

**Claim Your Water Rights phase two: 2022-2024 strategy**

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# **Background**

## **Introduction and purpose**

This document outlines End Water Poverty’s strategy for the next two years of Claim Your Water Rights. It is intended primarily as a resource document. The first section (‘Background’) attempts to demystify the international human rights framework while providing context for the campaign’s origins. The second section (‘Approach’) presents an overarching action plan for the next two years of Claim Your Water Rights, offering guidance on various rights claiming strategies and thematic areas. The final section (‘Monitoring, Evaluating, Exchanging’) concisely covers the roles and responsibilities of the secretariat and coalition members.

## **What we do**

**Vision:** End Water Poverty envisages an engaged, emboldened and united civil society coalition employing a range of context-specific, community-led strategies under the global banner of Claim Your Water Rights.

End Water Poverty operates with the conviction that social change is powered by active citizenry: without human rights defenders, there are no human rights.

As a global coalition of 150 civil society organisations (CSOs)[[1]](#footnote-1) working in over 90 countries, our members campaign locally, nationally, regionally and globally for governments to respect, protect and fulfil people’s human rights to safe water and sanitation.

* We amplify the voices of civil society and communities.
* We facilitate exchanges between members, allies, and intersectional movements to sharpen strategies and strengthen solidarity.
* We challenge prevailing narratives by affirming that water and sanitation are public services.
* We provide mini-grants to members to support diverse community-led actions that advance accountability, justice and human rights.

## **1.3 Human rights and the right to water and sanitation**

Human rights offer a legal framework for holding governments accountable. As rights-holders, people have the power to challenge the denial of these rights. As duty-bearers, governments are obliged to respect, protect and fulfil human rights.

The human rights to water and sanitation are derived from “the right of everyone to an adequate standard of living” in the [International Covenant on Economic, Social and Cultural Rights](https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx) (ICESCR).[[2]](#footnote-2) By 2021, one hundred and seventy-seven (177) States had ratified ICESCR.

In 2002 the [United Nations Committee on Economic, Social and Cultural Rights (CESR),](https://www.ohchr.org/en/treaty-bodies/cescr) the body that clarifies and interprets ICESCR and related obligations, stated: “Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realisation of other human rights […] The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses”.[[3]](#footnote-3)

On 28 July 2010, the United Nations General Assembly explicitly recognised safe water and sanitation as a legally binding [standalone human right](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F64%2F292&Language=E&DeviceType=Desktop&LangRequested=False).[[4]](#footnote-4) In 2015, 193 countries strengthened their commitment to realising universal access to safe water and sanitation by 2030 when they adopted the [UN Sustainable Development Goals (SDGs)](https://www.un.org/sustainabledevelopment/water-and-sanitation/). States had also previously signed covenants that explicitly recognise the obligation to provide water and sanitation.[[5]](#footnote-5)

The international rights to water and sanitation have been elaborated and endorsed by regional human rights instruments and institutions in Africa and Latin America. [The African Charter on Human and Peoples’ Rights](https://www.achpr.org/legalinstruments/detail?id=49), ratified by 54 African Union Member States, is overseen by the [African Commission on Human and People’s and Human Rights](https://achpr.org). The American Convention on Human Rights, ratified by 23 countries, consolidated the regional system of human rights based on the [Inter-American Commission on Human Rights](http://www.oas.org/en/iachr/) and the [Inter-American Court of Human Rights](https://www.corteidh.or.cr/index.cfm?lang=en).

At least 50 countries have the right to water in their national laws and constitutions. The rights to water and sanitation are also deeply embedded in – and connected to – other human rights, including the right to life, equality, health and a [healthy, sustainable environment](https://news.un.org/en/story/2021/10/1103082), which was finally recognised as a right in October 2021.

International human rights law obliges states to achieve universal access to water and sanitation, while prioritising those most in need. The CESR (in [General Comment No. 15](https://www2.ohchr.org/english/issues/water/docs/CESCR_GC_15.pdf)) and the Special Rapporteur on human rights to safe drinking water and sanitation have provided guidance to states to implement the human rights.

The [three main obligations](https://www.ohchr.org/en/special-procedures/sr-water-and-sanitation/handbook-realizing-human-rights-water-and-sanitation) of states are:

* **To respect, protect and fulfil the rights to water and sanitation:**
	+ The obligation to “respect” means that States may not take action that prevents people from realising their rights to water or sanitation.
	+ The obligation to “protect” means that governments must ensure third parties contracted to provide water and sanitation services comply with human rights principles and standards.
	+ The obligation to “fulfil” requires States to ensure that the conditions are in place for everyone to enjoy the human rights to water and sanitation.
* **To progressively realise the rights to water and sanitation, using maximum available resources:** “Article 2(1) of the ICESCR requires states to take steps to progressively realise economic, social and cultural rights; such steps should be deliberate, concrete and targeted as clearly as possible towards meeting the obligations recognised in the Covenant.”[[6]](#footnote-6)
* **Extra territorial obligations:** States have obligations beyond their borders that require relevant agreements to respect the rights of people in other countries.

Human rights **principles** apply to all human rights including the rights to water and sanitation:

* non-discrimination and equality
* access to information and transparency
* participation
* accountability
* sustainability (non-retrogression)

The CESR also sets clear [standards](https://www.ohchr.org/en/water-and-sanitation/about-water-and-sanitation)for the provision of water and sanitation that provide a normative framework to which states can be held accountable and which provides a framework for the development of country specific norms and standards.

The [UN Human Rights Office of the High Commissioner (OHCHR)](https://www.ohchr.org/en/what-are-human-rights) describes these standards as follows:

**Availability:** Sufficient and continuous water supply for drinking, washing clothes, food preparation and personal and household hygiene, and a sufficient number of sanitation facilities within or in the immediate vicinity of each household, and all health or educational institutions, workplaces and other public places to ensure that all the needs of each person are met.

