

Achieving the right to water in France

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Introduction

History of HRs in France:



- Declaration of the Human and the Citizen's Rights in 1789
- Preamble of the 1946 Constitution: the recognition of various social rights such as the right to a decent housing

→ attached to the Constitution

Party to more than one treaty related to Human Rights.

France has supported the adoption of the Resolutions on the Human Rights to Water and Sanitation.

Legal framework

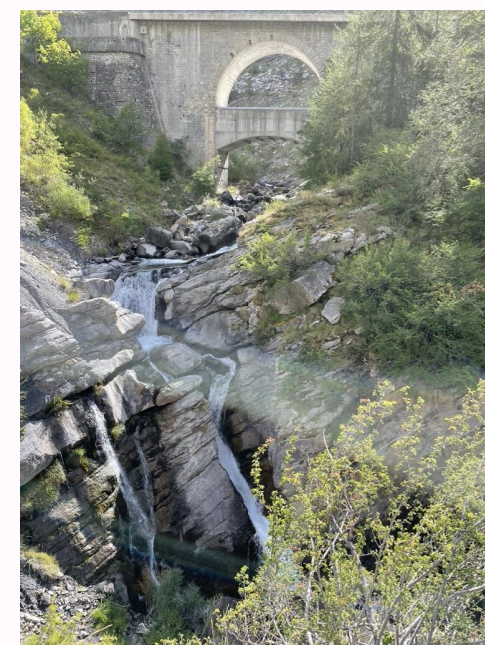
Law n° 2006-1772 of 30 December 2006 on Water and Aquatic Environment

- Water common heritage of the nation
 - Its use belongs to all
 - Each person has the right to access drinking water, for its food and hygiene, in acceptable economic conditions

- Good with paid services

- Drinking water distribution mandatory mission of the local governments → Obligation in the zones served by the network

- Gap regarding populations not connected to the network : migrant camps, Roms people ... (*until December 2022*)



Legal framework

Law n° 2007-290 of 5 March 2007 instituting the enforceable right to housing and carrying various measures in favor of social cohesion:

➡ suppliers of electricity, heat, gas and water cannot proceed in the main residence to the interruption of their services for non-payment of the related invoices (families benefiting from social assistance):

- electricity, heat, gas : during winter period
- water : whole year

➡ Invoices remain as a debt for the concerned person or household.

➤ *Law grants those who are in a difficult situation the right to assistance by the community.*

➔ *a financial solution can be provided*

Legal framework

Law n° 2013-312 of 15 April 2013 aiming at the transition towards a sober energetic system and carrying diverse provisions on water pricing and wind turbines

- Introduced an experimental system in 50 localities (on a voluntary basis) (terminated in 2021) for a social price for water:
- based on the local realities and challenges: involvement of local governments, local social institutions, and the water supply companies
- Diverse measures proposed : water checks, reimbursement of subscription fee, or curative helps for reducing the unpaid, and
- proposing accompanying measures such as creating awareness on water saving.
- Participation of the water supply companies to these measures

Solutions proposed based on local initiatives

Legal framework



Water meeting (*Assises de l'eau*) (nov 2018-June 2019)

- All stakeholders in the water sector: local governments, business firms, professional agricultural organisations, associations protection of nature, consumers' association, research institutes ...
- System of the social fare for water confirmed
- Law amended to allow *all* local governments to introduce the social fare (voluntary basis)
- Tool boxes and support available

Challenge: identifying the target population



Filling the gap

Population not connected to the network → **No obligation to supply with water** *(until December 2022)*

During COVID 19 pandemic:

Interministerial Instruction (March 2020) “Support and assistance for the precarious population in front of the COVID 19 pandemic”

→ representatives of the State in the departments.

Following actions:

- Mapping of the drinking water points in close collaboration with the local collectivities. This mapping has to be known by the professionals and concerned persons
- The homeless need to have access to sanitary and shower services
- Schools, swimming pools or gymnasiums can be made accessible
- Free access to laundromats for the homeless

☞ ***the obligation of solidarity and the protection of public health have prevailed***



Filling the gap

Numerous judicial administrative decisions:

- initiative of NGOs supporting inhabitants of camps/slums
- claims against the city on the territory of which they are based, the representative of the State and/or a Minister.
- provide housing solutions, or at least proper access to water including showers and sanitation
- Results: ordering the local government and/ or the representative of the State to ensure enough access to water facilities and to sanitation.

Basis:

- European Convention on Human Rights (which includes an article providing that “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.” (article 3)); and to the
- Constitution (which include the Preamble to inhuman or degrading treatments, creating a severe and certainly illegal infringement to a fundamental freedom” (personal translation).
- **“in the *absence* of a specific text, it belongs to the authorities holding the general police power, vouching for the *constitutional principle of safeguarding human dignity*, to ensure, mainly that the right of each person not to be subject to inhuman or degrading treatments is protected”**



Filling the gap

Change since December 2022:



Transposition in France of the EU Directive « Drinking water »

- response to a European citizens' initiative « Right2Water »
- ensuring the access to water for all, even when not connected to a network
- Minimal quantity of water is specified (50-100 liters/day)
- Distance to be evaluated

Filling the gap

Challenges for the implementation:

- Identification of the concerned population
- Mapping of public fountains and other water distribution systems
 - by end of 2024, or 2026 in some cases
- Technical solutions are proposed: create a water delivery point in the concerned zone, connexion to the network
- All measures to be applied by end of 2028



Conclusion: Challenges

- no one source or system of data collection specific to the access of water and sanitation for vulnerable and marginalized groups.
 - fall under various categories such as the data on bad housing, or the data on reliance on assistance revenues etc.

- Social fare of water:
Local realities → can create inequalities throughout the territory



Conclusion: Challenges

Severe problems in the overseas territories :

Guadeloupe, Mayotte...

EAU-DOM plan since 2016



4 principles:

- Strengthening the governance of the local governments in water and sanitation
- Developing the technical and financial capacities of drinking water and sanitation: improving the recovery, benefiting from the expertise of the French Development Agency, mastery of investment costs.
- Redefining the technical priorities for quality and sustainable service and developing the maintenance of the network, and improving the collection and the connection to the network.
- Integrating the policies of drinking water and sanitation in the development of territories