



End Water Poverty Campaign Guide to the Human Rights to Water and Sanitation Front cover image:
World Walks for Water and Sanitation campaigners
in (from left) Australia, Spain and Guinea

Water and sanitation are human rights. All governments have supported the recognition of water and sanitation as human rights in one form or another. And many governments have made promises to ensure better access to water and sanitation – promises many have repeatedly failed to keep. Governments must live up to the promises they have made and they must realise the human rights to water and sanitation.

Using human rights in campaigning significantly changes the way we talk about and approach the topic of water and sanitation: Everyone has rights and is entitled to safe water and sanitation, while governments are obliged to progressively realise these rights.

Keep Your Promises is a global campaign calling on all governments to fulfil their obligation to make sure that everyone will have access to adequate water and sanitation services - by 2030. To find out more visit: www.keepyourpromises.org.

This guide provides an overview of the human rights to water and sanitation, and tips and ideas for campaigning for their realisation. As the implementation of the human rights to water and sanitation are different in each country, this guide cannot offer a detailed overview of the status of the rights in each country. But it does give you the context and tips you need to develop your own campaign to hold your national or local government to account on the promises they have made to realise the human rights to water and sanitation.



### **Nepal: Sita Magar from Dharan**

The Nepalese interim constitution explicitly guarantees the human right to water. This has given women around the country an additional argument to campaign for water connections in their communities.

Sita Magar from Dharan fought for her local informal settlement to have access to the water supply. When her initial request to the municipality was declined she organised a three day demonstration – the municipality responded by agreeing to connect the houses in the informal settlement to the water supply. The campaign succeeded in demanding realisation of the right to water from the government.

### Contents

This guide contains a great deal of information. It is designed so that you can dip in and out of the sections that are relevant to you. The list below shows you what's covered in each of the sections.

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# Schoolchildren from the PSGR Krishnammal Nursery and Primary School, Tamil Nadu, India, join World Walks for Water and Sanitation 2013 Section Introduction to the human rights to water and sanitation

### Where do the human rights to water and sanitation come from?

All human rights are embedded in international declarations and treaties. Human rights are not about political promises. They are about fundamental rights all humans are entitled to and the legal obligations that states must comply with to ensure them.

In 2010, the United Nations (UN) General Assembly adopted a resolution that "recognizes the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights".

Since then, the UN Human Rights Council and General Assembly have further interpreted and defined the human rights to water and sanitation. The rights have now been recognised by all UN Member States in one or more resolutions or declarations. You will find more detailed information in Section 5.

One of the key treaties for the human rights to water and sanitation is the International Covenants on Economic, Social and Cultural Rights (ICESCR). Art.11 (1) recognises the right to 'an adequate standard of living' - water and sanitation are components of this.





US first lady Eleanor Roosevelt holds a copy of the Universal Declaration of Human Rights

There are other treaties that are relevant for the human rights to water and sanitation, including:

- The International Covenant on Civil and Political Rights (ICCPR).
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- The Convention on the Rights of the Child (CRC).
- The Convention on the Rights of Persons with Disabilities (CRPD).
- The International Convention on the Elimination of all Forms of Racial Discrimination (ICERD).

State signatories to treaties can be found in the UN treaty database under Chapter 4 on human rights: https://treaties.un.org/Pages/ ParticipationStatus.aspx

This guide uses "the human rights to water and sanitation", while UN resolutions and many other People

often ask,

'what do the

human rights

to water and

sanitation

mean for



UN Special Rapporteur on the Human Right to Water and Sanitation, Catarina de Albuquerque me? Am I entitled to a certain amount of water at a certain cost?' But the rights to water and sanitation are more complex than this. While general definitions around access,

quality and affordability have been agreed, it is not possible to say exactly what it means to each individual. This is because everyone has different needs, for example an office worker is likely to need less water than someone working outside in hot temperatures.

This guide is based on the following definitions that have been developed by the UN Special Rapporteur on the Human Right to Water and Sanitation:

- The human right to WATER entitles everyone to sufficient,
   safe, affordable and physically accessible water for personal and domestic use.
- The human right to SANITATION entitles everyone to sanitation services that are physically accessible, affordable, safe, hygienic, secure, socially and culturally acceptable, and which provide privacy and dignity. Sanitation is a system for the collection, treatment, disposal or reuse of human excreta and associated hygiene.

