

**Statement at the conclusion of the official visit to Mongolia
by the Special Rapporteur on the human rights to safe drinking water and
sanitation, Mr. Léo Heller**

Ulaanbaatar, 20 April 2018

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As the United Nations Special Rapporteur on the human rights to safe drinking water and sanitation, I address you today at the conclusion of my official visit to Mongolia, which I undertook at the invitation of the Government from 9 to 20 April 2018.

Firstly, I would like to thank the Government of Mongolia for the invitation and organisation of the visit. During the visit, I met several tiers of the Government, international organisations, international development funders, the civil society and several residents. I would like to thank particularly those who took the time to meet with me and who generously opened their homes to me. I would also like to thank the United Nations Resident Coordinator's Office in Mongolia for facilitating the visit. Further, I would like to thank the general Mongolian public who has been following my visit on social media.

At the outset, I would like to clarify that this statement outlines my preliminary findings. My final and complete report will be presented to the United Nations Human Rights Council at its 39th session in September this year.

Furthermore, I would like to clarify that the scope of my visit focused on the access to drinking water services for human consumption and access to sanitation services including toilets and shower facilities as well as personal hygiene.



Given the extreme continental climate, access to drinking water and sanitation services has been a long-lasting challenge faced by Mongolia. Although some commendable efforts have been made in the water and sanitation sector, Mongolia did not achieve the Millennium Development Goal Target 7.c to halve, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation. According to the WHO/UNICEF Joint Monitoring Programme report, in 2015 - the first monitoring report after the adoption of the Sustainable Development Agenda (SDG) - 84 per cent of the population of Mongolia have

access to basic water services and 59 per cent to basic sanitation services. In simple terms, most Mongolians collect drinking water from water kiosks outside of their homes and half of the population has access to pit latrines. These figures are much lower when the concept of 'safely managed services' of SDG targets 6.1 and 6.2 is applied: as of 2015, only a quarter of the population receive water on premises and only 13 per cent have sewerage connections. These numbers suggest that both drinking water and sanitation require further attention and must be given due priority by the Government of Mongolia.

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During the two-week visit, I examined the access to drinking water and sanitation services for Mongolians living in urban and rural areas, including the nomadic population. In particular, I observed various layers of inequalities in access to drinking water and sanitation services. From a human rights perspective, inequalities in access to those services are a matter of great concern. I would like to present some of these concerns in line with the normative content of the human rights to safe drinking water and sanitation, namely, availability, accessibility, affordability, quality/safety and acceptability.

Léo Heller @SRWatSan · 13 de abr

DAY 5 - since 1998, int'l dev partners have been working to improve drinking water and sanitation in #Mongolia. After 20 yrs, what challenges still remain for all Mongolians to enjoy #humanrights to water and sanitation? @ADBWater @jica_direct_en @WorldBankWater @officialKOICA

Traduzir Tweet



WHO, UNICEF Water e UNICEF Mongolia

12 9

Léo Heller @SRWatSan · 9 de abr

Day 1 in Mongolia - Learning about how geography and climate of #Mongolia relate to access to water and sanitation services and the impacts on #humanrights

Traduzir Tweet



UN Mongolia, UNDP Mongolia, UNICEF Mongolia e 2 outros

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1. Inequalities in access to drinking water and sanitation services

A. Rural and urban areas

Mongolia is the seventeenth largest State in the world and is among those with the lowest population density. Out of 3 million, nearly half of the total population is concentrated in urban cities such as here in Ulaanbaatar, Darkhan and Erdenet. The rest of the population are widely dispersed across the rural areas.

The concentration of the population and development around urban cities has shaped the disparity between the level of access to water and sanitation in urban cities and in rural areas. In 2015, WHO/UNICEF JMP reported that the urban population of Mongolia enjoyed near universal access to basic water services (94 per cent) but only half of the rural population had access to this level of services (56 per cent). For sanitation, the disparity between urban and rural is also significant: 66 per cent have access to basic sanitation services while in rural areas only 41 per cent have access.

I was able to witness this clear distinction during my stay in Ulaanbaatar City and when I travelled to Dundgovi *aimag* and the Umnugovi *aimag* (provinces). According to the Government, out of 334 *soums* (sub-provinces), only 20 have centralised systems of water supply for its central areas. The rest of the *soums* rely on collective or individual wells built by the Government, private entities or individuals. It is concerning that 34 *soums* still do not have a drinking water source that meets the drinking water standard of Mongolia. **I encourage the relevant ministries in the central government together with the local governments to continue to take measures to improve drinking water quality and to identify alternative safe water sources for those *soums*.**

