



# Methodology

Legal Country Mapping for the Rights to Safe Drinking Water and Sanitation and the link with the Right to a Healthy Environment

Honduras

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## INTRODUCTION

This analysis follows the mapping methodology used by Human Right 2 Water to assess the integration of the human rights to water and sanitation (HRWS) into law and policy at national level. It has been adapted and extended to give voice to the human right to a clean, safe,<sup>1</sup> healthy and sustainable environment (HRHE), with the aim of assessing the combined advantages of recognizing both these sets of human rights.

It draws upon the criteria and principles that were originally laid out in General Comment No.15<sup>2</sup> for the human right to water and sanitation, with further elaboration of the right to sanitation after it was recognized as a separate human right in 2015. Alongside this and noting that the HRHE was also recognized as a human right by the General Assembly in July 2022,<sup>3</sup> we have compared the main principles of the HRHE as related to water. For this analysis, we draw upon the Framework Principles from the paper published by the Special Rapporteur on Human Rights and the Environment from 2018,<sup>4</sup> Good Practices on the Right to a Safe, Clean, Healthy and Sustainable Environment,<sup>5</sup> and the paper titled “Human Rights Depend on Safe and Sufficient Water,” 2021.<sup>6</sup>

In addition to the principles of a human rights-based approach,<sup>7</sup> there are the normative criteria of the human rights to water and sanitation which are specific to the realization of these rights. The substantive elements of the HRHE, as referenced in the Good Practices<sup>8</sup> paper mentioned above, are also considered here, where they are linked to water, specifically element 4 on the access to safe water and adequate sanitation. Given the significant advances in the design and measurement of national indicators for the supply of clean and safe drinking water and sanitation through the Joint Monitoring Programme,<sup>9</sup> General Comment No.15 has been augmented, especially on the topic of sanitation, which was recognized as a separate right in 2015. For the purposes of this analysis, the criteria have been maintained as the five elements of the human rights to water and sanitation, and there are additional questions relating to specific environmental aspects that support these rights.

For reference, Annex 2 collates the two sets of human rights principles, looking at how they relate under each category.

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<sup>1</sup> Note that the word ‘safe’ has been included in several places, including the title of the Special Rapporteur, and the framework principles, but not in the latest UNGA resolution.

<sup>2</sup> General Comment No. 15 on the Right to Water, was adopted in November 2002, by the Committee on Economic, Social and Cultural Rights and then explicitly recognized on 28 July 2010, through [Resolution 64/292](#), the United Nations General Assembly

<sup>3</sup> See [UN General Assembly, The Human Right to a Clean, Healthy and Sustainable Environment, \(A/76/L.75\), \(July 28, 2022\)](#).

<sup>4</sup> See [Special Rapporteur to the Healthy Environment, Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy And Sustainable Environment,, \(A/HRC/37/59\), \(Jan. 24, 2018\)](#).

<sup>5</sup> See [Special Rapporteur to the Healthy Environment, Right to a Healthy Environment: Good Practices, \(A/HRC/43/53\), \(Dec. 30, 2019\)](#).

<sup>6</sup> ‘Human Rights Depend on Safe and Sufficient Water’, 2021, HRC/26/48.

<sup>7</sup> The elements of the HRBA are Participation, Accountability, Non-discrimination and Equality, Empowerment and Legality.

<sup>8</sup> See [Special Rapporteur to the Healthy Environment, Right to a Healthy Environment: Good Practices, \(A/HRC/43/53\), \(Dec. 30, 2019\)](#).

<sup>9</sup> See JMP, WHO and UNICEF Data Found at [www.washdata.org](http://www.washdata.org)

## Overview of national water governance for Honduras

### General Legislation

	Supreme law	Constitution
1.A.1	State organization	Federal
1.A.2	Relationship between international and national law	Dualist
1.A.3	Name of institution possessing regulation-making authority	Congress
1.A.5	Popular consultation as part of governing/legislative process	Yes
1.A.8	Member of a regional integration organization	Yes
5.C.1	Independent National Human Rights Institution (NHRI)	Yes

### Water Governance

3.A.1	Right to Water mentioned in Constitution	Yes
3.A.2	Right to Sanitation mentioned in Constitution	Yes
3.A.3	Right to a clean and healthy environment in Constitution	No
3.A.4	A water code or a law specific to water resources	Yes
3.A.5	National strategy, policy, action plan etc. on water and sanitation	Yes
1.A.8	International institution for transboundary water resources	Yes
3.C.7	Priorities in the allocation of water for different uses	Yes

### Benchmark Scores<sup>10</sup>

Section	Elements included in law	Score
4.A	Availability and Accessibility	10
4.B	Quality and Safety	
4.C	Water Pollution Control	
4.D	Affordability	8
4.E	Acceptability	8
4.F	Non-Discrimination, Equality, Universal Access	8
4.G	Right to Information, transparency	10
4.H	Public Participation	
4.I	Accountability, remedies and complaints procedures	
4.J	Sustainability	
	<b>TOTAL</b>	10

<sup>10</sup> Score up to 10 allowed for each element, with a score of 10 suggesting that all relevant laws are fully included, zero suggests there are no laws to fit this criterion, and scores on a scale of 1-10 represent the degree of inclusion of pertinent laws (double click to activate excel sheet for calculation).

## TERMS AND DEFINITIONS

- **CONASA:** National Council for Potable Water and Sanitation
  - CONASA: Consejo Nacional de Agua Potable y Saneamiento
- **SANAA:** National Autonomous Service of Aqueducts and Sewers
  - SANAA: Servicio Autónomo Nacional de Acueductos y Alcantarillados
- **ERSAPS:** Regulatory Entity of Drinking Water Services and Sanitation (also known as the Regulatory Entity in certain government documents)
  - ERSAPS: Ente Regulador de los Servicios de Agua Potable y Saneamiento (también conocido como Ente Regulador en ciertos documentos gubernales)
- **SERNA:** Secretary of Natural Resources and the Environment
  - SERNA: Secretaria de Recursos Naturales y Ambiente
- **CNRH:** National Council of Water Resources
  - CNRH: Consejo Nacional de Recursos Hídricos
- **INRH:** National Institute of Water Resources
  - INRH: Instituto Nacional del Recurso Hídrico
- **Water Authority:** a decentralized body the public administration attached to the Secretariat of State in the Natural Resources and Environment Bureaus
- **National Technical Standard for Drinking Water Quality:** Ministry of Health Agreement No. 084/95 Technical Standard for the Quality of Drinking Water (1995)
  - Norma Técnica para la Calidad del Agua Potable: Ministerio de Salud Acuerdo No. 084/95 Norma Técnica para la Calidad del Agua Potable (1995)
- **Framework Law:** Decree No. 118/03, Framework Law of the Potable Water and Sanitation Sector (2003)
  - Ley Marco: Decreto No. 118/03 Ley Marco del Sector Agua Potable y Saneamiento (2003)
- **Health Secretary Regulation No. 6/2004:** Agreement No. 6/04 General Regulations of the Framework Law of the Potable Water and Sanitation Sector (2004)
  - Secretaría de Salud Acuerdo No. 6/2004: Acuerdo No. 6/04 Reglamento General de la Ley Marco del Sector Agua Potable y Saneamiento (2004)
- **ERSAPS Service Quality Regulation:** ERSAPS General Regulation for the Quality of Potable Water and Sanitary Sewer Service (2005)
  - ERSAPS Reglamento de Calidad del Servicio: ERSAPS Reglamento General de Calidad de Servicio de Agua Potable y Alcantarillado Sanitario (2005)
- **ERSAPS Regulation No. 1/2006:** Agreement No. 1/06 Regulation of Potable Water and Sanitation Services (2006)
  - ERSAPS Acuerdo No. 1/2006: Acuerdo No. 1/06 Reglamento de Servicios de Agua Potable y Saneamiento (2006)
- **ERSAPS Regulation No. 25/2014:** Agreement No. 25/14 Regulation for the Application of Charges for Supervision, Surveillance and Advice Services of the Regulatory Entity of Potable Water and Sanitation Services (ERSAPS) (2014)
  - ERSAPS Acuerdo No. 25/2014: Acuerdo No. 25/14 Reglamento para la Aplicación del Cobro por los Servicios de Supervisión, Vigilancia y Asesoramiento del Ente Regulador de los Servicios de Agua Potable y Saneamiento (ERSAPS) (2014)
- **ERSAPS Regulation No. 27/2014:** Agreement No. 27/14 Special Regulation for the Attention of the Requests and Claims of the Users (2014)

