**Input from the secretariat of the UNECE – WHO Regional Office for Europe Protocol on Water and Health**

**Key questions:**

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*.

**Example of international legally binding instrument: The Protocol on Water and Health**

The legal text of the [Protocol on Water and Health](https://www.unece.org/fileadmin/DAM/env/documents/2000/wat/mp.wat.2000.1.e.pdf), adopted in 1999 under the auspices of the UNECE and the WHO Regional Office for Europe, gives effect to the human rights to safe drinking water and sanitation, including by requiring States Parties to pursue the aims of access to drinking water and provision of sanitation for everyone.

The Protocol displays an integrated approach to the protection of human rights, human health and the environment and it is aimed at “*promot[ing] at all appropriate levels, nationally as well as in transboundary and international contexts, the protection of human health and well-being, both individual and collective, within a framework of sustainable development, through improving water management, including the protection of water ecosystems, and through preventing, controlling and reducing water-related disease*”[[1]](#footnote-1).

To operationalize this objective and the one of providing access to drinking water and sanitation for everyone, Protocol Parties are required to set concrete and measurable targets in a number of target areas which cover the entire water cycle and address several aspects related to the protection of human health and the promotion of adequate living conditions for individuals. Relevant target areas include:

* Access to drinking water and sanitation
* Drinking water quality
* Reduction of outbreaks and incidents of water-related disease
* Levels of performance of collective systems for water supply and sanitation
* Occurrence of discharges of untreated wastewater
* Occurrence of discharges of untreated storm water overflows from wastewater collection systems
* Quality of discharges of wastewater from wastewater treatment installations
* Disposal or reuse of sewage sludge
* Quality of wastewater used for irrigation purposes
* Quality of waters used as sources for drinking water, bathing, aquaculture and shellfish production
* Identification and remediation of particularly contaminated sites
* Effectiveness of systems for the management, development, protection and use of water resources
* Frequency of publication of information on the quality of drinking water supplied and on other waters relevant to the Protocol[[2]](#footnote-2).

Countries track progress on the targets set through the use of indicators and report on their achievements and challenges to the Protocol governing bodies. The reporting cycles under the Protocol take place every three years and are mandatory for Parties, although also other countries find the exercise useful and submit reports on a voluntary basis. All information related to the reporting cycles is publicly available[[3]](#footnote-3).

The Protocol further includes a special focus on equitable access to water, adequate in terms both of quantity and of quality, for all members of the population, especially those who suffer disadvantage or social exclusion[[4]](#footnote-4). The implementation of the provision is supported through a [dedicated area of work](https://www.unece.org/env/water/pwh_work/equitable_access.html) focused on equitable access to water and sanitation. Under the Protocol, equitable access is defined with reference to three key dimensions:

1. Reducing geographical disparities;
2. Addressing the special needs of vulnerable and marginalized groups;
3. Ensuring the affordability of services.

Concrete tools are available to support countries in strengthening equity and in realizing the human rights to safe drinking water and sanitation, and can be used by all states, whether they are Parties to the Protocol or not. In particular, the [Equitable Access Score-card](http://www.unece.org/env/water/publications/ece_mp.wh_8.html), supports governments in establishing a baseline measure of the equity of access to water and sanitation through a self-assessment process and disaggregated data collection. On this basis, countries developed informed measures to improve equity and achieve concrete impacts, such as amendments of national legislation and improvements in water and sanitation infrastructure[[5]](#footnote-5).

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| Additional resources   * [Protocol on Water and Health and the 2030 Agenda: A Practical Guide for Joint Implementation](https://www.unece.org/environmental-policy/conventions/water/envwaterpublicationspub/water/brochures-about-the-protocol-on-water-and-health/2019/protocol-on-water-and-health-and-the-2030-agenda-a-practical-guide-for-joint-implementation/doc.html) |

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*.

* Water pollution and contamination can give rise to water-borne diseases, affecting the enjoyment of the right to health as well as the right to safe drinking water (quality aspect). In the [UNECE region](http://www.unece.org/oes/nutshell/ecemap.html), water quality is often an issue in rural areas for a variety of reasons, including water infrastructure but also insufficient monitoring, lacking regulatory standards for small and individual water supplies and lack of adequate financing. This exacerbates inequities and creates difficulties for the achievement of substantive equality.

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| Additional resources under the Protocol on Water and Health  Access to water and sanitation   * [The Equitable Access Score-card: Supporting policy processes to achieve the human right to water and sanitation](http://www.unece.org/env/water/publications/ece_mp.wh_8.html)   Water-related diseases   * [Surveillance and outbreak management of water-related infectious diseases associated with water-supply systems](http://www.euro.who.int/en/health-topics/environment-and-health/water-and-sanitation/publications/2019/surveillance-and-outbreak-management-of-water-related-infectious-diseases-associated-with-water-supply-systems-2019)   Small scale supplies   * [Small scale water supplies in the pan-European region: Background – challenges – improvements](https://www.euro.who.int/__data/assets/pdf_file/0018/140355/e94968.pdf) * [Taking policy action to improve small-scale water supply and sanitation systems](https://www.euro.who.int/en/health-topics/environment-and-health/water-and-sanitation/publications/2016/taking-policy-action-to-improve-small-scale-water-supply-and-sanitation-systems.-tools-and-good-practices-from-the-pan-european-region-2016) * [Costing and financing of small-scale water supply and sanitation services](https://www.euro.who.int/en/health-topics/environment-and-health/water-and-sanitation/publications/2020/costing-and-financing-of-small-scale-water-supply-and-sanitation-services-2020) |

