**THE INFORMATION PROVIDED BY THE GOVERNMENT OF THE REPUBLIC OF ARMENIA IN RESPONSE TO THE QUESTIONNAIRE OF THE SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS TO SAFE DRINKING WATER AND SANITATION**

**Question 1: How is the concept of the minimum core obligations of the human rights to water and sanitation translated and applied in the water and sanitation sector in the country?**

Currently, much attention is paid in the Republic of Armenia to the efficient management, development and use of water resources. With the aim of regulating this sector a number of laws, statutes and decisions have been adopted in recent years by the legislative and executive bodies of Armenia, on the basis of which a number of reforms have been implemented.An available and affordable access to the safe drinking water and sanitation sector is a human right, and these rights are defined by the legislation of the Republic of Armenia and other legal acts.

The Water Code of the Republic of Armenia and the “Law on the Fundamentals of National Water Policy of the Republic of Armenia” (2005) stipulate the provisions of access to the required quantity and quality of water in order to meet the basic needs of the population, especially the ones who are among the most vulnerable. Moreover, the Water Code contains an integrated basin management concept, which stimulates the decisions related to supply, rather than demand-driven water distribution, compels giving of water use permits based on the information, offers possibilities for the use of economic levers during the water resources management and cost recovery.

The Article 1 of the Water Code[[1]](#footnote-1) states that the Maximum Allowable Concentration is the level of harmful substances, whose presence causes no harm to human health and results in no unfavorable consequences. In its turn, the Sanitary Protection Zone is a protection zone for water resources used for the needs of the population for drinking, healthcare, municipal and household services, medical and health resort needs, and for recreational purposes.

On November 21, 2016, the Water Committee of the Republic of Armenia and “Veolia Djur[[2]](#footnote-2)” CJSC concluded an agreement for the lease of water systems and other properties used and maintained by the closed joint-stock companies such as "Yerevan Djur", "Armenian Water and Sewerage Company", "Lori Water and Sewerage Company", "Shirak Water and Sewerage Company" and "Nor Akunq Water and Sewerage Company." According to the provisions of the lease agreement, the liabilities are defined between the tenant and the renter and the Agreement must ensure the efficient provision of the drinking water supply and drainage (wastewater treatment) services to the customers and for the environmental protection. Under the lease contract, water supply and drainage systems of 45 towns (including Yerevan) and 311 rural communities were granted to the "Veolia Djur" CJSC according to the N397A Decree of the Public Service Regulatory Commission of the Republic of Armenia approved on December 9, 2016.

Apart from the above-mentioned, “Veolia Djur” CJSC also provides wholesale water supply services to 63 settlements (including Nor Hachn and 62 villages) beyond its service area. The owner of the leased village and land is considered to be a landlord, which, in our case, is the Republic of Armenia, on behalf of which the State Water Resources Committee is operating. "Veolia Djur" CJSC has assumed the responsibility for exploitation and maintenance of state-owned water supply and drainage systems attached to the State Water Management Company of the “State Water Committee Staff of the Republic of Armenia.” The company exploits rainwater systems and supplies water for fountains and hydrants (for firefighting works as well) without any charge. The company has 772862 clients in its service area, including 737107 resident-clients, 3495 budget organizations and 32260 commercial organizations.

The “Veolia Djur” CJSC also provides water supply services at a pressure prescribed by the “Sanitary protection zones for household drinking-water supply and water supply sources; Sanitary Rules and Regulations No. 2-III-A2-2” (registered on 28 December 2002), approved by the Order No. 876 of 25 December 2002 of the Minister of Health, which defines the public health requirements for the organization and operation of sanitary protection zones for household drinking water supply and water supply source., also by the Decree N 047-N approved on April 17, 2003 by the Water Committee of the Republic of Armenia “On approving the rules for the technical exploitation of water pipes, sewerage networks of water supply systems” and by the Decree N82 approved on October 1, 2001 by the Minister of Urban Development of the Republic of Armenia “On the regulation of normative-technical acts.”