- ERSAPS Acuerdo No. 27/2014: Acuerdo No. 27/14 Reglamento Especial para la Atención de las Solicitudes y Reclamos de los Usuarios (2014)
- **ERSAPS Regulation No. 15/2015:** Agreement No. 15/15 Tariff Regulations for Potable Water and Sewage Services in Urban Localities (2015)
  - ERSAPS Acuerdo No. 15/2015: Acuerdo No. 15/15 Reglamento de Tarifas para los Servicios de Agua Potable y Alcantarillado en Localidades Urbanas (2015)
- **General Water Law:** National Congress Decree No. 181/2009 General Water Law
  - Ley General de Aguas: Congreso Nacional Decreto No. 181/2009 Ley General de Aguas
- **General Law of the Environment:** Decree No. 104/93 General Law on the Environment
  - Ley General del Medio Ambiente: Decreto No. 104/93 Ley General del Medio Ambiente
- **General Regulation of the Law of the Environment:** Agreement No. 109/93 General Regulation of the Law of the Environment
  - Reglamento General de la Ley del Ambiente: Acuerdo No. 109/93 Reglamento General de la Ley del Ambiente
- **Decree No. 34/2015: Decree that created, among other matters, the Law for the Protection of the Defenders of Human Rights, Journalists, Social Communicators and Judicial Officers**
  - Decreto No. 34/2015: Decreto que creo, entre otras, la Ley de Protección para las y los Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales, y Operadores de Justicia

## CHAPTER 1. WATER GOVERNANCE OVERVIEW

### A- Preliminary questions:

1. **What type of State is the country? (e.g. Federal, Unitary, etc)**

Honduras is a Democratic Constitutional Republic.

2. **Is there any division of government powers? If yes, please elaborate on their functions.**

Honduras is separated into three branches of government – the executive, the judicial, and the legislative branches. The president is the head of the executive branch, elected for a four-year term and not subject to re-election. The legislative branch is composed of a 128 member unicameral Congress elected for a four-year term. The independent judiciary is headed by a 15 member Supreme Court elected for a seven-year term by Congress.

3. **Which institutions and levels of government have legislative powers?**

The Congress has the power to promulgate laws and the executive power decrees and executes the laws.

4. **Who has the power to ratify treaties?**

According to the Honduran Constitution, any treaty or convention that the executive branch enters into must be approved by the Congress by  $\frac{3}{4}$  vote. If a treaty affects a constitutional provision, it must be approved through the same procedure that governs Constitutional reform before the executive branch may ratify the treaty. Overall, the Congress has the power to approve or disapprove international treaties signed by the executive branch, and the executive branch may ratify the treaties after such approval.

5. **Is there popular consultation as part of governing/legislative process?**

Article 5 of the Honduran Constitution establishes the referendum and plebiscite for matters of importance as mechanisms for consultation with citizens fundamental. It also provides that the referendum shall be convened on an ordinary law and that the plebiscite shall be convened when citizens are requested to pronounce on constitutional, legislative or administrative

aspects on which the constituted powers have not taken any prior decision.

6. **Has the country established one or several basin management agencies? Is it autonomous?**

At the domestic level, the General Water Law establishes in Article 19 the basin organizations that are the Basin Councils that integrate and represent the sub-basin and micro-basin councils, they are all instances of coordination and coordination of the actions of public and private agents involved in multisectoral management in the geographical area of the basin. They constitute community empowerment entities to ensure citizen participation.

7. **Does the country have transboundary water resources?**

Yes.

8. **Where transboundary water resources exist, is there an established international institution for basin management? Does it have any responsibility in relation to drinking water?**

Since 2006 there has been the Binational Management Group for the Goascoran River Basin (GGBCG) with El Salvador. However, its membership was initially restricted to some associations of municipalities and government institutions. Accordingly, its approach and legitimacy facing other basin stakeholders were limited. With regard to the legal regime, the Goascoran River Comprehensive Management Plan refers to the national legislation of both states, without highlighting the need for any binational agreement.

At a more local level, the Lityu River (Hond.) and Honduritas River (El Salv.) Micro-basin Councils were formed, creating capacities through a "learning by doing" approach. These experiences allowed adaptation actions to be up-scaled and strengthened the basin's governance.

The Goascorán river basin is shared between Honduras and El Salvador. Since 2011, project BRIDGE: Building River Dialogue and Governance has worked on promoting greater cooperation around transboundary



waters, implementing an unconventional approach to hydro-diplomacy.

Neither El Salvador nor Honduras have a special legal regime to regulate Goascorán River waters, and neither the Border Treaty nor the ICJ's ruling in 1992 address or resolve the issue. The Organization of American States (OAS) mediated and promoted agreements between the States. This led to the signing of the General Peace Treaty in the city of Lima in 1980. This Treaty defines and delimits, in perpetuity, seven non-controversial border areas, but leaves pending the delimitation of six other sectors including the Goascorán River. The resolution submitted to the ICJ comprised three aspects: (i) the land border dispute; (ii) the status of islands located in the Gulf of Fonseca; and (iii) the maritime space. None of these aspects refer to international waters.

B- The country is member of a regional integration organization?

**1. Which countries form part of this organisation?**

Honduras is a part of SWA (Sanitation and Water for All), which works through its partners, including governments, external support agencies, civil society organizations, the private sector, utilities and regulators and community-based organizations. Partners from six constituencies undertake the majority of activities. The SWA is a global partnership committed to achieving universal access to clean drinking water and adequate sanitation. Honduras is also part of the SICA (Central American Integration System), which aims to achieve the integration of Central America in order to make it a region of peace, freedom, democracy and development. The Parlacen (Central American parliament) is part of this system of integration and has the authority to regulate any social and political economic issue in the region

**2. Are the decisions of the organisation legally binding for the members?**

Decisions are mandatory for members. SWA is more collaborative and guidance.

**3. What is the mandate of the organisation?**

See Question B1.

**4. Does the regional organisation have the authority to regulate or make decisions which affect water, sanitation and a healthy environment? Are there any mechanisms for enforcement?**

The Council of Ministers make decisions by means of the following instruments: (i) resolutions, which shall serve to resolve internal affairs of the ministries of the sector in relation to the functioning of the organs and the monitoring of institutional policies of integration; (ii) regulations, which shall be generally binding in all their elements and shall be directly applicable in all States; and (iii) agreements, which shall be specific or individual in nature and shall be binding on the addressees and the recommendations that contain guidance and suggestions, which will serve to prepare for the issuance of resolutions, regulations or agreements.

In Article 12, the Council of Ministers for Foreign Affairs, which is the coordinating body of this Council (Article 16) issue its decisions on the matters expressed and indicated in the Tegucigalpa Protocol, and that in the exercise of this functions will be aware of the proposals emanating from the mandates of the Councils of Ministers of the sector. This will be submitted to the Meeting of Presidents with his observations and recommendations.

