

# #ClaimYourWaterRights

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# 1. Strategy

## 1.1 Campaign aim

#ClaimYourWaterRights aims to mobilise young people and marginalised groups to claim their human rights to safe water and sanitation.

## 1.2 Why young people and marginalised groups?

In many countries, young people<sup>1</sup> offer the best hope of lasting change: informing them of their rights can help enshrine future generations' access to safe water and sanitation.

Marginalised groups<sup>2</sup> often do not know or feel that they have legal rights and the power to challenge the denial of these rights.

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

## 1.3 Rationale

Based on feedback from End Water Poverty's coalition members, Water Action Month 2020 requires a broad overarching theme that can be adapted to - rather than imposed on - different national contexts.

Task group members were keen to continue campaigning on human rights. Where last year's campaign (#Account4SDG6) focused on accountability, it was not strategic enough to spur people to activism. This year we will focus on collective mobilisation.

## 1.4 Why human rights?

Human rights are the best legal protection we have.

As duty-bearers, governments are obliged to fulfil people's human rights. Governments are also expected to ensure third parties contracted to provide water and sanitation services respect human rights. As rights-holders, people have the power to challenge the denial of these rights. Yet many communities are unaware of their rights due to lack of awareness, poor communication or apathy. #ClaimYourWaterRights aims to awaken people to the injustice of their situation and spur them to action.

Human rights are persuasive morally as well as legally. The principles of equality and non-discrimination underpin all human rights, allowing marginalised groups to hold governments accountable for realising their rights to safe water and sanitation.

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<sup>1</sup> The definition of 'youth' varies from country to country.

<sup>2</sup> This includes minorities (tribal, religious, sexual, gender), nomads, refugees, migrants, water and sanitation workers and those living in informal settlements, slums or ghettos. Some people will fall into multiple categories.

## 1.5 Uniting human rights and permits rights

We acknowledge the distinction - and connection - between human rights & permit rights. We cannot campaign for the human rights to safe water and sanitation without criticising individuals or organisations who abuse [water permits rights](#) by polluting rivers, groundwater and fencing off water resources from public access. In some countries, mining companies ([from multinational corporations to medium businesses](#)) exploit permit rights to divert rivers and dam water to process gold. These dams occasionally pollute major rivers and streams with [chemicals](#) such as cyanide and mercury, endangering people's health and livelihoods. For example the Ghana Water Company had to [shut down](#) their treatments plants due to increasingly muddy water.

## 1.6 Existing human rights framework

We have the legal framework – we are just not using it. On 28 July 2010, the United Nations General Assembly [recognised safe water and sanitation as human rights](#). 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). Other [human rights conventions and charters on disability, health, women and children](#) also refer explicitly to water and/or sanitation.

Many countries have incorporated international human rights into national laws and constitutions. These rights have also been enshrined in the following regional institutions:

- [African Commission on Human and People's and Human Rights](#)
- [Inter-American Commission on Human Rights](#)

The human rights to safe water and sanitation has its foundation in the 1966 [International Covenant on Economic, Social and Cultural Rights](#), which recognises *“the right of everyone to an **adequate standard of living for himself and his family.**”* States have also signed covenants that explicitly recognise the obligation of governments to provide water and sanitation:

- [UN Convention on the Rights of the Child](#): *“To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and **clean drinking-water**, taking into consideration the dangers and risks of environmental pollution”.*
- [UN Convention on the Elimination of All Forms of Discrimination Against Women](#): *“To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and **water supply**, transport and communications.”*
- [UN Convention on the Rights of Persons with Disabilities](#): *“To ensure equal access by persons with disabilities to **clean water services**, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs”.*

## 1.7 Subthemes

We will develop three subthemes linked to the campaign's global goal of mobilising people to claim their human rights to safe water and sanitation.

