

Mandate of the Special Rapporteur on the human rights to safe drinking water and sanitation

Questionnaire to non-States

Reports to the 51th session of the Human Rights Council and to the 77th session of the UN General Assembly (2022)

Background

In his “planning and vision report” to the 48th session of the Human Rights Council (A/HRC/48/50, para. 9), the Special Rapporteur on the human rights to safe drinking water and sanitation, Mr. Pedro Arrojo Agudo, identified his objectives for the first three years of the mandate. He aims to clarify the steps that need to be taken to promote democratic water governance, taking a sustainable and human rights-based approach in different contexts including, but not limited to, urban and rural areas and areas inhabited by indigenous peoples or indigenous peoples’ lands and territories.

In addition, in clarifying one of the structural flaws or the root causes of the global water crisis, namely “inequality, discrimination and poverty”, the Special Rapporteur highlighted the situation of people living in impoverished rural areas and indigenous peoples, whose patterns of life are more closely linked to nature, territory and community values, and most of the necessities for a dignified life are not bought, but provided by nature or the community (A/HRC/48/55, para. 36).

In line with such aim, the Special Rapporteur will focus his two thematic reports in 2022 on:

- **The human rights to safe drinking water and sanitation of indigenous peoples: state of affairs and lessons from ancestral cultures** to the 51st session of the Human Rights Council in September 2022; and
- **The human rights to safe drinking water and sanitation of people living in impoverished rural areas** to the 77th session of the United Nations General Assembly in October 2022.

In order to prepare for the two reports, the Special Rapporteur welcomes response from State to the below questions by **31 December 2021**.

I. General questions

1. Please describe the roles and responsibilities of your organization in relation to indigenous peoples, people living in impoverished rural and, in particular, their human rights to safe drinking water and sanitation.

2. In the case indigenous peoples and people living in impoverished rural areas do not have access to water and sanitation fulfilling the **normative content of the human rights to water and sanitation**, namely, availability, accessibility, affordability, safety, quality, acceptability, privacy and dignity*:

* For more information on the normative content of the human rights to safe drinking water and sanitation see (English | Français | Español)

3. In what ways has your organizations been involved to ensure meaningful participation of and ensure to obtain free, prior and informed consent of indigenous peoples and people living in impoverished rural areas relating to decisions, policies and projects affecting their human rights to safe drinking water and sanitation? In particular:

3.1. What participatory processes and consultations have your organization taken part in? Please describe the experience and the outcome. Are you satisfied with the outcome?

3.2. How does your organization monitor the consultation process by private companies in implementation of projects affecting the human rights to safe drinking water and sanitation of indigenous peoples and people living in impoverished rural areas? What was the experience? And the outcome?

3.3. What challenges have been observed in the participatory processes and consultations?

3.4. What challenges are observed and what efforts have been made to ensure meaningful participation by indigenous women and women in impoverished rural areas? What challenges are faced to ensure that their voices are heard in decision-making processes relating to water and sanitation at local and national level, respectively?

4. Please provide information on **legal and regulatory framework, policies and programmes** in the country that your organization works in or is aware of which aims to guarantee and improve the access to safe drinking water and sanitation for indigenous peoples and people living in impoverished rural areas, including:

4.1. What are the gaps and elements that could be improved to guarantee access to safe drinking water and sanitation?

4.2. Are there any signs or indication of retrogression of the realization of the human rights to safe drinking water and sanitation?

4.3. How does legal recognition of the status of indigenous peoples and their rights impact – both negatively and positively – the enjoyment of their human rights to safe drinking water and sanitation?

4.4. What are the specific changes in legal, regulatory and policy frameworks and programmes related to access to water and sanitation services for indigenous peoples and people living in impoverished rural areas since the outbreak of COVID-19?

5. In the context of **international development cooperation**, please provide information regarding:

5.1. your organization's role and responsibility to improve and ensure access to water and sanitation of indigenous peoples and people living in impoverished rural areas;

5.2. any international development funds providing human, technical or financial resources to support the self-governance of indigenous peoples and people living in impoverished rural areas regarding access to water and sanitation;

5.3. measures in place to ensure that international development projects target and prioritize access to water and sanitation for indigenous peoples and people living in impoverished rural areas; and

5.4. your assessment as to whether the water and sanitation projects implemented to ensure the human rights to water and sanitation benefited all people living in impoverished rural areas including indigenous peoples?

6. Please provide information on the **accountability framework** related to the water and sanitation sector of the country that your organizations works in or is familiar with, in particular on:

6.1. Are the roles, responsibilities and standard of service providers (public, private or community providers) who provide access to water and sanitation to indigenous peoples and people living in impoverished rural areas clear?

6.2. In what ways can indigenous peoples and people living in impoverished rural areas access information relating to access to water and sanitation services?

6.3. What effective mechanisms are available for indigenous peoples and people living in impoverished rural areas to submit complaints regarding their access to safe drinking water and sanitation as well as obtain information on how those complaints were handled and resolved? Are these mechanisms accessible on an equal footing by women and girls, as compared to men and boys?

