**Call for Inputs**

**Too Dirty, Too Little, Too Much: The Global Water Crisis and Human Rights**

“There is simply no way to overstate the water crisis of the planet today.”

Maude Barlow, former senior advisor on water to the President of the
United Nations General Assembly

A global agreement now exists that human rights norms apply to a broad spectrum of environmental issues, including water and sanitation.

The Special Rapporteur on human rights and the environment, Dr. David Boyd, is working to provide additional clarity regarding the substantive rights and obligations that are essential to the enjoyment of a safe, clean, healthy and sustainable environment.

He has submitted reports on clean air, a safe climate, a healthy biosphere, and good practices on the promotion and implementation of the right to a safe, clean, healthy and sustainable environment. He is now preparing a thematic report focusing on human rights and associated obligations related to water pollution, water scarcity and floods. For that purpose, he is seeking inputs on the topic from States and stakeholders through responses to the brief questionnaire below.

Your replies will inform the Special Rapporteur’s analysis and contribute to his report, which will be presented to the Human Rights Council in March 2021.

**Questionnaire**

The Special Rapporteur invites and welcomes your answers to the following questions:

1. **Please provide examples of ways in which water pollution, water scarcity and floods are having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water and sanitation, food, culture, livelihoods, non-discrimination, a safe, clean, healthy and sustainable environment, and indigenous peoples’ rights.**

In Venezuela there is a need to guarantee decent housing for families that inhabit informal settlements, particularly in the community of Los Jabillos in Marinches in the Sucre municipality of Miranda State.

By not having water distribution and sanitation services, there is an increase in diseases transmitted by contaminated water.

Pregnant and breastfeeding women live in the community who require particular attention to receive health care, which is not possible when there are floods since there are no accesses to leave the community. In this way, their rights to maternal health are violated, also endangering the health and safety of their children.

(*Information acquired from the “Agua Segura” Project of the “Mas verde mas humano” Foundation, developed by five young Venezuelans, winners of the “E-Hackathon” organized by the Inter-American Development Bank, CEWAS and Young Water Solutions) on September 17, 2020*)

1. **How has climate change exacerbated water-related problems?**

Many of the adverse effects of climate change manifest themselves as changes in water availability and quality, affecting the human rights to water, food, and sanitation. Increased climate variability will affect the availability of water, in terms of both quantity and quality, and expose already vulnerable populations and ecosystems to even greater risks (UNESCO, UN-Water, 2020). Too much water (floods and extreme weather), too little water (droughts and desertification), or too dirty water (extreme weather events can lead to contamination of fresh water) will result from climate change affecting the hydrological cycles upon which natural and human environments entirely depend. Vulnerable groups, such as indigenous peoples, especially indigenous women, and local communities are among the first to face the direct water-related consequences of climate change due to their wide-ranging reliance on natural resources and ecosystems. They are especially vulnerable to, and disproportionately impacted by, its effects on food security and agriculture among other factors. According to the FAO, indigenous peoples’ holistic foods systems combine gathering, hunting, and cultivation and rely on communal resources like forests, lakes, rivers, lands, and pastures. This means that climate change-induced water risks pose a direct threat to their food security. For instance, the reduction in Arctic sea ice affects wildlife distribution and complicates ice-based travel, undermining the ability of Inuit hunters to secure food. Communities located across the Pacific are directly threatened by partial or total disappearance of their lands as a result of sea level rise due to climate change. Indigenous pastoralists in Turkana County, Kenya, are struggling because climate change is negatively affecting water supplies, grazing opportunities and livestock herds, and increasing competition, conflict and insecurity (HRW, 2015).

*Source: Indigenous people, water, and climate change POLICY BRIEF Published: June 2020: https://www.siwi.org/*

1. **To protect a wide range of human rights, what are the specific obligations of States and responsibilities of businesses in terms of addressing water pollution, water scarcity and floods? Please provide specific examples of constitutional provisions, legislation, institutions, regulations, standards, policies and programmes that apply a rights-based approach to preventing, reducing, or eliminating water pollution, water scarcity and floods. Please include, inter alia, any instruments that refer directly to the right to a healthy environment and/or the rights to clean water and adequate sanitation.**

As a result of collaboration between federal governments, state and local states of Mexico and the United States, and the Tribes of the United States, the Mission of the Border 2020 Program was: Protect the environment and public health in the United States-Mexico border region, consistent with the principles of sustainable development.

