



## *Gender equity and water*

### **Report on the Right to Drinking Water for the Special Rapporteur of the Office of the United Nations High Commissioner for Human Rights**

**January 2016**

#### **I. Introduction**

This document by the Public Services International (PSI) reflects some concerns about the situation and discusses feasible ways to achieve gender equality and equity in relation to the human right to water and sanitation.

We have based our opinion on three regions of the world: Asia, Africa and Latin America. We have focused on four countries in these regions: India, Kenya, Argentina and Ecuador. We have tried to make a practical and structural assessment of the poorest sectors of the population in these countries and of their access to water for human consumption, irrigation and sanitation and to the hygiene facilities required by women by virtue of their biology.

The PSI and its affiliated trade unions at the global level are resisting with all their strength the lure to privatise. The PSI argues that privatisation has failed at every meeting of its own governing and sectoral bodies, at the UN, the development banks, the OECD, the Global Water Forum and many other global, regional, national and local governance bodies. Equality and equity, and within that, gender equality and equity, requires guaranteed universal access. The PSI believes this should be the preserve of the public sector, but is also prepared to accept public-public partnerships and public-community partnerships. We are mobilising our affiliated trade unions and our allies among the social movements to defend policies to this end and to be in a position to build the political pressure necessary to counteract the personal interests of private bodies.<sup>i</sup>

#### **II. General considerations**

The persistence of a social structure that is partly based on gender discrimination means that no country in the world and no society has achieved full equality, however advanced it may be in configuring new relations between men and women. This shows the continuity of the sexual division of labour, which, moreover, continues to have as one of its more direct consequences a corresponding differentiation between the public and private domains.

Similarly, it has not proved possible to stop the public domain becoming a public space, which defines policies and therefore shapes the history of humanity. Meanwhile, the private domain, the domestic domain, has been relegated to a secondary position, far removed from the production of goods and from the production of wealth for particular groups. Although some limited progress has been made, especially in valuing domestic work, these two domains have developed unequally. While major historic changes have taken place in the first, the second has evolved more slowly.<sup>ii</sup> It is therefore not by

chance that the issue of gender and the forums available to women have developed only very slowly and are of secondary importance.

One of the fields of action where the construction of gender equality and equity has produced the greatest results has been legislation, which has promoted legal equality at the conceptual level and, recognising the historic, social and cultural differences between men and women, designed legal mechanisms to protect women and create conditions conducive to achieving genuine equality. These gains are recent in historical terms in view of more than five thousand years of patriarchal culture and structure. Equality in law does not therefore mean equality in fact and nor is there any consistency with regard to different levels of legislation, cultures and countries.<sup>iii</sup>

At the same time, this is a moment in which power has been feminised although without significant changes in the structure and practice of power relations. This is also a moment in which global governance institutions and development agendas have adopted a gender discourse that is superficially inclusive but does not really tackle the gender-based social, political and economic causes of inequality, violence and domination.

Meanwhile, the public services, as instruments for community development and the exercise of rights, lack gender-sensitive political and institutional designs that could meet the basic needs of the poorer sectors of the population and ensure satisfactory living conditions for women.

Other actors with various origins have emerged and are competing for space, respect, recognition and rights. Irrespective of their specific nature, they also are characterised by patriarchal forms of domination based on age, identity and sexual orientation, national, racial and ethnic origin, and who, just like women, are developing organisational strategies through which to build equality.

### **III. *Women and water***

Women have a crucial relationship with water, whether that is because of the sexual division of labour that has perpetuated “naturally” attributed social roles and functions to men and women, or the cultural patterns characteristic of diverse communities, or views of the human of the human body and biological factors.

This relationship exists or evolves according to the economic, political and social conditions and the geographical and territorial context in which women live, as well as to their age, life choices and identities.

In **India**<sup>iv</sup>, women are major users of water in the home, in agriculture and to satisfy their health needs and sanitary requirements. In addition, they are mainly responsible for the education of their children and for family health. One of the main tasks performed by women is to obtain a supply of water to their homes at whatever human cost.

In **Kenya**<sup>v</sup>, for more than three decades now, successive governments have implemented reforms in the water sector with the aim of transferring ownership to the private sector. Access to water is a very tense affair because of its scarcity and because of the deterioration in soil quality and population increase, for example, in Bosque Mau, one of the country's largest water basins. Destruction of forests, soil erosion, the pollution of water with human and animal waste are problems that have caused collateral damage, such as disease, death and tribal clashes over access to water. Although the situation is more complex than this, the specific situation of women is becoming more difficult. It is the women who have to walk miles to get water for their families.

