

<b>Special Rapporteur on the issue of human rights obligations related to access to safe drinking water and sanitation</b> <b>- Ms. Catarina de Albuquerque</b>	
<p><b>Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque – “Common violations of the human rights to water and sanitation”</b></p> <p><a href="#">A/HRC/27/55</a></p> <p>(27<sup>th</sup> session of the Human Rights Council, September 2014)</p> <p>June 30 2014</p>	<p><b>D. Violations of the obligation to refrain from discrimination and to ensure substantive equality</b></p> <p><b>Failure to prevent and combat stigmatization and to take measures against discrimination in the private sphere</b></p> <p>62. People may be deliberately excluded from the use of existing facilities, for instance through societal rules preventing <b>Dalits</b> from using water fountains or not allowing women and girls or other individuals to use an existing toilet in the household. Inordinate amounts of time spent by women and girls carrying water have major impacts on access to paid employment and education. Measures to address such practices could seek to alleviate that burden, for instance by making water collection over long distances unnecessary by providing direct access, while challenging the stereotypes which lead to that task being assigned to women.</p> <p>63. Sanitation workers frequently face serious health risks, stigmatization, violence and exploitation. In India, the Parliament adopted an act requiring that sanitation systems be overhauled so as to eliminate the need for manual scavengers and seeking to eradicate stigma, inter alia by arranging for alternative jobs. The Supreme Court of India observed that “manual scavengers are considered as untouchables by other mainstream <b>castes</b> and are thrown into a vortex of severe social and economic exploitation”. It held that the continuation of manual scavenging violated human rights and ordered the State to fully implement the new act and take appropriate action in response to any violations.</p> <p>64. Women and girls are frequently subjected to unacceptable risks of violence, including sexual violence, in accessing water and sanitation facilities. Their right to personal security may be violated by failures to provide adequate protection from violence, including through appropriate design and placement of facilities with the participation of women. Many other groups and individuals such as <b>Dalits</b> and lesbian, gay, bisexual, transgender and intersex individuals also face violence in accessing water and sanitation, often linked to deeply entrenched stigmatization.</p>
<p><b>Report focusing on sustainability and the human rights to water and sanitation</b></p> <p><a href="#">A/HRC/24/44</a></p> <p>(24<sup>th</sup> session of the Human Rights Council, September 2013)</p>	<p><b>F. A pattern of neglect of the most vulnerable and marginalized</b></p> <p>50. What emerges from the above is a pattern of neglect of the needs of the most vulnerable and marginalized groups in society across planning, institutional responsibilities and resource allocation. Disadvantaged groups can often be identified along ethnic, geographic, and socioeconomic divides (see, for example, A/HRC/18/33/Add.4, para.79). Indigenous peoples, Dalits and Roma are among such groups facing discrimination with whom the Special Rapporteur has met during the course of her mandate. Moreover, there are vast gender inequalities –in many poor communities, the task of collecting water overwhelmingly falls to women and girls (see, for example, A/HRC/15/31/Add.3 and Corr.1, para.22). Persons with disabilities are also disproportionately represented among those lacking access to water and sanitation (A/HRC/15/55, para.21). Neglect can occur for a variety of reasons: groups and individuals may experience stigmatization, they may live in remote areas making serving them costly, or politicians may be indifferent to their needs.</p>
<p><b>Annual report of the Special Rapporteur on the human right to safe</b></p>	<p>In the report, the Special Rapporteur argues for a post-2015 development agenda that integrates equality and non-discrimination, paired with equity.</p> <p>32. In her country missions, the Special Rapporteur has noted that specific groups</p>