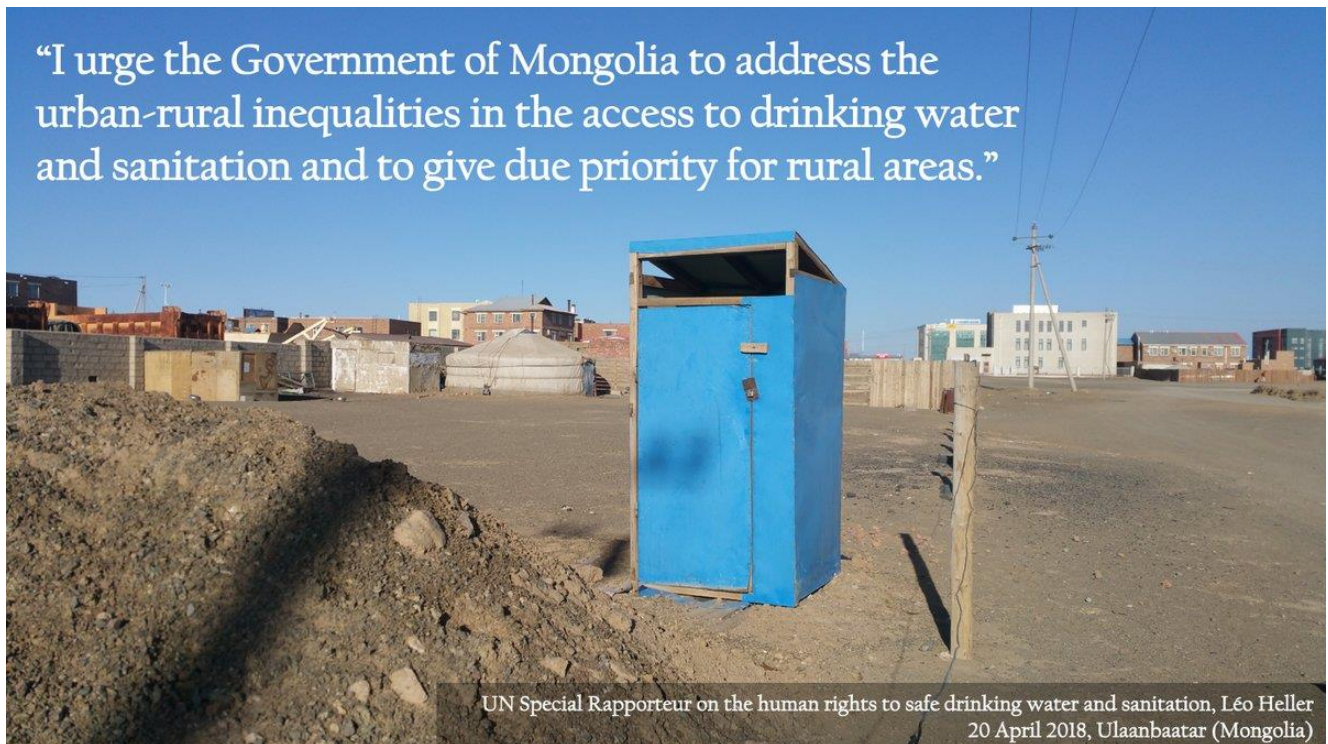


In rural areas, the Ministry of Construction and Urban Development has implemented a project, "Southeast Gobi Urban and Border Town Development", funded by the Asian Development Bank, which aims to improve water and sanitation services for residents. In Dalanzadgad *soum*, I met a family who was happily enjoying a piped water connection inside their home, benefiting from the central water system infrastructure, and a connection to a sewerage system. A few houses away from this family, I met a retired couple living on a pension who could not connect to the central network as they

are not able to afford the high connection fee, a one-time payment of 800,000 MNT (approximately USD 340).

Even when households have a centralised network available in their street, the responsibility and financial burden fall on the individuals to put in place toilets and showers as well as a heating system for hot water, not to mention adjusting the initial structure of the house to accommodate the facilities. **I encourage the Ministry of Labour and Social Protection to establish a specific programme to support those who are economically vulnerable to improve the facilities in their homes (i.e., plumbing, toilets, etc.) needed to access a piped network. At the same time, I encourage the central government and the local authorities to implement means for facilitating the connection of those groups to piped systems through subsidy mechanisms.**

I urge the Government of Mongolia to address the urban-rural inequalities in access to drinking water and sanitation and to give due priority for rural areas, which often lack technical assistance and financial support to improve the services.



B. 'Ger' area and 'apartment' area

The climate of Mongolia exacerbates unequal access to drinking water and sanitation services between those living in apartments and houses in areas with centrally connected pipes and those living in the *Ger* areas without a piped connection. The *Ger* is a portable roundhouse covered by felt. It is a unique dwelling that reflects the way that the nomadic population of Mongolia live. In recent years, the *Ger* has been also used as a dwelling not only for the nomadic population but also for those who have migrated from rural to urban areas, settling in the *Ger* areas, as apartments are often unaffordable and unavailable for them.

In general, winters in Mongolia are dry and long, lasting six months and reaching peak temperatures of minus 35 to 40 Celsius degrees. I personally experienced the end of winter when I saw the snowfall last Thursday. Due to the unique features of *Ger* areas, their residents are particularly more vulnerable to the cold climate when it comes to water and sanitation. Those living in the apartments with connected systems have measures for early preparedness for the harsh winter, repairing the pipes and checking their status to prevent water pipes from freezing. However, *Ger* area residents have no protection from the cold when they collect water from a kiosk that is 500 meters away from home or when they use the unheated toilet located outside their homes.

“Ger area residents have no protection from the cold when they collect water from a kiosk that is 500 meters away from home or when they use the unheated toilet located outside their homes.”



The stark division between peri-urban *Ger* areas and central apartment areas was clearly visible in Ulaanbaatar with more than half of the population now living in the *Ger* areas. For instance, in the Nalaikh district, 20 per cent live in apartments and 80 per cent live in the *Ger* areas without access to central water and sewerage system. The *Ger* areas in Ulaanbaatar have expanded without prior planning, leading to problems with water and sanitation. Further, this has created a phenomenon where the speed of population growth, mostly due to migration, is faster than the expansion of services provided, which includes water and sanitation.

Water Kiosk in Ulaanbaatar



Léo Heller @SRWatSan · 12 de abr
 DAY 4 - discussed with the #Mongolian Govt on water tariffs. The price of drinking water in Ulaanbaatar Ger area differs: at public kiosk = 1MNT/liter but at private kiosk = 2 MNT/liter. Who regulates water tariffs charged by informal vendors?

