**May 2020**

**Replies by the Government of Finland to the questionnaire by the**

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

The Government of Finland thanks the Special Rapporteur on the human rights to safe drinking water and sanitation for his work in relation to these rights and presents the following replies to the questionnaire sent by the Special Rapporteur on 19 March 2020 for the preparation of the thematic report focusing good practices, which will presented at the 45th session of the Human Rights Council in September 2020.

**Question 1: During the last decade (2010-2020), in what ways has the human rights framework for water\*, sanitation and hygiene been used to identify and assess appropriate types of services\*\* and management models\*\*\* taken into account the specific contexts?**

**\* The human rights standards (available safe, acceptable, accessible and affordable to all) and principles (non-discrimination and substantive equality, participation, access to information, accountability, sustainability)?**

**\*\*Type of services: connection to a piped network; shared or communal facilities; and individual on-site solutions**

**\*\*\* Categories of management models: utilities (large scale, formal entities); small-scale, NGO or community-run service providers recognized or mandated by State; small-scale, NGO or community-run service providers not regulated by State; and self-supply.**

Finland has in place national legislation anchored in respect for the human rights to water and sanitation that safeguards sustainable use and protection of water resources, access to healthy and otherwise safe drinking water, appropriate management of wastewater and a reasonable level of charges for water supply and sanitation.

According to the Water Services Act (119/2001), the municipality's task is to develop water services in its area in respect of the community development. In addition, if the need of a larger population or for health or environmental reasons so requires, the municipality must ensure that measures are taken to establish a water supply plant that meets the need, to expand the area of operation of the water supply plant or to ensure the availability of other necessary water supply services.

In practice, in sparsely populated areas, water services are based on water cooperatives or property-specific systems. In more densely populated areas, water services are organized through centralized systems. If the water supply operator is a water supply plant in accordance with the law, the fees charged for water services and the delivery terms must be reasonable and equitable. According to the Water Services Act, it is also important that the operator has sufficient operating conditions. Therefore, the service must be developed in accordance with community development. If necessary, it is also possible to reduce operations.

Finland ratified the Protocol on Water and Health to the Water Convention of the United Nations Economic Commission for Europe (UNECE) in 2005. In 2019, the national targets were reformed. These targets commit Finland to maintaining, or even improving, the good state of water supply and sanitation already achieved. The national targets also support the achievement of sustainable development goals.

Finland’s international human rights policy is mainstreamed into all foreign policy activities and development policy and cooperation. Finland’s Development Policy subscribes to a human rights-based approach to development cooperation.

Finnish development cooperation in the water sector is based on the concept of integrated water resources management (IWRM). The aim is to guarantee the rights to safe drinking water and sanitation for everybody. IWRM allows taking a flexible, process-oriented, holistic approach towards making optimum use of water resources and the eco-system. Its fields of action cover sustainable management of water resources, giving water sector reforms a poverty dimension, efficient and sustainable water supply and sanitation, using water efficiently for food production, and enhancing effectiveness through cooperation.

In relation to water sector cooperation, Finland’s efforts aim to realize improved and equitable access to basic/safe and sustainable drinking water, adequate sanitation services, and improved hygiene practices as part of building resilience. Development interventions support states in moving beyond the minimum levels of water and sanitation service provision. Finland is in all its WASH cooperation aims for at least basic level water supply, sanitation and hygiene, with the aim to progressively realize adequate and safe level services.

In programme identification and preparation, Finland actively uses the EU’s Guidance on Human Rights on Water and Sanitation, which provides both normative and programmatic guidance to all ODA WASH operations. Further, the WASH programmes implemented by Finland rests on the normative foundation of SDG 6, in particular SDG 6.1 and SDG 6.2.

In all key partner countries for WASH, Finland is fully engaged in national sector policy dialogue, often also leading the “sector group” as co-chair. Through this work, Finland is seeks to ensure the best possible partners to advance country specific enabling environment-activities and a progressive move towards sector-wide approaches. Finland’s engagement in Ethiopia is a good example of that.

Finland is in preparation of new bilateral programs in two of the long-term partner countries, where the one in Nepal has focus on the largely neglected area of functionality, as Nepal has already hit the re-investment cycle. Apart from the actual functionality efforts, the programme is envisioned to have a strong human rights focus by making sure that those hardest to reach and the most deprived communities and individuals are provided with access and services.

