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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights to safe drinking water and sanitation

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the human rights to safe drinking water and sanitation, Pedro Arrojo Agudo, in accordance with Human Rights Council resolution [42/5](#).

* [A/77/150](#).



Report of the Special Rapporteur on the human rights to safe drinking water and sanitation, Pedro Arrojo Agudo

Human rights to safe drinking water and sanitation of people in impoverished rural areas

Summary

In the present report, the Special Rapporteur on the human rights to safe drinking water and sanitation shares his reflections on the fulfilment of the human rights to safe drinking water and sanitation in impoverished rural communities.

Most of the world's population living in extreme poverty live in rural areas, far from urban centres, marginalized from political decisions. Many are governed by traditional peasant cultures that sustainably manage aquatic ecosystems and promote integrated community-based water management models and ways of life and production based on circular economy approaches in their territories. The expansion of large agro-livestock, mining, forestry and tourism, based on land- and water-grabbing, depletes and pollutes sources vital to communities. This, together with the lack of basic infrastructure and government support, violates these communities' human rights to safe drinking water and sanitation and disregards the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. As a result of the defence of their water and territories, the communities often suffer criminalization, repression and the killings of leaders and environmental human rights defenders. Recognizing and strengthening community water and sanitation systems, valuing the role of women and reinforcing their participation in decision-making, prioritizing budget allocation and protecting the sustainability of aquatic ecosystems are the basis for guaranteeing these communities human rights to safe drinking water and sanitation.

I. Introduction

A. Purpose and objectives of the report

1. The present report is focused on the human rights to safe drinking water and sanitation, including hygiene, in impoverished rural communities, which often live in remote territories, far from the attention of Governments. Their livelihoods are based on activities linked to the territory – small-scale agriculture, combined with small-scale livestock farming, forestry or fishing – with traditional forms of integrated production and circular economy. The water, usually obtained from nearby sources, is used for domestic, agricultural and livestock purposes.

2. The aim of the report is to identify the problems with regard to drinking water and sanitation, as well as the lessons that these communities offer to the world from the traditional peasant cultures that they keep alive, and ultimately to give recommendations to advance the progressive fulfilment of their human rights to safe drinking water and sanitation.

3. To prepare the thematic report, the Special Rapporteur consulted rights holders, State and non-State actors and other stakeholders.

B. Historical evolution of the rural environment

4. In the nineteenth century, under the influence of liberal ideas, common goods, communal lands and common water rights were privatized in many countries. The communal vision of peasants that dominated rural life began to change to today's concept of agriculture, which is based on the individual, market-oriented and dependent on external inputs and financial flows.

5. The most significant rural-urban migration in industrialized countries began after World War II, with the so-called green revolution. A new model of sectorized production was imposed on the flattest, more productive and easily mechanized territories, separating agriculture from livestock farming, with the widespread use of tractors, standard seeds, fertilizers and pesticides to maximize the production of a smaller variety of products. These changes required financial capabilities and drove millions of peasant families from rural to urban areas.

6. Those territories that offered the worst natural conditions because of mountainous terrain, land quality, water availability or isolation and poorer communications, were relegated to marginal rural areas, where traditional peasant ways of life and knowledge survived.

7. These territories, however, have in recent decades attracted large-scale projects, seriously affecting their drinking water sources and the existence of the rural communities that inhabit them.

C. Scope and definition of rural areas

8. Although there is no globally accepted definition of rural areas, the Special Rapporteur refers to three criteria to define the scope of the report:

(a) Remote location and poor communications with medium-sized and large cities;

(b) Dominance of primary activities and strong linkage and dependence on the natural environment;

(c) Lack of provision of basic services, in particular, safe drinking water and sanitation.

9. Regarding the first criterion, remote refers to small communities with unpaved roads, low population density, high self-consumption in the community, low market reach outside and low capacity to pay for products and services and to finance water and sanitation facilities.¹

10. The second criterion refers to the main sources of livelihood, based on primary activities such as small-scale agricultural and livestock production, fishing and forestry, etc., mainly developed for self-consumption and local markets.² Several non-governmental organizations, such as the Rural Water Supply Network,³ observe that agriculture, in particular rain-fed agriculture, is generally the main livelihood in most rural areas. Also to be taken into consideration are mobile, nomadic, semi-nomadic or seasonal communities, such as pastoralist or fishing communities, small-scale miners and seasonal and migrant workers.⁴

11. The third criterion is the most relevant and reflects the asymmetry of power between urban and marginalized rural areas, where States relegate their obligation to guarantee human rights to safe drinking water and sanitation. This criterion includes rural territories and communities that are not necessarily physically distant from urban centres but are marginalized because of low economic interest, historical conflicts or ethnic, religious or descent-based discrimination. This is also often the case for islands and overseas rural territories. Slums, as an essentially urban phenomenon, are not included in the scope of the report.

12. These communities, with different cultures and sociopolitical contexts, have a common characteristic: that of living in extreme poverty and vulnerable conditions.

13. The scope of the report includes communities affected by disasters, megaprojects or climate change, displaced to informal settlements in rural areas, but excludes refugee camps and camps for internally displaced persons due to armed conflicts, as the roots of the problems are different.

D. Socioeconomic situation of rural communities

Marginalization and poverty

14. Although the rural population continues to migrate to cities, the World Bank estimated in 2020 that 44 per cent of the world's population lives in rural areas.⁵ The vast majority of the 767 million coping on less than \$1.90 a day inhabit rural areas.⁶

15. The poorest and least educated households in rural areas are the most affected by the lack of safe drinking water and sanitation. However, they also pay the most for

¹ Water Aid, Plan International and United Nations Children's Fund (UNICEF), *Guidance on programming for rural sanitation* (2019), p. 39. Available at <https://washmatters.wateraid.org/sites/g/files/jkxoof256/files/guidance-onprogramming-for-rural-sanitation.pdf>.

² International Telecommunication Union (ITU) and United Nations Educational, Scientific and Cultural Organization (UNESCO), *Partnering for solutions: ICTs in Smart Water Management* (Geneva, 2014), p. 26. Available at https://www.zaragoza.es/contenidos/medioambiente/onu/1317-eng_Partnering_for_Solutions_ict_in_Smart_Water_Management.pdf.

³ Kerstin Danert and Cara Flowers, *People, Politics, the Environment and Rural Water Supplies*, Rural Water Supply Network-International Fund for Agricultural Development (IFAD), Rural Water Supply Series, vol. 1 (2012), p. 3. Available at <https://skat.ch/book/people-politics-the-environment-and-rural-water-supplies/>.

⁴ Ibid.

⁵ See <https://data.worldbank.org/indicator/SP.RUR.TOTL.ZS>.

⁶ World Bank Group, *Poverty and Shared Prosperity 2016: Taking on Inequality* (Washington, D.C., World Bank, 2016), p. 7.

drinking water in proportion to their income. For example, in Brazil, people living in rural areas pay twice as much on average as in the affluent urban sector.⁷

16. The International Telecommunication Union (ITU) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) studied the widespread extreme poverty in rural communities, particularly in areas such as the east of the Horn of Africa, where 95 per cent of the population lives in rural areas and 60 per cent on less than \$1 per day.⁸

17. The Food and Agriculture Organization of the United Nations (FAO) and the International Labour Organization (ILO), inter alia, found that people living in rural areas are more exposed to health-related risks, such as maternal morbidity and mortality, due to a lack of access to health facilities and adequate infrastructure, in particular water and sanitation services.⁹

E. Validity of practices and knowledge of traditional peasant cultures

18. Rural drinking water and sanitation are strongly linked to water use for food production and livelihood. Understanding this integrated approach is fundamental to promoting the human rights to safe drinking water and sanitation in rural areas.

19. Traditional peasant knowledge underpins integrated and sustainable water management, environmentally adapted seed selection and minimal energy consumption to generate energy-efficient and nutritionally diverse food, developing a local circular economy model in which human food waste is used for animal feed, and manure and slurry as agricultural fertilizers.

20. Water for irrigation has traditionally been limited to fertile and well-drained land, generally on alluvial soils, so that excess irrigation water infiltrates and returns to the natural system formed by the river and its alluvial aquifer, remaining available to other downstream uses, including drinking water. This approach to water management has preserved the good status of water bodies for centuries and provided both drinking water and water for irrigation to rural communities.

