

# HAKI ZETU

## ESC rights in Practice

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### The Right to Adequate Water and Sanitation

*Haki Zetu* is Swahili for Our Rights

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The programme aims to contribute to:

- The growth of human rights activism in Africa, with an emphasis on making human rights work in and for rural communities; and
- Innovation of strategies and methods as a means of increasing their effectiveness and making a meaningful contribution to the promotion, protection, respect and fulfilment of human rights.

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## Acknowledgements

This book was researched and drafted by a team of COHRE consultants: Sonkita Conteh (legal officer, based in Accra, working on advocacy in Ghana and South Africa) and Lara El-Jazairi (legal officer, working on occupied Palestinian territory/Israel and Asia), with support from Kerubo Okioga (legal officer based in Nairobi).

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The *Haki Zetu* handbook series has been developed by Amnesty International in partnership with others. It is an educational tool and not an Amnesty International policy text.

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This booklet is on the right to water and > sanitation. The “right to adequate water and sanitation” entitles every individual to have access to an essential amount of safe drinking water and to adequate sanitation facilities.

Terms with a > are defined in the Glossary.

Water and sanitation are essential to the health and well-being of human beings and necessary for economic development. Unfortunately, millions of people lack access to a basic water supply from a clean source or adequate sanitation. There is enough clean, fresh water in the world for everyone’s personal and domestic needs. However, unfair allocation of water resources and poor distribution networks hold back progress in extending access to all. In addition, pollution of water sources and the absence of proper systems to extract ground water or harvest rain water limit people’s access to sufficient clean water that is safe to drink. Access to safe water in rural areas is significantly lower than in urban areas<sup>2</sup>. Many people in rural areas are dependent on water of poor quality from unprotected wells or surface water sources. These may be far from the home and it is often women or children who spend hours fetching water. Rapid urbanisation is putting municipal services in urban areas under immense pressure. Low-income groups in urban areas often lack access to an adequate water supply.

Some African governments have taken steps to guarantee the right to water and sanitation by adopting appropriate laws or policies or increasing public spending on providing water and sanitation > facilities, but others have not given it high priority.

This booklet explains the nature and scope of the right to water and sanitation, the role of key actors and practical steps to realise this right. It will be useful for Non-Governmental Organisations (NGOs) and Community-Based Organisations (CBOs) in their efforts to improve people’s access to essential services. In conjunction with Haki Zetu Main Book this booklet explains how this can be done. The booklet only covers access to water and sanitation for personal and domestic uses. Information on access to water for producing food can be found in the booklet on the right to food. Water is also mentioned in the booklets on the rights to housing and health. Where necessary a cross-reference is given.

This booklet is divided into three sections:

- **Section 1** gives a brief introduction to the right to water and sanitation and the main issues facing those working on this right.

Information is presented in two ways:

- “Basic info” provides the reader with general information on an element of the right to water and sanitation. It is indicated by a “Basic info” box in the margin.
- “In-depth info” provides the reader with additional information on the right to water and sanitation. It is indicated by an “In-depth info” box in the margin.

A reader wishing to understand the basic elements of the right to water and sanitation can read only the “Basic info” parts and proceed to Section 2.

- **Section 2** gives advice on preparing to work on the right to water and sanitation:
  - How to identify the State’s obligations in relation to the right to water and sanitation;
  - What the role of non-State actors is concerning the right to water and sanitation;
  - How to identify violations of the right to water and sanitation;
  - Where to find the right to water and sanitation in national laws and policies; and
  - Working with communities to develop and carry out strategies to promote the right to water and sanitation.
- **Section 3** is about realising rights in practice. It describes several activities to monitor and claim rights associated with the main issues outlined in Section 1;
- There is a **glossary** explaining the key terms used in this booklet; and
- There are three **appendices**:
  - Relevant extracts from international and African regional standards on the right to water and sanitation;
  - A list of resources on the right to water and sanitation; and
  - A list of organisations working on the right to water and sanitation.

basic info

in-depth info

# 1

## Understanding the right to adequate water and sanitation

This section briefly introduces the reader to the current situation of the right to water and sanitation in Africa, what the right to water and sanitation means, and the challenges that face Civil Society Organisations (CSOs) working on the right to water and sanitation.

### 1.1 The current situation of water and sanitation in Africa

Despite efforts by some countries, approximately 343 million people in Africa lack access to safe drinking water. The sanitation situation is even more worrying as about 583 million people do not have access to > improved sanitation facilities. These are facilities that prevent human > excreta from polluting food or water sources. Twenty-six African countries are expected to reach the > Millennium Development Goals (MDG) target to reduce by half the number of people without sustainable access to safe drinking water by 2015. Only five are likely to achieve the sanitation target, which is to reduce by half the number of people without basic sanitation.<sup>3</sup> Not only is progress slow, in some countries the proportion of people with access to safe water and sanitation is actually decreasing.

Lack of access to clean water and adequate sanitation undermines human health. Forty per cent of all child deaths from > diarrhoea are in Sub-Saharan Africa. Lack of access to water and sanitation in schools is a critical problem – in some areas more than 150 children share a latrine.

Many African governments do not prioritise water and sanitation in development plans and strategies. Very few provide adequate budgets for water and sanitation services either at national or local levels.





### 1.1.1 What governments, NGOs and CBOs are doing

NGOs and CBOs in Africa have played a variety of roles in implementing and promoting the right to water and sanitation. They have provided financial and technical assistance to communities, monitored water and sanitation projects, provided > direct services to communities and developed the management capacity of CBOs. They have also improved communities' understanding of political processes.

African governments working at regional and sub-regional levels have taken important steps. In 2003, the African Ministers' Council on Water (AMCOW), together with NGOs and international agencies, developed the African Water Vision for 2025. This recognised the natural and human threats to water.

Natural threats include the extreme variability of rainfall, expanding deserts and > climate change. Human threats include inappropriate management of water resources, pollution, deforestation and failure to invest adequately in water and sanitation.

The African Water Vision includes a framework for action. Each sub-region developed action plans and targets for progress towards meeting the MDGs.<sup>4</sup>

### BOX 1: Assessing service providers in the Upper West Region, Ghana

ProNet North, an NGO based in Wa, Upper West Region of Ghana, implemented a pilot community score-card monitoring and evaluation project in five communities. This project provided community members with the opportunity to assess the level of services received over a period of time and also offered service providers the opportunity to measure the level of customer satisfaction and make necessary changes.

Source: Wateraid Briefing Paper No. 4 (2004).

NGOs and CBOs have developed strategies for increasing understanding of the right to water and sanitation, influencing government policies and claiming the right through courts and other institutions. They play a key role in applying pressure on, or working with, governments to realise the right. Examples of their activities are given throughout this booklet.

Some governments are addressing the challenge of providing access to water and sanitation by improving services and inviting communities and CSOs to participate in developing laws, policies and plans of action. The African Commission on Human and Peoples' Rights (African Commission) and some national courts have delivered judgements that advance the right to water and sanitation.

However, many governments have failed to recognise the right to water and sanitation or to allocate adequate resources for water and sanitation provision. It is important to put pressure on governments to live up to their human rights obligations to realise the right to water and sanitation. More information on government obligations is provided in Section 2 of this booklet.

#### 1.1.2 The right to adequate water and sanitation

Water and sanitation are two key components of the right to an adequate standard of living. The right to an adequate standard of living is recognised in Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Article 11 (1) does not specifically mention water and sanitation. However, there are two international declarations which state that the right to an adequate standard of living includes water and sanitation. The UN Committee on Economic, Social and Cultural Rights (CESCR) recognised the right to water in its General Comment No. 15; and the UN Sub-Commission on the Promotion and Protection of Human Rights produced a set of Guidelines for the Realisation of the Right to Drinking Water and Sanitation (2006) (UN Guidelines).<sup>5</sup>

While water and sanitation are closely interlinked, they impose different obligations on States: these are described in Section 2 below.

Water is widely recognised as a human right, but discussion about a distinct right to sanitation continues. The UN Independent Expert on Human Rights Obligations Related to Safe Drinking Water and Sanitation supports the recognition of sanitation as a distinct right, even though this is not specifically included in the ICESCR.<sup>6</sup> In 2011, the Human Rights Council will debate whether the rights to water and sanitation should be formally recognised. Debates will also take place at national levels.

## BOX 2: Investing in sanitation

The UN Independent Expert wrote of the benefit of investing in sanitation in her 2009 report to the Human Rights Council: “Recent research estimates that, for every dollar invested in sanitation, there is about a nine-dollar benefit in costs averted [avoided] and productivity gained. With such a positive impact, why does the sanitation sector still suffer from such a lack of attention? The taboo surrounding sanitation is one of the biggest obstacles it faces.”

Source: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-74.pdf>.

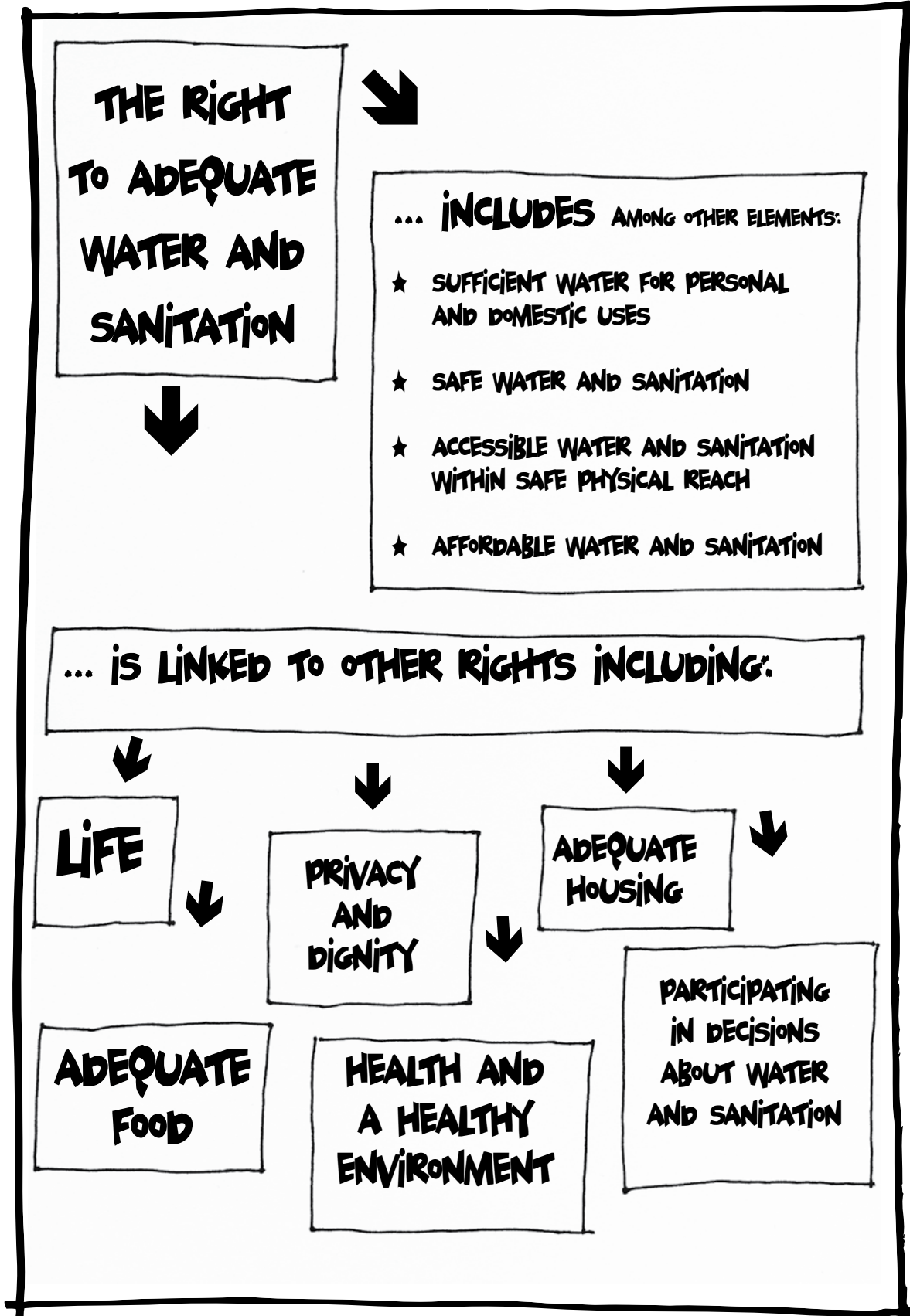
### **1.1.3 Linking the right to adequate water and sanitation to other human rights**

In order to empower communities to take actions to realise the right to water and sanitation, NGOs and CBOs need to understand not only what this right means, but also how it relates to other rights.

Human rights do not exist in isolation, but rely on each other. The right to water and sanitation, for example, is an essential part of the right to an adequate standard of living, as it is one of the necessary elements for survival.<sup>7</sup> It is also closely related to the right to the highest attainable standard of physical and mental health.<sup>8</sup> Ultimately, adequate supplies of safe water and adequate sanitation are necessary for life, well-being and human dignity.

The links between the right to water and sanitation and other rights are illustrated in Figure 1 on the next page.

FIGURE 1: The right to adequate water and sanitation linked to other rights





### 1.1.4 Main violations of the right to adequate water and sanitation

Violations of the right to adequate water and sanitation occur when a government, either deliberately or through neglect, fails to carry out its obligations to respect, protect and fulfil the right. States violate the right to water and sanitation when they:

- Deny access to public services for discriminatory reasons, like political loyalty, ethnicity or citizenship status (for example, refugees);
- Invest resources in services that are only accessible to privileged sections of the population, instead of prioritising those with no or little access;
- Charge unaffordable rates for services to people living in poverty;
- Fail to effectively regulate and control water service providers, which allows companies to prioritise those who can afford to pay;
- Fail to maintain water sources and network systems;
- Permit service providers to > disconnect or otherwise exclude people from water, even when they are genuinely unable to pay;
- Refuse to provide services to > informal settlements on the grounds that the people living there have no legal right to do so;
- Carry out disconnections as a means to accelerate evictions;
- Do not control excessive industrial and agricultural extraction of water or pollution of water resources;
- Fail to adopt proper mechanisms to ensure services during disaster relief;
- Exclude communities and groups from decision-making processes concerning water resources;
- Fail to provide information on access to water and sanitation services; and
- Deliberately destroy water and sanitation facilities in times of armed conflict.

#### BOX 3: Violations of the right to water and sanitation in the Niger Delta, Nigeria

The Niger Delta is one of the 10 most important wetland and coastal marine > ecosystems in the world and is home to some 31 million people. It also has massive oil deposits.

The majority of the people of the Niger Delta do not have adequate access to clean water, proper sanitation facilities or health care. Decades of oil spills, waste dumping and the burning of escaping gas have damaged the soil and water quality. The Nigerian government has paid little attention to this situation, despite the fact that, in 2001, the African Commission ruled that the Government must ensure that oil production did not violate people's rights to health and to live in a safe and clean environment.

*Source: Niger Delta Human Development Report 2006.*

## 1.2 Elements of the right to adequate water and sanitation

The right to water and sanitation includes the following:

- Sufficient water;
- Safe water and sanitation;
- Accessible water and sanitation; and
- Affordable water and sanitation.

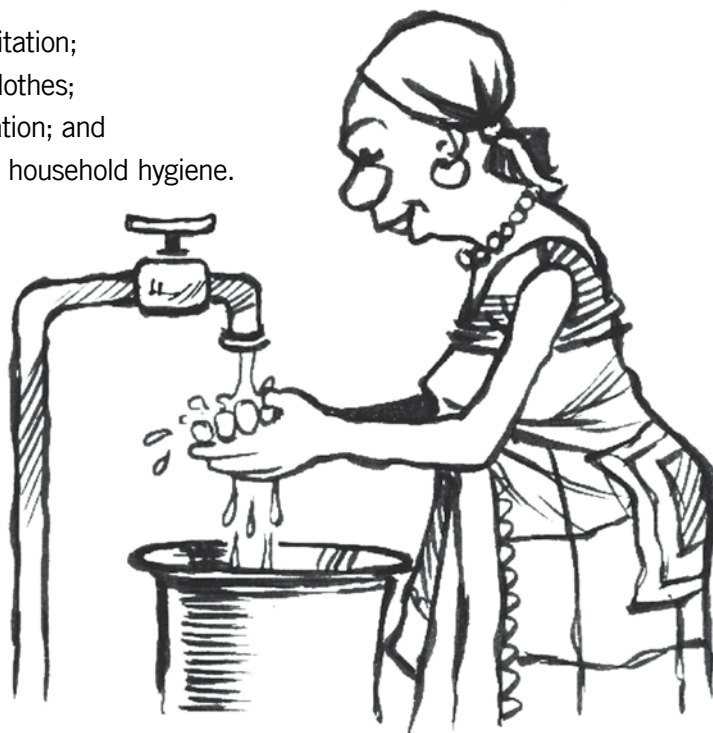
A rights-based approach to water and sanitation requires that communities have access to information concerning water and sanitation, such as information about safe > hygiene practices and water quality, and the opportunity to meaningfully participate in decision making relating to water and sanitation.

## 1.3 What is sufficient water?

### 1.3.1 The basics about sufficient water

The right to water and sanitation requires that an adequate quantity of water must be available for personal and domestic uses, including:

- Drinking;
- Personal sanitation;
- Washing of clothes;
- Food preparation; and
- Personal and household hygiene.



