LEAVE NO ONE BEHIND:
URGENT CALLS FOR POLICY REFORM & IMPROVED IMPLEMENTATION FROM COMMUNITIES ADVOCATING FOR THEIR RIGHTS TO WATER & SANITATION
Acknowledgements

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“We don’t leave people behind by accident. The marginalisation of grassroots groups is structural and to solve it we need structural solutions.”

Nathalie Seguin Tovar (Freshwater Action Network Mexico (FANMex))
Executive Summary

Everyone has the right to safe water and sanitation – but globally more than 2 billion people live without safe drinking water and more than 4 billion people live without safe sanitation.¹ In March 2023, as billions struggled without these essential services, policymakers and those in the development sector convened for the global UN Water Conference to find solutions – with another conference due in 2026. But marginalised and disadvantaged groups – who are most affected by the lack of water and sanitation – often do not have a seat at the table when it comes to these discussions, despite having a wealth of knowledge about how best to address their own issues. These groups are often dismissed, ignored, or repressed – they are ‘left behind’ or excluded when it comes to access to water and sanitation.

With only 6 years until the Sustainable Development Goals (SDGs) are due to be delivered, the vast majority of states are far from realising SDG 6 (on safe water and sanitation) and SDG 1.4 (on equitable access to basic services).² Yet there is a palpable lack of urgency about this failure.

Leaving no one behind is a commitment to eliminate poverty, reduce inequalities and eradicate discrimination by prioritising the rights to safe drinking water and sanitation of the most vulnerable and marginalised members of society.³ This policy brief aims to support policymakers at national and local level in fulfilling their duty to provide equitable access to safe water and sanitation by offering concrete guidance on the steps that states can take to transform the principle of ‘leave no one behind’ into a tangible reality. It also provides guidance to the development sector on how best to assist states in achieving this goal.

Inequalities in access to water and sanitation can only be eliminated if the voices of those who are ‘left behind’ are heard, given appropriate weight and taken seriously. The Hearing the Unheard: Human Rights to Water and Sanitation or #HearingTheUnheardHRWS campaign, a global campaign that amplifies the demands of grassroots community-based organisations and water rights defenders, has demonstrated that communities on the frontline of the water and sanitation crisis have workable solutions if governments choose to listen and act upon them.

Key messages from communities:

The campaign testimonies highlight common fault-lines when it comes to states’ failures to realise the rights to water and sanitation – and articulate 3 primary calls from communities for urgent policy reform and improved implementation:

- **Strengthen participatory processes:** Processes should be developed to enable marginalised communities or groups to meaningfully participate in, and contribute to, all decisions in relation to water and sanitation that affect them, including in the planning, implementation, monitoring and review processes. Marginalised communities are rights holders and key actors in water and sanitation service delivery, not ‘beneficiaries’.

- **Strengthen accountability mechanisms:** A range of accountability mechanisms already exist at national and local level. However, accountability mechanisms are not working in the way that marginalised communities, community-based organisations and water rights activists need them to. The testimonies urgently call for stronger accountability for both state and non-state parties (including corporations and private service providers).

- **Support self-supply and community involvement in the management of water and sanitation services:** In their testimonies, many marginalised communities called for states to support community self-supply and greater community involvement in the management of water and sanitation services, especially in contexts where government-led service provision or delegated service provision has failed. Crucially, this is not about states abdicating their responsibility for realising the rights to water and sanitation. It’s about seeing what communities are doing for themselves, recognising their efforts, and building on the energy that they have developed. It’s about finding ways to support them.
In order to make sure that marginalised and disadvantaged groups are not ‘left behind’ or excluded when it comes to access to water and sanitation, this policy brief makes the following recommendations:

Recommendations for states:

**Laws, policies and plans that target groups in the most vulnerable situations**

- Review and update water and sanitation polices, standards, budgets and plans to include targeted positive measures to ensure marginalised and disadvantaged groups have equal enjoyment of the rights to water and sanitation.
- Review the financing of water and sanitation services, so those least able to afford it are financially supported through subsidies, payment waivers or other financial support mechanisms.

**Disaggregated data collection and monitoring**

- Collect, develop and make publicly available disaggregated data on access to water and sanitation in a timely, accessible and accurate manner. Data should be disaggregated on the basis of disadvantaged groups including sex, gender, disability, age, ethnicity, geographic location, language, occupation and poverty (among others).
- Monitor the implementation of policies, standards and plans on a regular basis, including the expansion of sustainable services to marginalised and disadvantaged groups that have previously been unserviced. This should also include monitoring the performance of service providers responsible for the implementation of water and sanitation projects and the quality of water and sanitation services.

**Effective and inclusive participatory processes**

- Develop and implement inclusive participatory processes that communities directly affected by water and sanitation projects can meaningfully participate in and contribute to on an equal basis, without fear of reprisal or persecution.

**Strengthen accountability mechanisms**

- Implement and maintain local and national oversight mechanisms, with a priority being to be responsive to communities. This includes having avenues for people to access effective remedies when their rights to water and sanitation are not realised or infringed, such as judicial and internal complaints mechanisms, and ensuring these mechanisms have an effective way of being fulfilled by the responsible authorities.
- Identify and lift the barriers to accessing justice mechanisms for individuals and communities whose water and sanitation rights are infringed or violated, especially for marginalised or disadvantaged groups. This could include raising awareness about justice mechanisms to ensure they are widely known and understood, and implement mechanisms to ensure justice mechanisms are affordable.
- Set and make publicly available targets and strategies for achieving safely managed services, and subsequently update and publish policies, standards, plans and budgets to achieve these targets.
Self-supply and community involvement in water and sanitation management is recognised and supported

- Provide financial, institutional and technical support to communities that are, or would like to be, involved in the management of their own water and sanitation resources. This could take the form of a national and local programme that enables communities to approach states with their water and sanitation problems and identified solutions.

