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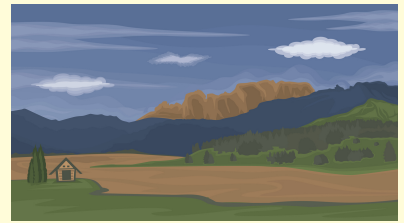


# Human rights to safe drinking water and sanitation of people in impoverished rural areas

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

Pedro Arrojo Agudo





## Summary

In the present report, the Special Rapporteur on the human rights to safe drinking water and sanitation shares his reflections and recommendations on the fulfilment of the human rights to safe drinking water and sanitation in impoverished rural communities.

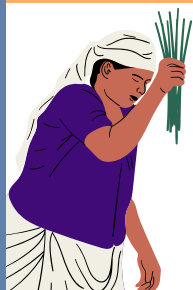
Most of the world's population living in extreme poverty live in rural areas, far from urban centres, marginalized from political decisions. Many are governed by traditional peasant cultures that sustainably manage aquatic ecosystems and promote integrated community-based water management models and ways of life and production based on circular economy approaches in their territories.

The expansion of large agro-livestock, mining, forestry and tourism, based on land- and water-grabbing, depletes and pollutes sources vital to communities. This, together with the lack of basic infrastructure and government support, violates these communities' human rights to safe drinking water and sanitation and disregards the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. As a result of the defence of their water and territories, the communities often suffer criminalization, repression and the killings of leaders and environmental human rights defenders.

Recognizing and strengthening community water and sanitation systems, valuing the role of women and reinforcing their participation in decision-making, prioritizing budget allocation and protecting the sustainability of aquatic ecosystems are the basis for guaranteeing these communities human rights to safe drinking water and sanitation.

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# I. Introduction

## A Purpose and objectives of the report

The report seeks to identify, on the one hand, the problems that threaten or undermine the human rights to drinking water and sanitation of impoverished rural communities, as well as their roots; but also the lessons they offer us in the sustainable management of their ecosystems and in the democratic governance of water and sanitation from community-based approaches and circular economy practices typical of peasant cultures.

## B Historical evolution of the rural environment

In the nineteenth century, under the influence of liberal ideas, common goods, communal lands and common water rights were privatized in many countries. The most significant rural-urban migration in industrialized countries began after World War II, with the so-called green revolution. A new model of sectorized production was imposed to maximize the production of a smaller variety of products. These changes required financial capabilities and drove millions of peasant families from rural to urban areas.

The territories that offered the worst natural conditions because of mountainous terrain, land quality, water availability or isolation and poorer communications, were relegated to marginal rural areas, where traditional peasant ways of life and knowledge survived. However, in recent decades, these places have attracted large-scale projects, seriously affecting their drinking water sources and the existence of the rural communities.

## C Scope and definition of rural areas

There is no globally accepted definition of rural areas, the Special Rapporteur refers to **three criteria** to **define the scope of the report**:

- Remote location and poor communications with medium-sized and large cities;
- Dominance of primary activities and strong linkage and dependence on the natural environment;



- Lack of provision of basic services, particularly safe drinking water and sanitation

The scope of the report includes communities affected by disasters, megaprojects or climate change displaced to informal settlements in rural areas, but excludes refugee camps and camps for internally displaced persons due to armed conflicts and Slums, as the roots of the problems are different.



## D Socioeconomic situation of rural communities marginalization and poverty

The World Bank estimated in 2020 that :

- 44 % of the world's population **lives in rural areas**;
- 80 % of the 2 billion people **without guaranteed access to safe drinking water**;
- 92 % of the 500 million who still **practise open defecation**;
- Two-thirds of the nearly 4 billion who **lack safe sanitation**;
- 3 billion who **lack hand-washing facilities**.



## E Validity of practices and knowledge of traditional peasant cultures

The use for drinking water and sanitation is strongly linked to water use for food production and livelihood in the framework of traditional peasant practices of integrated and sustainable management of aquatic ecosystems.

**Water for irrigation has traditionally been limited to fertile and well-drained land, generally on alluvial soils, so that excess irrigation water infiltrates and returns to the natural system formed by the river and its alluvial aquifer, remaining available to other downstream uses, including drinking water.**



**VS**



**In contrast, industrialized agriculture and livestock today consume more energy than the food produced stores, contributing to 1/3 of global greenhouse gas emissions with unsustainable irrigation development. It is the leading cause of wetland drying and overexploitation of aquifers and rivers, undermining the primacy of drinking water and endangering the human rights of many rural communities.**

On the other hand of toxic contamination from pesticides together with the widespread use of chemical fertilizers jeopardize rural drinking water supplies.



