Questionnaire for States

**Report to the 48th session of the Human Rights Council (2021) on planning and vision, and**

**Report to the 76th session of the UN General Assembly (2021) on water commodification**

## Background

The Special Rapporteur on the human rights to safe drinking water and sanitation will dedicate his first thematic report to the 48th session of the Human Rights Council in September 2021 on planning and vision of the first three years of his mandate (2020-2023).

In addition, he will dedicate his thematic report to the 76th session of the UN General Assembly in 2021 on water commodification.

In order to prepare for these two reports and to have wide consultations, the Special Rapporteur invites States to submit their response to the below questions **by 15 April 2021.**

## I. COVID19 and human rights to water and sanitation

1. In the context of COVID19 pandemic and recovery and relief measures, what measures and steps have been in place to ensure that all populations have access to adequate and sufficient water, sanitation, and hygiene services and facilities? In particular:

1.1. What measures and steps have been taken to identify the minimum vital amount of water required by specific individuals and groups in the context of COVID19 which emphasized handwashing as one of the preventive measures against COVID19?

In the context of COVID19 the minimum vital amount of water for handwashing was not determined. However, the National Institute for Public Health prepared already some years ago opinion on necessary amount of drinking water in case of restrictions or interruptions of drinking water supply. The mentioned minimum quantity of drinking water per person per day includes also the minimum amount of water which is, besides for drinking and food preparation, necessary for basic personal hygiene – handwashing.

1.2. In the event that the water and sanitation services that are managed by private operators cannot be provided, what specific measures are in place to regulate and ensure that the population has adequate access to water, sanitation and hygiene services and facilities?

In the case of additional need for drinking water which is managed by private operators the access to water is provided at the municipal level, most likely by transport of drinking water by cisterns.

Urban wastewater collection and treatment is secured by the obligatory use of the municipal public service (including urban wastewater in the areas not equipped with public sewage system, i.e. cesspits, small wastewater cleaning plants and different types of cesspits). Municipalities are obliged to provide economic public services on their entire territory.

1.3. In the case of water and sanitation services that are managed by local and municipal (regional) governments, or by community systems, that cannot be performed, what specific measures are in place at the level of the central government to ensure that the population has adequate access to water, sanitation and hygiene services and facilities?

Drinking water supply from the public water supply system is obligatory municipal economic public service in the field of environment protection. This is well settled system which provides access to drinking water to population in necessary quantities and quality of drinking water.

Also collection and treatment of wastewater is compulsory municipal public service in the field of environment protection which means that organization of the public service is within authority of municipalities, while use of those services is compulsory. The state stipulates the necessary standards for public sanitation system and agglomerations are determined where sanitation is prescribed. In the areas equipped with public sanitation system the owner of the building where wastewater is produced should provide that this wastewater is drained in public sewage system. In the areas without public sanitation system the owners of the buildings should provide individual solutions for their buildings (small wastewater cleaning plants, cesspits).

The Environment Protection Act provides that in case the municipality doesn’t provide this compulsory public service the state provides it on the territory of this municipality and on its account.

2. What temporary legislative or policy measures have been implemented in the context of COVID19 (including state of emergency, emergency laws, moratorium) to prohibit water disconnections for those who are not capable to pay the water and sanitation service tariffs?

2.1. In the event emergency laws or moratoriums have ceased to be in force, what subsequent measures and steps have been envisaged and planned to ensure that disconnection of water and sanitation services are prohibited for households that are unable to pay?

Decree on public water supply stipulates that the operator of public water supply system can cease to provide drinking water in case if the consumer endangers smooth and safe drinking water supply for other consumers of this public service by his action. More detailed conditions for interruption or restrictions of drinking water supply are regulated in the local regulations of the municipality dealing with drinking water supply.

Regulation for public service of wastewater treatment and disposal – Decree on wastewater treatment and disposal does not regulate the question of interruption of economic public service in cases when the consumers can’t pay for those services. Undertaking of public service and obligations of consumers are regulated more precisely by municipalities in their decrees.