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<p><b>drinking water and sanitation</b> (67<sup>th</sup> session of the UN General Assembly, October 2012) A/67/270</p>	<p>are excluded from access to water and sanitation, often reflecting patterns of discrimination, marginalization and limited political will to ensure substantive equality. These groups can be identified along ethnicity and socioeconomic divides. In some countries, indigenous peoples living on reserves do not have access to water or sanitation services. Dalits often suffer discrimination in accessing water and sanitation, while Roma are most disadvantaged in many European countries. Moreover, the Special Rapporteur’s attention has repeatedly been drawn to vast gender inequalities and multiple discrimination, or the compounded impact of various grounds of discrimination on the same individual or group. For instance, women and girls are overwhelmingly tasked with collecting water and are physically and sexually threatened when they fetch water.<sup>18</sup> Persons with disabilities are also disproportionately represented among those who lack access to safe drinking water and sanitation.</p> <p>36. Being disadvantaged relates to different factors such as ethnicity, language, religion, caste, gender, age, disability, nationality, and others. While the focus of the equity discourse is often on people living in poverty, it must not be forgotten that the world’s poorest are not randomly distributed — they disproportionately share one or several of the factors that commonly lead to exclusion and discrimination.</p>
<p><b>Thematic report on Stigma and the realization of the human right to safe drinking water and sanitation</b> <a href="#">A/HRC/21/42</a> (21<sup>st</sup> session of the Human Rights Council, September 2012)</p>	<p>11. In the report, the Special Rapporteur first seeks to convey an understanding of stigma and to elucidate its drivers. She links stigma explicitly to water, sanitation and hygiene before examining different manifestations of stigma. [...]</p> <p><b>II. Understanding stigma and its drivers</b></p> <p>12. Stigma relates closely to power and inequality, and those with power can deploy it at will. Stigma can broadly be understood as a process of dehumanizing, degrading, discrediting and devaluing people in certain population groups, often based on a feeling of disgust. Put differently, there is a perception that “the person with the stigma is not quite human”.</p> <p>13. What is considered “abnormal” changes over time and place, while the targets of stigma are always those who do not fit the “social norm”. In some instances, stigma is attached to a person’s social identity, especially in relation to one’s gender or gender identity, sexual orientation, <b>caste</b> or race. [...]Indeed, stigma is often closely linked to the body as a site of the normal and the different and as a vehicle of contagion, especially in terms of sexuality and disease. Furthermore, stigma is frequently attached to activities that are considered “immoral”, “detrimental to society” or “dirty”, affecting, for instance, sex workers, <b>sanitation workers</b>, prisoners and homeless people.</p> <p>14. In many instances, stigma is compound, multiple or intersectional, meaning that a single person can possess different attributes to which stigma are attached, such as in the case of an ex-prisoner who is homeless. Individuals experiencing compound stigma are often the ones who are most marginalized and discriminated against. The concept of intersectionality recognizes that individuals have multiple identities, attributes and behaviours, and that the intersections of these multiple aspects give shape to experiences of stigmatization and discrimination. Individuals falling into a particular category do not all inhabit the same social positions.</p> <p>15. People who are stigmatized can find it is almost impossible to escape the stigma. Similarly, some may experience stigma by association, that is, extending beyond a person with a particular attribute. The Committee on Economic, Social and Cultural Rights has found that people may be discriminated against by being associated with or by being perceived as part of a particular group.<sup>6</sup>For example, during her mission to Bangladesh, the Special Rapporteur found that the occupation as “<b>sweeper</b>” is passed down through generations and that people in that occupation feel “trapped” (A/HRC/15/55 and Corr.1, paras. 26, 75 and 76).</p>

20. Stigma also has its drivers at the societal level with, for instance, the media contributing to spreading prejudices and stereotypes. It is also driven by deeply entrenched cultural beliefs relating, for instance, to gender, sexuality, health and descent. **Caste systems** are striking examples of systems that lead to the stigmatization of large parts of the population, potentially amounting to violations of human rights.