Recommendations for the international and regional water and sanitation development sector:

- Provide financial and technical assistance to states to strengthen their data collection and monitoring systems to better provide disaggregated data on access to water and sanitation for marginalised and disadvantaged groups.
- Understand the different regional and local contexts when providing technical assistance to states to review and strengthen accountability mechanisms, to ensure these mechanisms better respond to communities in a timely and effective way.
- Work with local governments and communities to support self-supply and community involvement initiatives as part of their agreed operational remits and responsibilities.

Watch the Hearing the Unheard short film
“We have to be ambassadors for the improvement of our own lives, for the achievement of [access to water and sanitation]. Only the affected can articulate their issues.”

Lorraine Sibanda (StreetNet International, Zimbabwe)
The Hearing the Unheard campaign

Inequalities in access to water and sanitation can only be eliminated if the voices of those who are ‘left behind’ are heard, given appropriate weight and taken seriously. This is why, in 2022, End Water Poverty and its partners launched the #HearingTheUnheardHRWS campaign. The campaign amplifies the voices of grassroots groups advocating for safe water and sanitation across the globe that have remained unheard, been ignored or been silenced. Community-based organisations and water rights defenders from 54 different groups in 18 countries across Africa, Asia, and the Americas shared 114 video testimonies for the digital campaign. In these testimonies, marginalised communities compelled decision-makers to listen as they spoke of their lived experiences, their agency, and the responses they received from government. They clearly articulated their demands for change. This collection of testimonies is a powerful call from marginalised communities themselves for their rights to water and sanitation to be realised.

Groups who are marginalised and discriminated against are best suited to identify the underlying causes of their marginalisation and propose effective solutions. Those with decision-making power should listen to and act upon these proposals. This is why the #HearingTheUnheardHRWS testimonies, which offer a clear call for change directly from marginalised communities, form the primary evidence base for this policy brief.

Why should ending inequalities in access to water and sanitation be an urgent priority?

“Inequality threatens long-term social and economic development, harms poverty reduction and destroys people’s sense of fulfilment and self-worth. This, in turn, can breed crime, diseases and environmental degradation.”

UN Sustainable Development Group

The social and economic effects of communities being denied water and sanitation are far-reaching. Unsafe water or the contamination of improperly stored water could lead to deadly diseases and a range of other negative health outcomes. The hours wasted collecting unsafe water from distant water sources means lost economic productivity and income for marginalised and disadvantaged communities. Children often fall down wells while collecting water or down pit latrines while relieving themselves. Women and girls are often assaulted while collecting water from communal water points or when forced to defecate outside. A lack of safe water negatively affects children’s school attendance – especially among girls who are menstruating or children who have contracted water-borne diseases.

Water and sanitation are also human rights, which have been enshrined in international law since 2010. This means that UN member states have a legal obligation to realise access to safe drinking water and sanitation for all. In 2015, UN member states further strengthened their political commitment to reducing inequalities and discrimination when it comes to access to water and sanitation by adopting SDG 6.
WHY ARE PEOPLE LEFT BEHIND OR EXCLUDED FROM ACCESS TO WATER & SANITATION?

“As women we want our voices to be heard and our rights to be promoted. We want gender equality and the rights to water and sanitation to be fulfilled.”

Alice Osorio Vásques (community leader from Nahaula, Guatemala)
Discrimination in relation to access to water and sanitation remains rife – with many people not having access to water and sanitation on the same level as other groups in society and regularly facing unique barriers to access that need to be addressed to ensure equitable access for all. Discrimination or marginalisation usually take place in relation to clearly identifiable factors, either alone, or in combination with others, such as sex, gender, LGBTQ+ status, religion or belief, caste, social status, disability, age, health status, migratory status, Indigenous origin, or geographical location. However, some forms of discrimination are harder to attribute to a specific factor or sets of factors.

Discrimination can be direct – this is when laws, policies or actions intentionally exclude people from service provision or equal treatment – or indirect – this is when laws, policies or actions may seem neutral at first glance, but they have the effect of excluding people from the provision of services. Discrimination is often rooted in negative attitudes, stereotypes and stigmas that flow from widely accepted social and cultural norms.

Discrimination and marginalisation affect communities or groups differently. For this reason, states should carefully consider how different disadvantaged groups are affected by a lack of access to safe water and sanitation. Here are some examples of groups who commonly suffer disadvantage with regard to access to water and sanitation:

- **Women, children and older persons** experience discrimination and inequalities in access to water and sanitation because these groups often bear a disproportionate burden of collection of water as a result of domestic responsibilities and are particularly vulnerable to water-borne diseases. Women are also at an increased risk of physical or sexual assault or other threats to their safety around communal water collection or sanitation utilities.