**Accessibility:** Water and sanitation facilities must be physically accessible and within safe reach for all sections of the population, taking into account the needs of particular groups, including persons with disabilities, women, children and older persons.

**Affordability:** Water services must be affordable to all. No individual or group should be denied access to safe drinking water because they cannot afford to pay.

**Quality and safety:** Water for personal and domestic use must be safe and free from micro-organisms, chemical substances and radiological hazards that constitute a threat to a person’s health. Sanitation facilities must be hygienically safe to use and prevent human, animal and insect contact with human excreta.

**Acceptability:** All water and sanitation facilities must be culturally acceptable and appropriate, and sensitive to gender, life-cycle and privacy requirements.

In summary, governments are obliged to allocate the maximum available resources to the progressive realisation of the rights to water and sanitation. They are obliged to respect, protect and fulfil the rights to acceptable, affordable, acceptable, safe water and sanitation in a manner that does not discriminate on any grounds and actively prioritises excluded groups. Human rights are universal, indivisible and interdependent. Whatever your nationality, wherever you live – whether on the streets, in prison, or a refugee camp – water and sanitation are your human rights.

## **1.4 The foundation for Claim Your Water Rights**

Since its inception in 2007, End Water Poverty and its members have been at the forefront of advocating for people’s rights to water and sanitation.

* In 2010 the coalition successfully campaigned for the United Nations General Assembly to explicitly recognise water and sanitation as human rights.
* In 2013 EWP presented a [petition](https://www.aljazeera.com/opinions/2013/9/20/the-key-to-unlocking-africas-progressive-future) with over one million signatures to the United Nations Deputy Secretary General calling for a Sustainable Development Goal (SDG) dedicated to water and sanitation.
* In 2015 we joined Amnesty International and others in successfully advocating for water and sanitation to be recognised as standalone rights.
* In 2018 End Water Poverty and its partners published a [Global Review of National Accountability Mechanisms for SDG6](https://endwaterpoverty.org/sites/default/files/2019-07/National%20Accountability%20Full%20Report.pdf) assessing the effectiveness of national accountability mechanisms in upholding people’s human rights to water and sanitation. Following its publication, EWP members expressed interest in working more meaningfully on human rights. One of the review’s key findings was that we have the mechanisms, frameworks and in some countries the legislation to hold governments accountable – we just don’t always use them.

## **1.5 Claim Your Water Rights: phase one (2019-2022)**

This review provided the evidence-base and justification for a campaign that would test these national accountability mechanisms. On 10 December 2019 (International Human Rights Day), we launched Claim Your Water Rights: a global public pressure campaign aiming to mobilise, embolden and unite civil society around the world in supporting communities to claim their rights to water and sanitation.[[7]](#footnote-7)

The first phase of Claim Your Water Rights aimed to build knowledge, awareness and confidence to advocate using the international human rights framework at national and subnational levels. Civil society can use a range of different accountability tools to support rights claiming but our initial communication materials focused on lodging complaints to National Human Rights Institutions (NHRIs). We tweaked our suggested campaign tactics to broaden the accountability and advocacy tools that members can use in countries where human rights institutions were less established or effective.

Many members focused on raising public and political awareness of the human rights to water and sanitation in the first phase of the campaign, identifying communities whose rights had been violated and informing them of their entitlements as rights holders, while informing governments of their obligations as duty-bearers. Members employed a range of strategies including community mobilisation, coalition building, media influencing, government engagement, research, data documentation, protest, litigation and more. Such diverse approaches continue to produce tangible results, including legal reform, influencing governments’ COVID-19 responses, infrastructure improvements and numerous communities successfully claiming their rights in multiple countries.

# **2. Approach**

## **2.1 Claim Your Water Rights: phase two**

In the second phase of Claim Your Water Rights we will deepen and broaden the campaign by diversifying grantees and sharpening strategies. The short-term efficacy and long-term impacts of different approaches and strategies depends on local, national and regional contexts. Now that we have lessons and experiences to draw on from 26 different members in 14 countries, we need to jointly assess what has worked, where and why.

## **2.2 Strategies**

Claim Your Water Rights strategies are designed and delivered by our members. In the past few years, members have employed varied and creative rights claiming actions. These include:

* Community mobilisation
* Demonstration, occupation and protest
* Direct engagement with government
* Documenting, monitoring and publicising data
* Litigation
* Lodging complaints to regulators or national human rights institutions
* Media influencing
* Mobilising around elections
* Research and policy advocacy

This list is not exhaustive or prescriptive. The campaign comprises both formal (“invited”) and informal (“invented”) rights claiming strategies.[[8]](#footnote-8) Claim Your Water Rights gives members autonomy to create proactive, flexible, localised campaign strategies. This diversity of approach is crucial to the success of the campaign.

**Community mobilisation**

A common feature of all rights claiming efforts is community mobilisation. Mobilisation can take many forms, including public meetings, workshops, human rights training, community organisation and coalition building. It is ultimately the agency and actions of communities that activate laws, policies, and human rights.

**Demonstration, occupation and protest**

Protest also takes many different forms: from marches to sit-ins, from to road-blocks to virtual lockdown demonstrations. Protests can be individually or collectively organised, they can be planned or spontaneous, they can be directed at government or corporations, they can be confrontational, they are often disruptive because they aim to call attention to a particular issue or express a particular concern, and they can be driven by conservative or progressive ideologies.

The right to assembly and protest is a vital means of political participation and expressing dissent. Many members see disruption as an effective way to support communities to claim their rights. We don’t prescribe which forms of protest members may use. Protestors often encounter the misuse of force by the State and other actors, and partner with legal NGOs to defend themselves from being criminalised for protest action. Communities often mobilise and protest as a as a last resort when governments are unresponsive to rights claiming actions like direct engagement.

