

Protocol on Water and Health to the Convention
on the Protection and Use of Transboundary
Watercourses and International Lakes



NO ONE LEFT BEHIND

ENSURING EQUITABLE ACCESS TO WATER AND SANITATION



UNITED NATIONS



World Health
Organization

REGIONAL OFFICE FOR Europe



Upholding the human right to water and sanitation requires paying special attention to geographical differences in access, access by vulnerable and marginalized groups, and affordability issues.

INTRODUCTION

Access to water and sanitation has been recognized as a human right by the United Nations General Assembly and the Human Rights Council. This means that ensuring access to water and sanitation for all is a **legal obligation**. And in order to comply with this obligation, special attention needs to be paid at an early stage to ensure that access to water and sanitation is equitable for all members of the population.

Three **key dimensions** can be distinguished in the concept of equitable access to water and sanitation: geographical differences in service provided, discrimination or exclusion in access to services by vulnerable and marginalized groups, and financial affordability by users. The strong linkages between the provision of water supply services and the provision of sanitation services demand a holistic approach to promoting equitable access to water and sanitation.

In the pan-European region,¹ the Parties to the **UNECE/WHO-Europe Protocol on Water and Health** have committed to ensure equitable access to safe drinking water supply and adequate sanitation, through accession to or ratification of the Protocol. While there are currently important differences among countries of the pan-European region as regards ensuring equitable access to water and sanitation – as a result of differences between countries in terms of availability of water resources, socio-economic development, historic levels of access, and public policies – efforts need to be made in all countries.

¹ For the purposes of this brochure, pan-Europe is understood to include the 56 States members of the United Nations Economic Commission for Europe and the 53 States in the WHO European Region.



*Specific approaches are needed
to redress current inequities in
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THE CHALLENGE OF ENSURING EQUITABLE ACCESS

A person may lack access to water and sanitation simply because there is no access to safe water and sanitation in the community. Sometimes this is due to the degradation of water resources (scarcity, pollution), but more commonly to a lack or poor management of water and sanitation infrastructure.

Additionally, a community may have access to safe water and sanitation, but those services are not adapted to the particular needs of certain groups (e.g., disabled people), or are not adequately available in the institutions that those groups rely on (e.g., schools, prisons, refugee camps) or certain groups (e.g., ethnic minorities, illegal settlers) may be denied access to water and sanitation due to unintended or intended discrimination practices. Finally, a person may have access but may not be able to afford to pay the water and sanitation bill without curtailing consumption of other basic goods and services.

Four contextual challenges frame current inequities in access to water and sanitation in the pan-European region:

- » **Water resources availability.** The degradation of the quality of water resources means that many towns and villages that rely on local water sources do not have access to safe water, while water scarcity can deprive some towns and villages from access altogether. Polluted water can be treated to make it suitable for drinking purposes and freshwater can be transported over long distances, but these technical solutions can entail great expense that may render water and sanitation unaffordable.
- » **Urban-rural gap.** Rural areas in the pan-European region have significantly lower levels of access to water and sanitation services than urban areas and may face higher water tariffs.
- » **Social vulnerability and marginalisation.** Persons from vulnerable or marginalized groups do not enjoy the same levels of access to water and sanitation as the rest of society. The situation differs across groups, such as persons with special physical needs (such as the disabled or the sick), those who rely on public facilities (such as Travellers or the homeless), users of institutional facilities provided by institutions (such as hospitals, schools, prisons or refugee camps) or those living in unsanitary housing.
- » **Affordability.** The cost of water is a growing concern for all countries. For the poorest countries, either a large part of the population already devotes an important share of their income to pay for water and sanitation services, or they may be facing this situation in the future if tariffs are increased to ensure financial sustainability. In European Union countries, more stringent water quality objectives and progress towards full cost recovery also means that paying for water and sanitation services has become a real concern for lower income families.



Each country has the obligation to provide water and sanitation to all, as well as the possibility to call upon the international community for assistance and cooperation.

INTERNATIONAL OBLIGATIONS TO ACHIEVE EQUITABLE ACCESS

The **human right to water and sanitation** entitles everyone to water and sanitation which is available, accessible, affordable, acceptable and safe.² As with any other human right, a fundamental principle is every person's right to enjoy this right without discrimination, which opens space for affirmative action or special measures to guarantee *de facto* equity. This principle can be used as a justification to provide first access before improving the conditions of access for those that already have it.

The **Protocol on Water and Health** provides a sound framework for the translation of the human right to water and sanitation into practice, in particular through the setting of specific targets and target dates. In addition to other key components of the human right to water such as access to information, public participation and accountability provisions, the Protocol specifically commits its Parties to promote equitable access to water and sanitation.