### III. Stigma and its links to water, sanitation and hygiene

22. Stigmatization often results in lack of access to water and sanitation and poor hygiene standards. The lack of access to essential services is a symptom, while the root causes lie in stigmatization. Only through an understanding of these causes will it be possible to implement effective measures to improve access to services. Stigma is often closely linked to perceptions of uncleanness, **untouchability** and contagion. In many instances, stigmatized people are perceived as “dirty”, “filthy” and “smelly”, affecting for instance homeless populations, menstruating women and girls, Roma communities, **Dalits** or women suffering from obstetric fistula.<sup>7</sup> Individuals who find themselves stigmatized because of the perception that they are “dirty” or “contagious” may be socially ostracized and be denied access to water, sanitation and hygiene services, hence reinforcing the stereotype of uncleanness and prolonging a vicious circle. It is not their inherent condition to live in filthy and poor conditions; it is a position imposed by society that uses stigma as a tool to create, perpetuate and justify marginalization and inequality.

### IV. Manifestations of stigma

#### A. Rendering people and their needs invisible

24. Stigma has a perverse effect of silencing. It creates taboos and results in issues not being addressed. Stigma renders some people and their needs invisible in society. For instance, denying the practice of “untouchability” and the resulting silence that surrounds it is part of the stigma.

#### B. Pushing people to the margins of society

29. Stigma is also manifest in the rejection, avoidance and marginalization of certain groups, quite literally pushing people to the margins of society. Racist and similar attitudes demean, degrade and dehumanize groups of people because of their racial, ethnic, religious, linguistic or **caste identity**. Many racial and ethnic groups or **castes** experience stigma, including indigenous peoples, pastoralists, (semi-)nomadic tribes such as the Bedouins, persons with albinism, Roma in Europe and **Dalits in South Asia**. They may suffer from pervasive negative stereotyping, social exclusion and denial of fundamental human rights. In some instances, people are forced to live at the outskirts of cities and villages, sometimes being relocated to more remote areas, subjected to an —out of sight, out of mindl attitude.

32. Similarly, caste systems are closely related to stigma and patterns of human rights violations. Caste systems across the world are deeply rooted in social segregation, based on ideas of purity and pollution and lending traditional “legitimacy” to discrimination. The International Dalit Solidarity Network underlines that Dalits — ‘are considered “lesser human beings”, “impure” and “polluting” to other caste groups. They are known to be “untouchable” and subjected to so-called “untouchability practices” in both public and private spheres’. In terms of water and sanitation provision, Dalit habitations are often systematically excluded (A/HRC/15/55 and Corr.1, para. 76).

33. **Dalits** are regularly forced into the most menial, socially degrading, dirty and hazardous jobs. Some Dalits, in particular women, work as manual scavengers or sweepers; the terminology varies across countries, but generally refers to those who clean faeces from dry toilets.<sup>15</sup> As a result of their direct contact with human faeces, manual scavengers suffer from a range of health problems (A/HRC/15/55 and Corr.1, para. 75) that are for the most part left untreated and add further to their