21. In contrast, industrialized agriculture and livestock today consume more energy than the food produced stores, contributing to one-third of global greenhouse gas emissions; overdevelopment of irrigation is the leading cause of overexploitation of aquifers, the drying up of wetlands and unsustainable river ecosystems, putting the drinking water supply of many rural communities at risk; pesticides are a significant cause of toxic contamination of drinking water supplies; and the widespread use of chemical fertilizers and the large-scale production of slurry from intensive livestock farming is causing increasing problems of nitrate contamination of drinking water.

22. According to researchers, peasant production is vital for at least 70 per cent of the world's population, while agribusiness, which absorbs more than 70 per cent of agricultural resources, addresses only 30 per cent.¹⁰ La Via Campesina points out that peasants and small farmers make up half of the world's population and grow at least 70 per cent of our food, using less than 30 per cent of agricultural resources.¹¹

⁷ Pan American Health Organization (PAHO), *Water and Sanitation: Evidence for Public Policies Focused on Human Rights and Public Health Results* (PAHO, Washington, D.C., 2011). Available at <https://www.paho.org/hq/dmdocuments/2012/Water-Sanitation-final-eng.pdf>.

⁸ ITU and UNESCO, *Partnering for solutions: ICTs in Smart Water Management* (2014), p. 22.

⁹ ILO and FAO, *Extending Social Protection to Rural Populations: Perspectives for a Common FAO and ILO Approach* (Geneva, 2021), p. 8.

¹⁰ Action Group on Erosion, Technology and Concentration "Peasants still feed the world even if FAO claims otherwise", 31 January 2022. Available at www.etcgroup.org/content/peasants-still-feed-world-even-if-fao-claims-otherwise.

¹¹ La Via Campesina, "Every day should be international day of peasants struggles", 18 April 2016. Available at <https://viacampesina.org/en/event/every-day-should-be-international-day-of-peasants-struggles/>.

23. Recently, FAO has advocated for the need for an agroecological transition toward sustainable food systems that reconcile human and ecosystem health with social welfare, recovering traditional peasant knowledge, seeds and livestock varieties and integrated agro-livestock management.¹²

24. The Special Rapporteur does not intend to mythologize the traditional peasant way of life and food production or devalue the contributions to human development that the “green revolution” has made, but to reflect on the changes needed in water management to meet the challenge of ensuring the sustainability of aquatic ecosystems. He believes that peasant cultures provide lessons to address the global water crisis in the current climate change outlook as keys to a circular economy of proximity.

II. Human rights obligations of States concerning drinking water and sanitation in rural areas

25. States must ensure all human rights to safe drinking water and sanitation, including the rights of people living in impoverished rural communities.

A. Access to water and sanitation in international human rights standards

26. In 2010 and 2015, the General Assembly and the Human Rights Council recognized the human rights to water and sanitation as distinct but interrelated human rights.

27. In 2002, the Committee on Economic, Social and Cultural Rights, in its general comment No. 15,¹³ referred to the obligation of States Parties to ensure properly maintained water facilities in rural areas and to effectively protect traditional water sources from encroachment and unlawful pollution (paras. 16, 26 and 29). The focus of general comment No. 14 is on ensuring safe drinking water and sanitation to protect rural health.¹⁴ In general comment No. 20, the Committee advocates equal access to adequate housing, water and sanitation to overcome discrimination against women and girls in rural areas.¹⁵ In general comment No. 24, it notes the adverse impact of business activities on peasants, fisherfolk and other people in rural areas (para. 8).

28. The Committee on the Elimination of Discrimination Against Women requires States parties to ensure that rural women have access to adequate living conditions, health-care facilities and drinking water and sanitation,¹⁶ with particular emphasis on older women.¹⁷

29. In the 2018 United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, access to land, water, seeds and other natural

¹² FAO, High Level Panel of Experts on Food Security and Nutrition, *Agroecological and other innovative approaches for sustainable agriculture and food systems that enhance food security and nutrition* (Rome, Committee on World Food Security, 2019), p. 116. Available at <https://www.fao.org/3/ca5602en/ca5602en.pdf>.

¹³ General comment No. 15 (2002) on the right to water; and submission by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to the Conference of the Parties to the United Nations Framework Convention on Climate Change at its twenty-first session (available at <https://www.unclearn.org/wp-content/uploads/library/cop21.pdf>).

¹⁴ General comment No. 14 (2000) on the right to the highest attainable standard of health, para. 12 (b).

¹⁵ General comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, para. 8 (b).

¹⁶ General recommendation No. 24 on women and health.

¹⁷ General recommendation No. 27 (2000) on older women and protection of their human rights, paras. 24 and 49.

resources is recognized as an increasing challenge for rural people, the importance of investing in rural development is stressed, and two articles are devoted to their human rights to drinking water and sanitation.¹⁸

B. Universal periodic review

30. During the third cycle of the universal periodic review, from 2017 to 2022, access to water and sanitation and/or inequalities in rural areas in the review of 38 States were considered, encouraging in particular the acceleration of efforts to provide nationwide access to adequate sanitation in rural areas (see a compilation of universal periodic review recommendations).¹⁹

C. Sustainable Development Goals

31. Sustainable Development Goal 6 proposes a commitment to ensuring availability and sustainable management of water and sanitation for all and establishes eight targets for 2030, some of which relate to impoverished rural communities:

(a) Target 6.1: in 2020, 2 billion people still had no access to safely managed drinking water; 8 out of 10 lived in rural areas;

(b) Target 6.2: in 2020, 673 million people practised open defecation and about 3 billion still lacked basic handwashing facilities, most of them in rural communities;

(c) Target 6.6: protecting and restoring water-related ecosystems is especially urgent for impoverished rural communities, given their direct dependence on them;

(d) Target 6.b: support and strengthen the participation of local communities in improving water and sanitation management.

III. Water and sanitation in impoverished rural communities

A. Vital importance of aquatic ecosystems for domestic and productive uses

32. Peasants' lives are closely linked to the territory, ecosystems, rivers, springs or wells on which they depend to obtain the water they need and, often, the protein base of their diet, through fishing. Their holistic community management is based on traditional knowledge and practices still essential to their survival in the 21st century.

33. Human communities have always received water through the universal water supply network of rivers, lakes, wetlands, springs and aquifers. However, as the population has grown and human activities have multiplied, the pollution level has exceeded the natural purification capacities of biodegradable pollutants. In addition, new non-biodegradable toxic pollutants have appeared. In this context, impoverished rural communities often cannot rely on nearby water sources. As building infrastructure from more distant sources becomes unaffordable, women and girls ultimately bear the burden.

¹⁸ United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, arts. 17 (1) and 21.

¹⁹ https://docs.google.com/document/d/1JZX5R21WILvQWJcTu0nJx_OAcKV_RS_/edit?usp=sharing&oid=115590795427206158685&rtfpof=true&sd=true.

B. Human right to safe drinking water in impoverished rural communities

34. Regarding drinking water services, treated water piped into the home, by municipalities, has been presented as the gold standard for access to drinking water since the Global North reference.²⁰ However, in impoverished rural communities, drinking water is usually obtained from public sources or community-managed wells, or by self-supply through private wells or wells shared by several families, from local water vendors with tankers, or by fetching water directly from springs, rivers or lakes. In almost all cases, the absence of household water supply networks and the lack of chlorination and quality monitoring mean a high risk of non-potability.²¹

1. Availability

35. Rural communities supplied water in a variety of ways:²²

(a) With rooftop rainwater harvesting cisterns or collecting water on the ground in ponds during the rainy season;²³

(b) Through springs or open wells or tube wells equipped with hand or mechanical pumps – often the most viable option if the aquifer is not contaminated;

(c) Surface water sources are another way of supplying drinking water, although there is usually a higher risk of contamination than with groundwater.²⁴

36. The Committee on Economic, Social and Cultural Rights, in its general comment No. 15, establishes that priority must be given to the right to water for personal and domestic uses (para. 6). However, megaprojects, mining, hydropower, agribusiness and industry are often prioritized, putting the availability of drinking water for communities at risk.²⁵

2. Accessibility

37. Water distribution from a central source to the various surrounding communities that draw from it is also an essential aspect of water supply for compliance with the accessibility requirement. In the sub-Saharan savannah, each well is used to water the livestock of several communities for miles around, and women and girls walk many hours daily to fetch water. Building a high reservoir next to each well to obtain pressure and distributing the water through pipes to the communities ensures accessibility but requires investments that are often unaffordable for the people.

