

**Implementing the Rights to Water and Sanitation in Ghana: Key  
Issues**

**A Presentation at 18<sup>th</sup> NLLAP Meeting**

**ERATA Hotel, Accra**

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## **Presentation Outline**

**The Water and Sanitation Challenge (Global & National)**

**Effects of Lack of/Inadequate WASH Services on Development**

**Contributions of the Right to Water and Sanitation**

**Scope/Explanation to the Right to Water and Sanitation**

**Misconceptions Regarding the Right to Water and Sanitation**

**Overview of Human Right to Water and Sanitation**

**Legal Basis and Institutional Framework for the Right to Water and Sanitation**

**International Treatise and Conventions**

**Implementing the Right to Water and Sanitation – Key Issues in Ghana**

**Current Situation (Coverage) including Financing Gaps**

**Policy Framework**

**Legal Framework – The National Constitution**

## **The Water and Sanitation Challenge (Global & National)**

Over 1.1 billion individuals lack access to basic water supply from clean source that is likely to be safe. This figure does not include:

- the number of who are unable to afford water,
- who face prohibitive waiting times for collecting water,
- who receive water at occasional intervals or
- have to collect water from dangerous sources

Over 2.6 billion persons lack adequate sanitation facilities, a primary cause of water contamination and diseases linked to water

### **Effects of Lack of/Inadequate Access to WASH Services**

- Health (emergence water and sanitation-related diseases)
- High costs of reducing ability to purchase other essential goods
- Burden of diseases
- Unequal burden on women and children
- Retarded productivity

## **Lack of access to WASH Services – Issues of Inequity and Exclusion**

- In planning and political terms, poor people are excluded from decision-making and their needs are seldom prioritized
- Peri-urban, slums and rural areas are frequently neglected/excluded from infrastructure development – WASH Services included
- Inadequate pro-poor policies for allocation of water resources between/within different sectors

## **Contributions of the Right to Water and Sanitation**

- Improved Accountability
- Focus on vulnerable and marginalized groups
- Increased participation in decision-making
- Individual and community empowerment

## **Overview of Human Right to Water and Sanitation**

The Right to WASH Services is an entitlement held by all people, and which has a legal foundation. **It provides a strong basis for holding all relevant actors accountable.** This is underpinned by both legal and institutional frameworks

## **Legal Basis and Institutional Framework for the Right to WASH**

### ***International and Regional Treaties***

- International Convention on Economic, Social and Cultural Rights, 1966 (ICESCR) ratified by 157 States (October 2007)

*The Committee on ICESCR adopted General Comments No.6 (1995) & 15: The right to water in 2002*

Article 11, paragraph 1 specifies a number of rights emanating from, and indispensable for, the realization of right to an adequate standard of living, including adequate food, clothing and housing.

Right to WASH clearly falls within category of guarantees essential for securing adequate standard of living, particularly since it is one of the fundamental conditions for survival

*Right to water is also inextricably linked to the right to highest attainable standard of health (Article 12, para 1) and the right to adequate housing and adequate food (Article 11, para 1)*

General Comments No. 15 situates the right to sanitation within the right to adequate housing and the right to health

*“In accordance with the rights health and adequate housing states parties have an obligation to progressively extend sanitation services, particularly to rural and deprived urban areas, taking into account the needs of women and children” (General Comments No.15, para 29)*

- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

It sets out an agenda to end discrimination against women and explicitly references both water and sanitation within its text. 185 State parties to the Convention

*Article 14(2) States parties shall take appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right to.....*

*(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communication*

- The Convention on the Rights of the Child (CRC), 1989

The most widely ratified. Text explicitly mentions water, environmental sanitation and hygiene

*Article 24(2)(c) & (e) provide:*

*1. State Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation...*

*2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:.....*

*(c) to combat disease and malnutrition, including within the framework of primary health care, through inter alia, the application of readily available technology and through the provision of adequate nutritious foods, clean drinking water, taking into consideration the dangers and risks of environmental pollution....*

*(e) to ensure all segments of society, in particular parents, and children, are informed, have access to education and are supported in the use of basic knowledge of child health, nutrition, advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;*



July 28, 2010, UN General Assembly adopted through Resolution 64/292 the recognition of access to clean water and sanitation as a human right

September 30, 2010 UN Human Rights Council affirmed the Existence of the human rights safe drinking water and sanitation under international law (Resolution 15/9). The Council through Resolution A/HCR/15/L.14 combined to the human right to water and sanitation a legally-binding

### **Regional Treaties – African Charter on the Rights and Welfare of the Child (AfCRC)**

Article 14(2)(c) of the AfCRC states:

- 1. Every child shall have the right to enjoy the best attainable state of physical, mental spiritual health*
- 2. State Parties to present the Charter shall undertake to pursue the full implementation of this right and in particular shall take measures.....*

*(c) to ensure the provision of adequate nutrition and safe water*

## Misconceptions Regarding the Right to Water and Sanitation

Misconception	Clarification
The right entitles people to free water	WASH Services need to be affordable for all. People are expected to contribute financially or otherwise to the extent that they can do so
The right allows for unlimited use of water	The right entitles everyone to sufficient water for personal and domestic uses and is to be realized in a sustainable manner for present and future generations
The right entitles everyone to a household connection	Water and sanitation facilities need to be within, or , or in the immediate vicinity of the household, and can comprise facilities such as well and pit latrines
The right to water entitle people to water resources in other countries	People cannot claim water from other countries. However, international customary law on transboundary watercourse stipulates that such watercourses be shared in an equitable and reasonable manner
A country is in violation of the right if not all its people have access to water and sanitation	The right requires that a State takes steps - to the minimum available resources - to progressively realize the right

## **Implementing the Right to Water and Sanitation – Key Issues in Ghana**

The WASH Statistics:

Water: 59% and 58.9% for both Urban and Rural Sector

Sanitation: Basic Hygiene Sanitation: Urban and Rural (18% and 7%)

- **the number of who are unable to afford water,**
- **who face prohibitive waiting times for collecting water,**
- **who receive water at occasional intervals or**
- **have to collect water from dangerous sources**

### **Lack of access to WASH Services – Issues of Inequity and Exclusion**

- In planning and political terms, poor people are excluded from decision-making and their needs are seldom prioritized
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- Inadequate pro-poor policies for allocation of water resources between/within different sectors

## **The Policy Framework**

- Water Policy
- National Environmental Sanitation Policy

## **Legal Framework – The National Constitution**

Bottlenecks to the Implementation of the Right to Water and Sanitation in Ghana

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## **Some Issues for Discussion**

**What does the Right to Water and Sanitation mean to the Ordinary Ghana?**

**What Difference does the Right to Water and Sanitation Make for WASH Sector?**

**What are the requirements to ensure that Citizens are able to access the Right to Water and Sanitation?**

**What could possibly constitute a breach of citizens' right to water and sanitation in Ghana?**

**What Measures are there Minimize these Abuses?**

**How can citizens mobilize around the right to water and Sanitation to assert their entitlement?**

**What are processes and activities to be undertaken to mobilize towards implementation of the Right to Water and Sanitation?**