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I also observed those inequalities and concerns in other *aimags*: in Dundgovi and Umnugovi provinces, the distinction between centers of *soums* and *Ger* areas resembles that of Ulaanbaatar, but is smaller in size. For instance, in Dalanzadgad, all apartment residents (about 4,000) have a connection to a piped network whereas only 30 per cent of approximately 16,000 *Ger* residents have such access. I could clearly see that a different standard is applied to *Ger* areas, most prominently that they are not connected to the central water and sanitation infrastructure. In terms of access to improved water, almost 45 per cent of Ulaanbaatar City residents are connected to the water distribution system whereas the *Ger* area residents rely on public kiosks - where water is supplied by water trucks or centralised systems - or private kiosks supplied by wells. Currently, the Water Supply and Sewerage Authority (USUG) of

Ulaanbaatar has put in place approximately 600 public kiosks in the *Ger* area. When almost 60 per cent of the population of Ulaanbaatar (approximately 200,000 households) live in the *Ger* areas, the average proportion of one kiosk for more than 300 households is not sufficient.

Furthermore, several public kiosks that I visited in *Ger* area were closed one or two days a week and also during the night, resulting in discontinuous access. To address this, several places have built smart kiosks, which are automated water dispensing machines.

Léo Heller @SRWatSan · 12 de abr

Q: What is a 'Ger'?

A: A portable round house covered by felt (traditionally used by Mongolian nomads)

Q: Where is the toilet?

A: Outside the 'Ger' but inside the 'Khashaa' (Ger compound)

Q: What kind of toilet? How do you empty it? How often? How deep is the pit?

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Traduzir Tweet

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Léo Heller @SRWatSan · 9 de abr

Ulaanbaatar City (apt buildings) vs. 'Ger' district (informal settlements up in the hills) - how are access to drinking water and sanitation services different?

Traduzir Tweet

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There are around 100 smart water kiosks in the *Ger* area in Ulaanbaatar and some rural areas such as Dalanzadgad have implemented pilot smart water kiosks. Others, such as Nalaikh district, have also identified smart water kiosks as a solution to address continuous water supply to the *Ger* community.

The varying levels of access also strongly impact the consumption of water for those living in the *Ger* areas and the apartment areas. In the apartment areas, daily water usage reaches up to approximately 200 litres. It is estimated that in the *Ger* areas, 7 to 15 litres of water is consumed per person. One man that I met was collecting 50 to 60 litres for his family members composed of three adults and seven children. While this number does not include shower and laundry usage, this level of consumption does not meet international standards. Furthermore, it was explained to me that *Ger* area residents prefer not to collect more water due to the difficulty of fetching water from water kiosks and the limited capacity of water disposal during winter when wastewater cannot infiltrate into the frozen soil.

The difference in levels of services also leads to the difference in prices paid by individuals for water. With only 600 public kiosks available, *Ger* area residents in Ulaanbaatar use private kiosks for drinking water, where they are charged 2 MNT per litre, which is double the price of a public kiosk. Additionally, without proper access to water at home, residents of the *Ger* area use private shower facilities that charge 1500 MNT or 0.60 USD (for instance, in Mandalgovi of Dundgovi *aimag*) or 2500 MNT or approximately 1 USD (for instance, in Gachuurt district of Bayanzurkh District in Ulaanbaatar). In both showers, at the time of my visit, the showers were clean but not used. Considering that the average monthly income of Mongolia is approximately USD 220, access to showers can be unaffordable for a large family, leading to a less frequent use of showers. In addition to this economic burden, I would highlight that *Ger* area residents also incur non-monetary costs such as the time that individuals take to collect water and go to the private shower facilities.

In the *Ger* areas, I observed that toilets, which are largely very unsafe, are located outside the *Gers* but inside the *Ger* compound. In the cold weather, I was told that residents face the dilemma of either heating the *Ger*, which is the main place of living, or heating the toilet. Sanitation in *Ger* areas also implies other economic burdens for the families, such as the need to dig other pit latrines when the latrine in use is full, for which they must hire and pay individual contractors.

This picture poses a challenging question on what is the best way for the Mongolian Government to address these inequalities. I would first like to recognise that continuous efforts are being made to improve the access to water and sanitation in *Ger* areas. However, from the interaction I had with many stakeholders, including



Léo Heller
@SRWatSan

DAY 10! - In [#Mongolia](#), people without water connection at home use public showers. Price is 1 USD per shower but let's not forget non-monetary costs involved.

[Traduzir Tweet](#)



19:18 - 17 de abr de 2018

government officials, I observed that many take it for granted that water kiosks and individual (unimproved) pit latrines are the expected level of access for the *Ger* areas. In terms of the improvements that are being considered for those areas, the measures are limited to increasing the number of kiosks, extending piped systems to supply the kiosks or implementing smart kiosks. Of course, gradual improvements of the conditions in *Ger* areas are compatible with the principle of progressive realisation of human rights, but I would like to emphasise that improvements could be accelerated and upgraded in the current plans and efforts. The already mentioned experience of Dalanzadgad, where the centralised systems were extended to the *Ger* areas, shows that it is perfectly possible to treat the population of those areas in an equal manner as the population living in the urban central areas.

I urge the Government to bridge the gap between *Ger* areas and apartment areas by devising a short-term and long-term plan to provide gradual improvement of access to water and sanitation for the residents in the *Ger* areas.

“I could clearly see that a different standard is applied to *Ger* areas, most prominently that they are not connected to the central water and sanitation infrastructure.”