Finland has a long history in the WASH sector in Nepal, working with bilateral projects since 1989. Finland has long-standing expertise in rural WASH and is currently one of the biggest funders of rural WASH interventions in Nepal.

About 97 % of the total population of Nepal have access to basic sanitation facilities and 87 % access to basic water supply facility. Sanitation coverage was accelerated immediately after internalization and implementation of the Sanitation and Hygiene Master Plan in 2011, and Nepal has achieved an open defecation free status in 2019. The gap between rich and poor in access to and use of toilet facilities has been narrowing due to nationwide sanitation campaigns.

Finland’s strategic and long-term involvement in WASH through SEAM-N, Regional Waste Management Project, RWSSP-WN, RVWRMP and UNICEF supported projects significantly contributed to availability, accessibility and affordability of WASH services throughout Nepal. Construction of thousands of water schemes has provided not only enough safe drinking water, the projects also supported local governments to formulate village and municipality WASH plans and their implementation. Through the WASH development partners (DP) group, the Finnish Government has been part of the WASH sector development in Nepal in the role of WASH DP Group chair (2017) and member.

With the technical and financial support of the development partners, the Government of Nepal has made considerable efforts to improve the water supply and sanitation situation in the country by formulating and enforcing a number of WASH policies, guidelines and acts for the last two decades. The government made its commitment to ensure the access of basic water supply and sanitation services to all people by the end of 2017 through the integrated National Rural Water Supply and Sanitation (RWSS) Policy and Strategy. A Sanitation and Hygiene Master Plan (SHMP) was enforced to gear up sanitation and hygiene programs ensuring access of all population to basic WASH facilities. After the implementation of the SHMP, governmental organizations and other WASH sector stakeholders strictly adhered to guiding principles in order to maintain uniformity and standard in the planning and implementation approach and to consolidate resources and unifying related stakeholders and actors in the WASH sectors of Nepal by forming coordination committees at different levels.

All Finnish development cooperation efforts are targeted ta reaching the unreached, ensuring access to safe drinking water and sanitation for all. HRBA, GESI and CC&DRR themes are embedded as cross cutting objectives. The bilateral projects RWSSP-WN and RVWRMP formulated the HRBA and GESI Strategy and Action Plan. The document applied the normative and crosscutting criteria to strengthen the realization of the human rights to sanitation and water.

In the Finnish funded bilateral water projects such as RVWRMP and RWSSP-WN in Nepal, the community has had always a big role in the implementation. The local user committee does the procurement of materials and the funds are transferred from the local government to the user committee’s account. This practice has strengthened the role and ownership of the user committees.

In the designs of the structures in bilateral water projects accessibility aspects are considered as well as possible. For example in the community tap stands there are two taps, one at lower level and other at higher level. This enables also children to use the tap stands easily. Further, Finnish funded projects were specifically designed to cover the remotest municipalities; hence, geographical differences were reduced.

Finland supports the Community-Led Accelerated WASH (COWASH) project in Ethiopia. The project started in 2011 and is still ongoing in 2020. The whole project was designed based on the sustainability criteria, which were availability, safety, acceptability, affordability, climate resilience, accessibility, participation, gender sensitiveness, inclusiveness, transparency, community ownership, community-led and community managed, including financial management – thus seeking to realize the human rights to water and sanitation while also applying human rights standards in implementation.

Water supply services provided by the project are focused on rural communal and institutional water supply and institutional and household hygiene and sanitation. The most common water supply services promoted were communal point water supply facilities, communal gravity schemes (piped) with communal water collection points and in some cases also motorized community piped schemes. The technical services selected were simple and low-cost services, which the communities themselves can implement with minor support from the district authorities. The same applied for the institutional water supply and sanitation as well.

The selected management model in Ethiopia was community management as the water supplies were small serving the population of 100-1,000 only depending of the selected technology. The selected management model was supported by the national water policy and strategy. This size was manageable in the community-led implementation.

**Question 2: During the last decade (2010-2020), what measures (ranging from legal, policy, regulatory, budgetary to training) have been implemented to redress gender inequalities in water and sanitation provision by addressing gender discrimination? Alternatively, what measures have been central in redressing gender discrimination by addressing inequalities in water and sanitation provisions? What are the concrete steps taken and the observed impacts?**

In Finland, there is no identifiable gender inequality with regard to the rights to safe drinking water and sanitation.