3. Quality

38. Increasingly, the quality of surface or groundwater is affected by the impacts of climate change, by economic developments external to the communities or by the lack of adequate sanitation systems in the communities themselves; and people do not have the means to decontaminate the water. Pollution can occur even far from the

²⁰ A/70/203, para. 61.

²¹ Franziska Genter, Juliet Willetts and Tim Foster, “Faecal contamination of groundwater self-supply in low- and middle-income countries: systematic review and meta-analysis”, *Water Research*, vol. 201 (August 2021).

²² M. Sundaravadivel and S. Vigneswaran, “Rural water supply systems”, sample chapters, “Wastewater recycle, reuse and reclamation”, Vol. II, Encyclopedia of Life Support Systems (UNESCO). Available at <http://www.eolss.net/sample-chapters/c07/e2-14-03-03.pdf>.

²³ Beshah M. Behailu, Pekka E. Pietilä and Tapio S. Katko, “Indigenous practices of water management for sustainable services: case of Borana and Konso, Ethiopia”, *Sage Open* (2016).

²⁴ A/70/203, para. 70.

²⁵ A/74/197, para. 2.

communities and can be organic, biological or even toxic, from pesticides or industrial or mining waste, with examples in the Islamic Republic of Iran²⁶ and Peru,²⁷ and the Niger, from uranium mining.²⁸ Natural contamination, for example with arsenic present in specific geological substrates, is often induced by the overexploitation of certain aquifers for agro-industrial irrigation, which brings up natural arsenic from the bottom of the aquifer and gradually poisons people, as is the case in regions of Mexico and Bangladesh.²⁹

39. The conjunctive use of water for domestic use, irrigation and watering of livestock makes water treatment more expensive, which often discourages potabilization, bringing health risks.³⁰ In rural areas of many countries, children suffer from diseases and malnutrition: for instance, in Peru, it was reported that 11.5 per cent of children under five years of age suffer from acute diarrhoeal diseases.

4. Affordability

40. According to various organizations, affordability is a constraint in rural areas worldwide, mainly for self-supply households without financial support. UN-Water,³¹ UNESCO³² and the World Bank³³ agree that Governments should identify the minimum service levels needed in rural areas to provide safe drinking water and sanitation.

41. When people in towns and cities with water supply networks cannot pay for water and sanitation for reasons beyond their control, cutting off their water services is a human rights violation. For impoverished rural communities, Governments' failure to plan and invest in infrastructure, training and maintenance,³⁴ which impoverished rural communities cannot afford, sets the stage for the non-fulfilment of these human rights. Ensuring affordability involves ensuring the means progressively to:

- (a) Monitor water quality;
- (b) Ensure potability through chlorination or other means;
- (c) Build infrastructure (waterworks, pumps, pipelines);
- (d) Develop education and training programmes;
- (e) Maintain the system (energy, labour).

²⁶ Gholamreza Mojarradi, Rohollah Rezaei and A. Ketabi, "Negative impacts of mine exploitations on rural regions of Tekab Township", *Journal of Mining and Environment*, vol. 7, No. 1 (2016).

²⁷ Cristina Blanco Vizarrata. *El Proyecto Conga Desde Los Estándares del Sistema Interamericano de Derechos Humanos*, human rights masters thesis, Pontificia Universidad Católica del Perú, p. 79, para. 1 (2013).

²⁸ Boris Ngounou, "Africa: the impact of mining on the environment", Afrik 21, dossier, Africa World Environmental Day 2021. Available at www.afrik21.africa/en/africa-the-impact-of-mining-on-the-environment/.

²⁹ World Health Organization (WHO), fact sheet, "Arsenic", 15 February 2018.

³⁰ Elida Villalba, *Un modelo comunitario pionero: la gestión del agua en Paraguay entre derecho humano y gobernanza del bien común*, doctoral thesis, University of St. Gallen, Switzerland, pp. 187 and 188. Available at <https://www.alexandria.unisg.ch/265913/1/Dis5203.pdf>.

³¹ UN-Water, *Eliminating discrimination and inequalities in access to water and sanitation*, policy brief (Geneva, 2015), p. 47.

³² UNESCO, World Water Assessment Programme, *The United Nations World Water Development Report 2019: Leaving No One Behind* (2019), p. 95.

³³ World Bank Group, *A Review of Rural Water and Sanitation Services in Seven Countries of the Danube Region* (Vienna, 2018), p. 66.

³⁴ Villalba, *Un modelo comunitario pionero: la gestión del agua en Paraguay entre derecho humano y gobernanza del bien común* (see footnote 30).

42. When third parties generate impacts, States must prevent them from doing so and compel those causing the problems to provide the solutions and pay the costs.

43. States must also put in place the necessary means and adequate planning to prevent or cope with climate change-related problems, such as extreme droughts and floods, that often overwhelm the capacities of communities.

5. Acceptability

44. Effective solutions require not only funding but also acceptable proposed solutions and active participation by communities. In particular, chlorination or other means of ensuring potability require information and dialogue with the community.

C. Human right to sanitation in impoverished rural communities

45. As with drinking water, sanitation services must be available, accessible, acceptable and affordable to everyone at home and in schools, health centres, places of work and leisure. However, it must also be ensured that sanitation facilities are safe for all, most notably for women and girls. In rural areas, individual or shared toilets or latrines under community management are usual.³⁵

46. Lack of priority in public policies and within communities due to lack of awareness or cultural taboos, and the costs involved, hinder the development of sanitation services in rural areas, even though they are fundamental to public health. It is therefore necessary to prioritize progressive implementation of rural sanitation through appropriate policy frameworks adapted to local circumstances.

47. UNICEF estimates that 3 billion, 40 per cent of the world's population, do not have handwashing facilities at home, like nearly half of all schools.³⁶ When contrasting the percentage of households with handwashing facilities in rural as compared with urban areas, in India, for example, 50 per cent of rural households do not have access as compared with 80 per cent in urban areas.³⁷

48. WHO and UNICEF estimated that, of the 3.6 billion people lacking safely managed sanitation services in 2020, two thirds lived in rural areas, and 92 per cent of the 496 million still practised open defecation.³⁸

49. IRC and the Women's Federation for World Peace³⁹ stressed that cultural constraints and practices determine sanitation practices in rural areas. Although rural people know the importance of latrines, in many countries such as Burkina Faso, their construction remains at the bottom of household priorities because an indoor latrine puts the household's cleanliness at risk; therefore, defecation practices are maintained.⁴⁰

³⁵ A/70/203, paras. 52–55.

³⁶ UNICEF, "Hand hygiene for all", June 2020. Available at www.unicef.org/reports/hand-hygiene-for-all-2020.

³⁷ World Bank, "Many homes lack basic handwashing facilities", 12 January 2020. Available at <https://datatopics.worldbank.org/world-development-indicators/stories/many-homes-lack-basic-handwashing-facilities.html>.

³⁸ WHO and UNICEF, *Progress on household drinking water, sanitation and hygiene, 2000–2020: Five Years into the SDGs* (Geneva, 2021), p. 9. Available at <https://data.unicef.org/resources/progress-on-household-drinking-water-sanitation-and-hygiene-2000-2020/>.

³⁹ The Women's Federation for World Peace International is a women's organization that promotes women as an essential ingredient in creating a peaceful global society, founded in 1992 in the Republic of Korea. The Federation has general consultative status with the Economic and Social Council.

⁴⁰ IRC, "Integrating the human right to sanitation in Burkina Faso: improving women's access to sanitation in Burkina Faso's rural areas" (2015), p. 13. Available at www.ircwash.org/resources/integrating-human-right-sanitation-burkina-faso-improving-women-s-access-sanitation.