The Special Rapporteur does not intend to mythologize the traditional peasant way of life and food production or devalue the contributions to human development that the “green revolution” has made, but to reflect on the necessary agro-ecological transition towards food systems that reconcile human health, social welfare, sustainability and safe drinking water and sanitation, particularly for rural communities, as advocated by Via Campesina.

In this area, peasant cultures offer us valuable lessons for tackling the global water crisis in the context of climate change, based on their local circular economy practices.



## II. Human rights obligations of States concerning drinking water and sanitation in rural areas

**States must ensure all human rights to safe drinking water and sanitation, including the rights of people living in impoverished rural communities.**

### A Access to water and sanitation in international human rights standards

- The General Assembly and the Human Rights Council recognized the human rights to water and sanitation as distinct but interrelated human rights (2010 and 2015).
- The Committee on Economic, Social and Cultural Rights (general comment No. 15) referred to the obligation of States Parties to ensure properly maintained water facilities in rural areas and to effectively protect traditional water sources from encroachment and unlawful pollution. And in its general comment No. 14 ensuring safe drinking water and sanitation to protect rural health.
- The Committee on the Elimination of Discrimination Against Women requires States parties to ensure that rural women have access to adequate living conditions, health-care facilities and drinking water and sanitation, with particular emphasis on older women.
- In the 2018 United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, access to land, water, seeds and other natural resources is recognized as an increasing challenge for rural people.

## B Universal periodic review



From 2017 to 2022: during the third cycle of the universal periodic review access to water and sanitation and/or inequalities in rural areas in the review of 38 States were considered encouraging in particular the acceleration of efforts to provide nationwide access to adequate sanitation in rural areas.

## C Sustainable Development Goals



Sustainable Development Goal 6, to ensuring drinking water and sanitation for 2030, underlines that:

- **2 billion people** still had **no access to safely** managed drinking **water**;
- **8** out of 10 **lived in rural areas**;
- **673 million** people practised **open defecation**;
- **3 billion** still lacked basic handwashing facilities, most of them in rural communities;
- protecting and restoring water-related ecosystems is especially **urgent for impoverished rural communities**, given their direct dependence on them;
- and also, support and **strengthen the participation of local communities** in improving water and sanitation management.

# III. Water and sanitation in impoverished rural communities



## A Vital importance of aquatic ecosystems for domestic and productive uses

Peasants' lives are closely linked to the territory, aquifers and to the vast natural network of aquifers, wetlands, lakes and rivers on which they depend to obtain the water they need and, often, the protein base of their diet, through fishing. Their holistic community management of this natural supply network, based on traditional knowledge and practices, remains essential to their survival today.

However, as the population and human activities have grown and the pollution level has exceeded the natural purification capacities of biodegradable pollutants, rural communities often can no longer rely on their water sources. To the extent that building infrastructure to access reliable but more distant sources is unaffordable for them, women and girls end up bearing the burden.



## B Human right to safe drinking water in impoverished rural communities



The availability, accessibility, quality, affordability and acceptability required for the realisation of the human rights to safe drinking water and sanitation are rarely achieved.

- **Availability**



In impoverished rural communities, drinking water is obtained in multiple ways: from public sources or community managed wells, with rooftop rainwater harvesting cisterns or collecting water on the ground in ponds during the rainy season, buying expensive and unsafe water from vendors with tanker trucks, directly from springs, rivers or lakes, or through private wells for those who have the means. The priority given to mining, hydroelectric, agricultural or industrial companies undermines the principle of availability for communities, through overexploitation of sources or pollution.

- **Accessibility**



Water distribution from a central source to the various surrounding communities that draw from it is also an essential aspect of water supply for compliance with the accessibility requirement. Building a high reservoir to obtain pressure and distributing the water through pipes to the communities ensures accessibility but requires investments that are often unaffordable for the people.

- **Quality**

The quality of surface or groundwater is affected by the impacts of economic developments external to the communities, by climate change and even by the lack of adequate sanitation systems in the communities themselves. In almost all cases, the absence of household water supply networks and the lack of chlorination and quality monitoring aggravate the risk of non-potability.

### Some examples

*In the Islamic Republic of Iran, Peru and the Niger uranium mines pollute rural drinking water.*

*In Mexico and Bangladesh, the arsenic present in certain geological substrates pollutes drinking water pumped from the bottom of aquifers as a consequence of the overexploitation for agro-industrial irrigation.*

- **Affordability**

Extreme poverty breaks the principle of affordability, due to lack of resources, both for investment and for covering the costs of energy (for pumping), repair and treatment of water. States must also put in place the necessary means and adequate planning to prevent or cope with climate change-related problems, such as extreme droughts and floods, that often overwhelm the capacities of communities.