2.2. What data is available on the impact that COVID19 has had on unemployment, how it has increased the numbers of people in poverty, increased inequalities and in particular, how these three dimensions impact people's capacity to pay for water and sanitation services and facilities?

2.3. What steps are being taken to ensure the affordability of water services for those who cannot pay their bills for reasons beyond their control, including unemployment and poverty, which have been exacerbated by the COVID19 pandemic?

For the consequences of COVID19 mitigation a series of laws was passed regarding the measures for curbing the epidemic and to ease the whole situation for citizens and the economy. They include measures for preservation of working places, amelioration of social situation of people, measures in the field of labour, different crisis supplements, subsidizing minimum wage etc.

3. What are the vulnerabilities that have been exacerbated by COVID19 that negatively impact people's access to water, sanitation and hygiene (WASH)? What measures and steps have been taken to identify and target individuals and groups that have been exposed to those vulnerabilities?

Vulnerabilities as consequence of COVID19 in connection with access to drinking water were not detected. The same goes for the access to economic public service for wastewater treatment and collection.

3.1. What are the specific challenges faced by the population living in rural areas and those areas that rely on community-based water and sanitation services? How have these challenges been addressed?

Specific challenges in this respect were not detected.

3.2. What are the specific challenges faced by population living in areas that are suffering hydric stress, and/or semi-arid regions?

Specific challenges in this respect were not detected.

3.3. What are the specific challenges faced by seasonal workers, by populations living in refugee camps, in host-communities that absorb refugees, displaced persons and other forcibly displaced persons, as well as slums and informal settlements in urban and peri-urban areas?

Specific challenges in this respect were not detected.

3.4. In addition to the above groups which have been identified as gaps in the Special Rapporteur’s research thus far, which other groups and populations should be prioritized due to the increased vulnerability that COVID19 has created?

For none other group or population the problems regarding access to drinking water or access to economic public service for urban wastewater treatment and collection were detected.

**Public policies**

4. What steps have been taken to address vulnerabilities that COVID19 has created for people and groups in public policies - the so-called “Building Back/Forward Better” policies - and other policies to build resilience and sustainability?

4.1. What are the lessons learned from responding to COVID19 to build social protection and resilience to prevent future possible public health crises?

4.2. What measures and steps have been taken to strengthen access to water, sanitation and hygiene as part of strengthening public health policy?

**Allocation of funding**

5. What measures and steps have been taken to ensure that water, sanitation and hygiene is considered as a priority in the COVID19 response in terms of the allocation of funding?

5.1. What percentage of the COVID19 response is allocated to water, sanitation and hygiene (including menstrual hygiene)?

5.2. What percentage of funding is allocated or planned to be allocated to improving water, sanitation and hygiene facilities and infrastructure in the context of COVID19?

6. What specific measures and steps are taken to ensure a safe environment for defenders of human rights to water and sanitation in response to protests and advocacy on water disconnections, access and quality?

## II. Climate change and human rights to water and sanitation

**Impact of droughts on availability and quality**

1. During drought cycles, which climate change tends to intensify in frequency and duration, water reserves should be monitored and foreseen. Both domestic and drinking use must be prioritized in order to ensure the human rights to water and sanitation, with special attention paid to those groups in vulnerable situations. Likewise, an increase in the concentration of pollutants should be prevented as there are fewer dilution water flows that would normally preserve water quality. In this context, in order for climate adaptation strategies to ensure that the population has access to safe drinking water and sanitation:

1.1. Are there legal, policy and regulatory frameworks to ensure that drinking water and water for domestic and personal usages are prioritized over water used for industrial agricultural and other for-profit economic activities in case of scarcity during drought periods?

Water Act stipulates that special use of water for drinking water supply has a priority over the use of water for other purposes.