The United States-Mexico border region has shared watersheds, with rivers flowing from one country to another, forming the international border. The protection and restoration of water quality in these basins and the provision of basic sanitation services and drinking water require joint, multi-jurisdictional planning binational. The border region faces significant challenges in shared watersheds that are exacerbated by the high rate of population growth and the impacts of climate change.

Specifically related to the objective of: Promoting an increase in the number of homes connected to drinking water systems and adequate sewerage and sanitation systems. There is no public access report to identify if the objectives were achieved or not:

* Lack of access to drinking water, which represents a significant risk to public health in border communities.
* Collection and inadequate treatment of wastewater, with the consequent contamination of surface waters and aquifers and risks to public health and the environment.
* Inadequate management of storm and polluted water, which contributes significantly to water pollution and the risk of flooding.
* Inadequate public access to water quality data, which diminishes the community's ability to determine whether the water body is safe for recreational activities.
* Impact of climate change that affects rainfall patterns and the duration of droughts, increasing the challenges of water availability in an already arid region, and increasing the vulnerability of wastewater infrastructure to flood damage.

Source: https://www.epa.gov/sites/production/files/documents/border2020summary\_0.pdf

1. **If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment, has this right contributed to preventing, reducing, or eliminating water pollution, water scarcity and floods? If so, how? If not, why not?**

National Water Program 2020-2024 In adherence to the National Water Law, Art. 9, section III in which it is stated that the National Water Commission (CONAGUA) has the authority to integrate, formulate and propose to the Head of the Federal Executive Power the National Water Program, updated and monitor compliance. CONAGUA carried out the work for the preparation of the National Water Program (PNH), the governing document of the country's policy, for the 2020-2024 Administration. This process considers various actions, including the strategic approaches of the CONAGUA steering group, workshops with experts in water matters, consultations with non-governmental organizations, such as the Water Advisory Council, water users through the Basin Councils, academic institutions, as well as a national consultation, among others.

Source\_: https://www.gob.mx/conagua/articulos/consulta-para-el-del-programa-nacional-hidrico-2019-2024-190499

1. **Please provide specific examples of good practices in preventing, reducing, or eliminating water pollution, water scarcity and floods. These examples may occur at the international, national, sub-national, or local level. Examples may involve water quality and quantity monitoring; guaranteeing procedural rights (e.g. public access to water quality information, public participation in decision-making about proposed uses of water, access to remedies); water use and water quality legislation, regulations, standards, and policies; and initiatives to reduce water consumption and/or water pollution from specific sectors (e.g. agriculture, electricity generation, industry, transportation, domestic use). Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices.**

In Brazil there is a collaborative business model between companies, cooperatives and educational institutions for the installation and maintenance of alternative sewerage solutions based on nature (sustainable). The business idea consists of financing the construction of devices for the treatment of black wastewater, coming from toilets (evapotranspiration tank - TEVAP), and gray wastewater, coming from toilets, showers and sinks ( circle of bananas). These sustainable solutions are perfectly adapted to the local conditions of insertion in a preservation area, with the presence of biomass from Mata Atlântica and Cerrado, and are compatible with the physical spaces available, in which the conventional sewerage system is not technically feasible. Said devices can have a more square or more rectangular shape, that is, they can be molded in some way according to the existing free areas.

It is important to highlight that the proposed environmental alternatives have practically no impact, since organic sludge is generally retained in wastewater treatment tanks that can be periodically sent to landfills. The volumes of water that overflow from the systems are already properly treated. Therefore, they are alternative solutions that will greatly mitigate the impacts of contamination of the water table and springs, in addition to combating erosive processes in hillside areas.

It is important to consider that the practices from organized civil society like this one, locally have the necessary context to directly address social and environmental problems.

