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

**Follow-up analysis on visit to Tajikistan**

**Questionnaire**

Please respond to the questions below regarding the status of the recommendations made during the official country visit to Tajikistan in August 2015 (A/HRC/33/49/Add.2).

Recommendation (A/HRC/33/49/Add.2, para. 59(a))

“Revise the Water Code and place the principles and normative content of the human rights to water and sanitation at the centre of the law. The Water Code should have an explicit provision on the prioritization of water for personal and domestic use”;

Question 1. Please describe any efforts made to amend the Water Code. In particular, please describe all efforts to incorporate the principles and normative content of the human rights to water and sanitation in said legislation, as well as provisions related to the prioritization of water for personal and domestic use.

Recommendation (A/HRC/33/49/Add.2, para. 59(b))

“Clearly define the division of power and responsibilities between the Ministry of Energy and Water Resources, the Housing and Communal Service, Vodokanal and local authorities under the water sector reform”;

Question 2. Please describe any measures taken by the Government to clearly define the division of power, functions and responsibilities between the Ministry of Energy and Water Resources, the Housing and Communal Service, Vodokanal and local authorities under the Water Sector Reform Programme 2016-2025, including an assessment of the current effectiveness of said measures.

Question 3. Please describe the specific roles, functions and operations of all new and existing institutions created and modified in the context of the Water Sector Reform Programme, particularly in relation to the realization of the human rights to safe drinking water and sanitation. This includes, but not limited to, National Water Council, Ministry of Energy and Water Resources, River Basin Organizations, and River Basin Organizations.

Recommendation (A/HRC/33/49/Add.2, para. 59(c))

“Revise the national policy and strategy and prioritize rural water and sanitation”;

Question 4.The National Development Strategy 2016-2030 refers to the goal: “The number of people, who don't have a sustainable access to safe water supply, waste water disposal and improved sanitation is halved”. Please clarify how this goal and vision set out in the National Development Strategy complies with the Government of Tajikistan’s commitment to attain the Sustainable Development Goals, notably targets 6.1 and 6.2, which require provision of water supply and sanitation services for all people.

Question 5. Please describe how the National Development Strategy implements the normative content of the human rights to safe drinking water and sanitation, particularly ‘acceptability’, namely, the measures that aim to ensure that water and sanitation services are acceptable for users. (Reference is made to the report of the Special Rapporteur on different levels and types of service and the human rights to safe drinking water and sanitation (A/70/203, para. 13), “Personal sanitation is a highly sensitive issue across regions and cultures and differing perspectives about which sanitation solutions are acceptable must be taken into account regarding the design, positioning and conditions for use of sanitation facilities. In most cultures, toilets must be constructed so as to ensure privacy and dignity. Acceptability often requires separate facilities for women and men in public places, and for girls and boys in schools”)

Question 6. Please explain concrete plans and measures taken to address significant differences in the quality of water used by urban and rural populations for economic and drinking purposes as identified in the National Development Strategy 2016-2030: “significant differences […] in the quality of water used by urban and rural populations for economic and drinking purposes”, and lesser access to centralized supply systems and sewerage networks in rural areas, including in rural hospitals and schools.

## Question 7. As part of the activities identified in the National Development Strategy 2016-2030, please provide concrete examples of how the Government is implementing the following activities with regard to the provision of water and sanitation services:

## (1) “Conducting regular information campaigns by public authorities in order to raise public awareness on access to information, including public services”;

## (2) Development of a set of arrangements to ensure financial sustainability of housing and utility services, taking into account affordability for all citizens”;

## (3) “Development of a system of regulatory legal and policy developments in the area of management of drinking water supply, sanitation and hygiene, with a focus on the needs of women and girls, as well as vulnerable persons”; and

## (4) “Strengthening measures to improve sanitation and hygiene education”.

Recommendation (A/HRC/33/49/Add.2, para. 59(d))

“Develop guidance and review financial support regarding latrine construction and sludge management to ensure that toilets are hygienic to use and to maintain and that waste matter is safely contained, transported, treated and disposed of or recycled”;

Question 8. Please explain the steps taken by the Government to develop guidance and improve financial support regarding latrine construction and sludge management to ensure that toilets are hygienic to use and to maintain and that waste matter is safely contained, transported, treated and disposed of or recycled.

