Mandate of the Special Rapporteurs on the Human Rights to safe drinking Water and Sanitation

**Questionnaire**

Different Levels and types of Services (2015)

**Question 1:**

**During the last decade (2010 -2020), in what ways has the human rights framework for water. Sanitation and hygiene been used to identify and assess appropriate type of services and management models taken into account the specific contexts?**

In the Kingdom of Bahrain, over 70% of the the developed land is designed, constructed, operated and maintained by the Government sector, more specifically the Sanitary Network. However, the Muharraq Sewage Treatment Plant (STP) is run by a private party called the Muharraq STP Company.

The Sanitary Network consists of house connections, secondary sewer, transmission trunk sewers, different sizes of pump and lift stations and number of Sewage Treatment Plants.

As for the remaining 30 % of the developed land plot owners are requested to construct their own sewage disposal facility as follows:

1. Septic Tank are to be constructed for the residence houses. The owner is responsible for construction, operating and maintaining his tank. However the Government take the responsibility to discharge these tanks, free of charge.
2. Septic Tank are to be constructed for the Multistory buildings. The owner is responsible for the design, construction, operating, maintaining and discharging these tanks.
3. STP Package is to be installed to private development with high flow generation. The owner is responsible for the design, construction, operating and maintaining the STP.

All Sewage must be treated to the standards approved by Supreme Council of Environment.

Gender Equality (2015)

**Question 2:**

**During The last decade (2010-2020), what measures (Ranging from legal, policy, regulatory, budgetary to training) have been implemented to redress gender inequalities in Water and sanitation provision by addressing gender discrimination? Alternatively, what measures have been central in redressing gender discrimination by addressing inequalities in water and sanitation provisions? What are the concrete steps taken and the observed impacts?**

This is not applicable for Bahrain, Sanitary Network is distributed overall areas in Bahrain, there are no identified remote areas. No discrimination is existent amongst any category in society in terms of providing sewage connection/facilities.

Online services are available for all users and are easily accessible, applicants can also apply for the sanitary services through mail or by customer counters. Also, the Ministry is one of the organizations that are being monitored in Tawasul System, which is a government-owned application, consisting of an online system for complaints and enquiries. The system is designed to make sure that the end user’s voice reaches higher authorities.

Moreover, the municipal council representatives are in continuous and direct coordination with the Ministry in order to make sure that any application or enquiry is addressed.

In the other hand, the Ministry coordinates with the Supreme Council for Women, (SCW) to facilitate council projects that are dedicated for less fortunate women and families.

Development Cooperation (2016-2017)

**Question 3**

**During the last decade (2010 -2020), What efforts have been made by relevant actors (including funders, partner states, implementing entities and others to align development cooperation policies and operations with the framework of human rights to water and sanitation? For instance, what are some examples of projects that have:**

1. **Balanced water and sanitation projects and coverage of those interventions between urban and rural area in a way consistent with the progressive realization of the rights of water and sanitation in each context.**

Projects of the Sanitary Network is provided for all areas, please refer to attached drawing showing the distribution of the network. The Ministry is committed to serve the remaining areas within the upcoming 10 years.

1. **Ensured that the selection. Design and implantation of projects apply the framework for the human rights to water and sanitation, notably prioritizing those people in the most vulnerable sanitations.**

Projects selection criteria includes several parameters, one of them being the condition of the ground water which impacts the operation of the septic tanks.

1. **Ensured that the design and implementation of projects are carried out in a transparent manner with the participation of related stakeholders. Providing ample access to relevant information and including mechanisms to address the accountability of funders and implementers**

All Sanitary implemented projects are monitored by government agencies like Cost Engineering Directorate and Financial Resources Directorate internally, and Tender Board and Ministry of Finance and National Economy externally.

1. **Ensured reconciliation between a sustainable financing strategy for long – term services provision and the affordable access to services for all persons.**

To be addressed by FRD.

**Affordability**

**Question 4 During the last Decade (2010- 2020), what targeted measures and instruments (e.g financing mechanisms, tariff schemes, subsidies) have been implemented in order to ensure that the most disadvantages access water. Sanitations and hygiene services in an affordable way? Who are the target groups of these measures and instruments? What format do these measures and instrument exist (e.g. national legislation. Policy. Regulation of services provision, affordability standards)?**

Currently the services of Sewer Connection and Treatment is free of charge, no tariff schemes are implemented in Kingdom of Bahrain for Sanitary Services.

**Question 5 During the Last Decade (2010- 2020). what measures been in place to prohibit disconnection (including water meters) that result from the inability of pay?**

There are several initiatives to enhance the collection of the monthly payments from the subscribers to EWA, which aims to facilitate the payment methods, this includes the extension of the instalment agreement up to a period of 4 years for home accounts and 2 years for non-domestic accounts, and the multiplicity of diversity payment. Subscribers may easily conduct their payment through the (e-government) website on the internet, and payments by credit cards through SADAD portal.

