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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the independent expert on the issue of human rights obligations related
to access to safe drinking water and sanitation, Catarina de Albuquerque***

Addendum

DRAFT PRELIMINARY NOTE ON THE MISSION TO EGYPT

* Late submission.

Wa ja'alna min al ma' kul sha'i' hain'

“Of water, we have created all things living” Koranic verse

I. INTRODUCTION

1. From 21-28 June 2009, the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, conducted an official mission to Egypt, aiming to assess the way in which Egypt is implementing its human rights obligations related to access to safe drinking water and sanitation. During the mission, she met with numerous interlocutors including the Assistant Foreign Minister for International Organizations, the Deputy Foreign Minister for the Environment and Sustainable Development, the Deputy Assistant Foreign Minister for Human Rights and International Humanitarian and Social Affairs, the Assistant Minister for Primary Care, Preventive Medicine and Family Planning, the Chairman of the Holding Company for Water and Wastewater, and numerous representatives of the water and wastewater sector. She also met with the National Council for Human Rights as well as other stakeholders, including civil society, development cooperation partners and United Nations actors. She visited Cairo, Alexandria, Luxor, Qena, and Warden. The independent expert expresses her gratitude to everyone who agreed to meet with her in an effort to assist her in better understanding the situation of human rights, drinking water and sanitation in Egypt. She thanks the Egyptian Government for the cooperation they extended in organizing and facilitating the visit. She also expresses her appreciation to the United Nations Children's Fund (UNICEF) and the United Nations Development Programme for their support in organizing the visit.

2. This preliminary note is intended to present some initial observations and recommendations about the situation of human rights, water and sanitation in Egypt. The independent expert will present a full report on her mission to Egypt when she next reports to the Council in 2010.

3. Overall, Egypt has made remarkable progress in extending the water and, to a lesser extent, sanitation networks to reach virtually all cities and villages in the country. However, challenges remain from a human rights perspective, in particular with regard to the quality of drinking water, extending access to sanitation, some aspects of affordability, disparities in access to water and sanitation, as well as the reality of water scarcity in Egypt.

4. The human rights obligations related to access to safe drinking water and sanitation require that they are available, accessible, affordable, acceptable and of good quality. These obligations must be guaranteed in a non-discriminatory manner, and people must have access to information to claim their rights. Where access to safe drinking water and sanitation is not guaranteed in a manner consistent with human rights, affected people should have recourse to effective judicial or other appropriate remedies. Moreover, ensuring access to safe drinking water and to sanitation is closely related to the enjoyment of other human rights, including the rights to food, housing, health, education, freedom from violence, and is an important tool for the empowerment of women.

5. This preliminary note will review the achievements of the Government, elaborate on the outstanding challenges, and conclude with preliminary recommendations.

II. ACHIEVEMENTS

6. At the macro level, the Government of Egypt has demonstrated a vision and a strategy with the objective of providing access to safe drinking water and sanitation for all. This has been accompanied by significant political will, at the highest levels, and significant resources invested in drinking water and sanitation. Between 2002 and 2007, about 36.7 billion Egyptian pounds (around US\$ 7.3 billion) were invested in the water and wastewater sectors, and plans for investment up to 2012 will reportedly exceed the total of investments since 1992. The budget for drinking water and sanitation has not been cut in Egypt during this financial crisis.

7. The independent expert is pleased to note that, in meetings with government officials, they consistently referred to drinking water and sanitation as human rights. The independent expert was informed that the draft water law, which was recently sent to the Cabinet, also contains language recognizing drinking water and sanitation as human rights.

8. Egypt has made important progress in extending its water network for personal and domestic use to its population. According to the Government, access to water has been extended to 100 per cent of the population, and the Joint Monitoring Programme of UNICEF and the World Health Organization places access to an improved water source at 98 per cent in Egypt. It is clear that Egypt will easily meet the Millennium Development Goal target of halving the proportion of people without access to safe drinking water.

9. In 2004, Egypt established the Holding Company for Water and Wastewater, and began the process of converting the public utilities at the Governorate level into subsidiaries of this central Holding Company. This change in the institutional framework has been credited, by the Government and by donor partners working in the country, with increasing the efficiency and effectiveness of the sector. Some are concerned that the establishment of the Holding Company represents a first step towards privatizing water service provision, a step which they felt would lead to increased prices and lack of attention to the poorest and most vulnerable. However, the Government of Egypt has repeatedly emphasized that it has no intention to privatize the provision of water services, as such privatization might have an adverse effect on social and economic stability. The independent expert emphasizes that human rights do not prohibit privatization of the delivery of services, but the Government remains obliged to ensure that an adequate regulatory system is in place to protect beneficiaries from violations of their human rights that may result from the actions of private or semi-private entities.