**Direct engagement with government**

Many members engage duty bearers directly through elected officials and public participation and accountability mechanisms. Where water and sanitation services providers are appointed to provide services on behalf of government, these providers are accountable to human rights principles and standards because they are undertaking a public function, even if they are private entities. When services providers are unresponsive, consumers engage directly with the responsible government officials.

Civil society can support community engagements with elected officials and support engagement between different government officials, branches and departments. Civil society who have strong working relationships with elected officials or political platforms often choose to lobby governments behind closed doors before turning to other tactics.

In Enugu State, Nigeria, the WASH Rights Network combined media influencing with patient, persistent lobbying to compel their state government to pass into law the Enugu Water Bill, which stipulates that people have a right to water that is to be enforced by an independent regulator.

Civil society can also use petitions to publicly engage governments and compel decision-makers to meet and speak with affected communities. For example, Center for Law & Justice (CLJ) use Claim Your Water Rights to advance their campaign for the safety, dignity and wellbeing of sanitation workers in Pakistan. In June 2020 The Punjab Assembly passed an historic resolution recognising sanitation workers as “frontline heroes in the fight against Covid”. This came after CLJ adapted End Water Poverty’s global petition to protect sanitation workers from the pandemic by realising their rights to “just and favourable conditions of work”.

**Documenting, monitoring and publicising data**

Access to transparent, up-to-date, disaggregated data and clear, accurate information is vital to identify community’s rights violations and to gather credible evidence for advocacy. The Freshwater Action Network in Mexico (FANMex) for example documented the levels of harmful pollutants in water used by Mexico’s schools. FANMex then created an online platform called [Calidad del Agua en las Escuelas](https://www.aguaenescuelas.mx/) (‘Quality of Water in Schools’) to disseminate this information along with suggested rights claiming actions among students, parents and teachers.

**Litigation**

Like protest, litigation is often a measure of last resort. It is most effective when employed in combination with other tactics including community mobilisation, social accountability and direct government engagement. The legal mobilisation that surrounds litigation, is as important as the litigation itself. For example, in Thailand Manushya Foundation provide legal training and cover court costs to support the Phichit community’s class action lawsuit against an Australian-owned mining company that polluted their water and environment.

Litigation can seem costly and inaccessible - especially to people working in countries where the human rights to water and sanitation are not enshrined in national law. However members can still seek assistance from pro bono legal groups at home or abroad (i.e. public interest legal organisations or specialist INGOs) to use local, regional or international law that is ‘justiciable’ for water and sanitation rights, including the right to administrative justice and procedural fairness in administrative actions and decisions. Legal systems will only change if they are challenged. Reform is possible.

**Lodging complaints to regulators or national human rights institutions**

People can claim their rights to water and sanitation by lodging complaints with their national utility regulators and or National Human Rights Institutions (NHRIs). [[9]](#footnote-9)

National regulators, often referred to as national utility regulators (NURs) are independent governmental agencies that ensure water services are affordable, efficient, effective, and equitable. They have the power to set restrictions on the tariffs that water and sanitation utilities can charge users. They can also settle disputes between people and private providers. In some countries, specialised agencies regulate the water industry e.g. [Kenya’s Water Services Regulatory Board](https://wasreb.go.ke/about-wasreb/). It is also common for the same body to regulate water and electricity providers, for example Ghana’s Public Utility Regulatory Commission. Not all countries have water regulators. Environmental regulators have the power to sanction companies and individuals who have polluted people’s water. Not all countries have environmental regulators.

NHRIs are responsible for holding governments and state-contracted service providers accountable for the delivery of services to human rights standards. Most countries where EWP members work have an NHRI. They have the power to receive and investigate complaints. Should government agencies or their contracted service providers fail to comply with their recommendations, NHRIs can seek legal intervention in courts. NHRIs should also submit thematic reports to the UN Human Rights Council through the [Universal Periodic Review](https://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx) and [SDG National Working Group Reports](https://sustainabledevelopment.un.org/owg.html). In early 2021 End Water Poverty and Human Right 2 Water published a [compilation of good practices](https://www.endwaterpoverty.org/sites/default/files/2021-02/20911_NHRI_manual_v9.pdf) for how National Human Rights Institutions can support people to claim their rights to water and sanitation.

In some countries, Ombudsman perform similar oversight functions to NHRIs and investigate complaints made by consumers.

**Media influencing**

This includes using radio, television, written media, social media, and press conferences to publicise human rights violations and to pressure governments to fulfil their commitments and obligations as well as to inform people of their rights and how to claim them. During the pandemic many members turned to digital campaigning with WhatsApp, Twitter and Facebook popular platforms for sharing information, connecting activists, organising events, mobilising public support and reminding duty-bearers of their responsibilities.

**Mobilising around elections**

The provision of water and sanitation is an inherently political issue: it is the government’s duty to ensure the provision of safe water and sanitation. Elections present an ideal opportunity to raise the political profile of water and sanitation issues and to garner commitments from political candidates. The difficulty often comes when mitigating the risks of association with particular political parties and holding politicians accountable for their promises once they come to power.

**Research and policy advocacy**

Many members undertake research to build a convincing narrative, to document and amplify the lessons, experiences, strategies and tactics of community groups, and to generate and analyse evidence that can be used to raise public awareness and to advocate for changes in policies and practices. For example, the Socio-Economic Rights Institute of South Africa (SERI) documented and published different kinds of [water rights claiming strategies](https://www.seri-sa.org/index.php/latest-news/1061-publication-seri-launches-research-project-documenting-residents-experiences-in-claiming-water-rights-in-south-africa-6-october-2020) employed in rural, peri urban and small town communities across four provinces, in collaboration with the media and civil society partners.