If you would like to know more about these definitions, you can refer to the Frequently Asked Questions leaflet published by the UN Special Rapporteur: http://www.ohchr.org/EN/Issues/ESCR/Pages/Water.aspx

The agreed definitions help describe what adequate water and sanitation provision should look like, but also allow flexibility so that the rights can be tailored for different national, community and individual situations.

There are also important principles that apply to all international human rights law, which all States must comply with.

- **Discrimination** on any grounds is prohibited by international human rights law. States must work to ensure that everyone enjoys their rights to water and sanitation, and that the most marginalised are prioritised first in order to overcome inequalities. This principle is of great importance to your campaign as governments all too often fail to address discrimination of the most marginalised groups.
- **Participation** means that communities and individuals must be involved in the planning and decision-making processes that relate to water and sanitation provision. Participation

is the only way to ensure that their needs will be taken into account. Often, governments and service providers fail to include communities in their water and sanitation-related planning, so it's important that you remind your government of this principle.

 Accountability: this means that everyone should have the ability to challenge their governments if they feel their rights are not being met. Individuals or groups who feel that their rights have been violated must have access to information, complaint procedures, and independent decision-making bodies, including courts, to have their case heard and resolved.

### How should the human rights to water and sanitation be realised?

States are required to work *progressively* on the realisation of the human rights. Progressive realisation means that:

- Rights can only be achieved over time it is not possible to provide everyone with water and sanitation by tomorrow.
- States must work in such a way that the human rights to water and sanitation will be fully realised for everybody as fast as possible using all the resources they have available to them.

In order to progressively realise the rights to water and sanitation, States will have to undertake a number of measures, including, for example:

- The adoption of legislation on the rights to water and sanitation. What laws or policies are there in your country which recognise these rights?
- Strategies and plans to ensure that everyone will have access to water and sanitation. Are there any strategies and plans available in your sountry that aim to realise these rights?

- Regulations which everyone involved in delivering water, sanitation and hygiene (WASH) services (government actors, private companies and service providers) must comply with. This ensures that they can be held accountable for any actions they undertake which violate the human rights to water and sanitation.
- Plans which target the poorest and most marginalised groups.

### **Non-retrogression**

Complementary to the principle of progressive realisation is the principle of "non-retrogression". Progressive realisation demands that things move forward. Conversely, retrogression, which is reversing agreed decisions, should not happen. Any intentional or non-intentional step backwards in the enjoyment of the human rights to water and sanitation that happens, without a justifiable reason, is a retrogression.





### **Working with others**

Before you begin to plan your campaign you should think about who should be involved. Some of the groups you should consider are:

Individuals and communities affected by the issue – the voices and experiences of affected communities should be central to any campaign. This is the only way that you can truly find out what the problems are and the solutions required. It also gives your campaign legitimacy and empowers individuals to influence the decisions which directly affect their lives.

**Groups working on WASH** – it is quite likely that you are already working with groups working on WASH. By involving these groups you can extend your reach and your voice – decision-makers are more likely to listen and respond to civil society when it speaks with a united voice.

**Human rights groups** – can help you with knowledge on the human rights situation in your country, and they may be able to suggest effective human rights campaign tactics. This could be groups working on economic, social and cultural rights or your national human rights institution.

**Unexpected allies** - consider groups outside the WASH sector and convince them of the positive impacts the realisation of the rights will have on their own sector e.g., child mortality and WASH.

**Define the problem** 

In order to plan your campaign, you will need to consider if you are campaigning for the progressive realisation of the human rights to water and/or sanitation. Are you campaigning on one element of the right, e.g., affordability? Or are you campaigning to prevent a violation of the rights?

