



## Asamblea General

Distr. general  
5 de julio de 2010  
Español  
Original: inglés

---

### Consejo de Derechos Humanos

#### 15º período de sesiones

Tema 3 de la agenda

**Promoción y protección de todos los derechos humanos, civiles, políticos, económicos, sociales y culturales, incluido el derecho al desarrollo**

### **Informe de la Experta independiente sobre la cuestión de las obligaciones de derechos humanos relacionadas con el acceso al agua potable y el saneamiento, Catarina de Albuquerque**

#### **Adición**

#### **Misión a Egipto\***

#### *Resumen*

La Experta independiente sobre la cuestión de las obligaciones de derechos humanos relacionadas con el acceso al agua potable y el saneamiento realizó una misión oficial a Egipto del 21 al 28 de junio de 2009. La Experta independiente reconoce el compromiso demostrado por el Gobierno en relación con los sectores del agua y el saneamiento. También le impresionaron los testimonios de varias personas que ponían de relieve algunas dificultades y deficiencias importantes de la política del Gobierno. Se refiere en particular a problemas relacionados con la disponibilidad de agua y su calidad, el saneamiento, la asequibilidad de los servicios, el acceso a la información, la participación y la transparencia, así como la reglamentación de los sectores del agua y las aguas residuales. La Experta independiente señala que los problemas afectan en particular a los asentamientos precarios y las zonas rurales. Estos son los lugares donde viven las personas más pobres y su acceso a la información se ve impedido por la falta de conocimientos, el analfabetismo, la falta de sistemas de comunicaciones y la escasa transparencia por parte de las autoridades.

La Experta independiente termina el informe con conclusiones y recomendaciones.

---

\* El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe propiamente dicho figura en el anexo del resumen y se distribuye únicamente en el idioma en que se presentó y en árabe.

## Anexo

### **Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, on her mission to Egypt (21-28 June 2009)**

#### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–4	3
II. The socio-economic situation in Egypt.....	5–10	3
III. Institutional and policy framework in water and sanitation .....	11–16	5
IV. The situation of safe drinking water and sanitation in Egypt.....	17–68	7
A. Water availability .....	27–30	9
B. Water quality .....	31–39	10
C. Sanitation.....	40–45	12
D. Affordability.....	46–54	13
E. Access to information and participation .....	55–65	15
F. Regulation of water and sanitation provision .....	66–68	17
V. Conclusions and recommendations.....	69–70	18

## I. Introduction

1. From 21 to 28 June 2009, the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation conducted an official mission to Egypt, aiming to assess the way in which the State 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 Alexandria, Cairo, Luxor, Qena and Wardan.

2. The independent expert expresses her gratitude to everyone who agreed to meet with her, including to the Government of Egypt for the cooperation extended in organizing the visit. She also expresses her appreciation to the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP) for their support in organizing the visit.

3. The independent expert was impressed by the level of commitment demonstrated by the Government in the water and sanitation sectors. She was also moved by the personal testimonies of individuals, which highlighted some important challenges and gaps in Government policy. While the Government has made incredible progress in extending the water network, sanitation lags behind, jeopardizing the gains that Egypt achieved in the water sector. Serious problems related to water quality and water scarcity will add to these concerns. Moreover, access to safe drinking water and sanitation is still out of reach for too many people living in informal settlements, peri-urban areas and rural areas. A key challenge for the Government in addressing these issues is to reduce the considerable divergence between law and practice, and hence to improve the situation of the most neglected people living in slums or in rural areas, and to ensure access to information and transparency in the sectors.

4. The present report expands upon these findings, pointing out some good practices, and offering recommendations.

## II. The socio-economic situation in Egypt

5. In the 2007 World Bank report on poverty in Egypt, three categories of poverty are identified: "extreme poverty, which means the inability to provide even for basic food; absolute poverty, which consists of spending less than needed to cover absolutely minimal food and non-food needs [...], and near-poverty, which is equivalent to spending barely enough to meet basic food and slightly more than essential non-food needs".<sup>1</sup>

6. According to that report, 19.6 per cent of the population in Egypt is considered to be living in absolute poverty and 21 per cent is near-poor. Overall, 40.5 per cent of the

---

<sup>1</sup> World Bank and Egypt, "Arab Republic of Egypt: poverty assessment update" (16 September, 2007), p. ii.

population in Egypt - about 28 million people - is classified as poor to some degree.<sup>2</sup> Poverty is a cause and a consequence of multiple other deprivations, including lack of education, employment opportunities, adequate housing and access to basic services.

7. Overall, Egypt is characterized by wide disparities between rich and poor governorates and people. While the national average of people living on less than US\$ 2 a day is about 18 per cent<sup>3</sup> (about 14 million people), a closer look reveals that the poorest governorates have poverty rates as high as 61 per cent.<sup>4</sup> The highest rates of poverty are concentrated in Upper Egypt, where 10 per cent of poor people are considered extremely poor.<sup>5</sup> While the literacy rate in 2008 in Egypt was 70.7 per cent overall - 31 per cent women and girls and 69 per cent men and boys - literacy rates in rural areas were reported at 63.4 per cent as compared to 80 per cent in urban areas.<sup>6</sup> Without addressing these disparities and prioritizing attention to the needs of these areas, improving access to safe drinking water and sanitation in rural areas in line with human rights will be a challenge, as will be further explained in the present report.

8. According to the Millennium Development Goal report for Egypt, slum<sup>7</sup> areas have been growing recently. It is estimated that between 12 million and 15 million people live in informal settlements in Egypt.<sup>8</sup> Lack of access to improved water supply and lack of access to improved sanitation are two of the four determining characteristics of informal settlements.<sup>9</sup> The number of slums increased during the period 2004-2006 (from 1,174 to 1,240) and the proportion of the urban population living in slums increased by 3.5 per cent during the same period,<sup>10</sup> whereas the overall population of Egypt grew at a rate of only 2 per cent between 2000 and 2005,<sup>11</sup> and less than 2 per cent between 2005 and 2010.<sup>12</sup> The United Nations Human Settlements Programme (UN-Habitat) has indicated that the main deprivation suffered in Egyptian slums is lack of access to improved sanitation.<sup>13</sup> Despite some positive initiatives by the Government, the overall situation reported to and witnessed

<sup>2</sup> Ibid., p. iii.

<sup>3</sup> UNDP, *Human Development Report 2009: Overcoming Barriers – Human Mobility and Development* (New York, 2009), p. 177. Available from [http://hdr.undp.org/en/media/HDR\\_2009\\_EN\\_Table\\_I1.pdf](http://hdr.undp.org/en/media/HDR_2009_EN_Table_I1.pdf).