We also partner with members to make policy submissions to regional and global human rights institutions, for example a [joint submission to the UN Special Rapporteur](https://www.endwaterpoverty.org/news/ewp-sold-and-fanmex-make-joint-submission-human-rights-indigenous-and-rural-communities) on the rights to water and sanitation on the human rights to safe drinking water and sanitation of indigenous peoples and people living in rural areas.[[10]](#footnote-10)

## **2.3 Themes**

The inclusive nature of Claim Your Water Rights allows members to advocate on a range of different human rights issues related to water and sanitation. This means members can adapt their campaign approach to their local or national context while working in global solidarity under one banner.

While Claim Your Water Rights is designed to embrace diverse approaches and content areas, we have identified several themes that have emerged in the first phase of the campaign as strategically relevant and of common interest to members working in different sub-national, national and regional contexts. To serve as many members as possible, we support work in the following thematic areas:

* **Climate justice**
* **Corporate accountability (business and human rights)**
* **Expanding civic space**
* **Media influencing**
* **National and international human rights institutions**
* **Public control of water and sanitation services**
* **Supporting marginalised communities to claim their rights**

**Climate justice**

The climate crisis is a crisis of social justice: the communities most affected by climate change have contributed the least to climate impacts and are invariably the most marginalised. It insists on the historic obligation of countries and corporations who caused the climate crisis to address intergenerational injustices and impacts by guaranteeing human rights. Justice includes climate mitigation - i.e. reducing greenhouse gas emissions to limit the impacts of the climate crisis - and climate adaptation, which focuses on strengthening the resilience of affected communities to cope with these impacts through the provision of socio-economic rights like housing, land, water and sanitation.

The climate crisis will be felt most severely by people whose rights to safe water are already compromised. Either their right to water is not adequately respected, protected or fulfilled, or their access relies on surface or groundwater sources that have been polluted or over-abstracted by unsustainable, unregulated practices in major industries such as intensive agriculture, hydropower, mining and fossil fuel extraction. In some countries, companies and individuals exploit water permit rights to divert rivers or fence off water sources from public access.[[11]](#footnote-11) This can lead to contamination. When processing gold for example, some mining companies pollute rivers and streams with [chemicals](https://www.newsghana.com.gh/newmont-ghana-adopts-strategies-to-deal-with-environmental-pollution/) like cyanide and mercury, endangering people’s health and livelihoods.

Climate-induced water stress will only exacerbate these threats, with longer droughts, worse and more frequent flooding, melting glaciers, and increased groundwater contamination. Communities who have contributed least to the crisis pay with their health and livelihoods, while the biggest state and corporate polluters continue to make significant profits and to act with impunity. Yet recent rulings have established a legal precedent for holding international polluters accountable. In February 2021, UK mining company Vedanta Resources compensated 2,500 Zambians for causing severe water pollution. In a separate case the UK Supreme Court ruled that Nigerian communities can pursue legal claims against multinational oil company Shell through English courts.

Water justice is embedded in the struggle for environmental justice in much the same way as water is embedded in the ground, in rivers, and in streams. Governments must embed the human rights to water and sanitation in national adaption plans and climate policies, while prioritising resources to protect watersheds and to deliver quality public water services. For water and sanitation services to be truly climate resilient, the human rights standards of “safe, sufficient, accessible, affordable, and acceptable” cannot be compromised.

**Corporate Accountability**

Corporate accountability is a broad term that is intimately connected to climate justice and refers primarily to governance frameworks and good practices. It is not to be confused with ‘corporate social responsibility’, an opaque, often meaningless term used to signal ethics and obscure corporations’ legal accountabilities.

The United Nations Human Rights Council’s [“Guiding Principles on Business and Human Rights”](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf) offers three main ways of holding corporations accountable to human rights principles and standards:

1. Enforcing existing legal frameworks and principles
2. Translating existing legal frameworks and principles into business practices. The language of human rights is seldom included in business practices and so this takes work.
3. Plugging gaps in existing legal frameworks and principles. This can be within a country using local laws or bringing international human rights law to bear to strengthen and plug gaps in local laws.

As seen in examples from the [Business & Human Rights Resource Centre](https://www.business-humanrights.org/en/), most business and human rights advocates work transnationally because multi-national corporations are generally based in the North (“home” countries) but operate in the South (“host” countries) where they commit the human rights violations. Organisations such as the [European Centre for Constitutional Human Rights](https://www.ecchr.eu/en/) attempt to hold multinational companies accountable in their home countries, where laws are typically more enabling of accountability than in host countries.

**Expanding civic space**

In the second phase of Claim Your Water Rights we will equip members with information and tools to mitigate the risks and improve their effectiveness in increasing closed societies. According to [CIVICUS](https://monitor.civicus.org/quickfacts/), only 3.1% of the world’s population lives in countries with open civic spaces.States around the world - from the US and Brazil to Colombia, South Africa, eSwatini and the Philippines - used the COVID pandemic to justify draconian measures to control citizens and close civic space.

People’s right to protest, to express dissent, to hold governments and corporates accountable, is often brutally violated. Activists across the world are criminalised, detained, subjected to surveillance, strategic lawsuits, threats, intimidation and violence. Activists are also brutalised by corporate power, by extractive industries that prioritise profit over people and the planet. An average of four environmental rights defenders were killed every week in 2020 according to [Global Witness](https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/), who say in *Defending Tomorrow*: “as the climate crisis intensifies, violence against those protecting their land and our planet also increases. It has become clear that the unaccountable exploitation and greed driving the climate crisis is also driving violence against land and environmental defenders.”

