**Submission by the Government of Georgia for the Report to the 48th session of the Human Rights Council (2021) on planning and vision, and the Report to the 76th session of the UN General Assembly (2021) on water commodification**

Access to water and sanitation is a human right in Georgia. This human right is in itself essential for life and dignity, but it is also the foundation for achieving a wealth of other human rights, including the right to health and the right to development.

According to the paragraph 5th of Article 37th of The Constitution of Georgia citizens have the right to receive complete, reliable and timely information on their working and living environment.

Georgia ratified Convention of The United Nations Economic Commission for Europe (ENECE) Aarhus Convention (Convention on Access to Information, Public Participation in decision-making and Access to Justice in Environmental Matters) in 2000.

Georgia represents part of Aarhus Convention and its requirements in Georgia are regulated under “General Administrative Code” and other appropriate special laws. According to the legislative and normative acts, information about the state of environmental quality standards, also information about environmental quality norms and decisions cannot be confined to the category of state secrets.

-Ministries and Agencies created Public and Media relations Special Services.

-All State Agencies and Departments created special Web Pages, where is regularly published policy of each institution, as well as strategies and projects, information on their progress and performance results, also planned and prospective actions.

-Special governmental “Code” electronic system has been created, where is regularly published all legislative acts adopted and published by state institutions, decrees and decisions; President and Government decrees, orders and etc.

Public information dissemination procedures and deadlines, among them from governmental agencies and institutions (on the level of governmental, regional and local administration units) are established according to „General Administrative Code of Georgia”.

Water quality and resources management is one of the most complex areas of the Association Agreement between Georgia and the EU, including Deep and Comprehensive Free Trade Area (AA / DCFTA), as it relates to many issues. Due to the large number of the water sector stakeholders, elaboration of some parts of the new legislation requires involvement of many stakeholders. In particular, the requirements of the Directive 2015/1787 of 6 October 2015 amending Annexes II and III to Council Directive 98/83/EC on the quality of water intended for human consumption are to be introduced.

Despite the recent intense rehabilitation and construction of water supply and sanitation infrastructure and water quality improvement work, the issue of drinking water supply to the country's population as well as educational and boarding institution remains currently central as most of the populated areas, water pipelines and distribution networks still require replacement, capital and / or current repairs etc.

The Law of Georgia on Public Health defines responsibilities related to water management in the country and allocates them to various state agencies. The law on “Public Health” was adopted in Georgia in 2007. The article 23 stipulates the following general provisions to ensure safety of water and protection of public health.

The “National Environment and Health Action Plan” (NEHAP-2) was approved by the Governmental Resolution #680 on 29 of December 2019. NEHAP-2 was developed with financial and technical support of WHO ECEH and later was reviewed by the experts of Twinning GE22 project "Institutional Strengthening Environmental Health System of Georgia".

Elaborated National environment and Health Action Plan -NEHAP-2, were including all aspects of institutional WASH-water sanitation and hygiene.

Currently two legislative documents are in process of elaboration:

1. Technical Regulation- „On the Quality of Water Intended for Human Consumption“

2. Technical Regulation- “on Bathing Waters”

National Center for Disease Control & Public Health of Georgia (NCDC), as a secretariat of the Governmental Coordinating Council of NEHAP, is strengthening institutional and human capacities in environment and health issues with support of the Government and partners and in order to accomplish strategic objectives set forth in the Acton Plan, to fulfil the commitments under EU-Georgia Association Agreement; and EU-Georgia Association Agenda, asks for EU action to support Georgia in the implementation of the following 2 Twinning projects in Environmental Health field:

1. Twinning project “Climate change: resilience, disaster risk management and renewable energy. Economic, environment & health impact in Georgia” (In line with NEHAP SO’s: 1; 2 and 5);
2. Twinning Project “Strengthening the capacities for effective implementation of the EU acquis in the field of bathing and drinking water in Georgia” (In line with NEHAP SO’s: 1 and 5);

The monitoring framework of WASH in Schools was developed and tested for integration into the Education Management Information System (EMIS). Status: the integration of the WASH monitoring framework into EMIS is pending.

The national guidelines on WASH for preschools was developed and approved by the Ministry of IDPs from the Occupied Terittories, Labour, Health and Social Affairs through the Ministerial Decree N01-172/o on July 28, 2016.

The WASH technical regulations for preschools was developed and approved by the government of Georgia through the government resolution N 485 of October 27, 2017.

The nutrition technical regulations for preschools was developed and adopted through the Government Resolution N 487, October 30, 2017.

The guidelines on monitoring of WASH of conditions against the approved technical regulations in preschools was developed and approved by the Ministy of IDPs from the Occupied Terittories, Labour, Health and Social Affairs through the decree N 01/o on January 18, 2018.

Multiple Indicator Cluster Survey (MICS) was successfully carried out in Georgia in 2018 (between September-December). The current round of MICS for Georgia has been expanded in content and scope to include questionnaires for drinking water and water quality testing. The NCDC supported the inclusion of Water Quality testing in Georgia MICS Survey in 2018, with the financial and technical support of WHO.

