

**Report of the Republic of Lithuania
On the issue of human rights to safe drinking water and sanitation**

16 April 2018

1. Please, provide information on how the principle of accountability is defined and applied in the legal, policy and institutional frameworks, particularly to ensure the realization of the human rights to safe drinking water and sanitation.

There are legal mechanisms in Lithuania ensuring human rights to safe drinking water and sanitation. One of the main legal acts is the **Law of the Republic of Lithuania on Drinking Water**. It establishes conditions of assurance of the safety and quality of drinking water supplied to market and used in food enterprises and individually in households. The Law of the Republic of Lithuania on Drinking Water implements the right of the population of the Republic of Lithuania to consume healthy and clean drinking water and obtain information concerning the safety and quality.

Another legal mechanism – **the Law on Drinking Water Supply and Waste Water Management** - establishes the principles of the state management and regulation of drinking water supply and wastewater management and regulates legal relationships between water suppliers and subscribers (consumers). This Law ensures uninterrupted functioning of the drinking water supply and waste water management sector as well as development determined by public needs. It also creates conditions for natural and legal persons to, on acceptable terms, be supplied with suitable quality drinking water and receive good quality wastewater management facilities. Planning and organizing water supply and wastewater management, licensing of water suppliers, qualification requirements, pricing and payment procedures as well as areas of competencies of different state and municipal institutions are described in the above-mentioned Law. The Law on Drinking Water Supply and Waste Water Management defines that The Ministry of Health shall sets the public health protection requirements for drinking water and the obligation to the Ministry of Environment to prepare and approve legal acts establishing the environmental requirements for drinking water abstraction and waste water management and control the implementation. The article 36 of the Law on Drinking Water Supply and Waste Water Management imposes obligation to publish the information on the quality of drinking water provision and wastewater treatment services, the management of surface wastewater, the conditions for provision of services for drinking water and waste water management and other information on the websites of municipalities, drinking water suppliers and waste water managers.

The Law of the Republic of Lithuania on Protection of Consumer Rights, the Law of the Republic of Lithuania on the National Health System, the Law of the Republic of Lithuania on Entrails of the Earth, the Law of the Republic of Lithuania on Food, the Law of the Republic of Lithuania on Product Safety contribute to safe-guarding human rights to water and sanitation.

The list of companies that are important for the national security is approved by the **Law on the Protection of Objects of Importance to the National Security**. Public drinking water suppliers and wastewater managers are in the first category of the list.

The Ministry of Health of the Republic of Lithuania pays special attention to population groups consuming water from dug wells for drinking and cooking purposes (pregnant women and infants up to 6 months) because of higher risk of poisoning with nitrites and nitrates. The Minister of Health has issued the Order on Diagnosis and Prophylaxis of Poisonings with Nitrites and Nitrates.

According to the **Law on Cash Social Assistance for Low-Income Families (Single Residents)** families (or persons living together) and single residents who are unable to obtain by themselves enough funds for living, shall be entitled to compensation for drinking water. The compensation covers the part of the cost of drinking water exceeding 2 per cent of the income gained by a family (or persons living together) or a single resident.

2. Please, describe challenges or gaps identified in the application and implementation of the principle of accountability to ensure the realization of the human rights to safe drinking water and sanitation. How have these challenges and gaps been addressed?

The principle of accountability is established in the legal system of Lithuania and no particular gaps were observed.

Responsibility

3. Please describe how and where (law, policy, administrative documents) the roles and responsibilities of the actors involved in the provision of water and sanitation services are defined in accordance with the normative content of the human rights to safe drinking water and sanitation. In other words, how are defined the roles of the actors responsible for the accessibility, availability, affordability, acceptability and quality of water and sanitation services in an equal and non-discriminatory manner.

The chapter two of the Law on Drinking Water Supply and Waste Water Management is mainly dedicated to the description of roles of institutions. It is stated in the Law on Drinking Water Supply and Waste Water Management that water supply and wastewater management shall be regulated in accordance with the procedure laid down by this Law and other laws. Water supply and waste water management shall be regulated by following institutions: 1) the Government; 2) the Ministry of Environment; 3) the Ministry of Health; 4) the State Food and Veterinary Service under the Government of the Republic of Lithuania; 5) the National Control Commission for Prices and Energy; 6) municipal institutions; 7) the State Consumer Rights Protection Authority under the Ministry of Justice. The role of each institution is defined further on in this chapter of the Law.

4. Please provide information on existing performance standards, and monitoring and assessment mechanisms to ensure accountability for actions of the State that affect the enjoyment of human rights to safe drinking water and sanitation of people both within and outside its borders.

According to the Law on Drinking Water Supply and Waste Water Management, drinking water suppliers and wastewater managers are obliged to perform monitoring of drinking water and sewage, surface runoff, to keep records and to provide data for monitoring by the procedure established by the Ministry of Environment. Subscribers, on the other hand, shall monitor the discharge of wastewater and pollutants according to the Law and provide monitoring data in accordance with the procedure established by the Ministry of Environment.

