



Inputs to Thematic report to the United Nations Human Rights Council 57th session

“Nexus water-economy: water management for services and productive uses from a human rights approach.”

1. Introduction

Discrimination based on work and descent is any distinction, exclusion, restriction, or preference based on inherited status such as caste, including present or ancestral occupation, family, community or social origin, name, birth place, place of residence, dialect and accent that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life. This type of discrimination is typically associated with the notion of purity, pollution, and practices of untouchability and is deeply rooted in the societies and cultures where discrimination is practiced.

Communities Discriminated on Work and Descent (referred to as CDWD hereinafter) are some of the most excluded, segregated, and marginalized groups at the global, regional, and local levels within their social, economic, political, and cultural systems. The consequences of this marginalization are the unjust deprivation and systematic exclusion from social relationships and communication, education, health, access to water and sanitation, employment, voting rights, equal access to land and housing, and access to religious institutions in the public sphere. The types of social structures that have evolved and functioned for centuries have inflicted systemic violence on the DWD communities, including the Haratine in the Sahel region; Forgeron in West Africa; Bantu in Sudan; Roma in Europe; Burakumin in Japan; Dalits (formerly known as ‘untouchables’) in South Asia; and Quilombola and Palenque in South America. The global coverage of DWD communities includes Africa, Asia, Europe, and Latin America, the diaspora communities, with around 270 million people.

Global Forum of Communities Discriminated on Work and Descent (GFoD) is a platform to voice the rights and entitlements of communities across all continents, especially in Africa, Asia, Europe, Latin America, and North America, that are discriminated on work and descent. GFoD aims for the full realization of the Universal Declaration of Human Rights (UDHR) of the Communities Discriminated on Work and Descent and to ensure access to sustainable development goals (SDGs). GFoD was founded in 2019 and formally recognizes the core motto of ‘Leave No One Behind’ propounded by “Transforming Our World: the 2030 Agenda for Sustainable Development”, which ensures Planet, Peace, and Prosperity for all, especially those who are marginalized through generations and suffer social prejudices while aspiring for a life of dignity and peace.

Prioritizing values and roles in managing water resources involves considering various factors such as sustainability, equity, social justice, and environmental conservation. When it comes to Communities Discriminated on Work and Descent in Asia, Europe, and Africa, it is essential to prioritize their rights, dignity, and well-being, ensuring they have equitable access to clean and safe water resources. Mentioned below is a broad overview of the present day situation of access to water and its management for the CDWD.

2. Regional Aspects

Europe: Connections to water supply systems remain particularly low for the Roma community. According to Atlas of Roma Communities, only 58.8% of the Roma households have access to piped water, 97.4% have access to electricity and 24.7% have a sewage facility at home.

According to the Background Note of the National Strategy for the inclusion of Romanian citizens belonging to the Roma minority for the period 2022-2027, the 2018 EU-MIDIS report shows that Romania is among the countries where 80% of Roma live below the poverty risk threshold; one Roma in three lives in a household without running water. Across European countries, *Romani’s access to clean and safe water is denied not by nature* but rather by the deliberate *consequence of decision-making processes*. The Roma Civil Monitor found that in countries such as Bulgaria, Romania, Slovakia, the Czech Republic, Italy, Hungary, and France, Roma are systematically discriminated against for their right to access clean water and sanitation. According to the Fundamental Rights Agency, the gap between Roma and the rest of society, when it comes to clean and safe water, has remained highest in Romania, where 68% of Roma in 2016 were living without tap water in their dwellings.¹

The majority of Roma still live in overcrowded households. Every second Roma (52 %) lives in a state of housing deprivation, living in damp, dark dwellings or housing without proper sanitation facilities. One out of five Roma households (22 %) do not have access to tap water inside their dwelling, which is particularly concerning during the pandemic.

Asia: As per the 2019 report of the Special Rapporteur on the human rights to safe drinking water and sanitation, in India, more than 20% of Dalits do not have access to safe drinking water. Only 10% of Dalit households have access to public sanitation, as compared to 27% of non-Dalit households. A quarter of Dalit households have water sources within their premises, compared to almost half of the general population. 23.7% of Dalit households have access to latrine facilities, as compared to 42.3% for general households. There is no official data found