The CESCR in its General Comment No. 15 on the right to water, does not specify a quantity of water for each person. However, the CESCR notes that quantities should, as a minimum, conform to World Health Organisation (WHO) guidelines, and may vary due to individual requirements and needs such as health, climate or work conditions.<sup>9</sup>

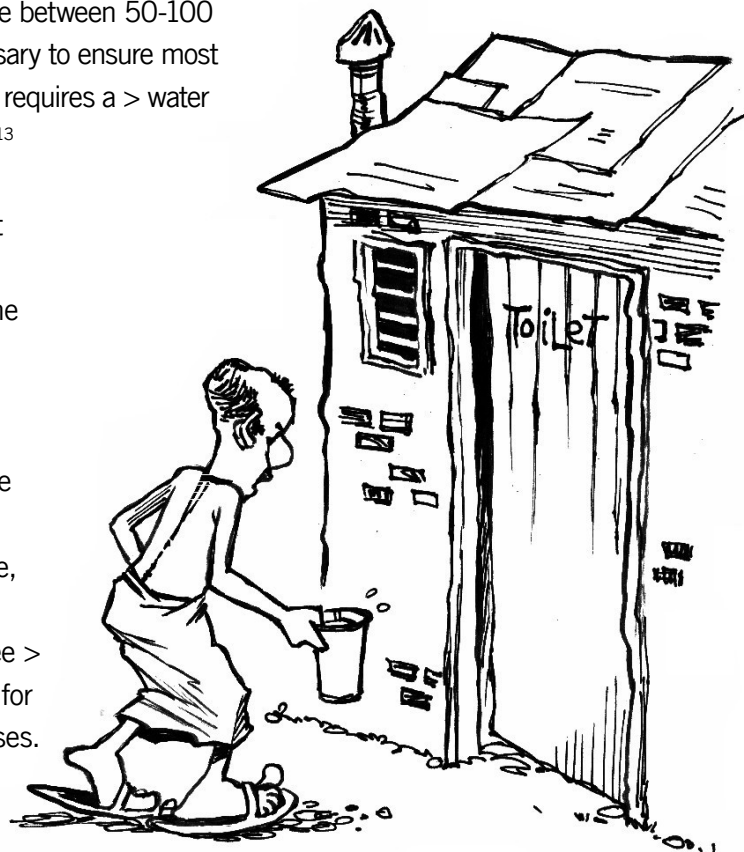


The WHO states that 100 litres per person per day is necessary to ensure that *all* health concerns are met, and sets an absolute minimum of 20 litres per person per day.<sup>10</sup> Governments may use these guidelines to establish minimum targets to ensure that each person has access to sufficient quantities of water essential for life, well-being and health. Governments must ensure that everyone has at least the minimum quantity of water, no matter where they live. They must do this before providing greater quantities for more well-off communities. In order to ensure that water supply is sufficient for personal and domestic use it is also essential that a continuous or regular supply of water is available.<sup>11</sup>

### 1.3.2 More in-depth about sufficient water

To ensure that people have a sufficient quantity of water for personal and domestic use, the State must consider physical accessibility to a water source (see Section 1.5). The WHO has noted that when a water source is located over 100 metres from a household, it is unlikely that it will be possible to collect more than 20 litres of water per person, and consequently not all health concerns will be met.<sup>12</sup> To provide between 50-100 litres per person, which is necessary to ensure most health concerns are met, usually requires a > water point either in or near the home.<sup>13</sup>

The best way to provide at least 100 litres per person per day is by supplying piped water into the home through multiple taps.<sup>14</sup> Governments should therefore prioritise the extension of piped water networks, where they have the resources to do so. When a water point is far from the home, governments should provide access to non-potable water (see > potable water) within the home for household and domestic purposes.



**BOX 4: Making water safe to drink**

There are various ways to make water safe for drinking, including:

- Filtering the water through a clean cloth then boiling it thoroughly for at least two minutes; and
- Filling plastic bottles, shaking them and then leaving them in the sun for at least six hours.

Sources: [www.wikihow.com/Purify-Water](http://www.wikihow.com/Purify-Water), [www.wikihow.com/Sterilize-Water-With-Sunlight](http://www.wikihow.com/Sterilize-Water-With-Sunlight)

While the right to water and sanitation prioritises water for personal and domestic uses, the next priority is to ensure that water is available for basic agricultural needs.<sup>15</sup> Specifically, a government should ensure that a sufficient quantity of water is available for > subsistence farming and securing the livelihoods and food security of > vulnerable and > marginalised groups, including > indigenous peoples and pastoralists. Where water > rationing is required, it is important that this is carried out fairly and that low-income groups do not have less access in order to ensure areas where richer people live can enjoy an uninterrupted water supply.



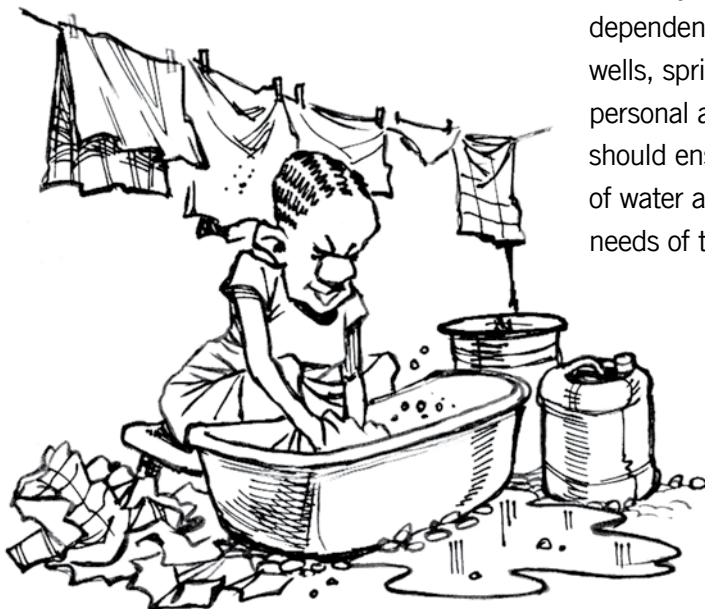
Governments should develop regulations to prevent the over-extraction or pollution of water resources. They should also promote efficient water use through public education and impose penalties for over-consumption.<sup>16</sup>



Many parts of Africa experience cycles of droughts and floods. Governments should protect water sources and find ways to prevent wastage and store water. However, some solutions such as dams are built in ways that undermine local economies. It is essential that people are able to participate in the planning and implementation of these projects.

### BOX 5: Responding to climate change

The New Economic Partnership for Africa's Development (NEPAD) has developed a Programme in the Water Sector and Achievements in the MDGs. This calls for the adoption of "strategic programmes which include storage infrastructure development". It adds: "However, [...] people's participation is central in such projects [...]. The affected communities should be the first to benefit and the environmental changes must be sustainable."



As many individuals and communities are dependent on water collected from rivers, wells, springs or > rainwater harvesting for personal and domestic uses, governments should ensure that these traditional sources of water are protected, and respect the needs of those whose customs require it.

### BOX 6: Rainwater harvesting for rural communities in Africa

Many countries in Africa have high levels of rainfall. Using this water resource carefully could transform the lives of many rural communities that currently lack sufficient supplies of safe water. Rainwater harvesting, practised in Africa for hundreds of years, is a low cost technology that is simple to install and maintain. It involves building rainwater > catchment tanks either below or above ground where rainwater can be collected and stored.

The NGO Ethiopian Rain Water Harvesting Association (ERHA) promotes rainwater harvesting. This has brought adequate quantities of clean water to thousands of people, reducing outbreaks of > cholera and diarrhoea and improving the lives of women and children who previously had to walk long distances to collect water.

## 1.4 What is safe water and sanitation?

### 1.4.1 The basics about safe water and sanitation

Diseases related to lack of clean water and inadequate sanitation increase poverty and delay development. Illness restricts people's ability to work or to receive education. It also adds significantly to the costs of public health care.

Diseases such as diarrhoea, cholera, typhoid and hepatitis A are transmitted by drinking > contaminated water. Some > water-borne diseases, such as schistosomiasis (bilharzia), are caused by a parasite that enters the bodies of people who bathe in rivers or pools that have been used as a toilet. Stagnant (still) water provides a breeding ground for insects that can spread disease such as > malaria or dengue fever.

Safe sanitation is sanitation that effectively prevents human, animal and insect contact with excreta.<sup>17</sup> An improved, or acceptable, sanitation facility could include connection to a public > sewer or > septic system, a > pour-flush latrine or a simple pit latrine. Public and shared latrines, as well as open pit and bucket latrines are not considered to be safe due to the health risks of insect and human contact with excreta. Excreta and > wastewater must be removed and/or disposed of safely.<sup>18</sup> Further, the right to health of sanitation workers must be protected to ensure that those who transport, treat and dispose of waste can do so in a safe way.<sup>19</sup>

#### BOX 7: Flying toilets in Uganda

In Kampala, Uganda's capital, only about 6% of residents have access to a toilet. They have to pay up to 200 Uganda shillings (US 10 cents) per visit. As a result, many people, especially in the informal settlements, > defecate in plastic bags and throw them out of the house. These are known as "flying toilets".

In some informal settlements in Kawempe Division, a local NGO, Community Integrated Development Initiatives, and WaterAid, an international NGO, started the "Citizens' Action Project". This involves collecting detailed information and then talking to the service providers about ways to improve the situation.

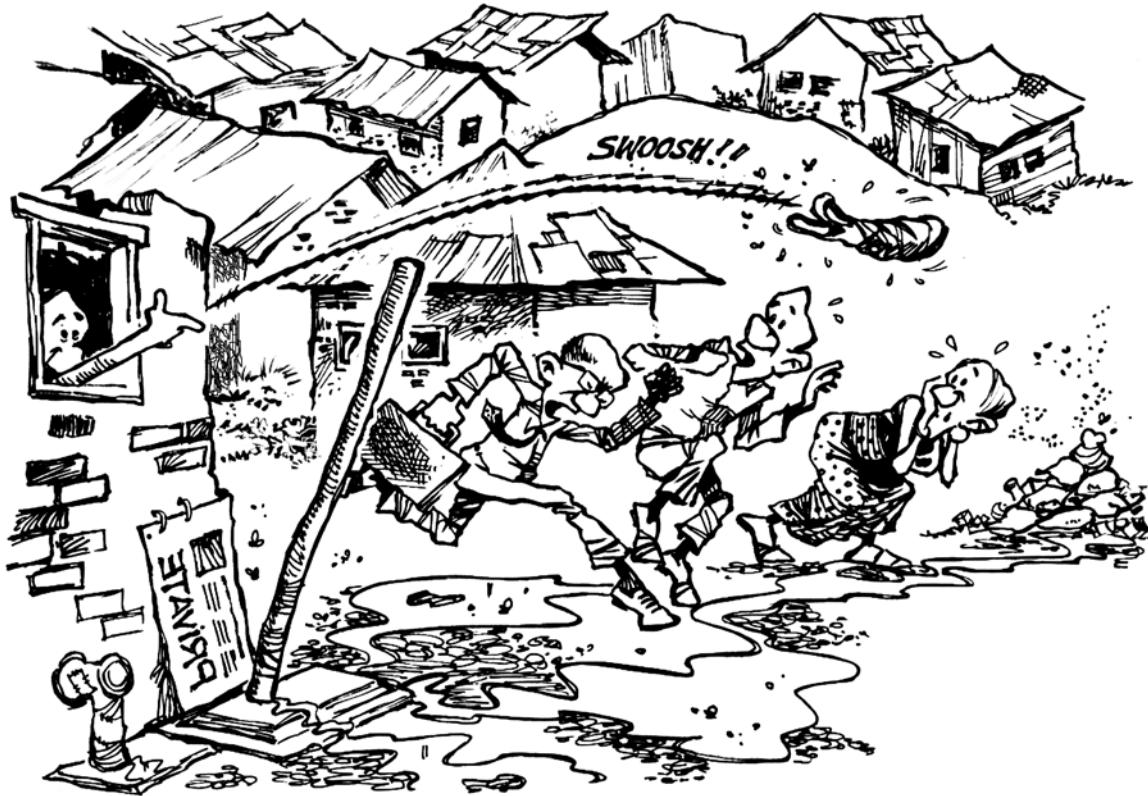
Sources:

IRIN, "Uganda: Flying toilets still not grounded" and "Amplifying citizens' voices for Water & Sanitation: lessons from Kawempe division - Uganda".

[www.watsanuganda.watsan.net/page/472](http://www.watsanuganda.watsan.net/page/472).



It is important to recognise that, unlike the right to water, the right to sanitation must be exercised collectively. If one member of a community does not have access to adequate sanitation facilities, the health and well-being of all members of the community is threatened.



#### 1.4.2 More in-depth about safe water and sanitation

Water for personal and domestic use should be safe and free from substances that could threaten people's health.<sup>20</sup> The WHO issues guidelines for drinking water quality that can be used to monitor the safety of water sources.<sup>21</sup> It is essential that water quality standards are applied to all sources of water including piped water, water supplied by > vendors and water collected in wells or > reservoirs. Governments should attempt to eliminate the most harmful substances or > contaminants to human health and regularly monitor the quality of water supply. The government is also primarily responsible for ensuring that private water service providers meet water quality standards.

Different environments often require different sanitation facilities. In rural areas, facilities must be built far enough from any water source to avoid contamination. At a safe distance, it is acceptable to build on-site household level toilets, for both collection and > treatment of excreta. Some waste-water may also be re-used for growing crops. In urban areas, where space is limited, sewage systems or well-maintained shared or public facilities may be the most suitable option. Sewage must be safely transported to treatment plants. Solid waste (rubbish) collection and storm water drains are also necessary for protecting public health and environmental hygiene.<sup>22</sup> The right to water and sanitation further requires that water is of an acceptable colour, smell

and taste for personal and domestic uses.<sup>23</sup> If water is not acceptable to users, even though it may be clean, they may turn to an unsafe source that tastes or smells better.

Toilets must ensure privacy, dignity and safety for the user. Governments and other actors should ensure that the design of sanitation facilities considers the needs of women and children.<sup>24</sup> This is important for a number of reasons:

- Women's physical security is put at risk, particularly at night, if sanitation facilities are located far from the household;
- Women and girls also need facilities for > menstrual hygiene. This is particularly important in schools to encourage girl's attendance; and
- Children and elderly or disabled people may have difficulty in using certain types of toilets.

The right to water and sanitation requires governments to take steps to ensure that there is appropriate education concerning the hygienic use of water.<sup>25</sup> A government must therefore implement hygiene awareness campaigns and provide information on household water treatment and safe storage. NGOs and CBOs can also play an important role in educating communities on hygiene, including the importance of hand washing.

#### BOX 8: Promoting safe hygiene practices in schools in Cameroon

In March 2009, Life and Water Development Group, a Cameroonian NGO, in partnership with Thirst Relief International began a project to improve the health of children in 65 schools. The aim was to install low-cost > biosand filters to purify the drinking water, establish latrines to prevent children from relieving themselves in the playground, and set up health clubs to teach children about the importance of hand washing and keeping latrines and water sources clean.

Chemical pollution of water resources from agriculture and industry can damage human health and the environment. The obligation to protect the right to water and sanitation requires governments to prevent third parties, such as factories and industries, from polluting water resources.<sup>26</sup>

#### BOX 9: The costs and benefits of improvements in water and sanitation

Sub-Saharan Africa loses an estimated 5% of its total earnings or Gross Domestic Product (GDP) every year due to costs linked to unsafe drinking water and inadequate sanitation.

The WHO estimates that every US\$1 invested in achieving the MDG targets on water and sanitation could bring an economic return of between US\$3 and US\$34, depending on the

> continued



region. Achieving the MDG targets on water and sanitation would reduce diarrhoeal outbreaks around the world by 10%, benefiting both the health services and patients themselves.

Source: UNDP, *Beyond Scarcity: Power, poverty and the global water crisis*, (2006), p.42.  
World Health Organisation, *Costs and benefits of water and sanitation improvements at the global level*, 2004.

There are a number of different indicators to measure improvement in water sources and sanitation facilities. Table 1 shows examples of improved and unimproved water sources and sanitation facilities.

**TABLE 1: Improved water sources and sanitation facilities**

<b>Drinking-water sources</b>	<b>Sanitation facilities</b>
<p><b>Improved</b></p> <ul style="list-style-type: none"> <li>• Piped water into house, plot or yard;</li> <li>• Public tap or &gt; stand post;</li> <li>• Tube well or &gt; borehole;</li> <li>• Protected dug well;</li> <li>• Protected spring; or</li> <li>• Rainwater collection.</li> </ul>	<p><b>Improved</b> (Only private facilities are considered to be improved)</p> <ul style="list-style-type: none"> <li>• Flush or pour flush to piped sewer system, septic tank, or pit latrine.</li> <li>• Ventilation improved (VIP) latrine;</li> <li>• Pit latrine with slab; or</li> <li>• Composting toilet.</li> </ul>
<p><b>Unimproved</b></p> <ul style="list-style-type: none"> <li>• Unprotected dug well;</li> <li>• Unprotected spring;</li> <li>• Cart with small tank/drum;</li> <li>• Tanker truck;</li> <li>• Surface water (river, dam, lake, pond, stream, canal, irrigation channel); or</li> <li>• Bottled water (bottled water is considered to be improved only when the household uses water from an improved source for cooking and personal hygiene).</li> </ul>	<p><b>Unimproved</b></p> <ul style="list-style-type: none"> <li>• Flush/pour flush to elsewhere (street, yard or plot, open sewer, ditch, drainage way, channel river or stream);</li> <li>• Pit latrine without slab or open pit;</li> <li>• Bucket;</li> <li>• Hanging toilet/hanging latrine; or</li> <li>• No facilities.</li> </ul>
<p>Source: UNICEF: <i>Water, Sanitation and Hygiene: definition of indicators</i>. Available online: <a href="http://www.unicef.org/progressforchildren/2006n5/index_35533.htm">www.unicef.org/progressforchildren/2006n5/index_35533.htm</a>.</p>	

## 1.5 What is accessible water and sanitation?

### 1.5.1 The basics about accessible water and sanitation

The right to water and sanitation requires that services and facilities should be accessible to all without discrimination. This means that they should be:

- Within physical reach, in or near the house, school, work place or health facility;
- In a secure location and address the needs of different groups, in particular threats to the physical security of women;<sup>27</sup> and
- Of adequate quality, culturally appropriate and sensitive to gender, life cycle (age) and privacy requirements.<sup>28</sup>

In order to guarantee accessibility to water and sanitation for all, governments should set targets at the national or regional level for extending services and facilities and prioritise communities with currently little or no access.<sup>29</sup> Governments should also ensure that adequate financial and human resources are available to carry out this task.<sup>30</sup> In order to set targets, governments must invest in data collection to identify those most in need.

