**Call for Inputs**

**Too Dirty, Too Little, Too Much: The Global Water Crisis and Human Rights**

“There is simply no way to overstate the water crisis of the planet today.”

Maude Barlow, former senior advisor on water to the President of the
United Nations General Assembly

A global agreement now exists that human rights norms apply to a broad spectrum of environmental issues, including water and sanitation.

The Special Rapporteur on human rights and the environment, Dr. David Boyd, is working to provide additional clarity regarding the substantive rights and obligations that are essential to the enjoyment of a safe, clean, healthy and sustainable environment.

He has submitted reports on clean air, a safe climate, a healthy biosphere, and good practices on the promotion and implementation of the right to a safe, clean, healthy and sustainable environment. He is now preparing a thematic report focusing on human rights and associated obligations related to water pollution, water scarcity and floods. For that purpose, he is seeking inputs on the topic from States and stakeholders through responses to the brief questionnaire below.

Your replies will inform the Special Rapporteur’s analysis and contribute to his report, which will be presented to the Human Rights Council in March 2021.

**Questionnaire**

The Special Rapporteur invites and welcomes your answers to the following questions:

1. Please provide examples of ways in which water pollution, water scarcity and floods are having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water and sanitation, food, culture, livelihoods, non-discrimination, a safe, clean, healthy and sustainable environment, and indigenous peoples’ rights.

water pollution:

Pollution of water sources is an issue that has an adverse impact on the human right to water for many millions of people around the world. There are numerous examples.

[The WHO estimates](https://www.who.int/gho/epidemic_diseases/cholera/cases_text/en/) that cholera represents an estimated burden of 1.4 to 4.0 million cases, and between 21,000 to 143 000 deaths per year worldwide. According to [WaterAid,](https://www.wateraidindia.in/media/ground-water-our-most-precious-buffer-to-climate-change-requires-our-action-and-attention) over 35 million people in Bangladesh are exposed to dangerous concentrations of naturally-occurring arsenic in their drinking water, vastly exceeding legal maximum levels.

There are many factors that lead to situations like those mentioned above. Lack of investment in building and maintaining water treatment facilities and public water systems are among the causes. But there are also examples of where investment has been made, but not in a smart way. A lack of clear, strategic long-term policy direction has led to investment being effectively wasted on projects on water treatment for example, that have never been completed.

A lack of regulation and control over sources of pollution, such as industry and agriculture, is another global issue, even in Europe. There still seems to be a conflict between agriculture and industrial policy/needs versus water and the environment. It continues to prover very difficult for governments to achieve the right balance.

water scarcity

This is a common threat in arid countries and triggers a whole range of water conservation measures, from leakage reduction to demand management.

We urge the Special Rapporteur to investigate further whether aid/donor funded programmes for water are actually sustainable in the medium and long term. We sometimes see a short-term, quick-fix, charity mindset to donor/philanthropy funding of projects in water in developing countries. For example, drilling more boreholes in already heavily water-stressed areas. This simply is not sustainable.

Not enough consideration is given to technology and innovation projects that can help to ensure water supply in the long-term, and where local communities will not have to continue to rely on donations and aid.

1. How has climate change exacerbated water-related problems?
2. To protect a wide range of human rights, what are the specific obligations of States and responsibilities of businesses in terms of addressing water pollution, water scarcity and floods? Please provide specific examples of constitutional provisions, legislation, institutions, regulations, standards, policies and programmes that apply a rights-based approach to preventing, reducing, or eliminating water pollution, water scarcity and floods. Please include, inter alia, any instruments that refer directly to the right to a healthy environment and/or the rights to clean water and adequate sanitation.

Public water and wastewater services are duties of States in the first place. AquaFed strongly recommends to any State to analyse the ways to address the HRtWS in general but more urgently the different criteria (access, safety, availability, acceptability, affordability), and derive the suitable service targets and indicators for each, with suitable legislation adaptations.

1. If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment, has this right contributed to preventing, reducing, or eliminating water pollution, water scarcity and floods? If so, how? If not, why not?
2. Please provide specific examples of good practices in preventing, reducing, or eliminating water pollution, water scarcity and floods. These examples may occur at the international, national, sub-national, or local level. Examples may involve water quality and quantity monitoring; guaranteeing procedural rights (e.g. public access to water quality information, public participation in decision-making about proposed uses of water, access to remedies); water use and water quality legislation, regulations, standards, and policies; and initiatives to reduce water consumption and/or water pollution from specific sectors (e.g. agriculture, electricity generation, industry, transportation, domestic use). Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices.
3. Please identify specific challenges that your government, business, or organization has faced in attempting to employ a rights-based approach to address water pollution, water scarcity and floods and the impacts of these problems on human rights.
4. Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to water pollution, water scarcity and floods (e.g. women, children, persons living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, ethnic, racial or other minorities and displaced persons). How can these populations be empowered to protect and improve water quality and availability?
5. How do you ensure that the rights of environmentalists working on water issues (environmental human rights defenders) are protected? What efforts has your Government or business made to create a safe and enabling environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?
6. There is substantial evidence that the actions of high-income States (from high levels of material consumption to high levels of greenhouse gas emissions) are linked to adverse effects on water availability and water quality in low and middle-income States. What are ways in which high-income States should assist low-income States in responding to and preventing water pollution, water scarcity and floods?
7. For businesses, what policies or practices are in place to ensure that activities, products, and services across the entire supply chain (extraction/sourcing, manufacturing, distribution, sale, and end-of life management) minimize water use and water pollution and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?

**Submission of responses**

Please send your responses to the questionnaire **in Word format** by email to srenvironment@ohchr.org. Submissions will also be accepted via regular mail at the following address:

Special Rapporteur on human rights and the environment

Special Procedures Office of the United Nations High Commissioner for Human Rights (OHCHR)

Palais des Nations

CH-1211 Geneva 10, Switzerland

**We kindly request that your submission be concise and limited to a maximum of
5 pages (or 2,000 words), not including appendices or attachments.**

Due to a limited capacity for translation, we also request that your inputs be submitted in English, French, or Spanish.

To avoid unnecessary duplication: if you have recently replied to other questionnaires from UN human rights mechanisms (or other international bodies) with information that would be relevant to this request as well, we welcome your directing us to those replies.

**The deadline for submission is 10 November 2020.**

Unless otherwise requested, all submissions will be made publicly available and posted on the Special Rapporteur’s homepage at the OHCHR website.

\*\*\*