¹<https://www.errc.org/news/still-thirsting-for-justice-roma-denied-access-to-clean-water-and-sanitation-across-europe>

about Dalits' access to water in Bangladesh. According to an action research study report² conducted in Bangladesh, 23.6% of Dalit households depend on the piped water supply; 68.8% of them depend on tube wells; 0.2% of them depend on pits; and the rest, 7.4% of them, depend on other water sources for drinking water. The same study report also stated that 62.4% of Dalit households rely on a shared community source of water for drinking water. In Pakistan, only 32% of CDWD households have pipeline water. There is no data available on sewage and toilet facilities. The majority of CDWD in Pakistan lacks access to water and sanitation. Although the overall access to drinking water of Nepalese people has significantly improved, the situation of the Terai/Madhese Dalits who belong to CDWD remains worse. Only 14% have access to safe drinking water, affecting particularly Dalit women, who look after family affairs. Dalits have minimal access to improved toilet facilities, especially for Terai/Madhese Dalits, of whom just 5% have access to improved toilet facilities, compared to 31% of Hill Dalits (95%) on the national average.³

West Africa: The *Osu* of Nigeria, who are offered to a specific deity, as per customary practice and are forced into modern forms of slavery, are treated as outcasts, considered impure and unclean, and are segregated to live in isolation, away from the general habitat. Any social relationship with *Osu* is strictly prohibited. They cannot access the common resources with the "freeborn", like water, rivers and so on. It is believed that touching an *Osu* will defile the freeborn and/or bring calamity upon the freeborn.⁴

Although water is a natural resource that belongs to all communities without distinction, in Niger, water coverage is not equitable, and there are towns where water problems are acute, such as in the Zinder region, which was the country's first capital. In this town, the population frequently endures three days without tap water, which is why the method consists of storing water in jerry cans or other containers. The majority of the CDWD members live in this region. In the upper river region of the Gambia, the discriminated communities are segregated from public water amenities (taps) and have difficulties accessing clean water for daily consumption. More attention to caste and descent based discrimination is required because they are a source of some of the most extreme forms of social exclusion and deprivation.

The right of all users to the benefits gained from the use of water also needs to be considered when making water allocations. Benefits may include enjoyment of resources through recreational use or the financial benefits generated from the use of water for economic purposes.

Water in the Greater Banjul Area in Ghana is obtained from underground sources. Chlorine is used to disinfect all incoming water from the boreholes prior to distribution. CDWD residing in these areas are most affected. In Mauritania, CDWD live in appalling conditions in segregated shanty towns, locally known as "*kebbas*" or *gazras*, and also in the city-outskirts, with low or no sanitation facilities, potable water, and electricity. The Haratine in urban areas

² Christian Aid, Nagorik Uddyog & Research Development Center (2017), Dalits in Bangladesh: An action research for an evidence-base for the Dalit population in Bangladesh, Found in:

<https://drive.google.com/drive/u/1/folders/1dBRvigodDOOWFKMEkUwcKBw8m1U434c1>

³ <https://globalforumcdwd.org/wp-content/uploads/2024/02/Status-of-CDWD-in-Nepal.pdf>

⁴ Communities Discriminated on Work and Descent in Africa and Modern Slavery

<https://globalforumcdwd.org/communities-discriminated-on-work-and-descent-in-africa-and-status-of-modern-slavery-regional-report-2023-summary/>

are confined to adwabas (ghettos), while Black Africans are segregated to live in reserved colonies in certain districts of Senegal River valley, like Guidimagha.⁵

Latin America: Quilombola communities, descendants of African slaves in Brazil, often face significant challenges regarding water and sanitation. These communities, which are historically marginalized and face descent based discrimination, often lack access to clean water and proper sanitation facilities. Many Quilombola communities lack access to clean and safe drinking water. They might have to travel long distances to access water sources, which may not always be clean or reliable. Sanitation infrastructure in Quilombola communities is often inadequate or nonexistent. Lack of proper sewage systems and waste disposal facilities can lead to contamination of water sources and spread of diseases. The lack of clean water and sanitation facilities poses significant health risks to Quilombola communities. Waterborne diseases such as cholera, typhoid, and diarrhoea are prevalent in these areas due to contaminated water sources and poor sanitation practices. Quilombola communities often face threats of displacement due to land conflicts and development projects. Displacement can further exacerbate their water and sanitation challenges as they may lose access to traditional water sources and face additional barriers in accessing basic services.

3. Inputs

Ethical principles that should guide the priorities majorly include upholding the human rights of Communities Discriminated on Work and Descent, as enshrined in international human rights instruments such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights.