- **Geographic location** affects access to water and sanitation, as many rural, peri-urban, and informal settlement communities still do not have access to safe water and dignified sanitation – and often face higher tariffs for whatever level of service they have. People in rural areas often have to spend many hours a day to collect the water they need from communal water collection points that are often located far from their homes. Many underserviced communities in rural areas or informal settlements are forced to rely on untreated open water sources or pay exorbitant amounts for bottled or tank water.
In La Mixteca, a region in Oaxaca (one of Mexico’s most water-scarce regions), rural women and children spend hours each day hauling water from their nearest well. “Our main problem is that we don’t have water to use – even to drink”, says Guadalupe González, a water rights activist living in Cerro Verde, a small community in Mogote Colorado, and collaborating with MUDEM A.C. “We live far from the centre of the community so we have to carry [our water]. We spend between 3 to 4 hours in the morning carrying water… and in the afternoon, it’s the same… We spend half the day hauling water.” She says that the community’s lack of water disproportionately impacts women and children, who bear the brunt of domestic responsibility. “We have to carry two large buckets for the trip to be convenient, because if we don’t we’re going to get tired with the small buckets. Even our children are also carrying their little buckets, hauling water.”

Guadalupe believes that the community’s lack of access to water is a symptom of social and economic inequality. “We want and demand … that the government support us because it is not fair that they continue to give more and more to those who already have water. And the more water they want, the more they give them,” she says. “I wonder, are we worthless or what?”
**People with disabilities** often struggle to access safe water and sanitation on an equal basis as others since public facilities and water and sanitation infrastructure is not always designed to meet their needs. Similarly, **people with chronic health conditions** may struggle to access water and sanitation services without being stigmatised.

**People’s socio-economic status** and the **affordability** of water and sanitation services is another key form of discrimination. Communities that are poor or marginalised are often most affected by water and sanitation failures because they are least able to adapt their strategies of accessing services. **Governments should address the affordability of water and sanitation services by adopting targeted special measures to ensure that services remain affordable or, in some instances, offer free water and sanitation services to communities who are unable to pay the tariffs. This could take the form of a minimum free basic services allocation, payment waivers for communities in situations of poverty or even agreements for communities or individuals in situations of poverty to pay for their services through in-kind contributions.**

**Indigenous Peoples** often face discrimination and marginalisation, which leaves them vulnerable to persecution for their customs, culture and way of life. Indigenous Peoples are usually dependent on their ancestral lands and natural resources, but often face eviction from their ancestral lands, internal displacement and struggle with malnutrition. According to Amnesty International, Indigenous Peoples make up 15% of the world’s extreme poor.

**People who are unable to access water or sanitation due to their legal or formal status or documentation** experience discrimination that is often entrenched by governments’ legal and procedural frameworks. For example, undocumented migrants, displaced persons, nomadic groups, people living in informal settlements, people working in the informal economy, and unlawful occupiers are all people who are not formally recognised by government systems. These groups are often afraid of claiming access to water and sanitation because of a fear of deportation, eviction or reprisal at the hands of the state. In addition, their actions and essential survival strategies are often criminalised. For example, people in situations of homelessness often lack access to water and sanitation services, forcing many to turn to public urination and defecation, which has been criminalised in many local state ordinances. Similarly, many informal settlement residents have been forced to occupy vacant land because of their economic deprivation and a lack of affordable accommodation. Despite people often living in informal settlements for long periods of time, governments refuse to provide services like water and sanitation to informal settlement residents for fear that the provision of services may appear to ‘formalise’ or ‘legitimise’ the settlement.

> “Everyone was telling us to fight the pandemic. But to fight the virus, you need hygiene and we didn’t have water. So, I used to go to the supermarket and buy a pack of water... What could I do with just 6 litres of water to wash myself, to wash my hands, wash dishes, drink... What could I do with a pack of water? You just can’t.”
>
> Anonymous (informal settlement resident from France)
Access to water and sanitation should not be subject to legal or formal status: Ngozi Mine informal settlement in Zimbabwe

Ngozi Mine, an informal settlement located next to the Bulawayo City Council’s landfill site in Zimbabwe, has been home to a community of 350 families who earn a living as waste reclaimers for over 20 years. The residents rely on the landfill to collect recyclable materials, which they exchange for money at recycling centres. Despite its decades-long existence, the settlement still has no access to water or sanitation. Residents have to walk over a kilometre to the nearest water point to collect water or collect untreated water from a nearby pond, which has caused residents to contract water-borne diseases. Residents still practice open defecation.

Constance Tategulu, a 60-year-old waste reclaimer (pictured below), explains how the Bulawayo City Council’s refusal to recognise the community has prevented them from accessing water and sanitation. “Water is a major problem for us. We engaged the City Council to supply us with clean and safe water, but they refused,” says Constance. “So, we are forced to use unclean and dirty water, which causes diarrheal diseases. The City knows about our existence, yet when it comes to access to water they pretend as if we don’t exist. But when it comes to election times, they come here and remember that we are valuable citizens of Zimbabwe.”

Another older waste reclaimer, Josephine Nkiwane, suggested that the City’s failure to provide water and sanitation exacerbated the community’s social and economic vulnerability. “We have spoken to the City Council to give us some water,” said Josephine, “but they say that we are staying here ‘illegally’ so they can’t provide water. But we are still doing our [waste] recycling so we can’t go anywhere [else].” Josephine believes that the community’s problems could be addressed through a process of informal settlement upgrading, which would offer the community formal recognition in the eyes of the City Council.

Marginalised communities often experience discrimination and disadvantage on multiple intersecting grounds – leading to a cumulative effect of discrimination that creates obstacles that cannot ordinarily be understood in terms of a single ground of discrimination.¹⁹
Discrimination on multiple grounds: Sanitation workers in Lahore, Pakistan

In Pakistan, sanitation work is poorly paid and considered ‘low status’ work that is linked to discrimination based on caste and religion. Sanitation work is mainly carried out by descendants of the Hindu Dalit caste (who are considered ‘untouchables’). The majority of Dalits converted to Christianity generations ago. Roughly 80% of sanitation workers in Pakistan are Christian, despite them making up only 2% of the population. Sanitation workers are often expected to perform their work in deplorable and unsafe working conditions without safety or personal protective equipment (PPE), without medical insurance and sufficient healthcare, and are often working for very low daily wages.