	<p>stigmatization. Manual scavengers and sweepers suffer extreme forms of social exclusion, even within their own caste. These practices are not only deeply rooted in society, but also institutionalized through State practice, with municipalities themselves employing sweepers (ibid.). Moreover, patterns of stigmatization are perpetuated in schools, being reflected in the nature of cleaning duties, namely, through the assignment of toilet cleaning to the —lowerl castes.<sup>16</sup> Instead of breaking caste barriers, teachers perpetuate stigmatization, limiting the rights of young people to be free from discrimination and to access education.</p> <p><b>C. Excluding people from facilities</b></p> <p>36. Stigma often manifests itself in exclusion from social gatherings or everyday activities. Many people affected by stigma also experience the impact of stigma in their access to shared or common water and sanitation facilities. Reportedly, <b>Dalits</b> have been unable to collect water from shared wells or have been fined for drinking from a common water tap, and Dalit women have reportedly had to wait in a separate queue until non-Dalits have fetched water. Large-scale violence and physical attacks by members of the dominant caste have been reported where Dalits attempted to access facilities in areas inhabited by the dominant caste.<sup>20</sup> Similarly, people living with HIV/AIDS have sometimes been locked out of communal latrines or water taps by their neighbours.<sup>21</sup></p> <p><b>C. Non-discrimination and equality</b></p> <p>50. In terms of prohibited grounds of discrimination, the International Covenants on Human Rights list race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The term “other status” indicates that these lists are not exhaustive. The treaty bodies have sought to elucidate the term, finding that it encompasses, inter alia, disability, age, sexual orientation and gender identity, health status, place of residence, and economic and social situation.<sup>29</sup> These grounds show a significant overlap with groups experiencing stigmatization, highlighting again that stigma often lies at the root of discrimination. Conversely, this relationship also allows for the use of stigma as a marker and for the consideration of groups who experience stigmatization when interpreting the term —other statusl. While it may already be implicit in the treaty bodies’ reasoning, this would, for instance, require the recognition of homelessness as a prohibited ground of discrimination.</p>
<p><b>Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque - Addendum: Compilation of good practices</b> A/HRC/18/33/Add.1 (HRC 18<sup>th</sup> session 2011)</p>	<p>E. Non-discrimination [...]</p> <p>61. Discriminatory practices originate not only from the State, but also from deeply ingrained cultural and social practices. In Tamil Nadu, India, the Department for Water Affairs<sup>22</sup> committed itself to addressing discriminatory practices based on caste, using access to water and sanitation as the entry point for discussing discrimination. The programme implementers found that, frequently, it was not just policies and programmes that were perpetuating discriminatory practices, but also that local communities needed awareness training to recognize that their own attitudes were discriminatory.</p>
<p><b>Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque – Mission to Japan</b> <a href="#">A/HRC/18/33/Add.3</a></p>	<p>IV. Discrimination and exclusion</p> <p>24. There has long been reluctance on the part of many in Japan, including the government, to recognize the country’s diversity in terms of wealth disparities, minority groups and other types of heterogeneity.<sup>14</sup> While minority groups, such as new immigrants, Koreans, the Burakumin, and Ainu and Okinawan indigenous communities, receive greater recognition than in the past, they continue to face economic disadvantage and social exclusion. Human Rights Council</p>

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<p>(18<sup>th</sup> session of the Human Rights Council, July 2011)</p>	
<p><b>Joint report from a visit to Bangladesh with the independent Expert on human rights and extreme poverty</b>  <u>A/HRC/15/55</u>  <b>(15th session HR Council, September 2010)</b></p>	<p>The Independent Expert on water and sanitation and the Independent Expert on human rights and extreme poverty presented their joint report from Bangladesh at the 15th session of the Human Rights Council. The report contained extensive references to Dalits:</p> <p>24. Bangladesh has a diverse ethnic, religious and indigenous population. The experts met with various members of different minority groups, and also received reliable information concerning the situation of other groups. They note that some of these groups are victims of discrimination and live in extreme poverty. The experts recall that the Constitution prohibits discrimination on the grounds of “religion, race, caste, sex or place of birth”.</p> <p>25. The experts met with groups of people who identify themselves as Dalits. The caste system was described as an occupational system, whereby people, according to their descent, undertake certain professions that are generally considered to be menial. The experts were informed that these people suffer discrimination in all areas of life, including segregation in their access to housing. Most live beneath the poverty line, earn less than the minimum wage and have no access to education. Dalits also suffer from numerous diseases, not least because of their lack of access to safe drinking water and sanitation, and they sometimes face discrimination in their access to public-health facilities.</p> <p>26. In their meetings with Dalits, the experts perceived an overwhelming feeling of their being “trapped”. Dalits feel they have no opportunity to seek other jobs, since their families have had these occupations for generations and because they lack adequate education. Pervasive discrimination against them keeps them poor, uneducated, in terrible living conditions and in menial jobs. While the Government of Bangladesh does not make specific reference to the situation of Dalits in its National Strategy for Accelerated Poverty Reduction, it recognizes the pattern of discrimination against occupational groups related to caste systems. The strategy indicated the need to understand further the situation of these groups and to promote targeted policies aimed at improving their living conditions. The Government should explicitly recognize the discrimination experienced by Dalits and take more concrete steps to redress it, including through the enforcement of existing laws and the establishment of a special commission with a mandate to address concerns particular to Dalits. The National Human Rights Commission also has a central role to play in combating discrimination based on caste. The independent expert on water and sanitation analyses the particular issues related to Dalits under her mandate (see paragraphs 75–76 below).</p> <p>In the latter part of the report, the Independent Expert on water and sanitation analyses the particular issues related to Dalits under her mandate:</p> <p>58. The independent expert is concerned that very little attention is paid to ensuring the safe treatment and disposal of wastewater. She notes that there is a tradition of manual scavenging in Bangladesh, which poses serious health concerns (see paragraph 76 below). She was impressed by the efforts made by non-governmental organizations to find technological solutions for hygienically emptying pit latrines, such as the <i>Vacutug</i>. Apparently, the contents of the pits are currently emptied directly into waterways, jeopardizing the quality of that water. The Dhaka Water Authority reported to the independent expert that it only had one sewage treatment plant for a population of 10 million. The sewage load in Dhaka is estimated to be 100 times greater than the capacity of the plant. Despite the known problems with treating wastewater, construction of new habitations continues in Dhaka, with increasing connections to a sewage network that has a limited capacity for treatment. The Water Authority explained that five new sewage treatment plants are needed in Dhaka, and that two of these plants are currently under consideration for construction. Given the</p>

