**Simavi response to the questionnaire of the UN Special Rapporteur on** **the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment in view of his forthcoming March 2021 report to the Human Rights Council on human rights and associated obligations related to water pollution, water scarcity and floods.**

**Submitted by Simavi on 9 November 2020**

Simavi is a non-governmental organisation, based in Amsterdam, the Netherlands. The organisation strives for a world in which all women and girls are socially and economically empowered to live a healthy life free from discrimination, coercion and violence. To do so, it implements programmes in 10 countries[[1]](#footnote-2) together with Non-Governmental and Civil Society Organisations (NGOs and CSOs), on Water, Sanitation, Hygiene, Menstrual Health, Maternal Health and Bodily Integrity.

**Naritaweg 135, 1043 BS Amsterdam, The Netherlands |** [**https://simavi.org/**](https://simavi.org/) **|** info@simavi.nl

Simavi welcomes the opportunity to respond to the questionnaire on human rights and associated obligations related to water pollution, water scarcity and floods, prepared by the UN Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Simavi’s submission draws on Simavi’s programmes, but a selection of examples has been made to comply with the word limit and easily link the different questions to the examples selected.

**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.**

1. Simavi has been working in Bhola, Bangladesh, with local partners Development Organisation of the Rural Poor (DORP), Wateraid Bangladesh (WAB), Gender Water Alliance (GWA), on the [Watershed – Empowering Citizens programme](https://watershed.nl/resources/).[[2]](#footnote-3) The partners undertook an analysis of the status of the water, sanitation and hygiene infrastructure in Veduria, a union in Bhola. Most of the total water demands are met by the groundwater sourced from deep aquifers due to polluted surface water, and the poor conditions of the WASH infrastructure. The ponds have become the ultimate receptacles of household sewage and wastewater. Many toilets discharging waste and contaminating surface water are built right on top of the natural channels or near to the ponds. Most of the natural channels are choked with garbage and hyacinth. Poor wastewater management and improper waste disposal practices have forced the communities to rely completely rely on groundwater to be used for domestic purposes, creating an over reliance on groundwater which if not properly monitored will lead to depletion.[[3]](#footnote-4) This situation is affecting peoples’ livelihoods, right to health and rights to water and sanitation.
2. Under another programme, the WASH SDG Bangladesh WAI sub-programme[[4]](#footnote-5), the baseline[[5]](#footnote-6) informed that water logging is impacting peoples’ human rights in the implementation area of Satkhira and Barguna Districts. During monsoon, water logging occurs, whereby poor drainage of seasonal rain causes flooding. This situation occurs in both districts, but it is worse in Satkhira since Barguna has more open rivers and canals to pass the water after floods. Water logging affects hundreds of people’s livelihoods, in addition to impacting their rights to food and to water. Drinking water becomes scare, as most of the water is either contaminated or saline. In addition, water sources like tube wells and freshwater ponds get damaged, and availability of and accessibility to fresh water reduces significantly due to water logging. Therefore people are not only in a situation where facilities are damaged, but also subsequently contamined, making the population more prone to health problems, such as diahrrea. The same report highlights that for female headed households the situation is more severe given the mix of responsibilities and reduced capacities to cope with the floods. Furthermore, in flood conditions women and girls are struggling with issues related to health care and feminine (including menstrual) health. The measures taken furthermore put furth the challenges with public participation, as people, epecially those who are marginalised, are not part of the consultation and decision-making processes to find a solution to water logging in these areas.

**2. How has climate change exacerbated water-related problems?**

According to the inception report of the WASH SDG sub-programme in Bangladesh, among the coastal districts, selected Satkhira and Barguna Districts are two of the worst affected districts by climate change. A significant increase in cyclone frequency and flooding has been observed. During and after cyclones, many people resort to polluted water for drinking for a long time after the cyclone passes. In addition, there is impact on sanitation and bathing facilities in terms of privacy (especially for women and adolescent girls) which could lead to social security issues. Hygiene effects involve increased likelihood of diseases (e.g. cholera, dysentery, malaria, etc.) due to degraded water quality, especially if combined with standing water, thereby impact the people’s right to health. Decrease in seasonal precipitation and increase in temperature lead to reduction of fresh water supplies (rivers/ponds), especially leading to a challenge for communities to use water for sanitation and hygiene practices. Sea level rise increases salinity of groundwater and surface water resources, which reduces availability of drinking water in Satkhira and few areas of Barguna.

