



Note No 055 /2019

The Permanent Mission of the Federal Republic of Nigeria to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (Special Procedures Branch) and has the honour to refer to the letter dated 29th January, 2019 received from the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation. The letter was in respect of request by the Special Rapporteur for contribution from States for the preparation of his thematic report for the 42nd Session of the Human Rights Council.

The Permanent Mission wishes to forward the attached responses provided by the Government of the Federal Republic of Nigeria, in respect of the Questionnaire received from the mandate holder.

The Permanent Mission of the Federal Republic of Nigeria to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights (Special Procedures Branch) the assurances of its highest consideration.

Geneva, 9th April, 2019



**Office of the High Commissioner for Human Rights
(Special Procedures Branch)
Palais des Nations. 1211 Geneva 10, Switzerland**

**RESPONSE TO THE QUESTIONNAIRE FROM THE SPECIAL RAPPORTEUR ON
THE HUMAN RIGHTS TO SAFE DRINKING WATER AND SANITATION.**

Q1. Please outline how public space is defined within national law and policies in the context of water and sanitation provision, and please identify legislation and policies relating to the access to those services within those spaces.

ANS:

A public space refers to an area or place that is open and accessible to all peoples, regardless of gender, race, ethnicity, age or socio-economic level. These are public gathering spaces such as plazas, markets and parks. Connecting spaces, such as sidewalks and streets, are also public spaces.

According to the National Water Resources policy, 'everyone shall have equitable access to safe and reliable water supply. Access should not be denied based on where people live, their religion or tribe or level of income but this does not mean that government has to provide the water supply or pay for it'

Q2. Please give information about who is responsible for providing access to water and sanitation in various public spaces (e.g. streets and squares, markets, bus stations, train stations, and airports) and give details of any legal frameworks that mandate these actors to provide water and sanitation services.

ANS:

State Governments represented by the ministries responsible for water resources and the state agencies shall be responsible at a lower level for providing access to water and sanitation in public places. In most cases the respective Municipal authority is responsible which could be commission through a private partner participation e.g. respective parks, markets, bus/train stations, airports authorities are responsible for the water and sanitation within their respective domains.

Legal framework: State water agencies shall be responsible for the development, management, operation, quality control and maintenance of water supply systems. They are to encourage stakeholder participation in the development and implementation of its plans; monitor and protect sources of raw water in conjunction with environmental protection agencies

at Federal and State levels. The Water Agencies shall manage the state water supply systems and provide data and information to the State and Federal ministries and agencies responsible for water resources. The State Water Agencies shall provide technical assistance to Local Governments in relation to planning, design and operation of their water supply systems.

Q3. Please specify positive examples where the access to water and sanitation in public spaces has been ensured or improved in accordance with human rights standards. Please also identify examples where it is challenging to ensure public water and sanitation services and explain the details.

ANS:

Water Supply and Sanitation facilities are available in all train Stations, Airports, Markets, Motor Parks, recreational parks. All public schools have been provided with the facilities. However some might not be to standard or adequately maintained. From time to time Governments embark on repairs of some of the facilities that are out of service or provide new ones.

Government have tried to reach rural areas and the major challenges are:

- Maintenance or repairs which could be due to poor reporting of faults,
- Inappropriate use of facilities
- Lack of access to trained personnel or the long distance from where there is access to trained personnel to fix repairs.

A majority of the Communities have constituted WASHCOMs who are charged with the responsibilities of managing the facilities within their communities including taxing residents/users a token which will be used for Operation and Maintenance. The institutions (WASHCOMs and LGA Units) however needs to be strengthened in order to function efficiently and effectively and to encourage the entire communities to own their facilities for sustainability.

Q4. Please identify the regulatory frameworks, including any mechanisms to monitor them that relates to the provision of water and sanitation in various public spaces.