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	<p>fact that the Government has to use surface water as an alternative source of drinking water, the construction of these five treatment plants is urgent.</p> <p>Dalits</p> <p>75. The independent expert is concerned about discrimination against sweepers, who are predominantly Dalits. This occupation has been passed down through the generations; although non-Dalits are starting to take the job of sweeper, however, traditional sweepers are resisting this trend, because they claim they are not eligible for other jobs. The work of the sweeper is to clean out sewers and septic tanks. They are employed by the municipality and private employers. In rural areas, the job of sweepers is akin to manual scavenging, which is the process of cleaning out dry toilets manually. In Dhaka and other areas, where sewerage and septic tanks are used, the job is to clear blocked pipes and empty septic tanks.</p> <p>In both cases, the workers have no protective gear and are subjected to considerable health risks. They reportedly suffer from diarrheal diseases and dysentery. One woman explained that the men need to get drunk to be able to bear this work.</p> <p>76. Sweepers are also subjected to discrimination in the community. The children of sweepers are reportedly ostracized by teachers at school, and feel forced to hide their origins. The independent expert visited a community of sweepers and saw that they had no access to water or safe sanitation. They used a hanging latrine, which emptied out directly into a passing stream. In another Dalit slum, two water points reportedly served 12,000 people. The women and girls have to carry the water up several flights of stairs, which poses a serious threat to their physical well-being. In addition, the women's toilets had a hole in the ceiling where boys watched the girls, depriving them of all privacy. The toilets were in a deplorable state, with faeces covering the entire area. Most Dalits live in rural areas, where they reportedly face similar problems of inadequate housing and the constant threat of eviction.</p> <p>The Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation calls on the Government:</p> <p>125. (d) To adopt an explicit policy to address the situation of Dalits, and to eliminate discrimination against them; and to take special measures to improve the situation of sweepers, including by ensuring the protection of their health while at work, and that they have access to safe drinking water and sanitation in their homes.</p> <p>The Independent Expert on water and sanitation also made a reference to Dalits when presenting the report on 15th September 2010:</p> <p>“I am also particularly concerned about discrimination against sweepers, who are predominantly Dalits. Their job is to clean the sewers, septic tanks, and latrines. They reportedly have no protective gear and are subjected to considerable health risks. Furthermore, they live in slum communities which have no access to water and sanitation. I urge the Government of Bangladesh to eliminate all forms of discrimination, and to ensure the right to water and sanitation for all people.”</p>
<p><b>Statement on the conclusion of a visit to Bangladesh together with the Independent Expert on human rights and extreme poverty</b></p> <p>Statement</p> <p><b>(10 December 2009)</b></p>	<p>The independent expert on water and sanitation undertook a visit to Bangladesh together with the independent expert on human rights and extreme poverty in December 2009. The two experts issued a joint press statement on the conclusion of their stay on 10 December 2009. During their stay they were invited to the Gonoktuli Dalit 'colony' in Dhaka, the largest of 17 such communities in the city. The visit was organised by the Bangladesh Dalit and Excluded Rights Movement (BDERM) and Nagorik Uddyog in Bangladesh. In the joint statement the independent expert on water and sanitation stated the following:</p> <p>“We met with several people who suffer from discrimination based on their occupation, or their parents' occupation, namely sweepers, who identify themselves as Dalits. These people clean the toilets and empty the septic tanks of others throughout the country. They are reportedly denied education because of social stigma, and their</p>