**5. 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.**

1. An example of initiatives to reduce water pollution from specific sectors comes from Simavi’s WASH SDG WAI sub-programme in Bangladesh, where open latrines over the canal have been removed in Barguna Municipality. The ‘Varani Khal’ crosses the Barguna Municipality boundary and eventually merges with the Payra River. The perimeter of the ‘khal’ housed around 300 scattered infrastructures which mostly consisted of low-income settlements and small business shops. These infrastructures entailed 125 hanging latrines over the ‘Varani Khal’. The hanging latrines did not contain septic tanks for the storage of faecal sludge, as a result, the faecal sludge was dumped directly into the ‘khal’ that ultimately mixed with the river, and polluted water. As the canal water is used by the nearby inhabitants for daily activities such as washing and bathing, the contaminated water had a severe effect on the human health. In 2019, the sub-programme partners began to actively advocate for the end of the usage of hanging latrines over the ’Varani Khal’ on different platforms such as Town Level Coordination Committee (TLCC), Multi-stakeholder’ coordination committees (MSCC), Ward level coordination committee (WLCC), WatSan Committee, and NGO Coordination Meetings at the Deputy Commissioners office. As a result, this issue was raised in the first meetings of the MSCC, established early 2019. Different types of motivational programmes at day observations and various platforms were used to raise awareness among the population about the negative effects of defecation in the canal water and using the polluted water. The Deputy Commissioners office of Barguna District took the decision in April 2019, along with Barguna Municipality, to demolish the infrastructures bordering the canal. As of June 2019, there were no hanging latrines over the ‘khal’ and contamination of faecal sludge in the water has stopped. Furthermore, Barguna Municipality has ensured that the evicted people have access to public toilets located at the market site which are environmentally friendly and have proper handwashing facilities. This case study shows an example of a measure taken to prevent water pollution, which had various types of impacts on the human rights to water, sanitation and health. It also highlights the key role of civil society organisations in pushing for such measures to be taken. At the same time, it puts forth the challenging situation which requires to balance the (1) reduction of water pollution to positively impact peoples’ human rights, with (2) peoples’ access to water and sanitation, and (3) the participation of affected people in decision-making related to the new measures taken. Please see also the answer to question 6 below.

The key role of civil society organisations, non-governmental organisation, and development programmes in initiatives aimed at reducting water pollution, or taking measures to adress flooding and water pollution is observed in Simavi’s WASH programmes.

1. In the Kenya work-package of the aforementioned Watershed programme, the government has responded to CSO and citizens’ complaints on water pollution in Kajiado. The Kajiado County public health officers stopped flower farms from discharging untreated wastewater into water courses after Isinya Water Resource Users Association (WRUA) reported the problem to the authorities.[[6]](#footnote-7)
2. In the Bangladesh work-package of the Watershed programme, a [Water Security Plan (WSP) for Veduria Union Parishad](https://watershed.akvoapp.org/en/project/6150/update/29657/) was prepared by the partners. As of November 2020, it is being implemented by the Veduria Union Parishad through cleaning the ponds, awareness among people on managing the surface water for domestic uses. The Parishad has also planned to establish rain water harvesting. The Department of Public Health Engineering (DPHE) and Local Government Engineering Department (LGED) are re-excavating pond and canals. IWRM committees are the main authority to implement the Water Security Plan at Union and Upazila. In all the activities, affected people are involved in the process of planning and implementation. For instance, when DPHE re-excavated the pond, they have visited the places and discussed with people living in that area for choosing ponds and the criteria to take into account. Union Parishad members have participated in the discussions and supported the people with information on how to use this pond. During digging, local people were hired. CSO and DORP at Bhola are now also sharing the Water Security Plan with other 12 Unions in Bhola Sadar Upazila so that they can replicate the plan and ensure water security at Union level.
3. In the same programme, the Water Management Citizen Committee (WMCC), composed of representatives from various groups, including marginalised people, has received support from Watershed partners to increase their capacity to advocate on WASH and IWRM issues in Bhola. WMCC advocates among others with the department of Environment, the Municipality and Upazila Parisha for the execution of laws regarding water contamination from various sources. This contributed for example to the re-excavation of the Bhola Khal (canal) by the Municipality of Bhola in 2019. WMCC at Bhola has been discussing the issue with Upazila Parishad and LGED. This canal became silted and narrowed due to encroachment. Boats were used to carry goods by this canal, which has been neglected for 20-25 years and gradually became unusable for any purpose. People used the canal to throw different types of waste and use it as a sewer. The re-excavation will now contribute to the protection of the environment, make the canal usable for transportation, and enable small irrigation with the canal’s water.