ANS:

Respective State Water and Sanitation Policies

Mechanism for monitoring include;

- i. Water Sanitation and Hygiene Information Management System (WASHIMS)
- ii. Water Sanitation and Hygiene National Outcome Routine Mapping (WASHNORM)
- iii. African Minister's Council on Water and Sanitation Monitoring and Evaluation Framework (AMCOW M&E).
- iv. Ngor Declaration
- v. Global Analysis and Assessment for Drinking Water and Sanitation (GLAAS)

Q5. Please outline how policies regarding the provision of water and sanitation services in public spaces are designed i.e. whether and how consultation was conducted with affected groups, whether and how the facilities were designed to take into account the desperate needs of these groups, who is responsible for the instruction and on-going maintenance of the facilities, and whether. And if so where, people can bring their complains about public water and sanitation facilities.

ANS:

The states are responsible mostly via the services of private vendors or managed by the individual municipal institution e.g. Market and parks managements. Hence consultations are basically between the Government institution and their agencies and service providers at State level.

As far as it is applicable operation and maintenance of water delivery and sanitation schemes shall be done at the lowest appropriate level using the services of the approved private sector. This is to ensure a long-term utilization of water services,

Complains can be made to the Private Sector authorities/managements or the responsible state/LGA ministry/agency.

Q6. If charges are levied for use of public water and sanitation facilities, please outline whether these funds are used to improve and maintain those facilities and how affordable access is ensured for those with limited financial capacity.

ANS:

Some facilities are charged with affordable levies which are used towards the improvement and maintenance of the facilities. Predominantly evident at Parks and Markets. Where levies are not collected, the responsible institution is responsible for the improvement and maintenance from their budgetary allocations e.g. schools, airports, train stations.

In the case of those with limited capacity, a concession is offered by some operators.

Q7. Please outline National initiatives to promote and ensure access to public water and sanitation for people living in homelessness and people who work in public spaces, in line with the normative content of the human rights to water and sanitation (availability, physical accessibility, quality and safety, acceptability and privacy)

ANS:

- i. National Open Defecation Free (ODF) Campaign
- ii. Partnership for Expanded Water Sanitation and Hygiene (PEWASH)
- iii. National Action Plan for revitalization of the WASH Sector
- iv. Presidential Committee on the North-East initiative
- vi. National Urban Water Supply Scheme

Q8. Please describe what efforts have been taken to ensure that the provision of water and sanitation services in public spaces meets the needs of all potential users. Including those from vulnerable and minority populations

ANS:

Efforts made include;

- i. Declaration of state of Emergency on sanitation launched by the Federal Government on 8 November, 2018
- ii. Water Supply and Sanitation Sector Reform Programme (WSSSRP I,II and III)
- iii. FGN/UNICEF programmes on water and sanitation improved water supply facility within the premises and accessible to people living with disability
- iv. Niger Delta Support Programmes (NDSP)

v. Rural Sanitation and Hygiene Programme in Nigeria (RUSHPIN)

NOTE:

Most water supply and sanitation facilities constructed must comply with standard specifications.

Q9. Please outline the results of any national research done on the use of water and sanitation facilities in public spaces and the effect that a lack of access has on the population or specific group

ANS:

Water, sanitation and hygiene (WASH) services in public spaces are examined from the political economy perspective in Nigeria. Through field observations and interviews, the study observed that WASH practices at public spaces are less than optimal on account of poor or outright absence of necessary WASH infrastructure and weak or non-existent regulation and enforcement of necessary standards, among other challenges. Socio-economic factors related to the category of users and the proprietary interests of specific spaces largely accounted for WASH services inequality. It is argued that the failure of the state to guarantee functional WASH infrastructure and enforce standard practices opens space for differentiated practices and standards consistent with specific interests.

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Q10. Please give detail of any relevant judicial or quasi-judicial action at both domestic or international level the state has been involved in, which concerns access to water and sanitation in public spaces, and which applies a rights-based approach.

ANS:

N/A