

# The Human right to water : Foundations and implementation in Tunisia

Moez Allaoui  
International water expert

Regional capacity building of journalists on water  
31 January 2023

# Human right to water : definition

**The right to water** “entitles everyone to have access to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic use”.

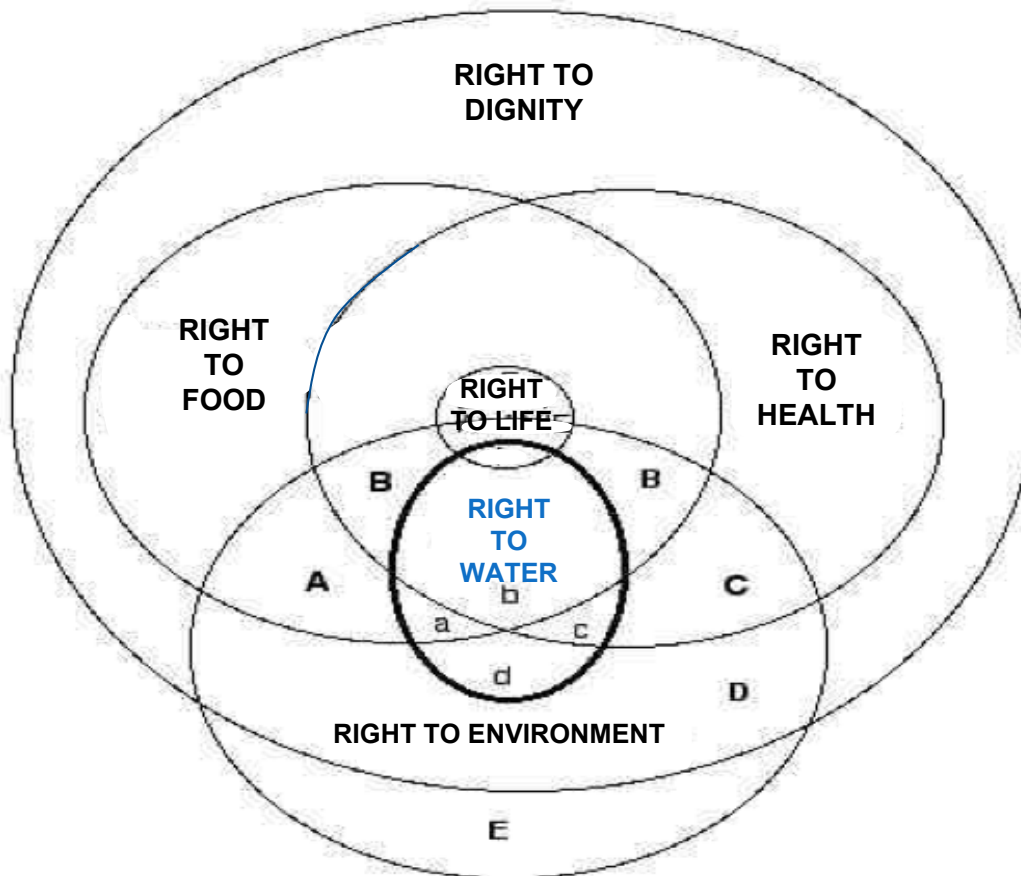
*General comment n°15*

# International instruments

## International covenant on economic social and cultural rights (1966)

- “The States parties...recognize the right of everyone to an **adequate standard of living**..., including **adequate food**, ...and **housing**” (art.11.1).
- “ The States parties...recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental **health**” (art.12).

# International instruments



# International instruments

- Convention on the Elimination of All Forms of Discrimination against Women, 1979, Article 14 – 2 – H
- Convention on the Rights of the Child 1989, Article 24 1-2-C
- Convention on the Rights of Persons with Disabilities 2006, Article 28-2-A
- Convention on the protection of water in times of armed conflict, protection of civilian populations, Additional Protocol No. 1 (1977)
- International Labor Organization (ILO), Occupational Health Services Convention No. 161, 1985 (art. 5)

# Regional instruments :

- **Africa:** African Charter on the Rights and Welfare of the Child (1990)  
Obligation for States to take the necessary measures *"to guarantee the supply of food and safe drinking water in sufficient quantity"*.
- **America:** Protocol of San Salvador (1988) to the American Convention on Human Rights (1969).  
Everyone must have *"access to basic public services"*
- **Europe:** London Protocol on Water and Health (1999) to the Helsinki Convention (1992)  
Access to water *"should be guaranteed to all inhabitants, in particular to disadvantaged or socially excluded people"*.
- **Arab Region:** Arab Charter on Human Rights (2004 amendment)  
Section 39b. *"Measures that States Parties will take include the following: ...- Ensuring everyone has basic food and clean drinking water."*