III. CHALLENGES

10. The independent expert considers that the progress that Egypt has made puts it in a good position to now tackle outstanding challenges, which particularly relate to water quality, extending access to sanitation, some issues related to affordability, and disparities in access to drinking water and sanitation between rural and urban areas, as well as between formal and informal habitations, particularly based on tenure status. Water scarcity in Egypt also presents particular challenges for the authorities. The independent expert notes that some good practices are already in place to address some of these challenges, and expresses her hope that these will be scaled up and implemented more broadly across the country, with a special focus on disadvantaged groups.

A. Water quality

11. Concerning water quality, the independent expert met with people who have complained that the drinking water quality is poor in some areas of Egypt, especially in places at the extremities of the water network and in less affluent areas. According to the most recent report of the National Council for Human Rights, 19 per cent of inhabitants still lack access to pure drinking water. This situation could be attributed to old and decaying pipes, to inadequate storage of water, and/or to contamination of water sources with wastewater, salt or other pollutants. Some people also complained about the lack of a continuous water supply in their homes, a situation which leads them to pump (shallow) groundwater. Because these wells are not sunk deep enough, they draw groundwater which is allegedly poor in quality. In addition, these pumps are put in without authorization, and sometimes even connected illegally to the official water pipes. The lack of official permission for these pumps means that the water quality is not monitored by the authorities.

12. The independent expert visited two water treatment plants, in Cairo and in Qena, where the labs were actively engaged in testing water quality. She also learned that the Holding Company has 164 mobile labs for testing water quality and that 98 per cent of the over 1 million water samples collected in 2007 and 2008 from areas served by the Holding Company met water quality standards. While the water quality appears to be tested regularly - although allegedly not in all parts of the country - some obstacles were reported in obtaining the results of these tests.

B. Sanitation

13. The Government acknowledges that access to improved sanitation facilities is lagging behind drinking water, and that the country needs “more intensive programs and policies” in the rural areas.¹ The United Nations estimates that access to improved sanitation facilities is only 66 per cent, with 85 per cent access in urban areas, and 52 per cent access in rural areas. According to the National Council for Human Rights, the figure is even lower. Inadequate septic tanks or the common use of septic tanks in densely populated areas, especially in informal settlements, are leading to contamination of the groundwater, causing health problems for the surrounding population. Additionally, when septic tanks are emptied and dumped into canals, rivers and streams, water quality and public health are further threatened. Indeed, it is impossible to achieve access to safe drinking water without simultaneous attention to ensuring sanitation. In this regard, the independent expert welcomes the rural sanitation strategy which calls for 20 billion Egyptian pounds (approximately US\$ 4 billion) to be invested in rural sanitation.

14. The independent expert wishes particularly to draw attention to the government policy of reusing treated wastewater for irrigation, as well as growing trees for biofuel production, an important step in reducing the amount of water used for agricultural purposes and addressing water scarcity.

¹ Ministry of Economic Development, *Egypt, Achieving the Millennium Development Goals, A Midpoint Assessment*, (2008), p. 55.

C. Affordability

15. The price of water and the direct and indirect costs and charges to secure drinking water must not compromise or threaten the realization of other human rights. The independent expert recognizes that the tariff for drinking water in Egypt is considered one of the lowest in the world, with over 92 per cent of households spending less than 1 per cent of their household budget on water and sanitation.² Nevertheless, the extremely poor, who make up 3.8 per cent of the population, or 3 million people, cannot even afford this small amount. In addition, the cost of extending a water connection to the household from the main water line in the area is beyond the means of many people. In this respect, one good practice of the Government and other actors, including especially UNICEF, is the establishment of revolving funds which provide loans to poor people to connect them to water, and also to sanitation, and allow them to pay back the loan in instalments.