Each country has the obligation to provide access to water and sanitation for all. Thus the brunt of the financial costs is to be borne primarily by national and local budgets. At the same time, both in relation to the application of human rights and the implementation of the Protocol, the international community acknowledges a legal obligation of **assistance and cooperation**.

Significant **financial resources** are already being devoted by the international community to improve access to water and sanitation, but there is a need to enhance the contribution of those resources to achieving equitable access.



² United Nations General Assembly resolution 64/292, Human Rights Council resolution A/HRC/RES/15/9



General improvements in water and sanitation governance and management can make major contributions, but applying an “equitable access lens” is also needed in order to speed up progress.

STEERING GOVERNANCE FRAMEWORKS TO ENSURE EQUITABLE ACCESS

The realization of the right to water and sanitation requires political commitment and a long term vision for reaching those who do not yet have access. In many cases, current national and local **water governance frameworks** are failing to deliver equitable access for the following reasons: broader governance frameworks may limit or undermine efforts in the water sector; weak water governance and management result in poor sector performance; and current water governance frameworks are often “equity blind”.

Yet, **good water governance and management** can go a long way towards achieving equitable access objectives – examples include transparency and access to information, inclusive participation of stakeholders in decision-making, incentives for operators to improve efficiencies and keep costs down, and accountability and redress mechanisms that are effectively accessible to all people.

That is unlikely to be enough, however. Applying an “**equitable access lens**” will speed up progress. This does not necessarily require setting up new legal and institutional mechanisms and processes, since many existing mechanisms can be used to promote equitable access. It does require, however, a results-oriented action plan building on country situation analysis and context-specific equity indicators. The publication *No one left behind. Good practices to ensure equitable access to water and sanitation in the pan-European region* provides a checklist to help countries **develop a strategic framework** for achieving equitable access.

All water and sanitation stakeholders need to be engaged and roles and responsibilities identified and allocated. Water users must participate as key actors and not only beneficiaries. Transparency, access to information, education and participatory mechanisms must be institutionalized to ensure equitable and sustainable outcomes, but the participation of the members of vulnerable and marginalized groups constitutes a real challenge in all countries and must be given special attention. Water operators also need to be more responsive to delivering equitable access, and local government and civil society organizations need to play a greater role.



Access and price gaps between geographical areas can be explained by underlying cost structures but also by political influence and decisions, and thus reducing those gaps requires a combination of political, financial and technical efforts.

REDUCING GEOGRAPHICAL DISPARITIES

The **levels of service** received by users in different geographical areas within the same country can be very different. According to the United Nations Children's Fund/World Health Organization Joint Monitoring Programme, access to improved water and sanitation solutions in rural areas in the pan-European region is 10% lower than for urban areas. Rural households are many times more likely to lack access to piped water at home than urban households. Access and price gaps between geographical areas can be attributed to underlying cost structures but also to political influence and decisions.

Reducing access gaps requires **political, financial and technical efforts**. International cooperation can play an important role in closing access gaps, by focusing support on the areas that lag behind. Importantly, geographical disparities in access are not just a water policy issue, but also a regional policy issue.

Public policies have a fundamental role to play in **reducing price disparities** between geographical areas by: (a) targeting investment programmes and subsidies to areas with higher costs of service, (b) enabling cross-subsidization from high-income low-cost areas to low-income high-cost areas, and (c) promoting efficiency and rational prices through sector organization reform and the use of information tools such as benchmarking and tariff reference values.





There are many vulnerable and marginalized groups, each with their own needs and facing different barriers to achieving equitable access, and thus requiring differentiated solutions.

ENSURING ACCESS FOR VULNERABLE AND MARGINALIZED GROUPS

Water and sanitation for all will not be achieved without paying particular attention to the **needs of vulnerable and marginalized groups**. Human rights principles highlight the need to actively design water and sanitation policies that prioritise and address the needs of vulnerable and marginalized groups, rather than treating all persons as facing identical challenges in accessing safe water and improved sanitation. Water and sanitation for vulnerable and marginalized groups is often a social exclusion issue not just a water issue.

There are many vulnerable and marginalized groups, each with their own needs and facing different barriers to achieving equitable access, and thus requiring **differentiated solutions**. It is important for policy-makers and all the actors involved in policy implementation, such as regulatory agencies, asset-holders and service providers (whether public or private), to dedicate time and resources to reviewing whether vulnerable and marginalized groups are being included, and that their particular needs are being taken into account.