Drinking water control, implemented by State Food and Veterinary Service, encompass all stages of quality assurance of drinking water and sanitation, including the inspection of water sites purposed for public drinking water supply and individual self-supply, inspection of the water quality in public buildings and inspection of bottled drinking water quality.

State Food and Veterinary Service controls the implementation of the Republic of Lithuania hygiene norm „Drinking water safety and quality requirements“. This norm establishes the requirements related to health protection, and also the requirements for safety from radioactive substances.

State Food and Veterinary Service carries out regular planned inspections in respect to related Laws. However, non-planned inspections could be carried out if suspicion of breach of the Law on Drinking Water (or other related Laws) was raised. State Food and Veterinary Service inspects water sites, water supply mechanisms, water preparation processes, security zones of the water sites, centralized and individual preparation devices, drinking water and water used for food preparation purposes safety and quality. State Food and Veterinary Service also inspects drinking water suppliers' maintenance plans. State Food and Veterinary Service reports the results of the drinking water control and inspection to the Ministry of Health of the Republic of Lithuania. Reports of drinking water security and quality and reports of drinking water supply to residents are submitted to European Commission. State Food and Veterinary Service publish information about the drinking water safety and quality on their website as well as in the media. Drinking water suppliers are bound to inform the consumers about the results of the drinking water maintenance as well as to provide other relevant information defined in the Laws.

Drinking water suppliers that publicly supply drinking water for consumers, implement maintenance of the drinking water according to the Laws of the Republic of Lithuania. Drinking water suppliers are responsible for taking samples from water sites under required frequency in order to examine required indicators. Results are submitted to the State Food and Veterinary Service.

In order to protect the interests of the drinking water consumers, State Food and Veterinary Service investigates complaints of consumers, organizations or other interested parties regarding drinking water security and quality.

Natural and legal persons, who self-supply drinking water, are responsible for drinking water security and quality. They are responsible for protection of the water sites from pollution; they are bound to fulfil the requirements established by the Laws.

Water services are not imported or exported. It is stated in the European Commission's White Paper (COM (2004) 374 final) inter alia. Therefore, the state cannot take any actions outside its borders.

5. In situations where non-State actors provide water and sanitation services, how does the State ensure accountability for the actions of those actors? What documents and mechanisms exist to define the responsibilities and performance standards of non-State actors, and to monitor and assess their behaviour in a transparent and objective manner?

Drinking water provision and wastewater management, except for surface runoff and sewage transportation, are licensed activities by the Law. Therefore, all requirements are equal to all providers despite the ownership form of the entity.

Answerability

6. Please, provide specific examples of cases where the State provided reasoned justifications for their actions and decisions to those whose human rights to safe drinking water and sanitation were affected.

The Law on Drinking Water Supply and Waste Water Management describes the disputes and complaints handling procedures and penalizing procedures as well. State institutions mentioned above are receiving many complaints of very different nature and all of them must be handled in accordance to the established procedures, therefore it would be difficult to distinguish certain cases.

7. Please, provide specific examples of good practices on how individuals and groups – including those who are particularly hard to reach – are informed of available accountability mechanisms, and what measures exist to support and empower them to access and utilize those mechanisms.

The Law and its implementing legal acts establishes an information exchange system, where both the public sector and drinking water suppliers and waste water managers, as well as consumers, have the respective responsibilities to provide the necessary information to each other and to the public.

8. Please, provide examples of mechanisms in place that provide a platform or forum for participation and discussion on remedy measures specifically on the human rights to safe drinking water and sanitation. (These may include monitoring bodies, platforms for civil society to participate, consultations, public hearings, civil society monitoring.)

The Lithuanian legislative system is built up in a way that any normative legal act passes the phase entitled “public discussions” before it is adopted. Institutions and the public have the opportunity to submit comments and proposals during this phase.

Enforceability

9. Please, provide examples of effective mechanisms to ensure that State and non-State actors at all levels are subject to enforceable sanctions or remedial actions in relation to the violation or abuse of the human rights to safe drinking water and sanitation.

If the variances or discrepancies from legal requirements for drinking water are discovered during the inspection and control, State Food and Veterinary Service applies sanctions for the drinking water suppliers. State Food and Veterinary Service also monitors application of the drinking water quality recreation plans that are prepared and implemented by suppliers.

If the variances and discrepancies from legal requirements for drinking water are not eliminated by suppliers and supplier has no intentions to ensure safety of drinking water, supply of the drinking water is impeded.

10. Please provide examples of cases where State and non-State actors were held accountable for their obligations and responsibilities with regard to the human rights to water and sanitation in front of a judicial, quasi-judicial, administrative, political and other mechanisms.

11. Please provide examples of cases where State effectively monitored and held non-State actors accountable for their actions that negatively affected the enjoyment of the human rights to water and sanitation within and outside its borders.

12. Please provide information on how outcomes of accountability mechanisms are implemented and complied with.