General Comment No. 15 states that “core-obligations” relating to physical accessibility for water require States “to ensure physical access to water facilities or services that provide sufficient, safe and regular water; that have a sufficient number of water outlets to avoid prohibitive (long) waiting times; and that are at a reasonable distance from the household.”<sup>31</sup>



The right to water and sanitation does not therefore require that every person has a household connection. Other improved sources of water located near the household are:

- Boreholes;
- Public stand posts;
- > Water kiosks;
- Covered wells; and
- Rainwater collection.

The WHO recommends that services and facilities should be located no more than 1 km away from the home and that fetching water should take no more than 30 minutes, in order to ensure access to minimal amounts necessary for health.<sup>32</sup> In urban areas a water point may be located close to the home but users often have to spend a long time waiting in queues to get water. In rural areas, people, usually women and children, spend many hours fetching water from sources far from the home.

#### **BOX 10: The sanitation crisis in sub-Saharan Africa**

In sub-Saharan Africa only 31% of the population uses improved sanitation and more than half a billion people are without improved sanitation facilities. While 42% of urban residents have access to safe sanitation, only 24% of people in rural areas have access. About 221 million people practice open defecation.<sup>33</sup>

#### **1.5.2 More in-depth about accessible water and sanitation**

The government should ensure that water and sanitation services and facilities are provided to all, whether through a national > utility, a private company or a > small-scale service provider. The UN Guidelines say that States should invest in services that give priority to those without basic access to water and sanitation facilities.<sup>34</sup>

Water suppliers are often reluctant to provide services to low-income areas on the grounds that residents of these areas may be unable to pay for services; or will use less water; or that the locations are remote or difficult to serve. Governments sometimes deny services to people they regard as illegal settlers. General Comment No. 15 states that: “Deprived urban areas, including informal human settlements, and homeless persons, should have access to properly maintained water facilities. No household should be denied their right to water on the grounds of their housing or land status.”<sup>35</sup> The UN Guidelines also state: “Informal human settlements should be upgraded through the provision of water and sanitation services and through assistance with the construction of their own water and sanitation facilities.”<sup>36</sup>

Where adequate public services are not provided, governments should facilitate and regulate small-scale provision by communities, CSOs or private business ventures. The right to water and sanitation emphasises that communities themselves have the right to decide what type of water and sanitation services they require, how those services should be managed and, where possible, to choose and manage their own services with assistance from the government.<sup>37</sup>

#### BOX 11: Community led total sanitation in Sierra Leone

Community-led total sanitation (CLTS) is an approach that empowers a community to analyse its current sanitation situation, address issues which may be seen as culturally sensitive, advocate for improvements in sanitation and use local skills and materials to construct latrines.

In September 2008, UNICEF, together with an international NGO, began a project to introduce CLTS to Saahun village in Sierra Leone. In just over a year, the previously common practice of open defecation was completely eradicated, causing a significant improvement to villagers' health and living conditions.

Source: Emily Bamford, "Empowering communities to improve sanitation in Sierra Leone". Available online: [www.unicef.org/infobycountry/sierraleone\\_48274.html](http://www.unicef.org/infobycountry/sierraleone_48274.html).

To ensure accessible water and sanitation governments should prohibit the following practices (in addition to the human rights violations listed above):<sup>38</sup>

- Exclusion from access caused by forced evictions;
- Exclusion from access to a publicly owned facility or one operating on a commercial basis;
- Demands for bribes in return for access to public water and sanitation services; and
- Disconnecting access on the grounds of non-payment, without taking into account the ability to pay.

Governments should adopt an effective response plan to ensure that people have access to minimum amounts of safe water and basic sanitation following an emergency situation such as a natural disaster or armed conflict, and to facilitate the provision of aid to vulnerable and affected persons where necessary.<sup>39</sup>

## 1.6

## What is affordable water and sanitation?

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### 1.6.1 The basics about the right to affordable water and sanitation

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Water and sanitation facilities and services must be affordable to all, including the most socially disadvantaged groups. The cost of water and sanitation should not mean that people have to go without other essential goods and services like food and health care. Water services usually include service charges, connection fees and maintenance. While it is *not* the case that water and sanitation services must be provided free of charge, General Comment No. 15 makes clear that “water should be treated as a social and cultural good, not primarily as an economic good”.<sup>40</sup> Supplying a free amount of safe water is one way to make water affordable. (Also see Box 13)

Affordability of water and sanitation services should be ensured regardless of whether they are provided publicly or privately. Therefore the government should develop appropriate regulations to ensure that water and sanitation services operated by third parties (such as a private company) are affordable. They should also establish mechanisms to monitor and control charges.<sup>41</sup> People who cannot afford a household connection often pay much more for water and sanitation than higher income groups, especially where they purchase water from vendors who are dishonest or over charge their customers. The government should effectively regulate small-scale service providers. (See Section 2.2.1)

### 1.6.2 More in-depth about affordable water and sanitation

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In many countries, the cost of extending access to water (for example, by installing new pipes) is paid in part by the consumers. This may mean that they have to save up for months in advance. They may also have to pay for using the system. In some countries this money is raised through micro finance schemes.<sup>42</sup> Whatever the case, the potential users should be consulted and given a range of options and the costs should be affordable to those living on low incomes.

For more information on micro-finance see Main Book, Part 2, Section 11.2.

#### **Disconnection**

Water and sanitation service providers may take action in the case of non-payment. However, under the right to water and sanitation:

- A person may not be disconnected for failing to pay for water if they are genuinely unable to pay<sup>43</sup>; and
- Under no circumstances may an individual be deprived of the minimum essential level of water.<sup>44</sup>

The right to water and sanitation therefore requires that if a household is disconnected from the water network they must have access to another source of water, such as a stand post, near the household to ensure access to minimum amounts. In any case, before carrying out disconnections the State must:

- Provide an opportunity for genuine consultation with those affected;

- Give reasonable notice and provide information on the proposed measures; and
- Ensure that people can seek legal remedies for unfair disconnections.<sup>45</sup>

### BOX 12: Disconnections and the protection of vulnerable groups

A former UN High Commissioner on Human Rights stated: “[T]he quantity of safe drinking water a person can access may be reduced, but a full disconnection may only be permissible if there is access to an alternative source which can provide a minimum amount of safe drinking water to prevent disease. In this respect there is a strong presumption that disconnections of institutions serving vulnerable groups, such as schools, hospitals and refugee camps are prohibited.”

Source: Report of the UN High Commissioner for Human Rights on water and sanitation, note 11, para. 59.



Another method sometimes used to ensure cost recovery is the instillation of pre-paid water meters. Households buy a card with an electronic chip in it which they insert into a meter to access water. These meters have been promoted as a method for limiting excessive or wasteful water consumption and encouraging the private sector to provide water services. However, experiences in South Africa, where pre-paid meters were introduced in Natal and Johannesburg, suggest that low-income families could not afford to buy sufficient quantities of safe water.



### BOX 13: Pre-paid water meters in South Africa

In February 2004, the City of Johannesburg began to install pre-paid water meters in Phiri, one of the poorest suburbs of Soweto. These meters provided a free basic water allocation of 6000 litres of water per household per month. Once that was used up the supply would be automatically disconnected. Households would then have to either buy more credit or wait for the next month's free basic water supply. The supply was calculated for an eight-person household (25 litres per person) but the average household in Phiri contained 16 persons. Pre-paid meters were imposed only on low-income, primarily black areas. People in wealthier, mainly white, parts of the city – who also received the free basic water allocation – had ordinary meters which did not require payment in advance.

South Africa's constitution guarantees the right of access to sufficient water, although it does not specify how much water is sufficient for the right. According to the UN, each person needs 50 litres every day to meet basic hygiene standards. In July 2006, Lindiwe Mazibuko and four other residents of Phiri, supported by the Centre for Applied Legal Studies and the Coalition Against Water Privatisation, took their case to the High Court. The Phiri residents challenged the legality of the pre-paid meters, arguing that they disconnected water supply without giving the users any opportunity to show the authorities that they were unable to pay. The applicants also requested that the free basic supply be increased from 25 litres per person per day to 50 litres.

In its judgement of 30 April 2008 the High Court of South Africa ruled that the installation of prepayment meters in Phiri was unconstitutional and unlawful. It directed the City of Johannesburg to provide residents of Phiri with the option of an ordinary metered water supply, and to increase free basic water allocation to 50 litres per person per day. The Supreme Court of Appeal subsequently affirmed this decision. However, at the next stage of proceedings, the Constitutional Court delivered a judgment on 8 October 2009 that overruled the previous decisions. It held that the installation of prepayment meters was lawful and refrained from specifying an amount of free basic water.

Following the High Court case, the residents of Phiri removed the pre-paid water meters. Their concerns were also widely covered in the media as a result of the court case. Due to the high levels of publicity, the City of Johannesburg decided to abandon pre-paid meters. This case indicates that litigation in South Africa is not always successful. However, court cases can bring attention to an issue.

Source: Lindiwe Mazibuko v City of Johannesburg v (CCT39/09) [2009] ZACC 28 (8 October, 2009).

## 1.7 Vulnerable and marginalised groups and the right to water and sanitation

### 1.7.1 The basics about vulnerable and marginalised groups and the right to water and sanitation

This section deals with the right to water and sanitation in relation to vulnerable and marginalised groups, focusing particularly on:

- Women;
- Children;
- People living with > HIV/AIDS or other chronic illnesses;
- Internally displaced persons (IDPs);
- Persons living in informal settlements; and
- People living in rural areas.

Readers working with other vulnerable and marginalised groups should adapt the information given below and also refer to the Main Book, Section 4.4, which defines these groups and covers basic human rights for their protection.

It is essential that the specific needs of vulnerable groups are taken into account when designing water sector policies and strategies. Vulnerable groups must be encouraged to participate actively in the decision-making process. Also, discrimination must be identified and eliminated.

#### BOX 14: Non-discrimination in legislation and > policy

Some African countries have incorporated non-discrimination principles into their national water laws and policies.

In the Republic of the Congo, the Water Code, Law No. 13-2003, (2003), states in Article 53: “The public water service is based on the principle of equality; differences of treatment in the management of the service can only be made in so far as they are justified by an objective difference in circumstances with respect to the service provided.”

In Madagascar, the National Programme for Access to Drinking Water and Sanitation, 2005-2007 declares that: “The policy directions of the sector aim on the one hand at guaranteeing access to water and sanitation to the entire population - notably to the poorest and most marginalised - and on the other hand to ensure a rational and integral management of water resources.”

Source: Unofficial translation, from COHRE, Best Practice Laws on the Right to Water and Sanitation, (2008).



## 1.7.2 More in-depth about vulnerable and marginalised groups and the right to water and sanitation

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### Women

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Women are often responsible for attending to household chores, looking after family members who are sick and many other tasks. But many women (and children of both sexes) spend up to five hours per day collecting water for the family. This prevents them from engaging in other productive activities or furthering their education.

In addition, women are often excluded from decision making regarding water and sanitation and their needs are seldom prioritised. They have fewer opportunities than men, for example to access training for water point management or credit for latrine construction. Women and children are particularly vulnerable where water and sanitation services and facilities are located far from the household. Women also require special facilities for menstrual hygiene and with regards to privacy.

For women, sanitation poses problems of financial cost and physical safety.

#### BOX 15: Women's experience of sanitation in Kibera, Kenya

Lucy of Kibera told Amnesty International: "Whenever we are able to afford the costs of Kshs 5 (US\$ 0.064) per visit we usually use the community toilet and bathroom unit constructed by public funds [...]. As a woman you cannot use these toilets say after 7 PM because for some of us they are a ten-minute walk away from my house and the area is insecure with a lot of violent criminal youth groups who would harm you especially as a woman."

Source: Insecurity and Indignity: Women's Experiences in the Slums of Nairobi, Kenya.  
AI Index: AFR 32/002/2010.

Governments should:

- Ensure that laws and policies specifically address the needs of women;
- Take action to reduce the disproportionate burden women and children bear in the collection of water;
- Ensure that women participate, on an equal basis with men, in decisions about water and sanitation; and
- Ensure that water and sanitation facilities are designed to take into account the special needs of women.

### BOX 16: Empowering women in Zambia

WaterAid, an international NGO, works with local partners and communities in Zambia to construct wells and latrines, and to mobilise, educate and train communities about water and sanitation issues. Juliet Kamba of Hamatabu village said: “Now that [the well] is finished we have clean water [and] we are able to do all of our other work and not worry about water.”

Source: WaterAid, “Juliet’s Story”. Available online: [www.wateraid.org/uk/what\\_we\\_do/where\\_we\\_work/zambia/448.asp](http://www.wateraid.org/uk/what_we_do/where_we_work/zambia/448.asp).



### Children

Most African States are parties to the African Charter on the Rights and Welfare of the Child (African Child Charter) and the UN Convention on the Rights of the Child (CRC). These treaties, in their Articles 12 and 24 respectively, explicitly recognise the right of children to the enjoyment of the highest attainable standard of physical and mental health. The treaties require governments to combat disease and malnutrition through the provision of clean drinking water.<sup>46</sup> They also require that all in society, including children, have access to information regarding hygiene and environmental sanitation.<sup>47</sup>

The effects of water-borne diseases on children are substantial:

- Around 1.8 million children each year die from diarrhoea, the majority of them under the age of five<sup>48</sup>;
- An additional 400 million school age children are infected by roundworm, hookworm and/or whipworm<sup>49</sup>; and
- Children's education can be disrupted: in Madagascar, 3.5 million school days are lost each year related to ill-health caused by poor sanitation.<sup>50</sup>

Some of these diseases cause long-term problems, including stunting (reduced growth rate), brain damage, and general ill-health. In addition, a lack of separate sanitation facilities for girls prevents girl children from attending school, especially when menstruating. A study of 5,000 schools in Senegal found that only half had separate facilities for boys and girls.<sup>51</sup>

As children are often responsible for water collection, it is essential that water points are appropriate for their use. They should, for example, be set at the appropriate height. Sanitation facilities must be appropriate for use by children.

Governments should:

- Ensure that children are asked for their opinions in the design of water and sanitation facilities and that such facilities are appropriate for the specific needs of children;
- Ensure that children have access to information and are educated concerning safe hygiene practices;
- Ensure that separate sanitation facilities for girls and boys are available in schools; and
- Work to reduce the amount of time children spend on water collection and other household chores that may prevent them from going to school.

### **People living with HIV/AIDS and other chronic illnesses**

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Persons living with HIV/AIDS and other chronic illnesses are often discriminated against due to the stigma attached to this illness. These people often have weaker immune systems than the general population. Their care includes high standards of hygiene and access to adequate quantities of water. They and their caregivers need immediate access to water and sanitation facilities.

Governments should ensure that:

- People living with HIV/AIDS and other chronic illnesses are consulted and participate in water and sanitation service design;
- Adequate quantities of clean water are available and affordable for those living with chronic illness; and
- Sanitation facilities are accessible to those living with HIV/AIDS and are appropriate for use by chronically ill people.

**Box 17: Advocating for improvements in water, sanitation and hygiene for women living with HIV/AIDS in Uganda**

The National Community of Women Living with HIV/AIDS (NACWOLA), a Ugandan NGO, promotes positive living for women with HIV and AIDS. It provides psycho-social support, economic empowerment and advocates for access to essential services. NACWOLA raises awareness of the importance of sanitation, personal hygiene and clean water for people living with HIV who are likely to be weakened faster in areas where sanitation and hygiene standards are low. It has held awareness raising workshops for its members and for community leaders. NACWOLA has also conducted trainings for journalists to encourage the mass media to advocate for Water Sanitation and Health (WASH) issues for people living with HIV/AIDS.

Source: NACWOLA, [www.nacwola.or.ug](http://www.nacwola.or.ug)

**Internally displaced persons, refugees and returnees**

IDPs, refugees, and returnees should enjoy the right to water and sanitation on an equal basis with others living in the same country. Everyone has a right to access water and sanitation services. This includes people who are non-nationals or without residence permits.

Refugees and IDPs who live in camps usually need to have water and sanitation services and facilities specifically provided to them. Safe water should be supplied in sufficient quantities and water and sanitation services must be safely accessible.

**Persons living in informal settlements**

Informal settlements are usually characterised by a lack of basic services and infrastructure such as adequate access to water, sanitation, rubbish collection, roads and footpaths, and storm drainage.

Section 1.2.3 showed that all people have the right to water and sanitation, including those living in slums or informal settlements. This applies to everyone, including “squatters” without any legal > tenure or land status. Housing rights standards require that States guarantee at least a minimum degree of security of tenure. Meanwhile, governments should ensure that informal settlements are upgraded through the provision of water and sanitation services and facilities and by assisting residents with the construction of their own water and sanitation facilities.

For more information on security of tenure, see the booklet on the right to adequate housing.

### BOX 18: Community water management in the slums of Luanda, Angola

Luanda, the capital, has a population of over 5 million, many living in poverty in overcrowded informal settlements. Less than 30% of residents have access to piped water. Instead, they buy water from private vendors, who supply poor quality water at high prices and an irregular service. Stand posts, where they exist, are poorly managed and maintained.

The Luanda Urban Poverty Programme (a coalition of four international and local NGOs) promotes a community management model of water supply. The main features of the model include:

- Cooperation with various stakeholders in the water sector;
- Direct involvement of the community in decision-making relating to water supply, such as choosing appropriate technologies and selecting sites for the construction of stand posts;
- Establishment of a Water Committee trained in areas such as basic accounting, stand post maintenance and conflict resolution. The Committee then develops its own transparent management and accountability mechanisms; and
- Payment by users for their water at the stand post. The money is divided between the service provider, local authorities for police protection, and the Water Committee.

The project provided over 74,000 people with more water of better quality.

Source: LUPP, Model of Community Management of Water: Good practice in the musseques of Luanda, (2007).