C- Within the framework of sustainable development, a parliamentary function intends to contribute to the gradual and progressive construction of the Central American Union. C- Water governance and administration:

**1. What is the structure of the government water administration (provide relevant organizational charts whenever available) and what power, role and responsibilities does the Government have at each level?**

**a. At national/federal level?**

Federal Agencies

- b. **At the intermediate level (state, river basin, other)**  
River Basins
- c. **At the local level?**  
Municipalities

2. **Which government ministries/agencies are directly or indirectly involved in governance of water and sanitation and a healthy environment?**

Article 7 of the General Water Law provides that the Secretariat of State in the Offices of Natural Resources and Environment (SERNA) is responsible for the management and sectoral management of water resources, whose organizational framework is as follows:

- 1) The National Water Resources Council;
- 2) The Water Authority (The National Institute of Water Resources and Regional agencies)
- 3) Basin, user and advisory bodies.

CONASA (National Council for Drinking Water and Sanitation) is also a relevant body. It was created in 2003 by Executive Decree 118-2003.

Additional relevant governing bodies include the following:

- **SANAA:** National Autonomous Service of Aqueducts and Sewers
- **ERSAPS:** Regulatory Entity of Drinking Water Services and Sanitation (also known as the Regulatory Entity in certain government documents)
- **SERNA:** Secretary of Natural Resources and the Environment
- **CNRH:** National Council of Water Resources
- **INRH:** National Institute of Water Resources
- **Water Authority:** a decentralized body the public administration attached to the Secretariat of State in the Natural Resources and Environment Bureaus.

Other water and sanitation governing bodies include:

1. The National Resources of the Secretariat;
2. Municipalities; and
3. The Water Management Boards

3. **Which national government agency is responsible for the environment? What are its responsibilities with respect to water?**

The Honduras Secretary of Natural Resources and Environment (SERNA) is responsible for the formulation of environmental policies and implementation of the Multilateral Environmental Agreement. SERNA is responsible for managing water and reducing poverty through management of water resources and promoting sustainable development.

4. **Which national government agency is responsible for drinking water? What are its responsibilities?**

CONASA, the national council for drinking water and sanitation and the regulatory body for drinking water and sanitation services, is responsible for drinking water.

CONASA has the following responsibilities: (1) to formulate and approve policies in the drinking water and sanitation sector; (2) to develop national drinking water and sanitation strategies and plans; (3) to define sectoral objectives and targets related to drinking water and sanitation services; (4) develop the investment program for the sector, at the urban and rural levels, and coordinate with the relevant agencies, especially the municipalities, the financial mechanisms and activities related to drinking water and sanitation projects; (5) to serve as a coordinating and coordinating body for the activities of the various public or private institutions, related to technology, training, improvement of the service and conservation of water sources, and to channel their economic contributions; (6) to promote spaces for dialog with the participation of the sectors of society; (7) to develop the methodology for establishing

the economic valuation of water; (8) and, others established by the Framework Law.

Article 16 of the General Water Law establishes municipalities, as holders of drinking water and sanitation services, to arrange the form and conditions of provision of such services in their respective jurisdiction, observing the provisions of this Law and other applicable norms.

Article 17 of the General Water Law provides that the Water Management Boards and Community Organizations shall have preference in granting municipal

authorization for the total or partial operation of drinking water and sanitation services in their respective community.

The National Autonomous Service of Aqueducts and Sewers (SANAA), which according to Article 22 of the regulation of the Framework Law, is a technical body of support to the sector, that is, to the municipalities as well as to the water boards.

5. **Which national government agency is responsible for sanitation? What are its responsibilities?**

CONASA and municipalities.

## CHAPTER 2: INTERNATIONAL AND REGIONAL TREATIES

1. What international or regional treaties has the country ratified? Please insert the date of the signature/ratification/accession.
2. What declaration or reservation has the country entered to these instruments?

### A. Regional Multilateral/Bilateral Treaties

See Chapter 2 Part C.

### B. International Treaties

*Table 2. International binding instruments*

#### **United Nations<sup>11</sup>**

Instruments	Signature	Accession / Ratification
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	13/04/1954	15/06/1993
Convention relating to the Status of Stateless Persons	28/09/1954	18/12/2012
Convention on the Reduction of Statelessness		18/12/2012
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment		23/05/2006
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	08/12/2004	23/05/2006
International Convention against the Taking of Hostages	11/06/1980	01/06/1981
International Convention on the Elimination of All Forms of Racial Discrimination		10/10/2002
Convention on the Prevention and Punishment of the Crime of Genocide	22/04/1949	05/03/1952
Convention Relative to the Fight against Discrimination in Education		05/09/2013
Convention relating to the Status of Refugees		23/03/1992
Protocol relating to the Status of Refugees		23/03/1992
Convention on the Elimination of All Forms of Discrimination against Women [Article 14.2 is explicitly related to the right to water and sanitation]	11/06/1980	03/03/1983
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families		09/08/2005
International Covenant on Economic, Social and Cultural Rights [Articles 11 and 12 are implicitly related to the right to water and sanitation]	19/12/1966	17/02/1981
Optional Protocol to the International Covenant on Economic, Social and Cultural		16/01/2018

<sup>11</sup> See [UN Treaty Collection, Multilateral Treaties Deposited with the Secretary-General](#).

Instruments	Signature	Accession / Ratification
Rights		
International Covenant on Civil and Political Rights [Article 11 is implicitly related to the right to water and sanitation]	19/12/1966	25/08/1997
First Optional Protocol to the International Covenant on Civil and Political Rights	10/05/1990	07/06/2005
Second Optional Protocol to the International Covenant on Civil and Political Rights	10/05/1990	01/04/2008
Convention on the Rights of Persons with Disabilities [Article 28 is explicitly related to the right to water and sanitation]	30/03/2007	14/04/2008
Optional Protocol to the Convention on the Rights of Persons with Disabilities	23/08/2007	16/08/2010
Convention on the Rights of the Child [Article 24 is explicitly related to the right to water and sanitation]	31/05/1990	10/08/1990
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict		14/08/2002
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography		08/05/2002
International Convention for the Protection of All Persons from Enforced Disappearance	06/02/2007	01/04/2008
Convention on the Privileges and Immunities of the United Nations		16/05/1947
Convention on the Privileges and Immunities of the Specialized Agencies		16/08/2012
Vienna Convention on Diplomatic Relations		13/02/1968
Single Convention on Narcotic Drugs		16/04/1973
Convention on psychotropic substances		23/05/2005
Single Convention on Narcotic Drugs, 1961, as amended by the Protocol amending the Single Convention on Narcotic Drugs, 1961		08/08/1979
United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	20/12/1988	11/12/1991
International Opium Convention	11/12/1946	29/08/1913
Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs	11/12/1946	
United Nations Convention on Contracts for the International Sale of Goods		10/10/2002
United Nations Convention on International Bills of Exchange and International Promissory Notes		08/08/2001
United Nations Convention on the Use of Electronic Communications in International Contracts	16/01/2008	15/06/2010
Convention concerning Customs Facilities for Touring	15/06/1954	
Additional Protocol to the Convention concerning Customs Facilities for Touring, relating to the Importation of Tourist Publicity Documents and Material	15/06/1954	
Customs Convention on the Temporary Importation of Private Road Vehicles	15/06/1954	
Convention on Road Traffic		03/02/2020
International Convention on Maritime Liens and Mortgages		17/05/2019
Convention on the International Maritime Organization	13/04/1954	23/08/1954