The aim of the Finnish Water Services Act is to secure affordable water services for all residents of communities and for economic and leisure activities similar to housing, regardless of the gender, age, etc. of the residents. About 92 % of Finns are covered by centralized water supply systems and more than 80 % by centralized wastewater management (2015). In other respects, domestic and wastewater management in Finland is organized through property-specific arrangements so that approximately 100 % of the Finnish population is covered by the availability of domestic water and approximately 99 % by wastewater treatment.

Regarding development policy and development cooperation, gender equality has been a cross-cutting theme in Finland’s development policy over the past decade. Strengthening the status and rights of women and girls is an important priority for Finland, both in foreign and security policy and in development policy and development cooperation, where gender equality and mainstreaming is given due consideration throughout the project cycle.

The Ministry for Foreign Affairs’ internal planning guidelines (e.g. the Manual for Bilateral Programmes; Guidance Note – human rights-based approach in Finland’s development cooperation) provide updated guidance on the human rights-based approach to development (HRBA) and gender equality, directing project work at different stages of the project cycle. Moreover, each programme and project goes through a Quality Enhancement Board process, which entails preparation of a statement from sector specific development policy advisers who as per pre-set guidance also consider gender equality issues. In large programmes joint statements are often prepared by sector the specific adviser and gender adviser or other advisers. Gender equality and HRBA are an integral part of the Quality Enhancement Board process.

For Finland, the human rights-based approach in practice means adhering to the principles of participation, non-discrimination, accountability and transparency. Finland implements programs in which local communities take part in the decision-making. Special attention is paid to ensuring equality with special emphasis on the rights of girls and women and gender equality.

In Nepal, Kenya and Vietnam toilets with separate divisions for girls and disabled children have been built to more than 460 000 children. This improves the schooling rate and thus the realization of the right to education. Menstrual hygiene management in many parts of the world still constitutes a severe barrier to gender equality and realization of the rights of women and girls. Finland supports initiatives by various actors that strengthen sanitation and aim to increase awareness break stigma and taboos and achieve better menstrual hygiene management.

The Finnish bilateral water projects in Nepal require equal and meaningful participation of women. At least 50% representation of women in most of the activities and in key positions such as Water User Committee members and leadership posts of cooperatives is required (compared to government provision of 33%). Women are provided with tailored capacity building trainings especially targeted for the needs of women. The designs of the rural water supply schemes are done in cooperation with the communities and for example, the locations of the tap stands are decided together with the women from the community. During the implementation process, there are at least three public hearings where the participation of the beneficiaries including women is required. This provides the opportunity for the whole community to know about the work and pose questions about practical aspects and finances. This improves the transparency and reduces the risk of corruption as well.

The federalization process in Nepal has opened up new opportunities to include women in decision-making processes at different levels. The bilateral project supports this process and wants to ensure meaningful participation of women in decision-making, especially related to municipal level WASH management. The project offers trainings for the newly elected female government officials in gender based budgeting, dignified menstruation and general female empowerment.

In Nepal taboos related to menstruation are strong, especially in some of the remotest areas where the Finnish bilateral project is working. These taboos prohibit women from using toilets, touching water taps and participating in social life during menstruation. Dignified menstruation that is free from religious taboos and social stigma with availability of clean water, soap, sanitary pad disposal and necessary privacy for menstrual hygiene management is promoted in all implementation. The project has developed tools such as inter-generational dialogue to address some of the harmful social norms limiting the realization of the rights to water and sanitation.

Finland has recently contributed EUR 2 million to support UNICEF’s WASH programme in Afghanistan to provide children and families with safe water, sanitation and hygiene. The thematic grant is part of Finland’s continued commitment to Afghanistan and follows a previous grant, which provided gender-separated toilets, handwashing facilities and menstrual hygiene management that benefited almost 55,000 students in 102 schools.

In the COWASH project supported by Finland in Ethiopia, gender mainstreaming has been the centre focus through the past decade that the project has been implemented. The actions to ensure gender balanced implementation and management in COWASH has been driven through two streams:

Firstly, the project, due to its national structure (technical assistance at the federal level) has been an active player in national gender mainstreaming by providing support and technical assistance to Ethiopia’s Ministry of Water Irrigation and Electricity in the development of gender mainstreaming guidelines in water supply, in training the federal level staff into gender mainstreaming and women empowerment as well as in the awareness creation of gender issues and women’s empowerment through COWASH communication instruments and channels. COWASH played an important role in the national gender related platforms and in sector coordination platforms in bringing the gender into the WASH sector annual Technical Review process as in the disaggregated data collection and reporting.