### Persons living in rural communities

People in rural communities often have much less access to water and sanitation than town dwellers. It may be difficult or expensive for governments to extend piped water and sanitation networks to remote, scattered communities. However, they have a duty to do so and can make progress by using low-cost technology options. Governments should also ensure the protection and maintenance of traditional sources of water such as reservoirs, springs and rivers, and promote safe sanitation and hygiene practices.

### BOX 19: Ecological sanitation in rural communities in Malawi

In Malawi around 84% of people live in rural areas. Of these, only 57% have access to safe water, and 15% to 30% have access to a latrine. Water related diseases including cholera and typhoid are common.

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The residents of Mazalule village, supported by the NGO WaterAid, worked with local partners to improve water and sanitation facilities. One initiative was promoting the use of composting latrines which mix human waste with soil and ash, producing rich compost. The latrines have two pits: when one is full it is left to make compost while people use the other. This improves the sanitary conditions in villages and also provides a quality fertiliser for communities which are largely dependent on agriculture for livelihoods.

Source: WaterAid, Country Information: Malawi. Available online: [www.wateraid.org](http://www.wateraid.org).

## 1.8 The right to participate in decision-making about water and sanitation services

Communities have the right to determine what type of water and sanitation services they require, how those services are managed and, where possible, to choose and manage their own services with assistance from the State.<sup>52</sup>

For more on the right to participation, see Main Book, Part I, Section 6.5.

Governments should:

- Ensure that participatory processes are carried out in the development of water and sanitation policies and plans;
- Ensure that representatives of vulnerable and marginalised groups participate in decision-making;
- Aim to lessen power imbalances between stakeholders (for example between landlords and tenants);
- Support community development and management of small-scale water and sanitation services and facilities where appropriate; and
- Ensure that users are able to participate in the regulation and monitoring of service providers.



**1.9****The right to access information in relation to water and sanitation**

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Individuals and communities should be given full and equal access to information concerning water, water services and the environment, whether this is held by public authorities or third parties.<sup>53</sup> Access to information is essential to ensure the real and meaningful participation of communities in decision-making about water and sanitation.

**BOX 20: Public consultation on water services in Kenya**

According to the Water Act (2002), before undertaking any action that requires public consultation, a notice must be published in the Kenya Gazette, at least one national newspaper and at least one radio station broadcasting in the location affected. The notice must:

- Provide a summary of the application or action and say where documents and details of the application may be inspected;
- Invite people to make comments or objections;
- Give an address where comments may be sent; and
- Set a closing date for receiving them. Comments or objections can also be received at an organised public meeting for such purpose. All comments or objections must be taken into consideration in the final determination of the application or action.



## 2 Preparing to take action

This section describes what elements should be considered before taking action to realise the right to water and sanitation. These elements reflect the basic principles of the human rights-based approach to development, or HRBA (see Main Book, Part II, Section 11.2). Central to this approach is an understanding of what human rights violations are and the obligations that governments have to respect, protect, and fulfil human rights.

This section describes the following:

- Identifying government obligations to realise the right to water and sanitation;
- Understanding the role of non-State actors;
- Identifying violations of the right to water and sanitation;
- Identifying relevant national laws and policies; and
- Developing strategies for action.

### 2.1 Identifying government obligations

Government obligations with respect to international human rights standards are usually categorised as obligations to respect, to protect, and to fulfil. These types of obligations are briefly described below. For more information on government obligations relating to the right to water and sanitation, refer to General Comment No. 15 on the right to water (2002) and the UN Guidelines.<sup>54</sup>

A detailed explanation of the obligations to respect, protect, and fulfil is given in Main Book, Part I, Section 4.1.

#### Obligation to respect

The obligation to respect means that governments must:

- Refrain from any activity or practice, such as arbitrary disconnection, that limits equal access to adequate water;
- Not arbitrarily interfere with customary or traditional arrangements for water allocation; and
- Not unlawfully diminish (reduce) or pollute water resources.

#### Obligation to protect

The obligation to protect means that governments must:

- Prevent third parties like landlords, utility companies and their agents from interfering with the enjoyment of the right to water and sanitation;
- Ensure that equal and affordable access is not compromised; and
- Ensure that adequate remedies are available to those whose rights are denied (see Main Book, Part I, Section 4.7).



## Obligation to fulfil

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The obligation to fulfil means that governments must:

- Assist individuals and communities to enjoy the right to water and sanitation by adopting relevant laws, policies and action plans;
- Ensure that there is appropriate public education concerning the hygienic use of water and sanitation facilities; and
- Provide access to water and sanitation facilities when individuals or a group are unable, for reasons beyond their control, to realise the right themselves; and
- Ensure access to the minimum essential amount of safe water for personal and domestic uses to prevent disease.<sup>55</sup>

### BOX 21: Obligations beyond borders relating to the right to water and sanitation

Governments have obligations in relation to the right to water and sanitation towards people living in another country. These include:

- Preventing their own citizens and companies from violating the right to water and sanitation of individuals and communities in other countries;
- Not imposing sanctions that interfere with the right to water and sanitation;
- For countries that have the resources to do so, providing financial and technical assistance and giving aid in emergency situations;
- When entering into international and regional engagements or undertaking bilateral and multilateral assistance, all governments must ensure that the right to water and sanitation is respected, and that those without basic access are given priority; and
- International organisations, including UN agencies, such as WHO and the Food and Agriculture Organisation (FAO), trade and financial institutions, such as the World Bank, and State members of such bodies should ensure their policies and actions respect the right to water and sanitation.

Source: General Comment No. 15 paras. 30-36 and UN Guidelines, Section 10.

## 2.2 The right to water and sanitation in national legislation and policies

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More than 20 countries in Africa have explicitly recognised the right to water and/or sanitation in their constitutions, national legislations or policies. Many have already adapted their legal and policy framework to comply with international obligations regarding water and sanitation. Courts are increasingly interpreting national legal frameworks in the light of international obligations concerning the right to water and sanitation. CSOs working on water and sanitation rights should be aware of the State's legal framework concerning water and sanitation and the relevant international instruments it has ratified.

In particular, CSOs should look for:

- Ratification by their State of legally binding international treaties such as the African Charter and its Women's Protocol; the African Child Charter; the ICESCR: the CRC; and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In some cases, the national constitution may make such treaties directly enforceable before the courts;
- Provisions in the constitution that expressly recognise the right to water and sanitation;
- Constitutional provisions and laws concerning the right to life, dignity, privacy, health and protection of the family. Even if there is no specific right to adequate water and sanitation provision in national law, it could be argued, for example, that a family should be provided with safe water and sanitation on health grounds;
- Laws protecting natural resources and the environment, or housing and planning laws;
- National water and/or sanitation policies and action plans;
- Provincial or municipal regulations;
- Ministries or departments that are responsible for water and sanitation;
- Budget allocations for water and sanitation;
- Traditional law or practices in rural communities governing the construction and ownership of boreholes and access to traditional sources of water;
- Tribunals or other procedures set up to protect the rights of water consumers;
- Population and water and sanitation reports; and
- International and regional declarations and resolutions supported by the State on the right to water and sanitation such as the eThekweni Declaration (see Box 25).

### **Features of water and sanitation services that reflect human rights principles**

To ensure that water and sanitation services reflect human rights principles, the authorities should:

- Adopt a comprehensive approach which links water and sanitation with health, education and other relevant sectors;
- Prioritise the needs of vulnerable and marginalised groups;
- Set up effective accountability and transparency systems;
- Encourage participation and community ownership and management of water and sanitation facilities and services; and
- Provide access to information without discrimination.

**BOX 22: Good policies for realising the right to water: the Democratic Republic of Congo (DRC) and Ghana**

**DRC**

Article 48 of the Constitution (2005) states: The right to decent housing, the right of access to drinking water and electricity are guaranteed. These rights are exercised under the conditions fixed by law (unofficial translation).

**Ghana**

Ghana's government has declared that access to water and sanitation should be treated as a right, though services will not be free. The decision was made at a meeting of government ministers and Ghana's development partners in October 2009. Patrick Apova, Executive Secretary of the Coalition of NGOs in Water and Sanitation, hailed the decision as a milestone.

Source: Ghana recognises water and sanitation as human rights, 23 December 2009. Available online: [www.waterraid.org/ghana/news/8081.asp](http://www.waterraid.org/ghana/news/8081.asp).



### **2.2.1 Enforcing the right to adequate water and sanitation at the domestic level**

Many countries have set up an independent regulator – a body that makes rules (regulates) and monitors the activities of public and private service providers, primarily those providing piped water and > sewerage. They are not expensive to set up and they should be easily accessible. Other institutions can also play a role.

Accountability institutions include:

- An independent utilities regulator that can:
  - Monitor how services are provided;
  - Determine how much the public can pay for a service; and
  - Ensure that the quality of the service does not deteriorate.
- Human rights commissions and ombudsman offices that can:
  - Carry out detailed and long-term reviews of government policy; and
  - Respond to complaints quickly, flexibly and cheaply.
- Courts, though generally slower than other bodies, that can:
  - Require broader changes to laws and policies, programmes and actions;
  - Impose criminal and civil penalties on public officials, businesses and private persons that are failing to comply with the law; and
  - Apply remedies<sup>56</sup> (see box 27).

A primary institution that takes the lead on sanitation matters and which includes a coordinating body involving stakeholders. This could be part of a ministry, such as the Ministry of Water or Health.

### **2.2.2 The role of non-State actors**

Non-State actors play a significant role in realising the right to water and sanitation. National companies and transnational corporations (TNCs) may be involved in the provision of water and sanitation services or the management of water and sanitation facilities. These actors can negatively affect communities if they:

- Arbitrarily disconnect or limit water and sanitation services to people; or
- Raise the costs of services so that they are unaffordable.

Governments have an obligation to make sure that non-State actors respect the right to water and sanitation. They must take all necessary measures to effectively monitor and regulate private companies that provide water and sanitation services.

The regulatory body could be within or separate from the body that regulates State water and sanitation services.

The four basics of a regulatory regime for non-State actors are:

- A general framework of laws and guidelines to govern the activities of private service providers;
- Specific laws to protect and conserve water sources and to protect the environment;

- Water and sanitation monitoring mechanisms or “watchdogs” including an independent regulator with clear duties; and
- Individual contracts or licenses under which companies operate.

All regulatory mechanisms must be transparent and accountable. Members of the public must be able to check on their work. Service users should also be consulted on relevant issues. There should be an effective procedure to receive and respond to complaints about lack of provision of the service.

## 2.3 The role of the African Commission, the Committee on the Rights and Welfare of the Child and the African Court

### 2.3.1 The African Commission on Human and Peoples’ Rights

The African Charter does not explicitly guarantee the right to water and sanitation, but the African Commission, in several of its decisions, has held that the African Charter also protects rights which are not expressly stated in it. For example, in a case brought by the NGO, Free Legal Assistance Group, and several others against the government of the DRC, the Commission said that the failure of the government to provide basic services like safe drinking water and medicine constituted a violation of the right to health.<sup>57</sup> In 2009 the African Commission went further. It reaffirmed and elaborated on the right to water as an implicit right under the African Charter.





**BOX 23: Violation of the right to water in Darfur, Sudan**

In May 2009, the African Commission examined a complaint against Sudan from the Centre on Housing Rights and Evictions (COHRE). COHRE said that Sudan was responsible for, among other things, bombing wells, denying access to wells and poisoning wells. COHRE noted that in the Nigeria case (described in Box 3) the African Commission found that the right to food was guaranteed in the African Charter by reading together three Articles: Article 4 (the right to life), Article 16 (the right to health), and Article 22 (the right to economic, social and cultural development). The same articles implied a right to water. The African Commission, relying on Article 16, found a violation of the right to water. Among other things, it ordered Sudan to “rehabilitate the economic and social infrastructure such as education, health, water and agricultural services.

Source: Communication 296/05, Centre on Housing Rights and Evictions (COHRE) v The Sudan.

For more information on the African Commission, see Main Book, Part I, Section 3.5.

**2.3.2 The African Committee on the Rights and Welfare of the Child**

The Committee oversees the way States implement the rights in the African Child Charter. This imposes an obligation on States Parties to provide safe drinking water and ensure hygiene and environmental sanitation. When the government is due to report to the Committee, CSOs can send alternative reports. The Committee may use the information from alternative reports to pose questions to the State’s representative. CSOs can also send complaints about violations of the provisions of the Charter to the Committee.

**2.3.3 The African Court on Human and Peoples’ Rights and regional courts**

The court, when fully functional, will strengthen the protection of human rights in Africa and help the work of the African Commission. Unlike the African Commission, its decisions are binding on States parties. CSOs can directly bring a case before the court if the State complained against has accepted that the court can hear the matter. Some regional courts can also take up human rights cases.

For more information on the courts, see Main Book, Part I, Sections 4.7.2 and 4.7.3.

**2.4 The role of the UN System**

The UN system is making progress on the right to adequate water and sanitation. The system is described in Main Book, Part I, Section 3.5. Advice on how to use this system is given in Section 3.

## 2.5 Case Study: Identifying violations of the right to water and sanitation

For more information on identifying human rights violations, see Main Book, Part I, Section 4.6.

Human rights violations take place when governments fail to respect, protect or fulfil rights because of:

- Unwillingness;
- Negligence; or
- Discrimination.

The following case study explains the process of analysing a situation in order to determine:

- Whether the government has failed to meet a specific obligation and, if so;
- Whether this amounts to a human rights violation.

### BOX 24: Case study: Identifying violations of the right to water and sanitation

This case is roughly based on a news report of a water crisis in the capital city of a West African state in *Awareness Times*, April 20, 2009. The aim is to challenge readers to test their ability to identify violations.

#### 1. Summarise the main points of the issue

In this case, news reports say:

- City residents experience persistent shortages of pipe-borne water in their communities;
- According to a teacher, many children, mostly girls, are late for school and so their education suffers. This is because they have to wake up at 4:30 am to fetch water, often waiting in long queues for hours;
- Residents are pleading with government to resolve this water crisis;
- The newspaper made inquiries and learned that the city authority was concluding negotiations with a private company to take over water provision in the city; and
- Residents, many of whom are jobless, have also heard these reports and are worried that they will have to pay for water. They have tried to seek information without success.

#### 2. Assess whether or not there have been violations of the right to water and sanitation

On the basis of this information and with reference to the elements of the right to water and sanitation (Section 1), assess whether the government may be accused of:

- Failing to take concrete, targeted steps to realise the right;
- Discrimination;
- Failing to provide information and opportunities for residents to participate in decision making regarding the quality and provision of services;

> continued



- Denying accessibility to water in or near the area around the home;
- Failing to provide alternative sources of water;
- Failing to invest in water service provision; and/or
- Failing to uphold other human rights including the right to education and the right to health.

**3. Identify the areas that need further research including documentary and first-hand information**

- What national laws apply?
- What regional and international standards apply?
- What exactly has the government said? (The newspaper may not have given a full or accurate report.)
- What first-hand information is needed?
- What action has the government taken to respect, protect and fulfil the right to water and sanitation? (See Section 2.1)
- Which areas have been most hard hit by the water shortage? Has the shortage resulted in direct or indirect increases in costs of accessing water?

**4. Explain the violation clearly**

- What national law (if any) has been broken and how;
- Which human rights obligations has the government failed to carry out, giving the name and article of the law or treaty containing the obligation; and
- Referring, as appropriate, to General Comment No. 15 or to case law (court cases in this or another country).

**2.6**

**Identifying and planning strategies for action**

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The Planning Box at the end of Main Book, Part II outlines the steps necessary for identifying and planning strategies for action. These steps are:

- Stage 1: Identify the problem(s);
- Stage 2: Develop a plan of action;
- Stage 3: Gather information;
- Stage 4: Claim and defend rights; and
- Stage 5: Evaluate the project and follow-up plan.

## 3

## Actions to realise the right to adequate water and sanitation

This section suggests ways to work with communities to realise the right to water and sanitation. See also the Main Book, Part II, Section 3.

Different types of action include:

- Increasing understanding of the right to water and sanitation;
- Monitoring the implementation of policies and projects and identifying violations of the right to water and sanitation;
- Supporting community groups to advocate for appropriate policies and laws on the right to water and sanitation;
- Working to realise the right through practical, self-help actions;
- Participating in policy development and in water management and conservation; and
- Promoting appropriate technology options such as rain water harvesting.



These actions are described in this section by making reference to the various aspects of the right to water and sanitation explained in Section 1 (such as sufficiency, accessibility, affordability and participation). Four checklists and two tables are included for monitoring and investigating specific types of water and sanitation rights violations:

Checklist 1: Monitoring the right to water;

Checklist 2: Monitoring the right to sanitation;

Checklist 3: Monitoring water and sanitation service provision in informal settlements; and

Checklist 4: Monitoring women's equal rights to water and sanitation.

### 3.1 Promoting the right to water and sanitation

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Increasing understanding of the right to water and sanitation includes:

- Activities to ensure that NGOs, CBOs, government agencies, development partners and the general public have a better understanding of the right to water and sanitation;
- Persuading government authorities to realise their obligations;
- Working with communities to realise the right to water and sanitation directly; and
- Activities aimed at influencing public policy in promoting the right to water and sanitation.

#### Challenges

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Challenges include:

- Lack of understanding about the right to water. Many people, including those in authority, think that water and sanitation is a basic need rather than a right. They think that the right means that:
  - Water must be available freely to everyone. This is not true, people should contribute financially, according to their means; and
  - Everyone must have a tap in their house. In fact, people have a right to adequate water and sanitation near the household, but these could be a shared stand post, a borehole and a pit latrine.
- Discrimination against marginalised groups. It is an even greater challenge to raise awareness among officials and the general public of the right to water and sanitation for marginalised groups who face multiple types of discrimination;
- Inconsistent behaviour of the authorities. It is often difficult to make government officials aware of inconsistent behaviour. For example, they may invest in improved water sources such as taps, but fail to provide for maintenance and repairs or to ensure that the water in the taps is safe to use; and
- Failure to see the value of improving water and sanitation. Some governments spend money on doctors, nurses and drugs to treat water-borne diseases but fail to deal with the source of these diseases.