<sup>4</sup> UNDP, *Egypt Human Development Report 2008* (2008), p. 15. Available from [http://hdr.undp.org/en/reports/nationalreports/arabstates/egypt/2008\\_Egypt\\_nhdr\\_en.pdf](http://hdr.undp.org/en/reports/nationalreports/arabstates/egypt/2008_Egypt_nhdr_en.pdf).

<sup>5</sup> Ibid.; 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), p. 7.

<sup>6</sup> Egypt, “The national report on literacy and adult education”, (2008), p. 10 (counting illiteracy for persons over the age of 10). Available from [www.unesco.org/fileadmin/MULTIMEDIA/INSTITUTES/UII/confintea/pdf/National\\_Reports/Arab%20States/Egypt.pdf](http://www.unesco.org/fileadmin/MULTIMEDIA/INSTITUTES/UII/confintea/pdf/National_Reports/Arab%20States/Egypt.pdf).

<sup>7</sup> Throughout the present report, the independent expert uses the terms slum and informal settlement interchangeably.

<sup>8</sup> United Nations Population Fund (UNFPA), *State of World Population 2007: Unleashing the Potential of Urban Growth* (New York, 2007), p. 17. See also Information Decision and Support Center, “Informal settlements in governorates of Egypt: analytical study - situation analysis and approaches followed in addressing that issue”, overview (May 2008), p. 2, available from [www.idsc.gov.eg/Publications/PublicationDetails.aspx?id=47](http://www.idsc.gov.eg/Publications/PublicationDetails.aspx?id=47).

<sup>9</sup> Egypt, *Achieving the Millennium Development Goals: A Midpoint Assessment* (Ministry of Economic Development, 2008), p. 56.

<sup>10</sup> Ibid.

<sup>11</sup> UNFPA, *State of World Population 2004: The Cairo Consensus at 10 – Population, Reproductive Health and the Global Effort to End Poverty* (New York, 2004), p. 106. [www.unfpa.org/upload/lib\\_pub\\_file/327\\_filename\\_en\\_swp04.pdf](http://www.unfpa.org/upload/lib_pub_file/327_filename_en_swp04.pdf)

<sup>12</sup> UNFPA, *State of World Population 2007*, p. 90.

<sup>13</sup> UN-Habitat, *State of the World's Cities 2008/2009: Harmonious Cities* (Nairobi, 2008), p. 97.

by the independent expert about living conditions in slums remains a subject of great concern.

9. Lack of access to information and lack of related transparency further compound these problems. Access to information is a critical element in empowering people to claim their rights. The right to information is guaranteed under international human rights law, in particular, under article 19 of the International Covenant on Civil and Political Rights. Although Egypt is a party to the Covenant, access to information is not protected in the country's legislation,<sup>14</sup> and it is reportedly extremely difficult to obtain information from the Government, including on matters related to access to safe drinking water and sanitation. Corruption was also cited as a serious problem.<sup>15</sup> Although the independent expert acknowledges that the Government is making efforts to improve access to water and sanitation, she observed a lack of trust among many citizens pertaining to activities involving the Government in general. According to the National Council for Human Rights, the culture and knowledge of human rights is a core challenge to the Egyptian society. Since 1999, increased governmental efforts have been aimed at promoting this culture through training programmes targeting police officers, prosecutors, judges, the media, journalists and human rights activists. However, the National Council is of the opinion that these efforts have not yet attained the desired goal and that there is a need to increase the effectiveness of the National Council and to broaden its scope.<sup>16</sup>

10. The establishment of the Social Contract Center by the Government of Egypt and UNDP forms part of the response to this reality, which includes among its strategic objectives rebuilding the trust between the Government and citizens and empowering civil society.<sup>17</sup>

### III. Institutional and policy framework in water and sanitation

11. Egypt has ratified the main international human rights treaties, all of which guarantee rights relevant to access to safe drinking water and sanitation. It was reviewed by the universal periodic review in February 2010, and has recently submitted several reports to human rights treaty monitoring bodies for review.

12. Water and sanitation utilities in Egypt are State-owned. While there has been a focus on the expansion of the water supply since the early 1990s, major problems plagued the water and sanitation sectors for decades. These included the deterioration of water quality, competition for water allocation, insufficient funds to maintain the investments made in the networks, and poor operational performance.<sup>18</sup> In response to these challenges, Egypt embarked on a reform of the sector in 2004, with the issuance of two presidential decrees.

<sup>14</sup> UNDP, Egypt (see footnote 4 above), p. 265.

<sup>15</sup> Corruption is allegedly widespread, with a rating of 2.8 (with a score of 10 being the least corrupt) in the Corruption Perceptions Index compiled by Transparency International See [www.transparency.org/regional\\_pages/africa\\_middle\\_east/current\\_projects/mabda/focus\\_countries/egypt](http://www.transparency.org/regional_pages/africa_middle_east/current_projects/mabda/focus_countries/egypt).

<sup>16</sup> "Report of the National Council for Human Rights on human rights situation in Egypt in the context of the universal periodic review", para. 26, available from [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/NCHR\\_UPR\\_EGY\\_S07%20NationalCouncilforHumanRights.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/NCHR_UPR_EGY_S07%20NationalCouncilforHumanRights.pdf).

<sup>17</sup> Egypt and Information and Decision Support Centre, *Egypt: On the March of Development 2008*, p. 10. Available from [www.idsc.gov.eg/Upload/Documents/18/EN/Egyptbook2008.pdf](http://www.idsc.gov.eg/Upload/Documents/18/EN/Egyptbook2008.pdf).

<sup>18</sup> World Bank, "Cost-effectiveness and equity in Egypt's water sector: Egypt public expenditure review", Policy Note 3 (May 2005), p. 5.

The first decree (No. 135) established the National Holding Company for Potable Water and Wastewater Projects under the Ministry of Housing, Utilities, and Urban Communities, with the mandate to “purify, desalinate, convey, distribute, and sell potable water, and collect, treat and safely dispose of wastewater” (art. 2). By the same decree, water and wastewater utilities at the governorate level were transformed into subsidiaries of the Holding Company (art. 3). The second decree (No. 136) established the Regulatory Agency for Potable Water, Wastewater and Consumer Protection, which reports to the same Ministry. The mandate of the Regulatory Agency is to regulate and monitor all activities in the water and wastewater sectors, undertaken by the State and private actors, with a focus on performance levels, availability of service, quality and efficiency, customer satisfaction and suitable prices.

13. Additionally, the Cairo and Alexandria Projects Water and Wastewater Organization and the National Organization for Potable Water and Sanitary Drainage are responsible for investing in the water and wastewater sectors, in particular with regard to expanding access. The Ministry of Water Resources and Irrigation is responsible for water resources management in the country. Although the Holding Company currently plays a key role in this domain, the responsibility for drinking water and sanitation straddles several different institutions, and some difficulties are faced in ensuring coordination. The overlapping responsibilities also present problems in terms of accountability when people’s access to safe drinking water and sanitation is threatened, an issue that will be addressed further below.