Right to Water and Sanitation: Access to clean and safe drinking water and sanitation is recognized as a fundamental human right by the United Nations. However, CDWD often face discrimination and exclusion when accessing water resources and sanitation facilities, perpetuating cycles of poverty and marginalization. Recognizing the water cycle as a global common good reinforces their entitlement to equitable and sustainable water management, which includes the right to water and sanitation, which are essential for their survival and dignity, CDWD demands:

1. *Ensuring equitable access to water resources* for all members of society, regardless of their social status or background.
2. *Addressing historical injustices and discrimination faced by marginalized communities in accessing water and sanitation services;* and engaging Communities Discriminated on Work and Descent *in decision-making processes related to water resource management, recognizing their traditional knowledge and expertise.*
3. *Empowering the communities to actively participate in planning, implementing, and monitoring water projects ensures that their needs and priorities are adequately addressed;*
4. *Holding governments, institutions and stakeholders accountable for their actions, ensuring transparency in decision making* and finally recognising and respecting cultural beliefs, practices and values of the members of the Communities Discriminate on work and descent.

⁵ Rights Experts, Global Forum of Communities Discriminated on Work and Descent

5. *Prioritizing values and roles in managing water resources* is a complex combination of various factors, including social, environmental, economic, and political considerations.
6. *Ensuring sustainability involves maintaining long-term water availability and quality through practices like pollution reduction and ecosystem preservation.*
7. *Equity and Social Justice are paramount*, because this prioritizes equitable access to clean and safe water for all people, regardless of socio-economic status, ethnicity, or geographic location. Furthermore, environmental protection preserves and restores aquatic ecosystem, including rivers, lakes, etc. The economic efficiency encourages sustainable water use for development, while considering waste reduction.
8. From the perspective of Communities Discriminated on Work and Descent, the water cycle is not merely a natural phenomenon but a lifeline that sustains their existence, livelihoods, and cultural heritage. Recognizing and safeguarding the integrity of the water cycle is essential for promoting environmental justice, human rights, and equitable development for all communities.
9. Many CDWD *depend heavily on natural resources* for their livelihoods, including water for drinking, agriculture, and domestic use. The water cycle ensures the replenishment of water sources such as rivers, lakes, and groundwater, which are essential for their survival and sustenance.
10. CDWD often resides in areas *prone to environmental degradation and climate change impacts*. Changes in the water cycle, such as erratic rainfall patterns and prolonged droughts, directly affect their access to water resources, exacerbating their vulnerability to poverty and food insecurity.
11. CDWD frequently bears the *brunt of environmental pollution and degradation due to their occupation in activities such as manual scavenging*, waste disposal, and low-wage labour in hazardous industries. Protecting the integrity of the water cycle is crucial for safeguarding their health and well-being from the adverse effects of water pollution and contamination.
12. *Ensuring equitable distribution amongst various users*, not just households but also agriculture, industry, and the environment, shall be the state's primary responsibility. A lot of Roma communities and other CDWD lack access to clean and safe water, because they are forced to live in locations where there is no access, and their financial situations stop them from providing for themselves.
13. According to the Food and Agriculture Organization's General Principles, the state has several responsibilities in terms of sustainable water management. Principle 6 states in detail that States, and users of living aquatic resources should conserve aquatic ecosystems. *The right to fish implies the obligation* to do so responsibly in order to ensure effective conservation and management of aquatic resources.
14. The conservation of aquatic resources in inland waters must be considered in the context of the multi-purpose use of river and lake watersheds. In most inland waters, the main stresses on the system and its living components are caused by human activities other than fishing. The State, *at all levels, from central to local government, should define mechanisms for the conservation of living aquatic resources* that are compatible with the sustainable use of watersheds, the aquatic ecosystem and water for all existing economic and social purposes.
15. In times of water scarcity, priority should be given in fulfilling basic human needs such as drinking water, sanitation, and hygiene. Dalit communities should have guaranteed access to sufficient water for these purposes.
16. *Community-based management approaches empower* local communities, including Dalits, to actively participate in decision-making processes related to water

management. This could involve establishing water user associations or committees that represent the interests of different social groups and facilitate collective decision-making on water allocation and use.

