**Ministry of Sanitation and Water Resources**

 **Contributions on WASH for the preparation of the 45th Session of the Human Rights Council in 2020**

1. **Responses on Safe Drinking Water to UN Human Rights Special Procedures Questionnaire by the Water Directorate**
2. **Different levels and types of services and the Human Rights to Water**

*Que:* *During the last decade (2010-2020), in what ways has the Human Rights Framework for Water, Sanitation and Hygiene been used to identify and assess appropriate types of services and management models taken into account the specific contexts.*

Ans: Ghana, through the Ministry of Sanitation and Water Resources and Partners are currently undertaken a study to gather evidence on the appropriate types of service (s) and management models for the urban poor and peri-urban areas in Ghana to ensure that the poor and vulnerable also have access to these services and are not left behind.

Currently there are different types of services and management models being implemented in these areas. The study would therefore look at the various models and recommend the appropriate type of service and management model that is relevant for the different areas, taken into consideration the human rights standards (available and safe, acceptable, accessible and affordable water supply services).

Apart from these studies, Ghana has developed a National Framework for the Management of Drinking Water Quality and thereby adopted the Water Safety Planning tool as a National Standard (Ghana Standards (GS-786), to guarantee that everyone living in Ghana has access to safe drinking water. This tool is to be used by all drinking water suppliers in all contexts i.e. Rural, Urban, Peri-urban, Tanker services, Packaged water and Self-supply.

Also Ghana’s Emergency Preparedness and Response Plan (EPRP) has provided guidelines for the supply of drinking water to the vulnerable during emergencies like flooding, drought and disease outbreaks and also for displaced persons.

1. **Gender equality and Human Rights to Water**

*Que:* *During the last decade what measures (ranging from legal, policy, regulatory, budgetary to training) have been implemented to redress gender inequalities in water and sanitation provision by addressing gender discrimination? Alternatively, what measures have been central in redressing gender discrimination by addressing inequalities in water and sanitation provisions? What are the concrete steps taken and the observed impact.*

Ans: Ghana has a dedicated Ministry for Gender and Social Protection to lead the mainstreaming of Gender into sectors’ programming including Water and Sanitation. However there are challenges which limit the Ministry’s ability to provide the necessary leadership in that regard. This in effect has also limited the implementation of gender mainstreaming within most WASH institutions.

The lead WASH sector Ministry and its implementing Agencies (the Ghana Water Company Limited and the Community Water and Sanitation Agency) have in recent times, started receiving support from a development partner to identify the gaps in the implementation of gender mainstreaming issues, and plans to offer some support in addressing those gaps. There are currently opportunities to facilitate the development, implementation and monitoring of gender mainstreaming in the operations of water supply providers albeit the potential challenges. These include:

* An upcoming revision of sector strategic documents e.g. The National Water Policy and the Environmental Sanitation Policy.
* Existence of a Gender Ministry (which needs to be strengthened)
* The existence of a female Minister
* The existence of a dedicated SDG on Gender Equality (SGD 5)

Some of the concrete steps being taken include the following:

* An on-going Study to gather evidence on why the efforts made so far to mainstream gender into sector programming has seen very little results
* Identification of the two key Water supply implementing institutions and the Ministry which have challenges developing, implementing and monitoring gender mainstreaming in their operations.
* Champions have been identified in these institutions
* Sensitisation has started in those key institutions
1. **Development Cooperation (2016 and 2017) and the Human Rights to Water**

*Que: during the last decade, what efforts have been made by relevant actors (including funders, partner states, implementing entities and others) to align development cooperation policies and operations with the framework of the human rights to Water and Sanitation?*

Ans: Ghana in the last decade started the implementation of a Sector-Wide Approach where WASH actors agreed to harmonise approaches to programme implementation. This was not limited to approaches for implementation, but also in the selection of geographical areas for project development, and also for development partners to align to Ghana’s Systems to ensure that the approach to service delivery is efficient and effective and that resources are not duplicated. This was based on the Paris Declaration and the Accra Agenda for Action on Aid Effectiveness. Ghana therefore has more say over their development processes, through wider participation in development policy, etc. This ensured that the poor and vulnerable were not left out in development cooperation policies and that the fundamentals of water as a human right were not overlooked even though at the time, the UN had not declared officially WASH as a Human Right.

Again, there is an agreement among WASH sector actors to uphold the principles and standards of Human Rights for the formulation of development cooperation policies and their implementation. This is evidenced in the sector’s Water and Sanitation Sector Strategic Plan and Sector Medium Development Plans.

However, Ghana relies more on evidence to guide its investment choices relating to water and sanitation, between rural and urban areas and among certain population groups. For example the percentage of Ghana’s population with access to improved sanitation lags behind the percentage of the population with access to improved water supply. To this end, Government and partners are increasing investments in sanitation more than it is investing in water in recent years.