Secondly, COWASH developed its own unique gender mainstreaming strategy and guideline, which included gender related ratios of men and women in water sector implementation and management committees. COWASH also introduced mandatory women leadership in water committees and introduced and developed women-led private sector development for WASH. This was manifested in 24 women-led WASH micro and small enterprises providing water spare parts, water maintenance, water construction and sanitation marketing services for rural communities. COWASH also designed specific women’s empowerment components integrated as part of the COWASH training packages at regional, woreda, village and community levels. Similar was also the development of training standards, which ensured that women were equally treated and benefitting from the project’s capacity building activities.

COWASH planning formats and reporting formats have always been gender disaggregated and all 76 COWASH districts have become familiar in gender balanced monitoring and reporting. The impacts of these actions can be summarised as follows:

* Availing safe water at the closest distance to the households has contributed to tackling time poverty of women and girls through reducing travel and queue time on top of improving health condition of the user communities.
* Helped to have more time available in order to go to school for girls while women use the freed time to accomplish other household chores and engage in social activities and in productive works (agricultural production, food security and business opportunities), depending on the skills and resources they have at hand.
* Access to water and sanitation facilities has helped reduce vulnerability of women and girls to sexual harassment/assault while traveling long distances over many hours to collect water for family use as well as when they go out from homes to relieve themselves in the open field during evenings.
* Lessened burden of women to take care of sick family members as water and sanitation facilities are available nearby. This also saves their time, energy and money.
* Enabled to meet specific hygiene needs of girls which otherwise would stop them from attending school when puberty arrives or forced to miss classes during their menstrual periods.
* Due to unique features of the Community Managed Project approach that COWASH follows, women’s voice has been heard throughout CMP approach implementation steps (i.e. CMP approach promotion, representatives’ election/water, sanitation and hygiene committee (WASHCO) election, field appraisal to get approval for scheme construction, labor and in-kind contribution during construction, completion ceremony, post construction/ water scheme management – water tariff setting, water tariff collection method, attending general assembly meeting, taking part in operation and maintenance).
* Created opportunities for women to acquire and exercise leadership skills, while assuming main leadership positions in WASHCOs, including financial management and purchasing of materials for water construction.

**Question 3: During the last decade (2010-2020), what efforts have been made by relevant actors (including funders, partner States, implementing entities and others) to align development cooperation policies and operations with the framework of the human rights to water and sanitation? For instance, what are some examples of projects that have:**

1. **Balanced water and sanitation projects and coverage of those interventions between urban and rural areas in a way consistent with the progressive realization of the rights to water and sanitation in each context;**

In Finland, regarding the drinking water the achieved service rate, which covers 100 % of the population, shall be maintained. The supply of drinking water shall be promoted in accordance with the implemented and planned community structure development. The development shall be based either on joining a collective system for the supply of water or on securing a property-specific supply of water. According to the water supply legislation in force, the target is part of the continuous operations laid down for the municipalities.

The sanitation of settlements shall be served in all Finland by collective systems in areas where this is necessary in accordance with the requirements relating to implemented and planned community development or the environment and health. In areas outside a collective water supply system, the waste waters shall be treated property-specifically using as efficient systems as possible. Property owners shall refurbish property-specific sanitation systems in buildings that are in habitable condition so that they are more efficient than septic-tank treatment in accordance with the requirements laid down in the Environmental Protection Act. The aim shall be to encourage property owners with advice voluntarily to bring the waste water treatment above the statutory level.

Under the legislation, the arrangement of sanitation is a continuous statutory duty of a municipality when the needs of a relatively large number of inhabitants as well as considerations of health or environmental protection so require. The property owner or holder is responsible for the arrangement of property-specific sanitation.

Under the Environmental Protection Act, in cases in waterfront and groundwater areas where connecting a property to a collective sanitation system is not a viable option due to the location of the property, the target date for the intensification of sanitation was in October 2019. In other areas, the intensification is carried out when a property undergoes measures requiring a building permit.

Finland begins development cooperation interventions with negotiations with an appointed Government counterpart organization in the partner country, in order to guarantee that national priorities are respected. During the programme identification phase, the MFA of Finland internally or via contracted consultants negotiates with the partner government, based on earlier bilateral high-level negotiations, on possible directions programmes might take as well as negotiates sub-sector areas that might become part of the programme. Finland seeks to ensure that WASH-interventions are human rights transformative, that root-causes for discrimination are addressed and that progressive realization of the rights to water and sanitation can be ensured. This has been more successful in some contexts than others.

