

CALL FOR INPUT  
Amman Center for Human Rights Studies

**Report of the UN Special Rapporteur on the human rights to safe drinking water and sanitation to the 45th session of the HRC on the "progressive realisation of the human rights to safe drinking water and sanitation"**

*Legal Bases of the Right to Safe Drinking Water and Sanitation*

The Amman Center for Human Rights Studies (hereafter “ACHRS”)<sup>1</sup> acknowledges the relevance of the call for input which regards the “progressive realisation of the human rights to safe drinking water and sanitation”. As has been explicitly stated in the General Comment No. 15 of the Committee on Economic, Social and Cultural Rights (hereafter “CESCR”), the human right to water is indispensable for leading a life in human dignity and can be considered as a prerequisite for the realisation of other human rights. The right to water clearly falls within the scope of guarantees essential to the right of an adequate standard of living for a person and his/ her family.<sup>2</sup> Moreover, the right to water is inextricably linked to the right to the highest attainable standard of health,<sup>3</sup> and the rights to adequate housing and food.<sup>4</sup> Also, the right to water has been recognised in a wide range of international documents, treaties, declarations and other standards.<sup>5</sup> Lastly, the right should be seen in conjunction with other rights enshrined in the International Bill of Human Rights, foremost among them the right to life and human dignity.

*General Relevance*

Despite water being a fundamental right for life and health, in 2015, 844 million people still lacked even a basic drinking water service,<sup>6</sup> meaning that these people either use improved sources with water collection times exceeding 30 minutes, use unprotected wells and springs or take water directly from surface sources. In addition, 2.3 billion people lack basic sanitation services, and are therefore required to practice open defecation (892 million) or use unimproved facilities (856 million).<sup>7</sup> This continuing contamination, depletion and unequal distribution of water exacerbates existing poverty. Therefore, states should adopt measures to effectively and progressively realise, on a non-discriminatory basis, the human right to safe drinking water and sanitation.

*Jordan*

The water sector in Jordan is characterised by severe water scarcity, increasing demand due to high population growth, hosting several fluxes of refugees and economic development needs. Jordan’s renewable water resources are limited and insufficient to meet national

---

<sup>1</sup> Being a research institute that is part of the Jordanian civil society

<sup>2</sup> International Covenant on Economic, Social and Cultural Rights, Article 11(1)

<sup>3</sup> International Covenant on Economic, Social and Cultural Rights, Article 12(1)

<sup>4</sup> International Covenant on Economic, Social and Cultural Rights, Article 11(1)

<sup>5</sup> See for example, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child

<sup>6</sup> I.e. sources of drinking water that requires no more than 30 minutes per trip to collect water

<sup>7</sup> See WHO and UNICEF, “Progress on Drinking Water, Sanitation and Hygiene”, 2017

CALL FOR INPUT  
Amman Center for Human Rights Studies

demand, in fact Jordan is the second most water scarce country in the world. This means that 98% of Jordanians live in water scarce areas.<sup>8</sup> Severe water scarcity in a country is defined as a country that has 500m<sup>3</sup> of annual renewable water resources per person. Jordan's annual renewable water resources are less than 100m<sup>3</sup> per person. In Jordan 98% have access to an improved water source. Of these 98% of the population, only 93% have access to a safely managed source and 86% to a piped network. Water is usually only available once a week in urban areas and once bi-weekly in rural areas. In particular, the situation in informal settlements is concerning due to the high levels of open defecation and limited access to safe water.<sup>9</sup>

*Question 1:*

*Of the minimum core obligations for the human rights to water and sanitation listed above, which are well reflected in policy, plans and projects of a country, and which are not well reflected?*