14. A draft water act is currently under consideration in Egypt. The independent expert has received a copy of the draft act, from September 2009. The act provides the framework for the provision of drinking water and sanitation in Egypt, and envisages the establishment of a new body responsible for monitoring the drinking water and sewage sector. In particular, the body would ensure compliance with the act, monitor technical, economic and financial performance of service providers, and receive complaints about service. The draft act provides for the independence of the body in carrying out its functions, as well as for an independent budget. The responsibility for setting social tariffs remains with the State. The draft act does not explicitly recognize water and sanitation as human rights, nor does it specifically outline the rights of people to access sufficient, safe, affordable and acceptable drinking water and sanitation.

15. The Holding Company reported to the independent expert that it recently implemented its “urgent plan for potable water” aimed at increasing the production of potable water to reach full coverage in Egypt, which, as a result, is now reported at 100 per cent. This plan included rehabilitating the network and plants, constructing new plants and increasing the production capacity. Currently, the Holding Company reports that about 1 billion Egyptian pounds (around €130 million) are invested in replacement and renovation projects annually. More broadly, the independent expert was informed that between 2002 and 2007, about 36.7 billion Egyptian pounds (around €4.92 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 Government has also established a rural sanitation strategy which allocates 20 billion Egyptian pounds (over €2 billion) aimed specifically at increasing the level of wastewater service coverage in rural areas.

16. The level of investment in the water and sanitation sectors reflects the political will behind ensuring access to water and sanitation. The independent expert observed that the Government, and in particular the Holding Company, has a vision and a plan for extending access to safe drinking water, which is a fundamental step towards the progressive realization of these rights. While this commitment is commendable, the independent expert notes that many challenges remain for ensuring that the pursuit of this objective is inspired and guided by human rights norms and principles, enabling the actual enjoyment of the rights to sanitation and water for all.

#### IV. The situation of safe drinking water and sanitation in Egypt

17. The main source of water in Egypt is the river Nile (97 per cent), with most of the population living along the banks of the river. Groundwater is also appropriated for use, both from the Nile system and in the desert. The agricultural sector demands the most water, at about 86 per cent of total water use, while water supply for personal and domestic uses, including for sanitation, accounts for only 9.4 per cent of total water use.<sup>19</sup>

18. The Joint Monitoring Programme for Water Supply and Sanitation reports that, in 2006, 98 per cent of Egypt's population had access to an improved water source.<sup>20</sup> The Government statistics are similar with regard to water supply, asserting nearly 100 per cent access. However, the Government has acknowledged that the water service does not keep pace with rapid population growth, hence service coverage is worsening.<sup>21</sup> Furthermore, there are still disparities between urban and rural access, with the worst levels of access reported in the Matrouh and North Sinai governorates, at 73.6 per cent and 80.7 per cent, respectively.<sup>22</sup>

19. The Joint Monitoring Programme reports that 66 per cent of the population had access to improved sanitation in 2006.<sup>23</sup> The Government measures the number of people connected to a sewage network, as distinct from access to an improved sanitation facility. Sewage connections are reported at 70 per cent coverage for urban areas and 25 per cent for rural areas.

20. Egypt has made impressive progress in improving access to water; an examination of the statistics over time reveals significant advancements. However, critical issues relevant to human rights can be lost in statistics. For instance, the statistics reported by the Joint Monitoring Programme do not take into account that the reliability of the service is not measured, and water quality is assumed to be good from certain sources of water, even though experience in Egypt has shown that piped connections do not necessarily produce good quality water. With regard to sanitation, while septic tanks are considered improved sanitation, there are considerable problems in Egypt with leakage of septic tanks, which can contaminate the drinking water and directly threaten people's health. Also, the statistics fail to measure whether the by-products of sanitation are safely disposed of. For both water and sanitation, these statistics do not assess whether these services are affordable.

21. The challenges highlighted in the present report are particularly relevant to people living in slums and in rural areas. People with whom the independent expert met suggested that the access figures need to be broken down to see who has access, and who does not. They posited that of the poorest 20 per cent of the population, only 60 per cent are connected to taps in their homes, while 98 per cent of the wealthiest portion of the population is connected. The official Government statistics are not disaggregated according to income level. Statistics disaggregated by income level, as well as by other factors, such as sex, tenure status and ethnicity, are important for revealing who is benefitting from the services provided.

22. The independent expert visited slums in Cairo, including Ezbit El Haggana and a slum in Old Cairo, and spoke with people about their access to water and sanitation. People explained that lack of access to safe drinking water and sanitation is a priority concern: they

<sup>19</sup> Ibid., p. 128.

<sup>20</sup> UNICEF and World Health Organization (WHO), *Progress on Drinking Water and Sanitation: Special Focus on Sanitation* (New York and Geneva, 2008), p. 45.

<sup>21</sup> Egypt, *Achieving* (see footnote 9 above), p. 54.

<sup>22</sup> Ibid.

<sup>23</sup> UNICEF and WHO, *Progress*, p. 45.

have to walk long distances several times a day, in sometimes unsafe conditions, to collect water from a public standpipe. This has a particularly detrimental impact on women and girls, who are overwhelmingly tasked with collecting water and must spend a lot of time searching for water. In one slum, the independent expert heard women explain that they have to carry large jerry cans of water every day for the whole family and that women and girls are physically and sexually threatened when they fetch water. The independent expert is concerned that these disproportionate impacts on women and girls result from the persistence of patriarchal attitudes and sex discrimination with respect to the role of women and girls in the family and society.

23. With limited infrastructure in many slums, there is a feeling of neglect. One report explains that people in slums know that they cannot assert their rights, since they live in an “illegal settlement”, and that this makes them reliant on the charity of the local authorities to tolerate their continued presence. In this regard, improvements to infrastructure in informal settlements frequently coincide with pre-election periods.<sup>24</sup>

24. The authorities acknowledged the challenge of providing access to safe drinking water and sanitation in informal settlements. The independent expert was informed of a ministerial decree which provided for a procedure for people living in informal settlements to connect to the network. However, the decree provides for a three-month period in 2006 when people could apply for such connections, and it is unclear whether the decree continues to be valid (for new settlements as well as for people living in older settlements, but who were not aware of the decree during the three-month period). Even if the decree remains in force, it does not appear to be very well known amongst people living in slums. Another ministerial decree was issued in 2008 to establish a fund for slum upgrading,<sup>25</sup> and the Government does appear to be engaged to seeking solutions to these problems.