Instruments	Signature	Accession / Ratification
Amendments to the Convention on the International Maritime Organization (institutionalization of the Facilitation Committee)		30/08/2002
Amendments to the Convention on the International Maritime Organization		26/10/1999 13/07/2022
Convention on a Code of Conduct for Liner Conferences		12/06/1979
International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations		16/11/1989
Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms		16/11/1989
International Convention for the Suppression of the Financing of Terrorism	11/11/2001	25/03/2003
United Nations Convention against Transnational Organized Crime	14/12/2000	02/12/2003
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime		01/04/2008
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime		18/11/2008
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime		01/04/2008
United Nations Convention against Corruption	17/05/2004	23/05/2005
International Convention Against the Recruitment, Use, Financing and Training of Mercenaries		01/04/2008
Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents		29/01/2003
Convention on the Safety of United Nations and Associated Personnel	17/05/1995	
International Convention for the Suppression of Terrorist Bombings		25/03/2003
United Nations Convention on the Law of the Sea	10/12/1982	05/10/1993
Convention on the Recognition and Enforcement of Foreign Arbitral Awards		03/10/2000
United Nations Convention on International Settlement Agreements Resulting from Mediation	07/08/2019	02/09/2021
Vienna Convention on the Law of Treaties	23/05/1969	20/09/1979
Convention relating to the distribution of programme-carrying signals transmitted by satellite		07/01/2008
Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations		25/02/1999
Convention on the prohibition of military or any other hostile use of environmental modification techniques		16/08/2010
Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (with Protocols I, II and III)		30/10/2003
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction	13/01/1993	29/08/2005

Instruments	Signature	Accession / Ratification
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	03/12/1997	24/09/1998
Convention on Cluster Munitions	03/12/2008	21/03/2012
United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa	22/02/1995	25/06/1997
Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade		26/09/2011
Stockholm Convention on Persistent Organic Pollutants	17/05/2002	23/05/2005
Minamata Convention on Mercury	24/09/2014	22/03/2017
Vienna Convention for the Protection of the Ozone Layer		14/10/1993
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal		27/12/1995
United Nations Framework Convention on Climate Change	13/06/1992	19/10/1995
Kyoto Protocol to the United Nations Framework Convention on Climate Change	25/02/1999	19/07/2000
Convention on Biological Diversity	13/06/1992	31/07/1995
Cartagena Protocol on Biosafety to the Convention on Biological Diversity	24/05/2000	18/11/2008
Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity	01/02/2012	12/08/2013

### International Labour Organization<sup>12</sup>

The name of the instrument	Place of subscription	Date of ratification / accession
Convention No. 29 - ILO on Forced Labour	Geneva, Switzerland	21/02/1957
Convention No. 81 – ILO on Labour Inspection	Geneva, Switzerland	06/05/1983
Convention No. 87 - ILO concerning Freedom of Association and Protection of the Right to Organise	Geneva, Switzerland	27/06/1956
Convention No. 98 - ILO on the Application of the Principles of the Right to Organize and Collective Bargaining	Geneva, Switzerland	27/06/1956
Convention No. 100 - ILO concerning Equal Remuneration between Men and Women's Labour for Work of Equal Value	Geneva, Switzerland	09/08/1956
Convention No. 105 - ILO concerning the Abolition of Forced Labour	Geneva, Switzerland	04/08/1958
Convention No. 111 - ILO on Discrimination in Respect of Employment and Occupation	Geneva, Switzerland	20/06/1960

<sup>12</sup>See [International Labor Organization, Ratifications for Honduras.](#)

<b>The name of the instrument</b>	<b>Place of subscription</b>	<b>Date of ratification / accession</b>
Convention No. 122 - ILO on Employment Policy	Geneva, Switzerland	09/06/1980
ILO Convention No. 138 concerning the Minimum Age for Admission to Employment	Geneva, Switzerland	09/06/1980
ILO Convention No. 144 Tripartite Consultation (International Labour Standards)	Geneva, Switzerland	12/06/2012
Convention Number 169 - ILO on Indigenous and Tribal Peoples in Independent Countries	Geneva, Switzerland	28/03/1995
Convention No. 182 - ILO on the Worst Forms of Child Labour and Immediate Action for its Elimination	Geneva, Switzerland	20/09/2001

### Other International Treaties

<b>The name of the instrument</b>	<b>Place of subscription</b>	<b>Date of ratification / accession</b>
Convention for the Improvement of the Condition of the Wounded and Sick in the Armed Forces in the Field	Geneva, Switzerland	31/12/1965
Convention for the Improvement of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea	Geneva, Switzerland	31/12/1965
Convention relative to the Protection of Civilian Persons in Time of War [Article 85, Article 89(3) and Article 127(2) are explicitly related to the right to water and sanitation]	Geneva, Switzerland	31/12/1965
First Optional Protocol to the Convention relative to the Protection of Civilian Persons in Time of War [Articles 54 and 55 are explicitly related to the right to water and sanitation]	Geneva, Switzerland	08/06/1977
Second Optional Protocol to the Convention relative to the Protection of Civilian Persons in Time of War [Articles 5 and 14 are explicitly related to the right to water and sanitation]	Geneva, Switzerland	08/06/1977
Convention Relating to the Treatment of Prisoners of War [Articles 20, paragraph 2, 26, paragraph 3, 29 and 46, paragraph 3 are explicitly related to the right to water and sanitation]	Geneva, Switzerland	31/12/1965
Central American Water Convention		11/08/2006



## C. Regional

Table 3. Regional instruments

### **Organization of American States<sup>13</sup>**

<b>Instrument</b>	<b>Participating States</b>	<b>Entry into force</b>
Inter-American Treaty of Reciprocal Assistance (Rio Treaty)	Argentina, The Bahamas, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Panama, Paraguay, Peru, Trinidad and Tobago, United States, Uruguay, Venezuela	15/01/1948
American Treaty on Pacific Settlement (Pact of Bogota)	Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay	13/01/1950
Protocol to the Convention on Duties and Rights of States in the Event of Civil Strife	Argentina, Brazil, Costa Rica, Cuba, Dominican Republic, El Salvador, Haiti, Honduras, Peru, United States	30/06/1960
Protocol of Amendment to the Convention on the Inter-American Institute of Agricultural Sciences	Argentina, Bolivia, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States, Uruguay, Venezuela	30/06/1960
Convention to Prevent and Punish the Acts of Terrorism Taking the Forms of Crimes Against Persons and Related Extortion that are of International Significance	Bolivia, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States, Uruguay, Venezuela	30/04/2004
Inter-American Convention on International Commercial Arbitration	Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States, Uruguay, Venezuela	08/01/1979
Inter-American Convention on Letters Rogatory	Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States, Uruguay, Venezuela	08/01/1979
Inter-American Convention on the Legal Regime of Powers of Attorney to be used Abroad	Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela	08/01/1979
Inter-American Convention on the Taking of Evidence Abroad	Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela	08/01/1979

<sup>13</sup>See [Organization of American States, Inter-American Treaties](#).