17. *Integrated Water Resources Management (IWRM)* approaches recognize the interconnectedness of water resources and aim to promote holistic and sustainable management practices. By considering the social, economic, and environmental dimensions of water management, IWRM can help address competing water demands and ensure the equitable distribution of water resources among different CDWD.
18. The legislative context of water management in Cameroon has evolved since independence in 1960, in line with the legislator's ongoing quest to improve water management. Law no. 84/013 of December 5, 1984, on the water regime in Cameroon, was intended to govern the qualitative protection of water resources, has remained very limited in scope and has not given rise to any implementing regulations. Law no.89/27 of December 29, 1989, prohibits the introduction, production, storage, possession, transport, and dumping of any type of toxic and/or hazardous waste in Cameroon.
19. Law no. 96/12 of August 5, 1996, the framework law on environmental management, stipulates that waste must be treated in an environmentally sound manner. Pending implementing regulations, this law empowers decentralized local authorities to take measures to eliminate waste in Cameroon.
20. *The National Water Policy of India (2012)* emphasizes the need for a holistic approach to water management, recognizing water as a common resource to be managed in a decentralized and participatory manner. It emphasizes equitable distribution, prioritizing drinking water for human and livestock needs, and promoting water conservation and efficient use. While not targeted specifically at Dalits, these principles aim to address the water-related challenges faced by marginalized communities.
21. The Scheduled Castes Sub-Plan (SCSP) is a policy initiative in India aimed at ensuring the allocation of resources for the socio-economic development of Scheduled Castes, which includes Dalits.
22. The recognition of the *right to water and sanitation as a fundamental human right* by the United Nations General Assembly in 2010 has provided a framework for advocating for equitable access to water resources, including for marginalized communities such as Dalits. While not legally binding, this declaration underscores the importance of ensuring access to water as a common good for all.
23. While there may not be specific judicial rulings related to water as a common good for Dalits, there have been several landmark judgments in India related to water rights and access. For example, in the case of *Narmada Bachao Andolan vs. Union of India*, the Supreme Court of India recognized the right to water as implicit in the right to life under Article 21 of the Indian Constitution. Such rulings provide a basis for advocating for the equitable distribution of water resources, including for marginalised communities.
24. In 2018, members of the European Parliament voted on the *Drinking Water Directive (DWD) on 23 October*. EU policy has established two main legal frameworks for the protection and management of water: the Water Framework Directive (WFD) and the Marine Strategy Framework Directive (MSFD). The first European Citizens' Initiative, 'Right2Water' (2013), advocated for the European Union institutions and Member States to guarantee universal access to water and sanitation, exempting water supply and resource management from internal market regulations, and preventing water services from being subject to liberalization measures. In 2015, in direct response to this initiative, the Parliament, with a significant majority, urged the Commission to propose legislation upholding the human right to water and sanitation, as acknowledged by the United Nations. Additionally, Parliament called for a potential revision of the

Water Framework Directive to acknowledge universal access and the human right to water.⁶

25. The recognition of the human right to safe drinking water and sanitation emphasizes *the importance of ensuring equitable access to clean and safe water* for all individuals, including CDWD. This recognition underscores the need to view water as a common good that should be managed sustainably and shared equitably among all members of society, regardless of their social or economic status.⁷
26. The recognition of these human rights has implications for policy and practice, *influencing decision-making processes related to water management, environmental protection, and social justice*. It provides a framework for advocating for inclusive and participatory approaches to water governance that prioritize the needs and rights of CDWD.
27. Capacity building initiatives *empower local communities*, including CDWD, with the knowledge, skills, and resources necessary to effectively manage water for productive purposes. Training programs on water conservation techniques, efficient irrigation practices, and sustainable agriculture methods improve the productivity and resilience of agricultural systems, particularly in water-scarce regions.
28. Strengthening the organizational and leadership capacities of *community-based organizations* and grassroots institutions enhances their ability to advocate for their water rights and interests.
29. *Clear delineation and recognition of water rights* and entitlements ensure equitable access to water for productive activities, particularly for CDWD
30. *Implementation of water entitlement programs* that prioritize vulnerable groups, such as smallholder farmers, landless laborers, and Dalit households, ensures their access to water resources for livelihoods and income generation.
31. *Promotion of gender-sensitive approaches* to water rights allocation to address the specific needs and priorities of women, who often play a significant role in agricultural and water-related activities.
32. Establishing mechanisms for *participatory monitoring and evaluation enables communities to assess* the effectiveness and impact of water management interventions on their livelihoods and well-being.
33. *Regular feedback loops and dialogue* between stakeholders facilitate adaptive management approaches, where strategies can be adjusted based on local knowledge, experiences, and changing socio-environmental conditions

Address – Suite 10A, 777 United Nations Plaza, New York, NY 10017

Website - <https://globalforumcdwd.org>

Twitter - @CastoutSlavery

Email - gfod@globalforumcdwd.org

⁶ <https://www.europarl.europa.eu/factsheets/en/sheet/74/water-protection-and-management>

⁷ United Nations General Assembly. (2010). Resolution A/RES/64/292. Retrieved from [UN General Assembly Resolution](<https://www.un.org/es/comun/docs/?symbol=A/RES/64/292>)