1.2. Are there measures scheduled in drought emergency plans to ensure that priority is given to household water supply and water for domestic and personal use? Is there hydrological planning that establishes specific plans to prevent drought, in which the priority of said water supply is guaranteed?

Since already the Water Act stipulates the priority of drinking water supply over other uses of water also hydrological planning and system of granting water rights for special use of water follow this path. In water management plans special measures are envisaged in case of droughts and proposed possibilities for water supply in other sectors. On the state level there exist sectorial plans, for example Plan for irrigation and use of water for irrigation in agriculture and Program of measures for realization of irrigation plan and use of water for irrigation in agriculture.

1.3. Have areas, neighbourhoods or populations in vulnerable situations and most exposed to water cuts in drought periods been identified? If so, please provide information on how they were identified and what has been planned to counter this greater vulnerability.

Some areas with water deficit were detected. Drinking water supply system there was supported by more reliable water source and building of new water supply systems. Every area has to secure alternative water source in case of loss of the main water source. Therefore we have some projects of that kind in planning process in order to secure additional reliable water sources.

1.4. In periods of drought, how is the quality of drinking water guaranteed? If the water supply is seriously compromised, are there any alternative reserves in place, such as reservoirs, aquifers or drought wells that could provide the quality and quantity of water required, especially in the poorest regions and rural areas

In Slovenia reservoirs were built mainly for protection against flood waves and provision of water for irrigation in agriculture. We plan construction of reservoir which will serve as additional water source for drinking water supply. Inhabitants normally receive drinking water through water infrastructure while in really exceptional circumstances of loss of such systems and only for short period exceptionally smaller hamlets receive water from cisterns.

**Impact of droughts on affordability**

2. During drought periods, when availability and accessibility to drinking water and water for domestic and personal use is affected by competing demands for water resources, there may be pressures to increase water and sanitation tariffs. On the other hand, the need for implementing additional water supply sources may increase supply costs. Is an increase in rates foreseen in drought cycles? And if so, what is planned for families and individuals in poverty with incapacity to pay for water and sanitation tariffs?

For the time being Slovenia has enough water for drinking water supply therefore we don’t expect that tariffs will increase due to higher cost of water supply in drought period. The aid for socially disadvantaged people is secured through centralized social transfers, which include different aids for provision of dissent life.

**Impact of floods on availability and quality**

3. Floods caused by heavy rains and river floods, apart from causing risk to the lives of those affected, the flooding of homes, destruction of crops and various economic damages, have significant impacts on water and sanitation services. Often, domestic water supply is contaminated or supply facilities are affected, which implies drinking water supply cuts. Sanitation stations tend to collapse when they receive massive storm drains along with domestic and industrial discharges, which produces direct polluting discharges. Especially worrying is the situation of those sanitation stations located next to rivers, which tend to be flooded indefinitely. Sometimes the rise in the level of the rivers and the massive pluvial drainage generate black or grey waters urban floods through the sanitation sewers, even reaching inside the houses. In this context, in order for climate adaptation strategies to ensure that the population has access to safe drinking water and sanitation:

3.1. Are there plans for territorial and urban reorganization that make it possible to minimize the vulnerability of populations to flood risks? What specific measures are included for groups in vulnerable situations?

In Slovenia for such cases we undertake measure prescribed by Plan for diminishing flood risks which includes construction and non-construction measures for amelioration of flood safety. Construction measures refer to construction of anti-flooding embankments and reservoirs while non-construction measures information sharing, awareness raising, informing the population in question and warning and alerting system for citizens in case of such event.

In the framework of implementing the EU Flood Directive and in the context of preparation of Plan for diminishing flood risks we have several measures for diminishing flood risk. One of them is identification of flood areas and adaptation of land use within river basins. A special decree prescribes conditions for integration of buildings in areas endangered by floods and erosion of ground waters and sea taking in consideration the level of flood risk, classification of building etc. According to this decree the construction of buildings meant for activities where larger number of people will gather (hospitals, schools, kindergartens, retirement homes…) in the areas with flood risk is forbidden due to possible risk for vulnerable groups.