Governments are failing to protect human rights defenders. In many cases they brazenly perpetrate violence against defenders; in others they are complicit. As water sources around the world are threatened, more groups and communities will be forced to resort to protest in defence of their water rights. Across the world, protestors defending water rights are met with disproportionate force by the police and the military, often carried out with impunity.

But suppression of protest is only one from of repression. As our member the African Water Commons Collective said “It is also repression when communities receive no response from government officials. It is also repression when they can’t participate because they haven’t got the right documentation or because information is published in a different language. It is also repression when governments treat water as a commodity rather than a common good, when they criminalise those who use self-supply, when officials and mechanisms are closed and unresponsive, when affordable services are difficult to access because of onerous registration requirements”.

Yet, even after decades of violence, people continue to claim their rights. Every story of defiance against corporate capture and water grabbing, against pollution and environmental disaster, every court case, every memo, petition, protest, engagement, mobilisation, offers hope that civil society can turn the tide on the crisis of governance and ecology.

**Media influencing**

In the first phase of the campaign members utilised the media creatively to inform, influence and empower. Traditional and social media are always essential accountability tools - especially during times of crisis. Members have made extensive and creative use of media with many utilising local radio to reach rural communities throughout the campaign. Media for Community Empowerment (MECE), for example, interviewed rural communities in Tanzania who live without safe water, airing their stories on community radio stations. Despite working under John Magufuli’s premiership, where censorship restricted people’s ability to openly criticise the government, MECE’s broadcasts reached over two million people and led to several local authorities installing boreholes and committing funds to improving services.

**National and international human rights institutions**

Collaborating with national human rights institutions remains a relatively untested and overlooked accountability mechanism. The first phase of the campaign showed that the effectiveness of these institutions varies from country to country. Even members who made genuinely ground-breaking progress found that their commission’s impact was limited. For example, Christian Fellowship and Care Foundation supported a community to lodge a complaint to the Imo State Human Rights Commission - a national first for Nigeria. Yet this came after months of confidence- and capacity-building so the commission could better understand its role. The commission’s recommendations were tentative but garnered political commitments.

Yet NHRIs can be an accessible means through which marginalised groups can access justice. In Koraput, Odisha, Indian Institute of Youth & Development organised rights awareness training for an Adivasi community. Following the training, the community filed a complaint to the National Scheduled Tribes Commission concerning a lack of toilets. A subsequent report showed that the money allocated for toilets had been spent despite no construction work taking place - the government simply assumed the Adivasi community would not complain. When the commission received the complaint, the government started constructing toilets.

Lodging complaints is easy and usually free. Complaint forms are often accessible online. Those without internet access can visit their NHRI’s office, which operate at provincial, regional or district level, to submit a written complaint. Though the decision to engage NHRIs is ultimately at members’ discretion, we strongly recommend that only those working in countries with ‘A’ graded NHRIs lodge complaints. NHRIs are periodically reviewed according to their compliance with the Paris Principles:

* “A national institution shall be vested with competence to promote and protect human rights.”
* “A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence”.

Members can find the rating of their NHRI [using this link](https://ganhri.org/wp-content/uploads/2022/04/StatusAccreditationChartNHRIs_27April2022.pdf). Members should consider this grading along with their own risk analysis. In countries with repressive regimes, we encourage collective complaints to avoid exposing individuals to unnecessary risk. [Regional NHRI networks and forums](https://ijrcenter.org/national-human-rights-institutions/regional-nhri-networks-and-forums/) are also useful for leverage.

To learn more about how can civil society work with national human rights institutions to support communities to claim their rights, members can read our Compilation of Good Practices.

**Public control of water and sanitation services**

Neoliberalism, and its corresponding propagation of free market trade, deregulation and privatisation took hold globally in the 1980s. It promoted the idea that public goods such as education, water and health care can be better provided by private investors, based on a rationale that reliance on the free market was preferable to reliance on the public sector.

Privatisation poses a threat to people’s rights to water and sanitation. When water is treated as a commodity to be exploited by the private sector, companies run services to maximise profits for shareholders. To recover the high upfront costs of water and sanitation infrastructure, private providers either hike rates or cut corners, affecting the quality of services, environmental standards and labour rights. Privately-run systems generally operate through a full cost recovery model in which all costs of providing services, including operating and investment costs, are paid for through user tariffs. This can deprive communities of safe water and sanitation, especially when rates increase, and households can no longer afford to pay.

As documented in our [Human Rights to Water and Sanitation Advocacy Toolkit](%E2%80%98Human%20Rights%20to%20Water%20and%20Sanitation%20Advocacy%20Toolkit), various water crises in the 1990s caused a wave of privatisation around the world.[[12]](#footnote-12) International financial institutions and corporations put pressure on governments to privatise water and sanitation systems and to develop market-based solutions that grant easier and more stable access to water-intensive and water polluting industries. The World Bank and International Monetary Fund often require privatisation of a country or communities’ water as a condition of the Structural Adjustment Programmes (SAPs) that countries must implement to obtain loans or favourable trade agreements. Cost recovery - charging users to cover operating and investment costs - is in turn a prerequisite for privatisation. Poor consumers pay more for poor quality water than their wealthier counterparts. Water tariffs are already high in many African countries; relative to income, these are often much higher than water prices in [OECD](https://www.oecd.org/about/document/ratification-oecd-convention.htm) countries - even for the richest quintile - and higher tariffs lead to people reducing their consumption and resorting to unsafe sources.

The benefits of publicly owned, financed and operated services are multiple. Publicly-operated services are more directly responsive to public need, and arguably more effective at reducing poverty and inequality. When contracting any provider, states are obliged to enact policies that are pro-poor and anti-discriminatory. In addition to helping achieve its social justice goals, public management can help governments achieve environmental objectives, including sustainable watershed management. Strong public management systems can promote institutions and governance structures that guarantee transparency, information, accountability and meaningful citizen participation.