#### Campaigning for the realisation of the human rights to water and sanitation

You will need to identify the problem you want to address in human rights terms. Consider the WASH challenges communities face, and compare them with the content and principles of the human rights to water and sanitation. For example:

- Are there people who are unable to pay for the installation of sanitation facilities in their homes/communities; or who are unable to pay for the emptying of pits? Is there any financial assistance or waiver they can apply for? If not, then your campaign could focus on affordability.
- Are people able to access sufficient water at all times? Or is the water source so distant that people are only able to collect limited amounts, so that they are unable to fulfil all their personal and domestic needs?
- Are certain people excluded from using a shared sanitation facility? Can people of all ages, social origins and genders use the facility, or are some community members excluded for any reason? If so, consider a campaign using the principle of non-discrimination to bring about change.



#### Campaigning to prevent or stop a violation of the human rights to water and sanitation

You might want to focus your campaign on preventing a violation of the rights to water and sanitation from happening – or stopping a violation that is ongoing. For example, a community or household might be unable to pay for its water bill through no fault of its own. In such cases, households should not be disconnected, because this would be a retrogression in the enjoyment of their right to water. In many countries, disconnections are actually allowed by national legal frameworks. You might then want to campaign on changing these legal frameworks so they align with the human rights requirement that water must be affordable for all. Other examples include a lack of regulation of industries by the State, with the result that water resources are depleted or polluted.



Members of the Mapuche community

### **Argentina: Indigenous communities** and Public Defender of Minors

An oil company caused contamination of a groundwater source with lead and mercury, which was used by the Paynemil and Kaxipaviñ Mapuche indigenous communities in Neuquén, Argentina. Many people suffered adverse health impacts as a result of the contamination. The provincial government knew about the contamination because the community members complained several times to local authorities about the polluted water.

In March 1997, the indigenous communities received help from the 'Public Defender of Minors' (Defensora Oficial de la Primera Circunscripción), who filed an injunction against the government. They found that the government had failed in its obligation to safeguard public health and to provide safe drinking water to the affected communities.



The court ordered the government to:

- 1) Immediately provide 250 litres of drinking water per person, per day;
- 2) Ensure within 45 days a more permanent provision of drinking water to the affected people by any appropriate means;
- 3) Set up, within seven days, a procedure to determine whether the health of the community members was damaged by the pollution of water, and provide any necessary treatment;
- 4) Provide for adequate environmental remediation if necessary

On appeal, the Provincial Court of Appeal confirmed the injunction. It found that the injunction was valid on the basis of the Constitution of Argentina.

**Define the solution** The next step in the process is to think through the solution to the problem – is it asking for the human rights to water and sanitation to be enshrined in the constitution? Or calling for a new law? Perhaps it's about finding ways to ensure the legislation becomes a reality, which could include beginning a legal challenge. The solution will not be the same for every country as it has to be relevant to the

national context.

Agree your objective Your objective is what you want to achieve with the campaign - so this should reflect the solution that you have identified. What laws, policies,

by-laws and even practices need to change in order to address the problem?

Setting an objective will enable you to be clear about what you are trying to achieve, and will assist you in your planning and design of advocacy activities. In the longer term, a clear objective will also allow evaluation and monitoring of your advocacy work. Your objective should be SMART (specific, measurable, achievable, relevant and time-bound). For further information on how to evaluate your campaign: http:// www.e-alliance.ch/en/l/advocacy-capacity/ resources/evaluating-advocacy-activities/

**Identify your advocacy target** Advocacy is all about influencing those with the power to effect change. You'll need to identify exactly who you need to convince and influence in order to bring about the change you want. Your target is likely to be the government, but you will need to identify who has the power to bring about change, whether it's an individual, group of individuals or a party.

Once you have identified your target you may want to think about 'secondary' targets - these are individuals who can help you reach your target. This could be supportive parliamentarians or the UN Rapporteur.

**Establishing a timeline** and milestones for your campaign

Milestones are targets that you aim to reach at specific points during your campaign. It's important to identify these and set a timeline for them – so is your first milestone achievable within one month, three months or a year? By taking the time to do this you will then have a framework you can assess your campaign success by. If you reach your milestones you know that your campaign is on its way to being successful. If you have not reached your milestones you may want to review your campaign plan to see if you have identified the correct target(s), or the correct way to reach them.