In addition, through the work package, WMCC members have discussed water pollution issues in courtyard meetings, Union Parishads Standing Committee meetings and have put pressure to increase the use of surface water as opposed to groundwater (see answer a. to question 1 above). During high tide and flash flood, WMCC talked with Upazila Parishad to support affected people and facilitated the relief activites along with the protection of embankment. Water Development Board was supportive, and instantly put sand bags and other materials for protecting the embankment as well.

1. With respect to water logging in Bangladesh, the WASH SDG WAI sub-programme leads various activities in Satkhira that empowered citizens and rose awareness around water issues impacting their human rights. For example, recently, a human chain took place with the participation of different excluded groups, to call upon the Government to ensure that water is accessible and available for all, including the poorest. Lead by the Water Committee, a CSO committee representing various groups of people, including women, the poor, and other marginalised groups, a petition was also presented to the government asking to priortise resilient technology in the area. After floods and when the water is logged in Satkhira, the poorest communities are not receiving safe drinking water among the first and resort to polluted or unsafe water. In response to the human chain, the local government utilised the WASH budget to provide rain water harvesting to families who needed it the most, in addition to installing WASH facilities in public places to enable access and availability for more people. The lobby and advocacy work done under this programme helped trigger the local government’s decision to use the budget for the poorest. Please see answer to question 7 on the importance of civil society organisations, and of the participation of all, in particular marginalised people.

**6. 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.**

One of Simavi’s cross-cutting approaches applied in the organisation’s programmes in the human rights-based. As an organisation working in the water sector, we have faced two main challenges in employing this approach to address how water issues are impacting human rights:

1. Many stakeholders are not aware of what the human rights-based approach entails, and which human rights are at stake.
2. Stakeholders working on water issues with a scientific (natural science) background are often not familiar with social issues and human rights. Bringing human rights aspects in the discussion on water management can be therefore challenging. For example, in the implementation areas where Simavi and partners have been working, attention is paid to resilient WASH infrastructure in flood prone areas (e.g. elevated toilets, infrastructure above local known highest flood level to improve accessibility during floods). This is because of monsoon season flooding, but also cylcones in Bangladesh that are becoming stronger. However, in order to ensure that people’s human rights to water and sanitation are met in such situations, there is a need to ensure participation for example so that the solutions found suit the people’s preferences and the acceptability of the facilities. At the same time, affordability has been a concern in the technologies. People need to be able to afford to pay for facilities that are ‘climate-proof’. Such issues are not always taken into account in the discussions, but there is a need to ensure that they are. Similarly, in the preparation of disaster risk reduction strategies, or water security plans, the rights-based approach must be pushed for, to ensure that the final document does not look only at water issues, but also at the integration of human rights principles in the procedures mentioned in the strategy or plan. That can include ensuring that sanitation facilities that are used in case of flooding would also align with the normative content of the human right to sanitation and related human rights principles. While it has been challenging to ensure that such issues are reflected in the first drafts, the key partnership between organistions with different expertise has enabled Simavi to integrate the rights-based approach in discussions and programmatic areas that are of a more scientific nature.
3. Please also refer to answer a. provided under question 5, that illustrates how the actions taken to reduce water pollution from sanitation facilities must take into account the right to sanitation of the people affected.

