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Mandate of the Special Rapporteur on the human right to safe drinking water and sanitation

16 November 2015

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the human right to safe drinking water and sanitation pursuant to Human Rights Council resolutions 24/18 and 16/2.

In paragraph 18 of resolution 24/18 Human Rights Council requested me “to continue to report, on an annual basis, to the Human Rights Council and to submit an annual report to the General Assembly”. In 2016 I intend to focus my thematic reports a) on the issue of gender equality in realizing of the human rights to water and sanitation, and b) on development cooperation in the context of realizing the human rights to water and sanitation.

In this context, I would like to invite relevant authorities in your Excellency’s Government to consider the attached questionnaire on these issues and share views and information. Please, kindly send your response electronically, preferably in English, French or Spanish to: srwatsan@ohchr.org, copying: registry@ohchr.org, **no later than 31 January 2016**.

Whenever possible, I would like to encourage your Excellency’s Government to provide copies or links of relevant laws, policies and programmes and any other information relevant for these topics. Unless specifically requested otherwise, all submissions will be posted on the webpage of the Special Rapporteur on safe drinking water and sanitation at www.ohchr.org.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read "Léo Heller".

Léo Heller
Special Rapporteur on the human right to safe drinking water and sanitati

I. Questions for the report on gender equality

The Special Rapporteur intends to address gender equality in the realization of the human rights to water and sanitation. Many of the challenges are well documented: Women and girls bear the greatest burden in collecting water where water is not available in the home, with devastating consequences for their rights to health, education, work and for gender equality more broadly. Other challenges related to inequalities in access to sanitation, in the context of menstrual hygiene and in increased risks for gender-based violence are starting to receive more attention.

The Special Rapporteur intends to focus his report on how to address these challenges. He seeks to provide guidance, highlight possible positive approaches and explore the different dimension of ensuring gender equality in a comprehensive way. He would welcome guidance, practical examples, and lessons from other sectors that can be transferred to the WASH sector or address gender equality at a broader level. Submissions could address any of the following questions:

- What are the particular issues to be addressed to achieve gender equality with respect to water, sanitation and hygiene, and what measures are being taken to address these?
- What measures can be taken to accommodate and embrace biological differences (such as menstruation)? What measures can be taken to accommodate (assumed) different priorities in the use of water, sanitation and hygiene services?
- What measures can be taken to combat stereotypes, change harmful practices and challenge socio-cultural norms and prescriptions that disadvantage women and girls with respect to access to sanitation and water?
- What role can men and boys play in ensuring gender equality in the context of sanitation and water?
- What measures can be taken to combat gender-based violence in the context of sanitation and water?
- What measures can be taken to redress existing disadvantage based on entrenched discrimination in the context of sanitation and water?
- What role does legislation play in ensuring gender equality in access to water, sanitation and hygiene? What can water, sanitation and hygiene policies and strategies achieve? What is the role of institutions in promoting better representation of women? How can financing and budgeting in the WASH sector be gender-responsive?

- What measures can be taken to ensure meaningful and inclusive participatory processes at all levels of decision-making? How can an increased role for women and girls translate into actual influence in decision-making?
- How can monitoring in the sanitation and water sectors be improved to capture gender inequalities in intra-household and extra-household settings?
- How can measures to ensure gender equality adequately reflect an intersectional analysis that acknowledges the heterogeneous backgrounds, living conditions and challenges women and girls face?

II. Questions for the report on development cooperation

The Special Rapporteur is preparing a report on development cooperation and the human rights to water and sanitation. The focus of the report will be on the human rights obligations of bilateral and multilateral donors in extending grants and loans, providing technical and programming support and policy advice to developing countries. The report will examine existing policies and their guidance on human rights to explore to what extent existing policies and approaches reflect human rights and how these are implemented in practice. The report will also explore ownership and control of development cooperation by the recipient states, and how they can promote human rights within development cooperation agreements.

The Special Rapporteur would gladly receive guidance on the policies and practices that both donor and recipient countries have in place to ensure that development cooperation is in compliance with human rights principles and the standards of the human rights to water and sanitation.

Submissions could address any of the following questions relating to development cooperation in the water and sanitation sectors:

- What measures can be taken to ensure that development cooperation does not risk violating human rights? What safeguards can be put in place?
- What role is there for human rights impact assessments in development cooperation programmes?
- What measures can be used to ensure that human rights obligations are followed in the process of determining priorities and deciding which countries and programmes will receive financial and other support?
- What measures can be used to ensure that human rights obligations are followed in the process of designing programmes and projects?
- What measures can be used to ensure that development cooperation promotes equality and tackles discrimination?
- What mechanisms can be used to ensure that development cooperation promotes transparency and access to information?

- What measures can be used to ensure that development cooperation programmes and projects are based on participatory processes?
- What monitoring mechanisms can be put in place to assess development cooperation programmes and projects with respect to human rights obligations?
- What accountability mechanisms can be put in place so that people affected by development cooperation programmes or projects can effectively have complaints addressed?
- What measures can be taken to ensure the sustainability of development cooperation in line with human rights principles?

III. Submission of Responses

Kindly, please identify links or provide copies of any law, regulation, policy or other document related to your answers. Due to limited capacity for translation, we kindly request that you submit your answers, if possible, **in English, Spanish or French and, no later than 31 January, 2016. All responses will be posted in the web page of the Rapporteur unless you indicate otherwise.** Kindly send your responses preferably via email to: srwatsan@ohchr.org, copying registry@ohchr.org; or to:

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For any question, please contact the Special Rapporteur through his assistant, Ms. Madoka Saji, Special Procedures Branch- OHCHR: email: msaji@ohchr.org; phone: +41 22 917 91 07.