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

**Follow-up analysis on visit to India:   
Questionnaire to civil society**

The Special Rapporteur on the human rights to water and sanitation, Léo Heller, visited India from 27 October to 10 November 2017, at the invitation of the Government of India. He submitted a full report on the visit ([A/HRC/39/55/Add.1](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/55/Add.1)) presented to the thirty-ninth session of the Human Rights Council in September 2018.

He is conducting a follow-up analysis of his official visit with a view to examining the implementation of the recommendations included in the report. He will be submitting his analysis on the implementation of the recommendation to the forty-fifth session of the Human Rights Council in September 2020.

For his analysis, he is seeking input from non-State actors. Please respond to the questions below regarding the status of the recommendations made during the official country visit to India in 2017 (A[/HRC/39/55/Add.1](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/55/Add.1)) according to your perspective. Please provide concrete details or cases to the extent possible.

Please submit your responses to [srwatsan@ohchr.org](mailto:srwatsan@ohchr.org) by 31 March 2020.

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| **Recommendation on legislative framework (A/HRC/39/55/Add.1, para. 71(a))**  Adopt a legislative framework that recognizes the human rights to water and sanitation at the national level and, in particular, ensure the harmonization and consistency of that legislative framework across states and the union territories of India; |

## What progress has been made to legally recognize the human rights to water and Sanitation at the national level?

## Is the legislative framework on the human rights to water and sanitation harmonized and consistent across states and the union territories of India?

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| **Recommendation on national policies (A/HRC/39/55/Add.1, para. 71(e))**  Continuously monitor the implementation of national policies on water and sanitation from a human rights perspective and reassess those policies to strengthen the incorporation of the human rights framework as a whole; |

## What progress and challenges are observed in the Government’s effort to continuously monitor the implementation of national policies on water and sanitation from a human rights perspective?

## Have national policies on water and sanitation been adequately reassessed to strengthen the incorporation of the human rights framework as a whole?

**Recommendation on accountability (A/HRC/39/55/Add.1, para. 71(c))**

Clarify, in a transparent manner, the roles and responsibilities of institutional actors in the water and sanitation sector from all dimensions: vertically, among central, state, local and rural governments; and horizontally, among entities within the different tiers of government;

## Is there a clear division of roles and responsibilities for water and sanitation services among the institutional actors in the water and sanitation sector?

## Are the roles and responsibilities of institutions in the context of the country’s water sector reform clear and understandable to the population?

## How have this clarity progressed since November 2017?

**Recommendation on regulation (A/HRC/39/55/Add.1 para. 71(d))**

Establish an independent regulatory mechanism with adequate financial and human resources to monitor the implementation of the human rights to water and sanitation, including all the normative content of those rights;

## Are you aware of the efforts by the Government of India to create independent regulators for the water and sanitation sector?

## In which ways have you been asked to participate in the discussion of possible creation of the independent regulator?

**Recommendation on monitoring service providers (A/HRC/39/55/Add.1, para. 71(f))**

Monitor compliance with the human rights to safe drinking water and sanitation at all levels of the government and by formal and informal service providers; (A/HRC/39/55/Add.1, para. 71.(f))

## What progress and challenges have been observed in the Government’s effort to monitor compliance with the human rights to water and sanitation by formal and information service providers?

**Recommendation on data disaggregation (A/HRC/39/55/Add.1 para. 71(r))**

Disaggregate data by wealth level, migratory status, ethnic group, scheduled caste, scheduled tribe and other grounds of discrimination, identifying patterns of inequality, as such information may have an impact on the formulation of national policies;

## What progress and challenges have been observed in the Government’s effort to disaggregate data in order to use those data for the formulation of national policies?

**Recommendation on megaprojects (A/HRC/39/55/Add.1 para. 71(t))**

Make human rights impact assessments a requirement for all megaprojects, including the construction of hydroelectric dams;

## Have human rights impact assessments been introduced as a requirement for megaprojects in India?

## In which ways have you been asked to participate in the discussion of all stage of megaprojects?

For information on the stage of megaprojects see the Special Rapporteur’s report ([A/74/197](http://undocs.org/A/74/197)) and the friendly version of the report ([see](https://www.ohchr.org/Documents/Issues/Water/HumanRightsandMegaprojectsUserfriendly.pdf)).

**Recommendation on public sanitation facilities (A/HRC/39/55/Add.1 para. 71(h))**

Ensure that public sanitation facilities are available continuously and, in case of shutdown, ensure alternative options so that people are not forced to defecate in the open;

## In your experience, do you find that public sanitation facilities are available continuously? Have you experienced where the facilities were not available? In that case, were alternative options available or provided to you?