# The right to water : an autonomous right

- **General comment** n° 15 , 2002,
- **Establishment** of a special mandate of an independant expert, then a **Special Rapporteur** on HRWS, 2008,
- **UN General Assembly** Recognition HRWS 2010 (Resolution A/RES/64/292),
- **Human Rights Council** Recognition HRWS 2010 (Résolution A/HRC/15/L.14)

# Implications

- **Respect**

States must refrain from directly or indirectly impeding the exercise of the right to water.

- **Protect**

States must prevent third parties from interfering with the exercise of the right to water.

- **Implement**

Les States must take legislative, administrative, budgetary and other measures to ensure the full realization of the right to water.



# Specificity of economic, social and cultural rights

## Progressive realization

- ▶ Principle of non regression
- ▶ Non-discrimination

# Duty bearers

## The State

- ▶ Legal framework
- ▶ Planification (Strategies-action plans)
- ▶ Budgeting
- ▶ Implementation

# Tunisia : Legal framework

Article 44 of the constitution of  
27 January 2014 :

*«The right to water is guaranteed.  
Water preservation and the  
rationalization of its use is a duty  
of the State and society ».*

# Tunisia : Legal framework

## Tunisian draft Water Act :

Article 63 : « *The State guarantees citizens the right to drinking water supply and sanitation in accordance with Tunisian standards.*

*Are considered as priority hydraulic services, all activities relating to drinking water supply and sanitation.».*

# Content

## Substantial obligations (criteria)

- Accessibility
- Affordability
- Availability
- Quality
- Acceptability

(20l/Day basic, 50 intermediate, 100 optimal)

(Taste, smell and appearance that are culturally acceptable by the population)

## Procedural obligations (principles)

- Right to information,
- Public participation,
- Non-discrimination,
- Sustainability.

# Criteria : Accessibility/Availability

## Criteria used by the WHO:

**Basic access:** the water point must be located within a radius of 1 km and the round trip must not exceed 30 minutes.

**Intermediate access:** i.e. access involving low health risks, it consists of supplying water on site via a tap at least located outside the building.

**Optimal access:** having running water inside the house.

# Some facts about Tunisia

- 12 million inhabitants
- 164,000 km<sup>2</sup>
- 420 m<sup>3</sup>/year/capita (scarcity)
- A unique public utility in charge of drinking water supply throughout the entire territory, **SONEDE** (created in 1968).
- Network : 155.000 Km
- 16 desalination plants
- Subscribers : 3.2 Million
- 6600 employees