- and empowered to demand their human rights to water and sanitation
- Sufficient information gathered to challenge the local authority
- A meeting with the campaign target(s) is secured and held
- Decision maker announces an increase in budget to improve access to water and sanitation

- Citizens in five communities are informed The five communities are involved in discussions on what water supply they want and the type of sanitation facilities
  - Water supply connected and sanitation facilities built
  - Government commits to provide water and sanitation to those who cannot afford it



### **Develop messages that will convince your target**

Your message is a summary of what the problem is and the change you want to bring about.

A clear message should:

- 1 Explain the problem and solution
- 2 Be short and punchy, just one or two sentences
- 3 Be understandable to someone who doesn't know the issue

To help prepare your message you could create an 'elevator pitch' for your campaign. An elevator pitch is a brief speech – about 30 seconds long – which you use to convince someone of your issue. It should explain your issue and your ask in an interesting and memorable way.

From your planning you can write up a campaign plan, which you can refer back to as your campaign develops and grows. It is also a good document to share with potential donors in order to raise funds for the campaign.



**EWP** Coordinator Esmee Russell leads a campaign planning session for EWP members





### Kenya: Advocating for the human rights to water and sanitation

Kenya has a vibrant civil society that has championed the domestication of international human rights provisions.

Although civil society had already successfully advocated for the introduction of the human rights to water and sanitation in WASH standards, policies and programs, they realised that there was a need for a constitutional guarantee to provide for a strong legal basis, to create enforceability of the rights. In 2010 the Kenyan Constitution recognised the rights to water and sanitation.

### Section 3 Campaign tactics

### GOUVERNEMENT DE LA PROVINCE ORIENTALE, TIENT TA PROMESSE EAUET L'ASSAINISSEMENT Campaigners in the Democratic Republic of Congo call on their government to keep its promises on World Water Day 2014

### **Campaign tactics – tools you could use to bring about change** and claim your rights

Once you know your target and what you want to say to them the next step is to work out how you will reach out to them. There are a number of ways that you can convey your message to your target. Here are a few that have been used by civil society groups campaigning on the human rights to water and sanitation

**Insider versus Outsider** 

Campaigning tactics can be classified as either 'insider' or 'outsider' campaigning.

**Insider campaigning** refers to approaches that work with the targets through established channels (lobbying, public meetings, consultations).

**Outsider campaigning** refers to pressure exerted through more public channels (protest, direct action).

The route you choose will be determined by a number of factors including the values of your campaign network, your resources and your target. You do not have to choose to use just insider or outsider tactics; effective campaigning is often a combination of the two.

**Right to information** Several countries have a right to information act which enables citizens to request information from

a public body, which then has to reply within a specific timeframe. In this way, citizens and communities can gain access to information on the progress decision makers have made on realising the human rights to water and sanitation – including the amount of money spent on these basic services and where toilets and drinking water facilities have been installed in communities.

Case Study

### **India: Indiranagar**

Indiranagar is the case of a tribal village with 550 people, which used the Right to Information Act to gather the evidence on the denial of safe drinking water to their community and raised their demand through petitions. The local authorities were compelled to provide a grant of Rs.500,000 to meet the drinking water needs of this community.





Organise a meeting with government officials

You could arrange a meeting, where your target can hear directly from those who do not enjoy their human rights to water and sanitation. The meeting could be held within a local community so that the decision makers can see the challenges they face. When doing this, it is important to be clear on the messages you wish the decision maker to hear and to follow up on any commitments they make.

Contact your national human

rights institution Many countries have a national human rights institution set up to monitor or protect human rights in the country. It is worth contacting them to let

them know of your campaign and to find out how they can support you. They might have legal background information for you, and in cases of violations of the rights to water and sanitation, some institutions also have the mandate to assist individuals or communities.

**Use your political system** 

In several countries civil society organisations have successfully brought about change through influencing their elected representatives. It is often possible to influence laws and policies that are being developed – this is a good way to try and ensure that any new policy or law progresses the human rights to

water and sanitation.



#### **India: Right to Sanitation Campaign**

In 2014, Right to Sanitation Campaign partners organised meetings with several political parties across 15 Indian states during which they called for a commitment to achieve the right to sanitation to be included in their election manifestos. For example, in Andhra Pradesh state the campaign partners met eight major political parties which included All India National Congress Party, Bharatiya Janatha Party (BJP), Telegu Desam Party (TDP), Telangana Rastra Samity (TRS) Communist Party of India (CPI), Communist Party of India Marxist (CPM), Lok Satta party and Jana Sena Party. In response, leaders of at least four major political parties said that their parties are committed to achieve decent housing with toilet facilities for all the poorest and most marginalised groups of society.