**Recommendation on public places (A/HRC/39/55/Add.1 para. 71(i))**

Guarantee access to sufficient and continuous water and sanitation facilities in public places for those on the move daily, including homeless persons, street vendors, rickshaw drivers and seasonal migrant workers;

## In your experience, do you find that water and sanitation facilities in public spaces such as streets, parks etc are sufficient and adequate?

## How has this situation progressed since November 2017?

**Recommendation on faecal sludge management (A/HRC/39/55/Add.1 para. 71(k))**

Strengthen initiatives for implementing faecal sludge management, safe transport and disposal of grey water, and wastewater treatment, to reduce health hazards arising from the contamination of water;

## What progress and challenges are observed in the Government’s effort to strengthen initiatives for implementing faecal sludge management, safe transport and disposal of grey water and waste water treatment?

**Recommendation on drinking water quality (A/HRC/39/55/Add.1 para. 71(o))**

Identify the persisting problems related to drinking water quality and assess the effectiveness of the measures implemented to monitor and respond to water contamination;

## What progress and challenges are observed in the Government’s effort to identify persisting problems related to drinking water quality? And to monitor and respond to water contamination?

## Can you provide any examples where the Government responded to water contamination?

**Recommendation on access to information (A/HRC/39/55/Add.1 para. 71(p))**

Strengthen access to information, including by making information related to drinking water quality available to the public in a user-friendly manner;

## In your experience, how easy or difficult is it to find information related to drinking water quality?

## Are you able to fully understand the information on drinking water quality and what it means to your health?

## How has this situation progressed since November 2017?

**Recommendation on dignity (A/HRC/39/55/Add.1 para. 71(g))**

Reconcile the efforts to achieve open-defecation-free status with the obligations to uphold the dignity of all persons and not to violate other fundamental rights;

## What happens if people defecate in the open?

## How has the occurrence of situations of violations of human rights, particularly dignity of all persons, progressed in the efforts to end open defecation, since November 2017?

**Recommendation monitoring access to sanitation facilities (A/HRC/39/55/Add.1 para. 71(j))**

Ensure balance in efforts and measures to monitor the construction of toilets with respect to monitoring those who do not have access to sanitation facilities**;**

## In your view and experience, what efforts have been made by the Government of India to monitor people who do not have access to sanitation facilities?

**Recommendation on acceptability of sanitation facilities (A/HRC/39/55/Add.1 para. 71(l))**

Ensure that sanitation facilities are acceptable for all individuals, taking into consideration the characteristics of particular groups, which may have different sanitation needs;

## How has the level of acceptability of sanitation facilities progressed in the national programmes since November 2017?

**Recommendation on prevention of aggressive and abusive practice (A/HRC/39/55/Add.1 para. 71(m))**

Maintain a strong surveillance system to identify, monitor and prevent aggressive and abusive practices, such as coercion, shaming, violence or punishment, in the effort to eliminate open defecation in the country;

## What progress and challenges have been observed in the Government’s effort to maintain a strong surveillance system to identify, monitor and prevent aggressive and abusive practices, such as coercion, shaming, violence or punishment, in the effort to eliminate open defecation in the country?

**Recommendation on manual scavenging practices (A/HRC/39/55/Add.1 para. 71(n))**

Establish a monitoring system to follow the process of emptying pit latrines under the national programmes, in order to control possible trends of increases in manual scavenging practices, ensuring that this practice is not carried out in a caste-discriminatory manner;

## What progress and challenges are observed in the Government’s effort to establish a monitoring system to follow the process of emptying pit latrines under the national programmes, in order to control possible trends of increase in manual scavenging practices?

**Recommendation on informal settlement, resettlement and homelessness (A/HRC/39/55/Add.1 para. 71(s))**

Provide equal access to water and sanitation services irrespective of the place and status of residence, including in informal settlements and resettlements and for persons who are homeless;

## How has the inclusion of informal settlements and resettlements in the national water and sanitation programmes progressed since November 2017?

## How has the provision of water and sanitation facilities for persons who are homeless progressed since November 2017?

**Recommendation on populations in vulnerable situations (A/HRC/39/55/Add.1 para. 71(q))**

Identify populations in vulnerable situations, including non-nationals and those without proper identity documentation, and identify patterns of discrimination, and their underlying structural causes, that heighten the likelihood of lower quality access to adequate drinking water and sanitation services;

## What progress and challenges are observed in the Government’s effort to identify populations in vulnerable situations, including non-nationals and those without proper identity documentation, and to identify patterns of discrimination, and their underlying structural causes, in relation to the access to water and sanitation services?