**15/02/2013**

**Reply of Lithuania on the issues of sustainability and non-retrogression in the realization of the human rights to water and sanitation**

**Measures in Response to the Financial and Economic Crisis**

1. What legislative or policy measures have been taken in response to economic or financial crises that have a direct or indirect impact on the water and sanitation sector?

 *Within the competency of the Ministry of Environment of the Republic of Lithuania no specific measures related to economic or financial crisis were taken.*

2. If there have been budget reductions, what budget cuts have most affected the water and sanitation sector – both at national and local levels? Have investments in infrastructure been reduced? What other budgetary, monetary and fiscal measures have been adopted that have a direct or indirect impact on the water and sanitation service?

 *Budget cuts have resulted mainly in increase of unemployment and decrease of family income. This might have the impact on people’s willingness to connect to the centralized water infrastructure. However, individual systems for water supply and wastewater management are allowed and widely used. Investments in infrastructure have not been reduced, the main part of investments are allocated from EU funds. Because of crisis, the prices of construction works decreased significantly and this allowed implementing more water projects than it was planned.*

3. If there is a reduction on social expenditure (e.g. related to pensions, unemployment benefits, social security, wages); how does this impact on the affordability of water and sanitation services? Have measures been taken to mitigate these impacts in access to water for domestic and personal use?

 *Connection to centralized water infrastructure – see question 2. Also water companies should plan the investments in a way, that the tariff should not exceed 4 % of family income. However in some territories this criterion is not fulfilled, subsidies from municipalities are being allocated. To solve this situation and fully implement “cost recovery” principle by aggregating water companies, new legislation is prepared and submitted to the Parliament.*

*4.* If there have been changes in the management of utilities, have water and/or sewage utilities assets and/or the operation and management of water and sanitation services been opened to private sector participation? Are there any plans for private sector participation? Have there been changes in the tariff system or in the way disconnections are carried out as a result of these measures? Please explain.

*Law on Social Aid for Low Income People and Solitary People determines drinking water and sanitation compensation procedures. Low income people and solitary people benefit from water and sanitation compensation only if their family expenses for drinking water and sanitation exceed 2 percent of family income.*

*According to EU white paper, water services are the services of common interest and according the Lithuanian legislation municipalities are obliged to provide these services in their territories. Private sector can provide water services but with certain limitations. Water companies owned by municipalities will remain the main provider of water services. The share of private infrastructure is small and in overall has no influence in tariff.*

5. If applicable, have any of the above mentioned measures been taken as part of the terms of any debt relief or bailout agreement with international and/or regional institutions, as the International Monetary Fund, the World Bank, the European Union, the European Central Bank, or regional development banks?

 *Not applicable.*

**Ensuring Human Rights Compliance**.

6. Has the human rights impact of measures in response to financial and economic constraints been assessed? How do the measures impact on the enjoyment of the human rights to water and sanitation?

*No specific measures were taken. The main principle in the Lithuanian legislation in water sector is that not less than 95 % of population should be provided with the water services and these services must be of good quality, accessible and continuous.*

*7.* Has the particular impacts on the most marginalized individuals and groups been considered? What data or evidence is available about the impacts on specific groups? What safeguards are in place to ensure the continued enjoyment of the human rights to water and sanitation in particular for disadvantaged and marginalized groups?

*Citizens have the right to be provided with the water services and the municipalities have to take measures to evaluate the most efficient way to provide the water services by centralized infrastructure or by small scale, local equipment.*

8. What justifications have been provided for measures taken due to economic or financial constraints that might have an impact on the realization of the human rights to water and sanitation? What alternatives have been considered to these measures?

 *No specific measures at national level were taken* *due to economic or financial crisis. Competence of decision if subsidies for water services were/are needed belongs to municipalities.*

9. What mechanisms are in place to ensure the maximum of available resources are devoted to protecting human rights in times of economic or financial constraints?