Recommendation (A/HRC/33/49/Add.2, para. 59(e))

“Urgently strengthen the capacity of water quality monitoring and surveillance to ensure safe water”;

Question 9. Please describe how the National Development Strategy 2016-2030 particularly its aim at “monitoring and encouraging reduction of water, air and soil pollution” takes into account quality monitoring and surveillance to ensure safe drinking water.

Question 10. In reference to the Tajikistan Water Public Environmental Expenditure Review, (UNDP, UNEP & PEI, 2016) indicating that a “National drinking water improvement program is yet to be developed and adopted so as the Law on the ‘the Right of population for clean water and communal services’”, please explain any steps taken to develop said programme and law.

Recommendation (A/HRC/33/49/Add.2, para. 59(f))

“Review the tariff system comprehensively and increase the rate for those sectors which are capable of paying more, taking into consideration the sustainability of water and sanitation services and affordability for all”;

Question 11. Please describe concrete measures taken to review the tariff system to ensure greater financial sustainability of water and sanitation services and affordability for all. (Reference is made to the recommendation of the Development Coordination Council at the Meeting of the National Development Council under the President of the Republic of Tajikistan, 21 June 2016, “to adjust water tariffs, taking into account the ability to pay by poor households, and to improve tariff collection to enable the water sector to become self-financed.”)

Recommendation (A/HRC/33/49/Add.2, para. 59(g))

“At the same time, adopt safeguard mechanisms to protect access to essential water and sanitation for those who live in poverty and those who have special needs, including health conditions”;

Question 12. Please explain all safeguards—including financial assistance, special tariffs, subsidies or other measures—already established or in discussion, to increase tariffs for those sectors which are capable of paying more and protect access to essential water and sanitation for those living in poverty and those with special needs, including health conditions.

Recommendation (A/HRC/33/49/Add.2, para. 59(h))

“Invest in rehabilitation and reconstruction of old infrastructure, as well as in the maintenance and operation of new and existing services, in order to avoid deterioration in the services currently provided. The Government should seek international assistance with clear plans”;

Question 13. Please describe the measures taken by the Government to accomplish the activity expressed in the National Development Strategy 2016-2030 - “Development and promotion of investment projects to finance the construction / rehabilitation of water supply and sewerage systems, on-farm water supply systems and wells, expansion of urban water supply networks” - to develop and promote investment projects to finance the construction/rehabilitation of water supply and sewerage systems, on-farm water supply systems and wells, and expand water supply networks.

Recommendation (A/HRC/33/49/Add.2, para. 59(i))

“Improve access to water, sanitation and hygiene in public institutions, in particular schools and health facilities, as a matter of priority, and install menstrual hygiene management systems in all public institutions”;

Question 14. Please describe any measures taken by the Government to improve access to water, sanitation and hygiene in public institutions, in particular schools and health facilities, particularly mentioning measures to ensure adequate menstrual hygiene management systems in all public institutions. (Reference is made to the concerns expressed by the Committee on the Rights of the Child, (CRC/C/TJK/CO/3-5, para. 30), indicating that “[h]ealth service delivery is weakened by the poor infrastructure and equipment with hospital buildings frequently lacking water, sanitation and electricity”).

Question 15. In reference to the National Development Strategy 2016-2030, with regard to the provision of water and sanitation services, please provide concrete examples of how the Government is implementing the following activities: (1) “Ensuring gender equality and access to education [through] a set of measures on the construction and reconstruction of public pre-schools and schools in urban and rural areasaccompanied by development of appropriate infrastructure (…water supply, sanitation and hygiene); and (2) “In the area of improving the availability, quality and efficiency of health care services…Modernization of infrastructure for drinking water supply, sanitation and hygiene… especially in rural areas and small towns”.

