**UNITED NATIONS**

**HUMAN RIGHTS**

**OFFICE OF THE HIGH COMMISSIONER**

Answers to the state's questionnaire

1. **Please outline how public space is defined within national law and policies in the context of water and sanitation provision, and please identify legislation and policies relating to acess to choice services within those spaces.**

**Ans:** We don’t know any official definition for public space but in general, public gardens, green zones, markets, streets, roudabouts and walkways, among others, are considered as public spaces and they belong to the State. In general public spaces are administered by local authorities, on behalf of the State. The right of access to water and sanitation services can be found in water policy, water law, environmental law, housing law and also in the respective regulations.

1. **Please give informations about who is responsable for provideing acess to water and sanitation in various publics spaces (ex: streets and squares, markets, bus stations train stations and airport) give details of any legal frameworks that mandate these actors to provide water and sanitation services.**

**Ans:** In Mozambique, the administrative division is divided into Provinces, Districts, Localities and Municipalities. Each of these entities are responsible for access to water and sanitation in their region of jurisdiction.

1. **Please specify positive examples where acess to water and sanitations in public spaces has been ensured or improved in according with human rights standards. Please also identify examples where it is challenging to ensure public water and sanitation services and explain the details.**

**Ans:** The big cities have water supply and sanitation services, although facing some difficulties (e.g. Public gardens, environmental reserves and collective toilets for the vulnerable and needy), the situation is challenging in the districts and small towns. In many municipalities, new markets are being provided with access to water and public sanitation services.

1. **Please identify the regulatory framworks including any mechanisms to monitor them that relate to provision of water and sanitation in various public spaces.**

**Ans:** The mechanisms used and linking the supply of water and sanitation to public spaces is the Contract between the operator / supplier and water companies or FIPAG, Central government and municipalities. This instrument provides for both parties' responsibility and is supervised by the water regulatory authority.

1. **Please outline how policies regarding the provision of water and sanitation services in publics spaces are designed-whether and how consultation was conducted with affected groups, whether and how the facilities were designed to take into acoording the disparate needs of these groups, who is responsable for the construction and and on-going maintenance of the facilities, and whether , and if so where, peple can bring their complaints about public water and sanitation facilities.**

**Ans:** The water and sanitation development plans are characteristic of a plan elaborated in a participatory manner between the investor/state and the beneficiaries, the latter with responsibilities to participate directly in the construction, facilitating the maintenance service

1. **If charges are levied for use of public water and sanitation facilities, please outline whether these funds are used to improve and maintain those facilities and how affordable acesses is ensured for those with limited financial capacity**

**Ans:** During the preparation of any project two factors are defined:

* The willingness to pay and
* The ability to pay.

Then when the tariff is fixed, these factors are taken into account, and the amounts paid are always used for maintenance and operation of the services

1. **Please outline national initiatives to promote and ensure access to public water and sanitation for people living in homelessness and people who work in public space. in line with the normative content of the human rights to water and sanitation (Availability, Physical , Quality, Affordability and Safety Acceptability and Privacy)**

**Ans:** In Mozambique, although it is not explicit in the Constitution of the Republic that water is a human right, actually water and sanitation are basic right, which are decreed **"Without water there is no life"**

1. **Please describe what efforts have been taken to ensure that the provision of water and sanitation services in public spaces meets the needs of all potential users, incluing those vulnerable and minory populations**

**Ans:** The policy of water establishes as human need, 40 liters per person per day, which must be searched or brought within a maximum distance of 300 meters, both in urban and rural areas. The common use of public fountains and the recent policy to establish inclusive sanitation facilities are factors under development.

1. **Please outline the results of any national research done on the use of water and sanitation facilities in public spaces and the effect that a lack of access has on the population or specific group therein**

**Ans:** We are not aware of the existance of such resarch, so far.

**10 Please give details of any relevant judicial or quasi-judicial action as both domestics of international level the state has been involved in which concerns access to water and sanitation in public spaces and which applies a rights-based approach**

**Ans:** There was never an identical case. The National Directorate of Water Supply and Sanitation was called by the Attorney General of the Mozambique Republic for the Rehabilitation of Zimpeto wastewater treatment station of Zimpeto because of the public health in the area.