In spite of the essential service they perform, sanitation workers struggle to earn a decent living, with many living in poor neighbourhoods such as Bahar Colony in Lahore, where they are unable to access safe water for bathing, drinking, and food preparation – and often have to resort to purchasing clean water from private suppliers. Sanitation workers like Younas Masih explain how the government’s failure to provide safe drinking water has contributed to their financial distress. “We have to purchase water for drinking since the water we get from our taps is very dirty,” he says. “We buy our water from this place where we get a bottle for fifty rupees, and we use the water for cooking and washing dishes…. We pay our water bill, but do not receive [safe] water in return.”

Shahnaz Bibi (pictured below), a female sanitation worker, articulates how women are disproportionately affected by the lack of access to safe water. As she says: “The water running through our taps is contaminated... The quality of the water is not suitable for consumption or cooking, and we require clean water. In order to obtain usable water, we have to go outside our homes [and] our daily tasks and chores are disrupted. We [women] have to retrieve water from an external source and bring it back to our homes before completing our chores. When we visit the filter to acquire water, we must wait in long lines or queues.”

Younas and Shahnaz’s experience shows how marginalised communities and individuals often face multiple, intersecting forms of discrimination – on the basis of caste, religion, socio-economic status and gender – that have a cumulatively negative effect.
States’ existing water and sanitation policies, procedures and budgets are proving to be inadequate, even more so when considering major contemporary challenges facing the water and sanitation sector, such as the climate crisis, migration and urbanisation. These challenges exacerbate existing inadequacies in the water and sanitation system, which is already failing to deliver equitable access to safe water and sanitation. State policies, procedures and budgets aren’t tackling these issues at the best of times, and it’s often the poorest and most marginalised that are most affected by these failures. For example, in Latin America, according to the Economic Commission for Latin America (ECLAC) an investment of 1.3% of the regional GDP annually until 2030 would make it possible to universalise access to safely managed drinking water and sanitation.21 While some governments have set clear budget targets, not all have effectively targeted the most vulnerable populations.

Many marginalised communities may be under-represented or absent in official data because they have been socially excluded from services and formal government processes.22 There are different reasons for this: they may not have been consulted, may not have been counted in official data, or may not be visible in policies and programmes. For example, official quantitative data rarely has accurate information about people in situations of homelessness, informal settlement dwellers, people with disabilities, nomadic or internally displaced people, or people who have been criminalised.23

In order to identify which marginalised communities or groups are left behind or excluded and develop appropriate policy and budgetary responses, governments should collect disaggregated data on access to water and sanitation, which is broken down according to various prohibited grounds of discrimination including sex, gender, disability, age, ethnicity, geographic location, language, occupation and poverty (among others).24 States should undertake a process of carefully assessing the quantitative and qualitative data about access to water and sanitation – as disaggregated in terms of disadvantaged groups.25 This could include national censuses, employment surveys, demographic health surveys, multiple indicator cluster surveys and household surveys. Governments should use qualitative data to complement the picture created by quantitative data.26 States should therefore also be aware of the gaps in official data and actively seek to fill these gaps.
Better information about the specific needs of people with disabilities could improve water and sanitation services

In Zimbabwe, failing infrastructure and state corruption has led to daily water cuts and contaminated drinking water, with many communities spending hours or even days without water at a time. “We have no water almost the whole week because of water shedding [rolling water cuts] and speaking on behalf of the disabled community – it’s a challenge,” explains Nigel Chawa, a wheelchair user living in an informal settlement in Gweru, Zimbabwe. “When [the water] comes, it comes at night and people with disabilities need to be assisted by somebody to get [to the water point]. So, what this means is that people with disabilities are getting disadvantaged of their right to water.”

Elsewhere, he explains how the government’s attempts to address the water crisis by sinking boreholes, did little to address the challenges facing people with disabilities. “The government put in some boreholes,” Nigel says. “But people with disabilities are not capable of using the boreholes. So, I’m going to say, let’s come together and let’s bring water for the aged and people who can’t use their buckets so they can be safe. Because people with disabilities can’t go to the borehole and get their own water in buckets.”

Nigel believes that the way to address these challenges is by identifying people with disabilities and gathering information to better understand their needs and demands. As he says, “I would want them [the government] to help us... let’s start with small things like let’s identify where people with disabilities are, [identify] their needs and put [water] in an easier format so that they can access it easily. So, I would maybe drill the boreholes near people with disabilities so that when they are asking someone to carry [their water], they won’t be a burden to other people...”
KEY CALLS FROM COMMUNITIES:
HEARING THE UNHEARD

“We appeal to the community present here, listen to my message, be courageous and dare to express your concerns ... so that your voice will make an impact.”

Nang Noy (indigenous Khmer-Lao community leader from Lao, PDR)
Strengthen participation processes by ensuring participation that is safe, accessible, genuine and inclusive

Participation of communities should be **free, active and meaningful**. Strengthening participatory processes requires states to ensure that marginalised communities or groups are able to meaningfully participate in, and contribute to, participatory processes in relation to all aspects of water and sanitation that affect them. Marginalised communities are rights holders and key actors that should be included in every component of the planning, implementation, monitoring and review processes.