These subthemes are suggested, rather than prescriptive. They should provide support and guidance to organisations who are unfamiliar with human rights law. Using #ClaimYourWaterRights as an umbrella campaign, coalition members have the freedom to campaign on other issue-based subthemes. Unlike Water Action Month 2019, we will not assign a specific subtheme to each week of the month as some coalition members reported that one week was insufficient to create an impactful campaign.

We will work on the following subthemes.

- **Corporate responsibility**
- **Climate justice**
- **Tax justice**

### **1.8 Engaged countries**

#ClaimYourWaterRights will be a truly global campaign. Initially, we will target the following countries:

- Burkina Faso
- France
- Ghana
- India
- Mexico
- Nigeria
- Pakistan
- South Africa
- Spain
- Zambia
- Zimbabwe

We also plan to collaborate with civil society organisations working in Argentina, Benin, Tanzania, and the USA.

## 2. Action plan

### 2.1 Lodging complaints

People can directly claim their human rights to safe water and sanitation by lodging complaints of human rights violations to National Human Rights Institutes (NHRIs).<sup>3</sup>

#### What are National Human Rights Institutes?

National Human Rights Institutes (NHRI) 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 are the most accessible institutions marginalised groups can rely upon for legal justice.

Institutes usually derive their mandate from national constitutions. They have the power to receive and investigate rights-holders' complaints. Should government agencies or contracted service providers (i.e. the private sector) fail to comply with their recommendations, NHRIs can proceed to court to seek redress. NHRIs can also submit thematic reports to the UN Human Rights Council through the [Universal Periodic Review](#) and [SDG National Working Group Reports](#).

#### How can people submit complaints to NHRIs?

Lodging complaints is easy and usually free. Complaint forms are often accessible [online](#). Those without internet access can visit an NHRI office, which operate at provincial, regional or district level, to submit a written complaint.

#### What is EWP's role?

End Water Poverty will train its coalition members so they can communicate human rights law with confidence.

- We will deliver human rights and media training through webinars, and where possible, workshops.
- We will develop national 'how to' guides for a number of target countries as well as general guides for engaging NHRIs.
- In certain countries, the idea of lodging complaints is alien. To address this, we will organise peer-to-peer learning so members with limited human rights knowledge can learn from the example and expertise of others. The task team and engaged coalition members will start the complaints process in December so we can share success stories with the coalition before March.

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<sup>3</sup> NHRIs are also called National Human Rights Commissions/Committees/Councils/Ombudsman.

- We will provide press release templates for members to send to local and national media. The templates can be adapted and translated into local languages so people who have lodged complaints can create their own quotes. Members should work with communities so they can be their own spokesperson, the curators of their own message.
- We will create communications materials including tweet sheets, graphics, blogs etc.
- In some countries, we could help educate NHRIs, judges, police, utility providers and government officials on the human rights to safe water and sanitation through training sessions and lobby meetings.

### **What is members' role?**

EWP members who have received human rights training and committed to be part of #ClaimYourWaterRights should do the following:

1. Identify communities whose rights have been violated and the specific water or sanitation issue affecting them (i.e. is this an issue of: accessibility, availability, affordability, acceptability or safety & quality?).
2. Explain how they can claim their rights to safe water and sanitation.
3. Support or accompany the community to lodge complaints to the NHRI.
4. Publicise the complaints on social media and encourage people to share complaint forms using the #ClaimYourWaterRights hashtag.
5. Engage journalists by organising press conferences, sending press releases, inviting them to affected communities and organising interviews.
6. Organise demonstrations or occupy service providers' facilities to raise public awareness.
7. If you receive no response after a month, write to your NHRI or visit their office to remind them of the complaints. Keep following-up until the NHRI submits its recommendation to the government or contracted company.
8. Publicise the NHRI's recommendations on social media and share with journalists.
9. If the government or contracted company fails to act on the recommendations, organise a press conference or a meeting with your NHRI to highlight their inaction.

### **What happens next?**

Should the government fail to implement the NHRI's recommendations, most national human rights commissions can proceed to court to seek justice.