The General Comment No. 15 states that water is required for different purposes, besides personal and domestic use, to realise many of the Covenant rights.<sup>10</sup> The elements of the right to water must be adequate also for human dignity, life and health.<sup>11</sup> While the adequacy of the water required for the right to water may vary according to different countries, the following factors apply in all circumstances; availability<sup>12</sup>, quality and physical, as well as economic accessibility on a non-discriminatory basis.<sup>13</sup> As for the criterion of availability, the WHO has stated that a minimum for basic health care protection classifies as 'basic access', which is equivalent to a water collection of 20 litres per capita per day, of which 7.5 is required for consumption.<sup>14</sup> Within Jordan, populations do not live near major water sources - this means water needs to be transported and elevated over long distances. This contributes to the extreme high level of non-revenue water in Jordan, which is estimated to be around 52% and caused by water leakage, illegal connections and meter losses.<sup>15</sup> Obviously the problem of water scarcity gets worse due to this chronic inefficiency, and should be fixed soon by the authorities through the implementation of a more sustainable and efficient distribution network.

State parties should take steps in order to remove de facto discrimination on prohibited grounds, where individuals and/or groups are deprived of the means and/or entitlements essential for achieving the right to water. Like any other human right, the right to water imposes three types of obligations on state parties: obligations to respect, to protect and

---

<sup>8</sup> See Water Scarcity Clock

<sup>9</sup> See UNICEF Jordan, "Water, Sanitation and Hygiene"

<sup>10</sup> For instance, the right to environmental hygiene (article 12(2)(b)), right to gain a living by work (article 6), right to take part in cultural life (article 15(1)(a)) ICCPR

<sup>11</sup> In accordance with ICCPR Art.11(1) and Art.12

<sup>12</sup> Quantity of water available for each person should correspond to WHO guidelines, which is between 50 and 100 litres per person per day

<sup>13</sup> Also information accessibility

<sup>14</sup> I.e. drinking and cooking; See WHO, "Domestic Water Quantity, Service Level and Health", 2003, p. 23.

<sup>15</sup> See UNICEF Jordan, "Water, Sanitation and Hygiene"

CALL FOR INPUT  
Amman Center for Human Rights Studies

to fulfil. In terms of water governance, the Constitution of Jordan provides for equality before the law and equality of rights for all citizens. According to Article 2(2) and 3 of the ICCPR, all rights within the Covenant need to be guaranteed without discrimination and equally between men and women. Also, paragraph 12 of General Comment No. 3 (1990) mentions that in times of severe resource constraints, the most vulnerable people of society must be protected by the adoption of targeted programmes. Therefore, state parties should give special attention to those groups who have traditionally faced difficulties in exercising the right to water, including women, children, minority groups, internally displaced people, detainees, and others. As a step towards addressing equity in access to WASH services, six disadvantaged groups are identified in strategic plans implemented to address these groups, i.e. poor populations, people living in informal settlements, remote populations, indigenous populations, ethnic minorities and people living with disabilities. For example, Jordan has subsidised water for low income populations. However, no tracking system exists for different population groups as refugee influx has impacted the water services throughout Jordan heavily. In particular, people living in refugee camps do not obtain adequate and sufficient water. As Human Rights Watch has announced in 2018,<sup>16</sup> Syrian refugees living in unorganised camps along Jordan's border with Syria face limited access to water. It seems that the government does not perceive non-Jordanians as the utmost priority group as authorities had prohibited humanitarian aid services to reach the camps and bringing refugees basic goods, including water.

*Question 2:*

*In context of the countries that you are familiar with or work in, please describe efforts made by the government in the last few years that allowed the progressive realization of the human rights to water and sanitation.*

Jordan's new National Water Strategy 2016-2025 stresses an integrated approach to management of water resources and sustainable water and sanitation services in light of future sector imperatives. It states that there is a need to protect national water resources while realising equitable and efficient water allocations to meet all social and economic development needs, with secured wastewater/ sanitation services to un-served populations. As stated in its National Water Strategy document, Jordan has an objective to provide "sustainable management of water and sanitation for all Jordanians", but hereby excluding non-Jordanians residing in Jordan. For Jordanians, this is done through the adoption of the Integrated Water Resources Management, which goal is to ensure national water resource management to be based upon the principles of sustainable use, economic efficiency and social equity. This National Water Strategy will be monitored and also evaluated every three years to ensure that the water sector is progressing in the intended direction to achieve its goals.