Instrument	Participating States	Entry into force
Inter-American Convention on Conflict of Laws Concerning Checks	Bolivia, Chile, Costa Rica, Ecuador, Guatemala, Honduras, Panama, Paraguay, Peru, Uruguay	08/01/1979
Inter-American Convention on Conflict of Laws concerning Bills of Exchange, Promissory Notes, and Invoices	Argentina, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, Uruguay, Venezuela	08/01/1979
Convention on the Protection of the Archeological, Historical, and Artistic Heritage of the American Nations (Convention of San Salvador)	Argentina, Bolivia, Brazil, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Peru	15/04/1983
Convention on the Inter-American Institute for Cooperation on Agriculture	Antigua y Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haití, Honduras, Jamaica, México, Nicaragua, Panamá, Paraguay, Perú, Dominican Republic, St. Kitts & Nevis, St. Lucia, Suriname, Trinidad & Tobago, United States, Uruguay, Venezuela	11/12/1979
Inter-American Convention on Conflict of Laws Concerning the Adoption of Minors	Belize, Brazil, Chile, Colombia, Dominican Republic, Honduras, Mexico, Panama, Uruguay	07/07/2008
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador	Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay, Venezuela	14/09/2011
Inter-American Convention on Mutual Assistance in Criminal Matters	Antigua & Barbuda, Argentina, Bahamas, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Czech Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Honduras, Jamaica, Kazakhstan, Mexico, Mongolia, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad & Tobago, Ukraine, United States, Uruguay, Venezuela	14/09/2011
Optional Protocol related to the Inter-American Convention on Mutual Assistance in Criminal Matters	Brasil, Chile, Colombia, Czech Republic, Ecuador, Estados Unidos, Honduras, Paraguay, Ukraine	25/09/2006
Inter-American Convention on International Traffic in Minors	Argentina, Bolivia, Belize, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela	23/10/2008
Inter-American Convention Against Corruption	Antigua & Barbuda, Argentina, Bahamas, Barbados, Bolivia, Belize, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica,	25/05/1998

Instrument	Participating States	Entry into force
	Mexico, Nicaragua, Panama, Paraguay, Peru, St. Kitts & Nevis, St. Lucia, St. Vincent & Grenadines, Suriname, Trinidad & Tobago, United States, Uruguay, Venezuela	
Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials	Antigua & Barbuda, Argentina, Bahamas, Barbados, Bolivia, Belize, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, St. Kitts & Nevis, St. Lucia, St. Vincent & Grenadines, Suriname, Trinidad & Tobago, Uruguay, Venezuela	13/10/2004
Inter-American Convention Against Terrorism	Antigua & Barbuda, Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad & Tobago, United States, Uruguay, Venezuela	22/09/2004
American Convention on Human Rights [Article 11 is implicitly related to the right to water and sanitation]	Bahamas, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Ecuador, El Salvador, Grenada, Guatemala, Haití, Honduras, Jamaica, México, Nicaragua, Panamá, Paraguay, Perú, Dominican Republic, Suriname, Trinidad & Tobago, Uruguay, Venezuela	05/09/1977
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights [Article 11 and Article 12 are implicitly related to the right to water and sanitation]	Argentina, Bolivia, Chile, Costa Rica, Dominica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay, Venezuela	14/09/2011
Inter-American Convention to Prevent and Punish Torture	Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay, Venezuela	Signed, but not ratified
Protocol to the American Convention on Human Rights concerning the Abolition of the Death Penalty	Argentina, Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Uruguay, Venezuela	14/09/2011
Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women	Antigua & Barbuda, Argentina, Bahamas, Barbados, Bolivia, Belize, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Mongolia, Nicaragua, Panama, Paraguay, Peru, St. Kitts & Nevis, St. Lucia, St. Vincent & Grenadines, Suriname, Trinidad & Tobago, United States, Uruguay, Venezuela	04/07/1995

Instrument	Participating States	Entry into force
Inter-American Convention on the Granting of Political Rights to Women	Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad & Tobago, United States, Uruguay, Venezuela	07/09/1955
Inter-American Convention on the Granting of Civil Rights to Women	Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, St. Lucia, St. Vincent & Grenadines, Suriname, Uruguay, Venezuela	07/09/1955
Inter-American Convention on Forced Disappearance of Persons	Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela	28/04/2005
Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities	Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela	14/09/2011

## CHAPTER 3: DOMESTIC LEGISLATION ON WATER

### A. Water law

#### 1. Is the right to water mentioned in the Constitution?

Yes, Article 145 of the Constitution provides that “[t]he right to the protection of one's health is hereby recognized. It is everyone's duty to participate in the promotion and preservation of individual and community health. The State shall maintain a satisfactory environment for the protection of everyone's health. Consequently, access to water and sanitation are declared to be a human right. Their enjoyment and use shall be equitable with preference to human consumption. Therefore, the preservation of sources of water is guaranteed such that they shall not put life and public health at risk.”

#### 2. Is the right to sanitation mentioned in the Constitution?

Yes, in Article 145 of the Constitution.

#### 3. Does the Constitution otherwise reference water and sanitation?

No, it only mentions sanitation.

#### 4. Is there a water code or a law specific to water resources? Please specify.

The National Water Policy of Honduras implemented by SERNA (Secretariat of Natural Resources and Environment)

<http://conasa.hn/politica-nacional-y-financiera/>

CONASA is the official representative of the Government of Honduras in the field of drinking water and sanitation, nationally and internationally, with the functions of formulating and approving the sector's national policy, developing strategies, and plans coordination and coordination of the activities of the various public or private institutions linked to the topic of drinking water and sanitation.

Water planning is managed through the Nation Plan, the National Water Plan or sectoral master plan for water resources, and water plans by basin. The National Water Plan shall be approved by the executive branch with the agreement of the

President of the republic (article 82 of the water law).

See also the National Forest, Protected Areas and Wildlife Policy PRONAFOR 2013-2022.

See Agreement No. 14/11 – National Watershed Management Strategy Manual of May 17, 2011.

#### 5. Is there national strategy / policy, action plan or similar document on water? Does it include the management of wastewater and sanitation?

Yes, please see the following below:

Framework Law and Regulation of the Drinking Water and Sanitation Sector Law of Municipalities, renovations and regulations.

General Law on the Environment, Decree 104-93. 4-Country Vision Law 2010-2038.

Nation Plan 2010-2022.

Law on Territorial Planning Decree 180-2003, and its regulations.

Forestry, Protected Areas and Wildlife Law.

Administrative Simplification Act. Decree 255-2002.

General Water Law. Decreto 181-2009.

Citizen Participation Law, Decree 3-2006.

Regulation to regulate the use of AP, AS and storm systems.

National Quality System Act. Decree 29-2011.

Executive Decree PCM-001-2014, which creates the AYS Community Development Institute (IDECOAS).

Law Constitutive of the Autonomous National Service of Aqueducts and Sewer (SANAA) of May 9, 1961. Decree No 91-1961.

Law on the protection of the Lake of Yojoa Hondulago basin of May 31, 2007. Decree No 46/07.

Law on the Social Fund for Housing (FOSOVI) of 13 November 1991 (Decree No 167/91).

#### 6. Are there any other major regulations, decrees, orders, circulars, or similar official documents (such as pricing, water policing, utility easements, public domain occupation...etc.) related to the rights to

**water and sanitation?**

N/A – see also [THE POLITICS OF HONDURAS WATER INSTITUTIONAL REFORM \(diva-portal.org\)](#)

**B. Environmental law**

1. **Is the right to a healthy environment mentioned in the Constitution?**  
Yes, it is mentioned in Article 145 of the Constitution.
2. **Does the Constitution otherwise reference a safe, clean and healthy environment?**  
No.
3. **Is there an environmental code or law that references water?**  
See above.
4. **Is there a national strategy, policy, action plan or similar document on the environment?**  
See above.
5. **Are there any other major regulations, decrees, orders, circulation or similar documents related to the right to a healthy environment (such as resource consents, public domain occupation etc)?**  
N/A.