50. In northern Senegal, where open defecation is practised, women take the lead in building latrines in their homes. Although women are usually marginalized in decision-making, sanitation is considered a part of their role, allowing them to organize “tontines”, which are community organizations to manage micro-credits, in this case with the collaboration of Ingeniería para el Desarrollo Humano (ONGAWA) and the Agencia Española de Cooperación Internacional para el Desarrollo (AECID), for building latrines.⁴¹

51. UN-Water and WHO estimate that 73 per cent of international cooperation water, sanitation and hygiene for all (WASH) funds go to drinking water and only 27 per cent to sanitation; the same percentages accurately compare investments in urban areas, 73 per cent, and 27 per cent in rural areas.⁴²

52. The human right to sanitation requires the maintenance of facilities and cleaning discharges to avoid contaminating the drinking water of communities or neighbouring communities.⁴³ In rural areas with low population density, the risk of contamination of aquifers from septic tanks is minimal. Nonetheless, the risks in more densely populated areas should be carefully managed.

53. Ensuring the human right to sanitation in rural communities often poses even more significant affordability challenges than those related to the water supply. Therefore, it is imperative to promote technologies and strategies that are affordable, acceptable and manageable by the communities, which involves significant challenges. Dry toilets, extensive sanitation techniques or the adaptation of latrines to flood risks are good examples.⁴⁴

54. In the Lao People’s Democratic Republic, significant progress was made in the construction and use of latrines in rural areas, lowering the percentage of open defecation from 73 per cent in 2000 to 31 per cent in 2017, thanks to an extensive education programme and a targeted budget effort towards rural sanitation with the support of the World Bank.⁴⁵

55. In Timor-Leste, from 2012 to 2020, the Government developed a comprehensive programme to promote so-called community-led total sanitation, which offers positive results.⁴⁶ According to the UNICEF East Asia and Pacific Regional Office, community-led total sanitation in East Asia and the Pacific has effectively improved rural sanitation and people’s behaviour and raised government awareness of the priority of rural sanitation.⁴⁷

⁴¹ Carmen Arco Fuentes, Universidad Politécnica de Madrid and Universidad Complutense de Madrid, *Tontines: Influencia en el acceso a saneamiento y el empoderamiento de las mujeres rurales en cuatro comunidades del Departamento de Podor (Senegal)* (2022).

⁴² UN-Water and WHO, *UN-Water Global Analysis and Assessment of Sanitation and Drinking-Water (GLAAS) 2014 Report: Investing in Water and Sanitation: Increasing Access, Reducing Inequalities* (Geneva, 2014) pp. 34, 48 and 50.

⁴³ [A/HRC/36/45](#), para. 77.

⁴⁴ Development Bank of Latin America, *Agua potable y saneamiento en la nueva ruralidad de América Latina* (2016), p. 245, para. 1, subpara. 1; p. 308, para. 1, subpara. 4; and p. 380, para. 4.

⁴⁵ WHO and UNICEF, *Progress on household drinking water, sanitation and hygiene 2000–2017: Special Focus On Inequalities* (New York, 2019), p. 114. Available at <https://washdata.org/sites/default/files/documents/reports/2019-07/jmp-2019-wash-households.pdf>.

⁴⁶ UNICEF Timor-Leste country office and Government of Timor-Leste Ministry of Health, *Country-Led Formative Evaluation of Community-Led Total Sanitation in Timor-Leste (2012 – 2020)* (Timor-Leste, 2021). Available at www.unicef.org/timorleste/reports/country-led-formative-evaluation-community-led-total-sanitation-timor-leste-2012-2020.

⁴⁷ UNICEF East Asia and Pacific Regional Office, *Community-Led Total Sanitation in East Asia and Pacific: Progress, Lessons and Directions*, p. 38. Available at <https://washmatters.wateraid.org/publications/community-led-total-sanitation-in-east-asia-and-pacific-2013>.

D. Community-based drinking water supply management in rural communities

56. Many rural communities maintain a traditional peasant way of life, with community-based water management and communal lands that are often not legally owned. This facilitates land-grabbing and occupation by large-scale agribusiness developments that usually have polluting impacts from pesticides and fertilizers on safe drinking water.

57. From the peasant's point of view, water is considered a common good. Under the concept of a common good, water use or consumption by an individual limits the possibility of another person's use of the same resource. Therefore, ensuring its use by all requires joint care of the commons.⁴⁸

58. In remote places where the State is absent, water community systems take responsibility for managing water supply, ensuring that no one is left behind, even when someone cannot pay.

59. The Special Rapporteur considers that these experiences entail valuable lessons for democratic water governance based on a human rights approach that guarantees participation, transparency and accountability.

60. Some peasant communities have strong traditional worldviews that attribute a sacred character to aquatic ecosystems. In Cajamarca region, Peru, for example, peasants oppose the Conga open-pit gold mining project, defending not only the health of their communities against mining pollution, but also the integrity of the high-altitude wetlands that they consider sacred and that feed the Andean watersheds.⁴⁹

61. South Africa promotes small-scale rural water infrastructures, training and nearby availability of spare parts. Nonetheless, when it comes to covering the costs, collective perception of ownership of these systems is important. In the rural community of Makhudutamaga, South Africa, more people became willing to pay what was necessary to guarantee the water supply when community property was clarified.⁵⁰

62. Community water management in Latin America and the Caribbean is implemented through some 80,000 community water and sanitation services organizations (*acueductos comunitarios*). It serves some 70 million people in the most impoverished rural areas.⁵¹

63. However, in many rural areas, the communitarian vision of peasant cultures shows weaknesses in the growing influence of private ownership and individualism. In many cases, self-supply systems are the solution for those who have the means to build private wells or wells shared by a group of families. There are also high levels of non-payment among those who can pay, impacting community cohesion and weakening the ability for maintenance investments.

⁴⁸ Elinor Ostrom, *Governing the Commons: the Evolution of Institutions for Collective Action*. (Cambridge University Press, Cambridge, United Kingdom, 1990).

⁴⁹ Ibid.

⁵⁰ Malekeng Sylvester Selala, Aidan Senzanje and Khumbulani Dhavu, "Requirements for sustainable operation and maintenance of rural small-scale water infrastructure in Limpopo Province, South Africa", *Water S.A.*, vol. 45, No. 2, p. 295.

⁵¹ Agencia Española de Cooperación Internacional para el Desarrollo (AECID), *Memoria del VII Encuentro Latinoamericano de Gestión Comunitaria del Agua* (2016).

E. Role of women and girls in drinking water and sanitation in rural communities

64. Multiple organizations share that rural women and girls bear the primary responsibility of fetching water and disposing of faeces, often spending 4–5 hours per day carrying heavy containers and suffering acute physical problems.⁵² This leaves them little time for household chores, income generation or schooling,⁵³ exposing them to security risks. The lack of adequate latrines or toilets increases the risk of sexual-based violence.⁵⁴ In addition, the lack of adequate water and sanitation facilities prevents girls from attending class during menstruation.⁵⁵ During the dry season, time and risk for women and girls are compounded by having to fetch water from greater distances.⁵⁶

65. Studies demonstrate the extent of taboos surrounding menstruation as synonymous with impurity, as stated by the former Special Rapporteur, Léo Heller, in a report in 2016.⁵⁷ One report estimates that girls miss six days of school per month owing to a lack of sanitary facilities to manage their menstruation and that 23 per cent drop out of school.⁵⁸ Guaranteeing women's human right to sanitation requires ensuring dignified and safe toilets and latrines with adequate conditions for menstrual hygiene.

66. In addition, women in rural communities are often marginalized in decision-making, being sidelined from the committees in charge of organizing community water and sanitation management. The Special Rapporteur considers this marginalization unacceptable, first and foremost because a human rights-based approach to water and sanitation includes the right to participation. Women and girls also have more knowledge because they bear the burden of water and sanitation in the household and community. In addition, they know their menstrual needs better than anyone else.

67. Research indicates that high participation of women in water boards improves their functioning.⁵⁹ The Special Rapporteur notes positive changes in national legislation in many countries, with women increasingly taking responsibility for community water management. Furthermore, beyond promoting women's direct participation in decision-making, creating specific spaces of trust for women to voice their concerns and design their proposals strengthens women's effective participation.

⁵² FIAN International, "Rights to water and sanitation", p. 10 and 11. Available at https://www.fian.org/files/files/Andrea_20201211_Papers_1_Water_v2.pdf.

⁵³ Convention on Biological Diversity, "Drinking water, biodiversity and development: a good practice guide" (Montreal, 2010), p. 4. Available at <https://numerique.banq.qc.ca/patrimoine/details/52327/2160912?docref=VV5tJCw92-b5Ps-rj36maw>.

