Syria, especially the residents of the city of al-Hasaka, the town of Tell Tamer and their suburbs, including the IDP camps of al-Hawl, Areesha/al-Sad and Washo Kani/al-Twaina. These camps accommodate tens of thousands of IDPs from various Syrian provinces and areas, in addition to thousands of Iraqis and third country nationals. The station has a 25,000 m³ water reservoir and 12 large pumps that transport water through 67 km long pipes to al-Himme water station in the western countryside of al-Hasakah which provide water to residents.

It is alleged that Turkey and affiliated Syrian armed groups have had effective control over the territory since 2016 after its first military operation (Operation Euphrates Shield). Since the Turkish-led military offensive "Operation Peace Spring" in October 2019, Turkish-affiliated armed groups have been in control of the Alouk water station. Reportedly, some Turkish forces are physically present and control the 120km-long stretch of the frontier from Ras al-Ayn, where the Alouk water station is located, to Tal Abyad.

On 9 October 2019, following the announcement of the launch of Operation Peace Spring into the Syrian territory, it was reported that the Alouk water pumping station under the control of Turkish forces was not operational.

Subsequently, in mid-October 2019, Turkish forces and armed groups fighting under the banner of the Turkish-affiliated “Syrian National Army” managed to gain full control of the Alouk water pumping station, which was still out of service.

Electricity cuts in areas under the control of Turkish-affiliated armed groups have been reported since October 2019. Electricity in these areas is supplied by power lines coming from areas under the control of the Syrian Democratic Forces. Reportedly, electricity provided has been weak due to general technical problems and thus, the Alouk water pumping station have not been operating in full capacity.

On 13 November 2019, 35 days after it was out of service, it was reported that the Alouk water pumping station became operational. Nevertheless, on 24 February 2020, Turkish forces turned off Alouk water pumping station and expelled workers without providing adequate explanations. Allegedly as a result, a water crisis erupted in the city of al-Hasakah, the town of Tall Tamr and their suburbs.

In July and August 2020, water was cut-off in al-Hasakah city and its country side for over 22 days, only to be re-opened on 22 August 2020.

The repeated interruptions of water put children and families at risk during the current efforts to curb the spread of the COVID-19 as they prevent, among others, handwashing with soap, a critical factor in the fight against the pandemic. The repeated interruptions of drinking water at the areas supplied by the Alouk water pumping station are further coercing people into relying on water trucks, which are at times inadequate in terms of water quality and safety as they may expose people to waterborne diseases such as diarrhea, which can lead to malnutrition. Moreover, relying on water trucks imposes high costs that are unaffordable for many Syrians, particularly given the current severe economic deterioration, which has seen a significant rise in commodity prices alongside volatile exchange rates and currency devaluation.

We are concerned that the repeated interruption of water supplies from the Alouk water pumping station deprives approximately 600,000 people of access to drinking water, which expose them to diseases linked to water and threatens their lives particularly in the context of COVID-19 pandemic. We are concerned that poor hygiene as a result of water shortage can exacerbate the likelihood of contracting the virus, and impact the livelihood of the population.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 comment(s) you may have on the above-mentioned allegations.
2. Please provide any information related to the periodic interruption of the Alouk water pumping station, in particular power cuts that prevented water distribution.
3. Please provide any information related to water cut-offs in al-Hasakah city and its peri-urban and rural areas.
4. Please provide any information on measures to ensure continuous water supply of adequate quality to protect the mentioned population against the spread of COVID-19 pandemic and against other water-borne diseases.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations.

Please be informed that a letter on the same subject has been sent to the Government of Turkey.

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

Léo Heller

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

Michael Fakhri

Special Rapporteur on the right to food

Tlaleng Mofokeng

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

Cecilia Jimenez-Damary

Special Rapporteur on the human rights of internally displaced persons

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we wish to draw the attention of your Excellency's Government to article 25 of the Universal Declaration of Human Rights (UDHR) 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, articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) – which Syrian Arab Republic ratified on 21 April 1969 – recognize the rights to an adequate standard of living and to health, respectively. In particular, article 11.1 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".

With regard to the human rights to safe drinking water and sanitation, we recall that the ICESCR, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child entail human rights obligations attached to access to safe drinking water and sanitation. Further, we recall the explicit recognition of the human rights to safe drinking water and sanitation 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 (CESCR) 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 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".

We would like to emphasize that the human rights to water and sanitation require that water is continuously available, in sufficient quantity for drinking, personal hygiene and domestic uses. In addition, in its General Comment No. 15, the CESCR highlights that "the right to water is also inextricably related to the right to the highest attainable standard of health (article 12.1) and the rights to adequate housing and adequate food (article 11.1) and that "(w)ater is required for a range of different purposes, besides personal and domestic uses, to realize many of the Covenant rights. For instance, water is necessary to produce food (right to adequate food) and ensure environmental hygiene (right to health)".

With regard to the right to food, the CESCR 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 fulfill the right to food both on their

national territory and outside the national territory. The CESCR 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.

Additionally, we recall that 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.

With regard to the right to the highest attainable standard of health of the affected communities protected by article 12 of the ICESCR, the CESCR in its General Comment No. 14, indicates that the right to health is inclusive and extends not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing and healthy environmental conditions (para. 11), to which States have an obligation to ensure equal access for all (para. 36). While the right to health is of progressive realization and subject to availability of resources, there are various core obligations that States must fulfill with immediate effect (para. 30), including ensuring access to basic shelter, housing and sanitation, and an adequate supply of safe and potable water (para. 43 (c)).

In its Statement on the coronavirus disease (COVID-19) pandemic, the CESCR identifies people living in conflict-affected regions as particularly vulnerable during the pandemic as they frequently suffer higher rates of chronic illnesses and underlying health conditions than others, which places them at greater risk of developing severe health complications from COVID-19. The CESCR recommends States, as a matter of urgency, to adopt special, targeted measures, to protect and mitigate the impact of the pandemic on vulnerable groups, including conflict-affected populations. Such measures include, among others, providing water, soap and sanitizer to communities that lack them and specially tailored measures to protect the health and livelihoods of vulnerable groups.

Furthermore, Principle 18 of the Guiding Principles on Internal Displacement states that “1. All internally displaced persons have the right to an adequate standard of living. 2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: (a) Essential food and potable water”.