**Questionnaire (non-State actors)**

The Special Rapporteur would welcome answers to the following questions:

1. **Please describe the role and responsibilities of your organization in the water and sanitation sector**.

The Central Asian Water Alliance (CAAW) has been working for 20 years in the sector of expanding of access of the rural population of the Ferghana Valley to clean drinking and irrigation water, access to modern sanitation practices through the introduction of innovative technologies and the capacity building of youth and women in collaboration with local self-governance. CAAW is officially registered as NGO in the Kyrgyz Republic.

**The main activities:**

1. Drinking, irrigation water and transboundary waters

2. Promotion of sanitation and hygiene

3. Support and promotion of youth initiatives

4. Promotion of the concept of "Ecosan"

5. Introduction of innovative technologies in the preservation of the environment

6. Gender and good governance in the work of stakeholders

**Mission of CAAW**: To promote the formation of healthy community and the improvement of living standards through the introduction of new technologies in the field of water supply and promotion of sanitation and hygiene in the Fergana Valley.

**CAAW was created to implement the following tasks:**

* Facilitate the exchange and dissemination of approaches and experiences in drinking water management, hygiene and sanitation in communities;
* Development and support of rural initiative groups, in particularly youth
* Mobilization and strengthening of youth participation in the decision-making process
* Conduction of informatory and educational programs to prevent infectious diseases;
* Representing interests for the adoption of policies and strategies by state authorities and donor organizations that encourage approaches on focusing of communities needs in Central Asian countries in the sector of drinking water, hygiene and sanitation;
* Cooperation with governments, local communities, enterprises, institutions, international and NGOs on drinking water supplies issues.
* Constantly capacity strengthening of staff and provision of expert advisory services on the main components of the organization;
* Participation in the consortium or individually in technical tenders and performing work on the rehabilitation of rural water supply and irrigation systems;
* Provision of educational and technical assistance for programs and projects on drinking water management, hygiene and sanitation to the communities of Central Asian states;
* Strengthening the resource center of the organization to coordinate and retrain existing and new staff members and other local operators involved in the development of rural water supply, sanitation and irrigation;
* Coordination and motivation of the joint work members, the Board and the General Assembly to fulfill the fundamental obligations specified in the organization's strategy;

2. **How can a regulatory framework (e.g., legislative, institutional, policy) and bodies contribute to the realization of the human rights to water and sanitation? Please provide examples**.

The regulatory framework is important safeguard for water supply and sanitation services which is must be accessible to all groups of communities in economic and physical meaning.

The most basic document for the realization of these human rights issues is the Constitution of the Kyrgyz Republic

3. **Are the contents and principles of the human rights to water and sanitation generally reflected in regulatory frameworks? How do you assess your country’s regulatory framework in this regard? Please provide examples of other countries if available.**

**The following regulatory legislation of the Kyrgyz Republic is designed to respect the rights for water supply and sanitation:**

1. The Civil Code of the Kyrgyz Republic

2. Land Code of the Kyrgyz Republic

3. Law of the Kyrgyz Republic “On Local Self-Government”

4. Law of the Kyrgyz Republic “On the financial and economic foundations of local self-government”. Article # 20, Natural Resources.

5. Law of the Kyrgyz Republic “On Drinking Water”.

6. Resolutions and other normative legal documents of the Government of the Kyrgyz Republic.

7. Normative documents of ministries, departments and other state bodies in the field of water supply and sanitation (instructions, standards, etc.)

8. The KR Protocol on Water and Health in the context of the targets and priority measures to achieve them.

**Also the right of access to drinking water is reflected in the following international documents:**

1. Sustainable development Goals in the context of objective #6.

2. Global Framework Convention on the Right to Water (1992)

3. Convention on the Rights of the Child (1989)

4. The Dublin Declaration on Water for the Implementation of Sustainable Development (1992)

4. **Please provide examples of situations where the lack of regulation, or inadequate regulation, in the water and sanitation sector could potentially lead to, or has actually led to, violations of the human rights to water and sanitation**.

At the present time there are discrepancies of the roles of water and sanitation providing services on the local level. It is not clearly reflected in the Laws of the Kyrgyz Republic “On drinking water” adopted in February 1999 and “On local self-government and local state administration” adopted in December 2001 where the provision of drinking water to population is entrusted to the local authorities but still there is need in formation of the regulatory basis on functioning of Rural Public Associations of Drinking Water Consumers (RPADWC).

