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Special Rapporteur on the human right to safe drinking water and sanitation
Sustainable Human Development Section
Special Procedures Division
UNOG – OHCHR
Palais des Nations
CH-1211 Geneva 10, Switzerland

Dear Ms. Catarina de Albuquerque,

Please accept our submission towards your report on violations of the human rights to water and sanitation. Below find our responses to several of your questions within the context of Haiti's water and sanitation crisis as well as an attached policy brief on Cholera within that country.

Mennonite Central Committee (MCC) is a disaster relief, development, peace and justice organization that has been serving in Haiti, alongside Haitians, since 1958. We work with local communities focusing on agriculture, community development, peace building, and advocacy.

1. Have you identified any violations of the rights to water and/or sanitation? If yes, please explain.

In the case of Haiti, the United Nations has violated the right of the people of Haiti to safe drinking water and sanitation. By neglecting to screen peacekeeping personnel coming from a cholera endemic area, engaging in inadequate waste management on U.N. premises, and refusing to remedy this violation in a timely manner, a major cholera epidemic is now present in Haiti. Because Haiti's main water source, the Artibonite River, is now contaminated with this deadly waterborne disease, Haitians dependent on this water for their daily activities have been, and continue to be, at a high risk of contracting cholera.

Under international human rights law, all humans have the right to access to safe water for "personal and domestic uses, defined as water for drinking, personal sanitation, washing clothes, food preparation, and personal and household hygiene."¹ If states themselves are to be held to a commitment of ensuring access to safe water and sanitation, it is of vital importance for the United Nations to portray its commitment to defending this right to water, and at a very minimum stand above reproach for breaching the right as outlined in various articles including Article 24 of the 1989 Convention on the Rights of the Child, Article 12 of the 1966 International Covenant on Economic, Social and Cultural Rights, and Article 14 of the 1979 Convention on the Elimination of All Forms of Discrimination Against Women.

The U.N. High Commissioner for Human Rights herself, Navi Pillay, has said that the victims of the cholera epidemic in Haiti deserve to be compensated.² Furthermore, the Independent Expert on the Situation of Human Rights in Haiti, Gustavo Gallón, agrees, pointing out that "the diplomatic difficulties which surround this question should be overcome to guarantee for the Haitian population the end of the epidemic in the

¹ The Right to Water, Fact Sheet No. 35, OHCHR, p. 3
<http://www.ohchr.org/Documents/Publications/FactSheet35en.pdf>

² "Haitians Sue U.N. Over Cholera Epidemic," AlJazeera article, 10.9.13. Par. 26.
<http://america.aljazeera.com/articles/2013/10/9/human-rights-lawyers-sue-un-for-introducing-cholera-to-haiti.html>

shortest time possible as well as full reparation of the damages that were suffered...silence is the worst of all responses.”³

It is simply not enough that Secretary General Ban Ki-Moon announced the launching of a campaign to support Haiti in eradicating cholera. Without adequate funding for this campaign, the right to safe drinking water and sanitation continues to be violated.

The process by which cholera was brought to Haiti, violating the rights of Haitians to safe drinking water and sanitation, are clearly documented in the following studies and reports.

[Final Report of the Independent Panel of Experts on the Cholera Outbreak in Haiti](#)

[Peacekeeping without Accountability, Yale Study](#)

MCC Haiti Cholera Policy Brief (See attached)

2. What do you regard as the structural causes and underlying determinants of the human rights violations you have identified? How do these relate to power relationships between various groups and sectors of society?

We believe the main structural causes and underlying determinants of these human rights violations in Haiti are the unequal power dynamics between UN forces, namely MINUSTAH, the government, and Haitians themselves, that have allowed for a culture of impunity which causes the continual suffering of a majority of Haitians. Lack of up-to-date U.N. peacekeeping medical protocols, neglectful waste management practices within U.N. peacekeeping bases, and the refusal on the part of the United Nations to act in a timely manner to remedy these violations are three of the things that have facilitated the arrival of cholera and, thus, a violation of the right to water and sanitation.

With the backing of the international community, only the United Nations is in a position to undo the damage that it caused in the first place, due in part to its relations with the Haitian population. With the passage of more time, hundreds of thousands of Haitians continue to be affected, and thousands die, while the U.N., with the capacity to raise billions of dollars for various humanitarian causes around the world, has made little effort to fund the National Plan for the Elimination of Cholera. The capability of a government already dealing with the effects of the devastating 2010 earthquake can only go so far; leaving most of those affected by cholera with no options for recovery.

Furthermore, there has been a severe lack of accountability within MINUSTAH forces. Sexual exploitation and abuse allegations have gone uninvestigated at a rate of 24% since 2007 (of 246 allegations, 59 remain pending).⁴ Despite its role as defender of international law and human rights, the U.N. has continued to hide behind its supposed immunity,⁵ saying claims against it are “not receivable.”⁶ Despite being required to “make provisions for appropriate modes of settlement,”⁷ both the Haitian government and the United Nations have failed to form a Standing Claims Commission, called for in the Status of Forces Agreement, which would provide Haitians an appropriate platform for bringing disputes against MINUSTAH.⁸ It is within this context of impunity and abuse of power that we believe such violations of basic human rights have been able to take place, including the ongoing violation of the right to clean drinking water and sanitation.

³ A/HRC/25/71: Report of the Independent Expert on the situation of human rights in Haiti, par. 77.

⁴ United Nations Conduct and Discipline Unit, MINUSTAH, 27 February 2014.
<http://cdu.unlb.org/Statistics/StatusofInvestigationsSexualExploitationandAbuse.aspx>

⁵ Convention on the Privileges and Immunities of the United Nations, Section 29, b.

⁶ Article, UN News Centre, “Haiti: fight against Cholera continues, but claims against UN ‘not receivable.’”

⁷ Convention on the Privileges and Immunities of the United Nations, Section 29, b.

⁸ Status of Forces Agreement, article 55.

3. Have you identified particular groups and individuals whose rights have been violated disproportionately? Which individuals and groups?

Three main groups have been disproportionately affected by the lack of clean water and sanitation services: Those already displaced because of previous humanitarian disasters, namely the 2010 earthquake; rural populations who depend on river water for their survival, including for cooking, drinking, bathing, and many other day to day, basic needs; and other low income populations already struggling to access necessary sanitation and health services.

7. Have you sought to address the lack of policy design or policy implementation, the failure to take steps, the failure to take targeted measures, the lack of sufficient budgetary allocation or similar failures? How have you framed these failures as human rights violations? What standards of review have you relied on?

MCC has taken steps to address the lack of sufficient budgetary allocation for remedying severe water and sanitation issues through our advocacy work at the United Nations, in Washington D.C., and in Haiti (see recommendations in the MCC Haiti Cholera Policy Brief). We have repeatedly called on the U.N. system and its member states to mobilize in order to fund the National Plan for the Elimination of Cholera in Haiti.

Thank you for your consideration of these concerns. Together we can work to ensure the human rights to safe drinking water and sanitation for all.

Sincerely,

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