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	<p>jobs are threatened. Although they work in sanitation all day long, they have no or inadequate access to water and sanitation in their own homes. The Government must end all forms of discrimination and adopt immediate measures to guarantee their human rights.</p> <p>Access to safe drinking water and sanitation in slums is also a big concern for me. In practice, many people in slums are unable to connect to the water and sewage network because they do not have tenure status. The practice of using civil society organizations as a mediator to bring water to the populations in the slums is a positive example of finding solutions to these problems. Nevertheless, the rights of the people living in slums must be recognized – this is not a matter of charity, but a legal entitlement. [...]</p> <p>Responsibility for water and sanitation is spread across different ministries, and there are many non-governmental organizations, donor agencies and UN agencies also deeply involved in these activities. There must be better coordination among all of these actors, as well as improved information sharing about projects and resources. To find solutions to the difficult challenges that Bangladesh faces in water and sanitation, it would be important to know exactly what the available resources for water and sanitation are, where they are spent, and who benefits. I also urge the Government to establish an independent regulator for water and wastewater that would inter alia be competent for establishing water tariffs, controlling water quality and ensuring access for all.”</p>
<p><b>Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation</b></p> <p>A/HRC/12/24 (12th HRC session, September 2009)</p>	<p>In the first report submitted by the mandate holder to the Human Rights Council on 1 July 2009, the Independent Expert focuses on the human rights obligations related to sanitation. One of the key issues linked to this mandate is the right of sanitation workers and manual scavengers who are often treated as the ”lowest of the low” in the caste hierarchy.</p> <p>“K. Prohibition of discrimination</p> <p>53. More broadly, discrimination and exclusion play a significant role with regard to access to sanitation. It is often the poorest and the most marginalized groups who lack access to sanitation. According to UNDP, the majority of people without access to sanitation live on less than 2 United States dollars a day. Minority groups, migrants, indigenous peoples, refugees and internally displaced persons (IDPs), prisoners and detainees, and persons with disabilities also suffer discrimination which may affect their access to sanitation. Sanitation workers face particular stigmatization for having a job which is perceived as “unclean” or lowly. Such groups often have little influence on policy formulation and resource allocation at the national and local levels, making it difficult for them to improve their access to sanitation.</p> <p>54. The International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, in their articles 2, both provide that the rights contained in those Covenants should be enjoyed without discrimination. Article 26 of the International Covenant on Civil and Political Rights further provides for equal protection under the law, including “effective protection against discrimination”. The treaty bodies have raised the issue of sanitation in the context of discussions on discriminatory treatment in their dialogues with States parties. For example, they have expressed concern about sanitation for Roma people, Dalits (CEDAW/C/IND/CO/3 (India), para. 29), refugees and asylum-seekers, indigenous peoples, religious minorities, and migrants. The Special Rapporteur on torture has also specifically addressed sanitation with regard to persons with disabilities.”</p>
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<p><b>Addendum: Compilation of good practices</b> A/HRC/18/33/Add.1 (HRC 18<sup>th</sup> session 2011)</p>	<p>Affairs<sup>22</sup> committed itself to addressing discriminatory practices based on caste, using access to water and sanitation as the entry point for discussing discrimination. The programme implementers found that, frequently, it was not just policies and programmes that were perpetuating discriminatory practices, but also that local communities needed awareness training to recognize that their own attitudes were discriminatory.</p>
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