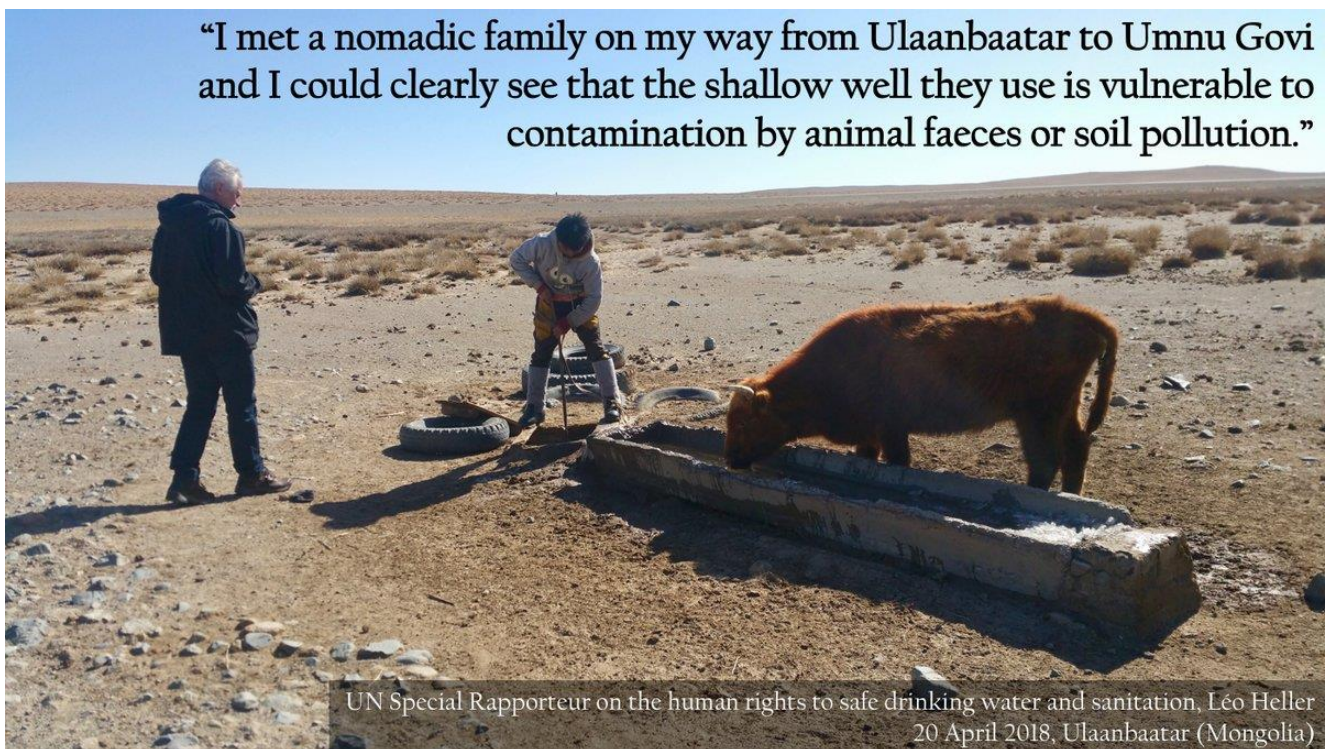


UN Special Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller
20 April 2018, Ulaanbaatar (Mongolia)

C. Nomadic population

The same inequalities and vulnerabilities are applicable to the nomadic population. As a large portion of the population adopts the nomadic lifestyle, migrating from one place to another, the nomadic population tend to use shallow wells or even surface water as their water source. I met a nomadic family on my way from Ulaanbaatar to Umnugobi and I could clearly see that the shallow well they use is vulnerable to contamination by animal faeces or soil pollution. I witnessed the challenges they face to use limited quantities of water to feed both humans and animals.

The nomadic population also use fresh water as a source of water. In such cases, in the northern region of Mongolia, where small-scale artisanal gold mining is widely practiced, often unregulated, and can chemically contaminate surface water. This negatively impacts drinking water quality for the nomadic population as they are not aware, for example, of the colourless and odourless arsenic in the water.



The Ministry of Food, Agriculture and Light Industry is responsible for water in pastoral land and providing water to herders. Although some interventions have been made in the last decades, it was explained to me that the 9,000 wells available – 70 per cent of which are shallow wells – are largely insufficient to address the need of the nomadic population. Further, concerns were shared that water quality is sometimes an issue in those shallow wells. **Mongolia must provide the equivalent level of access services to nomads and non-nomads alike and devise measures to accommodate their lifestyle.** I would suggest that better access to water for nomads, that is sufficient for their personal consumption and for their livestock, could be a key contributing factor to prevent the massive migration to cities and rural centres.

“The state must provide the equivalent level of access services to nomads and non-nomads alike and devise measures to accommodate their lifestyle...”



UN Special Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller
20 April 2018, Ulaanbaatar (Mongolia)



Léo Heller @SRWatSan · 14 de abr
Quiz of DAY 6: Which govt entity is responsible for providing water to the nomadic population in #Mongolia?

Choose 1:

1. Ministry of Environment&Tourism
2. Ministry of Food, Agriculture&Light Industry
3. Ministry of Construction&Urban Development
4. Ministry of Drinking Water

Traduzir Tweet



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Léo Heller @SRWatSan · 15 de abr
DAY 7 in #Mongolia. I asked "how is it for kids to use the outdoor toilet in the cold?"

Traduzir Tweet



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D. Children and the girl child in educational facilities

In 2015, the Government of Mongolia established 'Norms and Requirements for Water, Sanitation and Hygiene in Kindergartens, Schools and Dormitories'. As an implementation of this standard, slightly more than half of the schools in Mongolia currently have outdoor toilets. The conditions of the outdoor toilets that I saw seemed very inadequate and unsafe for usage, in contrast to the excellent conditions that I saw in recently built toilets in schools, for instance, in Gachuurt and Nalaikh in Ulaanbaatar. **I urge the Government of Mongolia to address this disparity between schools, so that all Mongolian students enjoy the same level of conditions.**

Another related feature to the nomadic lifestyle of the population is the common existence of dormitory schools in Mongolia. As the nomadic family moves from one place to another, in order to ensure continuous education, children from nomadic families live in dormitories during the 9-month school year. I visited several dormitories where students were able to access water, albeit cold, and toilets in good shape. But I also visited some where students were using very unsafe external toilets without any access to water. For these students, dormitories are their main habitual residence and, therefore, **I emphasise that the related authorities need to address water and sanitation conditions in dormitories.**