**PARTICIPATION SHOULD BE:**

**SAFE**
- People should feel that participatory spaces are safe enough for them to *speak freely* about their needs and demands, without fear of reprisal.
- Marginalised communities should be able to *participate without coercion or intimidation*. This is particularly important in spaces where existing community dynamics or stigma may leave marginalised groups at risk of being bullied or being silenced.
- States should ensure that facilitators who are responsible for participatory spaces have the *necessary training to manage participatory spaces effectively*, in ways that take into account existing power dynamics and social and cultural beliefs, and actively protects marginalised groups.

**ACCESSIBLE**
- Marginalised communities or groups should have *access to all the relevant information* about government’s plans, policies and actions that affect them – in a way that is accessible and understandable to them.
- Information should be packaged in an accessible way that takes into account the unique forms of discrimination that affects marginalised groups. For example, information could be repackaged into user-friendly, plain language text; could be translated into local languages; or could be presented through infographics and pictures to make it accessible to people who are unable to read or write.
- Marginalised groups affected by government’s decisions should receive *adequate notice* of meetings or decisions, to enable them to familiarise themselves with the issue or decision, and prepare their inputs.

**GENUINE**
- Government officials should treat participatory spaces and processes – and the people participating in these processes – with *respect and dignity* (and not just like a ‘box-ticking’ exercise).
- Marginalised communities and groups should have a *real stake in participation* – i.e. duty bearers should not make decisions before or without the involvement of those most affected.
- Marginalised people should be able to *influence* the decisions that affect them in real ways.
- Duty bearers’ decisions should be *transparent*. Decision-makers should provide *clear reasons* for their decision – and indicate which considerations or contributions were taken into account and informed the outcome of the decision.

**INCLUSIVE**
- **People must be involved** in the planning and decision-making processes that affect their lives.
- When state bodies constitute committees or participatory forums in charge of making decisions about water and sanitation services, they should ensure that these bodies include *representatives of the affected persons*, especially if they constitute a marginalised community or group.
- State bodies should also ensure that decision-making bodies have *adequate gender representation*. 
A common concern raised by community-based organisations and water rights activists is the limited participation of marginalised groups in decisions about water and sanitation. In Kenya, a community of young people have set out to change that by establishing the Kenya Water and Health Organisation Youth Parliament (KWAHO Youth Parliament).

“One of the major problems we seek to challenge is limited or no participation of women and youth in decision-making processes,” says Sophie Manimubiane, a youth activist that works with KWAHO Youth Parliament (pictured below). “We are working on strengthening the already existing participation platforms, creating awareness and educating youth and women on the importance of engagement in decision-making. However, we struggle to reach the groups with the most unmet needs - which are in quasi-rural areas...”

“We have been working with the county governments to create awareness of the involvement of young people in the budgeting process,” adds another youth activist.

Watch Sophie’s testimony
Strengthen accountability mechanisms

Accountability mechanisms play a critical dual function of ensuring those with responsibilities are answerable to the people affected by their actions and omissions, as well as helping to shape future government or corporate action.31

A range of mechanisms at national and local level is important, especially for an issue like water and sanitation where the responsibility for delivery is spread across multiple government departments and corporate entities.32 This includes the use of parliamentary and budget monitoring processes, local and national planning processes, government complaints mechanisms, data monitoring of service delivery, courts and tribunals, and human rights institutions and ombudsmen. These systems not only need to exist, but be known to and understood by the communities who need to use them, and also deliver effective remedies,33 such as restitution, compensation for damages or infringement of rights, and legally binding assurances or commitments that the guilty party would not repeat the rights violation and commit to corrective action.

“The government departments fight between each other to see whose turn it is, they throw the responsibility [onto each other] to see who can solve it and nobody has really done anything.”

Judith (community member from Cabo Pulmo, Baja California Sur, México)

Many of the #HearingTheUnheardHRWS campaign testimonies highlight that accountability mechanisms are not working in the way that marginalised communities, community-based organisations and water rights activists need them to. For this reason, many of the testimonies consist of an urgent call for stronger accountability for both state and non-state parties (including corporations and private service providers). Many communities felt that local and national government officials only paid lip-service to their concerns or ignored them until election time. For example, Ishrad Masih, a sanitation supervisor living in Bahar Colony in Lahore, Pakistan, says that his community has struggled to get government officials to do something about the contaminated water that runs through their taps and sewage that fills the streets. “The political leaders visit our area, promising to take action, but unfortunately, nothing ever materialises,” he says. “They make lofty promises, assuring us that they will get the job done, but then they fail to follow through. When election season comes around, they return, hoping to earn our votes once more.”

Many of the testimonies called on the UN and other international entities to step in and intervene in circumstances where state or non-state parties had ignored, or in some instances repressed, marginalised communities. In particular, many communities spoke of the difficulty of holding corporations accountable for their infringement of water and sanitation rights. “Industry is extracting enormous amounts of water from our subsoil and as a consequence there are many places in a drought,” says Anacleto Cetina Aguilar, a water rights activist working with a community group called the Guardianes del Agua in Hunucmá, in the Yucatán, México. “Farmers and people living in rural areas are already suffering the aftermath, and they are no longer able to maintain their crops, vegetables and livestock. We have organised ourselves … to make sure that this brewery does not extract so much water, and make them accountable for what they have already extracted, something that we are yet to achieve. On the contrary, the authorities are protecting these big companies, leaving a vulnerable community to face severe water problems [alone].”
Guadeloupe residents use a combination of local, national and international accountability mechanisms to fight for their rights to water and sanitation.