3.2. Are there emergency flood plans for groups in vulnerable situations and generally poorer neighborhoods, guaranteeing in particular water, sanitation and hygiene services for these populations, including the eventuality of evacuation?

We have such plans for general population, mainly it concerns non-construction measure of flood protection. Inhabitants living close to watercourses which may flood are well informed about possible evacuation as well as safe use of water and food during and after the flood.

On the state level Administration for civil protection and disaster relief is an authority in this area. It prepared Plan for protection and relief in case of floods while different levels of local authority (region, municipality, commune) have their own plans, especially in areas where floods emerge. These plans include protection measures such as evacuation and reception and protection endangered inhabitants (the most needed essential goods, such as drinking water, food, clothes, electricity, basic medical care, psychological assistance, information system and schooling for children in elementary schools).

3.3 What alternative water supply provision is there to guarantee drinking water when floods contaminate habitual sources or affect storage and purification facilities, especially for groups in vulnerable situations?

In Slovenia in general there are no major problems with water supply after floods. In case of intensive precipitations murky water may occur at the source - at that time additional disinfection of water is provided. In some cases the measure of compulsory boiling the water before using it comes into force. In case of loss of certain water system the transport of water is provided by cisterns.

Possible alternative source in case of polluted water could be drinking bottled water.

**Impact of Desertification on availability and quality**

4. Rising temperatures and rainfall variability caused by climate change can increase desertification in arid, semi-arid and dry sub-humid areas. In addition, prolonged droughts increase fire risks, accelerating degradation and even destruction of plant protection, soil erosion and desertification. Desertification increases surface runoff and therefore increases the risk of floods, which can impact water supplies and sanitation. It also causes less water infiltration in aquifers, affecting the availability of water. What steps and measures are being taken to combat desertification processes and to ensure safe drinking water and sanitation in case of desertification, especially for groups in vulnerable situations?

In present climate conditions Slovenia has at its disposal enough water for ensuring drinking water supply for its population. Possible lack of water is addressed already with spatial planning in the manner that all activities which need water are located in the areas where water source is provided and cleaning of wastewater is also required for possible reuse. For agricultural production irrigation systems are planned where water source is available.

**Impact on people and their vulnerabilities**

5. What measures and steps are being taken into account when designing and planning climate change adaptation strategies and policies to ensure that affected groups and populations and their knowledge are part of the solution? How are affected populations involved from the beginning in the planning design and its subsequent development?

While planning the climate scenarios are taken into account regarding additional water sources, urban drainage, spatial planning, construction of bridging facilities, reservoirs and other constructions in the field of water management. Population is involved mainly in preparation of spatial plans in which exist certain limitations for construction and activities near watercourses.

6. What measures and steps are taken to identify the movement of populations, ongoing or foreseeable due to the impact of climate change on availability, accessibility and affordability of drinking water and water for other uses (what are called climate refugees or migrants)? What information is available on the situation of access to water and sanitation for temporary workers in informal settlements?

We do not expect movement of population due to climate change and lack of water within the country. We would like to add that it is not possible to incorporate new production activities in certain areas in case the present water supply system does not permit such activities.

## III. Financialisation/commodification questionnaire

The commodification of water and sanitation has been carried out through different mechanisms and policy programs. Each have had an impact on the payments to be covered by users. This includes the privatisation and inclusion of private actors in water, sanitation and hygiene (WASH) services and infrastructure, the transformation of public utilities into for-profit entities, market based mechanisms to manage water scarcity such as water trading and water banks, and the bottling of water by private companies. At each point, financial actors become involved when WASH services and infrastructure proves to be a profitable business. This report will explore the implications of these processes on the progressive realisation of the human rights to water and sanitation.