World Water Day 2014 campaigning in Kerala, India, 2014





### Involve the media

The media – whether online, print, radio or TV - can boost your campaign through building public support and awareness, which can influence a decision maker. This could be through a news story or through providing analysis of an issue. You can send press releases to journalists (accompanied by a phone call), arrange a press conference, write a blog or submit your own opinion piece. Be bold and directly assert the issue; say that a human right has been violated if you believe this to be the case, and if you can gain the support of a human rights institution or the UN Special Rapporteur, your story will be certain to be picked up. Arranging a picture will also always help gain attention - for example a group of people in a symbolic action or 'stunt' - as will putting the people affected by the issue at the centre of the story.



A World Walks for Water and Sanitation 2014 campaign in Pakistan makes front page news

## Case Study

### Representatives of indigenous and civil society organizations march for water rights in Ecuador

In Ecuador, a coalition of indigenous and civil society organizations marched from the provinces to the capital to protest a new Water Law passed in June 2014. They also formed a People's Assembly to challenge a number of policies related to water. The marchers say the law makes it easier for large industries, such as agribusinesses or mining companies, to have priority access to water sources to the detriment of small farmers. They think it will allow for the complete privatisation of water in Ecuador.



Reading a civil society manifesto to the media and others in Uganda in 2011

### **Legal Challenge**

In order to undertake a legal challenge there are several things you may want to do, including;

- Approach the relevant political committee, if there is one;
- Make a complaint to a national human rights commission or ombudsman's office;
- Request a lawyer to take a case to court or, after a court has upheld a right, take action to persuade the authorities to implement the judgment;
- Send reports to the UN Special Rapporteur on the Human Right to Water and Sanitation. You can contact the UN Special Rapporteur by emailing: <a href="mailto:srwatsan@ohchr.org">srwatsan@ohchr.org</a> or writing to:

Office of the United Nations High Commissioner for Human Rights (OHCHR) **ESCR Section** 

Special Procedure Branch

Palais Wilson

52 rue des Pâguis

CH-1201 Geneva, Switzerland.

For further information on the role of the Special Rapporteur, visit: http://sr-watersanitation.ohchr.org/en/featurestories.html

Developing a legal challenge requires technical expertise and can be difficult to organise. You should seek support before undertaking this.

> Kalahari Bushmen jump for joy upon learning of their right to water court case victory in 2011



### Submit evidence to the UN Committee on **Economic, Social and Cultural Rights**

The UN Committee on Economic. Social and Cultural Rights (CESCR) regularly reviews how countries are implementing the human rights commitments of UN Member States that are party to the International Covenant on

Economic, Social and Cultural Rights (ICESCR). As part of the review process, countries submit a report. Certain NGOs can submit shadow reports in which they present evidence and their analysis of the performance of the country. This helps the Committee in its review. At the end of the review, the CESCR publishes a report with recommendations. which can then be used for campaigning at the national level.



UN Special Rapporteur, Catarina de Albuguerque



### Submit evidence to the Human Rights **Council Universal Periodic Review**

The Human Rights Council undertakes a process called the Universal Periodic Review, during which the human rights situation in a country is reviewed. The process involves the Human Rights Council reviewing

> a report prepared by the State, but also evidence submitted by NGOs and CSOs. This presents an opportunity for CSOs to submit evidence on particular human rights issues, including the rights to water and sanitation, in shadow reports. You can find out from human rights organisations in your

country when they will be preparing a report and how you can contribute to it. At the end of the process, the Human Rights Council publishes a report with recommendations, which can then be used for campaigning at the national level.