The results of the Multiple Indicator Cluster Survey are available since September 2019 and National Statistics Office of Georgia published report of the survey. MICS results clarified , that Georgia has to work hard on “Institutional water, sanitation and hygiene”. Namely MICS report reconfirmed, that following activities should be implemented:

1. Training and Implementation Water safety plans;

2. Assessment of WASH in Health Care facilities;

3. Elaboration of WASH Strategy in Georgia;

4. Implementation NEHAP objectives.

2019 MICS study evaluated household water supply and quality but yet, no study about health care facilities are conducted to evaluate WASH.

Today, the timing for WASH-related activities is on spot, due to COVID-19 pandemics the services of WASH are of utmost importance to be in place and for all types of healthcare facilities.

With the help and guidance of the WHO Europe regional office, in the last quarter of 2020 preliminary study was initiated to evaluate the current legislative and scientific background, to evaluate WASH services development in healthcare facilities and for possible future implementations.

At present the Ministry of Environment Protection and Agricultura is in the process of harmonization and approximation of the water legislation with that of EU. The draft of the new framework law on water resources was finalized by the end of 2019 and forwarded for inter-ministerial consultation. It should be noted that, The Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, within the competence, was fully involved in the preparation of the the key legislative framework for integrated water resources management nationwide (IWRM -integrated water resources management).

**I. COVID 19 and human rights to water and sanitation**

In order to mitigate the damage caused by the global pandemic, government of Georgia has approved the Resolution on "Targeted State Program for Harm mitigation Caused by New Coronavirus (SARS-COV-2) Infection (COVID-19)", under which the right to receive state aid (cash benefit) was obtained to 650001 – 100001 families with a rating score registered in the "Database of Socially Vulnerable Families" (according to the number of family members), The amount of compensation for single-member families is 70 GEL, for two-member families 90 GEL, In other cases, compensation have paid according to the number of family members, 35 GEL per family member. Also compensation have given up to 100,001 rating points families registered in the Database of Socially Vulnerable Families who have 3 or more children including 16 years old. Under the above program, persons with severe disabilities and children with disabilities under 18 have resived100 GEL in addition to the assistance provided by the social package. Assistance was given in two stages, for 6-6 month.

It is worth mentioning that there have not been any issues relating to WSS services caused by Covid-19 during the period of the covid-19 global pandemic. However, the state-owned enterprise *"United Water Supply Company of Georgia" LLC (hereinafter UWSCG)* under MRDI, had taken precautionary measures to guarantee the accessibility to WSS services for its customers, e.g., when the State of Emergency was declared, UWSCG prepared an immediate Emergency Plan and requested its contractors to approve it and comply with the recommendation. This plan was aimed to guarantee the continuation of the construction and rehabilitation works for WSS infrastructure without any hindrance. During the state of emergency, UWSCG continued its operation in terms of service delivery without any interruption.

Besides the above mentioned, in the context of the COVID-19 pandemic and recovery and relief measures, the Government of Georgia has enacted several Emergency Laws and Decrees to assist those affected by COVID-19 and ensure a continuous process of infrastructure development. E.g. within the relief measures in the context of COVID-19, the Government had fully subsidized WSS bills for those individuals and groups who were not capable of paying the water and sanitation service tariffs. As to infrastructure development, the ordinance of Government of Georgia, No 181, *"On the Approval of Measures, to be implemented in connection with the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia,"* ensures that infrastructure projects (including WSS projects) implementation shall not be restricted during the period of the state of emergency. Furthermore, the Government of Georgia adopted a decree No 619 on measures to be taken to support all infrastructure project implementation.

Regarding the incapability of paying WSS bills caused by COVID-19 pandemic, it is important to mention that the Georgian legislation does not envisage a particular norm according to which companies are prohibited from terminating the supply of drinking water due to non-payment of current debts. However, disconnections are used by the UWSCG as a last resort, and in extremely rare cases. Instead of disconnections, UWSCG considers every case individually to reschedule a payment, and a portion of the debt is used. During the pandemic, there were no any disconnections.

As handwashing represents an effective tool to reduce the transmission rate of COVID-19 infection, the Government of Georgia set the goal to improve WASH services in schools to ensure a safe education environment. In this regard, in 2020, the Government of Georgia, within the delegated authorities to the municipalities, allocated additional funds to construct and rehabilitate public schools with a special focus on WSS in the regions of Georgia. As a result, in 2020, WASH facilities were improved in more than 700 public schools in Georgia. It is allocated some funds for similar priorities in 2021 as well.

**WSS related issues under MRDI and Allocation of Funds**

There are different state agencies responsible for regulating water and sanitation-related issues in Georgia. As of providing WSS services, the actors present suitable utilities under local self-government and other licensed providers ranging from large-scale to small-scale companies, either private or state-owned.