 *There are legal mechanisms in Lithuania ensuring human rights to safe drinking water and sanitation. One of the main legal acts is the Law on Drinking Water adopted in 2001, last amended in 2010. It establishes the conditions of ensuring the safety and quality of drinking water supplied to market and used in food enterprises and individually in housholds in implementing the right of the population of the Republic of Lithuania to consume healthy and clean drinking water and obtain information concerning the safety and quality therefor.*

*The Law on Drinking Water Supply and Waste Water Management adopted in 2006, last amended in 2010 establishes the principles of the state management and regulation of drinking water supply and waste water management and regulates legal relationships between water suppliers and subscribers (consumers). This Law ensures uninterrupted functioning of the drinking water supply and waste water management sector as well as development determined by public needs, creating conditions for natural and legal persons to, on acceptable terms, be supplied with suitable quality drinking water and receive good quality waste water management facilities. Planning and organising water supply and waste water management, licencing of water suppliers qualification requirements, pricing and payments procedures as well as spheres of competencies of different state and municipal institutions are described in the Law.*

*Other laws such as Law on Food, Law on Protection of Consumer Rights, Law on Product Safety, The Underground Law, Law on the National Health System contribute to safeguarding human right to water and sanitation.*

*The Ministry of Health of the Republic of Lithuania pays special attention to population groups consuming water from dug wells for drinking purposes (pregnant women and infants up to 6 months) because of higher risk of poisonings with nitrites and nitrates. The Minister of Health has issued the order on Diagnosis and Prophylaxis of Poisonings with Nitrites and Nitrates (first issued in 1995, last amendment in 2012).*

10. How have people participated in the decision-making processes related to any of the measures taken in response to financial and economic constraints?

 *No specific measures at national level were taken* *due to economic or financial crisis. Citizens have the right to participate in infrastructure planning at municipal level.*

**Sustainability:** The realization of the rights to water and sanitation requires a long-term perspective that aims at ensuring the enjoyment of these rights for present and future generations, as well as adequate use of available resources over time. The impact of some measures in times of economic or financial constraints may be linked with the sustainability of the services, infrastructures or overall investments.

11. What measures and mechanisms are in place to ensure sustainability in the realization of human rights to water and sanitation more broadly? How are measures aimed at maintaining access balanced with the aim of extending services to un- and underserved populations and with the aim of universal access?

 *As mentioned under question 7, municipalities have to consider economic and environmental aspects and on this basis to take the decision and inform people what territories, when and what infrastructure will be installed. The main way to provide water services is centralized infrastructure. However if it is too expensive and/or environmental benefits are too small (e.g. wastewater management) small scale equipment can be installed and maintained by water company.*

*According to the Environment and Health Indicator Report prepared following the Order of the Minister of Health on adoption of the List of environment and health indicators and Procedure for their calculation (available at* [*http://www.smlpc.lt/lt/neinfekciniu\_ligu\_profilaktika/aplinkos\_ir\_sveikatos\_rodikliai/*](http://www.smlpc.lt/lt/neinfekciniu_ligu_profilaktika/aplinkos_ir_sveikatos_rodikliai/) *in Lithuanian), percentage of inhabitants with waste water management in compliance with legal requirements reached 86.65 % in agglomerations, and percentage of inhabitants with safe drinking water supply increased to 85.95 % in 2011, compared to 75.30 % in 2010. Nevertheless, accessibility of centralise water supply and waste water management systems in rural areas is comparably low (16−30 %) (Report on Implementation (2008−2010) of National Sustainable Development Strategy, available at* [*http://www.am.lt/VI/files/0.059407001337582140.pdf*](http://www.am.lt/VI/files/0.059407001337582140.pdf) *in Lithuanian).*

12. What mechanisms are in place to ensure that water and sanitation infrastructure (networked as well as on-site) is properly operated and maintained? What mechanisms are in place to make the necessary capital investments to replace aging infrastructure? What mechanisms are available to ensure adequate human resources capacity-building and adequate training?

 *To ensure adequate training of employees of water supply enterpises compulsory training of hygiene skills is organized according to the Order of the Minister of Health of the Republic of Lithuania on adoption of training programmes for compulsory training on first aid, hygiene skills and prevention of harm for health from alcohol and drugs. The training programme of six hours is compulsory for employees of water supply enterprises at the start of their employment and has to be renewed every two years. Themes such as quality requirements for drinking water, sanitary safety of water supply sources and sanitary protection zones; assessment of physical features of water (transparency, color, smell, taste), microbiological indicators of water quality, poisoning substances present in water, water contamination with organic, chemical and radioactive substances, means of water cleaning and desinfection; prevention of water-related infectious diseases; personal hygiene skills are considered during the training.*

*The legal acts set the requirements for drinking water quality and supply as well as for collection, treatment and discharge of wastewater. Governmental institutions control the implementations of these obligations. Owners of infrastructure are responsible to look after the technical status of infrastructure and must ensure the conformity with legal requirements. If technical status is the bottleneck to achieve the requirements, the owners must look for the possibility to use available resources, funds and other instruments.*