5. **What are the main challenges or obstacles encountered when trying to incorporate contents and principles of the human rights to water and sanitation into regulatory frameworks**?

**The following main problems are still remained in the normative documents:**

* Inefficient work of structure who is responsible for the improvement of the regulatory framework in the sector of water supply and sanitation;
* Systematization of the data collection on volume and purposes of water use;
* Poor access to information and statistical support;
* Inadequate advocacy on national ownership of water.
* Insufficiency of unified coordination in enhancing the institutional capacity of local operators;
* Social aspects – low tariff collection from the population;
* Poor implementation of modern innovative technologies;
* Degradation of water sources;
* Weak mechanisms for ensuring internal monitoring of water supply and sanitation facilities for further development of safety plans for these systems and sanitary protection zones.
* Weak motivation of human and financial resources.

**The main challenges of the analysis and research carried out by the CAAW as a result of working with the RPADWC in the villages:**

* Diluted responsibilities and insufficiently delimited functions between local authorities and RPADWC;
* Not enough stimulus in normative documents on social partnership in providing the population with drinking water;
* Weak financial and economic base of RPADWC and lack of necessary specialized equipment and qualified specialists;
* Being a public organization RPADWC by its own right hasn’t been able to properly collect water payment from the population as well as interest for the loan;
* Insufficient involvement of women in the structure of the RPADWC who is mostly suffer due to drinking water issues.
* Incompetence in functional duties of the staff of the RPADWC.
* Failure of people to pay for water - most RPADWC collect a tariff below 40%.

6. **Please provide specific examples of good practices where a human rights-compliant regulatory framework has led to the progressive realization of the human rights to water and sanitation**.

One of indicative examples based on the Constitution of the Kyrgyz Republic (**Article 110**) is the improvement of decentralization which allowed the local authorities independently solve the water drinking supply and sanitation problems:

“Local self-government is the right guaranteed by this Constitution and the real possibility of local communities to solve local issues independently and under their responsibility”. Financing of local government is provided from the relevant local as well as the republican budget.

80% of local authorities in Kyrgyzstan are subsidized but this does not prevent them from participating in various technical projects and find additional funds in the form of 20% co-financing and 15-20% labor or in-kind contribution from the population to improve the state of water supply and sanitation.

For the rational use of water resources local authorities and the population welcome the use of innovative technologies such as water-heating solar collectors, water meters and photovoltaic stations.

**For example: the Law of the Kyrgyz Republic “On Local Self-Government”.**

**Article 3. Principles of local self-government.**

Local self-government is carried out on the following principles:

1) delineation of functions and powers of government bodies and local self-government bodies;

4) self-sufficiency, self-regulation and self-financing;

5) the will of citizens through the system of local self-government bodies, as well as through the gatherings of citizens, assembly and kurultai.

7. **Non-State actors have the responsibility to respect the human rights to water and sanitation and to exercise human rights due diligence in their operations. How should a regulatory framework reflect this responsibility? Please provide examples**.

It is important to note the role of international and local non-governmental organizations that help in daily life to improve the skills of local authorities to properly formulate and plan their budgets with the participation of all local stakeholders and especially local communities.

**The Law of the KR “On Local Self-Government” states,**

**Article 10. Powers of public authorities in the field of LSG:**

The powers of state authorities in the field of local self-government include:

2) adoption of state programs for the development of local self-government;

11) provision of state guarantees on financial independence of local self-government

**Article 18. Issues of Local Importance**

For the organization of functioning and development of the system of life support of the territory, socio- economic planning as well as provision of social and cultural services to the population, the following issues of local importance fall under the jurisdiction of local self-government bodies:

1) ensuring the economic development of the corresponding territory;

2) management of municipal property;

4) supply of drinking water to the population;

5) ensuring the operation of the sewerage system and treatment facilities in populated areas;

It is important to note that in recent years the Department for the Drinking Water Supply and Sanitation together with international projects is making significant contribution to the implementation of “Strategy for Development of Drinking Water Supply and Sanitation in the Settlements of the Kyrgyz Republic until 2026” within the framework of the National Sustainable Development Strategy of the Kyrgyz Republic, approved by the Government of the Kyrgyz Republic Decree of 28th of March 2016, #155.