### Who will pay the court bill?

The human rights institute covers all legal costs. In most countries, there is no cost to the complainant.

### What if we lose?

Coalition members could decide to appeal the judgement but would have to fund further legal proceedings themselves. Members could decide to seek support from pro bono legal groups or to focus purely on mobilisation (e.g. media coverage, social media discussion, further demonstrations) as increased public awareness is one of the campaign's main objectives.

### Safeguarding

In some countries, it is too dangerous to challenge the government through NHRIs. Though the decision to engage NHRIs is ultimately at the discretion of our members, 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](#). Members can also find [the contact details of their NHRI here](#). 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. We recognise that certain organisations, for example INGOs or local CSOs, will be more vulnerable than others. We acknowledge that lodging complaints will be unsuitable in certain contexts and encourage coalition members to develop their own procedures if necessary.

End Water Poverty treat safeguarding issues extremely seriously. We strictly adhere to the [safeguarding policy of our current host WaterAid](#). EWP coalition members who do not have their own safeguarding procedures should use WaterAid's as a guide.

### 2.2 Complementary activities

Though lodging complaints is central to #ClaimYourWaterRights, our coalition members can still participate in the campaign by organising alternative activities. These could be:

## **Petitions**

If 'lodging complaints' seems too strong, coalition members could 'express concern' by sending petitions demanding people's human rights to safe water and sanitation to governors, ministers and speakers at provincial assemblies.

## **Demonstrations/strikes**

Demonstrations or strikes are an effective method of mass mobilisation that can lead to increased public awareness and compel those in power to act. We encourage members to organise demonstrations, marches or strikes throughout March with the ultimate aim of coordinating a global water strike on the Friday before World Water Day (22 March). These demonstrations can be a standalone action as well as a follow-up activity to lodging complaints.

## **Press conferences**

Members could organise press conferences with journalists, regulators and politicians to highlight the plight of people living without safe water and sanitation.

## **"What are you complaining about?"**

We encourage people to tweet or record a short video in which they speak about their experience living without safe water and sanitation. Those who lodge complaints or protest can also explain their reasons for doing so.

## **#ClaimYourWaterRights map**

We will explore the idea of creating a map that logs all the communities and countries where people have lodged complaints or joined the campaign.

## **2.3 Key allies**

End Water Poverty and its coalition members should attempt to engage the following groups and institutions.

## UN bodies/agencies

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.

## National Utility Regulators

In other countries, it will be more effective for people to lodge complaints through National Utility Regulators. NURs are statutory bodies that ensure water services are affordable, efficient, effective, and equitable. In some countries, specialised agencies regulate the water industry e.g. [Kenya's Water Services Regulatory Board](#). It is also common for the same body to regulate water and electricity providers, for example Ghana's Public Utility Regulatory Commission. These institutions can ally with #ClaimYourWaterRights by campaigning for better water quality or lower, less discriminatory tariffs. Members can find complaint forms online or attend lobby meetings.

## Parliamentarians

Complaints can be sent to specific parliamentarians who are aware of or vocal around water and sanitation issues to mobilise their support and increase their awareness of rights violations. This could force politicians to escalate concerns in parliament or influence their voting on budgets or national policies.

## Local authorities

In certain contexts, coalition members can remind local authorities of their role as duty bearers by highlighting the specific requirements of marginalised groups. For more information, coalition members can use [the following guidelines](#).

## Trade unions

Trade unions (e.g. Public Services International) can collect complaints or petition signatures - particularly from water and sanitation workers - to submit to NHRIs.

## Press clubs

Coalition members should inform journalists of human rights law and complaints procedures so they can accurately report on human rights violations.

## 2.4 Campaign timeline

Unlike previous years, #ClaimYourWaterRights will also form End Water Poverty’s annual campaign. We will launch the campaign properly in March but activities will start before Water Action Month. We will use International Human Rights Day on 10 December as a ‘soft-launch’ to test our messaging and generate momentum before Water Action Month.

