

**Mandates of the Special Rapporteur on the human rights to safe drinking water and sanitation;
the Special Rapporteur on the situation of human rights in Belarus; and the Special Rapporteur
on the right to education**

REFERENCE:
AL BLR 10/2020

9 March 2021

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 situation of human rights in Belarus; and Special Rapporteur on the right to education, pursuant to Human Rights Council resolutions 42/5, 44/19 and 44/3.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the interruption of the water supply to "Novaya Borovaya" district in Minsk, allegedly in retaliation for residents' participation in opposition protests.**

According to the information received:

At 9 a.m. of 15 November 2020, the water supply to the "Novaya Borovaya" district and newly-constructed apartment complex in Minsk inhabited by over 15,000 persons, ceased. The water supply to the local Kopishche school No.1, attended by 1,800 students, also stopped, forcing the school to suspend classes. The emergency service of the local water utility company "Minskvodokanal" arrived at 11 a.m. after residents called informing the interruption in the service. In the late afternoon of the same day, the water supply resumed, only to be interrupted again shortly after. On 16 November 2020, the service came back on, but was interrupted again. The property developer, "A-100", started distributing water from their office, while "Minskvodokanal" provided several water cisterns in the area.

The reason for the interruption of the water supply to the "Novaya Borovaya" district was a deliberately damaged valve in one of the wells, which would have normally been repaired in a couple of hours. When "A-100" requested the local water utility company "Minskvodokanal" to repair the damage, the request was initially ignored. Later on "Minskvodokanal" stated that they were waiting for laboratory tests regarding water quality. According to the information received, however, "Minskvodokanal" told residents that it was waiting for instructions "from the top" in order to carry out the repairs, which one might have understood to mean waiting for instructions from the Government.

Residents observed that three bio toilets appeared in the vicinity, painted in white-red-white colours, which are not usual colours for bio toilets. Those colours have a symbolic meaning since they are found in the national flag used between 1991 and 1995, and more recently by opposition protests in the

aftermath of the 2006, 2010, 2015 and 2020 elections. As a consequence, it may be perceived that the toilets might have been placed there intentionally to send the message that the water has been cut off in retaliation for the inhabitants' alleged involvement in opposition protests. It is well known that residents of the "Novaya Borovaya" district have participated in opposition protests and gathered in the neighbourhood to discuss the political situation using symbolically the colors of the white-red-white flag. It is also known that opposition protesters detained by the authorities have been made to step on the white-red-white flag when entering police detention vans or when placed in temporary detention centres.

On 18 November 2020, the water supply was restored.

We are concerned that the interruption of water supply to the "Novaya Borovaya" district and apartment complex, which deprived approximately 15,000 residents of their rights to water and sanitation for three days, and also affected the right of local students to education, might be linked to the expression of political dissent by some inhabitants of the district.

In the context of the COVID-19 pandemic, the water cuts also affected the capacity of local residents to comply with the hygiene measures necessary to protect themselves from contagion.

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 any comment you may have on the above-mentioned allegations.
2. Please provide information as to any investigations that have been carried out regarding the interruption of water services to "Novaya Borovaya". If no such investigation has been undertaken, please indicate why.
3. Please provide information on investigations that have taken place to determine – the reasons for the delays in repairing the pipeline following the allegations that the water utility company "Minskvodokanal" was instructed by the authorities to delay repairs.
4. Please provide information as to any measure taken by your Excellency's Government to fulfill the rights to water, sanitation,

education and health of the residents of "Novaya Borovaya" in relation to the facts described above.

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 accept, Excellency, the assurances of our highest consideration.

Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation

Anaïs Marin
Special Rapporteur on the situation of human rights in Belarus

Koumbou Boly Barry
Special Rapporteur on the right to education

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." Furthermore, articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) – which Belarus ratified on 12 Nov 1973 – recognize the rights to an adequate standard of living and to health, respectively. Moreover, we would like to refer to the International Covenant on Civil and Political Rights (ICCPR), which Belarus acceded to on 12 November 1973.

Article 19 of the ICCPR guarantees the right to freedom of opinion and expression. The freedom to hold opinions is absolute, and protects all opinions, including political opinions. As held by the Human Rights Committee, "no person may be subject to the impairment of any rights under the Covenant on the basis of his or her actual, perceived or supposed [political] opinion (General Comment no. 34 para. 9). Any effort to coerce the holding of political opinions is prohibited and the impairment of the rights of individuals for holding certain political opinions will constitute a violation of article 19 (1) (*id.* paras. 9 – 10). The Right to freedom of expression, in article 19 (2) protects the right to receive and impart information and ideas of any kind. The Human Rights Committee has affirmed that article 19 offers particularly strong protection to the expression of political opinions, also given the close connection between articles 19 and 25 (see *Id.* paras. 2, 4, 20 and General Comment no. 25). Attacks against individuals for having expressed their political opinions, including through the exercise of their right of peaceful assembly, is never compatible with article 19 (General Comment no. 34, para. 23). Any such attacks must be subject to effective investigations in accordance with the requirements of the Covenant (See Article 2 (3), General Comment no. 31 para. 15; *id.* para. 23). A failure by a State Party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant.

We recall that according to Article 21 of the ICCPR, "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others." We wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States to refrain from imposing restrictions which are not consistent with Article 19(3) ICCPR, including on discussion of government policies and political debate; reporting on human rights, engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent.

With regard to the human rights to safe drinking water and sanitation, we recall that the ICESCR entails 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 stated that arbitrary or unjustified disconnections or exclusions from water services or facilities constituted violations of the human right to water.

In its Statement on the coronavirus disease (COVID-19) pandemic, the CESCR recommends States, as a matter of urgency, to adopt special, targeted measures to mitigate the impact of the pandemic, among others, providing water, soap and sanitizer to communities that lack them.

The close relationship between the human rights to water and sanitation and the human right to education has been explored both by the former Special Rapporteur on the right to safe drinking water and sanitation (A/HRC/42/47) and the current Special Rapporteur on the right to education (A/75/178) in respective thematic reports. The Special Rapporteur on the right to education stated that: “No one should be deprived of access to basic water and sanitation, including hygiene and menstrual health and hygiene services in education institutions” (par. 117).