In partner countries, reliable disaggregated data is often not available, and even in cases where quality data is available, projects are sometimes requested to enter geographical areas which are not most deprived or in need for additional resources to WASH. In such cases negotiations take longer in order to find a solution between competent authorities which fully considers also Finland’s development policy priorities (including gender equality in WASH).

Finland through its embassies has been involved in WASH Sector macro planning processes in partner countries, such as the preparation of the WASH Sector Development Plan (SDP) in Nepal. This gives an important opportunity to embed respect for the human rights to water and sanitation fully in the planning process.

In Ethiopia, close to 80 % of the people live in rural areas. This is one of the reasons the COWASH programme supported by Finland was designed for Ethiopia’s rural population. The second criteria in this selection was the technology, which is easy to be implemented by the people themselves. Rural WASH was appropriate to be implemented by the community. As urban demand for WASH increases throughout the past decade, Finland took a step to financing also urban water. This was done through the provision of technical assistance support for the development of a National Sector Wide Program “One WASH National Program” (OWNP). This national programme is managed trough pool funding called the “consolidated WASH account”, managed by Ethiopia’s Ministry of Finance. Once the OWNP became operational, Finland decided to add support to this programme as well. A risk analysis considering any potential adverse human rights impacts was undertaken as part of the planning.

1. **Ensured that the selection, design and implementation of projects apply the framework for the human rights to water and sanitation, notably prioritizing those people in the most vulnerable situations;**

For Finland, the human rights-based approach in practice means following the principles of participation, non-discrimination, accountability and transparency in the design and implementation. Local communities are engaged in the decision-making. Special attention is paid to ensuring equality with special emphasis on women’s rights and gender equality. Also, groups in vulnerable positions are often in focus, such as indigenous peoples, minorities, rural poor, persons with disabilities, while aiming to ensure an intersectional approach in implementation. Finland supports the duty bearers through co-funding investments in infrastructure as well as through capacity building, so that they can provide improved services.

Finnish-funded RWSSP-WN and RVWRMP projects in Nepal use comprehensive, multistakeholder, inclusive project area selection processes to enhance transparency and project accountability and to empower civil society, utilising the analyses, baselines and indicators. A step by step project manual for implementation of community based water supply schemes in rural areas has been developed to ensure transparency and equality.

Finnish bilateral WASH projects in Nepal focus on reaching the unreached by choosing areas based on the Human Development Index and other relevant indicators. Finnish WASH projects are specialised in rural WASH, working in the remotest areas of Nepal. In the Rural Village Water Resources Project, Water Use Master Plans are developed with the municipalities. The concept is originally adapted from Helvetas and approved by the Government of Nepal. It is based on the idea of integrated water resource management and aims to be a commonly accepted plan of utilization and conservation of water resources in a municipality, prepared by the communities under the guidance of the municipality, and thus reflecting local demand and responsibility by local bodies. Women have a key role in the Water Use Master Plan-process, as they are usually the ones responsible for carrying water and they have best knowledge of existing water sources.

The projects follow a clear selection criteria when choosing the co-operation municipalities. Remoteness of the municipality, hardship in terms of water supply and the existence of any disadvantaged groups (by caste of ethnicity) is considered in the selection process presented in the project manual.

In scheme selection, the Finnish bilateral projects also consider the hardship in terms of water supply, the economic conditions of the community and the ensured mandatory participation of women. The projects require a public audit with a minimum of 75% participation of all households and 50% participation of women. The projects also require proportionate participation of disadvantaged groups and women in most activities.

In RWSSP-WN project in Nepal, the guiding principle of ‘leaving no one behind’ was strongly practiced and also monitored for example through categorizing the water supply scheme beneficiary households according to their status if they had received external support earlier. This guided the intervention to identify the communities and households that had not been supported yet by an external project.

The COWASH project in Ethiopia is community-led and it uses the Community Managed Project (CMP) approach. This approach is nationally approved approach in the WASH Implementation Framework (WIF), which is the leading national WASH strategy in Ethiopia. In the CMP process, the project cycle management ensures that the projects have been prioritized, applied and planned according to the real community needs and priorities, and this project cycle management process ensures that all community members are part of the process and will benefit from the project outcomes and services. The Community water supply and institutional sanitation project designs are done with the community and by the community. Community ownership is ensured from the beginning and reinforced throughout implementation by transfer of investment funds to the community.