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

1. The former Special Rapporteur, Leo Heller, dedicated a thematic report on the impact of privatization on the human rights to safe drinking water and sanitation (A/75/208) in 2020. Building on this report, the Special Rapporteur aims to follow-up on the recommendations made and to expand the scope to examine the role of private actors, the various ways private actors can take part in water, sanitation and hygiene service provision and to clarify challenges and ways to address compliance with human rights to water and sanitation. In this context:

1.1. Has the participation of private operators through long-term management contracts guaranteed the necessary investments in water and sanitation services filling the so-called financial gaps? If so, to what extent?

There are some projects of public – private partnership in the area of drainage and treatment of wastewater but in smaller extent. Projects meant for bridging financial gaps in short-term period proved to be financially ineffective in long-term and the led to augmentation of prices for those services. Municipalities were not able to access to resources from state budget due to the fact that on the basis of concession the network was property of concessionaire. So such cases of public – private partnerships could not serve as a good practice example.

1.2. Is there a law that prohibits cutting off water to households in vulnerable situations? Is there by law a vital minimum amount of water set as a mandatory supply to impoverished households?

Decree on provision of drinking water only stipulates that the operator of public water supply can cut the drinking water supply to a user who with his acts endangers normal and safe water supply for other users.

Municipalities independently regulate this public service with their regulations in a manner that must not be in conflict with the regulations that apply to the performance of this public service at the state level. It is also the responsibility of municipalities to determine more detailed conditions for the interruption or restriction of drinking water supply. The obligations of municipalities include the permanent and uninterrupted provision of drinking water supply, so decisions regarding the interruption of drinking water supply are made on a case-by-case basis. In principle, no major problems have been identified in Slovenia due to possible interruptions in the supply of drinking water. For households which find themselves in vulnerable situations appropriate solutions are to be found and not cutting them off the public drinking water supply.

In addition, the state offers assistance to families and individuals living in poor social conditions through social transfers. In 2015 the Act on the Conditions for the Implementation of the Debt Forgiveness Measure was adopted, which enables the write-off of debts arising from regular household expenses, which includes water supply and wastewater collection and treatment services as well.

1.3. When the management of water and sanitation services is concessioned or contracted out to a private or mixed company, or when the operators are public but running as commercial for-profit entities, are households in vulnerable situations guaranteed a vital minimum amount of water? And if so, how is this compliance with human rights to drinking water and sanitation financed?

In concordance with the Services of General Economic Public Interest Act and the Environment Protection Act these two public services are performed by a legal person selected by the commune and function in the following forms:

- In a small plant organized by a commune in case of very small capacity meaning that the establishment of public enterprise or granting a concession will not be rational and economically sound,

* In public economic institution in case of undertaking one or more services of general economic interest which can’t be performed as profitable due to their nature or this is not their goal,
* In public enterprise in case of undertaking one or more services of general economic interest on a larger scale or this derives from the nature of monopolistic activity and is a profitable one,
* With granting concessions.

Regardless the form of public service in concordance with Decree on methodology for setting the price for economic public services in the field of environment protection the rules are settled for forming those prices which clearly determine which costs can be comprised within the price for water supply and collection and treatment of wastewater network. Municipalities and the companies dealing with this infrastructure form the concrete price.

As mentioned above in case of vulnerable groups or vulnerable situations the solutions are found to mitigate the concrete situation, including social transfers.

1.4. When the management is public and non-profit, is a vital minimum amount of water established for households in vulnerable situations, in compliance with the human rights to drinking water and sanitation? And in such cases, how is this compliance financed?

Already answered in the above text.

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?

All regulations, even more so for the environment regulations are passed according to prescribed procedure. Also the public debate is envisaged in the process of adoption of piece of legislation where every citizen has a right and possibility to file his proposals or objections.

1.6. During the past financial crisis (2007 - 2008), due to austerity strategies, private investment was favoured to compensate for the lack of public financing in infrastructure and public services. In the present economic crisis accelerated by the COVID19 pandemic and given the need for investments to prevent the impacts of climate change, are there funds provided in public budgets to cover these costs? Or is the pressure for the privatization of water services growing again?