Further information and a schedule of when states will be reviewed can be found here: http://www.ohchr.org/

en/hrbodies/upr/pages/ NgosNhris.aspx

### Kalahari: Basarwa Bushmen win back rights to Kalahari water

The Basarwa Bushmen, supported by Survival International, the global movement for tribal peoples' rights, successfully won back their right to dig new wells and to use an existing well to access water on their traditional land in the Kalahari Desert. In July 2010, a ruling was made which denied the Bushmen the right to access water through these wells. But in 2011 the Bushmen's legal appeal was successfully upheld, enabling them to use the wells again and to sink new boreholes.



An Australian campaigner calling for recognition of the right to sanitation



If you are planning on developing your own campaign on the human rights to water and sanitation, do stay in touch with the End Water Poverty secretariat as there are ways we can support you, including:

**Workshop** – as it is not possible to discuss the national context in this guide, we are able to run a workshop for your organisation, and other campaign partners, to support you to develop a local campaign strategy, as well as advise on communication

Support with advocacy actions – If you are undertaking specific advocacy actions we could give you support to gather existing research and to tailor your message. We could also help by adding our name to your documentation including letters or petitions. Then we could help by promoting what you are doing through all of our media channels - we could also offer support to help you get media coverage

**Connect you to others** – we can let you know who else in your country is working on this issue

**Share good practice and successes stories** – we share information from End Water Poverty members around the world – including details about campaign success

To contact the End Water Poverty Secretariat, please email:

info@endwaterpoverty.org, call +44 207 793 4960 or Skype 'endwaterpoverty'

End Water Poverty is a global civil society coalition campaigning to end the water and sanitation crisis. To find out more visit: www.endwaterpoverty.org



### Section 5 Further reading



To understand what the human rights mean in more detail here is a collection of documents and publications.

#### **UN** documents:

- On the website of the UN Special Rapporteur on the human right to safe drinking water and sanitation, you will find reports by the Special Rapporteur on different topics and on country missions as well as all resolutions since 2010 that have been passed by the UN General Assembly and Human Rights Council: http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/SRWaterIndex.aspx
- Further publications, factsheets and FAQ documents by the UN Special Rapporteur on the human right to safe drinking water and sanitation can be found here: http://www.ohchr.org/EN/Issues/ESCR/ Pages/Water.aspx
- The UN Committee on Economic Social and Cultural Rights has issued General Comment No. 15. defining the right to water, and a statement on the right to sanitation.
- General Comment No. 15 is available here: http://tbinternet.ohchr.org/\_layouts/treatybodyexternal/ TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11
- The statement on the right to sanitation is available here: http://tbinternet.ohchr.org/ layouts/ treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=68 (search for title 'sanitation')

#### **Publications:**

- The UN Special Rapporteur on the Human Right to Water and sanitation, Catarina de Albuquerque, has written a book on good practices in the realisation of the rights to water and sanitation. On the Right Track, Good Practices in Realising the Rights to Water and Sanitation: http://www.ohchr. org/Documents/Issues/Water/BookonGoodPractices\_en.pdf
- Fresh Water Action Network (FAN), WaterAid and UKaid's Governance and Transparency Fund Programme includes a series of handbooks focussing on the challenges of creating strong community-based organisations and the role of networks in delivering better governance, how to engage with stakeholders and how to improve governance and make it sustainable: http://www.wateraid.org/what-we-do/ourapproach/research-and-publications/view-publication?id=f1738e29-266b-4c97-bbf7-2fa538d67092
- WASH United, FAN and WaterLex issued a publication detailing laws and policies guaranteeing the human right to safe drinking water and sanitation at national, regional and international levels: http:// www.freshwateraction.net/sites/freshwateraction.net/files/RTWS-sourcebook.pdf
- FAN issued a Handbook on the use of a human rights based approach for advocacy on access to water and sanitation: http://www.ewash.org/files/library/Activists%20Handbook.pdf
- COHRE issued a tool to assist policy makers and practitioners develop strategies for implementing the human right to water and sanitation: The Manual on the Right to Water and Sanitation: http://www. righttowater.info/wp-content/uploads/Manual-on-the-Right-to-Water-and-Sanitation-AAAS.pdf

Backcover image: Schoolchildren in Antananarivo, Madagascar, participate in World Walks for Water and Sanitation, 2013 Our thanks go to WashUnited, KEWASNET, FANSA, WaterAid and ANEW for helping to develop this publication.