⁵⁴ ILO, "Water for improved rural livelihoods: decent work in the rural economy", policy guidance notes (2019), p. 5.

⁵⁵ FIAN International, "Rights to water and sanitation" (2010), pp. 10 and 11; and IRC, "Integrating the human right to sanitation in Burkina Faso" (2015), p. 14 (see footnote 40).

⁵⁶ Women's Environment and Development Organization, "Untapped connections: Gender, water and poverty: key issues, government commitments and actions for sustainable development" (2003), p. 3.

⁵⁷ [A/HRC/33/49](https://www.fian.org/files/files/Andrea_20201211_Papers_1_Water_v2.pdf).

⁵⁸ Diksha Ramesh, "Breaking the silence: taboos and social stigma surrounding menstruation in rural India", 8 July 2020. Available at <http://gppreview.com/2020/07/08/breaking-the-silence-taboos-and-social-stigma-surrounding-menstruation-in-rural-india/>.

⁵⁹ See Villalba, *Un modelo comunitario pionero: la gestión del agua en Paraguay entre derecho humano y gobernanza del bien común* (see footnote 30).

F. Human rights to safe drinking water and sanitation of specific discriminated groups living in rural communities

68. The Special Rapporteur is concerned that, in some countries, the stigma associated with the concept of purity and pollution against Dalits and communities discriminated on work and descent deprives them of their rights to safe drinking water and sanitation; for instance, they cannot drink from public fountains because they are believed to contaminate the water. Moreover, Dalits are often forced into manual scavenging, and many Dalit women are reportedly forced to scrape human excrement from dry toilets in private households or public places. Dalit children are often denied access to school water supplies or forced to perform “manual scavenging” on and around school premises, dropping out of school.⁶⁰

69. Likewise, where community management does not work, people with disabilities have difficulties accessing safe water and sanitation in rural areas owing to exclusion, stigmatization and distance. In Ghana⁶¹ and Malawi,⁶² persons with disabilities lead the rankings of people without access to safe drinking water and sanitation.

70. However, when community management is operative, usually no one is left behind. The Mboro community in Senegal, for example, sets the rate to be paid through the elected committee (ASUFOR) of water users, and everyone pays it; however, if someone cannot pay, not only is the water not cut off, but the common fund provides support for them.⁶³

G. Responsibility of States concerning drinking water and sanitation in rural communities

1. Legal, policy and institutional framework

71. An increasing number of countries have recognized the human right to drinking water in their constitutions; explicit recognition of the human right to sanitation is less common. Nonetheless, legislation is needed to translate constitutional recognition into concrete norms that guarantee these rights to impoverished rural communities. Likewise, an institutional framework that allows the effective participation of the communities and budgets is needed.

72. For instance, Mexico recognized the human right to water in its constitution in 2012. However, almost 10 years later, a general water law has not been approved, and a Supreme Court sentence that ordered the unblocking of the law was not implemented.⁶⁴ According to civil society organizations that contacted the Special Rapporteur, this legal vacuum facilitated the approval of a law privatizing water

⁶⁰ See submission from the Global Forum of Communities Discriminated on Work and Descent. Available at www.ohchr.org/en/calls-for-input/2021/call-input-2022-reports-indigenous-peoples-and-people-living-rural-areas.

⁶¹ Benjamin Dosu and Maura Hanrahan. “Barriers to drinking water security in rural Ghana: the vulnerability of people with disabilities”, *Water Alternatives*, vol. 14, No. 2 (2021), pp. 453–468.

⁶² Sian White and others, “A qualitative study of barriers to accessing water, sanitation and hygiene for disabled people in Malawi”, *PLoS ONE*, vol. 11, No. 5.

⁶³ See submission from Aquatec. Available at <https://www.ohchr.org/en/calls-for-input/2021/call-input-2022-reports-indigenous-peoples-and-people-living-rural-areas>.

⁶⁴ Mexico, Supreme Court, press release, 24 January 2022. Available at www.internet2.scjn.gob.mx/red2/comunicados/noticia.asp?id=6744.

services in Querétaro, leading to protests by rural communities, indigenous peoples and social organizations.⁶⁵

73. The institutional framework should establish clear responsibilities and ensure coordination between the national Government, municipalities, community organizations and international donors. For instance, in Uganda, institutional framework divisions of responsibilities for rural water supply are clearly defined.⁶⁶

74. In Burundi, the service provider, REGIDESO, has a different cost regime for urban and rural areas. The cost allows full recovery; the surcharge must cover only management costs in rural areas.⁶⁷

75. In Benin, the Agence nationale d'approvisionnement en eau potable en milieu rural (ANAEPMR) is responsible for water management in rural areas; however, a worrying process of privatization is currently under way.⁶⁸

76. In Bolivia, Law 2066 recognizes and regulates the water and sanitation committees and establishes a national community development regulation for water and sanitation projects aimed at rural communities.⁶⁹

77. In Nicaragua, the Special Law on Drinking Water and Sanitation Committees recognizes community water and sanitation systems and provides them with institutional support, tax exception and differentiated electricity tariff.⁷⁰

78. Paraguay is the country with the most equitable access to water in Latin America under a community-based management system in rural areas recognized by the State.⁷¹ However, it is considered that water quality, particularly in dispersed and vulnerable places, should be improved.⁷²

79. After analysing the legal and regulatory framework for safe drinking water and sanitation in Latin America and Africa,⁷³ and sending communications to countries (for Asia, Europe and Oceania, the work is ongoing) the Special Rapporteur believes that rural water and sanitation management requires human rights-based legislation, specific institutional responsibilities and consistent budgetary commitments focused on impoverished rural communities, recognizing and supporting community-based systems in the progressive realization of the human rights to safe drinking water and sanitation.

⁶⁵ Alejandro Ruiz, "Privatizan suministro de agua en Querétaro; comunidad otomí busca revertirlo" *Pie de Página*, 26 May 2022.

⁶⁶ Danert and Flowers, *People, Politics, the Environment and Rural Water Supplies*, Rural Water Supply Network-IFAD (see footnote 3), p. 14.

⁶⁷ Burundi, *Politique Nationale de l'eau* (2009). Available at https://www.pseau.org/outils/ouvrages/bu_meeatu_politique_nationale_de_l_eau_2009.pdf.

⁶⁸ Water and Sanitation Programme, International Finance Corporation and World Bank, *Bénin : Partenariats public privé novateurs au service de la durabilité de l'approvisionnement en eau potable en milieu rural – Étude de cas* (Cotonou, 2016).

⁶⁹ B. Soto, response from Ingeniería para el Desarrollo Humano (ONGAWA), 17 November 2021.

⁷⁰ R. Sáenz, consultation with ONGAWA, 11 October 2021.

⁷¹ WHO/UNICEF Joint Monitoring Programme for Water Supply, Sanitation and Hygiene (2020). See www.bbc.com/mundo/noticias-america-latina-61612973.

⁷² Ibid.

⁷³ See 61 communications sent by the Special Rapporteur on the human rights to safe drinking water and sanitation with regard to water disconnections analysing the legal and policy frameworks of countries in Latin America and Africa. Available at <https://spcommreports.ohchr.org/TmSearch/Results>.

2. Monitoring

80. The lack of data on water and sanitation services in impoverished rural communities, and the unreliability where data exist, indicates the lack of interest shown by Governments in these populations.

81. UN-Water⁷⁴ has highlighted the need to increase the frequency of surveys in rural areas for better analysis and to strengthen data collection on marginalized population groups.

82. As an example, according to the Inter-American Development Bank (IDB), the household surveys in Argentina do not cover rural areas, and data on rural areas are included only in the census, every 10 years.⁷⁵

3. Maximum available resources

83. What is meant by “maximum available resources” depends on the level of priority assumed. In this case, the Special Rapporteur understands that the priority of these human rights among the most impoverished must be placed at the highest level.

84. Multiple international organizations highlight the poor maintenance and operation of the water and sanitation facilities in rural areas. The Rural Water Supply Network estimates that 30 per cent of the handpumps in Africa do not work.⁷⁶ Fortunately, the need to empower communities and ensure the maintenance and functionality of facilities is beginning to be recognized.⁷⁷

85. The Special Rapporteur believes that there is a risk that the budgetary responsibility of the States with regard to rural water and sanitation is reduced to international cooperation, thus avoiding the direct responsibility of the Governments based on their own capacities.