**7. 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?**

a. Access to information, and public participation remain fundamental to ensure that the populations can be part of decisions and actions that improve water quality and availability. Simavi’s involvement in the Watershed strategic partnership demonstrated that empowering citizens, through capacity-building of local civil society organisations helped raise awareness about water issues (including water pollution from different industries, or water scarcity) and how these related to the citizens’ human rights (including marginalised communities). CSOs and other citizen groups have been empowered in different capacities on WASH and IWRM issues, and on understanding public participation or other procedural rights. Such approach has been effective in the Watershed countries as it enabled CSOs to engage in processes affecting water resources and access to water. In Kajiado, Kenya, for example, it lead many CSOs and citizen groups (such as WRUAs) being invited and participating in government planning processes (policy, budgets, CIDPs); raising voices to question service provider roles on issues affecting them (rights to water and sanitation, water quality, tariffs); and challenging unsustainable practices (illegal water abstractions, water pollution menace). In Bangladesh, the community has been called upon to [engage in the implementation](https://rsr.akvo.org/en/project/6150/update/29206/) of the Water Security Plan in Veduria Union.

b. The design of a development programme can play a crucial role in how the populations are empowered to protect and improve water quality and availability. For example, the WASH SDG WAI sub-programme in Bangladesh demonstrated that community-lead activities (as opposed to CSOs-lead) are also needed to raise water issues that affecting the communities’ human rights. In the case of the water logging situation in Satkhira and the human chain, the local partners are working directly with citizens, excluded groups, through activities such as mothers gathering, or courtyard meetings. This approach helped to empower them and inform them, and as a result, increase the representation and participation of the affected groups to scale up the human chain. Given the fact that the marginalised people and the poorest are most affected by the impact of water logging, it is critical to ensure that the people themselves participate, as opposed to CSOs, and advocate to improve the situation they are facing during floods, or water pollution.

1. Ethiopia, Ghana, Kenia, Malawi, Tanzania, Uganda, Asia, Bangladesh, India, Indonesia, Nepal [↑](#footnote-ref-2)
2. The Watershed – Empowering Citizens programme is a partnership of the Dutch Ministry of Foreign Affairs, IRC, Simavi, Wetlands International and Akvo. Watershed is a strategic partnership designed to strengthen policy and advocacy capacity of civil society globally. In addition to Bangladesh, the programme was also implemented in Ghana, India, Kenya, Mali and Uganda. [↑](#footnote-ref-3)
3. Veduria Union, Bhola Sadar, Bangladesh- Water Security Plan 2020, Wetlands International South Asia, Development Organisation of the Rural Poor [↑](#footnote-ref-4)
4. The WASH SDG programme is lead by a consortium formed by the partners WASH Alliance International (WAI), SNV Netherlands Development Organisation and Plan Netherlands. The programme is implemented among others in Bangladesh. One of the two sub-programme in Bangladesh is lead by the WAI, which is coordinated by Simavi. The WAI sub-programme is implemented with local partners DORP, HP, Uttaran, SLOPB, Wateraid Bangladesh, Practical Action Bangladesh, with support from IRC, Akvo, Practica, Aidenvironment, Ruaf and Waste. [↑](#footnote-ref-5)
5. Simavi, WASH SDG programme/WAI/, Climate Vulnerability Risk Assessment Bangladesh, March 2018. See also, Uttaran, Finding Fresh Water in a Changing Climate – Policy Strategy and Technology in Southwest Coastal Region of Bangladesh. [↑](#footnote-ref-6)
6. Catarina Fonseca, Muthoni Muturi and Michael Karanja, Changes in the civic space for water, sanitation and sexual health rights: A case study from Kajiado Country, Kenya 2016-2019, <https://watershed.nl/media/changes-in-the-civic-space-for-water-sanitation-and-sexual-health-rights-in-kajiado-county-kenya/> [↑](#footnote-ref-7)