It should be noted that the renovations of the major property repairs, network expansions and the renewal of insvetments are all under the responsibility of the Water Committee of the Republic of Armenia. The capital expenditures, in their turn, are under the responsibility of the Government of the Republic of Armenia. The construction of the new water supply and sanitation system is conducted at the expense of the applicant. From the perspectives of the provision of the water supply and sanitation services, there is no discrimination between the persons who reside in that specific territory.

In the context of water and sanitation conditions, the Law of the Republic of Armenia HO-126-N “On Making Amendments and Addenda to the Water Code of the Republic of Armenia” was adopted on March 2, 2018, according to which the irrigation water quality standards will be set, double (secondary) use of wastewater will be encouraged for all purposes prescribed by the law (in case it meets the quality requirements of the intended water use) as well as the requirements for the wastewater disposal and treatment (including pre-treatment) for the community settlements will be defined. The implementation of the law will lead to the effective management of water resources: the use of double (secondary) wastewater, the increase of wastewater treatment, which will reduce the amount of wastewater emitted into the environment, improve sanitation and water conditions.

On March 15, 2018 the 2018-2030 Water Supply and Drainage Strategy was approved by the Government of the Republic of Armenia aimed at providing reliable, uninterrupted, accessible and safe drinking water supply and drainage services to the customers.

The Strategic Plan for the Development Perspectives for 2014-2025 of the Republic of Armenia is envisaged to continue the reforms of the drinking water supply systems in order to increase the reliability and efficiency of the operation of the systems and improve the quality of water supply and drainage services, focusing on mitigating territorial disparities. The investment policy will also be intended to increase the efficiency of the drinking water systems, focusing on reducing water losses.Moreover, a separate approach will be taken towards approximately 570 rural communities, where the water supply and drainage services are not currently provided by the specialized water supply facilities. The implementation of the subvention programs has gained momentum in the reconstruction of infrastructure in these villages and in the creation of new ones.

Within the framework of the above-mentioned measures, professional observations, situation analysis, sanitary-epidemiological safety assessment of the population, epidemiological research in the infection centers, bacteriological research, registration of infectious and non-infectious mass diseases and poisoning, sanitation and the implementation of the anti-epidemic measures for the prevention of epidemics, outbreaks, emergencies, and malaria are being regularly carried out.

**Question 2. What policies and programs are in place to ensure that those obligations are always met? In case the minimum core obligations are not met, please provide information on the extenuating circumstances.**

According to the Article 16 of the Water Code of the Republic of Armenia, the National Water Policy includes the following:

“1) Quantities of national water reserve and water resources as well as the measures directed to preserving and enhancing national water reserves; 2) Main problems of maintenance and development of the sector; 3) Identification criteria for water systems of state significance and the list of these systems;

4) Description of measures for modernization of water resources management;

5) Description, scopes and schedule of implementation of the planned measures;

6) Established maximum and minimum water use permit fee (water use fee), including establishment of water resource extraction, discharge and environmental fees rates;

7) Estimated financial requirements necessary for the implementation of the National Water Program and proposed sources for funding;

8) Information on adoption and implementation of legal and normative acts to ensure implementation of this Code in water relationship, as well as proposals on their improvement;

9) Priorities of the planned measures implementation;

10) Other conditions needed for implementation of the National Water Program. ”

The National Water Program shall describe for each water basin management area approved by the Government:

“1. Boundaries, quantity, quality of water available, and classification of water resources;

2. Classification of water systems;

3. Volumes of the National Water Reserve and measures to enhance its preservation;

4. Current water use by various sectors and associated complex impacts to water resources allocation;

5. Water demand based on priorities;

6. Criteria for effectiveness of current water conservation and management activities, volumes of defined environmental flows and maximum allowable volumes of irreversible water withdrawal to ensure maintaining of safe environmental state of water resources and ability for self-restorability;

7. Strategy for storage, allocation and use of water resources;

8. Measures to improve water resources monitoring and pollution prevention, including the application of modern technologies;

9. Water standards;

10. Description of actions to be taken by various State government bodies for implementation of the program and their coordination;