In Guadeloupe, a French territory in the Caribbean, ailing water infrastructure has led to daily water cuts and over 60% of the water produced is lost due to water leaks. Roughly 70% of wastewater treatment plants do not comply with regulations, resulting in water contamination and health hazards at homes, schools and hospitals. The cost of the state’s failure is borne by ordinary Guadeloupeans, a third of whom live below the poverty line. Families are forced to spend what little income they have on bottled water, which is 32.9% more expensive than in mainland France.

“In the thirteen years I have lived in Guadeloupe, I have never known tap water without problems,” says Lucile, a mother living in Guadeloupe (pictured below). She explains how her three-year-old daughter, who suffers from a rare illness, was hospitalised and how they were forced to purchase bottled water when the hospital where she was receiving treatment instituted water rationing. “At the hospital, per room, per patient, we are entitled to 1 and a half litres of bottled water. If you need more, you have to justify a need for special care… we were obliged to buy packs of water and bring them to the hospital. It’s very expensive because it’s not necessarily the solution you expect.”

Community-based organisations and water rights activists in Guadeloupe have tried to use a range of actions to get the French authorities to respond to their water crisis, including protests, occupations and judicial mechanisms, but France has done little to address the water challenges facing Guadeloupeans. In fact, the French government has failed to respond to a Communication issued by five UN Special Rapporteurs on human rights on the issue of water and sanitation in Guadeloupe. Clémentine Plagnol, a lawyer for the citizen’s movement Moun Gwadloup, explains: “We filed an appeal to make requests to [compel the government to] respect the fundamental right of access to drinking water, and access to sanitation. The requests were rejected, and today we hope that the UN will make the state face up to its responsibilities and allow Guadeloupeans to have access to sufficient drinking water and to have this right to sanitation respected.”

Watch Lucile’s testimony
States should urgently address the failures of state accountability mechanisms and engage with the forms of social accountability developed by communities and civil society. Social accountability can be a powerful mechanism to bolster accountability, but it requires free and democratic civic space in terms of which civil society, communities and individuals can claim their rights, exercise them freely, and influence political structures without fear of reprisal. States should therefore create a regulatory environment that encourages citizen and civil society participation in accountability mechanisms.

Some examples of social accountability mechanisms are: Social audits of access to services in communities, open budgetary sessions, budget monitoring and tracking by civil society or community groups, shadow reporting, use of the media to raise awareness and ventilate issues, and government report cards. By supporting and being responsive to social accountability mechanisms, states can cultivate stronger accountability.

Civil society group works with Parliamentarians in Iran to investigate dam-building and water-allocation schemes

Social accountability mechanisms can complement and strengthen existing state accountability mechanisms. In large parts of Iran, including the provinces of Khuzestan and Isfahan, the construction of large dams is causing major rivers and groundwater aquifers to dry up. “There will be no water in the aquifer in 10 to 15 years,” says Nikahang Kowsar (pictured below), a geologist and investigative journalist working with the citizen-led advocacy group Abangan Iran. “Millions of people will have no option but to leave their ancestral lands and homes for good.”

Abangan Iran is a network of experts, scientists and journalists who are investigating and exposing government malpractice. “Right now, a number of those individuals are investigating different projects that lacked environmental assessments or environmental permits,” Nikahang explains, “and many dams that, in a way, have blocked the water from flowing into marshlands or lakes are under the magnifying glass.”

While Abangan Iran instigated these investigations, they are working with Parliamentarians to ensure accountability. “A number of governmental officials and Parliamentarians are in touch with our partners and they are now investigating different dam-building schemes and water-allocation schemes in one of the committees of the Iranian Parliament,” Nikahang says. “We hope that these actions will lead to changes in water management and water governance. But, this cannot happen when people don’t have a say in the whole process, because of the top-down decision-making system that we have in Iran.”
Recognise and support self-supply and community involvement in the management of water and sanitation services

Community agency is central to many of the #HearingTheUnheardHRWS campaign testimonies, which clearly highlight that communities are proactively looking for ways to claim their rights to water and sanitation and, when one strategy doesn’t work, are looking for creative alternatives.

“We ask the international community and representatives of the government to recognise [and support] community-based water management.”

Tajín Fuentes (Sendas A.C.)

Communities’ agency is particularly apparent in the significant number of testimonies that show how communities are participating in self-supply of their water and sanitation services in contexts where government-led service provision or delegated service provision has failed. Self-supply — the incremental improvement of water and sanitation services, which is primarily financed by the user community or household — is a way for communities to proactively find ways to provide services for themselves. Many communities are resourceful, proactive and resilient — in response to their necessity for water and sanitation. The testimonies show that communities have effectively employed a range of self-supply tactics, including purchasing water from private suppliers, establishing water connections for themselves, accessing water from alternative water sources, and even digging wells and conducting their own water quality assessments. Even though these services may not be of the best quality, many communities would be far worse off if these services did not exist.

Research shows that self-supply can be an effective and cost-efficient complementary service model for the delivery of water and sanitation services, particularly in rural and undeveloped areas where the cost of public infrastructure could make it difficult and expensive for states to provide universal access to these services.

Self-supply and community management of water and sanitation services are also contextually sensitive and adaptive solutions to many marginalised communities’ water and sanitation problems. Disadvantaged communities are best suited to understanding their own water and sanitation needs, and how to solve their own problems.

“We are already organised, eight communities so far, to try to find possible solutions [to our water problems] … We have different needs … some communities need piped water, others need rainwater harvesting and others need rainwater artificial lakes.”