### BOX 25: Regional programmes to realise the right to safe water and sanitation

Government commitments under regional programmes include:

- The Africa Water Vision for 2025: Equitable and Sustainable Use of Water for Socio-economic Development;
- The eThekweni Declaration (February 2008). This is a set of commitments on sanitation by delegates from 32 African countries;
- The Sharm el-Sheikh Commitments for accelerating the achievement of water and sanitation goals in Africa (July 2008); and
- The AU African Ministers' Council on Water (AMCOW) has developed a "road map" to implement these commitments.

Sources: See Appendix 2.

## 3.2 Monitoring the right to water and sanitation

Monitoring developments and investigating (or fact-finding) are often grouped together because they can happen at the same time. Monitoring and investigating also play a key role in analysing the water and sanitation situation and enable human rights activists to identify other actions to help realise rights.

### BOX 26: How to use checklists

Checklists should be used in collaboration with members of the community, following the advice in Main Book, Part II, Section 5.

Note that:

- The checklists do not cover every situation nor do they cover every aspect of a situation;
- Not all issues and questions in the checklist will be relevant in all situations so readers should make their own selection; and
- Sometimes it may be necessary to develop a new checklist to suit a specific situation. For example, to monitor the rights of women's access to sanitation in informal settlements, readers could use relevant parts of checklists 3 and 4.

Use Appendix 1 to find relevant extracts from regional or international human rights standards.

Before carrying out monitoring activities, check the State's reporting obligations to the African Commission and the CESCR. These are summarised in Section 2.





# Checklist 1. Monitoring the right to water

*Note: This checklist contains many tasks. These may be carried out in stages. They do not have to be carried out in any particular order.*



## Objectives:

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To identify:

- Patterns of violations;
- Immediate obligations that are not being met; and
- How to make communities and the authorities more aware of the right to water.



## Tasks:

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*Note: Keeping knowledge up to date is an ongoing task*

### 1. Preliminary tasks – NGO preparations

Obtain and read copies of:

- The Constitution, relevant laws, policies and budget (in some cases this can include already developed popular versions of constitutions and national laws) ..... ○
- The poverty reduction strategy ..... ○
- National water services strategies ..... ○
- State (or civil society) reports to international human rights bodies such as the CESCR ..... ○
- Reports: news articles, academic research, NGO publications, and websites ..... ○

Identify aspects to monitor, for example:

- Water availability, quality, accessibility, and affordability (see Section 1.2) ..... ○

### 2. Participatory research – monitoring if obligations to respect and to protect the right to water are being met:

- Interview/survey the users and ask about the accessibility, affordability and quality of water services and facilities. This will help identify groups who lack access to water and find out how this affects their lives ..... ○
- Collect disaggregated data that reflects the situation faced by each group (see Main Book, Part II, Box 25). Also identify water service providers ..... ○
- Find out if the State is meeting its obligations to respect the right to water and sanitation:
  - What are the factors that prevent people from accessing water services and facilities (distance, discrimination, costs, corruption, or lack of information)? Conduct interviews to get facts, figures and stories ..... ○
  - What are the factors that prevent people from having sufficient supplies of safe water? Obtain expert advice on any technical aspects (for example, whether piped water is safe to drink) ..... ○
  - Have there been any disconnections of service? Check whether the regulations in place regarding disconnections comply with General Comment No. 15, para. 56 (These are summarised in Section 1.2.4 above) ..... ○

- Is there a system that people can use to complain about violations of the right to water and seek justice? If so, interview people to find out if they know about it and whether it works. (See Section 2.2.1) .....
- Investigate the actions of non-state actors and whether the State is fulfilling its duty to protect people from abuses:
  - Are water projects carried out by private (national or international) companies or local vendors? If so, what do local people say about how they are managed and monitored? Have they experienced corruption, unaffordable costs or inadequate services? .....
  - Do development aid agreements comply with and promote the right to water? (Larger NGOs may have this information) .....
  - Have any non-State actors been involved in disconnecting people or otherwise interfering with people's access to adequate water and sanitation? If so, what are government officials doing about this? .....
  - Have any companies been involved in the pollution of water resources? If so, have people reported this to the authorities? What is being done to rectify the situation? .....
  - Are any non-State actors taking too much water from rivers, boreholes or dams? Is there any way to show or prove this is happening? .....

**3. Participatory research – monitoring the obligation to fulfil the right to water**

- See what policies the State is carrying out to promote the right to water and sanitation:
  - Do the laws and policies fall short of the Constitution or international standards? In what way? .....
  - Do low income groups benefit from flexible payment schemes or subsidies? Look for any evidence of discrimination .....
  - Have people received any advice or education from the State concerning the hygienic use of water, the protection of water sources and methods to minimise wastage? .....
  - Find out if State expenditure is progressively increasing (or if the State is taking backward steps) and if the money available is being well spent, with priority given to marginalised groups .....
  - Does the State provide adequate information about water laws and policies? .....
- Determine whether the State is fulfilling the right and ensuring that everyone has access to the minimum essential amount of water:<sup>58</sup>
  - Does everyone in the community have access to the minimum essential amount of water that is necessary to prevent disease? (See Section 2.1) Are any vulnerable or marginalised groups being discriminated against? .....
  - Map the number and situation of water facilities and how accessible they are. What are the difficulties in collecting water? Is the water safe to drink? Are sufficient quantities available? Who fetches the water? .....
  - Has the government adopted and implemented a national water strategy and plan of action? Have communities been involved in developing and reviewing the plan? .....



- How does the government monitor its legal obligations to ensure that everyone enjoys the right to water? .....
- Do all members of the community have access to information concerning water policies and water quality? .....
- Find out if the right to water and sanitation is being progressively realised. Monitoring progressive realisation is a medium or long-term undertaking:
  - Decide which aspect of the policy to monitor and what you hope to achieve. For example: monitor access to water by nomadic or traveller groups, as a way to see whether discrimination is being addressed (See Main Book, Part II, Section 6.2, Table 5) .....
  - Does the water policy set indicators and benchmarks? (See Main Book, Part II, page 117, Box 30) .....
  - Set your own base-line from which to start monitoring, and then set indicators (see Section 3.8.1) and benchmarks to measure progressive realisation .....

#### 4. Analysing results and taking action

- In collaboration with members of the community:
  - Draw conclusions about how the government is meeting or failing to meet its human rights obligations .....
  - Make appropriate recommendations to key stakeholders .....
  - Develop a strategy to take action, including awareness raising and lobbying .....
  - Take complaints to the appropriate authorities, such as the human rights commission, water utility regulator or a lawyer for legal action .....



## Checklist 2. Monitoring the right to sanitation



### Objectives

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To identify:

- Patterns of violations;
- Whether discrimination exists in the provision of sanitation services and facilities; and
- How and where the communities and CSOs can make a difference.



### Tasks

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#### 1. Initial preparations – Find out what powers local governments and authorities have in relation to sanitation and ask:

- What local sanitation policies exist? .....
- What is the local sanitation budget (including for hygiene awareness, and environmental protection) and how is it being spent? .....
- What opportunities are there for people to participate in local sanitation related policies? .....

#### 2. Participatory research – identifying patterns of discrimination and non-participation

Discrimination against marginalised groups:

- Carry out mapping (see Main Book, Part II, Section 4) to identify discriminated groups and what sanitation services and facilities they have .....
- Conduct in-depth interviews with individuals to determine the causes of discrimination in access to safe sanitation .....
- Ask questions to assess the effects of discrimination on the lives of different groups (women, men, disabled, etc.) .....
- What are communities doing to improve their own situation? What obstacles do they face and what strategies do they propose? Have they approached the authorities for help? .....
- Find out how the authorities monitor access to sanitation. Do they collect disaggregated data in order to prioritise disadvantaged groups? .....
- Has the government adopted targeted sanitation programmes to protect vulnerable and marginalised groups? .....

Participation in developing sanitation policies:

- What mechanisms and opportunities for participation exist? What do people say about their experience of participation? .....
- What information is provided to enable people to participate meaningfully? .....
- Do officials receive training in carrying out consultations? .....
- Do vulnerable and marginalised groups feel that the process is transparent? Do they feel that they have an equal opportunity to participate? .....

**3. Participatory research- identifying whether the government is fulfilling its obligation to respect and protect the right to sanitation**

- Working with members of the community, use indicators in Section 3.8.1 (or develop your own indicators) to test whether sanitation is available and of adequate quality to protect people's health .....
- Are sanitation facilities a reasonable distance from the household? .....
- Is personal security threatened when using toilet facilities? If so, in what circumstances and who are the main victims? .....
- Does the local health service provide information about diseases linked to inadequate sanitation, in particular ensuring access to toilets or latrines and ensuring excreta is properly collected, treated and disposed of? Does it say what it is doing about this? .....
- What is the State doing to increase or improve sanitation in the area? .....
- What do residents think the State should be doing? .....
- What is the community doing about the situation? .....
- Are self-help groups (or small-scale service providers) encouraged and given support?
- Are there any inconsistencies, such as spending big sums on treating water-borne diseases while doing nothing about open defecation or the dumping of untreated sewage into rivers or other water sources. ....

**4. Analysing results and taking action in collaboration with members of the community**

- Analyse the problems and needs of the community .....
- Develop an action plan including lobbying relevant stakeholders and educating the community on the importance of sanitation and safe hygiene practices including hand washing .....
- Support the community with any self-help actions which may improve their situation, including making contacts with relevant NGOs .....

**3.3 Actions related to ensuring the provision of water and sanitation in informal settlements**

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This section contains a checklist for monitoring access to water and sanitation in informal settlements. This includes suggestions for actions that may help to improve access.



## Checklist 3. Monitoring water and sanitation service provision in informal settlements



### Objectives

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- To identify practical actions to assist those affected;
- To ensure that projects to upgrade slums result in the provision of adequate water and sanitation services and facilities; and
- To discourage corruption.

CSOs should consider taking advice from a lawyer or other expert before reporting cases of clear or suspected corruption.



### Tasks

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#### 1. Initial preparations – information gathering

Initial information should be collected on:

- Government law, policies and regulations concerning water and sanitation .....
- The legal status of the land, ownership or holding. For example whether the informal settlement is on government land, private property, wholly or partly owned by residents .....
- Whether the government acknowledges any responsibility to provide services to informal settlements .....
- Political, social, economic and cultural factors that are present in the informal settlements (this includes relationships between landlords and tenants, absentee landlords and structure owners, existence of > water cartels, ethnic or political conflict, etc.); and
- Whether formal and informal dispute mechanisms are available to residents .....

#### 2. Participatory research on access to water and sanitation services and facilities

The participatory research should help identify the factors limiting access to water and sanitation facilities for all residents.

- Programs or projects:
  - Find out what the government has done to provide access to water and sanitation in the area/informal settlement. Check whether there was cooperation among different ministries or departments, for example, the ministries of health and housing .....
  - Find out what programmes or projects have been planned or are in operation to improve provision of water and sanitation. These can include > slum upgrading projects and water and sanitation projects undertaken by development partners, government or CSOs .....
  - Did the projects and programmes utilise local information, know-how and resources?
  - Were potential users consulted? If so, how? .....
  - Have residents previously participated in water and sanitation project formulation, implementation and monitoring? .....
  - Is there a slum-upgrading process? If so, has there been a social impact assesment? (See the booklet on the right to adequate housing, Sections 1.6 and 3.5.) .....
- Conditions:
  - Determine whether low cost technical options have been tested within the informal settlements, if so which ones, and with what success rates .....

- Gather information on the available sources of water supply (standposts, water kiosks etc.) and sanitation facilities. Consider concerns about affordability, water quality and adequacy of sanitation facilities .....
- Find out the numbers of people using each stand post or toilet block. As much as possible, try to gather gender-disaggregated information (see Main Book, Part II, Box 25) .....
- Check the quality of water from the stand posts .....
- Investigate security concerns if any, when accessing water and sanitation facilities
- Find out about any actions concerning conservation and storage of water and what is being done about waste .....
- Gather information on informal or illegal sources of water supply .....
- Determine how many residents rely on such sources. Consider concerns on water quality and affordability .....
- Stakeholders:
  - Try to find out who is responsible for the installation and management of any illegal connections and also what the government is doing to control this .....
  - Determine whether water cartels or gangs are present in the community. If so, do they control water resources and charge high prices? .....
  - Map all the actors that contribute to or undermine provision of and access to water and sanitation .....
  - Obtain information on current > rationing and disconnection policies as applied within informal settlements .....
  - Find out how rationing or disconnection affected different groups, such as the disabled .....

### 3. Analysing results and taking action

- Determine which issues could be addressed through a greater focus on:
  - Equality and non-discrimination .....
  - Participation and access to information .....
  - Transparency and accountability .....
- Encourage all water and sanitation providers to display prices. This would enable users and officials to monitor prices and affordability .....
- Regularly review and identify changes in the interests and situations of all mapped actors, for example a community based group establishing a water point may start trying to maximise profits instead of acting for the good of the community .....
- Encourage dialogue with all mapped stakeholders .....
- Make use of available mechanisms within the water and sanitation sector to participate in decision-making or make complaints .....
- Promote local monitoring of the implementation of water and sanitation projects .....
- Depending on the action taken, identify whether or not the members of the community have the capacity to mobilise themselves and others to take action to improve their access to water and sanitation .....

### 3.4 Monitoring private service providers

The authorities have a duty to set up a regulatory system to monitor private service providers, whether they are large businesses or small-scale providers. Table 2 may be used to monitor how the authorities do this. For these actions, it is necessary to know what the laws and regulations concerning private service providers say (see Section 2.2.1 and Main Book, Part I, Section 5).

#### BOX 27: Utilities' complaints procedure

Ghana's Public Utilities Regulatory Commission (PURC) enforces the regulations concerning two utilities, water and electricity, and monitors their performance. It can receive and investigate complaints from the utilities or consumers. It can seek compensation for consumers. It also gives guidelines for fixing the charges made by utilities.

Source: Utilities Regulation in Ghana, Ernest Aryeetey and Ama Asantewah Ahene  
Institute of Statistical, Social and Economic Research, University of Ghana.

TABLE 2: Monitoring mechanisms that regulate private water and sanitation providers

Mechanisms to:	Questions for CSOs and communities to help monitor the mechanisms
Licence individual companies or small providers and regulate their operations	<ul style="list-style-type: none"> <li>• Is the provider licensed?</li> <li>• What area does it cover? (settlement/city/region)</li> <li>• What service standards apply?</li> <li>• What is the company's agreement with the government, and what is the company's publicity (this may be on the Internet)</li> </ul>
Monitor the service providers	<ul style="list-style-type: none"> <li>• What mechanisms exist to monitor service providers?</li> <li>• Do they accept suggestions and complaints from members of the public?</li> <li>• Do they provide information and publish reports? If so, how is this information distributed? Who has access to it?</li> </ul>
Ensure quality services	Do the regulations contain standards to ensure that the services are of good quality and well maintained?

<b>Mechanisms to:</b>	<b>Questions for CSOs and communities to help monitor the mechanisms</b>
Protect and conserve water resources	<ul style="list-style-type: none"> <li>• Where do providers get the water?</li> <li>• Are there regulations on protection and conservation?</li> <li>• Is there any evidence of pollution? Map the evidence, take photographs, or interview those affected. Do not take samples without obtaining expert advice on how to do this safely.</li> <li>• Is there evidence of over-extraction from rivers or other sources? Interview people living near the source.</li> <li>• Is there evidence of wastage of water? If so, find out how bad the problem is and when it started. Take photographs.</li> <li>• Is the provider aware of the problem and doing something about it?</li> </ul>
Ensure adequate quantity (available; physically and economically accessible)	<ul style="list-style-type: none"> <li>• Is there a regular supply? Is there enough for drinking, cooking and washing?</li> <li>• Is the supply physically and economically accessible?</li> <li>• What are the regulations on &gt; price control? Is there any evidence of &gt; price-fixing or &gt; profiteering?</li> </ul>
Ensure adequate quality	<ul style="list-style-type: none"> <li>• Is the water of an adequate colour, taste and smell?</li> <li>• Must the water be boiled before drinking? If so, are users aware of this?</li> </ul>
Ensure that works are being carried out according to regulations	<ul style="list-style-type: none"> <li>• Are they given proper protective clothing?</li> <li>• Are they given training about potential health hazards?</li> <li>• What other health care does the provider offer, for example if staff become ill as a result of their work?</li> </ul>
Ensure that workers who transport, treat and dispose of waste can do so in a safe way	<ul style="list-style-type: none"> <li>• Are they given proper protective clothing?</li> <li>• Are they given training about potential health hazards?</li> <li>• What other health care does the provider offer, for example if staff become ill as a result of their work?</li> </ul>
Consult members of the public about service provision and involve them in monitoring and managing it	<ul style="list-style-type: none"> <li>• Has the company consulted members of the public?</li> <li>• Does it provide adequate information?</li> <li>• Are users involved in monitoring or managing service provision?</li> <li>• Do community members feel they were properly consulted?</li> <li>• Does the company have any obligations to promote hygiene awareness?</li> </ul>



### 3.5 Monitoring small-scale service providers

Small-scale service providers include small businesses, NGOs or CBOs that manage wells, boreholes, water kiosks or public toilets. Small-scale private service providers serve a significant proportion of the poor in many urban areas, even up to 40% of poor households in some cities. They are required to follow regulatory requirements and guidelines where they exist. Small-scale private service providers can be monitored, using TABLE 3 to detect and prevent violations.