11. Expenditures and income related to the implementation of the program;

12. Mechanisms to ensure public awareness;

13. List of specially protected basin areas or parts thereof, for surface and/or ground waters of which or for fauna and/or flora directly depending on them application of special protection system is needed;

14. Emergency and ecological disaster zones in water resources;

15. Description of the threats to the health of critical watersheds and wetlands and counter measures to prevent any negative impacts to water ecosystems. The Government shall submit annual information on the implementation as well as proposed revisions to the National Water Program to the National Assembly of the Republic of Armenia by May 15 of each following year. ”

According to the Article 117 of the Water Code:

“Should any authorized body acting in the area of water relations according to this Code or other concerned state body is aware on any **person violating the requirements of this Code**, the head of the respective body shall provide given person with a violation notice.

The violation notice may call for the immediate halt of specific harm causing activity pending resolution of the matter according to the procedures described in this Code by stating the penalties in case of failure to halt the actions. Failure to follow the instructions of a violation notice shall result in the charging of a daily fine for each day between the date of notice and compliance; and may result in increased penalties.

The body providing the violation notice in case of notified person’s failure to comply with the stated therein requirements shall be in charge of bringing given person to account. If a person that pollutes water resources within reasonable time-period fails to comply with the direction given in the violation notice by the Water Resources Management and Protection Body within a reasonable period of time, then the Water Resources Management and Protection Body may be entitled to ensure the remedies stated in the violated notice which are necessary to mitigate damage caused to water resources, including protection of the national water reserve and water quality standards.

In this case, Water Resources Management and Protection Body, according to the procedures established by the legislation shall submit a claim to the court to reimburse costs from: 1. Any person who is or was responsible for, or who directly or indirectly contributed to the pollution; 2. The owner of the land at the time when the pollution or the potential for pollution occurred; 3. The person in control of the land or any person who has a right to use the land at the time when the activity or the process is or was performed or undertaken; or the situation came about; and/or, 4. Any person who negligently failed to prevent the activity or the process being performed or undertaken; or the situation from occurring. ”

**Question 3. Please describe efforts made by the Government in the last few years that allowed the progressive realization of the human rights to water and sanitation.**

The Republic of Armenia ratified the Aarhus Convention on “Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters” on 14 May 2001. The objective of the Convention is described in Article 1: “In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters.”

The Republic of Armenia signed the Protocol on Water and Health to the 1992 Convention on the Protection and Use of Trans boundary Watercourses and International Lakes[[3]](#footnote-3) on 17 June 1999 but has not yet ratified it; however the ratification procedure is underway. In September 2012, the United Nations Economic Commission for Europe (UNECE) and the Government of Finland concluded an agreement under the UNECE-FinWaterWei[[4]](#footnote-4) project “Protocol on Water and Health – Improving health in Armenia through target setting to ensure sustainable water management, access to safe water and adequate sanitation”, to support the target-setting process under the Protocol on Water and Health in Armenia.

The project has been implemented in close cooperation with the Ministries of Nature Protection and Health of Armenia and with the participation of the Ministry of Territorial Administration. Non-governmental organization (NGO) Armenian Women for Health and Healthy Environment (AWHHE) has been responsible for the NGO coordination process to collect inputs from the NGO community at all stages of the target-setting process through consultation meetings.

Since 2003, the state has been using widely the mechanisms of partnership through the leasing and other management contracts. In parallel, a number of large-scale projects have been implemented with the help of state investments, which have significantly improved to overcome the obstacles related to the water supply, equal access to drainage, and to ensure the full compliance of the sanitary and hygienic conditions with the needs of the population.

In 2016-2017, based on the results of the self-assessment of equitable access to water and sanitation through score-cards, an Action Plan was elaborated, which includes the following sections: effective management (legislative and financial management), reduction of disparities due to the geographical location, provision of the services for vulnerable and isolated groups. Moreover, the further legislative changes are currently underway.