Since the inception of COWASH Phase III, the projects began focusing on the inclusion of persons with disabilities to participate and have equal access to WASH services. The programme outcome of COWASH disability inclusion is the increased awareness and enhanced capacity of WASH experts and stakeholders on disability issues; all WASH facilities constructed are accessible for all; and persons with disabilities benefit, participate and contribute in an equal way in WASH planning and management.

At grassroots level implementation,progress has been made in improving physical accessibility of water supply schemes and institutional latrines. At the time COWASH started disability inclusion, there were no standard designs for accessible water points or water supplies available. COWASH developed a new design for an accessible hand pump water point, which was tested by COWASH regions. Currently, the newly built water schemes and latrines are accessible for persons with disabilities.

1. **Ensured that the design and implementation of projects are carried out in a transparent manner with the participation of related stakeholders, providing ample access to relevant information and including mechanisms to address the accountability of funders and implementers;**

Please see answers above.

In the COWASH project supported by Finland in Ethiopia, the community is in the lead. The community elects an implementation and management committee for the project, and this committee is accountable to the community. Financing to the project comes from three dimensions: 1) the major part (70-80 %) of the investment’s funds are provided by the Regional Governments and 2) 20-30 % of the investment’s costs is provided by the community in labour, in local materials and in cash. Capacity building of community for the implementation is financed by the Government of Finland; this is normally about 30-40 % of the total investment costs.

Accountability in project implementation isclearly established. The local district is a duty bearer towards the WASH committee, and the community and WASH committee is the duty bearer towards the community, seeking to ensure the capacity of rights-holders

Information on progress, use of materials and use of funds is recorded and reported by the community through the WASH committee to the district, as the district transfers funds to the community according to the reported use of the funds. At the end of the project a public audit is carried out, where information on the funds used, materials used and provided and labor provided are shared publicly to all stakeholders in order to maintain transparency and knowledge of the actual costs of the project.

1. **Ensured reconciliation between a sustainable financing strategy for long-term service provision and the affordable access to services for all persons;**

There has been an intention for reconciliation between a sustainable financing strategy for long-term service provision and the affordable access to services in all of Finland’s development cooperation in the water sector.

The economic sustainability in the Finnish funded bilateral projects in Nepal is strengthened through the ownership of the local governments. The municipalities have an operation and maintenance fund for the schemes. Ultimately, local governments are the permanent structures to look after the sustainability management of development interventions. Therefore, the Rural Village Water Resources Project in Nepal envisions a Water Board Concept that focuses on sustainability mainly by concentrating on post-construction actions for operation and maintenance management, giving it equal priority as to construction activities. Currently, the idea is being conceptualized and piloted at local level. The municipality level network of water user committees will be formulated for collective benefits, and the chair of the network will act as a member in the Water Board. The main responsibility of the Water Board is to promote water governance at local level.

Currently, many of the water user committees are often affiliated with co-operatives to cover operation and maintenance costs, or for emergency support provisions.

In community managed project (CMP) process used in the COWASH project in Ethiopia, the financial accounts at the end of the project are reconciled between the district and the community and between the district and Financial Intermediate.

**Question 4: During the last decade (2010-2020), what targeted measures and instruments (e.g., financing mechanisms, tariff schemes, subsidies) have been implemented in order to ensure that the most disadvantaged access water, sanitation and hygiene services in an affordable way? Who are the target groups of these measures and instruments? What format do those measures and instrument exist (e.g., national legislation, policy, regulation of service provision, affordability standards)?**

In the Rural Water Resources Management Project in Nepal, water schemes are connected to livelihood activities and income generation. These components improve the economic prospects for smooth operation and maintenance of the schemes, among other. A village maintenance worker is trained at local level in order to keep the maintenance costs low, provide maintenance services locally and provide employment within the community. The tools for scheme maintenance are provided to the Water User Committees. Water User Committees are affiliated to cooperatives for financing.

For accountability, sustainability and affordability the Water User Committees can contribute in cash and in kind (carrying materials on construction sites, digging ditched for pipes). The poorest members of the community are allowed to contribute relatively more in kind.

**Question 5: During the last decade (2010-2020), what measures have been in place to prohibit disconnection (including prepaid water meters) that result from the inability to pay?**

The Finnish Water Services Act regulates the amount of the fee charged for water supply services. Payments and delivery terms must be reasonable and equitable by the law. In addition, according to the law, payments may only include a reasonable return on capital.