Even when services are publicly operated, people must remain vigilant. Returning water supply to public management is only the first step—subsequent public management must also guarantee citizen and democratic control, transparency and accountability. If run like a business, the public sector can reproduce the inequalities of a corporate model. For instance, in the absence of private-sector participation, public utilities in some cities in the Global South have been restructured so that they behave more like private enterprises and provide services on a cost recovery basis. Austerity can lead to the deterioration of public assets and services.

**Supporting marginalised communities to claim their rights**

The principle of equality and non-discrimination underpins all human rights. This means that all marginalised groups - including people who are disenfranchised, delegitimised, criminalised or considered non-citizens - can hold governments accountable for realising their rights to safe water and sanitation.

Examples of marginalised groups who are often excluded from water and sanitation services include among others, asylum seekers and refugees, undocumented migrants, indigenous communities, informal settlement residents, LGBTQI+ communities, rural communities, sanitation workers, waste pickers, and women and girls. Marginalised groups often do not feel or know that they have legal rights and the power to challenge the denial of these rights. This is often because they are de-legitimised or left with little recourse but to engage in “invented” rights claiming strategies that are often met with greater repression.

While marginalised groups are our primary focus, coalition members should engage communities they already work with and know.

## **2.4 End Water Poverty’s role**

End Water Poverty provides mini grants to members to undertake grassroots and or national campaigns. Claim Your Water Rights is a truly global campaign. Since 2019 we have funded 26 different members in 14 different countries. In the coming years End Water Poverty will prioritise fundraising so that we can raise additional financial resources to consolidate campaign gains, expand the Secretariat and provide larger mini-grants to more members.

Other important roles include: sharing information; publishing members’ articles on our website; amplifying members’ work through mainstream, independent and social media; organising webinars, workshops and exchanges with expert inputs; making joint policy submissions to international UN monitoring mechanisms and special procedures; platforming members at regional and global events; connecting members with intersectional human rights advocates to sharpen strategies and strengthen solidarity.

**Claim Your Water Rights task team**

End Water Poverty also convenes bi-monthly Claim Your Water Rights task team calls where coalition members from different regions exchange strategies, lessons and solidarity. The task team also offers guidance to the secretariat, providing varied perspectives on local rights claiming realities as well as feedback on campaign documents and resources to hold the secretariat accountable for strengthening the campaign and offering equitable support to members.

## **2.5 Allies**

**Each other**

Other coalition members working under the Claim Your Water Rights banner are integral allies for learning and cooperation. The impact and influence of members’ campaigns can be advanced through regional networks such as African Civil Society Network on Water and Sanitation (ANEW), Coalition Eau, Freshwater Action Network South Asia (FANSA), Freshwater Action Network Central America (FANCA), and FANMex, and with INGOs like Accountability for Water, Simavi, WaterAid, IRC, Water for People, Agenda for Change, and the Water Integrity Network, among others. Important networks at the intersection of gender, the environment and water justice include the Africa Water Justice Network, CIVICUS, ESCR-Net, International Centre for Not-for-Profit Law, Making Rights Real, and Red Abogadas Defensoras. Sanitation and Water For All also promotes the human rights the water and sanitation.

**Governments**

Governments who are receptive to the campaign can be influential allies - especially in cases of corporate abuse. For example, Vision Africa Regional Network (VAREN) worked with Zambia’s newly elected government in 2021 to compel two Chinese brewing companies to sign business and human rights commitments. This came after VAREN presented evidence that the companies’ brewing operations had violated people’s rights to safe, accessible water. Initially one of the companies rejected VAREN’s findings so the government suspended the company’s operations until they complied with environmental regulations.

However, many members found that officials at local and national level do not understand their human rights obligations as duty-bearers. This meant members had to invest substantial time continuously questioning officials and building their capacity.

**Intersectoral human rights advocates**

We will build coalitions working on interrelated human rights, fostering a culture of learning and solidarity that will deepen our understanding of the different ways in which civil society confront systemic injustices, power imbalances and rights violations. While it’s important to connect with health, gender, environmental and social justice activists, we should also engage civil and political rights advocates to build a broad movement of water rights defenders. This intersectional approach enables members to better understand the complexity and specificity of the injustices different marginalised groups experience.

**Journalists**

Investing time to build relationships with journalists essential. Journalists play a pivotal role in securing media coverage for the campaign, publicising water and sanitation issues, and increasing political pressure on governments and corporations. In the first phase of the campaign we developed close working relationships with investigative journalists and documentary-makers working for local, national and international media.

**Parliamentarians**

Complaints can be sent to parliamentarians to mobilise their support and increase awareness of rights violations. This could force politicians to escalate concerns in parliament or influence their voting on budgets or national policies.

**Regulators**

Members can ally with regulators to campaign for better water quality and more affordable tariffs.

**Trade unions**

Trade unions are potentially powerful allies. They can provide significant support such as use of premises and assistance during negotiations, as well as access to education and training on collective bargaining and negotiation. Moreover, unions like Public Services International can gather collective complaints or petition signatures from water and sanitation workers.

**UN bodies**

In certain countries, it is more effective to submit evidence of human rights violations directly to UN bodies or agencies, for example high commissioners or the UN Special Rapporteur on Human Rights to Safe Drinking Water and Sanitation. End Water Poverty has supported the mandate of the UN Special Rapporteur on the human rights to water and sanitation for many years by [sharing updates](https://endwaterpoverty.org/blog/update-un-special-rapporteur-human-rights-water-and-sanitation) and [reports](https://www.endwaterpoverty.org/news/positive-about-our-future), [making joint submissions](https://endwaterpoverty.org/news/ewp-sold-and-fanmex-make-joint-submission-human-rights-indigenous-and-rural-communities) and partnering with the rapporteur for the tenth anniversary celebrations of the human rights to water and sanitation, which gave additional visibility and legitimacy to our campaign.