- **Acceptability**

Effective solutions require not only funding but also acceptable proposed solutions and active participation by communities. In particular, chlorination or other means of ensuring potability require information and dialogue with the community.





## C Human right to sanitation in impoverished rural communities

**Lack of priority in public policies and within communities due to lack of awareness or cultural taboos, and the costs involved, hinder the development of sanitation services in rural areas, even though they are fundamental to public health**

The human right to sanitation requires not only decent, well-maintained and safe toilets for all, most notably for women and girls, but also the prevention of contamination of drinking water by seepage from latrines and septic tanks or discharges to rivers. This requires investments that many communities cannot afford to make, as well as training to maintain facilities, which must be acceptable, affordable and manageable for communities.

### Some examples

- *WHO and UNICEF estimated that, of the 3.6 billion people lacking safely managed sanitation services, two-thirds live in rural areas, and 92 per cent of the 496 million still practised open defecation.*
- *UN-Water and WHO estimate that 73 per cent of international cooperation WASH funds go to drinking water and only 27 per cent to sanitation.*
- *It is imperative to promote strategies that are affordable, acceptable and manageable by the communities, such as dry toilets, extensive sanitation techniques or the adaptation of latrines to flood.*
- *In Timor-Lest, from 2012 to 2020, a comprehensive program promoting the so-called Community-Led Total Sanitation-CLTS offer positive results.*
- *In Laos, significant progress has been made in reducing open defecation through the construction of latrines and an extensive education programme supported by the World Bank.*



## D Community-based drinking water supply management in rural communities

**From the peasant cultures, water is considered a common good, and water community systems operate for managing water supply, ensuring that no one is left behind, even when someone cannot pay.**

The Special Rapporteur considers that from these community-based management approaches, rural communities offer valuable lessons for democratic water governance based on a human rights approach, participation, and collective responsibility.

The around 80,000 Community Aqueducts in Latin America serve some 70 million people in the most impoverished rural areas.

**However, in many rural areas, the communitarian vision of peasant cultures is weakened by the growing influence of private ownership and individualism. Moreover, where discrimination based on descent and work still exists the community option is impossible.**



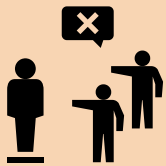


## **E Role of women and girls in drinking water and sanitation in rural communities**

Rural women and girls bear the primary responsibility of fetching water and disposing of faeces, often spending 4 -5 hours per day carrying heavy containers, leaving them little time for income generation, schooling and rest.

The lack of adequate latrines or toilets increases the risk of sexual-based violence, and prevents girls from attending class during menstruation, under the shame generated by the taboo of impurity.

Women in rural communities are often marginalized in decision-making, which is not only unfair, but also deprives communities of women's knowledge in decision-making. Fortunately, women's participation and leadership in community management committees is growing.



## **F Human rights to safe drinking water and sanitation of specific discriminated groups living in rural communities**

The Dalits (nearly 300 million people), cannot drink from public fountains because they are believed to contaminate the water. Moreover, they are often forced into manual scavenging and forced to scrape human excrement from dry toilets in private households or public places.

In Ghana and Malawi, as in other countries, people with disabilities lead the rankings of people without access to safe drinking water and sanitation.

In the community of Mboro, in Senegal, after rebelling against privatisation and rescuing community management, everyone pays the tariffs, but if someone cannot pay, not only is the water not cut off, but the common fund helps them.



## **G Responsibility of States concerning drinking water and sanitation in rural communities**

- **Legal, policy and institutional framework**



**An increasing number of countries have recognized the human right to drinking water in their constitutions; explicit recognition of the human right to sanitation is less common.**

Legislation is needed to translate constitutional recognition into concrete norms that guarantee these rights to impoverished rural communities.

Some examples are following.



### Some examples

- Mexico recognized the human right to water in its constitution in 2012. However, almost 10 years later, even with a recent Supreme Court ruling that establishes the obligation to pass such a General Water Law to guarantee the effective development of this right, it has still not been approved.
- As positive examples of specific rural water and sanitation regulation, in Uganda, institutional framework divisions of responsibilities for rural water supply are clearly defined. In Burundi, there is a specific and favourable tariff regime for rural areas.
- In Bolivia, the law recognizes and regulates the water and sanitation committees for water and sanitation projects for rural communities.
- Paraguay is the country with the most equitable access to water in Latin America under a community-based management system in rural areas, but the quality of the water should be improved in rural areas.