On the other hand, the aim of the Water Services Act is also to safeguard the operating conditions of the service provider in order to ensure the safety and health of the service. Therefore, the fees must be such as to cover the costs of the operation. The basic livelihood of citizens is ensured by other legislation.

In Finland, the availability and quality of domestic water and the availability of sanitation are based on legislation that has been in force for a long time. In recent years, water supply risks have been reduced by introducing risk management for the entire water production chain based on the WHO Water Safety Plan (WSP) model. Similarly, a SSP risk management system has been introduced in wastewater management, which aims to reduce the health and environmental risks caused by sewerage and wastewater treatment.

In Nepal and Afghanistan, Finland has co-funded via UNICEF in-depth work on an enabling environment, including regulative bodies’ alignment with the human rights framework. Related materials have also been developed in Finland’s bilateral programmes and shared at sector level. Good examples are the two bilateral programmes in Nepal (RVWRMP and RWSSP).

In Finnish funded rural water supply projects in Nepal the schemes are managed by the user committees, which are composed of the users. They decide the management of the schemes, such as tariff levels or how to address poor households. In yard connections, water tariff based on consumption is also in use. This helps users follow their water consumption, and those who consume more have to pay more, in comparison to a flat tariff system. Since the rural municipalities in Nepal nowadays have the mandate to ensure local water supply, they are also taking steps to regulate it.

**Question 6: In the last decade (2010-2020), if a regulatory framework or a regulatory body has been in place or have been established to cover water and sanitation provision, what measures were taken to ensure that this body is effective, independent, and is aligned with the human rights framework?**

In Nepal and Afghanistan Finland has co-funded via UNICEF to work more in-depth on enabling environment, including regulative bodies alignment with the human rights framework. In bilateral programmes also materials have been development and shared at sector level. Good example being two bilateral programmes in Nepal (RVWRMP and RWSSP).

In Finnish funded rural water supply projects in Nepal, one key result has been to capacitate the local governments to fulfil their role in WASH provision, including to plan interventions that are aligned with the human rights framework. This has been done in the form of WASH and Water Use Master Plan-work, providing trainings and resourcing the local governments for WASH services in the form of investment funds but also human resources.

Water services regulation in Finland is based on the principles of public oversight. Water service operators must publish the delivery terms, the pricing criteria for the fees, as well as the key figures describing the price level, efficiency, quality and profitability of the water supply, as well as the financial statements report in the information network. In addition, water services operators are otherwise required to provide sufficient information on the quality of the domestic water they supply, the level of wastewater treatment and how the fees charged for water supply are formed.

**Question 7: During the last decade (2010-2020), what measures are in place to guarantee the human rights to water and sanitation by refugees, asylum seekers and migrants in transit or at their destination with the same conditions as those granted to nationals of the States concerned, regardless of their legal status and documentation?**

In Finland, water supply is secured for everyone in accordance with the same principles, and regardless of a person's right of residence. In Finland, asylum seekers are placed in reception centres with a functioning water supply.

In Finland, for some vacant properties that have served as reception centers, the current permit regulations for wastewater treatment have had to be revised due to increased water load. In practice, property owners are responsible for ensuring that sufficient healthy domestic water is available on the property and that its wastewater is treated in accordance with current legislation.

**Question 8: During the last decade (2010-2020), how has States and humanitarian actors ensured immediate access to the minimum essential level of water and sanitation on a non-discriminatory basis during situations of emergency? Specifically, how has States and humanitarian actors:**

1. **Ensured equal access to the minimum essential amount of water that is sufficient and safe for personal and domestic uses and to prevent disease;**
2. **Provided the elements that every person needs for health and survival, and to live in dignity;**
3. **Monitored the extent of the realization of the human rights to water and sanitation;**
4. **Took measures to prevent, treat and control diseases linked to water and sanitation.**

The Ministry of Social Affairs and Health refers to the guidance on

[Water supply preparedness in the coronavirus pandemic](https://stm.fi/documents/1271139/21356044/Vesihuollon%2Bh%C3%A4iri%C3%B6tilanteisiin%2Bvarautuminen_FINAL.pdf) issued on 11 March 2020.

In Finland, the owners or occupiers of the property are responsible for ensuring that the property has sufficient healthy domestic water and that its wastewater is treated in accordance with the legislation in force. It is the task of the municipality to take measures to arrange the necessary water supply service if the need of a larger population or environmental or health protection reasons so requires. If the property is covered by centralized water supply, the task of the water supply plant is to ensure the availability of services even in the event of a disturbance.