Such joint initiatives of Kyrgyz Government is directed for achieving the goals set in the Sustainable Development Goals.

8. **Which model of regulatory mechanism would facilitate stronger compliance human rights standards by service providers? Why? What are advantages and disadvantage of an independent and autonomous regulatory body**?

Basing on the experience of work in the field of water supply and sanitation in the Fergana Valley CAAW has developed the following internal concept for the integrated development of local service operators:

1. Assessment and analysis of the organizational level and activities of the RPADWC as well as drinking water situation in the villages;

2. Capacity building of the RPADWC for effective management of water resources;

3. Raising awareness on drinking water management among the Stakeholders (local-self governance, consumers, commercial structures, etc.);

4. Development and strengthening of social partnership for effective management of drinking water;

5. Systematization of the organizational functioning of the RPADWC.

9. **What mechanisms should be in place to ensure that the voice of persons and communities in vulnerable situations is heard and their needs are taken into consideration in the regulation of water and sanitation services? Please provide positive and negative examples**.

CAAW believes that the following mechanisms are also important for achieving the stated goal through the implementation of 3 mutually supporting directions:

1. **Technical assistance** - rehabilitation / construction of local water supply systems with contribution of finance and labor from local communities,

2. **Institutional support of water committees** – capacity building on legal framework for the activating of committees, strengthening the internal structure of the RPADWC, improving of co-operation with local authorities and residents.

3. **mobilization and activation of villagers** - through informatory meetings, dissemination of information materials. Also, activities aimed at strengthening cooperation between RPADWC and the local government. Joint planning and training aimed at improving access to drinking water.

Our main goal is to promote dialogue and cooperation between the local self-government bodies and the

structures working in the sector of drinking water supply, as well as the institutional and technical

development of the RPADWC through the active participation of the population.

**The Law of the KR “On Local Self-Government” also states the following:**

**Article 19. The procedure for the transfer of issues of local importance to local self-government bodies.**

The local government has the right to transfer the execution of certain issues of local importance to legal

entities and individuals with identification and transfer of funds or sources of financing for the

implementation of the transferred issues of local significance.

2. The transfer by a local government body of the execution of certain issues of local significance is made

in cases of expediency of such transfer for more effective use of budgetary funds.

3. The decision on the transfer of execution of certain issues of local significance is made by the

executive body of local self-government with the consent of the local parliament.

**Article 58. Forms of direct expression of the will of members of the local community**

For the making decisions on the most important issues of local importance, which require discussion with members of the community, local communities can conduct kurultai (public hearings), meetings (gatherings) and other forms of direct expression of will.

**Article 60. Meetings (gatherings) of members of the local community**

1. In order to take into account the opinions of members of the local community on matters of importance, public hearings and discussions of information of deputies of the local kenesh and its executive bodies, assemblies (gatherings) and public hearings are held with the participation of members of the local community living on the same street, microdistrict or a village, with the adoption of recommendations on them.

2. Recommendations of meetings (gatherings) are considered with the participation of representatives (delegates) from the relevant meetings (gatherings).

10. **What measures could be envisaged in a regulatory framework to promote transparency and tackle corruption in the water and sanitation sector**?

An important part of ensuring transparency in the water supply and sanitation sector is the strengthening

of anti-corruption mechanisms in the organization and implementation of municipal orders, as well as

national tenders within the framework of the law “On the financial and economic foundations of local

self-government”.

**Article 25. Municipal order**

1. The executive body of local self-government has the right to implement a municipal order for the production of products, works and services to meet the communal, social and cultural needs of the local community.

2. A municipal order may be implemented by a municipal enterprise or an institution as well as other natural and legal inviduals. The transfer of execution of the municipal order is made under the contract. The transfer of municipal property under the contract for a municipal order is made with the consent of the local parliament. The contract on municipal order can be concluded in concessionary and other forms.

3. Financing of the municipal order is carried out on the basis of the contract from the means of the local budget or off-budget funds of local self-government bodies.

For the state it is important to create conditions for equal participation for all through avoiding the pitfalls in the meaning of where only large or the same performers of state and municipal orders benefit from the competition. It is necessary to involve as many stakeholders at all levels as it’s possible, including the citizens themselves as the main recipients of services.