To improve universal understanding and monitoring of national commitments the UN publishes recommendations, guidelines, comments, resolutions and special reports. National governments are expected to report their progress on realising people’s rights to the United Nations Human Rights Council in a four-year cycle known as the Universal Periodic Review. These reports are complemented by the annual progress report on the Sustainable Development Goals known as [Voluntary National Reviews](https://sustainabledevelopment.un.org/vnrs/), which are conducted at the UN High Level Political Forum.

**Young people**

Young people are not only most affected by decisions taken now but also offer the best hope of lasting change: informing them of their rights can help enshrine future generations’ access to safe water and sanitation. The National Association of Youth Organisations (NAYO) in Zimbabwe established provincial youth hubs as a safe space for young activists to organise, mobilise and unite, responding swiftly to water issues in their local authority.

## **2.6 Campaign timeline**

Claim Your Water Rights has shifted the coalition from concentrating our activities into a single month or day of action to a year-round campaign. The pandemic vindicated our decision to stop limiting the coalition’s mobilisations to the month of March as many countries entered lockdown. Living without water and sanitation affects people’s everyday lives. The struggle for water and sanitation is a daily fight.

Nonetheless, international days of action present useful opportunities to display solidarity, amplify members’ campaign aims and achievements as well as to counter the narrative of governments and international partners who co-opt global days of action to push their own agendas (hygiene behaviour change, for example) or celebrate often tenuous progress.

**Timeline of global days**

|  |  |
| --- | --- |
| **Date** | **Activity** |
| October 2022 | Call for concept notes |
| 8-20 November 2022 | COP 26: 2020 UN Climate Change Conference (Cairo**)** |
| 19 November 2022 | **World Toilet Day** |
| 10 December 2022 | International Human Rights Day (3rd anniversary of Claim Your Water Rights) |
| 1-31 March 2023 | **Water Action Month** |
| 8 March 2023 | International Women’s Day |
| 22 March 2023 | **World Water Day** |
| 22-24 March 2023 | **UN Water Conference** |
| 5 May 2023 | Hand Hygiene Day |
| 28 May 2023 | Menstrual Hygiene Day |
| 5 June 2023 | World Environment Day |
| 28 July 2023 | **13th anniversary of the human rights to safe water and sanitation** |
| 22-28 August 2023 | **Stockholm World Water Week** |
| 11 October 2023 | International Day of the Girl Child |
| 15 October 2023 | Global Handwashing Day |

These days should only enhance members’ local and national campaign actions - not vice versa.

**Seizing the moment**

As the COVID-19 pandemic showed, campaign strategies should be flexible in allowing members to respond to unexpected opportunities. Claim Your Water Rights gives members autonomy to react quickly to take advantage of increased public and political scrutiny on water and sanitation issues. Members can use newsworthy national events such as acute water shortages, pollution incidences, disease outbreaks or mass disconnections to escalate the campaign. Members can also plan for national and international events like elections, national budget reviews, or changes in ownership or management of water and sanitation providers.

## **2.7 Narrative**

People living without safe water and toilets are not victims of tragic circumstance. The source of the water and sanitation crisis is not water scarcity nor lack of technology. This crisis results from decisions made by those in power. From colonial legacies. From climate crises. From deregulating major industries. From systemic discrimination against marginalised groups. From an economic system based on endlessly extracting precious resources like water faster than it replenishes them. From prioritising profit over people. In other words, this crisis is profoundly political.

It’s vital, therefore, that End Water Poverty’s work centres people’s agency and dignity. It is people who drive change, who hold governments accountable, who mobilise, organise, unify. We have a choice to either stand with people as they claim their rightful share of development or continue business as usual, fuelling a virtuous cycle of poverty, outsourcing and charity.

While centring people’s agency, we must ultimately place the onus to act on governments. The human rights obligations of states in guaranteeing people’s water rights are clear. As are the obligations of contracted private companies to respect these rights. States and corporations who commit human rights violations must be held to account.

Just as members adapt their strategies to their context, so too can they adapt their language and messages. For example, in south Asia the idea of ‘lodging complaints’ or protesting ‘human rights violations’ is considered inherently anti-government so members have instead preferred to ‘make representations’.[[13]](#footnote-13)

## **2.8 Safeguarding**

End Water Poverty treat safeguarding issues extremely seriously. We strictly adhere to the [safeguarding policy of our current host WaterAid](https://www.wateraid.org/uk/safeguarding-at-wateraid). EWP coalition members who do not have their own safeguarding procedures should use WaterAid’s as a guide.

End Water Poverty requires members to conduct a risk mitigation assessment when submitting Claim Your Water Rights concept notes but is limited in the support it can offer to members who issues such as face misuse of force or legal intimidation. Members can access a range of safeguarding resources – both advisory and financial - from organisations with specific expertise in safeguarding human rights defenders, including [Frontline Defenders](https://www.frontlinedefenders.org/), [Urgent Action Fund Africa](https://www.uaf-africa.org/) and [Defend Defenders](https://im-defensoras.org/es).

# **3. Monitoring, Evaluating and Exchanging**

## **3.1 Monitoring**

As a two-person secretariat, End Water Poverty cannot closely monitor the progress of all campaigns. Members who receive Claim Your Water Rights mini grants are expected to regularly and proactively share updates with End Water Poverty’s secretariat and other members. We ask grantees to submit a mid- and final campaign report to assess progress of activities and aims stated in concept note with links to outcomes and outputs.