 **Léo Heller** @SRWatSan · 10 de abr
I saw toilets and sinks for kindergarten students and young students who started school at age six. Do all schools have indoor toilets in Mongolia?
[@UNICEF_Mongolia](#) [#WaSHAction](#)
Traduzir Tweet



 **Léo Heller** @SRWatSan · 16 de abr
DAY 8 - an impromptu stop on my way back to Ulaanbaatar, [#Mongolia](#). I saw toilets in a health centre and school/dorm in a soum (subprovince) and what the recent snow storm left.
Traduzir Tweet



 **Léo Heller** @SRWatSan · 10 de abr
DAY 2 started with an interesting dialogue with Mongolian students about access to water and toilet/showers in schools and dormitories [#Youth4watsan](#)
Traduzir Tweet



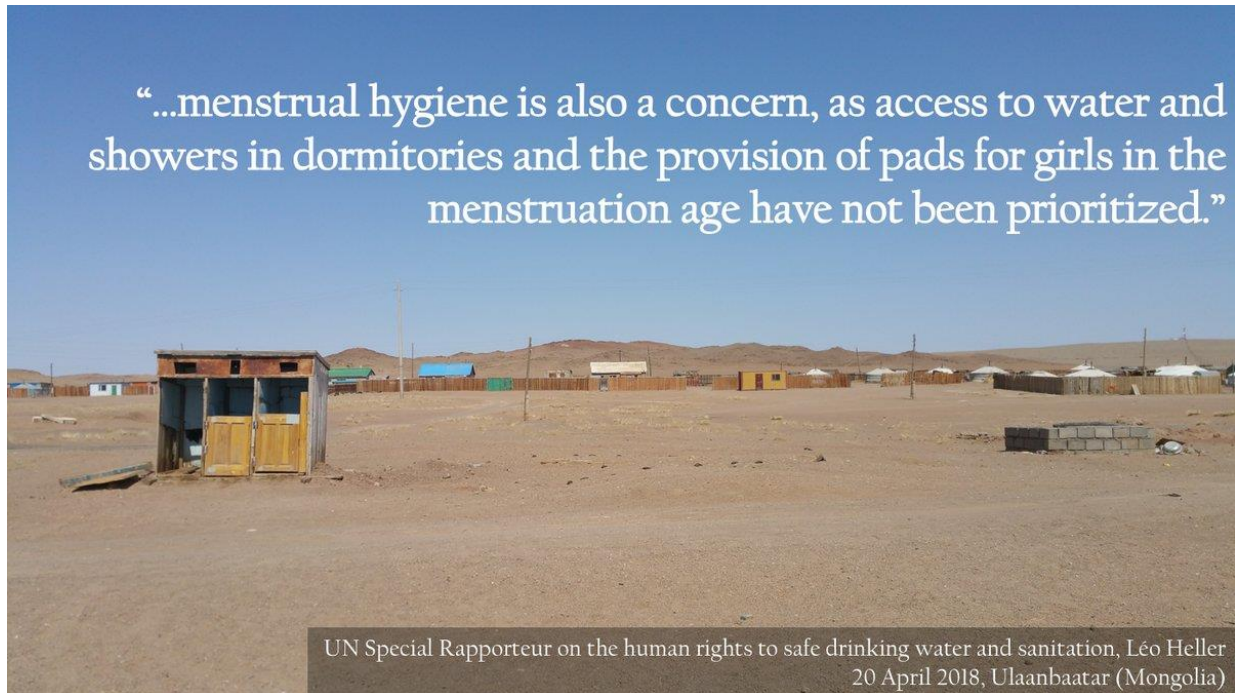
 **Léo Heller** @SRWatSan · 10 de abr
This outdoor toilet in a school is no longer used but it must have been so cold to use in the winter! Water and sanitation in cold climate need special attention.
[@WaSHAction](#) [@UNICEF_Mongolia](#)
Traduzir Tweet



7 15

2 17 20

Sanitation for girls who are starting their menstruation is problematic. In the minimum standard study conducted by the Government in 2015, it was found that girls during their menstruation cycle had the tendency not to attend school, as they did not want to use the unimproved toilets. In addition to adequate toilet facilities, menstrual hygiene is another concern, as access to water and showers in dormitories and the provision of pads for girls in the menstruation age have not been prioritised. **I recommend the Ministry of Education to put high priority on programmes for menstrual hygiene management in schools and dormitories.**



E. Persons with disabilities and older persons

Another aspect of inequality that I observed is in relation to persons with disabilities and older persons. According to the Ministry of Labour and Social Protection, 93,000 families have at least one member with disabilities. Of these families, it is estimated that 52 per cent live in an apartment and the rest in *Ger* areas. Living in areas without central connections poses an additional layer of challenges for persons with disabilities and older persons.



During my two weeks in Mongolia, the only time that I saw a toilet built specifically for persons with disabilities and elderly persons in need of physical help was in the hospital of the *Khuld soum* of Dundgovi. This was the only toilet with specific requirements for 50 residents (out of 2,400) that have a physical disability, among which six were in need of wheelchairs. However, even that toilet, as acknowledged by the representative of the health centre, does not meet the requirements. Furthermore, collecting water from a water kiosk