### Timeline of activities

Date	Activity
October 2019 – January 2020	Engage task team to develop and finalise all messaging. Engaged members begin complaints process
10 December 2019	<b>International Human Rights Day</b> (campaign ‘soft’ launch)
January 2020	Recruit campaign consultant
Early February 2020	Share all campaign materials produced with EWP members
End of January-March 2020	Engage members and partners; promote campaign; continue to tailor resources
1-31 March 2020	<b>Water Action Month</b>
8 March 2020	International Women’s Day
22 March 2020	<b>World Water Day: mass demonstration/water strike?</b>
April - May 2020	Evaluation: post – WAM assessment and feedback
28 May 2020	Menstrual Hygiene Day
5 June 2020	World Environment Day
7-16 July 2020	UN High Level Political Forum
28 July 2020	<b>10<sup>th</sup> anniversary of the human rights to safe water and sanitation</b>
22-28 August 2020	<b>Stockholm World Water Week: an opportunity for EWP to showcase #ClaimYourWaterRights’ achievements to the WASH sector</b>
15 October 2020	<b>Global Handwashing Day</b>
24 October 2020	UN Day
9-20 November 2020	COP 26: 2020 UN Climate Change Conference (Glasgow)
19 November 2020	<b>World Toilet Day: campaign adapted to #SitDownForYourRights with global mass squat/sit-in demonstrations.</b>

## 2.5 Seizing the moment

The campaign must be agile so members can react quickly to take advantage of increased public and political scrutiny on water and sanitation issues. We should look for opportunities to link #ClaimYourWaterRights to newsworthy national events such as:

- Acute water shortages
- Big water pollution
- Mass disconnections

We can also plan for national and international events like:

- National budget reviews, especially where water bills rise.
- Change of ownership or management of water and sanitation providers.
- Elections: End Water Poverty will publish an updated guide on how to campaign during elections by February.

## 2.6 Messaging<sup>4</sup>

With just ten years to achieve Sustainable Development Goal 6, our messaging should be more urgent. Around 2.2 billion people lack safe water while 4.5 billion people do not have safe toilets. This is not an inconvenience; it is a grotesque injustice.

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<sup>4</sup> End Water Poverty will create a separate document purely for messaging + comms.

## 3. Evaluation

### 3.1 How do we measure success?

When evaluating Water Action Month 2019, members reported that it was difficult to measure the outcomes of their activities precisely.

We will measure the campaign's success using the following indicators:

- Number of EWP coalition members engaged
- Number of other coalition networks engaged
- Number of human rights training sessions organised (and number of participants)
- Number of complaints lodged
- Number of press releases sent + published.
- Number of media articles published on the campaign
- Social media engagement, which can be partially measured by the number of posts that use the #ClaimYourWaterRights hashtag or share complaints forms.
- Increased discussion around the human rights to safe water and sanitation. This is difficult to measure but could be documented through written or video interviews.

Though the campaign's focus is not policy change, a long-term aim could be for governments to recognise and uphold human rights in national laws and constitutions.

### 3.2 Other human rights resources

1. Publications from the Special Rapporteur on the human rights to safe water and sanitation Léo Heller:

<https://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/LeoHeller.aspx>

2. Realising the human rights to water and sanitation: a handbook:

[https://www.pseau.org/outils/ouvrages/ohchr\\_realizing\\_the\\_human\\_rights\\_to\\_water\\_and\\_sanitation\\_a\\_handbook\\_2014.pdf](https://www.pseau.org/outils/ouvrages/ohchr_realizing_the_human_rights_to_water_and_sanitation_a_handbook_2014.pdf)

3. Making Rights Real in your work with local governments: <https://human-rights-to-water-and-sanitation.org/mrr-approach/>

4. Sanitation and Water for All policy briefing on 'Leaving no one behind':

<http://sanitationandwaterforall.org/wp-content/uploads/download-manager-files/SWA%20Briefing%20Papers%201%20-%20Leaving%20No%20One%20Behind.pdf>