One of the main tasks of MRDI is to develop WSS infrastructure and provide WSS services to the population. However, its area of competence is limited as MRDI meets these objectives through the state-owned company UWSCG. UWSCG provides water supply and sanitation services to urban, semi-urban and rural areas throughout the country in about 440 settlements. Since the establishment of UWSCG in 2010, the number of its customers has been increasing annually, and the number of beneficiaries amounts to 780 000. UWSCG is implementing several projects aimed at rehabilitating existing WSS networks and building new WSS networks. To face the pandemic challenges, budget for 2021 is increased and UWSCG has ambitious plans for developing more projects and upon completing them, UWSCG is expected to increase its customers by more than 360 000 beneficiaries having WSS services. As regards the financial part, since the founding of UWSCG, its budget for infrastructure projects has been increased steadily.

In addition to the objectives of MRDI under UWSCG, MRDI plays an important role in the regional development sector; in this regard, MRDI identifies needs and priorities for the development of socio-economic and sustainable infrastructure in the regions. In this regard, it implements different tailor-made projects each year, e.g., annually under “the Fund of the Projects to be implemented in the Regions of Georgia“ additional funds are allocated to municipalities for improvement WSS infrastructure; Besides, the LEPL Municipal Development Fund of Georgia under MRDI implements several infrastructure projects such as: construction and rehabilitation of schools and kindergarten, construction of houses for IDPs, rehabilitation of WS and WSS services, which overall results in increased access to water, sanitation and hygiene (WASH).

In order to improve its performance and service level, currently UWSCG is studying the opportunities for PPP or PSP options.

**Emergency situations and force majeure under UWSCG**

Given that each case caused by some force majeure, like droughts, landslides, avalanches, or network outages, differ from each other in terms of scale, location, etc., UWSCG does not have a universal action plan for emergencies. UWSCG acts during emergencies assessing an individual case and targeting those affected by an event to ensure safe and uninterrupted WSS service delivery to the population. Nowadays UWSCG works on water safety plans that will cover the risk management strategy or umbrella that will influence a water utility’s whole way of working towards the continuing supply of safe water.

## III. Financialisation/commodification questionnaire

**On the privatization of water and sanitation services.**

**1.5. Is there a regulatory framework that guarantees transparency and citizen participation in the management of water and sanitation services, whether public or private, in line with the requirements related to human rights?**

Georgia is a Party to the Aarhus Convention and the procedures of participation for all stakeholders are in place at national, regional and local levels. Public engagement and participation is ensured at all stages of the development of new legislative frameworks. As such, public engagement was ensured in the process of development of the new draft law on Water Resources Management. Discussions on the draft law have engaged a wide spectrum of society, including the general public. The process was supported by the LEPL Environmental Education and Information Centre (EIEC) to facilitate participation of all interested stakeholders.

In addition, the Environmental Assessment Code (2016) ensures strengthened public participation in decision making at all key stages of decision-making, including decisions on the use of water resources.

Public participation is also ensured through the National Policy Dialogue on Integrated Water Resources Management (IWRM), which provides a platform for the dialogue on water resources management. It allows cooperation between the different government agencies and the civil society representatives. An important task under the National Policy Dialogue on IWRM is the evaluation of the existing water-related policies. The National Policy Dialogue on Integrated Water Resources Management (IWRM) is the mechanism for the implementation of the European Union Water Initiative (EUWI) in the Eastern Partnership countries. Under NPDs, the United Nations Economic Commission for Europe (UNECE) leads the work on IWRM.

*(Note: Nowadays, the suppliers of drinking water to the population of Georgia are the so-called private business operators and state-owned by the Ltd. United Water Supply Company of Georgia, which currently operates in 57 cities and 315 villages (except Tbilisi, Mtskheta, Rustavi, Gardabani Municipality and Adjara Autonomous Republic). At the same time, according to the Organic Law of Georgia, the Local Self-Government Code, the local municipality is obliged to provide drinking water supply in the settlements where the drinking water supply is not provided by the relevant licensed supplier. At the same time, the current normative acts in the country define 2 levels of drinking water quality control: internal control and monitoring and state control. Internal control and monitoring of drinking water quality is carried out by the water supplier, while state control of drinking water (inspection; monitoring; supervision; documentary inspection; sampling) is carried out by the LEPL National Food Agency under the Ministry of Environmental Protection and Agriculture).*

**1.8. Are there prospects for higher service rates or charges to cover the costs of investments? Is there any provision to guarantee the affordability of services to households in poverty?**

The Georgian Energy and Water Supply Regulatory Commission with its Resolution No. 21 of August 10, 2017 and Resolution No. 27 of November 22, 2019 has approved methodology on calculation of water supply tariffs and company’s investment project appraisal methodology. According to these Methodologies:

1. The water supply tariff set by the Commission covers the expenditures in total, both operational and capital;
2. Investment Appraisal Rule is based on incentive principles, according to which the Commission in advance reviews the investment projects to be carried out by the companies and reflects them into the water supply tariffs;
3. According to the Investment Appraisal Rule, the Commission is authorized to refuse the appraisal of the investment project, which may increase the water supply tariff above affordable limits;

Except the above-mentioned issues, we would like to additionally inform you that the Commission is working on the improvement of water supply tariff structure, which will stimulate the affordability of drinking water tariff (increasing block tariffs) by low-income groups