86. Lastly, as stated by the Special Rapporteur in his 2022 special thematic report on climate change and the human rights to water and sanitation, it is essential to point out that investing in preserving aquatic ecosystems is one of the most cost-effective strategies for promoting affordable access to safe drinking water in some communities.⁷⁸ However, the Special Rapporteur observes that Governments do not usually allocate enough budget resources for that purpose. While Governments must prevent the pollution and degradation of rivers and aquifers with the necessary laws and monitoring, resources and budgets must also be in place.

4. Municipal and community responsibilities

87. In most countries, the decentralization of water and sanitation management to local governments⁷⁹ has not been accompanied by the allocation of adequate financial

⁷⁴ UN-Water, *Eliminating discrimination and inequalities in access to water and sanitation* (2015) (see footnote 32), p. 19.

⁷⁵ IDB, *Water and Sanitation Services in Latin America: Access and Quality Outlook* (2021), p. 10. Available at <https://publications.iadb.org/publications/english/document/Water-and-Sanitation-Services-in-Latin-America-Access-and-Quality-Outlook.pdf>.

⁷⁶ Rural Water Supply Network, “May-day! May-Day! Our handpumps are not working!”, February 2009. Available at <https://www.rural-watersupply.net/en/resources/details/206>.

⁷⁷ WHO and UN-Water, *UN-Water Global Analysis and Assessment of Sanitation and Drinking Water: the Challenge of Extending and Sustaining Services* (Geneva, 2012), p. 4. Available at https://www.un.org/waterforlifedecade/pdf/glaas_report_2012_eng.pdf.

⁷⁸ Special Rapporteur on the human rights to safe drinking water and sanitation, special thematic report on climate change and the human rights to water and sanitation (January 2022), part 1, Outlining the impacts of climate change on the human rights to water and sanitation around the world, p. 10. Available at <https://www.ohchr.org/en/special-procedures/sr-water-and-sanitation/annual-reports>.

⁷⁹ Danert and Flowers, *People, Politics, the Environment and Rural Water Supplies*, Rural Water Supply Network-IFAD (see footnote 3), p. 14.

and human resources. When it does occur, this decentralization often masks the negligence of Governments.⁸⁰

88. States should invest not only in infrastructure but, most relevantly, in building local capacities to maintain and repair infrastructure, monitor water quality and provide water treatment, generating job opportunities, predominantly for the youth, at the local level.

89. Another issue is the relationship between State, municipalities and community systems. Often, the municipalities, far from supporting the community authorities of the dispersed rural communities that they govern, ignore and marginalize them, dealing only with the services in the central core of the municipality. Significant in this regard are the reflections from an Indian rural dweller, talking on the political marginalization of dispersed communities at the sixth World Water Forum in 2012:

In our cases at the village level we are making ... plans and asking the Government to allocate budget but ... most of the time it is the political influence [of] the urban level villages who [benefit]. Most of the remote villages do not even [get] recognized in the allocations and we never receive the funding⁸¹

90. Unfortunately, Governments often do not recognize the communitarian organization or do formally recognize it but do not provide adequate support.⁸² In some countries, Governments consider it a backward system that needs to be replaced by State management or privatization.

91. From the Special Rapporteur's perspective, this contradicts the principles of democratic governance that should govern the necessary human rights-based approaches to managing drinking water and sanitation in the communities.

5. Rural participatory governance in large territorial spaces

92. To guarantee the human rights to safe drinking water and sanitation, it is necessary to ensure the sustainability and status of the water bodies from an ecosystem approach, integrating community management of water and sanitation into the territorial governance at the basin or aquifer level. Broader territorial integration is also needed to strengthen communities' capacities to build and maintain water and sanitation infrastructure.

93. The Rural and Water Supply Network emphasizes the need to strengthen social responsibility for water and sanitation services in rural areas, including the design and application of the public budget, and to promote independent monitoring by civil society, communities and community leaders.⁸³

H. Advocacy of rural communities

94. The weakness of the rural communities' advocacy at the national and international levels is another crucial issue. Despite organized movements such as La Via Campesina, with an essential presence in countries such as Brazil or the Rural

⁸⁰ A/HRC/30/39, para. 43.

⁸¹ Danert and Flowers, *People, Politics, the Environment and Rural Water Supplies*, Rural Water Supply Network-IFAD (see footnote 3), p. 5, box 3.

⁸² A/70/203, para. 41.

⁸³ Rural Water Supply Network, "Social accountability for rural water services during COVID-19 pandemic: summary of Rural Water Supply Network e-discussion 28 June to 18 July 2021" (2021). Available at <https://www.rural-water-supply.net/en/resources/details/1003>.

Supply Network, the overall coordinated and politically visible water social movements that defend the water of rural communities are weak.⁸⁴

95. Finally, promoting democratic water and sanitation governance in rural areas also involves fighting corruption. Rural municipalities generally manage minimal public funds, but in the Special Rapporteur's experience, corruption often arises through patronage practices.

96. In cases where Governments centralize rural water and sanitation management, the risks and incentives for corruption grow as community control and participation disappear and significant amounts of business are at stake. In this regard, the Special Rapporteur is concerned about the privatization processes for rural drinking water and sanitation management in some regions.

IV. Challenges, conflicts and silences surrounding management of water and sanitation in rural communities

A. Impacts of climate change on the human rights to water and sanitation of impoverished rural communities

97. People living in impoverished rural areas face particularly severe climate change threats to water and sanitation. Droughts are increasingly disrupting water availability, accessibility and quality: in most cases, water is used without treatment; and floods caused by storms and hurricanes destroy latrines and sanitation facilities and often pollute sources and available drinking water.

98. Climate change will exacerbate problems of water availability; however, it is not correct to speak of safe drinking water and sanitation scarcity. As noted by the Special Rapporteur, the minimum necessary to guarantee these human rights represents approximately 3 per cent of the water that we extract from rivers and aquifers.⁸⁵ No river will dry up, even if the water is also used to irrigate small gardens or water animals. The water rights of impoverished rural communities should be prioritized over productive demands external to them.

99. When droughts dry up water sources near communities, women and girls bear the additional burdens, as they have to spend more time and energy collecting water further away for household chores and also care for those who become sick owing to inadequate water quality.⁸⁶

100. Likewise, deeper pumping and maintenance of facilities to cope with the impacts of climate change increase costs, exacerbating affordability issues.

101. Moreover, conflicts for water have surged between pastoralist nomadic communities and the settled communities with which they have traditionally shared their water sources.

102. Effective solutions to the risks of climate change require funding and the active involvement of communities in adaptation strategies. A significant example is the 1 million rainwater cistern project in the Sertão in the semi-arid north-east of Brazil. The Articulação Semiárido Brasileiro, a network of some 700 organizations, took on the challenge of adapting to the harsh conditions aggravated by climate change,

⁸⁴ Danert and Flowers, *People, Politics, the Environment and Rural Water Supplies*, Rural Water Supply Network-IFAD (see footnote 3), p. 12.

⁸⁵ A/HRC/48/50, para. 29.

⁸⁶ Water.org, "A women's crisis" (2022). Available at <https://water.org/our-impact/water-crisis/womens-crisis/>.

building 1 million rainwater cisterns to cover the needs of 5 million people. It relied on public and international financing, community work and a significant education and training campaign.⁸⁷

103. The accelerated disappearance of Lake Chad is another consequence of climate change. In 1963, the lake was approximately 26,000 square km; today, it is barely 900 square km. As a result, the right to water and sanitation in this region cannot be fulfilled for the communities living in the area.⁸⁸

104. Another front of great concern is the rising sea level affecting impoverished rural communities and salinizing coastal aquifers on which millions of people depend for their drinking water supply.⁸⁹

105. In some arid territories where adaptation is expected to be unfeasible, it is necessary to implement plans to support the migration and resettlement of rural populations, as stated by the United Nations High Commissioner for Human Rights in her statement to the Human Rights Council at its forty-eighth session, in 2021.⁹⁰

B. Land tenure and water rights in the face of land- and water-grabbing processes

106. In the past decades, we have witnessed large-scale land acquisitions without the prior consent of the pre-existing land users, mainly by private investors in the agrifood sector to produce commodities for export, such as soybeans, biofuel, palm oil, rubber or tropical fruits and nuts. These crops often involve heavy water consumption, which leads to water-grabbing. In 2010, the World Bank estimated the number of hectares purchased since 2008 from Governments, ignoring previous ownership or use, at approximately 45 million.⁹¹

107. In 2013 the National Academy of Sciences of the United States of America stated that the total land-grabbing crop consumed approximately 450,000 million cubic metres of water, to the detriment of people's consumption.⁹² The largest land acquisitions are in countries with weak governance structures, affecting land essential for the survival of rural communities and evoking neo-colonial features.

