

## HUMAN RIGHTS TO SAFE DRINKING WATER AND SANITATION

### Country profile

Head of state	Dr. Ram Baran Yadav, President
Head of government	Khim Raj Regmi, Chairman, and Council of Ministers
Population	26.66 million (2011)
Life expectancy	69 years
Under-5 mortality	54/1000
Adult literacy	65.9%
Ratifications	List of ratified international treaties: <ul style="list-style-type: none"> <li>• Convention on the Rights of the Child</li> <li>• Convention on the Elimination of All Forms of Discrimination against Women</li> <li>• Convention on the Rights of Persons with Disabilities</li> <li>• International Covenant on Economic, Social and Cultural Rights (ICESCR)</li> <li>• International Covenant on Civil and Political Rights</li> <li>• Optional Protocol to the International Covenant on Civil and Political Rights</li> <li>• Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty</li> <li>• International Convention on the Elimination of All Forms of Racial Discrimination</li> <li>• Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour</li> <li>• Right to Organise and Collective Bargaining Convention</li> <li>• Convention concerning Forced or Compulsory Labour</li> <li>• Equal Remuneration Convention</li> <li>• Discrimination (Employment and Occupation) Convention</li> <li>• Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field</li> <li>• Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea</li> <li>• Geneva Convention relative to the Treatment of Prisoners of War</li> <li>• Geneva Convention relative to the Protection of Civilian Persons in Time of War</li> <li>• International Convention for the Suppression of the Financing of Terrorism</li> </ul>

### Background

Nepal is located in South Asia between India and China, with the magnificent Himalayan range to the north and the flat Gangetic plains to the south. Although it is a relatively small country with an area of 147,181 square kilometers, the country has diverse topography and landscape as the elevation rises from 64 m to 8448 meters above mean sea level, with a short distance of about 200 km. Because of this topography, the country is rich in cultural and biological diversity. The country is going through a phase of political transition as it has recently emerged from a decade long armed conflict, but it is making steady progress in the areas of water and sanitation. The country has met its Millennium Development Goal (MDG) target on water supply and is making rapid progress on sanitation to meet the MDG target and the national target of 100% water and sanitation coverage by 2017.

## **National legislation on the human rights to water and sanitation**

Nepal's Interim Constitution, 2007 has mentioned water and sanitation as basic rights of the population. Article 16 of Nepal's Interim Constitution, 2007 establishes every person's right to live in a clean environment as a fundamental right. It also states every citizen's right to basic health services. The Interim Constitution also provides that ratification of, accession to, acceptance of or approval of treaties or agreements on subject of natural resources, and the distribution of their uses be done by a majority of two-thirds of the members present at a joint sitting of both Houses of Parliament. Provided that out of the treaties and agreements as referred, if any treaty or agreement is of an ordinary nature, which does not affect the nation extensively, seriously or in the long term, the ratification of, accession to, acceptance of or approval of such treaty or agreement may be done at a meeting of the House of Representatives by a simple majority of the members present.

The Water Resources Act, 2049 (1992) states that all water resources of the country are owned by the State and the Act allows their uses under two conditions: one, by the license issued by the prescribed authority, and the second, without license, for individual use such as for drinking, household purposes, running household water mill and boating. The Act also prescribes a hierarchy of uses of water in which drinking and household use is given first priority.

The Local Self-Governance Act, 2055 (1999) aims to institutionalize the decentralization process by promoting the participation of socially and economically backward classes including all local people in the process of bringing balance and equal distribution of the mobilization of resources and fruits of development. This Act has intended to grant the power of formulation necessary plans and execution that of in the local level. Having such broad objectives local governments have been granted enough power in controlling and managing water resources of the local area and the Act has also made the local bodies responsible for providing water and sanitation services to the people.

## **National programmes towards the fulfillment of the human rights to water and sanitation**

Government of Nepal (GoN) formulated the Nepal National Sanitation Policy and Guidelines for Planning and Implementation of the Sanitation Programme in 1994. The policy envisages the holistic attributes of sanitation and states that sanitation should not be understood just as latrine construction alone, but as a package of activities and services related to personal, households and environmental hygiene. The National Solid Waste Management Policy 1996 aims to make the local bodies competent in the field of management of solid wastes to provide more skilled and effective sanitation services. The National Water Supply Sector Policy (Policies and Strategies) 1998 has highlighted that hygiene and sanitation are integral parts of water supply programmes. Formulated in 2004, the Rural Water Supply and Sanitation National Policy and Strategy and Action Plan have made the provision to allocate 20 percent of the Hygiene Improvement Framework budget to health promotion, hygiene behavior change and safe excreta disposal. These policies, strategies and action plan have recognized the roles of the users' committee, schools and local bodies.

The GoN formulated the Sanitation and Hygiene Master Plan in 2011 to maintain uniformity and standards in program approaches. The Master Plan aims to unifying stakeholders' through formation and mobilization of WASH Coordination Committees in the Central, Regional, District, Municipality and VDC levels, fulfill resource gaps in the sector through cost sharing, resource pulling/pooling arrangements and co-funding arrangements at local levels and ultimately achieve universal coverage by 2017.

## **Recommendations from the Universal Periodic Review on the human rights to water and sanitation**

Although there were no specific recommendations by the UPR on human rights to water and sanitation, the following recommendations are related to water and sanitation:

- 106.41 Intensify efforts in providing basic services to vulnerable or marginalized groups or communities particularly providing quality health and education services and creating more employment opportunities
- 106.43 Reinforce its efforts in the area of the fight against poverty with a view to attaining the Millennium Development Goals and to request the necessary financial and technical assistance in this regard

In addition, the Compilation prepared by the Office of the High Commissioner for Human Rights as part of the UPP includes the following points which are related to right to water and sanitation:

- UNCT and the High Commissioner stated that the effective enjoyment of the right to food remained a serious problem throughout the country.<sup>106</sup> WFP noted that three and a half million people were facing food insecurity. Basic services and markets were beyond the reach of many people in some regions.<sup>107</sup> UNCT indicated that, although food insecurity persisted throughout the country, groups such as Dalits, indigenous peoples, former bonded labourers, persons with disabilities and people living with HIV/AIDS were particularly affected. CESCR was also concerned at information that persons belonging to the lower castes were denied access to public wells.
- UNCT noted that an outbreak of diarrhoea in the western regions in 2009 had reportedly claimed 367 lives, with Dalits constituting nearly 40 per cent of the deceased.

### **What does UN-Habitat do to promote the rights to water and sanitation in Nepal?**

UN-Habitat has been implementing the Water for Asian Cities Programme in Nepal since 2005 with a focus on capacity building; environmental sanitation and water supply related activities in support of ADB assisted projects including Kathmandu Valley Water Services Sector Development Programme, Urban and Environment Improvement Project, Small Towns Water Supply and Sanitation and Integrated Urban Development Programme. The programme has implemented 55 projects in 35 municipalities, 18 small towns and 8 peri-urban areas. These projects are designed to help local people improve their access to water supply and sanitation.

UN-Habitat is also the executing the Global Sanitation Programme in Nepal which is promoting sanitation in six districts and six municipalities and is in the process of expanding the programme to nine additional districts. The programme, which is supported by the Water Supply and Sanitation Collaborative Council (WSSCC), is helping the Government of Nepal in meeting its target of providing access to improved sanitation facilities to all by 2017.