6.4. What ways are available to indigenous peoples and people living in impoverished rural areas to hold States and other relevant actors accountable for ensuring the enjoyment of the human rights to safe drinking water and sanitation and for their actions, inactions and decisions that affect the realization of those rights? Are these mechanisms accessible on an equal footing by women and girls, as compared to men and boys?

7. In relation to **human rights defenders and activists**:

7.1. Are human rights defenders and activists who stand up for the human rights to safe drinking water and sanitation of indigenous peoples and people living in impoverished rural areas free from fear, criminalization and harassment?

7.2. What are the specific experiences of women and girls human rights defenders, if different from those of men and boys human rights defenders?

7.3. Have you or your organizations witnessed, supported, engaged in the public campaigns or activism to demand, request or protest against the violations of human rights to water and sanitation? Please provide examples.

7.4. Has such public activism put the indigenous peoples, people living in impoverished rural areas and their community into any danger or raised any situation of conflict? And have those been resolved and in what way?

II. Specific questions on indigenous peoples:

8. Please provide information on the **indigenous peoples living in rural areas** that your organization is aware of or represents or works with, including information on:

8.1. The environment in which indigenous peoples live (climate, geography, topography and recent events/disasters that occurred in the area);

8.2. The socio-economic situation of or context in which indigenous peoples live (education, health, employment levels, land rights, housing and security of tenure, etc.);

8.3. The level of autonomy, self-governance and the existence of any community organization to manage common goods, such as water;

8.4. Their relationship with national and local (sub-national) government; and

8.5. their relationship with neighboring communities and population living in impoverished rural areas.

9. Please provide information on the indigenous peoples living in rural areas that your organization is aware of or represents or works with, particularly on their **access to water and sanitation**:

9.1. how indigenous peoples access water (for drinking, for domestic and personal usage), and sanitation (toilet, pit latrines, sewerage, shower facilities, handwashing, menstrual hygiene);

9.2. what agencies are responsible for the provision of water and sanitation services to indigenous peoples, and what service providers – public or private; at community, municipal, or supra-municipal level – manage those services;

9.3. the value, spirituality, beliefs and practices involving water and sanitation;

9.4. the role of indigenous peoples and their communities relating to water management and the resources (human, technical, financial) they have; and

9.5. the different gender roles that indigenous women and girls have in the provision of water for their families and community.

10. Please provide information on the **indigenous peoples living in urban or peri-urban areas** that your organization is aware of or represents or works with, in particular:

10.1. How indigenous peoples living in urban or peri-urban areas access water and sanitation and specific challenges observed;

10.2. How indigenous peoples living in urban or peri-urban areas maintain and sustain their values, spirituality, beliefs and practices involving water and sanitation; and

10.3. The reason why indigenous peoples chose to leave their own territory and live in urban or peri-urban areas.

III. Specific questions on people living in impoverished rural areas

11. Please provide information on **rural areas** that your organization is aware of or works in regarding:

11.1. how rural, urban, peri-urban areas are defined;

11.2. if any, how rural areas are further categorized; and

11.3. how levels of poverty in rural areas are defined and how poverty is defined differently in rural areas and urban areas.

12. Please provide information on **people living in impoverished rural areas** that your organization is aware of or represents or works with, in particular:

12.1. the environment in which people living in impoverished rural areas live (climate, geography, topography and recent events/disasters that occurred in the area);

12.2. the socio-economic situation of or context in which people living in impoverished rural areas live (education, health, employment levels, land rights, housing and security of tenure, etc.);

12.3. the specific types of groups, communities and populations that live in impoverished rural areas; and

12.4. their relationship with neighboring communities and indigenous peoples.

13. Please provide information on the **access to water and sanitation** by the people living in impoverished rural areas that your organization is aware of or represents or works with, in particular:

13.1. how people living in impoverished rural areas access water (for drinking, for domestic and personal usage), and sanitation (toilet, pit latrines, sewerage, shower facilities, handwashing, menstrual hygiene);

13.2. what agencies are responsible for the provision of water and sanitation services to people in impoverished rural areas, and what service providers – public or private; at community, municipal, or supra-municipal level – manage those services;

13.3. the usage of water by people living in impoverished rural areas ranging from water for drinking, for domestic and personal usage to water for subsistence farming, livestock and other usage to sustain their livelihood;

13.4. community organizations in impoverished rural areas which oversee water and sanitation management for their communities or any other role of people living in impoverished rural areas relating to water management;

13.5. any tradition of community governance of common goods such as land, water, forests, etc.; and

13.6. the different gender roles that women and girls in impoverished rural areas have in the provision of water for their families and the community.

14. Please provide information about measures and efforts undertaken to ensure equal access to water and sanitation in impoverished rural areas and to address the **disparity between access to water and sanitation in rural areas and urban areas** and disparity observed within areas, between remote rural areas and rural towns.