**C. Extraction and/or use of water**

1. **Does the legislation regulate the right to abstract water? (Surface, groundwater etc.)?**  
The law establishes that the use, exploitation, development, applications and any other form of water resource use, as well as the exploitation or utilization of ecosystems and related resources shall be administered by the State through the Water Authority and according to the General Water Law.
2. **Does the legislation distinguish between the extraction of drinking water and water for other uses?**  
Yes. In Title V on water use, Article 60 states that no special permit shall be required for the use of water in common uses, nor for beneficial family purposes on areas not exceeding one hectare and with consumption not exceeding 0.06 per second, that it does not cause harm to third parties, where public systems are not installed. It

then makes clear that common uses are those that aim at satisfying primary, subsistence needs, including drinking and human hygiene and other domestic uses such as plant irrigation, washing clothes and utensils, and burning home animals.

3. **Is the right to use water connected to land ownership?**

Articles 25 and 26 provide that underground aquifers are in the public domain and that this does not prejudice the property rights.

4. **Are permits/licenses required for water use (e.g. domestic, agricultural, industrial)?**

The General Water Law mentions groundwater development, and says it will be subject to studies and research, regulatory plans and water zoning maps to maintain the proper water balance and quality of these aquifers. There is a regulation of the law which refers to exploitation for commercial and industrial use.

A permit must be granted by the Water Authority, with prior authorization from the city hall.

There are also subordinated grants, which is when the permit holder grants the exploitation rights to a legally recognized user organization, composed of a plurality of natural or legal persons using one or more water sources in common.

Article 66 provides that all rights will be granted through permits, licenses, and concessionaires at the request of interested party or through competition. It adds the same article that no right may be granted that damages legitimately granted uses that affect the balance between recharge and extractions of surface and groundwater, aquifers or limit the use of water for human consumption.

5. **Can permits/licenses be suspended? Under what circumstances?**

Article 76 of the General Water Law provides “[t]o carry out repairs, prevent or remedy the overexploitation of aquifers, protect or restore an ecosystem, preserve water sources, protect them against pollution, by scarcity or extraordinary drought, to preserve or care for the quality of water, by

force majeure, to protect the health of people and to allocate it to consumption. The right can also be revoked without compensation when there is inadequate use of water, non-payment for three continuous months, use of water in a different use for which it was granted or in volumes higher than authorized, for pouring contaminants into water courses or reservoirs, for repeated violations.”

**6. Can water abstraction licenses be transferred? Is transferability subject to restrictions?**

Rights granted for a given use may not be used for other uses without proper authorization. Where permitted, the owner of such property rights may transfer them in whole or in part between individuals for the same use and purpose, without, therefore, causing prejudice to the public interest, the environment or third parties.

**7. Are there priorities in the allocation of water for different uses?**

Yes. Article 3 of the General Water Law establishes that human consumption has a preferential and privileged relationship over other uses.

**8. Are there any regulations for monitoring the volume of water extracted from groundwater?**

There are no other regulations for monitoring the volume of water extracted from groundwater aside from the General Water Law.

**9. Are there any restrictions for releasing contaminants/pesticides/fertilisers/farm animal effluent/industrial waste or other pollutants to rivers, lakes, seas, or groundwater?**

There are no restrictions described above aside from those found in the Framework Law.

## CHAPTER 4. THE HUMAN RIGHTS TO WATER AND SANITATION & SDG 6 TARGETS<sup>14</sup> including elements of the Human Right to a Healthy Environment

### A. Availability and accessibility (SDG 6.1, 6.2, 6.4)

1. **What laws or regulations ensure that a minimum essential level of water is available to all?**

N/A<sup>15</sup>

2. **What are the standards/policies on the amount of water to be made available?**

N/A<sup>16</sup>

3. **In cases where water is not available on premises, what mechanisms are in place to ensure collection times do not exceed 30 minutes including wait times and queuing?**

N/A

4. **Does the law ensure continuous supply of water for all?**

Article 1 of the Framework Law provides that the provision of services shall be governed by the principles of quality, equity, solidarity, continuity, generality, environmental respect, and citizen participation (emphasis added). Continuity is understood, per Article 6, to mean “qualities of drinking water and sanitation services provided on a continuous basis and accessible to all users.” Nevertheless, regulations reflect the reality that water is not continuously provided 24 hours a day for all. While metropolitan and urban services providers are required to provide water 24 hours a day, rural service providers are not. *Compare* Articles 3.4.3,

6.4.3, and 9.4.2 of the ERSAPS Service Quality Regulation.

5. **In instances where water availability is not continuous, what measures are implemented?**

Article 9.4.2 of the ERSAPS Service Quality Regulation provides that in rural areas (the only area where service may not be continuous 24 hours of the day), potable water must be continuous for no less than 8 hours a day. Article 22 of ERSAPS Regulation No. 1/2006 also notes that water services are rendered under special conditions, including through public fountains and water tankers in areas without established water supply networks. Reporting indicates that water is provided 24 hours a day in about 60% of rural water systems.<sup>17</sup> Additionally, when metropolitan and urban users submit a claim for “lack of water” (*i.e.*, the quantity of potable water provided is less than the amount needed to satisfy “normal requirements of water consumption”) service providers must resolve the concern within 2 days. Articles 3.7(g), 6.7(g) of the ERSAPS Service Quality Regulation

6. **How is water supply availability ensured for marginalized and vulnerable groups, e.g., economically challenged or less developed rural areas?**

Article 36 of the Framework Law provides

<sup>14</sup> See Table of the Targets and Indicators of SDG 6 page 9

<sup>15</sup> The 2018 survey had the following response as an answer to this question: “Se tienen en cuenta los 20 litros por persona por día que establece la Organización Mundial de la Salud (OMS) como mínimo esencial.” This, however, does not list laws or regulations ensuring a minimum level. We have not been able to find a minimum amount guarantee in the laws and regulations we have reviewed.

<sup>16</sup> Please note we have not been able to find laws, standards, or policies regarding the amount of water to be made available (#2) or ensuring waiting times do not exceed 30 minutes (#3). Nevertheless, the UN Sustainable Development Report demonstrates that 95.7% of the population in Honduras has “at least basic drinking water services” – this phrase means “the percentage of the population using at least a basic drinking water service, such as drinking water from an improved source, provided that the collection time is not more than 30 minutes for a round trip, including queuing.” Therefore it appears to be that these SDG targets are being substantially met, even though we cannot find the relevant policies supporting these initiatives. See SDG 6 at the [Sustainable Development Report, Honduras](#).

<sup>17</sup> See page 17 of [IRC, Achieving SDG 6 By Strengthening the WASH System in Honduras \(Aug. 2018\)](#).



that “verified” low income families are entitled to preferential rates. Articles 9-10.1.3.4 of the ERSAPS Service Quality Regulation provides standards and requirements regarding quality and services tailored for rural providers to ensure potable water and sanitation services are provided.

**7. Does the law/policy prioritize water for domestic uses over other uses?**

Article 3 of the Framework Law prioritizes human consumption over any other use of water.

**8. What are the grounds for disconnecting, interrupting or altering water supply and sanitation services (e.g., authorities may alter water supply in case of droughts or emergencies, in which cases are disconnections possible...)?**

Article 28 of the Framework Law allows service providers to disconnect unauthorized connections.

Article 13(9) of the ERSAPS Regulation No. 1/2006 allows providers to suspend services to users with two consecutive unpaid monthly bills.

Article 33 of the ERSAPS Regulation No. 27/2014 details 29 different circumstances in which providers may suspend services, including when users are violating environmental regulations, tampering with connections or meters, wasting drinking water, and connecting equipment to external connections without provider approval.

Finally, Articles 3.4.3(d), 6.4.3(h), and 9.4.2 of the ERSAPS Service Quality Regulation notes that “unforeseen interruptions, emergency interruptions or causes beyond the control of the provider shall not be regulated.”