108. High water consumption impacts include large-scale diffuse pollution from pesticides and fertilizers. In Bajo Aguán, Honduras, the diversion of the Aguán River for the African palm tree plantations caused water scarcity in the communities.⁹³ Similarly, in West Borneo, Indonesia, the communities of Ketapang and Sambas are suffering from the contamination of their rivers and springs following land-grabbing for oil palm

⁸⁷ Pedro Arrojo Agudo, "The Asa Project, One Million Cisterns –Brazil", Agua Rios y Pueblos, 21 December 2009. Available at <https://fnca.eu/aguarios/en/the-asa-project-one-million-cisterns--brazil/>.

⁸⁸ Marisancho Menjón, "Lake Chad, an environmental catastrophe – Nigeria, Niger, Chad and Cameroon", Agua Rios y Pueblos, 21 December 2009. Available at <https://fnca.eu/aguarios/en/lake-chad-an-environmental-catastrophe---nigeria-niger-chad-and-cameroon-2/>.

⁸⁹ Special Rapporteur on the human rights to safe drinking water and sanitation, special thematic report on climate change and the human rights to water and sanitation (January 2022), part 1 (see footnote 78), paras. 43 and 44.

⁹⁰ United Nations High Commissioner for Human Rights, statement to the Human Rights Council at its forty-eighth session (2021). Available at www.ohchr.org/en/2021/09/environmental-crisis-high-commissioner-calls-leadership-human-rights-council-member-states.

⁹¹ Klaus Deininger and others, *Rising Global Interest in Farmland: Can it Yield Sustainable and Equitable Benefits?* (World Bank, 2011), p. 51, para. 2.

⁹² Maria Cristina Rulli, Antonio Savioli and Paolo D'Odorico, "Global land and water grabbing", *Proceedings of the National Academy of Sciences of the United States of America (PNAS)*, vol. 110, No. 3 (2013), table 3. Available at www.pnas.org/doi/10.1073/pnas.1213163110.

⁹³ L. Aguilar, consultation with OHCHR Honduras, 4 November 2021.

cultivation. Along the Sambas River and the Pawan River, fishers saw their fishing disappear, the water is no longer drinkable, and people are becoming ill from the pollution from palm plantations.⁹⁴ In Njombe, Republic of Tanzania, a meat company's land grab for cattle around the two springs that supplied communities contaminated water as a result, leaving 45,000 people without a potable water supply.⁹⁵

109. The Committee on Economic, Social and Cultural Rights is preparing a general comment on land tenure to clarify the obligations of State parties concerning the human rights to water and sanitation. Due respect for customary land and water tenure systems and the need to formalize the property rights of affected rural communities and avoid depletion of fertile soil and water reserves are recalled.⁹⁶

110. In 2017, a law in Brazil legalized the grabbing of more than 1,000 square miles of public and community lands in the Amazonas region, where, since 2015, the Government has reduced rural settlements by 16 per cent, affecting more than 2,000 square miles.⁹⁷

111. Bearing in mind that, in many countries, water rights for irrigation have been de-linked from land tenure, there is an increasing need for rural communities to formalize and secure the enjoyment of their water and land rights.

C. Impacts on water supply and conflicts over megaprojects and productive ventures

112. The energy demand has stimulated the construction of new large dams in remote river headwaters inhabited by impoverished rural communities, flooding villages and valley bottom lands on which these communities depend for their livelihood, as explained by the former Special Rapporteur, Léo Heller, in his report to the General Assembly in 2019 on the impact of megaprojects on the human rights to water and sanitation.⁹⁸ The forced displacement of communities often imposes, at best, resettlement in places where they have no livelihoods and where their human rights to safe drinking water and sanitation cannot be guaranteed.

113. Deforestation promotes the expansion of the agricultural frontier for large livestock farms or the cultivation of agricultural products for export, displacing rural communities and affecting their vital resources, in particular water. In certain countries deforestation is carried out through fires, followed by the appropriation of public and community lands, through land-grabbing processes often legalized by the Governments, as has been occurring in Brazil.⁹⁹

114. However, probably the most devastating impacts on the aquatic ecosystems, territories and drinking water of the communities are being produced by mining, both

⁹⁴ Ecological Observation and Wetlands Conservation (ECOTON), Gemawan, GRAIN, KRuHA, "Ríos tóxicos: la lucha por recuperar el agua acaparada por las plantaciones de palma aceitera en Indonesia", 8 December 2020. Available at <https://grain.org/es/article/6582-rios-toxicos-la-lucha-por-recuperar-el-agua-acaparada-por-lasplantaciones-de-palma-aceitera-en-indonesia>.

⁹⁵ Serena Arduino and others, "Contamination of community potable water from land grabbing: a case study from rural Tanzania" *Water Alternatives*, vol. 5, No. 2 (2012).

⁹⁶ Expert Mechanism on the Rights of Indigenous Peoples, advisory note on protection of indigenous peoples' rights in Brazil under COVID-19, 30 March 2021. Available at www.ohchr.org/en/hrc-subsidiaries/expert-mechanism-on-indigenous-peoples/country-engagement.

⁹⁷ Ibid.

⁹⁸ A/74/197.

⁹⁹ See communication sent to the Government of Brazil in April 2022 (available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27186>); response of the Government of Brazil (available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36898>); and World Rainforest Movement, "Agribusiness means fire: land grabs, deforestation and fires in the Amazon, Cerrado and Pantanal biomes", 17 December 2021.

open-pit and artisanal, legal and illegal. The main toxics in mine discharges and tailings are contaminating headwaters and generating toxic leachates for hundreds and thousands of years.¹⁰⁰ Currently, the most productive veins of many minerals are exhausted, opening profitable options for open-pit mining in deposits with low richness of minerals to be exploited. Today, gold open-pit mining is profitable, with as little as 3 grams of gold per tonne removed and treated by cyanide leaching.¹⁰¹

D. Impacts of the coronavirus pandemic on impoverished rural communities

115. There is little data on pandemic impacts in impoverished rural communities; however, the relative isolation of these communities as an advantage against the contagion risks is counterbalanced by their greater vulnerability. Infections skyrocket as the virus spreads and reaches rural areas, revealing the lack of medical and sanitation services. Conversely, the daily need to fetch water or agricultural tasks that cannot be delayed without severe consequences for the harvest and the income makes it difficult to take lockdown measures in rural communities.¹⁰²

116. Women are at greater risk of infection in their daily task of fetching water and as caregivers of the sick,¹⁰³ which contributes to their stigmatization as potential carriers of contagion, as was the case with the Ebola epidemic in Africa.¹⁰⁴

117. The World Bank notes that, given the fact that, in 2020, the majority of people who could not wash their hands at home lived in rural areas,¹⁰⁵ the COVID-19 pandemic has raised inequality and extreme poverty in virtually all countries.¹⁰⁶

E. Criminalization of protest in impoverished rural areas

118. Since 2012, Global Witness has been collecting data on the growing number of killings of environmental human rights defenders opposing mining, logging, water pollution and dam projects with the defence of human rights to drinking water and sanitation at the heart of their protests: there were 164 murders in 2018, 212 in 2019, 227 in 2020 and 358 in 2021.¹⁰⁷

119. In many cases, these killings are part of the criminalization of community protests against projects that endanger or violate their human rights.

120. The Special Rapporteur notes that, despite the many protests and crimes reported, there are also cases of silence and subjugation resulting from threats and repression.

¹⁰⁰ Priscila Martínez, “La contaminación del agua en la minería”, *Observatorio Económico Latinoamericano*, 4 September 2021.

¹⁰¹ Mirta Liliana Belloti, “Minería a cielo abierto versus glaciares en alerta roja en Argentina”, *Revista de Derecho de Daños* vol. 1 (2011). Available at <https://core.ac.uk/download/33553708.pdf>.