25. Civil society organizations play a crucial role in organizing communities living in slums, and raising awareness about their rights. The Government should partner with such organizations to better reach this population. Until now, UNICEF has not been active in the slums of Egypt, although it has important experience and expertise to bring to the area. The population living in slums is growing by the day, and sustainable solutions must be found to protect these people’s rights.

26. There are also massive disparities between urban and rural areas in levels of access to water and sanitation. As mentioned above, 70 per cent of the poor in Egypt live in rural areas. The end of the network is generally found in rural areas, and in these places, water reliability and water pressure can be very uncertain. These circumstances lead to problems of quality, described below, because people try to find alternative solutions, including storing water in unhygienic tanks, or installing boosters which suck pollutants into the water. The sewage network is also much less extensive in the rural areas. This has serious implications for water quality and the environment. Inhabitants of rural areas also face problems associated with affordability of water and sanitation services, including the inability to pay for the initial connection to the network. Lower literacy rates add to the challenge of ensuring access to information for these people. The Government is undertaking important efforts specifically aimed at improving the situation in the rural areas, such as the rural sanitation strategy, and such efforts must be intensified and continued.

---

<sup>24</sup> Regina Kipper and Marion Fischer, eds., *Cairo’s Informal Areas: Between Urban Challenges and Hidden Potentials – Facts. Voices. Visions.* (Cairo, German Technical Cooperation, 2009), p. 25.

<sup>25</sup> Egypt, *State of the Environment Report 2008* (2009), p. 263.



## A. Water availability

27. Egypt is a water-scarce country, and the situation of the availability of water will likely deteriorate given the combined impact of climate change and a rapidly growing population. In Egypt, the threshold for water scarcity (below 1,000 cubic meters per person per year) was reached in 1997, and in 2003, there was only 860 cubic meters per capita per year available.<sup>26</sup> With the massive population growth in Egypt, UNDP has further predicted that by 2017, water availability will fall to 720 cubic meters per capita per year. This undoubtedly has serious implications for the availability of safe water for personal and domestic uses. Furthermore, water scarcity can impact the quality of the water as it is rendered more vulnerable to contamination, which results in less overall water being available for human consumption.

28. To cope with the decreasing availability of water, Egypt has developed the National Water Resources Plan, which comprises three main elements: (a) development of additional water resources, (b) better use of the existing water resources and increased water use efficiency, and (c) protection of water quality and the environment.<sup>27</sup> This is an important policy for setting the overall framework on water use in the country. The policy reportedly prioritizes water for personal and domestic uses over all other uses, which is in line with human rights obligations.

29. Information received by the independent expert indicates that some communities suffer severe water shortages, and are forced to purchase water at a high cost in order to meet their daily needs.<sup>28</sup> These water shortages have sometimes led to protests by citizens demanding drinking water. One report indicates that there were 40 protests concerning drinking water between June 2007 and January 2008.<sup>29</sup> When there is a lack of available safe drinking water, people turn to unsafe water sources, or store water in their homes in unsafe conditions, jeopardizing their health and the health of the community at large.

30. Leakage from the network is also an important problem, with the Government reporting that 30 per cent of the total water production is lost due to leaks. However, experts note that this amount is likely below the actual rate of water loss since most water connections are not metered, so it is difficult to measure the difference in water pumped from the treatment plant and water arriving through the taps.<sup>30</sup> Leakages not only impact the availability of water, but also have negative consequences for the water pressure and water quality. It is critical that sustainable solutions to this high rate of water loss be addressed. The independent expert learned that the Holding Company has initiated some pilot programmes to provide training for water engineers on the management of water losses and using state-of-the-art equipment for the detection and correction of leaks. The Government will need to

<sup>26</sup> UNDP, *Egypt Human Development Report 2005*, pp. 170 and 208. Available from [http://hdr.undp.org/en/reports/nationalreports/arabstates/egypt/egypt\\_2005\\_en.pdf](http://hdr.undp.org/en/reports/nationalreports/arabstates/egypt/egypt_2005_en.pdf).

<sup>27</sup> Shaden Abdel-Gawad, "Actualizing the right to water: an Egyptian perspective for an action plan", in Asit K Biswas, Eglal Rached and Cecilia Tortajada, eds., *Water as a Human Right for the Middle East and North Africa* (London and New York, Routledge, 2008). Available at [www.idrc.ca/openbooks/380-5/#page\\_133](http://www.idrc.ca/openbooks/380-5/#page_133).

<sup>28</sup> See Maat for Peace, Development and Human Rights, "Violating rights of local civilian", submission to the universal periodic review. Available from [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/MPDHR\\_EGY\\_UPR\\_S07\\_2010\\_MaatForPeaceDevelopmentandHumanRights\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/MPDHR_EGY_UPR_S07_2010_MaatForPeaceDevelopmentandHumanRights_E.pdf).

<sup>29</sup> Abdel-Mawla Ismail, "Drinking water protests in Egypt and the role of civil society", paper submitted to the independent expert (2009).

<sup>30</sup> Abdel-Gawad, "Actualizing the right", (see footnote 27 above).

expand these efforts, as such massive losses constitute an important threat to the availability of water for human consumption, especially in such a water-scarce country.

## **B. Water quality**

31. The independent expert received numerous complaints about water quality in Egypt, which is a particular problem 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. The independent expert was advised to drink only bottled water during her mission, and was informed that those who can afford it drink only bottled water in Egypt.

32. The Holding Company, the Regulatory Agency and the Ministry of Health all have some responsibility for monitoring water quality. The independent expert visited two water treatment plants (a planned visit in Cairo and an unannounced visit in Qena), where the labs were actively engaged in testing water quality. Water quality standards in Egypt correspond to recommended levels established by the World Health Organization. She also learned that the Holding Company has 164 mobile labs for testing water quality and that 98 per cent of the over one million water samples collected in 2007 and 2008 from areas served by the Holding Company met water quality standards. The independent expert was also informed that bottled-water quality is monitored and regularly tested, with the Ministry of Health having the power to close any bottled-water producer which is shown to produce poor quality water.

33. The independent expert notes the observation of the Ministry of the Environment that there is a lack of coordination among institutions responsible for monitoring water quality and an absence of a unified system of analysis, techniques and methodologies.<sup>31</sup> She also notes that the draft water act contains provisions on determining methodologies for taking samples and analysing water quality in a coordinated fashion.

34. Furthermore, numerous interlocutors expressed concern to the independent expert about links between poor quality water and the incidence of kidney diseases. The independent expert is concerned that testing for water quality may not take into account the pollutants that might have impacts on long-term health, and rather focus on the quality standards that ensure that water-borne diseases do not break out in the short term.