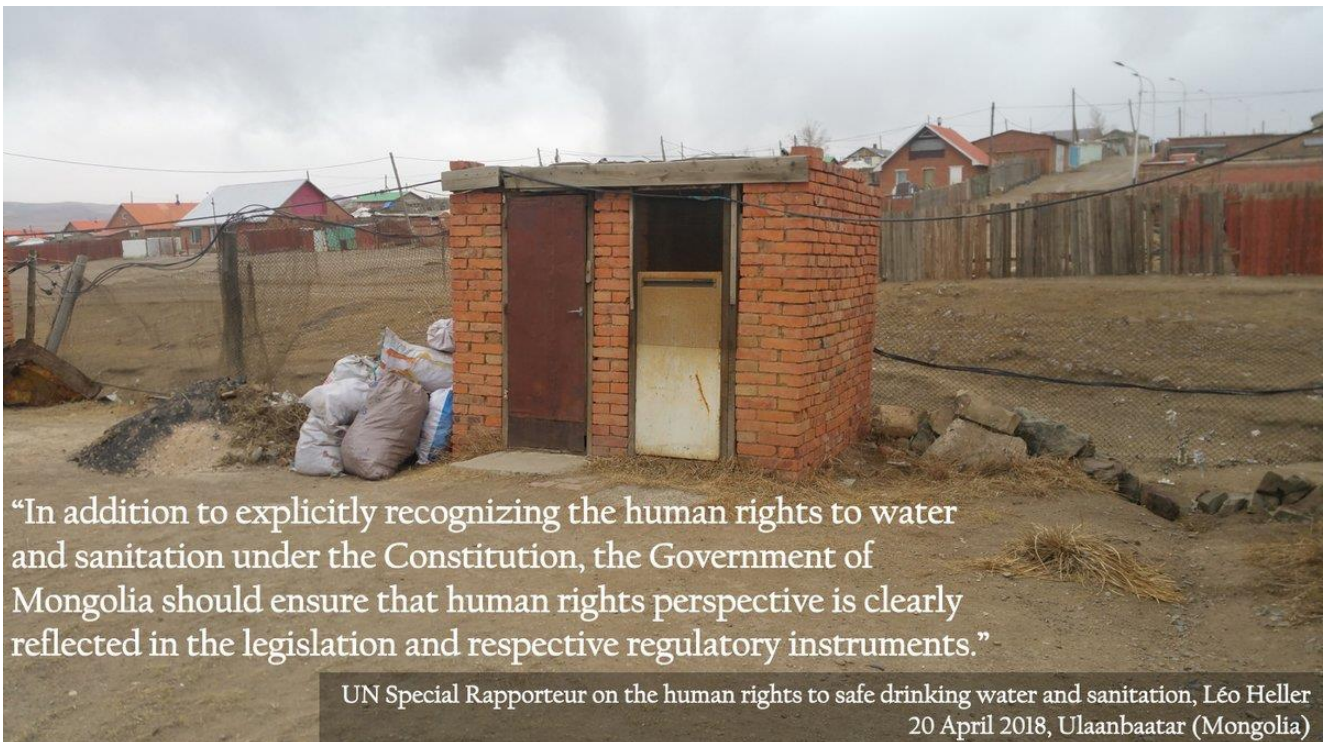
carrying 20 litres of water and walking back and forth in poor road conditions in *Ger* areas poses challenges for persons with disabilities and the elderly population.

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The situation of access to drinking water and sanitation, which currently indicates various dimensions of inequalities, would paint a different picture if water and sanitation were recognised as human rights in Mongolia. Mongolia is a party to several international human rights treaties including the International Covenant on Economic, Social and Cultural Rights, which stipulates the right to an adequate standard of living including the rights to water and sanitation. Mongolia has also supported UN resolutions that recognise the human rights to water and sanitation. However, from my observation, Mongolia is still yet to fully implement its human rights obligations on water and sanitation. I would like to share my observations on some of the implementation and regulatory challenges that Mongolia faces which hamper its commitment to uphold those human rights obligations.

2. Implementation challenges

A. Lack of recognition that water and sanitation are human rights



At the international level, the human rights to water and sanitation are widely recognised. However, in the Mongolian context, my impression from Government officials, civil society and the general population is that many lack a clear understanding that water and sanitation are human rights and what that means. This lack of awareness and knowledge about the human rights to water and sanitation hampers sound implementation of human rights obligations by the Government.

One reason that contributes to this lack of knowledge and familiarity is the absence of clear recognition of the human rights to water and sanitation in the legal and policy framework. The Constitution of Mongolia does not explicitly recognise the human rights to water and sanitation. These rights are only inferred from article 16 on the right to healthy and safe environment. Therefore, it would require interpretation by judicial

bodies and policy makers, which can result in inconsistencies and implementation of only selected elements of the normative content of the human rights to water and sanitation.

Legislation on water and sanitation is equally inadequate in this respect. The 2011 Mongolian Law on Utilization of Urban Settlement's Water Supply and Sewage provides legal measures in relation to a private agreement between the water provider and the consumer. The Law addresses the issues of availability and access to water. However, it does not address the entire framework of the human rights to drinking water and sanitation, such as the issues of affordability and the prohibition of disconnections due to inability to pay. A human rights-based approach is even more relevant in a law that addresses delegation of services to private providers without social safeguards. As mentioned previously, I learned that private water providers in Mongolia usually charge more to supply water and are weakly, if at all, regulated by public authorities. Furthermore, I am concerned that there is no legislation or regulation that address water supply and sanitation for the nomadic population.

In addition to explicitly recognising the human rights to water and sanitation in the Constitution, the Government of Mongolia should ensure that human rights are clearly reflected in the legislation and respective regulatory instruments.

This would allow the Constitutional Court to have jurisdiction on cases related to violations of the human rights to water and sanitation as the primary remedy, in addition to resorting to the Administrative Court. **The legal recognition of the human rights to water and sanitation then needs to be translated into policies and programmes.**

B. Lack of adequate governmental coordination

Another factor that I observed which constitutes an obstacle to implementing the human rights to water and sanitation is the institutional arrangements and framework of the water and sanitation sector in Mongolia. As water touches upon every aspect of life, several government bodies have functions and responsibilities related to water and sanitation services, but lack clear coordination. Furthermore, without a clearly established human rights framework, coordination among government entities inevitably fails to take the normative content and principles of the human rights to water and sanitation into consideration. The National Water Programme, approved in 2010, provides a basis for coordination with the Ministry of Environment and Tourism and the National Water Committee as the programme's leading agencies. However, the scope of implementing the human rights to water and sanitation extends beyond these entities.