Recommendation (A/HRC/33/49/Add.2, para. 59(j))

“Start a discussion without delay on the establishment of an independent regulator with competence to monitor the compliance of water and sanitation service providers with the normative content of the human rights to water and sanitation”;

Question 16. Please clarify the nature and progress of all relevant discussions held by the Government to establish an independent regulator with competence to monitor the compliance of water and sanitation service providers with the normative content of the human rights to water and sanitation.

Recommendation (A/HRC/33/49/Add.2, para. 59(k))

“Protect the right to information and strengthen the accountability mechanism, including through strengthening the power of the Ombudsman, as well as respecting the activities of civil society”;

Question 17. Please describe any measures taken by the Government to protect the right to information and strengthen the accountability mechanism, including all action taken to strengthen the power of the Ombudsman and respect the activities of civil society.

Question 18. In reference to the project, “Support to effective regulatory framework and private sector involvement for drinking water supply and sanitation sector in Tajikistan”, funded by UNDP and SIWI, and executed by UNDP / EEP together with the Ministry of Energy and Water Resources, please clarify the attainment of objectives to create online resources for the PO Consumer Union to extend legal services for drinking water consumers throughout Tajikistan and additional knowledge products with legal information for consumers.

Recommendation (A/HRC/33/49/Add.2, para. 59(l))

“Review laws and policies that could potentially weaken civil society organizations, including newly adopted amendments to the Law on Public Associations, and provide a wider space for civil society to openly discuss policies and people’s needs relating to access to water, sanitation and hygiene, with capacity for actual influence in decision-making processes”;

Question 19. Please clarify the status of discussions and measures taken by the Government to review laws and policies that could potentially weaken civil society organizations, including the Law on Public Associations.

Question 20. Please describe any measures taken by the Government to provide a wider space for civil society to openly discuss policies and people’s needs relating to access to water, sanitation and hygiene, with capacity for actual influence in decision-making processes.

Recommendation (A/HRC/33/49/Add.2, para. 59(m))

“Provide adequate reparation to the displaced population whose human rights, including the rights to water and sanitation, have been violated, and carry out human rights impact assessments for any development projects in order to guarantee non-repetition”;

Question 21. Please describe any measures taken by the Government to ensure adequate reparation to the displaced population whose human rights, including the rights to water and sanitation, have been violated, and the development of human rights impact assessments for any development projects in order to guarantee non-repetition.

Recommendation (A/HRC/33/49/Add.2, para. 59(n))

“Revisit the policies on refugees and asylum seekers, as well as on nationality and statelessness, with a view to providing equal access to essential services, including water and sanitation, for everyone in the country without discrimination”;

Question 22. Please clarify any discussions held and measures adopted by the Government to review policies on refugees and asylum seekers, as well as on nationality and statelessness, with a view to providing equal access to essential services, including water and sanitation, for everyone in the country without discrimination.

Recommendation (A/HRC/33/49/Add.2, para. 59(o))

“Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and guarantee the human rights to water and sanitation as justifiable rights in national legislation”;

Question 23. Please describe any measures taken or efforts made by the Government to sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Question 24. Please describe what steps have been taken to guarantee the human rights to water and sanitation as justifiable rights in national legislation.

Recommendation (A/HRC/33/49/Add.2, para. 59(p))

“Accelerate its preparation for signing and ratifying the Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes”.

Question 25. Please describe any measures taken or efforts made by the Government to sign and ratify the Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes.

Recommendation (A/HRC/33/49/Add.2, para. 60(a))

“Strengthen and enhance coordination of the provision of financial and technical support to Tajikistan, in particular with regard to improving rural water and sanitation and rehabilitating ageing infrastructure”;

Recommendation (A/HRC/33/49/Add.2, para. 60(b))

“Assist the Government in implementing development projects, including hydropower projects, with full respect for and protection of the human rights of the affected population.”

Question 26. Please describe any measures taken by the Government to strengthen and enhance coordination with the international community, particularly regarding improvements to rural water and sanitation and rehabilitating ageing infrastructure, and to implement development projects with full respect for and protection of the human rights of the affected population.