35. Water quality problems persist for several reasons. First, as already mentioned, water scarcity has a negative impact on water quality. Second, lack of continuous water supply also appears to be a problem. The independent expert met with people who do not have a reliable water supply,<sup>32</sup> or only weak pressure. To cope with this situation, people regularly use reservoir tanks at their residence to store water. These tanks are not monitored and people are reportedly unaware of how to keep the tanks clean in order to prevent contamination of the drinking water, although the Holding Company reportedly offers a service to clean such tanks. People also install booster pumps to increase water pressure. These mechanisms can have the effect of reversing the pressure in the pipes, so if the latter have cracks, pollutants can be sucked in when the boosters are turned on. Furthermore, people sometimes dig their own wells in order to attach the boosters and illegally connect

---

<sup>31</sup> Egypt, *State of the Environment* (see footnote 25 above), p. 140.

<sup>32</sup> One survey indicates that over 20 per cent of respondents reported frequent interruptions to water supply, with almost 9 per cent indicating that there were daily interruptions. Fatma El-Zanaty and Ann Way, *Egypt Demographic and Health Survey 2008* (Cairo, Ministry of Health, El-Zanaty and Associates, and Macro International, 2009), p. 19.

them to the water network. Frequently these wells are not dug deep enough, and result in the mixing of mud and other contaminants with the water. Finally, the pollution of the Nile due to untreated wastewater, industrial waste and other pollutants is a serious concern for the quality of drinking water, and has been highlighted by the Government as one of the most important sources of pollution of watercourses in Egypt.<sup>33</sup> Although numerous laws are in place to address pollution, their enforcement is reportedly weak.

36. The independent expert visited one village called Wardan, located in North Giza. The population of the village has grown exponentially in the past years - it was reported that 80,000 people live there - with consequent strain placed on the water network. The residents explained that about two years ago, the water changed in colour, and the independent expert saw a very dark liquid coming out of the tap. Although the community members filed numerous complaints with the authorities, reportedly they received no response. According to the authorities with whom the independent expert met, illegal shallow wells or boosters might have been installed to ensure water availability and pressure in Wardan. The Government explained that they do not have the competence to test such illegal water sources. The residents felt compelled to have the water quality tested, but with no response from the authorities, they had to turn to a private laboratory, which was initially too expensive. After collecting donations from the village residents, they were able to test the water, and the analysis showed that it contained numerous pollutants and that the mineral content exceeded the permissible limits. Subsequently, the community submitted additional complaints, along with the test results, to the Holding Company and the Ministry of Health, both of which have taken water samples from the area, but the results of the analyses have reportedly not been shared with the community.

37. The independent expert also received information relating to the situation in Mit Yaish, where 34,000 people lived without potable water. The community reportedly complained to the authorities, but with no response for four years. Then the authorities agreed that the water was of poor quality and shut down the well. The village was then connected with the neighbouring village, but that connection took another year, and there was insufficient safe water to serve both villages. The original well was re-opened and the community apparently receives a mix of well water and new clean water. In the evening especially, the community reported that they received well water of poor quality. They submitted further complaints to the local council and the Governorate, but with no satisfactory response. The situation escalated when the local mosque called on the residents to cease drinking the poor quality water, which led to the arrest of the imam and several other villagers. It was reported that these people were charged with sectarian incitement, while the complaints about water quality remained unaddressed.

38. The independent expert was informed that an analysis of the water quality in Mit Yaish was subsequently conducted by the authorities, but the results were not released to the community. In order to have drinking water, people are buying filters or bottled water. Concern was expressed that the filters are not fully effective in making the water safe to drink.

39. The independent expert was informed by the Government that the Prime Minister has declared that improving water quality is the next policy priority concerning water, now that the desired rate of coverage has been reached. The independent expert welcomes this political commitment and encourages the relevant authorities to translate it into action. The situations in Wardan and Mit Yaish are reportedly not exceptional. Urgent measures must be adopted to ensure quality drinking water for all, as the absence of this is a daily, although silent, threat to the health of millions of people in Egypt.

---

<sup>33</sup> Egypt, *State of the Environment* (see footnote 25 above), p. 130.

## C. Sanitation

40. In Egypt, access to sanitation lags behind access to water. The United Nations reports that only 66 per cent of the population has access to improved sanitation facilities, and 29 per cent of the total population is using unimproved sanitation facilities, which do not ensure hygienic separation of human excreta from human contact. These statistics may not show the full extent of the problem, since existing sanitation facilities cannot cope with the increased wastewater flows, and certain sanitation technologies used in Egypt may not be sustainable, due to the country's very high water tables. The Government has acknowledged the serious problems related to sanitation, and noted that rural areas "need more intensive programs and policies in order to reach the MDG target".<sup>34</sup> Upper Egypt and the frontier governorates are reportedly the most off track for meeting the Millennium Development Goal target on sanitation.<sup>35</sup> The Holding Company's National Strategy for Water Supply and Sanitation notes the low levels of sanitation coverage (measured in terms of sewage connectivity). According to the 2006 census, only 50.2 per cent of the population is connected to a public sewage network.<sup>36</sup>

41. The lack of access to sanitation has a major impact on water quality, and thus on people's health. Reportedly, 13 per cent of child deaths under the age of five are caused by diarrhoea, which is integrally linked with lack of access to sanitation.<sup>37</sup> Many people who are not connected to the sewage network do have septic tanks, but these are reportedly not hygienic and often do not prevent the contents from seeping into the groundwater, thereby contaminating the drinking water.

42. Furthermore, the collection of organic waste in tanks under the home can lead to erosion of the soil that the home is built upon, a problem particularly faced in slums. For instance, a lack of sanitation reportedly contributed to the deadly rock slide which killed 98 people in a slum outside Cairo in September 2008. In terms of pumping out the septic tanks, the costs of this service can be expensive and thus some people choose to do it only on an infrequent basis, leading to an over-accumulation of waste in the tank and furthering the risk of overflow into the environment. Spillage and leakage also reportedly occur during the process of emptying the tank, especially in the narrow streets of Cairo's slums. Concern was expressed that when the tanks are pumped out, the pumping trucks dump the waste into the canals rather than taking it to treatment stations as required by law. Similarly, concerns were raised by several interlocutors that the Nile river cruises also fail to take their waste to sewage treatment plants, but instead dump it in the Nile, which is the main source of drinking water for the population of Egypt. As mentioned above, there is reportedly little accountability for such pollution, although it is against the law.

43. Concerning sanitation in slums, the Al Shehab Institution for Comprehensive Development brought a case before the courts in 2002 concerning the lack of access to sanitation in Ezbit El Haggana, a major slum in Cairo, arguing that the lack of sanitation violated the community members' right to a dignified life. The court decided in favour of the applicants, and as a result, the sewage network was expanded to the slum. However, the

<sup>34</sup> Egypt, *Achieving*, (see footnote 9 above), p. 55.