In many cases, adequate solutions require an **integrated response** combining policies and ensuring collaboration across public agencies. Ensuring access to water and sanitation for vulnerable and marginalized groups requires **targeted financial resources**, which in many cases can be mobilized by reprogramming existing budgetary resources for the sector (since in many cases needs are not massive in comparison with a country's water and sanitation budget). This, in turn, requires **increased awareness** among policy makers and technical staff.



Photograph by Nicholas Alan Clayton



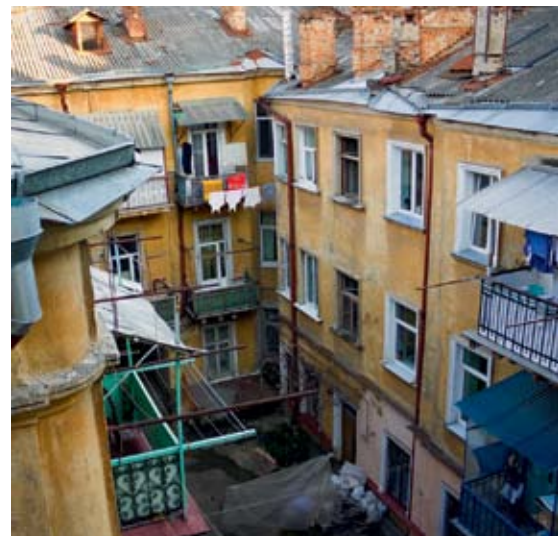
Ensuring that the water bill is affordable for all requires in each country the adoption of a long-term strategy as well as careful selection of in-tariff and out-of-tariff tools.

KEEPING WATER AND SANITATION AFFORDABLE FOR ALL

To achieve equitable access to water and sanitation, it is also necessary to **ensure that the bill for water and sanitation services is affordable**. In Western European countries, increases in water and sanitation costs (due primarily to higher wastewater treatment requirements) have been and will continue to be reflected on water and sanitation bills. In Eastern European countries, where water prices have been traditionally low, the water bill is likely to increase. Affordability is thus a common and increasing concern in the pan-European region, although with differences among countries, and requires adopting a long-term strategy in each country.

Affordability concerns are not merely linked with tariff levels; they are actually driven by **five sets of variables**: the income level and income distribution in a given country or area, the cost of provision in a given country or area, the subsidy policies in place, the tariff policies in place, and the individual behaviour of users. Compliance with national affordability indicators is not enough to ensure that the low income groups in each country have affordable access - specific policies need to be developed to that end. Affordability is not just a water issue; it is a **social protection issue** that requires incorporating water and sanitation aspects within social policy discussions.

There are many **policy options** available to deal with affordability concerns, both in-tariff and out-of-tariff. Criteria to select them should include their effectiveness in reaching the target groups and their demands in terms of administrative capacity and costs. Relying only on tariff design is not enough to ensure affordability: social tariffs and social protection measures are required. To adopt such social tariffs and social protection measures in turn requires the existence of a social policy infrastructure. The options to address affordability concerns will demand financing from other water users or from tax-payers. However, user-financed systems are under increasing pressure and may be reaching their limits in some cases. And water governance already in place in many cases may dictate the terms of possible policy options – for example the fragmentation of service provision in many service areas limits the scope for cross-subsidies between users.



We have at our disposal the policy tools to ensure that strong advances towards universal access to water and sanitation are not made at the expense of putting those populations that require special attention at the end of the access queue.

The Protocol on Water and Health aims to ensure, by linking water management and health issues, the supply of safe drinking water and adequate sanitation for everyone. Moreover, it introduces a strong equity and non discrimination component by stipulating that "equitable access to water, adequate in terms both of quantity and of quality, should be provided for all members of the population, especially those who suffer a disadvantage or social exclusion".

In 2010, the United Nations General Assembly and the Human Rights Council recognized access to water and sanitation as a human right. In order to comply with the human rights obligations, as well as their obligations under the Protocol on Water and Health, Governments need to pay special attention to ensure that access to water and sanitation is equitable for all members of the population.

This brochure summarizes key aspects to be taken into account and provides policy options to ensure equitable access to water and sanitation. It distinguishes three key dimensions of equitable access: geographical disparities; specific barriers faced by vulnerable and marginalized groups; and affordability concerns. In addition, practical examples, existing good practices and lessons learned from enacted policies and measures are presented in the publication *No one left behind. Good practices to ensure equitable access to water and sanitation in the pan-European region*.

The joint ECE/WHO-Europe secretariat of the Protocol on Water and Health would like to thank the Ministry of Labour, Employment and Health of France for its support to the preparation of this brochure.



More information concerning the Protocol on Water and Health is available on the website:
<http://www.unece.org/env/water>