We would like to emphasize that according to the Constitution amendment adopted in 2016 privatization of water nexus is not possible. Herewith we quote the concrete stipulation:

* **Article 70a**
(Right to Drinking Water)

Everyone has the right to drinking water.

Water resources shall be a public good managed by the state.

As a priority and in a sustainable manner, water resources shall be used to supply the population with drinking water and water for household use and in this respect shall not be a market commodity.

The supply of the population with drinking water and water for household use shall be ensured by the state directly through self-governing local communities and on a not-for-profit basis.

1.7. From the current perspective of climate change, are there green funds established to finance investments in WASH services due to the impact of the climate emergency?

Envisaged “green” financing mechanisms include financing of investment in drinking water supply system and collection and treatment of wastewater while taking into account effects of climate change and conditions.

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?

Already answered in the text above.

1.9. In relation to the impact of COVID-19, if WASH services were managed by private operators were the costs derived from the pandemic (for example, lower water consumption due to economic restrictions, higher rates of non-payment of tariffs) covered by private operators as contract risks or are they passed on to public institutions?

Already answered in the above text.

**On market based mechanisms as a response to water scarcity**

2. There are various market-based options for managing water scarcity and its distribution to competing users. Although there are different models, what is common to all is the need to separate water rights and land rights, so that water rights/concessions/allocations/entitlements can be traded and potentially managed as a consumer good. There are models, such as Water Banks, that organize transactions under public control and with strong regulations. There are also water trading markets that facilitate trade between entitlement holders and those who want to use that water. These water markets can be opened to speculators, who are not going to use the water rights at stake. Speculators are financial actors that promote speculative games (with high expectations of short-term benefits) between those who have water rights and those who seek to buy them. Although most water trading markets are localized, with the entry of new financial players, water rights can be integrated into global financial markets, where water will receive the same treatment as other tradable commodities, generating speculative impacts on the final costs to pay for water.

In concordance with the Water Act water right can be obtained on the basis of water permission or concession. Special use of water which is not drinking water supply could be performed by taking water from facilities and infrastructures designed for drinking water supply only if the capacity of water source permits it and drinking water supply is not endangered. Expert opinion by the provider of economic public service of drinking water supply is required which has to prove that drinking water supply is not endangered and the availability of water source in question..

A special permission according to environment protection regulations is required for wastewater drainage. Intervention in the location which could temporarily or permanently influence the water regime or water condition in the area can be executed only on the basis of water consensus. This is valid also for interventions regarding wastewater drainage.

If water markets or water banks exist:

In Slovenia water market or water banks do not exist. State grants water rights throughout the year and they do not depend on drought periods.

2.1. How are they designed and what is their purpose? i.e. to manage water scarcity, to deal with over-allocations, or to ease trading between water rights/entitlement holders to increase the efficiency of use? Is the water traded or banked understood as public or private property? And if private, what is actually privatised? For example, a set amount of water, a licence to extract a certain amount of water, or the concession.

2.2. Are there public institutions (such as Water Banks) that manage possible transfers of water rights? If so, are they set up only to manage drought cycles or do they also work when there is no drought?

2.3. To what extent do market based transfers under public control affect the affordability of water and sanitation services and the price of water? What about privately managed markets? What is the impact on families in vulnerable situations and the effective fulfilment of human rights to access to water and sanitation?

2.4. Are there direct markets for water rights? Does the supply of water and sanitation services depend on access to water through these markets? And if so, to what extent do these markets affect rate increases, especially for households in vulnerable situations?

2.5. In some water markets trading is limited to actors buying water for their own use (for example, agriculture, extractive industries, urban water services), while other markets are open to speculators. Who are the largest actors in the water trading market? And if markets are open to private investors what type of companies are they, for example hedge funds, individual investors, or international banks? Are there differences between the impact of each type of actor and design of the water market on the price and availability of water?