**Service Regulation (2017)**

**Question 6 in the last decade (2010-2020) if a regulatory framework or a regulatory body had been in place or have been established to cover water and sanitation provision, what measures were taken to ensure that this body is effective, independent and is aligned with the human rights framework?**

Sanitary Engineering Affairs is a government entity and they assume the regularity duties including the planning, design, construction, operation and maintenance of the Sanitary Services, there is no separate regulatory body. All government agencies are committed and in line with human rights standards.

**Forcibly Displaced Persons (2018)**

**Question 7: During the last decade (2010-2020) What measure are in place to guarantee the human rights to water and sanitation by refugees. Asylum seekers and migrants in transit or at their destination with same conditions as theses granted to nationals of the states concerned. Regardless of their legal status and documentation?**

Not Applicable.

**Question 8: During the last decade (2010-2020), how has states and humanitarian actors ensured immediate access to the minimum essential level of water and sanitation on a non-discriminatory basis during situation of emergency? Specifically, how has states and humanitarian actors:**

1. **Ensured equal access to the minimum essential amount of water that is sufficient and safe for personal and domestic uses and prevent disease.**

The Kingdom of Bahrain does not place any restrictions with respect to the consumption of safe water, accordingly Safe Water is provided in an abundant quantity to all sectors of the society, with no discrimination imposed in such regards. The commitment to ensure the equality of water distribution is derived from the legal obligation enshrined through Article 18 of the national constitution which enacts the following “People are equal in human dignity, and citizens are equal in the same legal rights, and general duties, no distinction is made between them on the grounds of sex, origin, language, religion or

Creed.” In this context, it is important to note that the production capacity of desalinated water derived from the production plant stands at 186 million gallons per day, whereas the average local consumption stands at a figure of 157 million gallons per day.

1. **Provided the elements that every person needs for health and survival and to live in dignity.**

The elements of survival and to live in dignity, is safeguarded through the Kingdom of Bahrain national constitution with respect to Article 8(A) which enacts the following “Every citizen is entitled to health care. The state cares for public health and the State ensures the means of prevention and treatment by establishing a variety of hospitals and healthcare institutions.”

1. **Monitored the extent the realization of the human rights to water and sanitation**

In the above-written responses to questions (a) and (b), we mentioned that the Kingdom of Bahrain affirms the principle of equal treatment and the status of human rights and health in government considerations and policies, and this is also guaranteed by all the following: the Constitution of the Kingdom of Bahrain, the program of government action 2019-2022 and Bahrain's economic vision 2030.

1. **Took measures to prevent treat and control diseases linked to water and sanitation.**

This is the specialization of the Ministry of Health, as they are the monitoring agency for control, and as to operators, we perform regular essential testing in the lab.

**Principle of accountability (2018)**

**Question 9: In the last decade (2010-2020) what accountability measures exist when responsibilities for services provision are transferred from state to actors other than states (private entities public companies and communities)? Please provide information on the three dimensions of accountability: clear roles and responsibility of actors, the guarantee of individuals to hold actors accountable by requesting explanations and information (“answerability”) and remedial or corrective actions for lack of compliance with performance standards (“enforceability”)**

Roles and responsibilities

* Government
  + Dedicated experienced contract manager to monitor the performance of the service delivery provider in line the detailed and specific PFI/PPP performance contract
* Private entity
  + Consortium of experienced international companies with specialist experienced and suitably qualified professional staff capable of delivering the services in accordance with the terms of the PFI contract

Guarantee of individuals to hold parties to account

* Government
  + Detailed and transparent performance management and reporting requirements within the PFI contract with punitive financial penalty mechanism for non-compliance.
  + Application of an agreed spreadsheet based reporting and invoicing mechanisms with clear logic-based penalty mechanism formulae for non-compliance with performance standards.
  + Scrutiny of the correct application and checking of the above by a number of personnel within various government departments reviewing both the performance assessment and the authorisation of the payment.

Remedial actions for lack of performance

* Government
  + Application of detailed and prescriptive reporting and invoiced based punitive financial penalties for non-compliance with performance standards.

**Question 10: In the last decade (2010-2020), what measures have been taken to identify informal providers of water and sanitation services and put in place regulations for those providers making accountability mechanisms?**

Not Applicable.

**Question 11: In the last decade (2010 -2020), what measures have been taken to establish an effective oversight system to trace the conduct of actors in the water and sanitation sector and to assess whether performance standards are met? What mechanisms exists that would enforce decisions on other accountable actors?**

1. Performance standards are mainly the effluent standards of TSE and sewage.
2. Effective oversight system is SOP and testing as well as Design according to standards to ensure that performance standards are met.
3. In terms of design, we should place monitoring station and design the system to meet the performance standards such as effluent, odour, sedimentation, etc.
4. Measure taken in the last ten years:   SOP, Testing, Design of STPs, new STPs (Hamala and Madinat Salman, Expansion of Tubli, Trunk lines, effluent test results, odor monitoring, etc.