During the last decade, cooperation between Finland and humanitarian actors took place for instance during the Gorkha Earthquake on 25 April 2015 in Nepal. Finland worked closely with UNICEF before and after the earthquake.

**Question 9-11: In the last decade (2010-2020),**

**-what accountability measures exist when responsibilities for service provision are transferred from State to actors other than States (private entities, public companies and communities)? Please provide information on the three dimensions of accountability: clear roles and responsibility of actors; the guarantee of individuals to hold actors accountable by requesting explanations and information (“answerability”); and remedial or corrective actions for lack of compliance with performance standards (“enforceability”).-what measures have been taken to identify informal providers of water and sanitation services and put in place regulations for those providers, making accountability mechanisms available?**

**- what measures have been taken to establish an effective oversight system to trace the conduct of actors in the water and sanitation sector and to assess whether performance standards are met? What mechanisms exists that would enforce decisions on other accountable actors?**

In Finland, municipalities are responsible for ensuring the availability of water supply services in their area. Especially in sparsely populated areas, water supply and wastewater treatment are based on the operation of small-scale water cooperatives or the use of property-specific systems. In more densely populated areas, the organization of water supply services is mainly based on centralized systems. Although the task of municipalities is to ensure the availability of services, the legislation does not limit the form of activity of service providers. The obligations of the water supply legislation cover all those actors to whom the municipality has made the so-called service area decision. If the operators are not water supply facilities within the meaning of the Water Supply Act, they will still have to comply with health and environmental protection legislation. Compliance with legal obligations is monitored.

In terms of development cooperation interventions, where government funding is provided to private actors including in the sphere of water and sanitation, these are expected to comply with the UN Guiding Principles on Business and Human Rights, and to ensure that due diligence is carried out ensuring that potential adverse human rights impacts are identified and mitigated. Where development cooperation funds are provided, reporting is expected to ensure compliance, including where Finnish businesses operate abroad together with national counterparts in target countries or with other actors such as civil society. There are numerous examples of such projects in the sphere of water and sanitation, such as those funded through the state’s development financier Finnfund.

**Question 12-13: In the last decade (2010-2020),**

**-what measures have been in place to include water and sanitation in spheres of life beyond the household, and particularly in public spaces, in national policies, plans and implementation strategies, with a view to ensuring access which complies with the normative content of the human rights to water and sanitation and the principles of human rights?**

**-what examples exist where local governments are provided with guidelines and recommendation on how to determine which public spaces require the provision of water and sanitation services and what level and type of provision is required? How has those guidelines and recommendation been implemented?**

Experts have estimated that 100 % of Finns have access to sufficient safe drinking water and that 99 % are covered by wastewater treatment. Thus, the main challenge for water supply in Finland is to maintain the current good level of water supply or to improve it, for example by utilizing new technology.

Finland has sought to emphasize water in its development interventions, including through demonstrating the meaning of water through developing increased understanding and debate nationally and internationally about water diplomacy. Finland’s strengths in the field of water diplomacy include our commitment to a human-rights based approach, together with long-standing experience in transboundary water cooperation and mediation. Finland has actively advanced transboundary water cooperation and international water conventions for the last 50 years.

**Question 14-17: In the last decade (2010-2020), what examples of mega-projects exists where an assessment of the human rights impacts, in particular on water and sanitation, have been carried out at each stage of mega-projects\*? -what examples of mega-projects exist where the human rights obligations and responsibilities of actors are clear at each stage of mega-projects\*?**

**-what examples of mega-projects exist where the assessment of human rights to water and sanitation is a precondition for granting a licence/approval?**

**-what examples of mega-projects exist where there are preventive measures and compensation, redress and reparation procedures in place in the event of a disaster that affects the enjoyment of the human rights to water and sanitation?**

Human rights (the right to safe drinking water and the right to sanitation) are central to public policy and government interventions in Finland, although human rights terminology as such has not been included explicitly in water-related legislation or operational programmes.

During the period Finland has not experienced events of disasters that would have affected the enjoyment of the human rights to water and sanitation. The current legislation ensures that it is not possible to implement such projects that would jeopardize, for example, the use of water bodies for water supply or the possibility of a safe living environment.

For Finnish development interventions for instance in Ethiopia, Nepal and Afghanistan, please refer to earlier questions (as these would not categorically be classified as mega-projects).