From my understanding, following the dissolution of the National Water Authority in 2012, currently there are several ministries tasked with fragmented aspects of drinking water and sanitation services to the Mongolian population, resulting in a patchwork on how the government addresses the human rights framework:

- For availability of drinking water, the Ministry of Environment and Tourism is responsible for identifying water resources. However, availability of water resources does not sufficiently cover access to drinking water and needs to be further complemented by the availability of water and sanitation infrastructure and facilities. For this, the Ministry of Construction and Urban Development deals with construction related to infrastructure and, at the local level, the Water Supply and Sewerage Authority (USUG) is responsible for building public water kiosks.

- For accessibility, the Water Supply and Sewerage Authority (USUG) and Housing and Communal Service Authority (OSNAAUG) under each local administration, together with private contractors, are responsible for the provision of services to households. The Ministry of Food, Agriculture and Light Industry oversees provision of water in pastoral land, particularly to the nomadic population. Additionally, the Ministry of Labour and Social Protection oversees access to water and sanitation for persons with disabilities.
- As for water quality, the Ministry of Health together with General Agency for Specialized Inspection (GASI) are tasked with surveillance of water quality and health issues related to water supply; the Ministry of Environment and Tourism is responsible for the quality of surface water and groundwater. At the local level, each USUG at the local administration is responsible for controlling the drinking water quality that it provides to residents.
- In relation to affordability, each USUG under local administration proposes and the Water Services Regulatory Commission approves water tariffs; the Ministry of Education and the Ministry of Health provide budget to schools and hospitals, respectively, to maintain the facilities; the Ministry of Labour and Social Protection identifies and surveys the population in need of social support.

Roles & responsibilities for water and sanitation services
in the Government of Mongolia

Accessibility	Availability	Quality/Safety	Affordability
<p>Water Supply and Sewerage Authority (USUG) and Housing and Communal Service Authority (OSNAAUG)- Responsible for provision of services to households under each local administration, with private contractors.</p>	<p>Ministry of Environment and Tourism - For drinking water, identifies water resources to protect from pollution</p>	<p>Ministry of Health and General Agency for Specialized Inspection (GASI) - Monitoring water quality and health issues related to water supply</p>	<p>Water Supply and Sewerage Authority (USUG) (under the local administration) and Water Services Regulatory Commission: - Proposing and approving water tariffs, respectively</p>
<p>Ministry of Food, Agriculture and Light Industry - Oversees provision of services for pastoral and nomadic population</p>	<p>Ministry of Construction and Urban Development - Deals with construction related to water and sanitation infrastructure</p>	<p>Ministry of Environment and Tourism - Responsible for quality of surface and groundwater</p>	<p>Ministry of Health and Ministry of Education - Providing budget to hospitals and schools, respectively, to maintain facilities</p>
<p>Ministry of Labour and Social Protection - Oversees access to water and sanitation for persons with disabilities</p>	<p>Water Supply and Sewerage Authority (USUG) - Responsible for building public water kiosks</p>	<p>Water Supply and Sewerage Authority (USUG) - Responsible for controlling the drinking water quality that it provides to residents.</p>	<p>Ministry of Labour and Social Protection - Identifies and surveys population in need of social support.</p>

Each ministry has its own role in the water and sanitation policy but there is no unified national policy nor a body in the central government tasked to ensure proper and effective coordination. Currently, it appears that the drinking water and sanitation agenda is diluted in the agenda of water resources management. This lack of a clear institutional framework and a centralised strategy furthermore shifts the burden to local governments, which are responsible for the actual provision of services to the local population. This scattered responsibility in the field of water and sanitation among numerous governmental bodies and institutions prevents individuals from effectively holding the Mongolian Government accountable for its human rights obligations.

I recommend that in the current or future reform of the institutional structure, a governmental body be tasked to coordinate the water and sanitation policy in the central government of Mongolia, together with focal points in each ministry. This coordination should be approached through the human rights framework and should ensure that the responsible bodies are held accountable. The current situation of access to those services in the country requires effective efforts from the central Government of Mongolia and full alignment with human rights.

3. Water and sanitation are human rights

I would like to emphasise that the adoption of a comprehensive approach to implementing the human rights to water and sanitation will guide and aid Mongolia to bridge the gaps and inequalities in access, and to progressively realise the access to water and sanitation services to all Mongolians. I would like to provide my recommendations and guidelines based on the human rights framework in a few concrete areas. A further comprehensive analysis encompassing other recommendations will be reflected in my report to the Human Rights Council in September this year.

A. 2030 Agenda

Mongolia has adopted the national implementation goal (Sustainable Development Vision 2030, "SDV") and, according to the National Development Agency, the country intends to integrate the implementation and monitoring of the SDV with the SDGs. In my view, the area of water and sanitation in the SDV is not fully aligned with the commitments that Mongolia made in adopting the SDGs. In the SDV, drinking water and sanitation are subsumed into SDG 6 as a whole and the short-, medium- and long-term goals ("objectives") are largely disconnected with the SDGs, both in their formulation and in their aspiration. With this approach, the specificities of targets 6.1 and 6.2 might be lost. Without the involvement of other key ministries, the human rights aspect, as well as the social and economic aspects of both targets, will be neglected. It is important to remind that "leaving no one behind" is the main message of the SDGs. Furthermore, SDG targets 6.1 and 6.2 on water and sanitation access aim to provide universal safely managed services to all – not to "improved services", a terminology used in the MDGs era.

I recommend that the Government align the SDV on water and sanitation with the SDG agenda and implement it through a human rights lens.