In **Argentina**<sup>vi</sup>, as with many Latin American countries, unequal access to drinking water and sanitation services stem from inequalities caused by the distribution of wealth, in other words, extreme poverty, caused in turn by the lack of proper strategic planning, ineffective government policies, a lack of continuity consequent on the adoption of different economic models by successive governments and scarce or unequally distributed economic resources. Poverty is therefore the main cause of the social inequalities that deprive women, men, children and older people of access to basic services. The most vulnerable people are generally young children, older people and pregnant or breastfeeding women. Women make massive efforts in communities that have absolutely no access to drinking water and often have to walk several kilometres to obtain water. These women are often helped by their children because the men are at work or have left the family home permanently. This situation is aggravated by other more structural circumstances, such as the lack of education, the lack of civil society's participation in decision making, problems related to food security, the common goods of the planet, personal and public health, global warming, climate change, water scarcity, pollution, the desertification of large areas of the planet and floods. In other words, access to drinking water and sanitation is conditioned by both internal and external issues, natural and social circumstances, public policies, education, culture, environmental factors and certainly human rights.

In **Ecuador**<sup>vii</sup>, the rural areas, where there are still communities with a high proportion of indigenous people and peasants, are the economically poorest areas of the country. Some of them still have excellent water sources but others have been affected by a deterioration in conditions, climate change, including changes to soils, uplands and glaciers that endanger their relationship with nature and their subsistence. Despite what is written in the Constitution, implementation depends not only on the ideals that inspired it but also the correlation of forces. In 2016, groups with economic power have managed to ensure their interests prevail with regard to the control, management and use of water. The extreme extractivist economic model implemented by the government during the last decade has caused tension over water, land, culture, ancestral traditions and the institutional credentials of government, the public sector and communities. In the rural areas of Ecuador, women have a multi-faceted relationship to water that involves all aspects of their life and human representation, including the sacred, the ceremonial, the mythical, the biological, social reproduction and care and reproductive duties.

- *Gender differences and priorities*

In India, one measure that is necessary is the introduction of public toilets for girls and women in, especially in schools, workplaces and at bus and train stations. In India, some girls still use towels when menstruating and need a lot of water to wash them. Easy access to sanitary towel facilities is therefore necessary and their use should be instilled in girls at an early age. Sanitary towel vending machines in public toilets would be very opportune as would facilities with a supply of running water.

In Kenya, it can cost up to 10Ksh to use a public toilet and even to 15ksh if washing facilities are required, whether because of menstruation, baby care or stomach upsets. This situation has an impact on the finances and health of the poorest women, who, in addition, have no access to disposable sanitary towels. This has a knock-on effect on the school performance of their daughters, who often do not attend school when menstruating because of a lack of facilities. What is needed therefore is the creation of easily accessible, safe, well-lit toilets and facilities in public places, schools and in the homes of the poorest people.

In Argentina, the promotion of a genuine “cultural revolution” in awareness about the need to eradicate all forms of discrimination and care for the planet’s resources, especially water, should be accompanied by practical measure to overcome these limitations. Women have an extremely important and undeniable role to play as educators, both at home as well as in society at large given the great importance of education, as can be seen from observing the “Guardians of the Matanza Riachuelo Basin” experience. <http://youtu.be/0gFPMkv1j-Q>; and <http://youtu.be/DMEoCf5N06c>

In Ecuador, the rural population is ageing due to high rates of migration towards the towns, particularly among young people, both men and women. Adult women are more tied to the land and this makes them more vulnerable to discrimination, because patriarchal systems are more deeply rooted there. In a context of difficult access to water for human consumption and agriculture, they are the natural providers and the ones who take responsibility for the extra work resulting from scarcity, in terms both of travelling to wash clothes and bringing water home for consumption and also for maintaining water sources and irrigation channels. For example, in Acequia Mocha-Huachi, Vinces in Cevallos canton, in the province of Tungurahua, only a few families have succeeded in keeping water flowing through their irrigation channels. 90% of women work on irrigation. Most of them have no formal education and are responsible for the little agriculture that remains in the area. They are older adults. The younger women look more to the urban world. Although it is women who are basically responsible for the management and use of irrigation water, they are not even registered as users. Only their husbands can register. They can only register if they are the head of their household. Therefore, one priority is intergenerational transfer and promoting rural life. This involves providing gender-based education programmes for men and women, to increase their awareness that there are differences in the conditions and situation of the sexes, even though they are part of the same community and affected by the same structural problems.