Eusebio Pérez Aguilar (Asociación de Patronatos de Agua, Chenalhó, México)
Unsurprisingly, a common call from communities participating in the #HearingTheUnheardHRWS campaign was for states to support community self-supply and greater community involvement in the management of water and sanitation services. Crucially, supported self-supply and community involvement in water and sanitation management does not mean that there is no role for government in the provision of water and sanitation services. The international human rights framework is clear: states bear the primary responsibility for realising the rights to water and sanitation by planning for, funding and delivering access to water and sanitation services.39

However, supporting self-supply is an important complementary measure to achieving universal access to water and sanitation. It’s not about abdicating responsibility. It’s about seeing what communities are doing for themselves, recognising their efforts, and building on the energy that they have developed. It’s about finding ways to support them.

States can support self-supply in the following ways:

- **Supportive policies and regulation:** States should ensure a supportive policy and regulatory environment by analysing and identifying the barriers to community self-supply and community water and sanitation management in the existing regulatory framework, dismantling these barriers and adopting policies that promote self-supply and community management.

- **Capacity building:** States should promote capacity building to ensure that communities and local service providers have the necessary knowledge and skills to be able to assist in the management of water and sanitation services. This could include skills training and development in fields that are related to self-supply and community management projects. For example, supported self-supply projects in Zambia which consisted of digging wells in rural areas in the Luapula Province included a range of support services provided by the Zambian government. These included skills training for masons who were responsible for ensuring the structural integrity of traditional wells, and the sensitisation of local leaders and community members.40

- **Promoting useful technology:** Self-supply and community management of water and sanitation services could use a variety of different technologies depending on the specific needs and context of the particular community. For this reason, governments could play an important role in identifying and promoting a range of potentially useful self-supply technologies and developing policies that promote these technologies.

- **Bulk supply of materials:** States could play an important role in providing communities that are interested in self-supply or community management of water and sanitation services with the materials necessary for their projects.41

- **Public finance investment:** Using public finance to invest in public-community partnerships in rural and peri-urban marginalised communities represent a good model for water and sanitation management that can bring long-term benefits.42

“To even out power imbalances, we need safe and democratic civic spaces, resources for civil society, and stronger accountability. Where water and sanitation rights have been realised, they have been realised by people – and this was not handed to them, it was fought for.”

Gabriel Rocha (Proyecto de Derechos Económicos, Sociales y Culturales A.C. (ProDESC))
Government should support, rather than frustrate community self-management of water resources: Cabo Pulmo (Baja California Sur, México)

Cabo Pulmo is a small-town located in the water-scarce region of Baja California Sur, México, where the community struggles to access sufficient water for their daily needs while the tourism and food industries use enormous amounts of water. “The problems we have with the water in Cabo Pulmo is, first, that we are in a desert and then automatically there is not much water,” says Henri (pictured below), a community water monitor. “But the use of water is also quite serious and increasingly serious with the developments that exist. So, the well does not provide enough water to the community, the water arrives quite dirty, a lot of mud inside, and well, the houses below the hill have water and those above do not.”

The community has been instrumental in addressing their own water needs by digging their own water well and monitoring the water quality as a community. They have tried to get assistance from the state to address their water concerns, and while the state has been of assistance in some respects, it has also frustrated the community’s initiatives. “The government helped us legalise the well to have the possibility of improving things,” says Henri. “But now we can’t do anything because we’re tied up [in bureaucratic red tape], right? What we do ourselves is regularly check the quality of the water we have to see how it comes out of the tap and to see if it’s still usable for humans and all this.” For the community, support for their self-management initiatives would go a long way to ensuring equitable access to water.

- Affordable financing mechanisms: State could play an important role in developing and making available a range of affordable financing mechanisms for supported self-supply and community management of water and sanitation services. This could include targeted subsidies or loan schemes (that communities could apply for before commencing the project or to reimburse them for the costs they incurred after a project).
- Water quality monitoring and assurance: States should retain their role of ensuring that water quality is regularly monitored to ensure health and safety.

An important aspect of community involvement in water and sanitation management is community involvement in decision-making. If water and sanitation users aren’t involved in decision-making processes regarding water and sanitation services, it affects the quality and sustainability of the services.
AGUA PARA LA VIDA, NO PARA EL EXTRACTIVISMO
In order to make sure that marginalised and disadvantaged groups are not ‘left behind’ or excluded when it comes to access to water and sanitation, this policy brief makes the following recommendations:

Recommendations for states:

**Laws, policies and plans that target groups in the most vulnerable situations**

- Identify the root causes of discrimination and inequitable access to water and sanitation by analysing the specific needs of marginalised and disadvantaged groups to inform national and local government water and sanitation strategies.
- States should increase the budget allocation for water, sanitation and hygiene, with increased investment targeted towards communities without access.
- Review and update water and sanitation laws, standards, and plans by removing provisions that have a discriminatory effect, and adopting provisions that grant equal access. This should include an analysis of how existing laws and policies contribute to discrimination or exclusion, and taking concrete steps to ensure that this is ended.
- Adopt targeted positive measures in water and sanitation laws, standards and plans to promote equal enjoyment of rights to water and sanitation among marginalised and disadvantaged groups, and monitor the implementation of these measures.
- Review the financing of water and sanitation services, so those least able to afford it are financially supported through subsidies, payment waivers or other financial support mechanisms.

**Disaggregated data collection and monitoring**

- Collect, develop and make publicly available disaggregated data on access to water and sanitation in a timely, accessible and accurate manner. Data should be disaggregated on the basis of disadvantaged groups including sex, gender, disability, age, ethnicity, geographic location, language, occupation and poverty (among others).
- Monitor the implementation of water and sanitation policies, standards, and plans on a regular basis, including the expansion of services to marginalised and disadvantaged groups that have previously been unserviced in a sustainable way. This should also include monitoring the performance of service providers responsible for the implementation of water and sanitation projects and the quality of water and sanitation services.