<sup>35</sup> *Ibid.*, p. 56.

<sup>36</sup> UNDP, *Egypt* (see footnote 4 above), table 9.1, p. 210.

<sup>37</sup> "Egypt: a selective submission on compliance with economic and social rights obligations", joint NGO submission at the seventh session of the universal periodic review, February 2010, p. 3. Available at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/JS4\\_UPR\\_EGY\\_S07\\_2010\\_JointSubmission4.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/JS4_UPR_EGY_S07_2010_JointSubmission4.pdf).

inhabitants of that slum indicate that many people, especially refugees and asylum-seekers, still cannot afford to connect to the sewage network.

44. The sanitation crisis is the most acute in rural areas. The rural sanitation strategy aims to allocate 20 billion Egyptian pounds (over €2 billion) to improve access to sanitation in 1,000 villages in rural Egypt. Even with this impressive financial commitment, the sewage coverage in rural areas will rise only to 40 per cent. This strategy is focused on extending the sewage network across Egypt, a task which will take considerable money and time. On-site sanitation is the dominant sanitation method in rural areas of Egypt, but the technology which has been often used, the bayara system (which is a soakaway system), is no longer sustainable because of population growth, changes in the water flows and rising water tables. As a result, sewage leaks out of the vaults and contaminates the surrounding streets, canals and larger environment.<sup>38</sup> Alternative sanitation solutions, which may be more environmentally friendly than water-borne sanitation, should be explored and potentially included in the sanitation strategy.

45. The independent expert visited a School Sanitation and Hygiene Project in Qena, run by UNICEF in cooperation with the local Government, which renovated the toilets and sinks in a school and provided training to teachers and students about hygiene and the environment. The independent expert was impressed by the commitment of the school leaders to these objectives, and she is convinced that such projects have numerous benefits. Separate toilets will help to keep girls in school. Good hygiene practices will help to keep all children healthy and able to attend more school. And teaching children about these important issues will have a multiplier effect outside the school, extending to the larger family and community.

#### **D. Affordability**

46. 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. Nevertheless, the extremely poor, who make up 3.8 per cent of the population, or three million people, cannot afford even this small amount.

47. Calculating how much water people consume, and consequently pay for, is another challenge. Many habitations do not have a water meter, and where there is a water meter installed, there is only one per building, rather than per apartment. Under this system, the amount to be paid is then estimated according to the number of rooms in the apartment, rather than based on how much water is actually consumed by the individual. This system does not encourage water conservation.

48. According to the tariff structure explained by the Holding Company, domestic rates range between 0.25 and 0.35 Egyptian pounds per cubic metre; however, some people with whom the independent expert met reported paying more. People also described that prices have increased since the Holding Company took over operations. Some people interviewed also reported that hidden fees, for example, for construction, meter maintenance or other related costs, are added to the water bill. Some people who have connected illegally to the network are forced to pay retroactive charges when they want to become clients of the Holding Company. In these cases the charges cover two years of use, reaching 600 to 800 Egyptian pounds. The Holding Company reports that these payments can be made in instalments. Even with a flexible payment option, the Government must ensure that these

<sup>38</sup> UNDP, *Egypt* (see footnote 4 above), p. 217.

added costs do not make access to water unaffordable for the most poor, who may also be the most likely to have had an illegal connection.

49. Furthermore, for those who do not have access, installing a water connection in the home can be very expensive. The revolving fund is a mechanism which provides loans to poor households in order to enable them to connect to the water network; the loan can be paid back in instalments over time. As money is paid back, loans are offered to other households for water connections. The Holding Company has worked with UNICEF and the United States Agency for International Development (USAID) to establish revolving funds in some areas to address this problem. UNICEF has reported that the local holding companies involved in their revolving fund projects have demonstrated a willingness to share the costs, or offer reductions in the charges associated with connecting to the water network, in order for even more people to benefit, and to minimize the burden that these payments impose on the beneficiaries.

50. In Qena, the independent expert visited several households which had benefitted from these revolving funds. Although these were still allocating a large portion of their monthly income towards paying back the loan, they saw the water connection as an important investment and a big improvement to their quality of life. One woman explained that, with the water connection in their home, she has more time to work and her daughter can now attend school more regularly since she is no longer spending time collecting water. Another woman emphasized that she no longer had to rely on her neighbour's generosity to allow her to take water from his tap. Enabling people to have a water connection in their home has an undeniably positive impact on their quality of life, and the revolving fund system has clearly helped to ensure that more people are able to access this improved service. While revolving funds are an important mechanism for increasing the number of people with access to drinking water and sanitation, the poorest people still may not be able to afford the instalment payments, and special attention must be paid to ensuring they have access.

51. In one slum in Cairo, it was reported to the independent expert that 85 per cent of the community does not have legal access to water, and that most people get water from tankers or water points. Because these people lack legal tenure over the land that they occupy, they are generally unable to connect legally to the water and sanitation network. In these cases, the water reportedly costs two to three Egyptian pounds for 25 litres, approximately 300 times more than the rates charged by the Holding Company. This follows a worldwide trend whereby the poorest people pay the most for water, an injustice which cannot be allowed to persist. The situation of illegal connections in the slums must be addressed, and mechanisms must be found to ensure that people living there can afford to connect, and are legally permitted to connect, to the water and sewage networks.

52. The independent expert was also informed that the cost of pumping out septic tanks, which is the dominant technology available to the poorest people, can also exceed the capacity of people to pay. Reportedly people do not always use their septic tanks for all their sanitation waste, because if they do the tank fills up more quickly and they must pay to empty it more often. This creates a situation where people continue to pollute the surrounding environment, even though they have facilities at home for collection of this waste.

53. The human rights to water and sanitation do not mean that these services should be free. Those who can pay, which is most people in Egypt, should pay. An affordability study conducted in the country found that 92.6 per cent of households spent less than 1 per cent of their household income on water and sanitation services. For the majority of people, this expense is negligible in their overall spending, and they can afford to pay more. Experts working in this area generally suggest that water and sanitation services should cost

between 2 and 5 per cent of the household income.<sup>39</sup> Consultations carried out during the study suggested that in Egypt, a lifeline level of water service provision could be set at 100 litres per capita per day, which is in line with World Health Organization standards. However, people in urban Egypt consume at least twice that amount. Even if the actual consumption rate is lower when leakages are taken into account, it is clear that some people in Egypt consume more than they need, and the independent expert believes there is considerable scope for those who consume more than necessary to pay more for their water and sanitation service. The study on affordability “indicated extensive and substantial willingness to pay for improved services”.<sup>40</sup> However, people should not have to pay for poor quality water, for water which arrives only intermittently, or for sanitation services which leak into the ground water.