- *Gender stereotypes*

In India, understanding of gender roles and their implications can help ensure that planning of water resource interventions and policies is based on an understanding of how and why people make decisions about the use of water in order to satisfy their needs. A move away from stereotypes requires groups and communities to have a scientific understanding. Mothers and women who are influential in the family need to understand the importance of making positive changes, for example, practices such as urine containment and the careful use of water for personal purposes by women in order to ensure a supply of water for the men, especially in rural areas.

In Kenya, there is a need to empower women with regard to their rights to water and sanitation. This should involve men as well as women in order to achieve change together and not separately. It will also be important to organise awareness raising campaigns to identify cultural practices that harm women in terms of their biological situation and access to water, particularly in cases where women are forced to use mobile toilets.

In Argentina, there is a need to organise gender-sensitive awareness raising campaigns for users of water and sanitation services, to promote careful, rational, equitable and equal use.

In Ecuador, many of the harmful systems of cultural relations are reinforced by paternalist and patriarchal systems of administration and decision making on public investment. In this context, it is necessary to introduce direct democracy systems for water management, for example, associations of water committees (*Juntas de Agua*) and horizontal mechanisms linking the executive committees of these associations with municipal authorities and establishing planning mechanisms

for investment in water and sanitation that are binding agreements. This is how to break the grip of cronyism, electoral paternalism and sexism in decision making. Women can be key figures because of their residence and permanence in these areas. In other words, public-community planning and administration promotes healthier relations of co-responsibility and accountability vis-à-vis the associations, which will generate a culture of respect and equitable treatment of partners involved in the planning process. Women must be encouraged to play a leadership role by overcoming traditional fears and taking responsibility in the public domain, as in various water and irrigation management associations that are part of a decentralised system. For example, the municipality of Cañar-CENAGRAP; Cojitambo and Yanahurco regional water committees (juntas).

- *The role of men and children*

In India, the men normally ignore the problems faced by women, as these are taboo matters. It is therefore necessary to design integrated awareness raising and public education programmes.

In Kenya, men and boys are also victims of disease and infection, for example, in Mathare, in a place called Adhara, where there is no adequate latrine system and there is open defecation. In places like this, it is necessary to introduce social programmes that help men and women find community-based solutions to their problems and identify the specific situation of each gender. It is necessary to organise awareness raising programmes so that men recognise women's problems as their own. They need to change their attitude so they can see the advantages of women's participation in the management of water and in taking decisions about water, in order that women are really allowed to take responsibility. Joint awareness raising programmes and others specifically aimed at husbands will be needed in order to achieve changes in family relations.

- *Gender-based violence*

In India, the main risk factor is shortages, given that violence is more likely when women have to travel in search of water.

In Kenya, women and girls are most vulnerable to violence when they have to go in search of water and carry it home. In addition to the general scarcity, the poorest women are most at risk because they are unable to pay for water services as the costs vary between 5 and 50 Ksh. Similarly, the need to walk distances to use sanitary facilities also puts women at risk and there have been cases of rape in these circumstances. Another problem is exposure to infection and sexually transmitted diseases. It is therefore necessary to invest in facilities that increase access, reduce the distances that water has to be carried, illuminate access points and improve public sanitary facilities..

In Ecuador, it has not proved possible to break the chain of gender-based violence related to water resources. For example, in Acequia Mocha-Huachi, there have been several cases of rape of women guarding irrigation channels, due to the fact that this is a remote area with a low population density. Moreover, new restrictions on water use introduced by the Water Resources Act has provoked tension and scarcity, leading to an increase in violence against women. The government has declared water to be a public asset and as structural pressures on the use and control of water increase, it is necessary to strengthen community organisation and recognise the phenomenon of gender-based violence related to water and solutions.

- *Reverse the disadvantages*

In India, a major change would be if each home had its own toilet. Alternative systems are needed in areas where this is more difficult. Awareness raising, education and training are essential and will play a key role in achieving change.