**9. What are the procedural standards/criteria for permitting interruption, disconnection or alteration of water supply and sanitation services?**

Article 14(14) of the ERSAPS Regulation No. 1/2006 provides that scheduled outages, rationing of services, and variations in quality and continuity must be communicated to the

public no less than 48 hours in advance of the occurrence including with a stated cause, the estimated time of persistence, and the corrective measures that will be taken.

**10. Are alternative ways of water supply and sanitation services provided for in case of alteration of supply and/or service?**

While not specifically discussed as an alternative when supply and/or service is altered, Article 23 of the ERSAPS Regulation No. 1/2006 notes that providers may provide temporary water supplies through public fountains or tanks when requested by interested parties.

**11. Does law/policy provide guidance on: The number of water outlets?**

N/A

**The safety, distance and time from a dwelling or structure to reach water outlet or sanitation facilities (e.g., laws that specify water outlets must be available within a certain distance from a school or household)?**

N/A

**Technical safety of water outlets or sanitation facilities (e.g., law requiring that certain standards are applied in the construction of those facilities or of buildings)?**

While not discussed specifically in relation to water outlets or sanitation facilities, Article 27 of the ERSAPS Regulation No. 1/2006 notes that water supplies must comply with the quality standards established by local and national standards, regulations, ordinances and regulations at the point of delivery, without distinction as to the location of the point of delivery.

**12. Are there any standards that protect healthy natural water bodies to guarantee sustainable sources of water for drinking or other household uses?**

Articles 43-52 of the General Water Law empower the Water Authority to issue regulations and technical standards for any event that impairs the quantity and quality of water bodies. Articles 110 and 112 of the General Regulation of the Law of the Environment also lists throwing industrial waste into bodies of water such as rivers,

seas, lagoons, and lakes as a violation of the law subject to penalties and/or criminal infractions.

**13. Do groundwater sources and aquifers have an allocation of water volume protected from extraction to ensure long term sustainability?**

While not specifying an exact water volume, Article 48 of the General Water law requires the Water Authority to suspend, restrict, or condition the use of any water source if it is in danger of “depletion, degradation, or pollution.” Article 63 of the General Water law also subjects all groundwater development to “studies and research, regulatory plans and water zoning maps to maintain adequate water balance and quality.”

**14. Is there any provision in the law/policy for availability and accessibility of water and sanitation facilities in non-domestic places such as schools, hospitals, workplaces, prisons, refugee camps, etc.?**

Article 102 of the General Regulation of the Law of the Environment requires educational establishments to have supplies of drinking water, catchment cells, sanitary services or latrines with permanent maintenance in order to contribute to the development and formation of hygienic habits in the learners.

**B. Quality and safety (SDG 6.1, 6.2, 6.3)**

**1. Are there parameters of quality and safety for drinking water established under law?**

Article 2 of the Framework Law notes among its list of objectives, to guarantee water quality is safe for human consumption. Water quality is legally regulated by both the National Technical Standard for Drinking Water Quality and ERSAPS Service Quality Regulation. The National Technical Standard for Drinking Water Quality aims to protect public health by establishing adequate or maximum levels of water components or characteristics that may pose a risk to the health of the community and the preservation of water supply systems. The ERSAPS Service Quality Regulation furthers that aim by providing technical parameters

for drinking water and wastewater quality in metropolitan, urban, and rural areas.

**2. Is monitoring of drinking water quality or wastewater required by law/policy? If so, which actor is required to monitor it and how often (according to the law/policy)?**

According to Articles 1.2, 4.1.2, 7.1.2, and 10.1.2 of the ERSAPS Service Quality Regulation, providers must monitor drinking water and waste water quality and maintain records, which are subject to oversight by the relevant Municipal Control Body and ERSAPS. Frequency is not specified.

**3. Are there any regulations to control or monitor the quality of groundwater aquifers so that they do not become contaminated?**

Article 22(c) of the Health Secretary Regulation No. 6/2004 describes the powers and obligations of SANAA, which includes monitoring the quality of surface and groundwater. Article 66 of the General Water Law also prohibits the granting of permits, licenses, or concessions that affect the balance of surface and groundwater aquifers or limits the use of water for human consumption.

**4. Do laws/regulations include guidance on the safe construction of water and sanitation Infrastructure (e.g. to ensure no contact with excreta, ventilation, respect construction guidelines)?**

Article 24 of the Framework Law requires ERSAPS to ensure water providers have viable investments plans that will allow them to execute construction of necessary sanitation facilities and environmental protection projects in order to comply with the quality standards required for drinking water and sanitation services. Said environmental projects include those in the areas of basins, sub-basins and micro-basins where aquifers or surface or subsoil water sources are located and where effluent discharges occur.

**5. Do laws/regulations include requirements or guidance on safe emptying of latrines as well as safe treatment and disposal of treated sludge?**

N/A

**6. Do laws/regulations establish requirements on household water treatment and storage (e.g. quality requirement with respect to water containers, rainwater harvesting limitations, etc.)?**

N/A

**C. Water pollution control (SDG 6.3, 6.6)**

**1. Are there legislative provisions concerning waste disposal activities? Which authorities are responsible for monitoring to determine if waste has caused pollution of bodies of water?**

Articles 54 and 67-69 of the General Law of the Environment concern waste disposal activities. It is the responsibility of municipalities, in consultation with the Office of Health, to adopt a system for the collection, treatment, and final disposal of waste. Annex I of the ERSAPS Service Quality Regulation provides the mandatory technical standards for the discharge of wastewater to receiving bodies and sanitary sewer systems.

**2. Is there legislation which regulates the contamination of groundwater? How is it addressed in practice?**

Article 63 of the General Water Law regulates groundwater use, including its exploitation, and requires relevant studies be conducted prior to the granting of permits that would affect groundwater. Article 96 of the General Water Law makes it a violation to discharge substances which pollute or which may affect the quality and quantity of surface and groundwater, without authorization, or in violation of the authorization granted. The severity of the violation is determined by the Water Authority and can range from “minor infractions,” punishable by a fine of ten monthly wages, to “very serious infractions,” punishable by a fine of up to forty monthly wages. These fines are imposed without prejudice to the suspension of licenses and any criminal penalties available. Article 104 of the General Regulation of the Law of the Environment also makes it an environmental crime to discharge hazardous pollutants whose use is prohibited or untreated, into the seas of national jurisdiction, including

the maritime-terrestrial zone, or into inland and groundwater courses or reservoirs, including water supply systems to populations.

**3. Do laws/regulations provide constraints on the levels of nitrates and phosphates that are released into groundwater through agricultural land use?**

N/A

**4. Is permission required to discharge effluents? What are the criteria used for considering applications and granting permits?**

According to Articles 43-44 of the General Water Law, the Water Authority and municipalities are the entities that authorize wastewater dumping and other discharges into bodies of water. These articles prohibit discharges in certain areas (such as in the birth of water sources, “recharge areas,” and any areas close to drinking water facilities,) and requires the treatment of wastewater discharges resulting from domestic, agricultural, livestock and industrial activities. Beyond those constraints, the law does not otherwise specify what criteria guides the Water Authority and municipalities in granting discharge permits

**5. Can waste discharge permits be lost/suspended/modified during their lifespan? Under what circumstances? Is compensation payable?**

Permits to use water, including discharge therein, are subject to suspension and revocation, in accordance with Articles 74-76 of the General Water Law. Therein, the law provides instances in which rights can be suspended or revoked without compensation. Those instances include, among others, to protect or restore an ecosystem, to preserve or protect water sources from contamination, to protect the health of people, for improper use of water, for repeated infringements of related laws or regulations, and when pouring contaminants into water courses or reservoirs in violation of law.