- **Monitoring**

The lack of data on water and sanitation services in impoverished rural communities, and the unreliability where data exist, indicates the lack of interest shown by Governments in these populations.

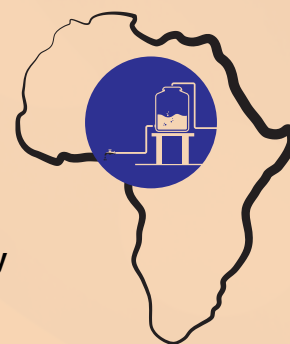
**UN-Water has highlighted the need to increase the frequency of surveys in rural areas for better analysis and to strengthen data collection on marginalized population groups.**

- **Maximum available resources**

The Special Rapporteur understands that the priority of these human rights among the most impoverished must be placed at the highest level.

Multiple international organizations highlight the poor maintenance and operation of the water and sanitation facilities in rural areas.

**The Rural Water Supply Network estimates that 30 per cent of the handpumps in Africa do not work**



**The Special Rapporteur believes that there is a risk that the budgetary responsibility of the States with regard to rural water and sanitation is reduced to international cooperation.**

It is also essential to point out that investing in preserving aquatic ecosystems is one of the most cost-effective strategies for promoting affordable access to safe drinking water in some communities (see the special thematic report on climate change and the human rights to water and sanitation).



- **Municipal and community responsibilities**

Decentralization without providing funding and means to municipalities and rural communities, often masks **Governments neglect and disinterest in rural areas**. States must invest not only in infrastructure but, most relevantly, in building local capacity to maintain it, monitor water quality and treatment, generating job opportunities, especially for the youth, at the local level.



Often, the municipalities, far from supporting the community authorities of the dispersed rural communities that they govern, ignore and marginalize them, a disregard for community systems that is often encouraged by governments as outdated and inefficient. From this attitude, some governments promote centralized models that deny citizen participation and **even privatise rural water management**, exacerbating the vulnerability of the most impoverished rural areas.

**From the Special Rapporteur’s perspective, this contradicts the principles of democratic governance that should govern the necessary human rights-based approaches to managing drinking water and sanitation in rural communities.**

- **Rural participatory governance in large territorial spaces**

To guarantee the human rights to safe drinking water and sanitation, it is necessary to ensure the sustainability and status of the water bodies from an ecosystem approach, integrating community management of water and sanitation into the territorial and participatory governance at the basin or aquifer level.

**The Rural and Water Supply Network emphasizes the need to strengthen the accountability of communities and community leaders for rural water and sanitation services.**



## **H Advocacy of rural communities**

The weakening of community awareness through the promotion of individualism and the weakness of advocacy for rural communities at national and international levels make impoverished rural communities more vulnerable.

Promoting democratic water and sanitation governance in rural areas involves fighting corruption. When Governments centralize rural water and sanitation management, even privatising its management, the risks and incentives for corruption grow as community control and participation disappear.

## IV. Challenges, conflicts and silences surrounding management of water and sanitation in rural communities



### A Impacts of climate change on the human rights to water and sanitation of impoverished rural communities

People living in impoverished rural areas face particularly severe climate change threats to water and sanitation. Increasingly severe droughts undermine water availability, accessibility and quality, while floods caused by storms and hurricanes jeopardise sanitation facilities and drinking water potability, inducing:

- Women and girls bear the additional burdens.
- Deeper pumping will increase costs, exacerbating affordability issues.
- Conflicts for water have surged between pastoralist nomadic communities and the settled communities.
- As an example, in 1963 the lake Chad was about 26,000 km<sup>2</sup>; today, it is barely 900 km<sup>2</sup>.



However, these problems must be prevented and avoided. It is not acceptable to justify the violation of the human rights to safe drinking water and sanitation scarcity on the grounds of scarcity.



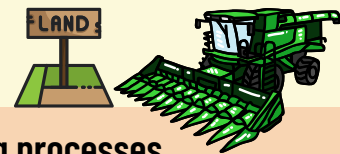
**As stated by the Special Rapporteur, the minimum necessary to guarantee these human rights represents approximately 3 per cent of the water that we extract from rivers and aquifers**

The water rights of impoverished rural communities must be prioritized over productive demands external to them.

This requires not only public funding efforts, but also the active participation of communities in the design and development of adaptation strategies.