In Kenya, major changes are needed in land management and environmental policy to stop scarcity increasing. No available information or statistics include a breakdown by gender, which makes it impossible to know the specific situation of women (including their biological differences) in what is a very complex situation for the entire population. On the other hand, it is necessary to promote affirmative action policies to combat the historical and cultural discrimination to which women have been subjected, given that they have a key role in the use of water and in sanitation and hygiene. Even so, it is essential to improve the country's public water and sanitation infrastructure.

In Argentina, work is going on to strengthen the role of the trade unions in making their members and their members' families aware of gender equality issues, the importance of caring for the environment and common resources and strengthening democracy. They achieve this by promoting specific educational plans that should also have the support of international organisations to achieve joint objectives that will later be useful or help towards a genuine transfer of know-how, for example, the experience of the Leopoldo Marechal Technological Institute, which is part of SGBATOS <http://itlm.org.ar/institucional/>.

- *Legislation*

In India, the problem is structural. Although legislation guarantees access to water, water is in fact scarce because of urbanisation and the way people live. Many slums and urban settlements that were designed only for men are now home to families because of the lack of jobs and the scarcity of water for agriculture in rural areas. However, it is of course right for the law to encourage equal access to water for all people. Legislation can introduce policies that empower people. Educational, political, social and cultural institutions are in a better position to promote the representation of women and equal opportunities. Other key agencies are local governments and trade unions.

In Kenya, the Water Act of 2002 affected the provision of water services, as it opened up the way for the privatisation of water and sanitation. The 2010 Constitution permitted the devolution of power and resources to 47 local governments and this resulted in the recovery of local control over various water services. However, the lack of infrastructure and capacities resulted in water being transferred to the private sector. None of the institutions responsible for water and sanitation have a policy on gender. It is therefore important to develop a gender-sensitive focus for public services starting with the drafting of public policies and laws. This will optimise existing infrastructure and ownership by government as well as by communities. It is also necessary for institutions and communities to analyse and clarify gender dimensions in urban and rural contexts in relation to the needs, uses and access to water and sanitation. The same applies to the development and uses of appropriate technology, which can promote equal opportunities for women, men and vulnerable groups.

In Argentina, Art. 241 of the draft bill for a new Civil and Commercial Code, prepared by prominent jurists, incorporated the basic right of access to drinking water and affirms that "all people are guaranteed access to drinking water for vital purposes". The bill presented to parliament by the government for approval did not include this essential article and was finally promulgated as Act 26.994 with no guarantee for access to water as a basic and universal human right. An opportunity

was lost to guarantee this new right, which UN Resolution 64/292 recognised in 2010. During the recent presidential election campaign, the Buenos Aires water workers' union (Sindicato de Trabajadores de Obras y Servicios Sanitarios, SGBATOS) presented to all candidates a document entitled "Federal Water and Sanitation Plan", designed to install drinking water and sewage services throughout the country.

In Ecuador, there are contradictions in the new Water Resources Act (2014). These relate to the private sector's role in the control of water resources and community participation in the management and administration of water. However, the lack of specific regulations setting out the responsibilities of local authorities in providing services, which has still not been remedied, created a legally ambiguous situation, overlapping jurisdictions, conflicts about financial management, clashes about levels of social representativeness and the powers of local authorities. There is a need to design a model that allows for concurrent roles but in practice public administration does not have the tools to link services up at the local level. The law states the need to strengthen community organisations, but in practice, the National Water Department (SENAGUA) tries to control these organisations. The regulations currently being drafted allow for government control of organisations and interventions. For example, they state that "participation in political or destabilising activities are grounds for closing an organisation" (Proposal for Unified Regulations). Ecuadorian legislation on water makes no specific mention of gender differences.

- *Finance*

In Kenya, some projects and programmes, especially those funded by foreign donors, have included social as well as technical components. The Water Services Trust Fund (WSTF), which comes under the Urban Project Cycles (UPC) has funds to ensure the participation of women as well as men. For example, in Mathare Kosovo, Mathare Gitathuru and Mathare Juja, where 200 participatory forums have been held. There is also a need to increase public budgets to enable the development of action plans with clear standards, indicators and results that set out the responsibilities of stakeholders, including central government, local governments, development agencies and residents.

In Argentina, encouragement for the creation and strengthening of NGOs working on this issue could attract international aid.