* Water scarcity affects both the quantity and quality of water resources (e.g. as a result of salinization), hampering access to safe drinking water and sanitation and thus having adverse effects on the enjoyment of the two rights. Often, access problems are compounded for vulnerable and marginalized groups, which also creates difficulties for guaranteeing the principle of non-discrimination and for the achievement of substantive equality. There are also geographical disparities both in terms of physical access to water and sanitation and in terms of price disparities, which may be aggravated by problems of water scarcity.
* Water scarcity further affects the right to the highest attainable standard of health. By way of illustration, one of the impacts of water scarcity can be poor hygiene practices, both at the level of personal hygiene and domestic uses of water (e.g. food preparation), but also in the context of providing adequate WASH services in institutional settings (e.g. health-care facilities). Moreover, water scarcity often has a disproportionate impact on women and girls, including because:
* Dehydration affects maternal and newborn health;
* Women and girls are often responsible for water collection, with adverse effects on their physical and mental health as well as the right to education.

Water scarcity may also accelerate the consideration of the possibility of reusing wastewater, both for direct use (e.g. food crop irrigation) and indirect use (e.g. Indirect potable reuse for groundwater recharge). Depending on the end-usage quality requirements need to be tailored, in order to ensure appropriate guarantees for human health.

* Floods can damage water supply and sanitation infrastructures and cause stormwater overflows, which causes environmental pollution and increases risks for human health. This can affect the enjoyment of the human rights to safe drinking water and sanitation as well as the right to health. In some cases, the effects are also magnified on vulnerable communities, including rural communities, affecting the achievement of substantive equality.

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| Country example - Azerbaijan  The country highlighted in its national summary report submitted under the [Protocol’s fourth reporting cycle](https://www.unece.org/env/water/protocol_fourth_reporting_cycle.html#:~:text=Fourth%20reporting%20exercise%20under%20the%20Protocol%20on%20Water,contributed%20towards%20preventing%2C%20controlling%20or%20reducing%20water-related%20disease.) (2017-2019) that, in extreme weather situations, rural settlements are particularly vulnerable because of the type of sanitation systems that characterize these areas: toilets are usually installed in the ground so flooding may cause the contamination of territories and of drinking water sources with sludge or other waste.  *Source: Fourth reporting cycle under the Protocol on Water and Health, national* [*report*](https://www.unece.org/fileadmin/DAM/env/water/Protocol_reports/reports_pdf_web/2019_reports/Azerbaijan_summary_report_4th_cycle_22Apr19_Eng.pdf) *submitted by Azerbaijan* |

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

* Climate change has effects both on water quantity and on water quality. It can exacerbate water scarcity and pressure on water resources, with implications for access to safe drinking water and sanitation, including the exacerbation of existing inequalities (see above). Climate change can also have effects on water quality, for instance through the increase in water temperatures and change in water composition that may lead to the presence of new pathogens, potentially causing the spread of diseases.
* Climate change intensifies the frequency of extreme weather events, including floods and heavy rains. This can cause damage to water supply and sanitation infrastructures, including overflow from collective systems for rainwater and wastewater, causing environmental pollution and contamination and heightening risks for human health.

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| Additional resources under the Protocol on Water and Health   * [Guidance on water supply and sanitation in extreme weather events](https://www.unece.org/environmental-policy/conventions/water/envwaterpublicationspub/water/envwaterpublicationspub74/2011/guidance-on-water-supply-and-sanitation-in-extreme-weather-events/docs.html) |

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| Country example – Norway  Norway set a target under the Protocol on Water and Health aimed at integrating future climate projections in storm water management to avoid overloading of the sewerage collective system.  *Source: Fourth reporting cycle under the Protocol on Water and Health, national* [*report*](https://www.unece.org/fileadmin/DAM/env/water/Protocol_reports/reports_pdf_web/2019_reports/Norway_Protocol_report_4th_cycle_23Apr19.pdf) *submitted by Norway* |

1. Article 1 [↑](#footnote-ref-1)
2. For more information see [Guidelines on the Setting of Targets, Evaluation of Progress and Reporting](http://www.unece.org/index.php?id=11644) [↑](#footnote-ref-2)
3. Four reporting cycles have been conducted so far under the Protocol, and information on them is available on a [dedicated webpage](https://www.unece.org/env/water/pwh_work/tsr.html). [↑](#footnote-ref-3)
4. Article 5 (l) [↑](#footnote-ref-4)
5. The Protocol tools on equitable access to water and sanitation have been applied in 12 countries of the UNECE region. Findings and lessons learned from the work can be found in a [dedicated publication](http://www.unece.org/environmental-policy/conventions/water/envwaterpublicationspub/water/envwaterpublicationspub74/2019/the-human-rights-to-water-and-sanitation-in-practice/the-human-rights-to-water-and-sanitation-in-practice.html). [↑](#footnote-ref-5)