**Effective and inclusive participation**

- Develop and implement inclusive participatory processes that enable communities directly affected by water and sanitation plans and projects to meaningfully contribute to, and participate in, decisions about these plans and projects on an equal basis, and without fear of reprisal or persecution. Affected communities should have access to relevant and timely information about water and sanitation plans and projects, and be confident that their views and identified solutions will be considered when decisions are made. Adequate representation of affected and marginalised groups in decision-making structures should be guaranteed.
Strengthened accountability mechanisms

- Set and make publicly available targets and strategies for achieving safely managed services and subsequently update and publish the policies, standards, plans and budgets to achieve it. This could include targets for specific geographical areas. These targets should be ambitious, but realistic, and should be time-bound.
- Roles and responsibilities for universal access to water and sanitation services should be clearly defined – for both state and non-state actors in the water and sanitation sector – and communicated to communities.
- Implement and maintain local and national oversight mechanisms, with a priority being to be responsive to communities. This includes having avenues for people to access effective remedies when their rights to water and sanitation are not realised or infringed, such as judicial and internal complaints mechanisms, and ensuring these mechanisms have an effective way of being fulfilled by the responsible authorities.
- Provide a legal framework that enables access to justice without discrimination for individuals and communities whose water and sanitation rights are infringed or violated. This should include identifying and lifting the barriers to accessing justice that are faced by marginalised or disadvantaged groups, such as ensuring that justice mechanisms are widely known and understood, and the affordability of justice mechanisms.
- Recognise communities and civil society as allies in strengthening existing social accountability mechanisms, listening to and acting on their suggestions.

Self-supply and community involvement in water and sanitation management is recognised and supported

- Provide financial, institutional and technical support to communities that are or would like to be involved in the management of their own water and sanitation resources. This could take the form of a national and local programme that enables communities to approach states with their water and sanitation problems and identified solutions. In particular, financial support should include using public finance to invest in public-community partnerships and developing and making available a range of affordable financing mechanisms for self-supply and community management of water and sanitation services, such as targeted subsidies or subsidised loan schemes.
- Provide an enabling regulatory environment where self-supply and community involvement in water and sanitation management is supported and promoted as a complementary service delivery approach. This should include identifying and lifting any barriers to community involvement in water and sanitation management.

Recommendations for the international and regional water and sanitation sector:

- Provide technical and financial assistance to states to strengthen the data collection and monitoring systems to better provide disaggregated data on access for marginalised and disadvantaged groups.
- Understand the different regional and local contexts when providing technical assistance to governments to review and strengthen accountability mechanisms, to ensure these mechanisms better respond to communities in a timely and effective way.
- Work with governments and communities to support self-supply and community involvement initiatives as part of their agreed operational remits and responsibilities.
Endnotes


4 SWA, Leave No One Behind, p. 4.


11 UN Water, Eliminating Discrimination, p. 7.

12 UNICEF, Water, Sanitation and Hygiene (WASH).

13 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No 20 (2009), UN Doc E/C.12/GC/20; UN Water Eliminating Discrimination, pp. 10–11.


15 UN Economic Commission for Europe and WHO Regional Office for Europe, Leave No One Behind.

16 SWA, Leave No One Behind, p. 5.

17 UN Water, Eliminating Discrimination.


22 UNICEF, Water, Sanitation and Hygiene (WASH).

23 UNICEF, Water, Sanitation and Hygiene (WASH).

24 SWA, Leave No One Behind, p. 8.

25 UNICEF, Water, Sanitation and Hygiene (WASH).

26 UNICEF, Water, Sanitation and Hygiene (WASH).

27 UN SDG, “Universal Values – Principle Two: Leave No One Behind.”

28 See, for example, the testimony of Grace Mazambani (a youth and water rights activist in Gweru, Zimbabwe).

29 See, for example, the testimony of Faith Kanayi (a water rights activist in Gweru, Zimbabwe); the testimony of Nigel Chawa (a disability and water rights activist in Gweru, Zimbabwe); the testimony of Lerato Marole (Slovo Park Community Development Forum from Johannesburg, South Africa); the testimony of Irshad Masih (a sanitation supervisor from Bahar Colony, Lahore, Pakistan).

30 See, for example, the testimony of Henri (a community water monitor from Cabo Pulmo, Baja California Sur, Mexico); and the testimony of Eusebio Pérez Aguilar (Asociacion de Patronatos de Agua, Chenalho, Chiapas, Mexico).


32 UN Water, Eliminating Discrimination, p. 42.

33 UN Water, Eliminating Discrimination, p. 42.

34 See, for example, the testimony of Younas Masih (a sanitation worker from Bahar Colony, Lahore, Pakistan); testimony of Lucile Témoignage (a resident of an informal settlement in France).

35 See, for example, the testimony of Tahmina Akter Tonni (a community activist from Korail Slum in Bangladesh).

36 See, for example, the testimony of Henri (a community water monitor from Cabo Pulmo, Baja California Sur, Mexico).

37 UN Water, Eliminating Discrimination.


39 UN General Assembly, "The Human Right to Water and Sanitation" (28 July 2020), Resolution 64/292; UN Water, Eliminating Discrimination.

40 Olschewski, A Business Case for Supported Self-Supply.

41 Olschewski, A Business Case for Supported Self-Supply.


43 Olschewski, A Business Case for Supported Self-Supply; SWA, Leave No One Behind, pp. 4-5.

44 Olschewski, A Business Case for Supported Self-Supply.
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