Despite the significant progress of legal and institutional reforms in the water sector, with regard to the progressive realization there is a need to carry out the additional reforms in the water management sector, to enable the regional water basin management offices already created to become fully authorized bodies, that in their turn will be able to conduct watershed management plans and advance them in the future at the national level. The latter will encourage a more clearly defined roles and responsibilities of these authorities.

**Question 4. Please describe how planning in the water and sanitation sector is guided by the principle of progressive realization of the human rights to water and sanitation, and how it reconciles the two priorities - increasing levels of access to services on one hand, and reducing inequalities between different groups on the other.**

Investment programs (grants, loans, subventions) are being implemented by the funding of the Government of the Republic of Armenia and the international financial organizations, which are mainly aimed at improving water supply and drainage systems. These programs provide an opportunity to maintain and expand an access to water supply and drainage services, thereby reducing the scope of the territorial disparities and providing access to these services for different social groups.

Since 2018, the state has conducted the policy of prevention of the tariff increase of the drinking water supply and drainage services. In 2018-2019, the state provided a subsidy of about 2,577,491 AMD to "Veolia Djur" CJSC. Relevant financial compensation was granted to the mentioned company in 2020-2021 provided that the tariffs were not changed or increased.

A number of other programs are also being carried out aimed at addressing the needs of different groups of the society. The one of such programs is the 50% discount privilege for the drinking water supply and wastewater services is granted to the specific groups of citizens defined by the Part 2 of the Article 71 of the “Law on the Military Service and Status of Servicemen of the Republic of Armenia,”, such as USSR heroes, socialist work heroes, national heroes of Armenia, persons awarded with the 1st and 2nd class order of the “Combat Cross” medal and of 3rd class order of the “Glory” medal and individual pensioners. Moreover, according to the 9th part of the Article 34 of the “RA Law on Social Security of Military Servicemen and Their Family Members”, military servicemen with disability pensions as well as families of military servicemen deceased during their official duties (wife, parents and family members having the right to military pensions in case of losing the only breadwinner) enjoy the 50% discount privilege only for wastewater services.

**Question 5. Please describe methods of budgeting and budgetary planning which aims to ensure that the maximum available resources are utilized for the realization of the human rights to water and sanitation for all. Please include the process of allocating budget as well as the output achieved by the utilization of the budget.**

According to the Article 81 of the Water Code:

“Financial assistance may be provided in water relations in the forms of subsidies or tax privileges established by the legislation, depending on the specific form of financial assistance stated by the National Water Program.

By the Draft of the Annual State Budget, the National Assembly shall approve the amount of subsidies allocated to the water suppliers and (or) the water users from the State Budget, or tax privileges established by the legislation. The subsidies from the State Budget or tax privileges established by the legislation shall be established in a way as to benefit the reimbursement of costs associated for the protection and technical maintenance of the water waste water systems. The subsidies specified in this Code can be provided to the water suppliers and (or) water users in form of direct payments.

In providing financial assistance, the following circumstances shall be taken into account: 1) Purpose of providing financial assistance; 2) Insuring equal conditions and exclusion of any discrimination; 3) Ensuring transparency; 4) Financial status of the persons receiving financial assistance; 5) Necessity of wastewater systems protection. The person that violates the requirements of this Code shall not be eligible for the financial assistance provided by this Code.”

At the expense of the state investments, works are being carried out in the framework of the subvention programs planned in the communities which are aimed at the establishment and development of the community infrastructures. Moreover, other programs aimed at the reconstruction of water supply and drainage systems are also conducted through the state budget. In particular, according to the Decree N959-N of the Government of the Republic of Armenia approved on July 25, 2019, about 450.7 million AMD were allocated for financing the programs for the establishment of a dozen of infrastructures for the water supply systems.