*For more details, visit: https://bidhackathon.creation.camp/projects/modelo-de-negocio-colaborativo-entre-empresa-cooperativas-e-institucion-educativa-para-instalacion-y-mantenimiento-de-soluciones-alternativas-de-alcantarillado-basadas-en-la-naturaleza-sostenibles/ (in Spanish)*

1. **Please identify specific challenges that your government, business, or organization has faced in attempting to employ a rights-based approach to address water pollution, water scarcity and floods and the impacts of these problems on human rights.**

Mexico faces increasing pressure on its water resources. One of the most urgent agenda items to address is related to the poor quality of the water derived from the contamination of rivers, lakes, reservoirs and bodies of water, surface and underground.

According to statistics from the National Water Commission (CONAGUA), of the 653 aquifers in the country, 106 are overexploited, especially those located in areas with high population density and with an agricultural and urban interface, several of them with contamination by natural minerals. (The presence of mineral compounds such as arsenic has been documented).

Source: https://www.gob.mx/conagua/articulos/consulta-para-el-del-programa-nacional-hidrico-2019-2024-190499

1. **Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to water pollution, water scarcity and floods (e.g. women, children, persons living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, ethnic, racial or other minorities and displaced persons). How can these populations be empowered to protect and improve water quality and availability?**

Creating comprehensive care programs for target populations. Women, having different roles of responsibility for parenting and family care, are disadvantaged in meeting their own health and social welfare needs, so they always prioritize their children, partners or dependents. It is necessary to create spaces for development that benefit women with characteristics of vulnerability. Such as the community model created in Venezuela by a group of young people that consists of installing a water treatment plant, adapted to the needs of the sector, in the facilities of the popular dining room "Los Angeles de Frank". The dining room serves pregnant and lactating women and their children up to 12 years of age. The water treatment plant will be operated by the women beneficiaries of the dining room organized in a cooperative. In this way, pure water is guaranteed for the dining room operations, the bottle filling service is offered to the neighbors and the mothers start to have a stable job. The solution will offer a safe, accessible and affordable source of water for the community, will contribute to the reduction of water diseases, and will generate income for the cafeteria to sustain its activities. The cafeteria and the women's cooperative will pay a monthly commission from the profits for the operation of the plant. The plant's administration will have technical support from “Agua Segura” to implement better accounting and financial practices that guarantee its sustainability.

*For more details, visit: https://bidhackathon.creation.camp/projects/agua-segura/*

 *(in Spanish)*

1. **How do you ensure that the rights of environmentalists working on water issues (environmental human rights defenders) are protected? What efforts has your Government or business made to create a safe and enabling environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?**

In my experience for more than 15 years as a social and environmental activist in Mexico, I have not known a policy that guarantees the full and safe development and protection of environmentalists.

1. **There is substantial evidence that the actions of high-income States (from high levels of material consumption to high levels of greenhouse gas emissions) are linked to adverse effects on water availability and water quality in low and middle-income States. What are ways in which high-income States should assist low-income States in responding to and preventing water pollution, water scarcity and floods?**

There must be a formal commitment to support low-income countries in creating policies that regulate and control the use of natural resources. It is necessary to provide financial and human resources to develop research on environmental needs and thus, propose public policies that benefit low-income states.

1. **For businesses, what policies or practices are in place to ensure that activities, products, and services across the entire supply chain (extraction/sourcing, manufacturing, distribution, sale, and end-of life management) minimize water use and water pollution and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?**

There are environmental regulations in Mexico that limit the access and use of natural resources by companies. Some have been modified according to political and business needs and interests.

**Submission of responses**

Please send your responses to the questionnaire **in Word format** by email to srenvironment@ohchr.org. Submissions will also be accepted via regular mail at the following address:

Special Rapporteur on human rights and the environment

Special Procedures Office of the United Nations High Commissioner for Human Rights (OHCHR)

Palais des Nations

CH-1211 Geneva 10, Switzerland

**We kindly request that your submission be concise and limited to a maximum of
5 pages (or 2,000 words), not including appendices or attachments.**

Due to a limited capacity for translation, we also request that your inputs be submitted in English, French, or Spanish.

To avoid unnecessary duplication: if you have recently replied to other questionnaires from UN human rights mechanisms (or other international bodies) with information that would be relevant to this request as well, we welcome your directing us to those replies.

**The deadline for submission is 10 November 2020.**

Unless otherwise requested, all submissions will be made publicly available and posted on the Special Rapporteur’s homepage at the OHCHR website.

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