¹⁰² Nicholas Sitko and others, *Assessing the Impacts of the COVID-19 Pandemic on the Livelihoods of Rural People: a Review of the Evidence* (Rome, FAO, 2022)

¹⁰³ Stockholm International Water Institute, “Women on the forefront of COVID-19 and water”, 8 March 2021.

¹⁰⁴ Ana Androsik, “Gendered understanding of Ebola crisis in Sierra Leone. Lessons for COVID-19”. *Population and Economics*, vol. 4, No. 2 (2020).

¹⁰⁵ World Bank, “Many homes lack basic handwashing facilities” (see footnote 37). <https://datatopics.worldbank.org/world-development-indicators/stories/many-homes-lack-basic-handwashing-facilities.html>.

¹⁰⁶ World Bank Blogs, “The impact of COVID-19 on poverty and inequality: evidence from phone surveys”, figure 2. Available at <https://blogs.worldbank.org/opendata/impact-covid-19-poverty-and-inequality-evidence-phone-surveys>.

¹⁰⁷ Front line defenders, *Global Analysis 2021*. Available at www.frontlinedefenders.org/en/resource-publication/global-analysis-2021-0.

Rural communities often lack the legal protection, organization and capacity to confront such influential projects and voice their objections, resulting in silently suffering from injustice and aggression. For instance, in 2000, the World Commission on Dams stated that, despite the collaboration of Governments, it was not possible to determine how many people have been forcibly evicted by the construction of large dams and provided an estimation of between 40 and 80 million people worldwide. The Special Rapporteur considers that the vagueness of the available data dramatically reflects the invisibility and silence of the victims and affected communities.

V. Conclusions

121. Despite massive migration to cities, according to the World Bank, 44 per cent of the world's population lives in rural areas. Most rely on incomes of less than \$2 per day and live in remote territories with poor communications and little or no State support for essential services such as drinking water and sanitation.

122. In these communities, peasant cultures are still alive, with a solid link to the natural environment and, specifically, aquatic ecosystems and traditional ways of life, based on integrated forms of livelihood production and water use that respond to the rationale of a local circular economy. In addition, community water and sanitation management systems remain based on the understanding of water as a common good. The Special Rapporteur understands that, to secure the human rights to safe drinking water and sanitation of these communities, their holistic and community-based water use and management need to be comprehended and supported.

123. Peasant cultures offer lessons in participatory and sustainable water and sanitation management. They also provide examples of the circular economy at the local level, which are extremely valuable for promoting democratic water governance based on a human rights approach and a sustainable agroecological transition in the face of the global water crisis in the context of climate change scenarios.

124. Women and girls living in impoverished rural areas often bear the responsibility and hard work of ensuring safe water and sanitation at home at the risk of sexual violence on the move. Despite this, they are often marginalized in debates and decision-making processes. The Special Rapporteur observes that, fortunately, women are increasingly involved in community water management boards and legislative and policy initiatives nationally and internationally.

125. Rural communities' social, economic and political marginalization leads Governments to neglect their obligations to guarantee people's human rights to safe drinking water and sanitation and protect peasants' territories and ways of life. Furthermore, the impacts of large infrastructures for agricultural, livestock, mining and forestry developments often threaten the availability and the quality of the water on which these communities depend.

126. The lack of formal tenure and registry of community land and water enables the grabbing of community land and water for activities external to the communities, leading to abusive water withdrawals and pollution processes, often toxic, which endanger the health and lives of these communities.

127. Furthermore, climate change risks, especially in areas sensitive to droughts, floods and the impacts of sea-level rise and glacier melt, significantly affecting rural communities, would lead to massive climate migration. When adaptation is not feasible, national and regional plans for resettlement for those rural populations should be in place.

128. Access to information, and the establishment of education and monitoring programmes in rural areas regarding water quality and sanitation, are key to improving people's health. Likewise, recognizing and empowering women in their health-care roles in the family and community is essential.

129. Decentralizing water and sanitation management responsibilities to municipalities is often not complemented by adequate financial resources. Moreover, in the experience of the Special Rapporteur, the limited budget allocated to municipalities usually does not reach the dispersed rural communities that depend on them, resulting in forms of local clientelism that exacerbate the marginalization of the most impoverished rural communities.

130. A lack of collective organization is observed in many rural communities, as well as the fading of community values. This may be rooted in the influence of a predominant individualist culture or the existence of discrimination systems such as caste and type of work, breaking the community's cohesion.

131. In the face of these problems and weaknesses, the Special Rapporteur believes that Governments should work to progressively strengthen community institutions and the communities' capacities from a human rights-based approach. Unfortunately, however, some Governments choose to centralize and privatize rural water and sanitation management, destroying community values and aggravating the problem of the marginalization of the most impoverished.

VI. Recommendations

132. The Special Rapporteur recommends to Governments the following measures to ensure the progressive realization of the human rights to safe drinking water and sanitation in impoverished rural communities:

(a) Provide specific attention to impoverished rural communities and promote their human rights to safe drinking water and sanitation on the basis of effective laws, regulations and budget allocations;

(b) Give recognition, respect and support to the community systems that provide water and sanitation services in many rural areas, on the basis of the consideration of water as a common good and as an expression of democratic water management that leaves no one behind, from a human rights-based approach;

(c) Recognize the work done and the knowledge of women and girls in securing and managing drinking water and sanitation daily, ensuring their effective participation in decision-making at all levels;

(d) Promote decentralized management of drinking water and sanitation, ensuring financing, infrastructure and local capacity-building through rural municipalities while guaranteeing respect for and collaboration with community systems in dispersed and impoverished rural communities;

(e) Recognize the value of peasant cultures' sustainable management of water systems and territories; and promote policies and programmes that provide social, economic and service support with particular attention to safe drinking water and sanitation as essential to a dignified rural life, helping end migration to slums in large cities and consolidating the food sovereignty of the communities;

(f) Promote education, training and capacity-building programmes that strengthen community water and sanitation systems and their maintenance, generating new job opportunities for rural youth, men and women, paying attention to traditional practices and knowledge of their territories and water sources;

(g) Include menstrual hygiene for women and girls in sanitation plans as critical for fulfilling the human right to sanitation. Guarantee women and girls' dignity and safety when using toilets and latrines, eradicate open defecation and ensure the care of facilities and the cleanliness of sewage returns to prevent contamination of drinking water;

(h) Combat jointly with the communities all discriminatory practices based on descent, work, religion, gender or other grounds, in particular concerning safe drinking water and sanitation, not only by laws and regulations but also through educational programmes and adequate funds that ensure equal fulfilment of human rights, and especially the human rights to safe drinking water and sanitation;

(i) Allocate funds in the national budget to support the implementation of public policies that guarantee the long-term fulfilment of impoverished rural communities' human rights to safe drinking water and sanitation, regardless of the funds invested by international cooperation actors;

(j) Develop laws and policies to ensure quick and effective processes to secure land tenure and water rights of impoverished rural communities, ending land- and water-grabbing;

(k) Effectively prohibit any economic activity that pollutes or endangers the potability of the waters of rivers and aquifers that serve as the basis of supply for rural communities in any territory, particularly if the pollution is toxic;

(l) Develop territorial and hydrological planning processes for river basins and aquifers, as well as plans for adaptation to climate change, with the effective participation of rural communities, prioritizing the sustainability of aquatic ecosystems and the availability in quantity and quality of drinking water for rural communities over the interests of large producers – agricultural, mining, hydroelectric or others.

133. The Special Rapporteur recommends to United Nations agencies, programmes and funds, the World Bank and international and regional financial institutions the following:

Strengthen the development and financing of international and regional climate change adaptation plans, with emphasis on the human rights to safe drinking water and sanitation in impoverished rural communities. These plans should identify rural areas where climate change forecasts make mitigation unfeasible, including medium- and long-term plans for the displacement and resettlement of populations, guaranteeing decent living conditions and the fulfilment of their human rights, in particular the rights to drinking water and sanitation.

134. The Special Rapporteur recommends that States, multilateral organizations, non-governmental organizations and all institutions that promote international cooperation:

(a) Pay specific attention to the effective fulfilment of the human right to sanitation, especially in impoverished rural communities, ensuring the effective participation of women and girls in projects;

(b) Promote co-financed programmes that progressively ensure the involvement of national and local governments in territorial water quality monitoring networks based on community and municipal capacity-building.