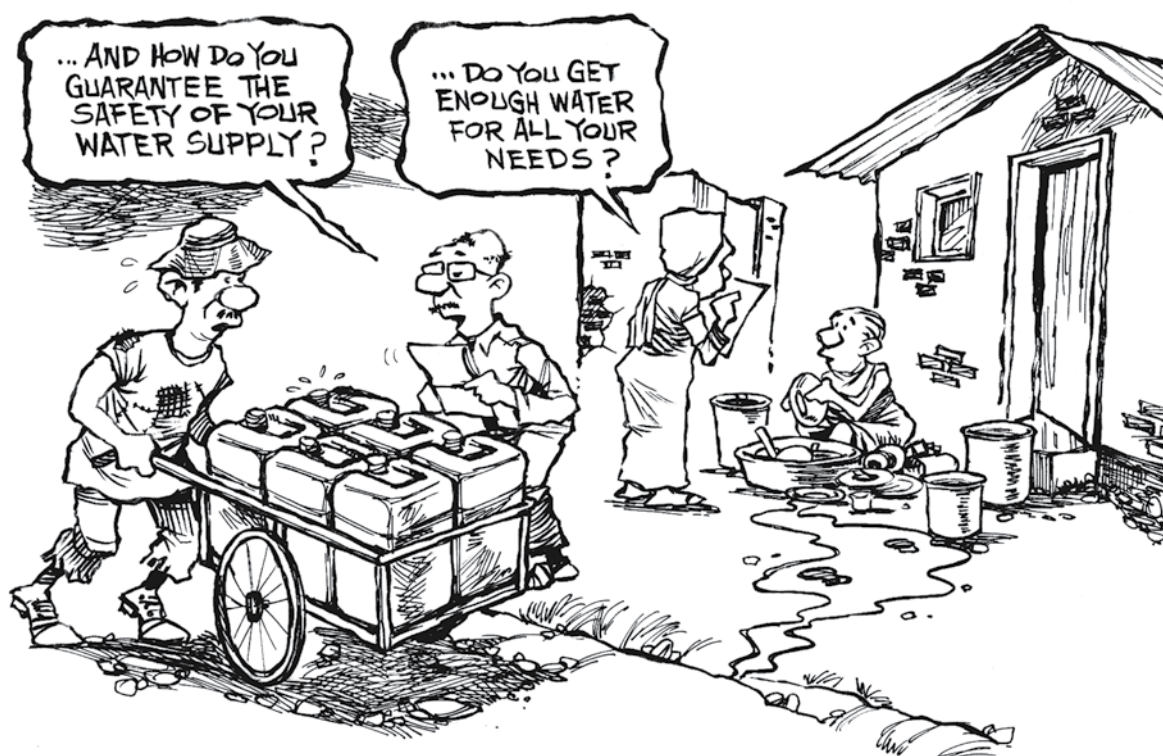


TABLE 3: Monitoring small-scale service providers

Regulations should include:	Suggestions for monitoring and action
Prohibition on illegal connections	Obtain evidence of illegal connections: identify the situation of the illegal connection, interview users, and take photographs.
Quality of service	Interviews with users to find out whether the service is well managed and of adequate quality.
Pricing regulations	Do the regulations prohibit price fixing or profiteering? If not, gather information about any instances of price fixing or profiteering. If not, and if there are instances of price fixing or profiteering, gather information and write to the relevant authorities or parliamentary committee or inform journalists.

### **3.6** **Actions related to the right to adequate water and sanitation of vulnerable and marginalised groups**

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This section deals with the right to water and sanitation of vulnerable and marginalised groups, focusing particularly on women. Readers working with other vulnerable or marginalised groups should adapt the information given in Checklist 4 on the next pages and also refer to Main Book, Part I, Section 4.4 which covers basic human rights protection for these groups.



## Checklist 4. Monitoring women’s equal rights to adequate water and sanitation

Note: This checklist covers many aspects of the right and should be adapted to suit a particular situation or objective. Use this checklist in conjunction with checklists 1 and 2.



### Objective:

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- To find out if women in a community are discriminated against in access to water and sanitation.



### Tasks

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#### 1. Initial preparations:

- Find out how laws and policies deal with discriminated groups, particularly women: look at laws and policies a) on water and sanitation and b) promoting gender equality. Some laws may appear to be neutral when, in practice, they discriminate against disadvantaged groups, for example, a law may say that all schools must have toilets, but does not specify separate toilets for boys and girls .....
- Do policies require the collection of disaggregated data? Look at reports by governments, NGOs, or academics .....

#### 2. Participatory research on whether water and sanitation fulfils the requirements of the right

- Decide on who should be interviewed: either women in a single group or in contrasting groups, such as: women from two different localities; married women and widows; or households jointly headed by women and men .....
- Ensure that the meetings are held at a time and place suitable for women; bearing in mind that women in some communities may be restricted in terms of travel or the amount of time they can spend outside the home .....
- Map the water and sanitation facilities in the area (see Box 28) .....
- Gather first-hand information about women’s and girls’ problems in relation to water and sanitation and note differences between their situation and that of males in the family ...
- When monitoring schools, clinics or other public facilities, find out whether there are separate facilities for women and girls. These must include facilities for those who are menstruating .....
- If possible, find out about the roles of men and women in the home and whether women share a disproportionate burden in collecting and managing water in addition to their other roles .....
- Ask if women are able to participate in discussions and decision making about water and sanitation and whether they have access to credit and to legal or other advice about water and sanitation issues .....
- Note any specific needs, for example special difficulties of women living with HIV/AIDS or other chronic health problems, or who are looking after people with these problems .....

Also find out:

- What women themselves identify as their most pressing problems and needs ..... ○
- What they have done to improve their situation or what they think could be done to improve their situation; and ..... ○
- How discrimination and prejudice within the community is addressed ..... ○

### 3. Analysing results and taking action

- Analyse the problems and needs of women ..... ○
- Draw conclusions about what the government is doing, is not doing or should do to address discrimination against this group ..... ○
- Meet local officials to discuss your findings and seek their reactions; and ..... ○
- If the discrimination appears to be deliberate consult NGOs that specialise in women's rights. If it does not appear to be deliberate, bring it to the attention of the authorities ..... ○

#### BOX 28: Participatory mapping

The technique of mapping was briefly described in Main Book, Part II, Section 4.2.2. For further advice, consult Mapping for Human Rights ([www.amnesty.nl/spa](http://www.amnesty.nl/spa)).

It may be possible to assess discrimination in relation to access to water and sanitation services within a community, and with community participation, by either:

- Focusing on one vulnerable group and mapping the causes, effects, perpetrators, sustainers, situations and interventions, etc.; or
- Mapping different types of discrimination within a broader community.

Alternatively, use the Problem and Strategy Trees described in Main Book, Part II, Section 4.2.1.

### 3.7 Actions to promote participation in decision-making related to water and sanitation

Participation from a human rights perspective means more than just consultation. It requires that people living in poverty, through their representatives, have a genuine opportunity to influence decision making and put forward their proposals for water and sanitation service delivery and management.

The right to participation is described in Main Book Part II, Section 7.4. Also see Appendix 1 for government obligations to facilitate participation and Box 20.

Find more on the Internet by searching “country name” and “Community Water Management”. Also look under IRC and WELL (See Appendix 2).

**BOX 29: Participatory decision-making to realise the right to water and sanitation in informal settlements in Nairobi**

People living in informal settlements in Nairobi, Kenya, have the right to be fully involved in the provision of water and sanitation services.

The Nairobi City Water and Sewerage Company (NCWSC) provides water and sewerage services to the residents of Nairobi City in Kenya where 60% of the city's population lives in informal settlements. Together with other partners, the NCWSC has developed strategic guidelines for the equitable provision of water and sanitation services to the urban poor. The guidelines provide a step by step approach towards improvement of water and sanitation services to the informal settlements.

In 2008, the NCWSC formed an Informal Settlements Department which had the task of promoting the participation of settlement dwellers in decision-making about how to realise the right to water and sanitation. To ensure the highest level of community participation, the guidelines stipulate mapping and enumeration of each informal settlement as the first step towards improving water and sanitation services to the urban poor.<sup>59</sup>

### **3.8 Other actions to realise the right to adequate water and sanitation**

This section adds to the actions in the previous sections. Before taking action, readers should refer to Main Book, Part II, Section 4 for advice on how to analyse problems and develop strategies for action.

Any action with respect to the right to water and sanitation should come through participatory activities in the community including workshops and participatory monitoring or research. For more information on involving the community, refer to Main Book, Part II, Section 4.

#### **3.8.1 Using right to adequate water and sanitation indicators**

Indicators are a way of measuring the State's implementation of its obligations required by the right to water and sanitation, using data from questionnaires, surveys or censuses.<sup>60</sup> Information about how to use indicators may be found in Main Book, Part II, Section 7.3 (Box 30).

The following indicators are adapted from a set of draft indicators developed by international experts on the right to water and sanitation.<sup>61</sup>

**TABLE 4: Right to adequate water and sanitation indicators**

### **Indicators to assess attention to the right in national laws and policies**

- Is the right to water and sanitation provided in the constitution or other law? If so, have there been any court cases to test the right?
- Is there a national strategy and plan of action for delivery of water and sanitation to all? Is a time-frame specified?
- Does the strategy :
  - Specify attention to marginalised and vulnerable groups?
  - Specify that there should be community participation in decision-making as well as delivery of water and sanitation services and monitoring?
- Is there a monitoring body to assess and report on implementation of all aspects of the right to water and sanitation? Is civil society formally included in the monitoring process?
- Are there complaints mechanisms for those denied access to water?
- Are private sector providers required to ensure that all the persons in their service area have access to safe and affordable water?
- Does the national plan of action prioritise provision of essential amounts of water for personal and domestic uses?
- What proportion of the local authority's water and sanitation budget is directed towards expanding access to water services to areas without these services?

### **Indicators to assess safe water**

- What proportion of the population has access to an improved drinking water supply? (Note, in many countries the water that comes from an "improved" source is not safe to drink)
- What proportion of the population has access to a household connection (piped water in dwelling, plot or yard)?
- Has the State set a basic minimum amount of water for personal and domestic uses per person per day? What is this amount?
- For those without access to long-term improved drinking water, what proportion is receiving emergency assistance to improved water?
- What proportion of women or children collect water outside the immediate vicinity of the home?
- What is the average time people spend waiting to use the tap?
- How much time do people spend fetching water from other sources?
- What is the average number of days per year when the supply is disrupted?
- Is there a national policy with explicit timeline to extend water services, particularly to deprived urban areas and rural areas.
- How many people have acquired access to improved water in the past year (or whatever period for which data is available)?

> continued

### Indicators to assess sanitation

- What is the proportion of the population with access to improved sanitation?
- What is the average distance between the nearest facility and the household (in a particular area)?
- What low cost technologies have been introduced?

### 3.8.2 Self help actions and service delivery

Organisations working on the right to water and sanitation have shown that one of the most effective ways to improve lives is for people to organise and empower themselves.

Self-help is any local-level or private initiative by individuals, households or community groups to improve their own water supply and sanitation facilities without waiting for assistance from government or NGOs.

Using the human rights framework, or claiming rights as human rights, could add value to this approach. (See Main Book, Part II, Section 9.)

Other activities are listed in Table 5 below. These include “direct services” supplied by NGOs or “self-help” activities carried out by the community. Readers needing further advice or support could contact the organisations listed in the table.

Self-help groups may need ideas for what they can do. They may also need information about how to protect or improve water sources or sanitation. This table provides some ideas and references.

**TABLE 5: Self-help activities**

<b>Activities include:</b>	<b>Where to find more information (if needed)</b>
Covering a waterhole to prevent dirt and animals falling in	
Building an earth bund (slightly raised mud structure) around a waterhole to prevent run-off (for example water from a plot where pesticides have been used) from entering the waterhole	See <a href="http://www.gardenorganic.org.uk/pdfs/international_programme/WaterHarvestingAndConservationBooklet.pdf">www.gardenorganic.org.uk/pdfs/international_programme/WaterHarvestingAndConservationBooklet.pdf</a>
Protection by the community of a natural spring or shallow ground water source by fencing the location on all sides to keep animals out	



Activities include:	Where to find more information (if needed)
Construction of a hand dug well	See <a href="http://www.wateraid.org/international">www.wateraid.org/international</a> , follow the links: “What we do”, “Sustainable technologies”, then scroll down to “Hand-dug wells”.
Construction of latrines	See <a href="http://www.wateraid.org/international">www.wateraid.org/international</a> , follow the links: “What we do”, “Sustainable technologies”, then scroll down to “Sanitation”. Also see Boxes 11 and 16.

### 3.8.3 Micro-finance schemes

Micro-finance schemes can enable communities to carry out projects related to water and sanitation. They are based on trust and joint decision-making.

#### BOX 30: Micro-finance enabled 300 households in Abidjan, Côte d'Ivoire, to connect to the water network

CREPA, a West African institution, in partnership with SODECI, the Ivorian public water utility, developed a project to connect 300 low income households to the water network. With funding from the UNDP, CREPA loaned each household US\$36 to pay for connection fees. It also provided a capacity building program to help households to save money in order to repay the loan and their regular water bills. The micro loans were repaid in 17 months.

Source: Microfinance for Water, Sanitation and Hygiene: An Introduction, Netherlands Water Partnership & International Water and Sanitation Centre, 2007.

For more information on micro-finance schemes, see Main Book, Part II, Section 11.2, Box 43.

### 3.8.4 Promoting good practice

Communities and NGOs can promote good practice by providing the water and sanitation authorities with well researched information about problems and giving suggestions about what might work better.

Possible actions:

- Organise meetings where community members can discuss their problems with people outside the community who have relevant experience. Send a report to the authorities, making suggestions for tackling the problems. People with experience might include:
  - A member of a community that has had similar problems; or
  - An expert such as a town planner, a water engineer or a police officer, depending on the nature of the problem;

- Identify cases of good practice, where the local authorities have done a good job and write a letter to praise them. This may make them more ready to react to complaints about things done badly;
- Draw up a set of good-practice guidelines. Share this with other organisations for comment. Then submit the final guidelines to the authorities and lobby for its adoption; and
- Look for the questionnaire on good practices on the website of the UN Independent Expert on Water and Sanitation and fill it in (see Appendix 3).

### **3.8.5 Participating in the development of policies and budgets**

This process was discussed in Main Book, Part II, Section 7.4. Communities and NGOs could develop a strategy for including water and sanitation needs and indicators in this process. The eThekweni Declaration and AfricaSan Plan of Action 2008 are good starting points for NGOs interested in policy advocacy and budget monitoring on water and sanitation issues.

### **3.8.6 Building alliances, mobilising communities and lobbying the government**

This topic is covered in Main Book, Part II, Section 11.3. Approaches for NGOs include:

- The “self-help” approach: marginalised communities in different areas have similar water and sanitation problems. The communities link up to help and empower each other. They can then engage the state from a position of strength;
- Mobilising communities: bringing people together to discuss their rights and decide on priorities for action, including self-help actions. Mobilisation could start with simple projects such as promoting hand washing;
- The “empowerment, research and lobbying” approach: an NGO works with a local community, carries out research, produces publications and lobbies the government.

### **3.8.7 Reporting and making complaints to the African Commission and to CESCR**

Information about these procedures may be found in Main Book, Part I, Section 3.5 and Part II, Section 10.1. In addition, complaints or other information may be e-mailed to the Independent Expert on Water and Sanitation at [iewater@ohchr.org](mailto:iewater@ohchr.org).

### **3.8.8 The international and regional arena**

It is difficult for local groups to participate in international meetings or campaigns, but it is important to know about them, particularly in countries where the government or national civil society is participating in these arenas. Useful websites are included in Appendix 3.

- Millennium Development Goal 7 is to ensure environmental sustainability. Targets include: (7c) Reduce by half the proportion of people without sustainable access to safe (improved) drinking water and basic sanitation;
- The International Decade for Action, Water for Life, 2005-2015 is a campaign for meeting the MDGs. There is a “water for life advocacy guide” which gives ideas about how to participate in the campaign ([www.un.org/waterforlifedecade/pdf/who%20english.pdf](http://www.un.org/waterforlifedecade/pdf/who%20english.pdf));
- World Water day is held on 22 March each year; and
- Regional initiatives are listed in Box 25 and Appendix 1.



Terms in italics represent entries found in the Glossary.

## B

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### **Biosand filters**

A container filled with gravel and sand through which water passes. During this process, the sand purifies or cleans the water making it safe to drink. Many home biosand filters can produce up to 60 litres of clean water an hour.

### **Borehole**

A narrow shaft which is drilled into the ground to extract ground water.

## C

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### **Catchment tank**

A container which collects and stores rainwater (usually water that runs off roofs) for future use. Most have a plastic lining and a cover that filters debris such as leaves, keeps out animals and reduces the amount of light entering the tank. (Light allows algae to grow).

### **Cholera**

A disease caused by drinking water that is contaminated with *faeces*. It causes severe *diarrhoea* and vomiting which leads to swift dehydration and, if not treated promptly, may result in death.

### **Climate Change**

Please refer to the Main Book Glossary.

### **Contaminant**

Any chemical or biological organisms that pollute water resources and makes them contaminated or unsafe to drink.

## D

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### **Defecate / Defecation**

The process by which *faeces* is expelled from the body.

### **Diarrhoea**

Diarrhoea is the passing of frequent watery or loose *faeces*, caused by viral infections, parasites or bacteria. It is often related to drinking unclean water or living in unsanitary conditions. If untreated, it can cause severe dehydration and even death.

### **Direct services**

Services that NGOs provide to communities, for example, building toilet blocks.

**Disconnection**

When someone is cut off from the piped water network or supply (often due to non-payment). "Arbitrary" disconnection is when due process has not been followed and the disconnection does not meet the requirements established under the right to water and sanitation.

**E**

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**Ecosystems**

An environment of plants, animals and other living organisms that depend on each other.

**Excreta**

See *faeces*.

**F**

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**Facility**

A permanent or temporary structure for the performance of a function, such as a toilet block or *water point*.

**Faeces**

Solid waste which collects in the human digestive system and is expelled from the body through the anus (see *defecate*).

**H**

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**HIV**

Human Immunodeficiency Virus (HIV): A virus which usually leads to AIDS (Acquired Immune Deficiency Syndrome) and the collapse of the immune system which can cause life threatening infections and death. It is transmitted by the transfer of bodily fluids (blood, semen and breast milk) from human to human.

**Hydrologist**

A person who is professionally involved in the monitoring, management and protection of water resources.

