

SUMMARY

Monitoring Sustainable Development Goals (Water and Sanitation): the Role of NHRIs

Side event to the 28th International Coordinating Committee (ICC) of National Institutions for the Promotion and Protection of Human Rights

13 March 2015 UN Palais des Nations, Geneva

The side event entitled “Monitoring Sustainable Development Goals (Water and Sanitation): the Role of NHRIs,” organised by WaterLex, took place on 13 March 2015 at the UN Palais des Nations in Geneva, Switzerland. This well-attended meeting brought together national human rights institution (NHRI) representatives from around the world along with delegates of Geneva-based diplomatic missions. The event provided an opportunity to shed light on the potentially major role of NHRIs in relation to the post-2015 Agenda accountability mechanism. The discussion also described good practices of NHRIs in monitoring water governance. At the event, WaterLex presented a new book on such good practices.

In his introduction on the role of NHRIs in monitoring the realisation of the SDGs with a focus on the human right to water and sanitation, Mr. Marcel Szabo, Hungarian Ombudsman for Future Generations, underlined the interconnected nature of water issues and referred to the direct (Goal 6) and indirect provisions in the SDGs (Goal 12-17) on ensuring availability and sustainable management of water and sanitation for all. He pointed to various roles NHRIs may have in the realisation of the human right to water and sanitation. These NHRI roles may relate to the following issues: 1) Water governance, whereby the highly complex and sensitive nature of the availability, use and allocation of water requires capable mechanisms and institutions to negotiate and balance competing interests; 2) Legislative reforms (reports, legislative initiatives and proposals, review of draft legislation etc.); 3) Enabling public participation.

Mr. Szabo reiterated that an effective mandate to realise Goal 6 of the SDG enables NHRIs to i) propose new legislations and amendments to existing laws to encourage long-term decision-making; ii) make recommendations to authorities; iii) initiate public dialogue on issues concerning the long-term governance of water resources; iv) have a bridging and mediating role between stakeholders engaged in environmental as well as social and economic matters, and v) initiate or participate in investigations upon complaints or ex officio.

Mr. Jan van de Venis, Legal Desk director of the host organization WaterLex, presented the international public interest development group and its NHRI Water Initiative. This initiative aims at providing capacity-building activities on water governance and human rights to NHRIs and at the creation of a community of practice of these institutions on water governance. Successful capacity-building activities organized by WaterLex took place in 2014 for the benefit of 12 NHRIs worldwide. The event also served as the official launch of WaterLex’s new book, [*National Human Rights Institutions and Water Governance: Compilation of Good Practices*](#) (click for more information and optional download), which chronicles the experiences of 21 NHRIs from all corners of the world in attempting to monitor water governance in their countries and achieve a human rights-based approach to it.

Mr. van de Venis encouraged more NHRIs to join the international network of these institutions launched by the NHRI Water Initiative and highlighted future activities of WaterLex in 2015: i) training material for NHRIs on water governance and human rights; ii) online common platform for the benefit of NHRIs on water governance and human rights; iii) further capacity-building activities. Finally, he insisted on the potential major roles NHRIs may play in relation to the SDGs and the post 2015 accountability mechanism, along with underlining the need of a

human rights based approach in the SDGs. The importance of appropriate indicators was also highlighted in that context.

Mr. Karam Jeet Singh presented a review of the work of the South African Human Rights Commission (SAHRC) to ensure government accountability for the provision of water and sanitation. He described SAHRC's mandate, along with the national statutory framework on WASH and the context of water and sanitation in South Africa. He pointed out SAHRC's exemplary work following the investigation of two complaints on built-toilets without enclosures. SAHRC's ruling on the violation of the right to dignity, privacy and a clean environment in these cases led to a substantive WASH campaign: SAHRC made a strategic decision to link these two local-level complaints to the broader right to water and sanitation across South Africa and called for a national campaign to ensure government accountability. This led to national and provincial hearings resulting in various findings and recommendations by SAHRC.

These SAHRC recommendations relate to the following main themes: i) Governance from a human rights-based approach; ii) Community partnerships and monitoring, iii) Intersecting rights and iv) Access. SAHRC drew on all available accountability mechanisms in order to ensure responsiveness to the poor for the realisation of their right. This included: i) The court (with the initial two cases received); ii) All spheres of government: local, provincial and national; iii) Relevant departments across service delivery areas: water, housing, education and local government; iv) Civil society and community based organisations; v) Parliament; and vi) Other institutions, such as the Commission for Gender Equality and the Public Protector (Ombudsperson).

Mr. Allan Lerberg Jørgensen of the Danish Institute for Human Rights (DIHR) praised the new publication of WaterLex on good practices of NHRIs on water governance and referred to the so-called AAAQ monitoring framework developed by the DIHR and included in the book. In his presentation on human rights and sustainable development, he referred to the importance of a strong methodology and the role of science in relation to monitoring methods. In the context of the SDG goals to be adopted later this year, he also recalled the need of a more disaggregated way of looking at development along with crucial financial needs: An estimated \$5-7 trillion USD is needed to achieve SDGs, and monitoring of the use of such funds in view of human rights compliance is of utmost importance. Budgetary decisions are therefore key whereby NHRIs may act as watchdogs. In terms of monitoring, Mr. Jørgensen made further reference to the current data revolution and the resulting challenges, in addition to the fact that \$150 billion USD is needed to build the monitoring system to measure SDGs. He reiterated that NHRIs could be key actors of monitoring SDGs. Implementation challenges (e.g., inclusion of the marginalized). Finally, he referred to the current process of establishing an ICC Working Group on SDGs which would look at best practices in that context.

The discussion following the presentations shed light on several areas of concern of NHRIs in relation to water governance. The representative of the NHRI of Kenya pointed to the importance of the freedom of religion in the context of water governance (water needs of various religious rituals), whereas the representative of the Permanent Mission of the Netherlands inquired about litigation in relation to the human right to water and sanitation in South Africa. The chair of the NHRI of Namibia pointed to the need of having further discussions on the topic of water governance in the wider ICC fora in the future. Additional elements raised in the discussion included, among others, the inclusion of the UPR procedure in the capacity-building material of WaterLex (NHRI of Sierra Leone).

Contact: Viktoria Mohos Naray, Legal Desk officer: v.mohos@waterlex.org