

United Nations – Office of the High Commissioner - Special Rapporteur on the right to safe drinking water and sanitation - Annual thematic report to the General Assembly – participatory processes

Portuguese Government, through the National Water Authority (Portuguese Environment Agency – APA), has the obligation to promote the participation of the citizens on the enforcement of The Water Law (Law no. 58/2005, of 29 December), in particular in the production, review and updating of the River Basin Management Plans.

The Ombudsman could only have an indirect role in these participatory processes, for instance recommending legislative modifications. But there were no complaints about these matters, nor has the Ombudsman taken initiatives concerning the subject.

Questions

Please answer the following preliminary questions to help me understand your or your organization's status and functions:

- A. Please indicate the type of stakeholder you are representing, for example:
 - 1. Non-governmental organization or civil society
 - 2. Community-based organization
 - 3. International organization or donor agency
 - 4. Concerned individual
 - 5. Concerned group of people
 - 6. Other (please specify)

- B. Please indicate your or your organization's role in the process, for example (you may choose multiple answers):
 - 1. Developed and facilitated a participatory process
 - 2. Took part in a participatory process facilitated by others
 - 3. Initiated a participatory process yourself to influence decision-making
 - 4. Other (please specify)

For the thematic report, I would particularly welcome your answers to the following questions:

- 1. Please indicate and describe a participatory process or processes in your country that are related to the human rights to water and/ or sanitation. Which authorities and organizations are involved in the design and facilitation of the process? What are the costs of designing and facilitation the process? Who covers the costs?

- 2. What does the process seek to ensure – participation in legislative proposals, policy-making, budgeting, service provision or other measures? At what level does the process take place – the national, local or international level?

- 3. Has there been a history of mobilization in your country to ensure participation in decision-making? In general, is the government (at the various levels) viewed

as responsive to such demands? How has the government responded to people's demands for (increased) participation?

4. Is there a legal or policy basis for participation? Specifically, is participation with respect to improving access to water and sanitation provided for in legislation, policy or practice in your country?
5. How have the geographical reach of processes and the concerned individuals and groups been defined? How do processes ensure inclusiveness? How do processes seek to ensure that not just major stakeholders, but also concerned individuals can participate?
6. Are certain individuals or groups meant to represent others? How does the system of representation work? What is the role of NGOs? Who do they represent, if anyone? Is there any process of verifying their claim to represent, i.e. are they required to produce any type of proof?
7. What are the opportunities for participation? Are there consultations, hearings, opportunities to submit written responses and online fora?
8. What measures are in place to enable people to participate? What measures are taken to overcome barriers that people face, in particular marginalized groups and individuals?
9. What channels have been used to disseminate information about the envisaged measures and the participatory process?
10. How are the inputs taken into account? What is the impact of participatory processes on decision-making and the design of measures and policies?
11. What follow-up has been put in place? Are people informed about the outcome of processes? Are they informed about whether and how their proposals have been taken into account?
12. Would you describe the participatory processes as successful? If the specific process referred to above has been completed, please comment on what accounts for its success or failure. Has the process been evaluated? What lessons does it offer for future processes?