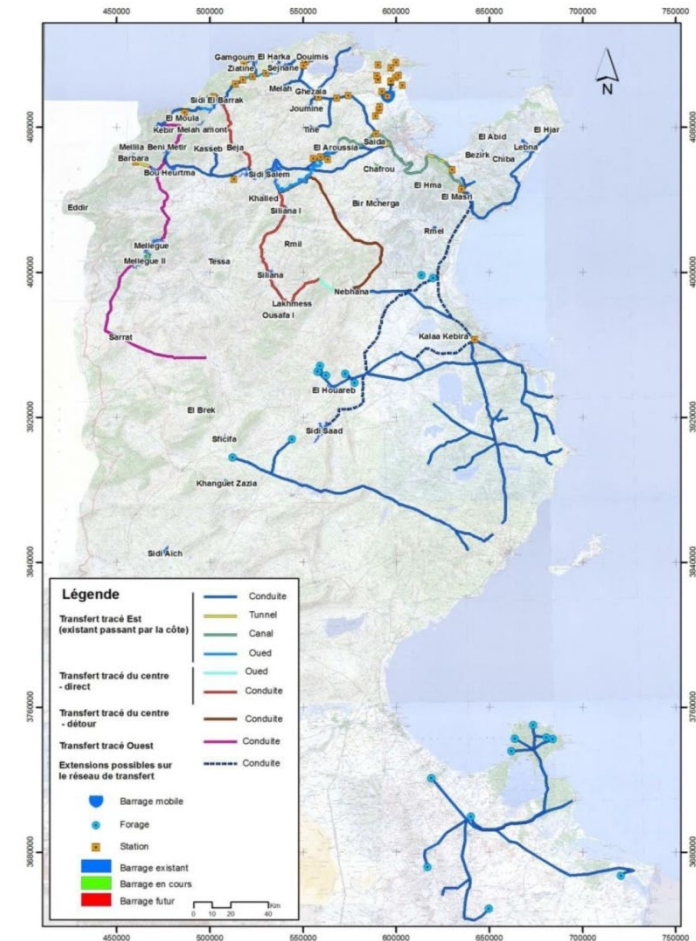


FIGURE 16 : CARTE DES AXES DE TRANSFERT (SOURCE : SECADENORD & SONEDE)

# Criteria : Accessibility/Availability

- Drinking water supply rate reaches **100%** in urban areas and **95%** in rural areas according to official data.
- However, there are disparities between the regions: **87%** in the North West of the country, against **98%** in the South.

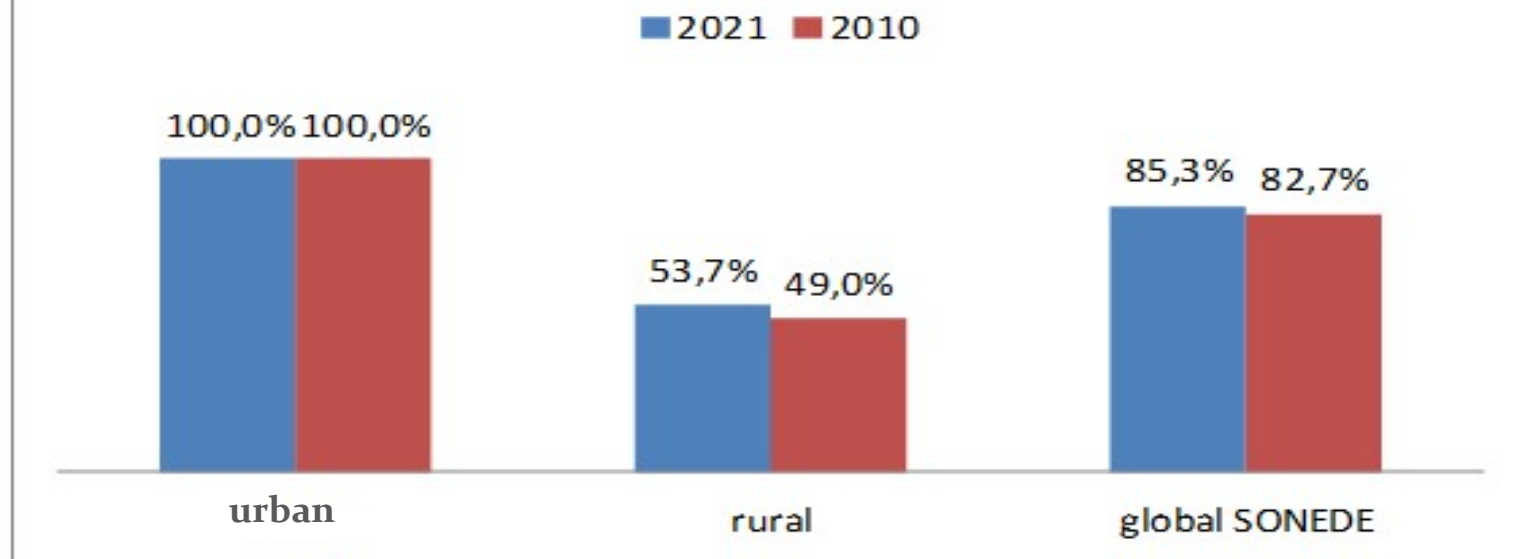




# Criteria : Accessibility/Availability

SONEDE's coverage rate reached 85.3% in 2021 (82.7% in 2010) from a service rate of 100% in urban areas (100% in 2010) and 53.7% (49 % in 2010) in rural areas

## SONEDE's coverage rate evolution



## Criteria : Accessibility/Availability

- The Ministry of Agriculture, Water Resources and Fisheries, through its General Directorate of Rural Engineering and Water Exploitation (DGGREE) provides 46% of drinking water supply in rural areas through water systems managed by Water users associations (G.D.A).
- The number of (G.D.A) exceeds 1450 specialized in drinking water.