## **3.2 Evaluating**

While members continue to produce impressive achievements despite limited time and funds, advocacy often takes time to materialise, manifest and measure so we ask members to list some tangible outcomes resulting from their activities when finalising concept notes. These could include media coverage, research and advocacy products, increased awareness of the human rights to water and sanitation, improved services or even legal reform. We will produce an annual report to document the campaign’s progress.

## **3.3 Exchanging**

Claim Your Water Rights’ success stems from the creativity, versatility, determination and resilience of our members. The next phase of the campaign will put far greater emphasis on peer-to-peer exchange to foreground the experience and expertise of grassroots human rights advocates. In 2022-23 we will co-design, facilitate and promote three-four learning exchanges with members on: water, climate justice and extractive industries; using the media; and collaborating with national human rights institutions. There will be further exchanges in 2023-24 on a range of different topics.

## **3.4 Further reading**

1. [2022 State of Civil Society Report - CIVICUS](https://www.civicus.org/documents/reports-and-publications/SOCS/2022/CIVICUS2022SOCSReport.pdf)
2. [Civic Freedom Monitor - International Centre for Not-for-Profit Law](https://www.icnl.org/resources/civic-freedom-monitor)
3. [Compilation of Good Practices for National Human Rights Institutions and Water Governance](https://www.endwaterpoverty.org/sites/default/files/2021-02/20911_NHRI_manual_v9.pdf)
4. [End Water Poverty progress report: 2019-2020](https://www.endwaterpoverty.org/sites/default/files/2021-04/End%20Water%20Poverty%20Progress%20Report%202019-2020.pdf)
5. [Global Review of National Accountability Mechanisms for SDG6](https://endwaterpoverty.org/sites/default/files/2019-07/National%20Accountability%20Full%20Report.pdf)

1. [The Human Rights-Based Approach within the Water and Sanitation Sector - Coalition Eau](http://www.coalition-eau.org/wp-content/uploads/study-brief-the-human-rights-based-approach-within-the-water-and-sanitation-sector.pdf)
2. [Handbook on realizing the human rights to water and sanitation](https://www.ohchr.org/en/special-procedures/sr-water-and-sanitation/handbook-realizing-human-rights-water-and-sanitation)

1. [Human Rights to Water and Sanitation Advocacy Toolkit](https://www.endwaterpoverty.org/sites/default/files/2020-10/Human%20Rights%20to%20Water%20and%20Sanitation%20Advocacy%20Toolkit.pdf)
2. [Making Rights Real approach](https://human-rights-to-water-and-sanitation.org/mrrapproach/)
3. [Special Rapporteur on the human rights to safe drinking water and sanitation: annual reports](https://www.ohchr.org/en/special-procedures/sr-water-and-sanitation/annual-reports)
4. [The Spread of Anti-NGO Measures in Africa: Freedoms Under Threat - Freedom House](https://freedomhouse.org/report/special-report/2019/spread-anti-ngo-measures-africa-freedoms-under-threat)
5. [Updated Claim Your Water Rights FAQs](https://www.endwaterpoverty.org/Claim-Your-Water-Rights-FAQ)
1. This includes grassroots groups, community-based organisations (CBOs), social movements, trade unions. national/regional networks, non-government organisations (NGOs) and international non-government organisations (INGOs). [↑](#footnote-ref-1)
2. Article 11(1). [↑](#footnote-ref-2)
3. General Comment 15. [↑](#footnote-ref-3)
4. For a map of all the resolutions adopted by various countries, please see Making Rights Real’s [Resolution Database](https://human-rights-to-water-and-sanitation.org/resolution-database/). [↑](#footnote-ref-4)
5. These include: [On the Elimination of All Forms of Discrimination Against Women](https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx) (1979); [On the Rights of the Child](https://www.ohchr.org/en/professionalinterest/pages/crc.aspx) (1989); [On the Rights of Persons with Disabilities](https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf) (2007). [↑](#footnote-ref-5)
6. ICESCR, General Comment No. 3: The nature of States parties’ obligations (E/1991/23), para. 2 [↑](#footnote-ref-6)
7. We use the term ‘water rights’ as shorthand for ‘the human rights to water and sanitation’. While some members focus on water, others focus on sanitation; many focus on both. [↑](#footnote-ref-7)
8. “Invited” tactics refer to formal participatory and accountability mechanisms, while “invented” tactics may include occupation, self-supply, and various forms of protest. The distinction is largely determined by context. [↑](#footnote-ref-8)
9. NHRIs are also called national human rights commissions/committees/councils/. In some countries an ombudsmen perform similar oversight functions, such as lodging complaints. [↑](#footnote-ref-9)
10. With the Centre for Applied Legal Studies (CALS), Freshwater Action Network Mexico (FANMex), the Survivors of Lesotho Dams (SOLD), Oxfam South Africa, and African Forum and Network on Debt and Development (AFRODAD). [↑](#footnote-ref-10)
11. That the phrase ‘water rights’ more commonly refers to water permit rights in certain countries is emblematic of the preferential water access corporations enjoy. In naming our campaign Claim Your Water Rights, we are reclaiming ‘water rights’ as belonging primarily to people. [↑](#footnote-ref-11)
12. More than 260 contracts were awarded to private operators for the management of urban water and sanitation utilities between 1990 and 2006. End Water Poverty/UNISON, [‘Human Rights to Water and Sanitation Advocacy Toolkit’](https://www.endwaterpoverty.org/sites/default/files/2020-10/Human%20Rights%20to%20Water%20and%20Sanitation%20Advocacy%20Toolkit.pdf), p. 22. [↑](#footnote-ref-12)
13. End Water Poverty will develop a separate document purely for campaign messaging and communications. [↑](#footnote-ref-13)