On November 22, 2017, the Public Service Regulatory Commission of the Republic of Armenia, in accordance with the Decree N499-N, set the tariff for the drinking water supply and drainage services at 191,414 AMD for cubic meter. It is also envisaged to allocate 133.9 million AMD for the "Drinking Water Supply and Drainage Services" measure through the 2020 state budget, according to the Decree N429-N of the Public Service Regulatory Commission of the Republic of Armenia approved on November 20, 2019. The latter set the tariff at 180 AMD per cubic meter (without the additional subsidies from the state). Moreover, for 2020 it is envisaged to subsidize only the expenses of the drinking water supply and drainage services consumed during December, 2019 in the amount of 11,414 AMD per cubic meter. In addition, the state budget envisages appropriate measures for the maintenance of the "National Center for Disease Control and Prevention" state non-commercial organization, which carries out the provision of the sanitary epidemiological security of the population and public health services.

**Question 6. Please describe how non-financial resources have been utilized to progressively realize the human rights to water and sanitation including the process of utilization and the output.**

Water management policy issues are closely linked to the affordability of water. Access to water and sanitation is a fundamental human right essential for life, health and dignity. Besides financial resources allocated for guaranteeing access to water, the legal framework for ensuring human rights in the field of water and sanitation has been improved by adopting new local legal norms. The body exercising the main powers in this direction is the Public Service Regulatory Commission of the Republic of Armenia. The latter made a number of changes in the Decree N378-N of November 30, 2016. The latter stipulates the rules for the provision of drinking water supply and drainage (wastewater treatment) services.

According to Article 33.2 of the Constitution of the Republic of Armenia, “Everyone shall have the right to live in an environment favorable to his or her health and welfare, and shall be obliged to preserve and improve the environment individually and in cooperation with others. Officials shall be liable to prosecution for concealing or refusing to provide environmental information.[[5]](#footnote-5)”

The Law "On the Fundamentals of the National Water Policy" is the concept for the prospective development of the strategic use and maintenance of water resources. This law is aimed at ensuring the access to water resources of the required quantity and quality to provide for human well-being, socioeconomic development, and economic and ecological needs at present and in the future. The objectives of the law are to: (a) ensure the assessment of the availability of water resources, describe the national aquatic resources, define the process of determining water resources supply and demand, (b) set priorities for the use of water resources and (c) apply the principles of basin management, draw up basin management plans and prepare the grounds for the National Water Program. Thus, since 2005 water basin management has been applied in the water resources management sector.

Moreover, according to the Article 44 of the Water Code:

“In cases if there is a need to possess water use permit, it shall not confer a right to the use, access or enjoyment of a third party’s property if such is necessary to utilize water use permit or water system use permit rights, except of cases envisioned by legislation. Each water system use permit holder shall be responsible to negotiate with any potentially impacted property owner for any required easements of use. The latter may allow a water system use permit holder to use their property free of charge or on payable basis, as well as negotiate any reasonable terms; deny the use of the property, except of cases when the legislation establishes the requirement for a compulsory easement. Once established, all easements shall attach to the land and be considered as its inseparable part for the duration of the water system use permit. In cases of renewal, sale or otherwise transfer of the water system use permit the requirement for easement shall remain unchanged.”

**Question 7. In case where trade-offs with resources usage on other national agenda and implementation of other rights were required, please provide the circumstances and the decision taken as well as reasoning behind the decision.**

As it was mentioned previously, the decisions are carried out based on the need and urgency of the situation on the ground, for example, the studies/researches conducted on the spot or the justifications required for the adopted normative legal acts may also serve as the basis.

1. Water Code of the Republic of Armenia; <http://www.parliament.am/law_docs/290602HO373eng.pdf?lang=eng> [↑](#footnote-ref-1)
2. Djur (Armenian)- water [↑](#footnote-ref-2)
3. UNECE; <https://www.unece.org/fileadmin/DAM/env/water/npd/Armenia/baseline-eng-final.pdf>; [↑](#footnote-ref-3)
4. Roadmap to the ratification of the UNECE-WHO/Europe Protocol on Water and Health by Armenia; <https://www.unece.org/fileadmin/DAM/env/water/npd/Armenia/ARM_WHP_RoadMap_eng_final.pdf> [↑](#footnote-ref-4)
5. The Constitution of the Republic of Armenia; <https://www.president.am/en/constitution-2005/> [↑](#footnote-ref-5)