In terms of ensuring transparency in project design and implementation, water projects especially those relating to the rural water subsector ensure community participation in all stages of project implementation. Accountability mechanisms are also put in place to ensure that duty bearers are held accountable in the discharge of their duties and citizens are also educated on their responsibilities.

Pro-poor Strategies exist to guarantee that the needs of the poor and vulnerable are considered in project design and implementation.

Sustainable financing has however remained a challenge. Strategies have been proposed to ensure that this is addressed.

1. **Affordability and the Human Right for water**

*Que: during the last decade, what targeted measures and instruments (eg. Financing mechanisms, tariff schemes, subsidies) have been implemented in order to ensure that the most disadvantaged access water, sanitation and hygiene services in an affordable way? Who are the target groups of these measures and instruments? What format does those measures and instruments exit (eg. National legislation, policy, regulation of service provision, affordability standards*

Ans: A life-line tariff regime for the poor is being implemented in Ghana. However the intention for taking this measure is usually defeated where most of the poor live in houses with more than one household and using the same meter. In that instance, the total consumption for all the households living in the same house for a particular period could exceed and usually exceed the life –line threshold. The poor tends to pay higher than expected. The recommendation of stakeholders is for each household to have its own meter, which is also in most cases, met with a number of complex challenges

Again, the Urban water Utility has put in place a number of measures to make sure people living in Low-income urban areas have access to safe water supply. Some of the measures include

* A dedicated Unit responsible for low-income urban areas
* Subsidies for household connections
* Construction of standpipes where water is sold at a subsidized rate
* Relaxing of procedures for new connection for people living in low-income areas

These measures are however being implemented within a limited geographical area within the capital. There are however plans to extend it to other urban areas. These measures are documented in the Pro-poor guidelines of the Ghana Water Company Limited.

1. **Service Regulation**

*Que: In the last decade, if a regulatory framework or a regulatory body has been in place or have been established to cover water and sanitation provision, what measures were taken to ensure that this body is effective, independent, and is aligned with the human rights framework?*

Ans: The mandate of the Public Utility Regulatory Commission which regulates Public Utilities including water is aligned with the Human Rights standards since it regulates tariff, service quality and service reliability. The PURC Act (538), 1997) ensures that the Commission is independent.

However, there are currently gaps, overlaps and lack of clarity in certain aspects of water service regulation, e.g rural water regulation. To this end the Ministry and Stakeholders are beginning to address those.

1. **Forcibly displaced persons**
* *During the last decade, what measures are in place to guarantee the human rights to water and sanitation by refugees, asylum seekers and migrants in transit or at their destination with the same conditions as those granted to nationals of the States concerned, regardless of their legal status and documentation?*
* *During the last decade, how has States and humanitarian actors ensured immediate access to the minimum essential level of water and sanitation on a non-discriminatory basis during situations of emergency?*

Ans: Ghana’s Emergency Preparedness and Response Plans (EPRP) provides guidelines for ensuring that internally displaced persons and refugees have access to at least the minimum requirement for water throughout the emergency period and beyond, where the refugees are given asylum and therefore enjoy the same standards for accessing safe water, as nationals of the State . This is managed by the Ghana Refugees Board, the UNHCR and other partners.

1. **Principle of accountability**

*Que:* *in the last decade, what accountability measures exit when responsibilities for service provision are transferred from State to actors other than States (private entities, public companies and communities)? Please provide information on the three dimensions of accountability: clear roles and responsibility of actors; the guarantee of individuals to hold actors accountable by requesting explanations and information and remedial or corrective action for lack of compliance with performance standards?*

Ans: The roles and responsibilities of actors are spelt out in the Acts or Legislative Instruments which set up those institutions. Aside those legal instruments, there are other legal frameworks which also spell out the Roles and responsibilities of actors, the guarantee of individuals to hold actors accountable and remedial action for lack of compliance with performance standards. These include the following:

* The Public Procurement Act 2003, Act 663, amended with Act (914)
* The Public Financial Management Act 2016, Act 921
* The Rights to Information Act 2019, Act 989
* Performance Contracts or Agreements

*Que: in the last decade what measures have been taken to identify informal providers of water services and put in place regulation for those providers, making accountability mechanisms available?*

Ans: In the last decade a number of collaborations among key stakeholders including the local governments are on-going to put together a database of not only informal providers of water but also those providing their own sources of water, to ensure that consumers have access to safe water, but also to ensure that the informal providers of water are complying with safety standards and guidelines for the provision of water.