Ecuador has chosen a strategy that combines different sources of funding for water and sanitation management, is based on the institutional capacities of public-community partnerships, requires a major input by beneficiaries and involves local water committees (*juntas de agua*) that provide services to families who would not otherwise receive a service. The local authorities also see an advantage in these alliances because their operational costs as state-owned water companies or departments responsible for the management drinking water services are high and they are unable to increase coverage when distances are so big, the roads are so bad and population density is low. This initiative has been effective in Ecuador. The municipality of Cañar would find it difficult to build even a single water system but is able to amplify the effects of any investment by working in alliance with local water and irrigation committees. Funding criteria and the management of joint budgets prioritises vulnerable groups that live in the highlands, far from the cities and that have never before had access to water. Another example is CENAGRAP, which invested about US\$2 million in the period 2003-2010 and increased the number of water systems from 15 to 82 water systems in the period 2009-2015, working with local water committees that each provided services for between 12 and 80 families.

- *Public participation in decision making*

In India, wide-ranging social participation is needed at both the planning and implementation levels. There is a need to build a concrete structure that operates actively and that has access to financial resources and professional consultants.

In Kenya, although women are key actors on water, they are mainly passive, because of the lack of policies and programmes to empower them. For example, the various reports produced by the Peace Corps do not include indicators for social participation. Similarly, for example, in the Mathare project, where water system monitoring committees have been created, residents do not feel as though they are benefitting and feel they are victims of cartels that intimidate and threaten them. Women are the main victims in this battle for the control of water and so they eventually withdraw from attempts to include them in governance. In Mathare Kahina and Kiberia, some women have accepted decision making roles in participatory bodies. Attempts must be made to strengthen these processes, because it is more difficult for women to stay in these positions. There is also a need to increase the involvement of communities in both policy development and management. Community participation, which must give women the opportunity to make their voices heard, should press their governments, institutions and development aid agencies for dialogue, control, monitoring, consultation, mobilisation, democracy and democratisation. Community participation must include women, young people and vulnerable groups, help them to organise, empower and train them and allow them to and put forward their own projects. This should involve the creation of gender focus groups, with visibility, capacity and authority. It is also necessary to make a survey of existing community organisations that promote women's involvement.

In Argentina, women are being encouraged to accept government posts and participate in forums for strategic planning of access to basic services. Legislation that promotes a "women's quota" system (which incorporates women into legislative, provincial and municipal posts at election time) could be a useful element. It is clear that having a greater number of women in this kind of position ensures their interests are represented and provides a more accurate vision of their needs. The same goes for strengthening civil society participation in strategic decision-making, as there are already interesting legal tools available such as "prior consultation", "compulsory public hearings" and "strategic environmental assessments" with which to study the synergic impact of certain projects. The active participation of users in water resources and sanitation planning.

In Ecuador, there is an urgent need for intergenerational succession in the leadership of the Drinking Water and Sanitation Services Community Organisations (OCSAS), that is, the local water and irrigation committees. Young women should be provided with technical training in water and sanitation management in order to motivate them to take on leadership roles in their water and irrigation committees. The introduction of regulations and standards (currently being prepared) for implementation of the Water Resources Act with regard to setting out how the committees should work with local authorities to administer water and sanitation services in accordance with the Ecuador Territorial Organisation Code (COOTAD) will strengthen community organisations and their political independence vis-à-vis whoever is in power in central and local government. One example is the model provided by the Centro de Apoyo a la Gestión Rural de Agua Potable (CENAGRAP) which facilitates capacity building for communities on water and sanitation management and provides local water committees with highly subsidised training, technical assistance and inputs. This scheme has trained up a group of community organisers and technical staff and integrated them into the CENAGRAP team, where there is scope for women to take a lead on technical water and sanitation



management issues. This strategy diversifies women's leadership to include the technical dimensions of water and sanitation management.

- Monitoring

In India, it will be important to establish community monitoring procedures involving groups of women and young people. The unions could also be appropriate organisations to carry out this work with the community.

In Kenya, key issues that require monitoring are water and environmental pollution (levels and remediation), corruption, accountability for access to and quality of water and sanitation services in both the public and private sectors and transparency in the construction and maintenance of infrastructure. Identifying lessons learned; feedback on decision making procedures; the real changes achieved and the benefits resulting from policies and provided by services; and, of course, the integration of women into all these processes.

In Argentina, we propose the democratic strengthening of institutions by promoting transparent control of government policies and public administration as a measure to achieve greater inclusion. Tools such as external audits should be used in order to obtain reliable indicators that can later be used for monitoring purposes.

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