**As a good example, in the semi-arid Brazilian Sertao, ASA, a network of some 700 organisations, took up the challenge of adapting to the harsh conditions of climate change, building one million rainwater cisterns for 5 million people, with public and international funding, community work and a major education and training campaign.**

In arid territories where adaptation is expected to be unfeasible, it is necessary to implement plans to support the migration and resettlement of rural populations under a human rights-based approach and under broad international commitment.



## B Land tenure and water rights in the face of land- and water-grabbing processes

Over the past decades, large-scale land acquisitions, without compensation or prior consent of the pre-existing land users, have become very common for agro-export businesses (soybeans, biofuel, palm oil, rubber, tropical fruits, nuts...)

*These crops involve heavy water consumption, which leads to water-grabbing, and large-scale diffuse pollution from pesticides and fertilizers.*

### Some examples

- In Honduras, the diversion of the Aguán River for the African palm tree plantations is causing pollution and water shortages in communities.
- Along the Sambas River and the Pawan River, fishers saw their fishing disappear, the water is no longer drinkable, and people are becoming ill from the pollution from palm plantations.
- In Njombe, Republic of Tanzania, a meat company's contaminates water, leaving 45,000 people without a potable water supply.

The Committee on Economic, Social and Cultural Rights is preparing a general comment on land tenure to clarify the obligations of State parties concerning the human rights to water and sanitation. Bearing in mind that, in many countries, water rights have been de-linked from land tenure, there is an increasing need for rural communities to secure the enjoyment of their water, in addition to their land rights.

## C Impacts on water supply and conflicts over megaprojects and productive ventures



The energy demand has stimulated the construction of new large dams in remote river headwaters inhabited by impoverished rural communities.



Deforestation promotes the expansion of the agricultural frontier for large livestock farms or agro-export business, displacing rural communities and affecting their vital resources, in particular water.



However, the most devastating impacts on the aquatic ecosystems, territories and drinking water of the communities are being produced by mining. The main toxics in mine discharges and tailings are contaminating headwaters and generating toxic leachates for hundreds and thousands of years.

## D Impacts of the coronavirus pandemic on impoverished rural communities



There is little data on pandemic impacts in impoverished rural communities.

However, the relative isolation of these communities as an advantage against the contagion risks is counterbalanced by their greater vulnerability and the lack of medical and sanitation services.

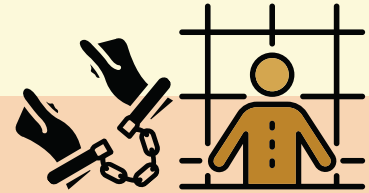


In 2020, The World Bank noted that the majority of the 3 billion people who could **not wash their hands at home lived in rural areas.**



E

## Criminalization of protest in impoverished rural areas



Global Witness, since 2012, has been collecting data on the growing number of **killings of community leaders** and **environmental human rights defenders** opposing mining, logging, water pollution and dam projects: almost 2,000 in the last decade.

These killings are part of the criminalization of community protests against projects that endanger or violate their human rights.

Rural communities often lack the legal protection, organization and capacity to confront such influential projects and voice their objections, resulting often in silently suffering from injustice and aggression.



**As an example of invisibility of rural victims of large projects, in 2000, the World Commission on Dams stated that, despite the collaboration of Governments, it was not possible to determine how many people have been forcibly evicted by the construction of large dams and provided an estimation of between 40 and 80 million people worldwide.**

The Special Rapporteur considers that the vagueness of the available data dramatically reflects the invisibility and silence of the victims and affected communities.



## V. Conclusions and recommendations

- Governments have an obligation to **fulfil the human rights to safe drinking water and sanitation for impoverished rural communities in public budgets** and by prioritising them over projects of powerful production interests.
  - Governments **must respect and support community water and sanitation systems as an expression of democratic water management based on human rights**, leaving no one behind, ensuring financing, technical support and capacity building.
  - Where traditions of discrimination based on descent and work persist, they must be combated by ensuring safe water and sanitation for all without exception.
  - **Women's participation in decision-making on an equal footing with men should be promoted**, ensuring hygiene, in particular menstrual hygiene, as part of the human right to sanitation.
  - Governments must secure for communities the legal title to community lands and water rights that they have traditionally enjoyed.
- The UN must strengthen compliance with the Declaration on the Rights of Peasants and Other People Working in Rural Areas, and promote with governments and the participation of rural communities climate change adaptation plans **that guarantee the human rights to safe drinking water and sanitation in the face of increasing risk of droughts and flood.**

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# UN Special Rapporteur on the human rights to safe drinking water and sanitation

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