---

<sup>16</sup> See <https://www.hrw.org/world-report/2019/country-chapters/jordan>

CALL FOR INPUT  
Amman Center for Human Rights Studies

Also, the National Water Strategy describes women's role as pivotal in the provision and use of water and as guardians of the living environment. Therefore, the involvement of women in decision-making and in service delivery implementation will be encouraged.

Moreover, The Ministry of Water and Irrigation<sup>17</sup> is working closely with UNICEF and other NGOs to improve WASH facilities in the country. Through national and international collaboration the Ministry of Water and Irrigation is working towards realising the human rights to water and sanitation.

*Question 3:*

*In context of the countries that you are familiar with or work in, please describe how planning in the water and sanitation sector is guided by the principle of progressive realization of the human rights to water and sanitation, and how it reconciles the two priorities - increasing levels of access to services on one hand, and reducing inequalities between different groups on the other.*

Jordan sees a huge divide of access to clean water and sanitation in its urban and rural areas. Only 6% of people in rural areas have direct access to sewer connection, whereas the number is nearly 10-times higher in the urban areas.<sup>18</sup> Additionally, the majority of the population is not located near the major water sources, which means that they have to be transported to the population. To transport the water to the majority of the population it has to be pumped and elevated over long distances which adds additional costs and energy to supply the water. This demonstrates the severe differences between the urban and rural areas and the need to act.<sup>19</sup> Moreover, to the already existing divide in rural and urban areas, the huge influx of recent refugee seekers from Syria has dramatised the situation. Many of these refugees live in small makeshift tents and houses in huge refugee camps.

This is why a number of actions are considered and taken to improve the access to water and sanitation in both urban and rural areas as well as improve the situation for the people in the refugee camps. WASH projects are of vital importance in the country. They focus on a number of vital issues. Sustainable and cost-effective water and wastewater networks have been built in the refugee camps in Azraq and Za'atari. These have improved the quality of water and the distribution of it, which has resulted in an improvement of lives for 100,000 people in the refugee camps, however as mentioned before, this is not enough. Furthermore, the collaboration of the Ministry of Water and Irrigation and UNICEF has been providing vulnerable families in host communities with improved water systems and wastewater infrastructure.<sup>20</sup> Focus has been put upon providing safe drinking water to hard to reach communities and improving hygiene behaviours.

---

<sup>17</sup> See Water for Life: Jordan's Water Strategy - 2008-2020

<sup>18</sup> See UNICEF, Jordan's WASH Top Facts

<sup>19</sup> See UNICEF, Jordan's WASH Top Facts

<sup>20</sup> See UNICEF Jordan, "Water, Sanitation and Hygiene"

CALL FOR INPUT  
Amman Center for Human Rights Studies

*Question 4:*

*In context of the countries that you are familiar with or work in, please describe how non-financial resources have been utilized to progressively realize the human rights to water and sanitation including the process of utilization and the output.*

The positive influence on the realisation of the human right to water and sanitation through non-financial resources has become especially apparent through volunteers and advocacy work. Much of this work is being done in the refugee camps in Jordan.

In recent weeks, in regard to the current Covid-19 pandemic, more and more organisations have focused on educating people on the need for adequate hygiene. Through video messages and direct lessons this has resulted in a more comprehensive awareness of sanitation. Although this response to the current Covid-19 pandemic focuses primarily on hygiene it results in an increase of knowledge on sanitation and therefore contributes to the realisation of human rights. This nonetheless does not directly influence the pressing need of the human right to water.

*Question 5:*

*In context of the countries that you are familiar with or work in, were trade-offs with resource usage on other national agenda and implementation of other rights required, and, if so, how were these decided?*

The question of water is indeed a political one for Jordan. The Jordan river valley extends from Syria to the Dead Sea and is the central surface water system in the region. The catchment area includes Syria, Jordan, the Palestinian Territories and Israel. Currently the Jordan river is mainly used by Israel, and the Yarmouk river by Jordan and Syria.

Another significant water resource in the area is the Dead Sea, which water levels have dropped more than 25 metres in the past 40 years, and are continuing to drop at approximately 1 metre per annum. The water levels have dropped so significantly due to upstream water extraction by Jordan, Israel and Syria. Moreover, industrial mineral extraction activities contribute to the shrinking of the Dead Sea.