54. The independent expert notes that the Government currently provides considerable subsidies to the Holding Company to ensure the functioning of the water and sanitation sectors - in the fiscal year 2008/09, the Government paid the Holding Company 750 million Egyptian pounds (about €100 million) to cover the difference between operating costs and user charges. Ensuring better cost recovery is a principle objective of the Holding Company, and this is important for the sustainability of the water and wastewater systems. The extremely low universal price of water, which applies equally to the poor and the rich, and to those who consume very little or a lot, affects the ability of the Government to design targeted programmes to assist those most in need. Special attention must be paid to the most vulnerable and marginalized groups, and in this regard, targeted measures may more efficiently meet this obligation. The Ministry of Social Solidarity is working towards the development of an integrated social policy and has reportedly outlined steps necessary for this new policy, in particular suggesting changes in the area of services and public goods. In this regard, it was observed that “education, health, water and sanitation and housing are anti-poverty interventions and are tools to forge social integration and equity”.<sup>41</sup> Similarly, the draft water act affirms that the State is responsible for setting a social tariff for people of limited income. Social protection programmes are crucial for protecting the rights of the most vulnerable, and should ensure that access to safe drinking water and sanitation is guaranteed for the extreme poor, including those living in slums and those living in rural areas.

## **E. Access to information and participation**

55. As mentioned above, the National Council for Human Rights has observed that instilling a human rights culture in Egypt continues to be a challenge. Access to information, accountability and participation are key aspects of this endeavour.

56. In Wardan, the people shared extensive documentation of complaints to various authorities with her. The independent expert also received additional accounts of people complaining to the authorities about the drinking water supply. It appears that when people complain about water service, it is exceedingly difficult to obtain information about the quality of their drinking water, or any response from the authorities.

57. In addition, the independent expert observed that there was confusion about where to send complaints. Some persons submitted complaints to the Holding Company, others wrote to the Ministry of Health, while still others might have turned to the Regulatory Agency. The overlapping responsibilities create a situation where no institution considers

<sup>39</sup> Chemonics Egypt, *Affordability Assessment* (see footnote 5 above), p. 2.

<sup>40</sup> *Ibid.*, p. 26.

<sup>41</sup> UNDP, *Egypt* (see footnote 4 above), p. 128.

itself accountable for the problem in question and, too frequently, the individual receives no response.<sup>42</sup>

58. The authorities appear to be informed of the situation in Wardan, and other areas suffering similar problems, and shared with the independent expert information about the difficulties in ensuring water pressure, especially in rapidly growing towns, which quickly strain the water network. However, there appeared to be resistance to making information public. For example, the authorities at the Ministry of Health confirmed that the results of water quality testing are not made public, since it was considered that the general public would not understand such technical analyses and would perhaps misuse and/or misinterpret the information.

59. Although customer satisfaction is a stated objective of the Holding Company in its master plan, the plan does not explain how the Holding Company intends to interact with the people it serves or respond to their concerns. The independent expert was repeatedly informed by representatives of the Holding Company about efforts to respond to customer complaints, including the establishment of a hotline, customer service centres, as well as the deployment of three mobile customer service vehicles. She also received information on how customer service representatives are trained and on some customer satisfaction surveys. However, her discussions with users revealed a lack of awareness of these mechanisms, or an inability to access such mechanisms because the users do not have phones or because there is no phone reception in their area. The draft water act envisions and would empower a body on potable water and sewage and customer protection to receive complaints, once a complaint has been filed directly with the service provider, and it will be interesting to observe how this mechanism is put into practice.

60. The Board of Directors of the Holding Company reportedly includes one representative who is responsible for representing consumers, but this mechanism is allegedly not sufficient for ensuring that the Holding Company takes the perspectives of users into account.<sup>43</sup>

61. Participation is another key requirement from a human rights perspective, as it is crucial for empowering people to claim their rights. UN-Habitat has noted the lack of participation in the development of key infrastructure in Egypt, including water and sanitation, explaining that there is often a consultative process, but one that is carefully designed to involve only NGOs associated with the central Government.<sup>44</sup> One positive example of ensuring community involvement is a project led by a group of engineers to develop appropriate technologies for sanitation in the rural areas of Egypt. The design and implementation of this project was responsive to the needs and preferences expressed by the community and uses local materials to keep costs low. Community development associations were formed to work with the project. These groups are in constant dialogue with the project and also conduct monitoring activities, as well as provide feedback from the users, to ensure that the project continues to respond to the community's needs.<sup>45</sup> This model of participation is exemplary in empowering the individuals to have their voices heard, and could be replicated in other water and sanitation projects.

62. The independent expert also notes the establishment by the Ministry of Water Resources of water-user associations in many parts of Egypt to ensure the participation of water users in the allocation, distribution and management of water for agricultural purposes. In some areas, these associations are reportedly also monitoring issues related to

---

<sup>42</sup> Ibid., p. 218.

<sup>43</sup> Abdel-Mawla, "Drinking water" (see footnote 29 above).

<sup>44</sup> UN-Habitat, *State of the World's Cities* (see footnote 13 above), p. 186.

<sup>45</sup> UNDP, *Egypt* (see footnote 4 above), p. 215.



safe drinking water and sanitation.<sup>46</sup> These functions could be more systematically expanded to include monitoring water quality and working with the relevant authorities to ensure access to information. Such an arrangement should include an explicit commitment from the Holding Company to work with such community groups to determine drinking water and sanitation policy, to ensure exchange of information and to respond to their concerns.

63. Although the independent expert was able to obtain a copy of the draft water act, the civil society organizations she has met with have little information about the development of this new act. This is yet another example of the lack of access to information, and the lack of participation of all stakeholders, in this sector. Furthermore, it was reported that the draft water act has been under consideration for a long time. Without participation of concerned stakeholders and sharing of information, the act may not gather the necessary support to actually be adopted and implemented. The input and participation of civil society, the National Council for Human Rights, as well as other important non-governmental actors, is essential to the process in the development of such crucial new legislation as well as on-going policy formulation, and the independent expert strongly recommends prioritizing their involvement.

64. As mentioned, access to information is a right protected under international human rights law. Enjoying such access to information enhances people's ability to participate in the development of policy and laws, to monitor the implementation of such policy and legislation, and to ensure proper application of good governance and democratic principles. In contrast, the overall lack of transparency and access to information in the water and sanitation sectors creates an atmosphere of suspicion, which is characterized by a lack of confidence in the quality of drinking water and overall distrust of the Government and the Holding Company. While the authorities face considerable challenges and solutions may be complicated, it is critical that there be a dialogue and engagement with the community concerned to build trust and address concerns. Access to information, participation and transparency are crucial elements of guaranteeing human rights and thus must be prioritized as a matter of urgency.