1. **Spheres of life beyond the household**

*Que: In the last decade, what measures have been in place to include water and sanitation in spheres of life beyond the household, and particularly in public spaces, in national policies, plans and implementation strategies, with a view to ensuring access which complies with the normative content of the human rights to water and sanitation and the principles of human rights?*

Ans: Ghana has made strides in addressing WASH in Schools, public places for the transient population and quite recently is beginning to pay more attention to WASH in Health Care Facilities. It is however anticipated that improved WASH in other institutions like the Prisons, etc, will be addressed when the needs are clarified.

1. **Mega projects**

*Ans: Information not available*

1. **Responses on Sanitation and Hygiene to UN Human Rights Special Procedures Questionnaire by the Environmental Sanitation Directorate**

***Questions 1****: During the last decade (2010-2020), in what ways has the human right framework for sanitation and hygiene been used to identify and access appropriate types of services and management models taken into account the specific contexts?*

Response 1:  The Sanitation and Hygiene sub sector in Ghana has developed a comprehensive guideline on how to target the poor and vulnerable for basic sanitation and hygiene services. (Ministry of Sanitation and Water Resources, Guidelines for targeting the Poor and Vulnerable for basic sanitation services in Ghana, 2018)

***Question 2****: During the last decade (2010 -2020), what measures (ranging from legal, policy, regulatory, budgetary to training) have been implemented to redress gender inequalities in sanitation provision by addressing gender discrimination? Alternatively, what measures have been central in redressing gender discrimination by addressing inequalities in sanitation provisions? What are the concrete steps taken and observed impacts?*

Response 2:  The Scheme of service governing the recruitment, promotion, service condition, leave, training, remuneration of the Environmental Health staff in Ghana gives equal opportunity to both gender without discrimination and laid down redress mechanisms, including competent court of law, are available in case one feels discriminated against.

***Question 3:*** *During the last decade (2010-2020), what efforts have been made by the relevant actors (including funders, partner states, implementing entities and others) to align development cooperation policies and operations with the framework of the human rights to water and sanitation? For instance, what are some examples of projects that have:*

1. *Balanced sanitation projects and coverage of those interventions between urban and rural areas in a way consistent with the progressive realization of the rights to water and sanitation in each context*;

Response 3a: Two main projects targeting the poor and vulnerable communities in Rural and urban areas respectively has been rolled out in Ghana (USD 150Million World Bank supported Greater Accra Metropolitan Area Sanitation and Water Project targeting the Low Income Urban Communities and Government of Ghana-UNICEF Rural Sanitation Strategy and Model Programme focusing on the Rural communities).

Ensured that the selection, design and implementation of projects apply the framework for the human rights to water and sanitation, notably prioritizing those people in the most vulnerable situations;

Response 3b: The above referenced projects deliberately targeted the low income, vulnerable population from recognizance, planning and implementation. Social accountability unit of the Ministry ensures all issues pertaining to human rights are adhered to with stringent KPIs set to monitor and evaluate the projects.

1. Ensured that the design and implementation of projects are carried out in a transparent manner with the participation of related stakeholders, providing ample access to relevant information and including mechanisms to address the accountability of funders and implementers.

Response 3c: All procurement processes under sanitation and hygiene service delivery are subjected to the country’s Public procurement Laws with strict checks and balances and sanctions when flouted. (The Public Procurement Act, Act 663 of 2003)

***Question 4:*** *During the last decade (2010-2020), what targeted measures and instrument (e.g., financing mechanisms, tariff schemes, subsides) have been implemented in order to ensure that the most disadvantaged access sanitation and hygiene services in an affordable way? Who are the target groups of these measures and instruments? What format do those measures and instrument exist (e.g., national legislation, policy regulation of service provision, affordability standards)?*

Response 4: A clear criteria have been laid out on how to identify the poor and vulnerable for sanitation services. These include the earning power, disabilities, social support systems, number of dependents, widow/widower, etc (Ministry of Sanitation and Water Resources, Guidelines for targeting the Poor and Vulnerable for basic sanitation services in Ghana, 2018 and Ministry of Gender, Children and Social Protection, Livelihood Empowerment Against Poverty (LEAP) Programme, 2000).

***Question 5:*** *During the last decade (2010-2020), what measures have been in place to prohibit disconnection (including prepaid water meters) the result from the inability to pay?*

Response 5: Not Applicable for the Sanitation and Hygiene Sub sector

***Question 6:*** *In the last decade (2010-2020), if a regulatory framework or regulatory body has been in place or have been established to cover water and sanitation provision, what measures were taken to ensure that this body is effective, independent, and is aligned with the human right framework?*

Response 6: The Ministry has established a Multi stakeholder Technology Assessment Framework group and National Technical Working Group on Sanitation (NTWGS) to ensure technology and implementation are guided. Membership of these groups is mainly from independent, international Agencies and the academia.

