



# Global Water Gender and Development Conference

## Presentation on Policy, Legislation and Human Rights

By

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# Water is a human right

- ▣ The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.
- ▣ A number of countries have officially recognised this right as reflected in constitutions, legislation and policies as well as ratification of international instruments.

# Legal Framework

- ▣ Article 14(2) (h) of the Convention on the Elimination of All Forms of Discrimination against Women.
- ▣ Article 24 (1) and (2) (c) of the Convention on the Rights of the Child.
- ▣ Article 15 (a) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.
- ▣ Article 14 (2) (c) of the African Charter on the Rights and Welfare of the Child.

# Interrelationship With Other Rights

- ▣ Like any other human right the right to water is interrelated with and interdependent on other rights.
  - The right to food, health, clean and safe environment and education.
  - The right to water also secures one's livelihood as it is the main source of agriculture and food production.
- ▣ The human right to water is therefore protected in the international , regional and national legal framework that prescribes these interrelated rights

# States have an obligation to respect, protect and fulfill the right to water

- ▣ The obligation to respect includes a duty to refrain from interfering arbitrarily with customary or traditional arrangements for water allocation, unlawfully polluting water or destroying water services and infrastructure during armed conflict.
- ▣ The obligation to protect requires State Parties to prevent individuals, groups, corporations and other agents acting under their authority from interfering with the right to water.
- ▣ The obligation to fulfil includes ensuring that water is affordable and that appropriate pricing policies are adopted which take into account the principle of equity.

# How then do we connect policy, legislation and human rights to gender, water and development?

- ▣ Policies and legislation facilitate the realisation of the right to water, therefore they should take into account different classes of persons, gender , race and religion.
- ▣ Water is a scarce resource in many countries and the marginalized classes: indigenous groups; women; and poor populations, are affected more adversely and require stronger intervention measures.
- ▣ While policies and legislation should be non-discriminatory, they should also be practical and applicable to situations on the ground.



# How are women affected?

- ▣ Women are intrinsically linked to water resources because of their roles and responsibilities in using and managing water.
- ▣ The burden to secure water for all uses in the household lies with women giving them less time to undertake their income generating activities in order to secure food security.
- ▣ Currently legislation and policies for a number of countries appear gender neutral but are in practice biased against large groups of females in comparison with male water users.
- ▣ Furthermore issues of sanitation which affect women more than men are also taken for granted at the decision making level. In some male-dominated communities sanitation facilities are not prioritised given that men are able to forgo bathing, washing and are able to perform their bodily functions almost anywhere.

# Rights-based approach

- ▣ This approach should be adopted as it delivers more sustainable solutions because decisions are focused on what communities and individuals require, understand and can manage, rather than what external agencies deem is needed.
- ▣ Rights –based approach is predicated on the principle of non-discrimination, accountability and places the individual at the centre of development.
- ▣ As such it takes into account the exclusion of women in the decision making processes concerning water management.
- ▣ A rights based approach therefore requires that women should play a central role in water management, policy development and legislative formulation , whether through grassroots organizations, NGOs, policy making bodies or program management institutions.



# What Is The Role Of The Zimbabwe Human Rights Commission (ZHRC)

- ▣ The ZHRC has an important role to play in ensuring that the human right to water is protected and promoted.
- ▣ It works under various thematic working groups including : Gender; Economic, Social and Cultural Rights; and Environmental Rights.
- ▣ Its functions include: making recommendations to Parliament on effective measures to promote human rights and freedoms ; monitoring, assessing and ensuring observance of human rights and freedoms as well as conducting research into issues relating to human rights.

The end !