**Hygiene**

Clean and healthy practices that reduce the incidence and spread of disease, such as washing of hands before food preparation or after using the toilet.

I

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**Improved sanitation facilities**

Facilities that ensure human excreta are disposed of in a way that prevents them from causing disease by contaminating food and water sources.

**Indigenous peoples**

See the Main Book, Part I, Section 4.4.7.

**Informal settlement**

Any form of shelter occupied or built in open spaces in cities or rural areas by people unable to afford formal housing.

M

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**Malaria**

A disease which is transmitted from mosquitoes to humans that causes a high fever and may result in death. Dengue fever is also transmitted by mosquitoes.

**Marginalised**

A group which is historically (or currently) discriminated against and does not participate in society on an equal basis with the dominant group. This may include women in some societies, or indigenous or traveller communities. Also see the Main Book Glossary.

**Menstruation / Menstrual**

A woman's monthly loss of blood when she is of child-bearing age.

P

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**Price control**

An upper limit placed by governments on the prices of essential consumer goods, to ensure that most people can afford them.

**Price fixing**

An agreement between business competitors to sell the same product or service at the same price. This benefits the business, not the purchasers.

**Profiteering**

Making an excessive profit on goods that are in short supply.

**Pour-flush latrine**

A latrine consisting of a pan and a pit. At least one litre of water is used to flush it. Also see: [www.who.int/water\\_sanitation\\_health/hygiene/emergencies/fs3\\_6.pdf](http://www.who.int/water_sanitation_health/hygiene/emergencies/fs3_6.pdf).

**Policy**

A policy is a plan which guides the decisions, actions and/or resource allocations of any institution, whether the government, private sector or other organisation. Also see the Main Book Glossary.

**Potable water**

Drinking water which is of sufficient quality that it may be drunk without having a bad effect on human health.

**R**

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**Rainwater harvesting**

See *catchment tank*.

**Rationing**

To control the distribution of water or limit the amounts people receive.

**Reservoir**

An artificial lake or large pool used to store water.

**S**

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**Sanitation**

Facilities for the disposal of *excreta* and *wastewater* for the purposes of hygiene and a healthy living environment. Improved sanitation facilities are facilities that prevent human excreta from polluting food or water sources.

**Septic system, septic tank**

A small-scale sewage *treatment* system often used in rural areas or areas where there is no connection to *sewerage*. Waste is drained into a septic tank dug into the ground at a lower level than the house. The term “septic” refers to the anaerobic bacteria that grow in the tank and decompose the waste. Anaerobic bacteria do not use oxygen.

**Service provider**

A service provider can be a government agency or a business that provides water or *sanitation* services. Small-scale service providers include small businesses, CSOs or CBOs that manage wells, boreholes, water kiosks or public toilets. Also see *utility*.

NGOs sometimes provide “direct services”, for example a toilet block or a water tank.



**Sewer/sewerage**

A system of pipes designed to transport human waste from one location to another.

**Slum housing**

A “slum household” is one that lacks more than one of the following conditions: security of *tenure*, properly constructed, access to safe water and *sanitation* facilities and sufficient living area.

**Slum upgrading**

The physical, social, economic, organisational and/or environmental improvement of informal or sub-standard settlements in order to improve living conditions.

**Small-scale service provider**

See *service provider*.

**Stand post**

One or more taps supported by a wall and set on a concrete base. It is a public facility for water collection. Also called a standpipe.

**Subsidy**

A form of financial assistance. For example, subsidy may be given to low income households to enable them to connect to the water network in cases where they cannot afford the connection fees.

**Subsistence farming:** Subsistence farming is where people grow enough food for themselves and their families to ensure self-sufficiency, rather than for commercial reasons.

T

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**Tenure**

Tenure: All kinds of housing arrangements including: private ownership, rented accommodation, cooperative housing or informal housing.

Full legal security of tenure: When there is an official agreement such as a bill of sale or a lease.

**Measure or degree of security of tenure:** When there is legal protection against forced eviction, harassment and other threats. Everyone, including people in informal settlements, has a right to a measure/degree of security of tenure.

**Treatment:** A process to remove contaminants from water to make it safe for use.

**Treatment Plant:** A facility for processing and removing *contaminants* from both industrial and

domestic *wastewater*. The effluent (out-flow) that is produced is safe to be released back into the environment without causing harm or health hazards to people. Sometimes the effluent is reused for agriculture. This is an important method of water conservation through reuse.

## U

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### **Utility**

A basic public service such as water or telecommunications or the company that provides such a service.

## V

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### **Vendor**

A person or company that sells goods or services to others.

### **Vulnerable**

A group which, owing to its specific emotional or physical needs, requires special protection. This could include children or people living with disabilities. Also see the Main Book Glossary.

## W

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### **Wastewater**

Water used by a household or factory for washing or cleaning and discharged as sewage.

### **Water-borne diseases**

Diseases carried in the water including bilharzia, cholera, malaria and worm infestations. They may be caught by drinking or bathing in water infected by *faeces* or disease-carrying insects.

### **Water cartel**

A group of water suppliers that work together to affect market prices by controlling production and marketing.

### **Water kiosk**

A location where water is sold in containers to members of a community.

### **Water point**

A hand pump set up over, or next to, a reservoir connected to a main supply pipe (“mains”). Also see *stand post*.

- 1 General Comment No. 15: The Right to Water (2002) and the UN Sub-Commission Guidelines on the Promotion of the realisation of the right to drinking water and sanitation (2006) together explain the right to water and sanitation.
- 2 Ibid, p. 13-14.
- 3 WHO/UNICEF. Progress on Drinking Water and Sanitation: Special. Geneva, New York: WHO and United Nations Children's Fund Joint Monitoring Programme for Water Supply and Sanitation, 2008.
- 4 Available online: [www.uneca.org/awich/African%20Water%20Vision%202025.pdf](http://www.uneca.org/awich/African%20Water%20Vision%202025.pdf).
- 5 Available online: [www.ielrc.org/content/e0501.pdf](http://www.ielrc.org/content/e0501.pdf).
- 6 Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, 01/07/2009, A/HRC/12/24, para.81.
- 7 See Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).
- 8 Article 12 of the ICESCR.
- 9 General Comment No. 15, The Right to Water, (2002) UN Doc. E/C.12/2002/11, para. 12 (a).
- 10 G. Howard and J. Bartram, Domestic Water Quantity, Service Level and Health, (World Health Organisation, 2003), p.22.
- 11 General Comment No. 15, para. 12 (a).
- 12 G. Howard and J. Bartram, Domestic Water Quantity, Service Level and Health, (World Health Organisation, 2003), p.22.
- 13 Ibid.
- 14 Ibid.
- 15 General Comment No. 15, para.7.
- 16 UN Sub-Commission on the Promotion and Protection of Human Rights, Guidelines for the realisation of the right to drinking water and sanitation, (Sub-Commission Guidelines), (2005), UN Doc. E/CN.4/Sub.2/2005/25 Section. 4.2.
- 17 Sub-Commission Guidelines, Section 1.2.
- 18 COHRE, WaterAid, SDC, UN-HABITAT, Sanitation: A human rights imperative, (2008), p. 18.
- 19 Ibid.
- 20 General Comment No. 15, para. 12 (b).
- 21 Available online: [www.who.int/water\\_sanitation\\_health/dwq/gdwq3rev/en/](http://www.who.int/water_sanitation_health/dwq/gdwq3rev/en/).
- 22 COHRE, WaterAid, SDC and UN-HABITAT, Sanitation: A human rights imperative, (2008), p.69.
- 23 General Comment No. 15, para. 12 (b).
- 24 General Comment No.15, para. 29.
- 25 General Comment No. 15, para 25.
- 26 General Comment No. 15, para. 23.
- 27 General Comment No. 15, para.12 (c).
- 28 Ibid.
- 29 Sub-Commission Guidelines, Section 2.3.
- 30 Ibid.

- 31 General Comment No. 15, para. 37 (a) and (c).
- 32 G. Howard and J. Bartram, *Domestic Water Quantity, Service Level and Health*, (World Health Organisation, 2003), p.22.
- 33 UNICEF and World Health Organisation, *Progress on Drinking Water and Sanitation: Special focus on sanitation*, (2008).
- 34 Sub-Commission Guidelines, Section 5.1.
- 35 General Comment No. 15, para. 16 (c).
- 36 Sub-Commission Guidelines, Section 5.4.
- 37 Sub-Commission Guidelines, Section 8.2.
- 38 Taken from COHRE, AAAS, SDC and UN Habitat, *Manual on the right to water and sanitation* (2007), p. 133.
- 39 General Comment No. 15, para 44.
- 40 General Comment No. 15, para. 11.
- 41 Sub-Commission Guidelines, Section 2.3 (e) & General Comment No.15, para.24.
- 42 Catarina Fonseca, *Factsheet: Microfinance for water supply services*, March 2005. Available online: [www.lboro.ac.uk/well/resources/factsheets/fact-sheets-htm/Micro%20for%29water.htm](http://www.lboro.ac.uk/well/resources/factsheets/fact-sheets-htm/Micro%20for%29water.htm).
- 43 General Comment No. 15, para. 56.
- 44 Ibid.
- 45 Ibid.
- 46 Convention on the Rights of the Child, Art. 24.
- 47 Ibid.
- 48 UNICEF, *Common Water and Sanitation Related Diseases*.
- 49 Ibid.
- 50 WaterAid, *Water and Sanitation: The education drain*, (2004), p. 4.
- 51 Ibid. p.14.
- 52 Sub-Commission Guidelines, Section 8.2.
- 53 General Comment No. 15, para 48.
- 54 For detailed explanation of these obligations see COHRE, AAAS, SDC and UN-Habitat, *Manual on the Right to Water and Sanitation* (2007). Available online: [www.cohre.org/sites/default/files/manual\\_on\\_the\\_right\\_to\\_water\\_and\\_sanitation\\_2008.pdf](http://www.cohre.org/sites/default/files/manual_on_the_right_to_water_and_sanitation_2008.pdf)
- 55 General Comment No 15, para.37 (a)
- 56 General Comment No 15, para. 50
- 57 *Free Legal Assistance Group & Ors v Zaire* (2000) AHRLR 74 (2000) para 74.
- 58 General Comment No 15, para. 37.
- 59 [www.wsp.org/UserFiles/file/guidelines\\_nairobi.pdf](http://www.wsp.org/UserFiles/file/guidelines_nairobi.pdf).
- 60 Virginia Roaf, Ashfaq Khalfan & Malcolm Langford, *Monitoring Implementation of the Right to Water: A Framework for Developing Indicators*, *Global Issues Papers*, No. 14, 2005, p.9.
- 61 *Monitoring Implementation of the Right to Water: A Framework for Developing Indicators*, *Global Issue Paper 14*, March 2005. Available online: [www.boell.de](http://www.boell.de).



## Appendix 1: International and regional human rights laws and standards

This Appendix contains:

- A list of international and regional human rights instruments that are relevant to the right to water and sanitation; and
- A table to enable readers to select appropriate quotations from some of these instruments.

Quoting the national law and regional or international standards, particularly when writing or talking to officials, shows that human rights workers are aware of the State's obligations. This increases the impact of their work.

For further information about using regional and international standards see the Main Book, Part I, Section 3.3.

For quotations concerning the rights related to the right to water and sanitation (including the rights to food, health and housing) please refer to the relevant booklets in this series.

### List of international and regional human rights treaties and other instruments

- **International treaties**

- UN Convention on the Rights of the Child, 1989  
<http://www2.ohchr.org/english/law/crc.htm>
- UN Convention on the Elimination of All Forms of Discrimination against Women, 1979  
<http://www2.ohchr.org/english/law/cedaw.htm>
- International Covenant on Civil and Political Rights, 1966  
<http://www2.ohchr.org/english/law/ccpr.htm>
- International Covenant on Economic, Social and Cultural Rights, 1966  
<http://www2.ohchr.org/english/law/cescr.htm>
- International Convention on the Elimination of All Forms of Racial Discrimination, 1965  
<http://www2.ohchr.org/english/law/cerd.htm>

- **Regional treaties**

- African (Banjul) Charter on Human and People's Rights, 1981  
<http://www1.umn.edu/humanrts/instree/z1afchar.htm>
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003 [www.africa-union.org/root/AU/Documents/Treaties/treaties.htm](http://www.africa-union.org/root/AU/Documents/Treaties/treaties.htm)
- African Charter on the Rights and Welfare of the Child, 1990  
<http://www1.umn.edu/humanrts/africa/afchild.htm>
- African Convention on the Conservation of Nature and Natural Resources (Revised Version), 2003 [www.africa-union.org/root/AU/Documents/Treaties/treaties.htm](http://www.africa-union.org/root/AU/Documents/Treaties/treaties.htm)
- AU Convention for the Protection and Assistance of Internally Displaced Peoples in Africa: [www.reliefweb.int/rw/lib.nsf/db900sid/SNAA-7X73KL/\\$file/au\\_oct2009.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/SNAA-7X73KL/$file/au_oct2009.pdf?openelement)
- Senegal River Water Charter, 2002 [www.unesco.org/water/wwap/case\\_studies/senegal\\_river/index.shtml](http://www.unesco.org/water/wwap/case_studies/senegal_river/index.shtml)

- **Human rights standards, advice and interpretations**
  - General Assembly Resolution 54/175, The right to development, 2000  
*www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/A.RES.54.175.En?Opendocument*
  - Rio Declaration on Environment and Development, UN Conference on Environment and Development, 1992  
*www.unep.org/Documents/Default.asp?DocumentID=78&ArticleID=1163*
  - Committee on Economic, Social and Cultural Rights, General Comment 15, The Right to Water (Twenty-ninth session, 2003), U.N. Doc. E/C.12/2002/11 (2002). Reprinted in Compilation of General Comments and General Recommendations. Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 105 (2003)  
*http://www1.umn.edu/humanrts/gencomm/escgencom15.htm*
  - Habitat Agenda, UN Habitat II Conference, Istanbul, 1996  
*http://ww2.unhabitat.org/declarations/Istanbul\_Declaration.pdf*
  - Johannesburg Plan of Implementation of the World Summit on Sustainable Development, 2002  
*www.un.org/esa/sustdev/documents/WSSD\_POI\_PD/English/POIToc.htm*
  - Commission on Human Rights, Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Human Rights Resolution 2005/15  
*http://ap.ohchr.org/documents/E/CHR/resolutions/E-CN\_4-RES-2005-15.doc*
  - United Nations Declaration on the Rights of Indigenous Peoples  
*www.un.org/esa/socdev/unpfii/documents/DRIPS\_en.pdf*
  
- **International and regional declarations, plans and programmes**
  - **International**
    - The Montreal Declaration on Water and Sanitation, 1990 *http://ville.montreal.qc.ca/pls/portal/docs/page/charte\_mtl\_en/media/documents/charte\_droits\_en.pdf*
  - **Regional**
    - The Sharm el-Sheikh Commitments for Accelerating the Achievement of Water and Sanitation goals in Africa (1999)  
*www.worldwaterforum5.org/fileadmin/WWF5/Preparatory\_Process/regional\_process/Sharm\_El-Sheikh\_Summit\_Resolution.pdf*
    - The Abuja Ministerial Declaration on Water - A Key to Sustainable Development in Africa, Abuja, Nigeria, 29-30 April 2002,  
*www.africanwater.org/amcow\_declaration.htm*
    - The eThekweni Declaration, 2008  
*www.dwaf.gov.za/dir\_ws/2aww/docs/eThekweniAfricaSanFinalEng.pdf*
    - The Africa Water Vision 2025  
*www.uneca.org/awich/African Water Vision 2025.pdf*
    - The NEPAD Programme in the Water Sector and Achievements in the MDGs  
*http://depot.gdnet.org/cms/conference/papers/6th\_molapo\_paper.pdf*

**TABLE 6: The right to adequate water and sanitation**

**How to use the table?**

Look for the topic of interest in Column 1. Column 2 contains relevant articles. It is best to look at the complete texts whenever possible: internet references are given for this purpose. The quotations have been selected from some of the instruments cited above. The table includes the rights of women, children and displaced persons.

