

NATIONAL HUMAN RIGHTS INSTITUTIONS WATER INITIATIVE



NATIONAL HUMAN RIGHTS INSTITUTIONS

Independent national institutions

Mandates may vary

Key roles: promotion and protection of human rights

- Provide advice to government, parliament and other public bodies, both on request and on own initiative
- Receive and investigate complaints
- Make recommendations and do conciliation/mediation
- Bring cases to court, to relevant authorities etc.
- Monitoring and reporting (contribute to and express opinion on state reporting to treaty bodies, right to publish all advice and reports, monitor human rights based on own research/ NGO information, press reports etc; reporting directly to parliament)
- Human rights education, research and awareness raising

NHRI WATER INITIATIVE OBJECTIVES

Create a network of NHRIs that can exchange experiences and best practices with each other:

- ✓ Build a community of practice;
- ✓ Systematize of information, tools, resources and good practices of NHRIs;
- ✓ Facilitate exchange and sharing of best practices.

Support and build the capacity of NHRIs to strengthen their role in ensuring a human rights based approach to water governance:

- ✓ Tailor made trainings on the ground and provide technical support;
- ✓ Deliver publications and practical guides to respond to specific needs;
- ✓ Develop other tools and methods.

NATIONAL HUMAN RIGHTS INSTITUTIONS WATER INITIATIVE

STRUCTURE

1. Launched by the NHRI of Hungary in October 2013
2. Leading role: NHRIs
3. WaterLex = Secretariat
4. Key partners:
 - Danish Institute for Human Rights
 - NHRI of Argentina
 - NHRI of South Africa

NHRI NETWORK MEMBERS

Hungary, South Africa, Uganda, Kenya, Namibia, Western African Network of NHRIs (14), Tanzania, Zimbabwe, Sierra Leone, Nepal, Bangladesh, Mongolia, New Zealand, Australia, El Salvador, Mexico

ACTIVITIES IN 2014

- ✓ **Fundraising:** Canton de Genève, Loterie Romande, German Perm. Rep., MFA of the Netherlands
- ✓ **Building up the network - ICC side event 2014**
- ✓ **Capacity building activities:**
 1. Regional training for Central American NHRIs in El Salvador:
NHRIs of El Salvador, Honduras, Guatemala, Costa Rica, Panama, Nicaragua
 1. NHRI of Mexico
 2. Regional training in Uganda:
NHRIs of Uganda, Kenya, South Africa, Namibia, Tanzania
- ✓ **Publication on the good practices of NHRIs on water governance and human rights**

REGIONAL TRAINING FOR CENTRAL AMERICAN NHRIs IN EL SALVADOR



REGIONAL TRAINING IN UGANDA



NATIONAL HUMAN RIGHTS INSTITUTIONS AND WATER GOVERNANCE

COMPILATION OF GOOD PRACTICES

CONTENT

MAIN PARTS

- ✓ **Concrete examples of practices** adopted by various NHRIs worldwide
- ✓ **Summaries of NHRIs' water governance activities:** outline of several institutions' work in relation to water governance.
- ✓ **Challenges and Obstacles:** existing and future challenges and obstacles encountered by participating NHRIs.

COVERAGE

21 NHRIs are covered worldwide:

- Europe
- Asia-Pacific
- Africa
- Latin-America

WHAT IS A GOOD PRACTICE?

PRACTICE

Practice is defined largely.

- Both policy and implementation
- Regulations, policies, strategies, institutional frameworks, planning and coordination procedures, international cooperation policies, programmes, projects, campaigns, complaints procedures, investigation methods, non-judicial decisions etc.

GOOD

A practice is **considered “good”** if it **contributes to the realisation of human rights in the context of water governance:**

- ✓ human right to water and sanitation,
- ✓ human right to a healthy environment,
- ✓ human right to food,
- ✓ human right to health,
- ✓ human rights of indigenous peoples,
- ✓ human rights of future generations.

THEME COVERAGE

Promotion of water related human rights:	Documenting different ways in which human rights have been promoted (e.g. through public awareness campaigns, publications, media interventions, etc.).
Protection of water related human rights:	Documenting different ways in which complaints or other sources have been investigated and triggered action by NHRI's to protect citizens' rights and to find remedy.
Monitoring water related human rights:	Documenting different ways in which allegations of violations and State performance towards progress have been monitored (e.g.: different monitoring methodologies and ways of collecting data, etc.)
Advising governments and parliaments:	Documenting different ways in which NHRIs provided recommendations, advices to different governmental institutions or to parliaments.
Cooperation and Coordination:	Documenting different ways in which NHRIs cooperated with various stakeholders during their activities in relation to water governance.