2.6. Water markets impact communities in vulnerable situations in different ways, for example cultural water rights of Indigenous people or its environmental functions are not taken into account, and small-scale farmers can be priced out of the market due to increasing prices. What regulatory bodies are in charge of water trading markets? How has accessibility of water for communities in vulnerable situations been affected? And how have they been included into the design, oversight and regulation of water trading markets? What vulnerabilities may be exacerbated by water trading markets?

2.7. Is there the opportunity for water futures trading such as the recently announced Nasdaq Veles California Water Index? If not, are there expectations that futures trading will occur in the future? And how would water futures trading impact affordability, accessibility, and availability of water for communities in vulnerable situations?

**On the commodification of water through bottled water**

3. The extraction of water for beverages is an increasingly profitable industry. Water extraction companies can be given licences to extract water from ground or surface water or given access to municipal water supplies at low or marginal costs. The beverage products created, including but not limited to bottled water, are sold at high profit margins and can target communities where there is limited access to public water services, they are of poor quality, or where suspicion of the quality of public water services exists. This can increase vulnerabilities in communities that need such surface or groundwater, when it is increasingly scarce. Bottled water can also increase vulnerabilities in these communities due to high costs and weakening of public utilities.

Access to public drinking water supply is not limited therefore it is not likely that instead of drinking tap water people would have to drink bottled water.

3.1. What regulatory and monitoring mechanisms exist to counter possible vulnerabilities caused by private water bottling?

3.2. How can impacted communities hold private companies to account within existing regulatory regimes for their impact on access, affordability and availability of water?

**On Financialisation**

4. Water and sanitation services and infrastructure can be "financialised" in different ways. This can mean a larger role for for-profit actors including investors and private companies and financial actors - banks, international financial institutions, hedge funds, pension funds, and increasingly insurance companies - involved in the provision of water, sanitation and hygiene (WASH) services and infrastructure. Financialisation can consist of: the commodification of water, with the corresponding water pricing processes; or the commercialisation and privatization of public water and sanitation services; or the inclusion of WASH services and infrastructure in global financial markets. The financial sector is defined by a short rather than long-term management focus that prioritises profit maximisation and shareholder returns, resulting in a concentration of investment in financial products rather than the production of goods. In this context, risk management is critical, and gives a leading role to the insurance sector and international rating agencies.

Drinking water supply system is organized by municipalities (public service) or by individual drinking water supply owned by inhabitants. Also collection and treatment of communal wastewater is organized by municipalities (compulsory economic public service). Therefore above mentioned solutions are not applicable.

4.1. How has WASH services and infrastructure been turned into a financial asset? for example, as a financial product, or private companies traded in global financial markets. What regulations and legislation including private property laws were necessary for this to occur and how are those regulations and legislation compatible with the State’s obligation to provide accessible, affordable, safe and acceptable water available to all without discrimination?

4.2. How has the financial sector (hedge funds, investment banks, pension funds) entered the WASH services and infrastructure sectors? And does this mark a difference to previous processes of privatisation such as Public-Private-Partnerships or long term concession contracts? And how has this impacted individuals access to water and sanitation and affordability of those services and infrastructure, especially for people in vulnerable situations?

4.3. What has been the impact of speculation - speculation in financialised WASH investments, water based hedge funds or in water trading markets - on access, availability and affordability of water and sanitation services?

4.4. Do you expect speculators to enter existing water trading markets? And If so, what regulations and accountability mechanisms are in place to prevent negative impacts of speculation on the affordability and access of water and sanitation services for communities in vulnerable situations?

4.5. Financial actors are accountable to their shareholders and governed by logics of profit maximization. How is the State able to meet its obligation to progressively realize the human rights to water and sanitation within these goals? How does the State regulate business and financial actors to respect human rights to water and sanitation?

4.6. What specific measures and steps are taken to ensure a safe environment for defenders of human rights to water and sanitation in response to the increased role of financial actors in the WASH sector, which have resulted in protests from communities impacted by the effects of financialisation? Please give specific examples of cases.