***Question 7:*** *During the last decade (2010-2020), what measures are in place to guarantee the human rights to sanitation by refugees, asylum seeker and migrants in transit or at their destination with the same conditions as those granted to nationals of the state concerned, regardless of their legal status and documentation?*

Response 7: Sanitation services in Ghana is for all, and does not depend on one’s nationality or immigration status

***Question 8:*** *During the last decade (2010-2020, how has states and humanitarian actors ensured immediate access to the minimum essential level of sanitation on a non-discriminatory basis during situations of emergency? Specifically, how has states and humanitarian actors:*

Response 8:

1. Ensured equal access to the minimum essential amount of water that is sufficient and safe for personal and domestic uses and to prevent diseases;

Response 8a: Not applicable to Sanitation and Hygiene sub sector

1. Provided the element that every person needs for health and survival, and to live in dignity;

Response 8b: Not applicable to Sanitation and Hygiene sub sector

1. *Monitored the extent of the realization of the human rights to water and sanitation;*

Response 8c: Various UN Agencies and International independent pressure groups monitor the realization of these human rights

1. *Took measures to prevent, treat and control diseases linked to water and sanitation.*

Response 8d: Water and Sanitation Sector Working Group has been established by the Ministry of Sanitation and Water Resources. The group is made up of all relevant stakeholders including representatives from the Health sector. Additionally, there is a standing working group on NTDs.

***Question 9:*** *In the last decade (2010-2020), what accountability measures exist when responsibilities for service provision are transferred from state to actors other than states (private entities pubic companies and communities)? Please provide information on the three dimensions of accountability: clear roles and responsibility of actors; the guarantee of individuals to hold actors accountable by requesting explanations and information (“answerability”); and remedial or corrective actions for lack of compliance with performance standards (“enforceability”).*

Response 9: Under a standard PPP arrangement for Sanitation and Hygiene service provision in Ghana, all private service providers are to provide services under the strict supervision of the Local Authorities.

***Question 10****: In the last decade (2010-2020) what measures have been taken to identify informal providers of sanitation services and put in place regulations for those providers, making accountability mechanisms available?*

Response 10: The Ministry has established guidelines for the private service providers of Sanitation services. Additionally, the Municipalities are generally to ensure the agreed terms in contracts signed with them are honoured.

***Question 11:*** *In the last decade (2010-2020), what measures have been taken to establish an effective oversight system to trace the conduct of actors in the sanitation sector and to assess whether performance standards are meet? What mechanisms exist that would enforce decisions on other accountable actors?*

Response 11: All payments for services delivered are based on meeting the agreed key performance indicators.

***Question12:*** *In the last decade (2010-2020), what measures have been in place to include water and sanitation in spheres of life beyond the household, and particularly in public spaces, in national policies, plans and implementation strategies, with a view to ensuring access which complies with the normative content of the human rights to sanitation and the principles of human rights?*

Response 12: Delivering Sanitation service in the within the public space is enshrined in the Environmental Sanitation Policy and are implemented as such.

***Question 13****: In the last decade(2010-2020), what examples exist where local governments are provided with guidelines and recommendation on how to determine which public spaces require the provision of water and sanitation services and what level and type of provision is required? How has those guidelines and recommendation been implemented*?

Response 13: Well implemented using the private service management model to ensure efficiency.

***Question 14:*** *In the last decade (2010-2020), what examples of mega-projects exists where an assessment of the human rights impacts, in particular on sanitation, have been carried out at each stage of mega projects\*?*

Response 14: The Greater Accra Metropolitan Area Sanitation and Water Project and Greater Accra Sustainable Sanitation and Livelihood Improvement Project.

***Question 15****: In the last decade (2010-2020), what examples of mega-projects exists where the human rights obligations and responsibilities of actors are clear at each stage of mega projects\*?*

Response 15: The Greater Accra Metropolitan Area Sanitation and Water Project and Greater Accra Sustainable Sanitation and Livelihood Improvement Project.

***Question 16****: In the last decade (2010-2020), what examples of mega projects exist where the assessment of human rights to sanitation is a precondition for granting a lenience /approval?*

Response 16: The Greater Accra Metropolitan Area Sanitation and Water Project and Greater Accra Sustainable Sanitation and Livelihood Improvement Project.

***Question 17****: In the last decade (2010-2020), what examples of mega-projects exists where there are preventive measures and compensation, redress and reparation procedures in place in the event of a disaster that effects the enjoyment of the human rights to sanitation?*

Response 17: The Greater Accra Metropolitan Area Sanitation and Water Project and Greater Accra Sustainable Sanitation and Livelihood Improvement Project.