B. Water tariff and financial sustainability

The Government of Mongolia has recently agreed on a new methodology to set water tariffs. With a few pilot projects implemented, I would like to provide a few elements for the Government to make them align with the human rights obligation on water and sanitation.

Firstly, from a human rights perspective, it is important to reconcile the financial sustainability of the water and sanitation services with the affordable access to those services for the population in vulnerable situations. Secondly, affordability does not mean only the price of the bill paid but also other costs involved. This includes non-monetary costs, particularly when addressing the financial burden of water and sanitation services for people living in *Ger* areas. Thirdly, to ensure the financial sustainability of providers, cost does not need to be recovered only from the tariffs; different types of taxes and transfers allocation should be considered. Additionally, in most countries, the unserved and the underserved population tend to pay more for water and sanitation, and the shortcut to ensure affordable access is to provide an adequate level of services for all. The last consideration is that an adequate way to ensure affordable tariffs for poor populations is to charge non-residential users (industry, commerce, service sector) with higher tariffs, promoting cross-subsidies for the residential users. **I recommend that these principles be considered as a guideline for any reform initiative of the water tariff system in the country.**

C. Water quality



the Water Safety Plan, the GASI conducts water quality exams in coordination with the Ministry of Health. One issue I would like to raise is the number of samples: 1,000 samples per year are collected by the GASI. I would highlight that a larger

During my visit, I heard several concerns about the quality of drinking water. This refers to the impact of mining activities (including small-scale mining), overexploitation of aquifers, hardness of water, microbiological and chemical contamination, water supplied by private providers, among others. I will address those issues in more detail in my final report.

For my preliminary findings, I would like to focus on water quality monitoring. Regarding water for human consumption, in line with



number of annual samples would help to have a more comprehensive overview of drinking water quality in the country and will meet the international guidance on water quality control. Another issue refers to the lack of efficient resources to ensure a timely reparation of situations where the quality of water does not meet the standards. As explained to me by the representatives of the GASI, when there is an alarming situation, the Deputy Prime Minister is notified to set up the necessary measures to remedy the violation, which can result in a long process for proper reparation of critical situations.

In relation to water quality checkpoints, several concerns were raised on water quality supplied by water trucks, as well as the impact on water quality of the types of water containers predominantly used by the population. To address this concern, **I urge the Government of Mongolia, through the GASI, to both monitor water in public facilities and to develop water quality monitoring at points of use.**

In monitoring drinking water quality, it is critical that the most updated standard be used. The current norm, from 2005, requires an urgent update in line with the last version of the WHO Guidelines for drinking-water quality. **I encourage the GASI to accelerate the current momentum of the discussion on this revision and to propose a standard compatible with the most updated international standard and scientific knowledge in this field.**

A relevant aspect related to the human right to water is the right to information, which includes information on water quality. **I encourage the Government of Mongolia to establish a systematic procedure to provide individuals with information on the quality of water they consume, with clear and accessible language.**



D. Procedure on disconnections

I would like to highlight the need to establish a clearer procedure on disconnections of water services. I should emphasise that disconnection of water services due to the inability to pay constitutes a violation of human rights.

In Mongolia, such disconnections are not prohibited by law. Disconnection cases are addressed in civil court as they are considered an issue between an individual and a private entity contracted by the USUG. This is based on the argument that the distribution of water to the consumer by the USUG is implemented by private entities. However, I would like to reiterate the widely understood notion that the State, through the government and its agents, is responsible to respect, protect and fulfil human rights. Therefore, even if the State delegates provision of water to a third party, the obligation still lies with the State, and matters of disconnection should be considered as a human rights issue.

As the human rights to water and sanitation are not recognised in the Constitution, the Constitutional Court does not have the jurisdiction to adjudicate cases related to disconnections. This illustrates a gap in the Mongolian population's right to remedy and for access to water and sanitation to be addressed in the courts of Mongolia as a human right issue.

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I remain convinced that the Government of Mongolia shares the same goal and vision as I have raised in this statement, to provide access to safe drinking water and sanitation services for all of its population without any discrimination or disparity in the level of services.

I reiterate and urge again that disparities in access to water and sanitation require solutions from a human rights perspective and that Mongolia should incorporate human rights into its continued efforts to improve water and sanitation services for all. For this, I will be at the disposal of the Government of Mongolia for a continued and constructive engagement regarding the findings and recommendations from my visit

ENDS



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Information about the Special Rapporteur

Mr. Léo Heller (Brazil) is the Special Rapporteur on the human rights to safe drinking water and sanitation, appointed in November 2014. He is a researcher in the Oswaldo Cruz Foundation in Brazil and was previously Professor of the Department of Sanitary and Environmental Engineering at the Federal University of Minas Gerais, Brazil from 1990 to 2014. Learn more: <http://www.ohchr.org/SRwaterandsanitation>
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Information about the visit

I met with Government officials at the central level: Ministry of Foreign Affairs, Ministry of Environment and Tourism; Ministry of Construction and Urban Development; Ministry of Education, Culture and Science; Ministry of Labour and Social Protection; Ministry of Finance; Ministry of Health; Ministry of Justice and Internal Affairs; Mongol US (MGL Water); National water committee; General Agency for Specialized Inspection; Public Health Institute; Water Services Regulatory Commission; National Human Rights Commission; State Great Hural (Parliament) of Mongolia) the Committee of the Parliament on Social policy, Education, Culture and Science.

At the local government level, I met with officials from the Municipality of Ulaanbaatar; Water Supply and Sewerage Authority of Ulaanbaatar and Housing and Communal Services Authority of Ulaanbaatar; Nalaikh District; the Tsogtsetsii *soum*.

I also met with representatives from UNFPA, UNICEF, UNDP, WHO, IOM, Asian Development Bank, Japanese International Cooperation Agency and the Millennium Challenge Corporation.