# Criteria : Accessibility/Availability

Even for localities served by GDAs, individual meters are more and more widespread, it is now around **70%**.



# Criteria : Affordability

## Drinking water tariff



- Water tariff at the level of the first pricing bracket (excluding sanitation fees) remains within acceptable proportions.
- About **40%** of SONEDE subscribers are in this bracket and **70%** of subscribers do not exceed the second bracket.

## Criteria : Affordability

- **SONEDE** also grants domestic subscribers payment facilities when connecting to the network.
- These facilities can be spread over **8 years**, which is likely to promote the accessibility of the most disadvantaged people to a water connection.
- The GDAs (water user associations) served by SONEDE's network benefit from a **fixed rate** equivalent to the first bracket, regardless of the volume consumed.

# Criteria : Affordability

- The price per m<sup>3</sup> at the level of the first consumption bracket (**20 m<sup>3</sup>**) is **0.200 Dinars**.
- If we add the quarterly fixed costs (9 Dinars) and the VAT equal to 18% on the water part, we arrive at 15.340 Dinars per quarter, that is to say 5.113 Dinars per month, i.e. around **1%** of the monthly legal minimum wage equal to 459 Dinars and if we include sanitation fees, we do not exceed **2%** of the the monthly legal minimum wage .
- UNDP proposes that water expenditure not exceed a ceiling of **3%** of household income.

# Criteria : Quality/Acceptability

- Tunisia is not a country particularly affected by water-related diseases.
- National standard NT 09.14 relating to water intended for human consumption.
- The quality of drinking water distributed to users, even if it remains generally satisfactory, there are disparities between regions, due in particular to a high salinity rate, particularly in the south of the country.
- SONEDE carried out bacteriological analyzes which involved 52,901 samples in 2021 compared to 48,690 in 2015 and 47,569 in 2010,



## **DIRECTIVES DE QUALITÉ POUR L'EAU DE BOISSON**

QUATRIÈME ÉDITION

**INTÉGRANT LE PREMIER ADDITIF**



# Criteria : Quality/Acceptability

Articles 97 and 98 of the 1975 water code.

Drinking water :

- ▶ It must not contain certain quantities of chemicals or germs that are harmful to health.
- ▶ It must be free of any sign of pollution and present organoleptic characteristics that make it acceptable.
- ▶ It must meet the conditions and standards that are set by decree.



## Criteria : Quality/Acceptability

The consumption of bottled water remains high (5th in the world), with 192 liters per person in 2018 according to the National Office for Thermalism and Hydrotherapy (ONTH), for reasons more related to the taste of tap water.

# Principles : Access to information

- No provisions specific to water sector relating to public access to relevant information relating to the management of water resources, including in the event of dangers linked to water pollution. .
- The new water subscription regulations approved in 2017, in its article 6, require SONEDE to notify its users of any services interruption or disruption, by all available means.

# Principles : Access to information

- At the same time, there is an organic law dated March 24, 2016, relating to the right of access to information.
- A higher authority for access to information has been put in place, guaranteeing, among others, access for users of public services to administrative documents.

# Principles : Access to information

## In practice :

- SONEDE regularly publishes all information relevant for its users on its website and its widely consulted facebook page.
- Users have an access to the information manager and the citizen relations office.
- It has set up a toll-free number to receive requests from users.
- Requests can also be made online on the company's website free of charge.



# Principles : Public participation

- Article 44 of the 2014 constitution, paragraph 2:  
*“It is the duty of the State and society to preserve water and ensure the rationalization of its use”.*
- The 1975 Water Code includes a chapter on Water Users Associations (GDA).
- The draft new code also has established **regional water councils** in order to guarantee better consultation between the various actors, including civil society, around issues related to water management.

# Principles : Public participation

- GDAs are a form of community-based water service providers and a model of participatory water services management.



# Principles : Sustainability

- The water code includes many provisions relating to the preservation and development of available resources, particularly through non-conventional waters (articles 86 and following).
- The water subscription regulation also enshrine the principle of continuity of water services except in some extraordinary circumstances (article 6).

# Principles : Sustainability

- The Ministry of Agriculture, Water Resources and Fisheries is responsible for developing multi-year strategies for water resource management. The latest is the **2050 water strategy**.
- The State budget as well as the SONEDE's budget provide annual funds for the extension and maintenance of drinking water structures and networks.





# Thank you for your attention

allaouimoez@gmail.com  
m.allaoui@sonede.com.tn