Topic	Relevant article(s)
<p><b>Right to adequate water and sanitation</b></p> <p>Note: The right to food and housing also entail the right to water for drinking and hygiene.</p>	<p><b>UDHR, Article 25</b> Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services.</p> <p><b>ICESCR, Article 11 (1)</b> The States Parties to the present Covenant recognise 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. The States Parties will take appropriate steps to ensure the realisation of this right, recognising to this effect the essential importance of international co-operation based on free consent.</p> <p><b>General Comment 15, The Right to Water (Twenty-ninth session, 2003), U.N. Doc. E/C.12/2002/11 (2002)</b> 2. The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements.</p> <p><b>African Charter</b> The African Charter does not explicitly provide a right to water. However, Section 2.3 in this booklet shows that the African Commission, in a case brought by a Zairian NGO, said that the failure to provide basic services like safe drinking water and medicine constituted a violation of the right to health.</p>
<p><b>The right to sanitation</b></p>	<p><b>Johannesburg Plan of Implementation of the World Summit on Sustainable Development, 2002, Arts. 7 and 8, Part II, Article 7 (m)</b> Increase access to sanitation to improve human health and reduce</p> <p style="text-align: right;">&gt; continued</p>



Topic	Relevant article(s)
	<p>infant and child mortality, prioritising water and sanitation in national sustainable development strategies and poverty reduction strategies where they exist.</p> <p>Article 8 [This]... would include actions at all levels to:</p> <ol style="list-style-type: none"> <li>a. Develop and implement efficient household sanitation systems;</li> <li>b. Improve sanitation in public institutions, especially schools.</li> </ol>
<p><b>Water and the right to development</b></p>	<p><b>General Assembly Resolution 54/175, The right to development, 2000, Article 12</b></p> <p><i>Reaffirms</i> that, in the full realisation of the right to development, <i>inter alia</i>:</p> <ol style="list-style-type: none"> <li>a. The rights to food and clean water are fundamental human rights and their promotion constitutes a moral imperative both for national governments and for the international community.</li> </ol>
<p><b>Water pollution</b></p>	<p><b>Rio Declaration on Environment and Development, UN Conference on Environment and Development, 1992, Principle 13</b></p> <p>States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage.</p> <p><b>Habitat Agenda, UN Habitat II Conference, Istanbul, 1996</b></p> <p>We shall also promote healthy living environments, especially through the provision of adequate quantities of safe water and effective management of waste.</p>
<p><b>The right to be consulted, to receive information and the right to a remedy.</b></p>	<p><b>General Comment 15, Para. 56</b></p> <p>Before any action that interferes with an individual's right to water is carried out by the State party, or by any other third party, the relevant authorities must ensure that such actions are performed in a manner warranted by law, compatible with the Covenant, and that comprises:</p> <ol style="list-style-type: none"> <li>a. opportunity for genuine consultation with those affected;</li> <li>b. timely and full disclosure of information on the proposed measures;</li> <li>c. reasonable notice of proposed actions;</li> <li>d. legal recourse and remedies for those affected; and</li> <li>e. legal assistance for obtaining legal remedies (see also general comments No. 4 (1991) and No. 7 (1997)). Where such action is based on a person's failure to pay for water their capacity to pay must be taken into account. Under no circumstances shall an individual be deprived of the minimum essential level of water.</li> </ol>
<p><b>Marginalised groups</b></p>	<p><b>General Comment 15, Para. 16</b></p> <p>Whereas the right to water applies to everyone, States parties</p> <p style="text-align: right;">&gt; continued</p>

Topic	Relevant article(s)
	<p>should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right, including women, children, minority groups, indigenous peoples, refugees, asylum-seekers, internally displaced persons, migrant workers, prisoners and detainees. In particular, States parties should take steps to ensure. (the General Comment makes specific recommendations for different groups).</p>
<p><b>Women's right to adequate water and sanitation</b></p>	<p><b>Convention on the Elimination of all forms of Discrimination against Women, Article 14</b></p> <ol style="list-style-type: none"> <li>1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.</li> <li>2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: [...]             <ol style="list-style-type: none"> <li>h. To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.</li> </ol> </li> </ol> <p><b>Protocol to the African Charter on Human and Peoples' Rights on The Rights of Women in Africa, Article 15 Right to Food Security</b></p> <p>States Parties shall ensure that women have the right to nutritious and adequate food. In this regard, they shall take appropriate measures to:</p> <ol style="list-style-type: none"> <li>a. provide women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food;</li> </ol> <p><b>The Convention on the Elimination of All Forms of Discrimination Against Women, Article 14, Para. 2</b></p> <p>States parties shall ensure to women the right to enjoy adequate living conditions, particularly in relation to [...] water supply.</p> <p><b>General Comment 15, Article 16 (1)</b></p> <p>In particular, States parties should take steps to ensure that: Women are not excluded from decision-making processes concerning water resources and entitlements. The disproportionate burden women bear in the collection of water should be alleviated;</p>

Topic	Relevant article(s)
<p><b>Children's right to adequate water and sanitation</b></p>	<p><b>Convention on the Rights of the Child, Article 24</b></p> <ol style="list-style-type: none"> <li>1. States Parties recognise the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.</li> <li>2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: [...] <ol style="list-style-type: none"> <li>c. To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution; [...]</li> <li>e. To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents.</li> </ol> </li> </ol> <p><b>General Comment 15, Para. 16 (1)</b></p> <p>In particular, States parties should take steps to ensure that: [...]</p> <ol style="list-style-type: none"> <li>b. Children are not prevented from enjoying their human rights due to the lack of adequate water in educational institutions and households or through the burden of collecting water. Provision of adequate water to educational institutions currently without adequate drinking water should be addressed as a matter of urgency;</li> </ol>
<p><b>Right to water of people living in rural areas</b></p>	<p><b>General Comment 15, Article 16 (1)</b></p> <p>In particular, States parties should take steps to ensure that: Rural and deprived urban areas have access to properly maintained water facilities. Access to traditional water sources in rural areas should be protected from unlawful encroachment and pollution. Deprived urban areas, including informal human settlements, and homeless persons, should have access to properly maintained water facilities. No household should be denied the right to water on the grounds of their housing or land status.</p>
<p><b>Right to water of person's with disability</b></p>	<p><b>Convention on the Rights of Persons with Disabilities, Article 28 Adequate standard of living and social protection</b></p> <ol style="list-style-type: none"> <li>1. States Parties recognise the right of persons with disabilities to an adequate standard of living for themselves and their families,</li> </ol> <p style="text-align: right;">&gt; continued</p>

Topic	Relevant article(s)
	<p>including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realisation of this right without discrimination on the basis of disability.</p> <p>2. States Parties recognise the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realisation of this right, including measures:</p>
<p><b>Water rights for refugees, IDPs and migrant workers</b></p>	<p><b>Guiding Principles on Internal Displacement</b></p> <p>Note: these are standards and are not, of themselves, binding. However, they have been endorsed by the AU Convention for the Protection and Assistance of Internally Displaced Peoples in Africa and are therefore binding for States Parties to the treaty.</p> <p><b>Principle 18</b></p> <p>1. All internally displaced persons have the right to an adequate standard of living.</p> <p>2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:</p> <ol style="list-style-type: none"> <li>a. Essential food and potable water;</li> <li>b. Basic shelter and housing;</li> <li>c. Appropriate clothing; and</li> <li>d. Essential medical services and sanitation.</li> </ol> <p>3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.</p>
<p><b>Indigenous Peoples</b></p>	<p><b>United Nations Declaration on the Rights of Indigenous Peoples, Arts. 25 and 32</b></p> <ul style="list-style-type: none"> <li>• <b>Article 25:</b> Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.</li> <li>• <b>Article 32:</b> [...] States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilisation or exploitation of mineral, water or other resources.</li> </ul>

Topic	Relevant article(s)
	<p data-bbox="592 371 983 403"><b>General Comment 15, Article 16 (1)</b></p> <p data-bbox="592 416 1289 448">In particular, States parties should take steps to ensure that: [...]</p> <p data-bbox="592 461 1366 613">d. Indigenous peoples' access to water resources on their ancestral lands is protected from encroachment and unlawful pollution. States should provide resources for indigenous peoples to design, deliver and control their access to water;</p> <p data-bbox="592 627 1350 703">e. Nomadic and traveller communities have access to adequate water at traditional and designated halting sites.</p>



## Appendix 2: Sources and resources on the right to water and sanitation

Organisation	Resource	Where to find it
<b>African Ministers' Council on Water (AMCOW)</b>	Various documents including : <ul style="list-style-type: none"> <li>• Reports of AMCOW meetings;</li> <li>• eThekweni and Sharm el-Sheikh declarations; and</li> <li>• Africa Water Vision 2025.</li> </ul>	<a href="http://www.amcow.net">www.amcow.net</a>
<b>Centre on Housing Rights and Evictions</b>	Manuals (mostly for policy makers) and other materials including country reports.	<a href="http://www.cohre.org">www.cohre.org</a> <a href="http://www.cohre.org">www.cohre.org</a>
<b>FoodFirst Information and Action Network (FIAN)</b>	Various reports on violations of the right to water.	<a href="http://www.fian.org/programs-and-campaigns/right-to-water">www.fian.org/programs-and-campaigns/right-to-water</a>
<b>OXFAM</b>	Provides an interactive teaching resource for 9-13 year-old children.	<a href="http://www.oxfam.org.uk/education/resources/water_for_all/">www.oxfam.org.uk/education/resources/water_for_all/</a>
<b>Umande Trust, COHRE, Hakijami</b>	The Right to Water and Sanitation in Kibera, Nairobi, Kenya, (2007). A report on a project based on action research by residents of Kibera, an informal settlement.	<a href="http://www.cohre.org/sites/default/files/kenya_-_the_right_to_watsan_in_kibera_dec_2007.pdf">http://www.cohre.org/sites/default/files/kenya_-_the_right_to_watsan_in_kibera_dec_2007.pdf</a>
<b>Development Fund for Women (UNIFEM)</b>	Fact sheet on women and water.	<a href="http://www.unifem.org/attachments/stories/at_a_glance_water_rights.pdf">www.unifem.org/attachments/stories/at_a_glance_water_rights.pdf</a>
<b>UNDP, Gender and Water Alliance</b>	Manual: Mainstreaming gender in water management. Mainly for water professionals, politicians and gender specialists.	<a href="http://www.genderandwater.org">www.genderandwater.org</a>
<b>UNEP</b>	Illustrated, simple booklet on sanitation and health (untitled)	
<b>UNICEF</b>	Various publications including: <ul style="list-style-type: none"> <li>• Sanitation for all: Promoting dignity and human rights, (2000); and</li> <li>• Progress in Drinking Water and Sanitation: Special Focus on Sanitation (2008 JMP report).</li> </ul>	<a href="http://www.unicef.org/wash/files/sanall.pdf">www.unicef.org/wash/files/sanall.pdf</a>
<b>UN Independent Expert on Water and Sanitation</b>	Reports, statements, information on good practices.	<a href="http://www2.ohchr.org/english/issues/water/lexpert/good_practices.htm">http://www2.ohchr.org/english/issues/water/lexpert/good_practices.htm</a>

<b>Organisation</b>	<b>Resource</b>	<b>Where to find it</b>
<b>UN Water</b>	Various publications including UN World Water Development Report, advice on achieving MDGs, and fact sheets.	<a href="http://www.unwater.org/documents.html">www.unwater.org/documents.html</a>
<b>WaterAid</b>	Provides advice for policy makers. Has a learning zone for primary and secondary school pupils. Gives detailed information about building simple latrines.	<a href="http://www.wateraid.org/international/what_we_do/sustainable_technologies/7537.asp">www.wateraid.org/international/what_we_do/sustainable_technologies/7537.asp</a>
<b>WaterNet</b>	WaterNet includes 56 education and knowledge institutes in Southern and Eastern Africa offering joint education, training and research in the field of Integrated Water Resources Management.	<a href="http://www.unesco-ihe.org">www.unesco-ihe.org</a>
<b>Water Supply and Sanitation Collaborative Council (WASH)</b>	Runs the Water, Sanitation and Hygiene for All (WASH) initiative, a campaign to raise public and political awareness about improved sanitation, hygiene and water services.	<a href="http://www.wsscc.org">www.wsscc.org</a>
<b>WELL: The WELL resource centre for water, sanitation and environmental health</b>	Fact sheets, including: "Scaling Up Community Management of Rural Water Supply".	<a href="http://www.lboro.ac.uk/well/resources/fact-sheets/fact-sheets-htm/Scaling%20up.htm">www.lboro.ac.uk/well/resources/fact-sheets/fact-sheets-htm/Scaling%20up.htm</a> E-mail: <a href="mailto:well@lboro.ac.uk">well@lboro.ac.uk</a>
<b>World Health Organisation</b>	Various resources, including a manual: The Right to Water, (2003).	<a href="http://www.who.int/water_sanitation_health/rtwrev.pdf">www.who.int/water_sanitation_health/rtwrev.pdf</a>
<b>World Water Council</b>	Publications include: The Right to Water: From concept to implementation, (2006).	<a href="http://www.worldwatercouncil.org">www.worldwatercouncil.org</a>
<b>Blue Planet Project NGO network</b>	Useful information and resources.	<a href="http://www.blueplanetproject.net">www.blueplanetproject.net</a>
<b>International Water and Sanitation Centre (IRC)</b>	News of developments in the water sector including community water supply management. Digital library. Can also answer questions.	<a href="http://www.irc.nl/page/100">www.irc.nl/page/100</a> <a href="http://www2.irc.nl/manage/manuals/refdocs.html">http://www2.irc.nl/manage/manuals/refdocs.html</a>
<b>The African Water Page</b>	Various resources, including on the development of water policies.	<a href="http://www.africanwater.org/">www.africanwater.org/</a>





## Appendix 3: Organisations working on the right to adequate water and sanitation

Organisation	Description	Contact information
<b>CARE</b>	CARE is a leading humanitarian organisation with a special focus on working with women living in poverty. It has projects in many countries aimed at increasing access to clean water and sanitation.	<a href="http://www.care.org">www.care.org</a>
<b>Centre Régional pour l'Eau Potable et l'Assainissement à faible coût (CREPA)</b> <b>Regional Centre for Low Cost Drinking Water and Sanitation (CREPA)</b>	CREPA is an Inter-State Institution comprising 17 West and Central African countries. Its headquarters is in Ouagadougou, Burkina Faso. It has produced a manual giving technical advice on building low cost toilets and wastewater systems. It is not suitable for NGOs but readers can draw the authorities' attention to this manual.	<a href="http://www.reseaucrepa.org">www.reseaucrepa.org</a> Email: <a href="mailto:crepa@fasonet.bf">crepa@fasonet.bf</a>
<b>Food and Agricultural Organisation (FAO)</b>	FAO has a Water Development and Management Unit that provides policy advice and technical assistance to government. It also has useful posters for promoting water conservation. It has animations and videos that can be seen on YouTube.	<a href="http://www.fao.org/nr/water/promotional.html">www.fao.org/nr/water/promotional.html</a>
<b>International Water and Sanitation Centre (IRC)</b>	IRC facilitates "the sharing, promotion and use of knowledge so that governments, professionals and organisations can better support those living in poverty in developing countries to obtain water and sanitation services they will use and maintain."	<a href="http://www.irc.nl">www.irc.nl</a>
<b>LifeWater International</b>	A group of Christian NGOs that believe all people should have safe water for life. It helps communities gain access to safe water, adequate sanitation, effective hygiene, and the skills they need to pass these resources to future generations.	<a href="http://www.lifewater.org">www.lifewater.org</a>
	LifeWater Canada has a group of volunteers that train, equip and support the rural poor in Haiti and Africa to drill wells and build washrooms.	<a href="http://www.lifewater.ca">www.lifewater.ca</a>

Organisation	Description	Contact information
<b>NGO Forum</b>	NGO Forum brings together government, private sector and civil society actors who implement water and sanitation (WatSan) projects.	<a href="http://www.ngoforum-bd.org/">www.ngoforum-bd.org/</a>
<b>OXFAM</b>	OXFAM, an international confederation of organisations, has projects in many countries to increase access to water. It works directly with communities.	<a href="http://www.oxfam.org">www.oxfam.org</a>
<b>Plan International</b>	An international NGO working to promote child rights. It works to enable deprived children, families and communities to meet their basic needs and to increase their ability to participate in and benefit from their societies.	<a href="http://www.plan-international.org">www.plan-international.org</a>
<b>Secrétariat International de l'Eau (SIE)</b>	<p>International Secretariat for Water (ISW)  An international NGO that facilitates the implementation of the four principles of the Montreal Charter on Drinking Water and Sanitation:</p> <ul style="list-style-type: none"> <li>• Access to water is primarily a political issue;</li> <li>• Any action in the field of water must be designed to support populations affected;</li> <li>• Accessibility to water must be integrated into a comprehensive approach to development; and</li> <li>• Any program related to water must focus on education and training of people.</li> </ul> <p>A PDF version is available at: <a href="http://www.sie-isw.org/images/stories/SIE/Le_SIE/charte_montreal.pdf">www.sie-isw.org/images/stories/SIE/Le_SIE/charte_montreal.pdf</a>.  SIE promotes access to safe water, hygiene and sanitation for the poor while helping to meet their other basic needs and cope with consequences due to climate change.</p>	<a href="http://www.sie-isw.org">www.sie-isw.org</a>
<b>UN Development Programme (UNDP)</b>	The UNDP helps developing countries attract and use aid effectively. It has a Water Governance Programme that provides assistance through various priority areas including human rights and gender.	<a href="http://www.undp.org/water/about_us.html">www.undp.org/water/about_us.html</a>

Organisation	Description	Contact information
<p><b>UN Office of the High Commissioner for Human Rights (UNHCHR)</b></p>	<p>Ms. Catarina de Albuquerque Independent Expert on the human right to adequate water and sanitation Office of the High Commissioner for Human Rights United Nations 1211 Geneva 10</p>	<p><i>E-mail: <a href="mailto:iewater@ohchr.org">iewater@ohchr.org</a></i></p>
<p><b>UN Settlement Programme (HABITAT)</b></p>	<p>UN-HABITAT promotes socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all. It has a Water and Sanitation Programme for improving access to safe water and adequate sanitation in low-income urban areas and measuring that impact.</p>	<p><i><a href="http://www.unchs.org">www.unchs.org</a></i></p>
<p><b>UN Water</b></p>	<p>It helps to coordinate UN work on freshwater (both surface and groundwater) and sanitation. It also coordinates UN entities dealing with water-related disasters.</p>	<p><i><a href="http://www.unwater.org/flashindex.html">www.unwater.org/flashindex.html</a></i></p>
<p><b>WaterAid</b></p>	<p>This international NGO works with local partners to enable those living in poverty to gain access to safe water and sanitation. It provides local partners with the necessary skills and support to help communities set up and manage practical and sustainable projects that meet their real needs.</p>	<p><i><a href="http://www.wateraid.org">www.wateraid.org</a></i></p>
<p><b>Water for People</b></p>	<p>It assists people in developing countries to improve their quality of life by supporting the development of locally sustainable drinking water resources, sanitation facilities and hygiene education programs.</p>	<p><i><a href="http://www.waterforpeople.org">www.waterforpeople.org</a></i></p>
<p><b>Water Partners International</b></p>	<p>A U.S.-based non-profit organisation committed to providing safe drinking water and sanitation. It links donors to local partners to help communities design and construct their own sustainable water supply, using appropriate technology. It also provides funding to local organisations.</p>	<p><i><a href="http://www.water.org">www.water.org</a></i></p>

Organisation	Description	Contact information
<b>World Water Assessment Programme (WWAP)</b>	WWAP monitors freshwater issues in order to help countries develop their capacity to make assessments that lead to better decision-making. It produces the World Water Development Report (WWDR) which provides an authoritative picture of the state of the world's freshwater resources.	<a href="http://www.unesco.org/water/wwap">www.unesco.org/water/wwap</a>