**Spheres of Life beyond the household (2019)**

**Question 12: In the last decade (2010-2020) ,what measures have been in place to include water and sanitation in spheres of life beyond the household and particularly in public spaces in national policies plans and implementation strategies with a view to ensuring access which complies with the normative content of the human rights to water and sanitation and the principles of human rights?**

* In its continuous effort in underlining the importance of incorporating measures to enhance water sanitation, the Kingdom of Bahrain had issued a law concerning the establishment of the **Water Resources Council**, whose tasks and powers are confined towards:

1. Drafting water policy,
2. Protecting and developing water resources to ensure their sustainability,
3. Taking measures to ensure their proper use in various purposes, organizing drilling wells, organizing the use of groundwater, and other administrative and organizational measures.

* On such accords, His Majesty King Hamad bin Isa Al Khalifa, has set 2 core issues as the corner stone of political and future dimensions for the treatment of the water issue in Bahrain, categorised as following:

1. **First Category:** Water security in its comprehensive concept and its linkeahe to the phenomena of desertification, floods, rising sea levels and rivers, and the sovereignty of states over the borders of their waters and their relationship good with its neighbours
2. **Second Category:** The need to provide the necessary financial and good management plans to draw resources in coordination with the rest of the Gulf cooperation Council (GCC), and to create the necessary competencies in this regard.

* Furthermore, programmatic measures were implemented to rationalize water consumption in the agricultural sector by setting meters on all groundwater wells to monitor drawing from them and ensure that it does not exceed the safe limit, as well as review the crop composition, for water in addition To expand the use and cultivation of crops that are less consumed in irrigation, triple treated water for the application of modern farming and irrigation methods, especially protected agriculture from, as well as for groundwater instead of without soil, which has proven successful in preserving resources and the environment, and with a high economic return and provided many Jobs chances.

**Question 13: In the last decade (2020-2020) what examples exist where local governments are provided with guidelines and recommendation on how to determine which public spaces require the provision of water and sanitation services and what level and type of provision is required? How has those guidelines and recommendation been implemented?**

Not related SEA

**Mega-Projects (2019)**

**Question14: In the last decade (2010-2020) what examples of mega-projects exist where an assessment of the human rights impacts, in particular on water and sanitations, have been carried out at each stage of mega-projects?**

1. Muharraq STP
2. Expansion of Tubli WPCC
3. Madinat Salman STP
4. Muharraq DGS

**Question 15: In the last decade (2010 -2020), what examples of mega-projects exist where the human rights obligations and responsibilities of actors are clear at each stage of mega projects?**

Muharraq STP

**Question 16: In the last decade (2010-2020) what examples of mega-projects exist where the assessment of human rights to water and sanitation is a precondition for granting a licence/approval?**

Madinat Salman STP

**Question 17: In the last decade (2010-2020) what examples of mega- projects exist where there are preventive measures and compensation, redress and reparation procedures in place in the event of a disaster that affects the enjoyment of the human rights to water and sanitation?**

**The judicial system ensures, in the case of a crisis, or personal damages causes by others, will provides compensation to whom affected by it, through legal procedures that the compensation is awarded.**

**The right to compensation arises as a result of unlawful arrest or detention pursuant to the concept of violating the text of Article (27) of the Bahraini Civil Law, which states that “the legitimate use of the right does not entail liability even if such use arises to harm others,” and then it is in fulfilment of the foregoing. In the event that a violation of the person’s right is proven as a result of unlawful arrest or detention and damage arises from that, that person must be compensated for the damages and pursuant to the text of Article (158) of the Civil Law, which states that every mistake is a harmful cause to others who caused it to be compensated and accordingly, this system is identical With the provisions of Article (2) of the International Covenant on Civil and Political Rights.**

**The Government of the Kingdom of Bahrain adopted the Civil Settlement Initiative to compensate those affected by the February and March 2011 events on the proposal of the National Committee that was formed to follow up on the implementation of the recommendations of the report of Bahrain Independent Comission of Inquiry, without prejudice to the right of those who did not accept those affected by the consensual settlement proposed from resorting to the civil judiciary. This does not affect at all any criminal accountability. The Civil Settlement Office commenced compensation in (52) cases, including (35) cases mentioned in the report of the Bahrain Independent Commission of Inquiry, in addition to (17) other cases from outside the report that the Office considered compensation, as the budget approved for compensation was approved with a total of (3,120,000) Three million one hundred and twenty thousand dinars, that is, more than (8,296,000) eight million, two hundred and ninety six thousand dollars approximately, for all cases that the committee approved their compensation, and the sums were disbursed to those who deserved the civil settlement in full.**

**With regard to cases of injury, the office began looking into the applications submitted to the Civil Settlement Office, as it began studying these requests and determining their eligibility to request compensation, and the final report of those cases was received, including the percentage of each injury Accordingly, compensation was paid in the amount of (332,000) three hundred and thirty two thousand Bahraini dinars, for (49) cases of injury, equivalent to (882,788) eight hundred and eighty two thousand seven hundred and eighty eight dollars approximately.**

**Complementing legal construction and regulatory implementation, legal remedies are possible and available. Remedies include filing a criminal, civil or administrative lawsuit to redress the damage or take advantage of the material compensation mechanism or consensual solution, and thus the Bahraini law is properly implemented in a transparent and an effective manner.**