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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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INDIA: Addressing Poor Sanitation & Access to Water a Must to Fight Disease & Child Malnutrition

1. The Asian Legal Resource Centre (ALRC) draws the attention of the Human Rights Council to the persistent problem of a lack of sanitation coverage for a majority of the Indian population. Estimates reveal that around 600 million people, or around 60% of the country's population, defecate in the open. While most of them do so because they have no access to toilets, cultural beliefs of not building toilets inside the house plays a significant role in continuing the practice. The numbers of those defecating in the open constitutes a whopping 58% of the worldwide figures for the same.
2. The problem is compounded by the practice of manual scavenging. The practice has been outlawed in December 2013, and yet it continues. In a written reply to a question in the Lok Sabha, India's lower house of Parliament, Union Minister for Social Justice and Empowerment Thaawar Chand Gehlot admitted that over 1,10,00,000 manual scavengers have been identified in 23 states since the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act came into force last December. Counting only seven states (as the government survey is in progress) the corresponding number of dry latrines – in which human excreta is cleaned manually or flushed in open drains and is head or waist loaded by manual scavengers with little protection – is 4,15,000.
3. Another troubling sanitation practice is the manual cleaning of sewers, manholes, and other sections of urban sewage treatment systems. This continues despite a blanket ban by the Supreme Court of India on 27 March 2014. The Asian Human Rights Commission (AHRC), sister organization to the ALRC, has reported deaths due to the continuation of the banned practice: two sanitation worker deaths in Hyderabad, Andhra Pradesh, one in Uttar Pradesh, and three in Gujarat have been documented recently. Data on such deaths are hard to come by, due to local authorities' trying to hush up such incidents and because many sanitation workers die when on private hire. A conservative estimate by dalit rights activist S. Anand puts the toll at 22,237 deaths a year across India, with around 700 deaths occurring inside manholes.
4. Estimates suggest that diarrheal deaths amount to around 1,600 a day and most of them directly relate to poor sanitation. Poor sanitation contributes to morbidity in several other ways as well with open defecation being the worst of them all. The Millennium Development Goals Report 2014 of the United Nations has underscored the linkage between open defecation and malnutrition.
5. The findings are also supported by a group of international experts that has discerned a clear connection between open defecation/contact with human excreta and stunting. Jean Humphrey, Professor of Human Nutrition at Johns Hopkins Bloomberg School of Public Health, explains this in terms of bodily responses, focusing on infection-fighting survival in such environments. Children's bodies are forced to divert whatever little energy and nutrients they have away from growth and brain development. When this happens during the first two years of life, children become stunted, something which cannot be reversed later.
6. Lack of sanitation has also resulted in repeated outbreaks of easily controllable epidemics across the country, most notably that of Encephalitis in Eastern Uttar Pradesh and Bihar. The disease strikes annually and has a death toll of around a 1,000 every year despite its onset coming as no surprise to the authorities. Officials are not sufficiently concerned to control mosquito breeding and other factors that precipitate the annual outbreaks.
7. The lack of access to clean, potable water is yet another factor. Estimates put the number of Indians having no access to clean water at around 100 million, or 10% of the population. In reality, the number is higher because of the unacceptably high level of pollution that affects the rivers from where the water is collected and treated for supply. The Ganges, considered to be the most holy river for 80% of the Indian population, has been repeatedly found unsafe for bathing because of contamination with fecal coliform bacteria, at a level 120 times higher than permitted levels. The water from Ganges is the main source of drinking water in several metropolitan cities.

8. The United Nations Human Rights Council, a vital global institution, must intervene and press upon the Government of India to ensure that every Indian citizen gets access to clean water and sanitation. It must remind the Government of India of its various commitments made under different covenants and conventions and urge them to meet the millennium development goals as soon as it can.

9. The Asian Legal Resource Centre urges the Council to:

a) Ask the Government of India to start a nationwide programme of providing sanitation services to all citizens of India irrespective of their social or economic status. The council must urge the government to launch a sanitation drive on the lines of one put in place in the National Capital Territory of Delhi after repeated dengue outbreaks. The drive has successfully controlled the disease from turning into an epidemic and the model must be replicated across India.

b) Ask the Government of India to introduce educational initiatives to do away with beliefs against having a toilet inside house and offer incentives to the people to build the same.

c) Ask the Government to build public toilets that can cater to the large population of urban poor compelled to defecate in the open, due to a lack of toilets.

d) Ask the government to put an immediate end to the practice of manual scavenging, to demolish the dry latrines, and to penalize the construction of any new ones. The Government must also put an immediate end to people entering manholes and sewers to clean them without full protective equipment, as ordered by the Supreme Court of India.

e) Ask the Government to ensure every citizen of India gets access to clean, potable water. The Government must also stop the practice of dumping untreated sewage, as well as the refuse generated by private or public factories, into rivers.