D. Disparities

16. There are 15.7 million people living in informal settlements, representing 24 per cent of the total population of Egypt and 40 per cent of the total urban population, in addition to 8 million people living in rural areas.³ There are important disparities in access to safe drinking water and sanitation, which follow divides based on urban vs. rural areas and formal vs. informal dwellings. These disparities are particularly present with respect to the challenges of water quality, access to sanitation and affordability, as mentioned above. Notably, these disparities also exist with regard to access to drinking water, an area where Egypt has achieved a lot. For example, although the overall reported figures on access to an improved source of drinking water are approaching 100 per cent, in 2008 the Government reported that in the Matrouh Governorate, access to an improved water source is only 73.6 per cent, and in the North Sinai Governorate, it is only 80.7 per cent.⁴ Since last year, however, the Government reports that water services coverage now reaches the entire population, with the completion of several water and wastewater projects. In general, it is those living in rural areas, and those living in informal settlements, who tend to be the poorest, who are disproportionately affected. From a human rights perspective, policies and programmes should prioritize the situation of these disadvantaged groups. The Government reports that it is taking steps to construct water and sanitation facilities within informal settlements.

² Chemonics Egypt (Ahmad Gaber & Associates), *Affordability Assessment to Support the Development of a Financing Strategy for the Water Supply and Sanitation Sector in Egypt: Final Report* (2009).

³ Egyptian Environmental Affairs Agency, *Egypt State of the Environment Report 2007* (2008), p. 126, available at <http://www.eeaa.gov.eg/English/reports/SoE2007En/urban/09-urban9-FENG.pdf>.

⁴ Ministry of Economic Development, *Egypt, Achieving the Millennium Development Goals, A Midpoint Assessment*, (2008), p. 54.

E. Water scarcity

17. Egypt is a country of water scarcity. More and more, the country will face water stress, particularly in the context of climate change and the rapidly growing population, threatening the progress that has been made. The Government must address excessive water consumption, particularly in urban areas. In addition, solutions are needed for the high rate of physical water losses, due to leaking pipes and other technical problems.

18. The independent expert notes that the authorities have invested in special technology to detect leaks and fix them, but as Egypt faces increasing water scarcity, these losses will threaten the availability of water for human consumption, which must be accorded priority over all other uses.

IV. PRELIMINARY RECOMMENDATIONS

19. **The commitment of the Government to implement its human rights obligations related to access to safe drinking water and sanitation is commendable, and the independent expert is confident that going forward, the Government will dedicate the same level of energy and efforts to address the remaining challenges. In this regard, she offers the following preliminary recommendations, pending the submission of her final report:**

(a) The Government should consecrate water and sanitation as human rights explicitly in their legislation, including in the draft water law currently under consideration. Furthermore, the Government should use the international human rights framework as a guide for the content of legislation and policies related to water and sanitation, in particular including aspects relating to quality, accessibility, affordability, availability, acceptability, non-discrimination, the right to information and participation, and accountability;

(b) The Government should consistently address water and sanitation in an integrated manner. In particular, the Government should prioritize the extension of access to water and sanitation to the household level. The Government should provide financial assistance for connecting households where people are unable to pay. The revolving fund currently utilized in Qena is a good practice which should be replicated in other parts of the country;

(c) The Government should pay particular attention and prioritize access to safe drinking water and sanitation for those living in rural areas, those living in informal settlements, and the poor. The Government must respect, protect and fulfil the human rights concerning water and sanitation for these people. The independent expert further urges United Nations agencies to become active on these issues, and particularly recommends that UNICEF, in cooperation with the Government, expands its activities to informal settlements. Furthermore, targeted programmes and policies should be developed to ensure that the poor are able to enjoy access to drinking water and sanitation that is affordable;

(d) The Government must devote attention to upgrading old networks to ensure that drinking water is not contaminated and enforce laws against polluting water sources;

(e) The independent expert encourages the authorities to extend regular and comprehensive water quality tests across the country;

(f) The authorities must also ensure that independent complaint mechanisms are accessible and available to all persons;

(g) The authorities should make public and easily accessible information regarding the water and wastewater sectors. In particular, all results of analyses of water quality carried out should be made available to the public;

(h) The authorities should also ensure that affected communities are able to participate in the design, implementation and monitoring of water and sanitation services in a meaningful and active way.

20. In designing new pricing policies, or in considering the granting of concessions to private companies, the independent expert reminds the Government that is obliged to establish regulations to ensure that private or semi-private entities do not infringe human rights. In this regard, the independent expert emphasizes the importance of an independent regulatory body to oversee the actions of all actors in the water and wastewater sectors.

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