The situation of the Jordan river Valley, Yarmouk river and the Dead Sea demonstrate that the use and distribution of the water in the Jordan River valley as well as the Dead Sea play a decisive role in the political situation of Jordan and its position in the region.<sup>21</sup> The United Nations Human Development Report of 2006 stated, “that there is more than enough water for domestic purposes, for agriculture and the industry.”<sup>22</sup> It is political processes and industries that create scarcities. Through the political aspect to access water SDGs 12 (responsible consumption and production), 13 (climate action), 14 (life below water) and 16 (peace, justice and strong institutions) are at risk.

In line with the obligation to respect principle, State parties should refrain from interfering directly or indirectly with the enjoyment of the right to water, including in other countries. In cases where a country’s actions interfere - either directly or indirectly - with the

---

<sup>21</sup> See Euro-Mediterranean Parliamentary Assembly, “Special Report on the Situation in the Jordan Valley”

<sup>22</sup> See 2006 United Nations Human Development Report

CALL FOR INPUT  
Amman Center for Human Rights Studies

enjoyment of the right to water in other countries, international corporations are required to take joint and separate action in order to achieve full realisation of the right to water.<sup>23</sup> Also, given the fact that Jordan is one of the most water scarce countries in the world, neighbouring States - obviously depending upon their availability of resources - are obliged to provide the necessary aid.<sup>24</sup>

*Conclusion*

To conclude, it is evident that much work is yet to happen to realise the Sustainable Development Goals 1 (no poverty) and 6 (clean water). Despite improvements and recent successes including the meeting of the Millennium Development Goals, there remains a critical imbalance between supply and demand, especially in a context of regional insecurity and the social, economic and environmental impacts of climate change. Climate change is expected to have a significant impact on Jordan, most likely leading to increased temperatures, variation in precipitation patterns, extreme weather events, and flash flooding. The most significant effects of climate change are felt by the water sector, in particular the agricultural sector. This will compromise the resilience of water and sanitation services making it more complex or almost impossible to realise the achievement towards Sustainable Development Goal 6.

To demonstrate compliance, state parties must establish that they have taken the necessary and feasible steps towards the realisation of the right to water. It should be pointed out that a state party cannot justify its non-compliance with the core obligations as they are non-derogable. In determining which omissions amount to a violation of the right to water, it is important to distinguish between the inability and unwillingness of a state to comply with its obligations. The distinction between inability and unwillingness of Jordan is unclear when discussing the extremely high level of non-revenue water. It seems that this is mainly a financial issue as the fiscal deficit in water and sanitation services has increased as a result of the stagnation of self-revenue generated from low tariff of domestic and agricultural water and high operational costs due to the long distance between water sources and consumption centres.<sup>25</sup> However, it seems that the unwillingness is evident as regards the discriminatory basis of water access to Syrians in refugee camps along the border. Much of the work that is being done to realise the human right of access to water in the refugee camp is done by international NGO (and sometimes in direct collaboration with the Ministry of Water and Irrigation. According to paragraph 48 of the General Comment No.15, the formulation of national water strategies and plans of actions should respect the principles of non-discrimination and people's participation. Although the WASH principles ensure more protection for disadvantaged groups, non-Jordanians are still not provided with sufficient water nor involved in the decision-making processes. In fact, Jordanian authorities have even stopped humanitarian aid services that were on their way to provide basic goods. Therefore, Jordan needs to take deliberate, concrete and targeted steps towards the full realisation of the

---

<sup>23</sup> ICCPR, Art.2(1), 11(1) and 23

<sup>24</sup> See CESCR, General Comment No.15

<sup>25</sup> Report 'Jordan 2025: A National Vision and Strategy', p. 42

CALL FOR INPUT  
Amman Center for Human Rights Studies

right to water, including the guarantee that the right will be exercised without any discrimination of any kind.<sup>26</sup>

---

<sup>26</sup> See CESCR, General Comment No. 15 and ICCPR, Art.2(1)