65. Lastly, the independent expert, when inquiring as to whether people complained to the courts about the problems they faced regarding the water supply, was repeatedly told that people did not rely on the court system, since it did not function properly and thus did not provide any solution for their problems. The independent expert also observed that people have limited access to justice because they are unaware of the administrative and judicial remedies that are available to them.

## **F. Regulation of water and sanitation provision**

66. The independent expert met with several organizations and individuals who expressed the concern that the formation of the Holding Company is a first step towards privatizing water service provision in Egypt. She takes note of the statement of the Government of Egypt to the Human Rights Council at its twelfth session, in September 2009, where it made clear that water will not be privatized in Egypt. Indeed, although the Holding Company has adopted many principles of the private sector in its operations, it continues to be heavily subsidized by the Government (see para. 55 above). This level of Government involvement implies a certain degree of State control over the delivery of water and sanitation.

---

<sup>46</sup> Ibid., p. 214.

67. The independent expert notes that the Holding Company consistently refers to serving “customers”, which raises concerns about those who are not customers. Such an emphasis gives the impression that those who are not connected to the network are not entitled to claim their right to water or their right to sanitation from the main institution responsible for these areas. For instance, these might include people without secure tenure living in slums, those who may not be able to legally connect to the network, or others who may have a legal connection but, dissatisfied with the quality of their water, may cease making payments.

68. The independent expert reiterates that under human rights law, private sector participation in water and/or sanitation service delivery is not prohibited. However, an effective regulatory framework must be in place to ensure that all people are able to access safe drinking water and sanitation. In Egypt, the regulatory framework is not yet functioning as it should. The new draft water act provides an opportunity for the Government of Egypt to establish a strong, independent regulatory mechanism, to oversee the provision of drinking water and sanitation across the country. The draft water act already envisages aspects of such a body, but much of its effectiveness will be determined once the act is adopted and implemented. From a human rights perspective, the regulatory body should have the capacity to enforce the act, adequate independent financing, protection from political interference, and it should be accessible to users of water and sanitation services. Independent regulatory agencies are essential regardless of whether water service delivery is provided by a public or a private entity.

## V. Conclusions and recommendations

69. **The independent expert believes that Egypt faces considerable challenges in complying with its human rights obligations related to access to safe drinking water and sanitation. However, having demonstrated its capacity to improve its performance in these sectors, she is convinced that the State is well placed to tackle these challenges. In fact, the realization of all human rights for all is a process, which requires continued attention and commitment, the courage to accept existing shortcomings and difficulties, and the determination to overcome them. To this end, the Government must place priority attention on the areas where people are unserved or underserved, particularly in rural areas and in informal settlements. Furthermore, she encourages the Government to embrace and foster a human rights culture, including greater transparency, access to information and participation. She also offers the following recommendations to the Government and other stakeholders working on these issues.**

70. **The Government should:**

(a) **Adopt the draft water act without delay, ensuring the participation of civil society and other stakeholders in this process. This act should recognize water and sanitation as human rights, taking into account general comment 15 (2002) of the Committee on Economic, Social and Cultural Rights, as well as the report of the independent expert on human rights obligations related to sanitation (A/HRC/12/24). The new draft water act should provide for clearly delineated responsibilities of different agencies for testing water quality, controlling pollution and ensuring the safety of sanitation facilities. The act should also include specific measures for ensuring affordable access to water and sanitation for the poorest people in Egypt;**

(b) **Establish a framework for the functioning of the Regulatory Agency, which must be operationally and financially independent;**

(c) **Undertake a survey aimed at ensuring that it has a comprehensive picture of those who have no access to safe drinking water and to sanitation, especially people living in slums, including refugees and asylum-seekers, and in rural areas;**

(d) Adopt all necessary measures to ensure that no one faces increased obstacles in gaining access to safe drinking water and sanitation because of tenure status. In this regard, the Government should devote priority attention to plans and policies to improve the water and sanitation infrastructure in informal settlements, consider partnering with United Nations agencies and NGOs to develop and implement solutions for providing access to water and sanitation for people who do not have secure tenure and consider expanding the mandate of UNICEF, and other major donors, in the country to include work in informal settlements;

(e) Adopt legislation which guarantees the right of access to information, including information relating to water and sanitation. This legislation should ensure that all have free access to information, in an easily accessible format, about their rights to water and sanitation, including remedies and complaint mechanisms available to them in case of problems. The legislation should also specify that information be available in languages spoken by the population concerned, and in a format which is accessible;

(f) Undertake training and education on human rights in order to inform people about their rights and to foster a culture of human rights in the country;

(g) Take all necessary measures in order to progressively ensure greater continuity in the water supply, so that people will not be forced to resort to illegal alternative solutions, as well as expand efforts to address leaks in the water network and raise awareness about the perils of excessive water consumption;

(h) Ensure that water quality is tested regularly, in compliance with World Health Organization standards, taking into account long-term health impacts;

(i) Implement the rural sanitation strategy, including an emphasis on finding low-cost sustainable solutions for rural sanitation;

(j) Ensure that the by-products of sanitation do not pollute the larger environment and provide for treatment of sewage, enforce pollution laws and laws requiring that the contents of septic tanks and other on-site sanitation solutions be delivered to wastewater treatment plants, and ensure that those plants have the capacity to treat, and actually do treat, such wastewater;

(k) Consider the implementation of a new tariff structure which takes account of people's capacity to pay while ensuring that social tariffs are available for people who cannot afford to pay. The social tariff should take into account not only the monthly cost of water and sanitation service provision but also other related costs;

(l) Ensure transparency in water bills, showing how much people are paying for which aspect of the service. Wherever possible, and especially in new buildings, ensure that water meters are installed;

(m) Replicate initiatives, such as the revolving fund for safe drinking water, in order to ensure that even more people, especially those with low incomes, are able to have water and sewage connections in their homes. The Government should also expand the use of these mechanisms to informal settlements and to more rural areas;

(n) Establish effective complaint mechanisms where people can submit complaints and receive in due time a response about the quality of their water or other aspects of the service provided. In this regard, all water and sanitation users should be informed of their rights. This mechanism should have the power to mediate disputes, and where a satisfactory resolution is not reached, access to judicial remedies should be available;

(o) Ensure that all people have access to information about their water and sanitation, including water quality, anticipated interruptions in supply, responsibilities and obligations assumed by the service provider, and health-related concerns;

(p) Ensure that people have the opportunity to participate in the formulation, implementation and monitoring of water and sanitation projects. Expand water-user associations to systematically include drinking water and sanitation in order to ensure more participation by water users in decisions, policy formulation and monitoring of access to safe drinking water and sanitation;

(q) Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(r) Submit all outstanding reports to United Nations treaty bodies, as committed to at the universal periodic review.

---