

South African Human Rights Commission, 2014

Report on the Rights of Access to Sufficient Water and Sanitation

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On 11 March 2014, the South African Human Rights Commission (SAHRC) launched a long-awaited report, titled 'Water and Sanitation, Life and Dignity: Accountability to People who are Poor'. It highlights the constitutional right in South Africa to access sufficient water and decent sanitation. SAHRC is constitutionally mandated to provide an oversight role by monitoring the realisation of socio-economic rights in South Africa.

The report analyses the status of access to water and sanitation in South Africa as well as the quality of sanitation services provided by local government across the country. It reveals that, despite government's belief that there is substantial country-wide access to water and sanitation, the reality is starkly different. The report contains alarming statistics that illustrate the point that although progress has been made service delivery remains a major challenge at the municipal level and in the poorest areas. According to SAHRC Commissioner Pregs Govender, 'desegregated statistics reveal that the majority of those who lack most rights, including water and sanitation, are in informal settlements or schools'.

This report is a culmination of the 2010–2013 SAHRC national water and sanitation campaign that was carried out to review the state of access to these rights. The review was prompted by extensive investigations in 2011 into two complaints about unenclosed toilets (in Makhaza in the Western Cape and iRammulotsi in the Free State), together with a report by the Department of Performance Monitoring and Evaluation on the right to sanitation in every municipality. The SAHRC findings in the two complaints reflected that millions of people who are especially poor lack adequate sanitation. The SAHRC emphasised a rights-based approach to service delivery and demonstrated the need for accountability in service delivery from all spheres of government.

As part of the campaign, from August to December 2012 the SAHRC held public provincial hearings in communities facing challenges in accessing water and sanitation services. Civil society organisations and community-based or-

ganisations had an opportunity to make submissions to the SAHRC during the these hearings. The provincial hearings were grouped into themes: access to water and sanitation, the quality of the services provided, the quality of the water infrastructure, and the impact of a lack of access to water and sanitation infrastructure.

The hearings revealed two main challenges: first, that many communities, in particular in the poorest areas, lack access to water and sanitation as a result of non-functional or broken infrastructure; and second, that a lack of access to basic water and sanitation infrastructure disproportionately affects marginalised people, especially women, children and persons with disabilities.

The provincial hearings further revealed that, despite government's belief that there is substantial access to water and sanitation across the country, the reality on the ground is starkly different. Despite the free basic water supply policy, it is of great concern that most of South Africa's water is used by business, especially agribusiness, mining, and other industries, at a relatively lower cost per kilolitre than the cost to poor households. Further, the level of access to sanitation in informal settlements remains dire; challenges include the continuation of the bucket toilet system in some areas as well as poorly maintained facilities or broken sanitation infrastructure, the overflow of sewage into the streets and leaking water pipes.

Most communities expressed concern over the lack of access to water and adequate toilet facilities for leaners in schools, particularly girls, which had an effect on school attendance and therefore had a huge impact on their education. The right to dignity is disproportionately affected by a lack of access to water and sanitation and exposes people to violence, especially women who are required to carry water from remote dams.

The report concludes with recommendations on how to improve access to water and sanitation, which include community partnership and monitoring, and governance from a human-rights based approach. These recommendations were made to relevant government departments including Human Settlements, Social Development, Education, Cooperative Governance and Performance Monitoring and Evaluation.

References

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