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

## **Questionnaire to States**

### **Reports to the 51<sup>th</sup> session of the Human Rights Council and the 77<sup>th</sup> session of the UN General Assembly (2022)**

#### **Background**

In his “planning and vision report” to the 48<sup>th</sup> 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 77<sup>th</sup> 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 provide information regarding the **national legal and regulatory framework** including on:

- 1.1. the legal recognition of the human rights to water and sanitation;
- 1.2. the provision of water and sanitation services and facilities to people living in impoverished rural areas and indigenous peoples;
- 1.3. the recognition of the status of indigenous peoples and their rights; and
- 1.4. the regulation of service providers – whether private or public, or even community-based - and other actors to ensure respect for the human rights to water and sanitation of indigenous peoples and people living in impoverished rural areas.

2. Please provide information on **national or local policies and programmes** that aim to improve access to safe drinking water, sanitation and hygiene for indigenous peoples (including those living in urban and peri-urban areas) and people living in impoverished rural areas, including:

- 2.1. budgetary allocations for policies and programmes and other budgetary allocations at the local level to develop or improve water and sanitation services for indigenous peoples and people living in impoverished rural areas;
- 2.2. the recovery of the healthy state of their drinking water sources of indigenous peoples and people living in impoverished rural areas; and
- 2.3. any changes in policy related to access to water and sanitation services for indigenous peoples and people living in impoverished rural areas since the outbreak of the COVID-19 pandemic.

3. In the context of **international development cooperation**, please provide information regarding to your Government's role and responsibility to improve and ensure access to water and sanitation of indigenous peoples and people living in impoverished rural areas, including:

- 3.1. 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; and
- 3.2. 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.

4. Please provide information regarding the **accountability framework** related to the water and sanitation sector, in particular on:

- 4.1. 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;
- 4.2. ways in which indigenous peoples and people living in impoverished rural areas can access information relating to access to water and sanitation services;
- 4.3. any effective mechanisms where indigenous peoples and people living in impoverished rural areas can submit complaints regarding their access to safe drinking water and sanitation as well as obtain information on how those complaints are handled and enforced; and

4.4. mechanisms available for 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.

5. 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\*:

5.1. Please provide information on the reasons and root causes that impair the full enjoyment of the human rights to water and sanitation;

5.2. Please provide information on the challenges faced by the Government to guarantee the human rights to water and sanitation; and

5.3. Please provide information on any actions that your Government plan to take in response to the challenges faced by indigenous peoples and people living in impoverished rural area in access to water and sanitation and full enjoyment of the human rights to water and sanitation.

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

6. In what ways has your Government ensured **meaningful participation** and ensured to obtain the **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:

6.1. Please provide specific information on how your Government has facilitated democratic participation of indigenous peoples and people living in impoverished rural areas in decision making, monitoring and evaluation of such projects at local level;

6.2. Please provide information on how your Government monitors the consultation process by government agencies, service providers and 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; and

6.3. Please provide information on measures and efforts taken by your Government to ensure meaningful participation by indigenous women and women in impoverished rural areas and steps taken to ensure that their voices are heard in decision-making processes, monitoring and evaluation relating to water and sanitation at local and national level, respectively.

## II. Specific questions on indigenous peoples

7. Please provide a **list of indigenous peoples** residing within your State's territory or those under the jurisdiction of your Government who have self-identified themselves as indigenous.

8. Please provide any efforts and initiatives taken to collect and analyze information relating to **indigenous peoples living in rural areas**, in particular:

8.1. the environment in which indigenous peoples live (climate, geography, topography, 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 and self-governance and the existence of a 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 any efforts and initiatives taken to collect and analyze information relating to indigenous peoples living in rural areas, and **access to water and sanitation**, in particular:

9.1. how indigenous peoples living in rural areas 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 any efforts and initiatives taken to collect and analyze information relating to **indigenous peoples living in urban or peri-urban areas**, in particular:

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

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.

### **III. Specific questions on people living in impoverished rural areas**

11. Please provide a **list of impoverished rural areas** in your country and information 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 any efforts and initiatives taken to collect and analyze information relating to **people living in impoverished rural areas**, 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 about any efforts and initiatives taken to collect and analyze information relating to people living in impoverished rural areas and **access to water and sanitation**, in particular:

13.1. how people living in impoverished rural areas access water (for drinking, for domestic and personal usage), 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; and

13.5. 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 on 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 areas with populated centers.