PROCESS

Step 1 - On-line research

Step 2 – In-depth interviews based on a questionnaire

Step 3 – Write –up

Step 4 – Peer review

Step 5 – Dissemination of good practices

ACTORS

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EXAMPLES OF GOOD PRACTICES

PROMOTION	e.g. publication of human rights report, statements, press releases, trainings, media relations etc.
PROTECTION	e.g. investigate complaints, aggregate complaints to address systematic deficiencies, seize courts, address the government, seize international bodies etc.
MONITORING	e.g. adoption of special mechanism for monitoring (Colombia, DIHR), field missions, national hearings, diversify the sources of information, undertake periodical visits to schools/prisons etc.
ADVISORY	e.g. review water related legislation/water budget, review water related polities etc.
COOPERATION	e.g. international cooperation with other NHRIs, universities, statistical offices, civil society etc.

PROMOTION	<p>NHRIs may organize community-based activities that directly involve local communities or subsectors:</p> <p>In Panama, the Ombudsman organized the cleaning of the Mariato beach, as part of the commemoration of the World Water Day. This cleaning allowed to collect a large amount of leaves of palms at the edge of the beach, as well as glass bottles, beer cans, pampers, disposable plates, spoons and plastic forks, and other solid waste deposited in garbage bags.</p>
PROTECTION	<p>Aggregate complaints:</p> <p>the South African Human Rights Commission findings recognized that sanitation problems revealed by individual complaints were part of a bigger problem facing millions of people lacking access to sanitation and the lack of right based approach to service delivery. Therefore, the NHRI took a decision to strategically link these complaints to a broader investigation on the right to water and sanitation in the country. This broader investigation led to provincial and nation-wide public hearings followed by the publication of a report assessing the right to water and sanitation in South Africa.</p>
MONITORING	<p>Special monitoring methods:</p> <p>The DIHR developed a AAAQ (Availability, Accessibility, Acceptability and Quality) Toolbox aiming to support the operationalization of the rights to water, sanitation, food, housing, health, and education.</p>
ADVISORY	<p>Namibia's national human rights institution noted that in September 2012 the Special Rapporteur on the human right to safe drinking water and sanitation recommended the extension of its mandate to promote and protect ESC rights including the right to water and sanitation. To this effect, the Ombudsman recommended that the enabling legislation be reviewed and the scope of the mandate be extended to cover a broad range of human rights including the right to water and sanitation.</p>
COOPERATION	<p>The Argentinian Ombudsman's Office has been working over the course of the last 10 years in partnership with other institutions in promoting a process to reverse the critical situation of one of the largest in the country and the world's most polluted watersheds: the Matanza-Riachuelo River Basin. It brought together a group of well-known NGOs, universities and local ombudsmen, who drafted the first special report on the situation of the Matanza-Riachuelo River Basin.</p>

EXAMPLE - HUNGARIAN NHRI

Despite the **nationwide hot alert** signals in the summer of 2013

The local government of the city of **Ózd** decided to **turn off 27 public wells, reduce water pressure in 62 public wells** on grounds of unduly high consumption, illegal discharge and wastage.

In Ózd more than 1000 households have no indoor plumbing, leaving thousands of people to rely on **public wells** to cover their daily needs.

Daily water demands are mostly determined by sanitation and domestic use of water, thus keeping water consumption under a certain threshold level may imply epidemiological risks.

The provision affected mainly the **Roma population**.

The **Ombudsman launched an investigation** suspecting the violation of the rights to healthy drinking water, human dignity and the right to equal treatment.

The Ombudsman for Future Generations established:

1. the **State is responsible** to set out **fair and proportional water charges to encourage the economic use of water**, while at the same time,
2. it is also in charge to **promote solidarity towards those who are not able to bear the full costs** of their basic everyday human needs.

Since the aim of abolishing illegal discharge cannot be connected to other fundamental rights of the person, **restrictions on water use are qualified as indirect discrimination**.

OUTLOOK FOR 2015

NHRI NETWORK

1. Expanding the network
2. Exploring NHRI needs: mapping exercise
3. Feeding into the international process:
 - ICC side event March 2015
 - ICC SDG working group: water

ACTIVITIES

1. **Training toolkit for NHRIs** on water governance and human rights
2. **NHRI Newsletter**
3. **On-line common platform** to share information, facilitate exchange among NHRIs on water governance
4. **Capacity building activities** on water governance and human rights for NHRIs

THANK YOU!