**6. Are instances of pollution of water sources subject to penalties / fines? Which institution is in in charge of the**

**administration of the penalties?**

Article 104 of the General Law of the Environment makes it a crime to discharge hazardous contaminants whose use is prohibited or untreated, into the seas of national jurisdiction, including the maritime-terrestrial zone, or into the courses or reservoirs of inland and groundwater, including supply systems to populations. It also makes it a crime to infiltrate the soil or subsoil, wastewater or wastes having the same characteristics as those indicated, with hazardous contaminants that cause or may cause the death of one or more persons, or serious damage to human health or to the ecosystem in general.

Article 96 of the General Water Law makes it a violation to discharge substances which pollute or which may affect the quality and quantity of surface and groundwater, without authorization, or in violation of the authorization granted. The severity of the violation is determined by the Water Authority and can range from “minor infractions,” punishable by a fine of ten monthly wages, to “very serious infractions,” punishable by a fine of up to forty monthly wages.

Article 46 of the Framework Law establishes user infractions and lists among those the discharge of industrial wastewater without prior treatment, the dumping of wastes, effluents and objects not permitted in the sanitary sewer system, and the disposal of wastewater, in contravention of health standards and regulations.

Penalties and fines related to the General Water Law are imposed by the Water Authority and those related to the Framework Law are imposed by ERSAPS.

## D. Affordability (SDG 6.1)

**1. How does law/policy address affordability of water supply and sanitation services?**

ERSAPS Regulation No. 15/2015 provides the tariff regulatory framework in accordance with the tariff regime established by the Framework Law. The regulation sets out to create a tariff scheme that considers both the costs imposed by each user on the

system and social solidarity, in an attempt to guarantee the population’s access to potable water and sanitation services. While ERSAPS Regulation No. 15/2015 does not provide general policies regarding affordability, it does provide for “solidarity factors” that reduces costs for low-income users.

**2. What mechanisms must be established by law/policy to ensure affordability of water and sanitation services?**

N/A

**3. How are tariffs established and what is the process for updating these tariffs?**

Article 8 of the Health Secretary Regulation No. 6/2004 requires CONASA to carry out resource assessment studies and propose rates to be included in water tariffs in order to aid municipalities in carrying out environmental management actions and the protection of drinking-water watersheds. In this process priority is be given to those basins, whose production is exploited by populations that are larger or where the quality and quantity of the resource are more deteriorated or under threat of deterioration. According to Articles 3 and 4 of the ERSAPS Regulation No. 15/2015, ERSAPS is responsible for establishing rules, criteria, methodologies, procedures and calculation formulas for the design, approval and application of tariffs. Municipalities, as the service providers, are then responsible for defining and approving the tariff regime applicable in their jurisdiction and for approving the tariffs in accordance with the provisions of the Regulation. Chapter III of the ERSAPS Regulation No. 15/2015 provides further details on how users are categorized and how tariffs are imposed.

**4. Does the tariff vary depending on the regions/circumstances?**

Article 36 of the Framework Law and Articles 9 and 15 of the ERSAPS Regulation No. 15/2015 provide that low-income families, verified through socioeconomic studies, are entitled to preferential rates that reduce costs as long as the condition of social vulnerability exists.

**5. Which actors are responsible for and involved in setting and/or approving tariffs**

**for water supply and sanitation services?**

CONASA and ERSAPS both play a role in setting tariffs. Municipalities are responsible for approving. See Question D(3) for further details.

6. **Is disconnection from water supply and sanitation services for non-payment allowed? What procedures must be followed in such cases prior to disconnecting the supply and service? Are there any further consequences (other than shutoffs) for bill non-payment?**  
Article 13(9) of the ERSAPS Regulation No. 1/2006 allows providers to suspend services to users with two consecutive unpaid monthly bills.]

## E. Acceptability (SDG 6.1, SDG 6.2)

1. **Is there provision in the law or contracts with service providers that relate to the need to take into account cultural and social dimensions of acceptability (e.g. colour or odour of water, or the positioning of a facility)?**

Annex I (“Drinking Water Quality Parameters”) of the ERSAPS Service Quality Regulation provides water colour parameter that providers must abide by. Further, Articles 3.7(h), 6.7(h) require service providers to resolve within a maximum of 2 days, any customer water quality claims relating to “inappropriate organoleptic characteristics” (i.e., unpleasant or atypical taste or odor, or abnormal color).

2. **Is there provision in the law or contracts with service providers that relate to the need to ensure dignity and privacy (e.g., in workplaces, but also in the design of shared sanitation facilities for certain communities)?**

N/A

3. **Is there provision in the law or contracts with service providers that relate to the need to ensure that people affected by the service do not suffer from a reduction in the health of their environment?**

N/A

## F. Non-discrimination, equality, and universal access (SDG 6.1, 6.2)

1. **Is there any legislation about the prohibition of direct and indirect discrimination (on all grounds) and promotion of equality in accessing water and sanitation services?**

Article 3 of the General Water Law requires the management of water resources to conform to a list of principles, among those the principle that “water is a social resource, its access will be equitable.” Article 6 of the Framework Law provides that treatment of users should be guided by the principles of “equality, equity, and solidarity.” Article 13 of the Framework Law also empowers ERSAPS to investigate and punish illegal or discriminatory conduct among providers and users alike. Finally, Article 14(10) of the ERSAPS Regulation No. 1/2006 requires service providers to “establish efficient mechanisms for the resolution of conflicts that may arise with users, who should receive respectful and non-discriminatory treatment.”

2. **Is there provision in the law or contracts with service providers that relate to the need to ensure that people affected by the service do not suffer from a reduction in the health of their environment?**

N/A

3. **Are there any legal measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities?**

N/A

4. **Is there any legal recognition for women in the empowerment, leadership, decision-making and full, equal and meaningful participation of women and girls, and the role that women play as managers, leaders and defenders of natural resources and agents of change in safeguarding the environment and water resources?**

N/A

## G. Right to information, Transparency (SDG 6.b)

### 1. **Is there any specific legislation about the right to seek, receive and impart information held by public authorities? Does the law expressly set out the right to seek, receive and impart information on water related issues?**

Article 25(2) of the Framework Law provides users the right to receive information on the provision of services, rate regime and collection, plans of expansion and improvement of services and any other circumstance that may be of interest to a user, in a sufficiently detailed manner to allow the exercise of their rights as a user. Further, Article 44 notes that refusal to provide information to users is considered a provider infraction and subject to penalties. Article 51 of the ERSAPS Regulation No. 27/2014 requires providers to create and maintain a user service office, independent of the business area, to receive, record, process and respond to all verbal or written requests and claims submitted by users in connection with the services it provides. The user service office must have appropriate infrastructure and sufficient and trained personnel to provide adequate information and prompt attention to queries and claims.

### 2. **Does the right to information require the payment of a fee? Is there a provision on the affordability of such fee?**

The right to information does not require a payment of a fee.

### 3. **Are there any exceptions with regard to who or what type of water and environment related information held by public authorities can be accessed?**

The various water- and sanitation-related laws and regulations referenced do not provide explicit exceptions to the type of information that can be accessed. As to who can access information, the Framework Law and various ERSAPS Regulations speak of the right to information as a right possessed by the users of water and sanitation services.

In relation to environment-related information, the General Regulation of the Law of the Environment provides individuals

the right to be “informed about the state of the environment and all actions taken in this field.” (Article 90). No exceptions are provided in this Regulation.

### 4. **Which institutions are required by law/policy to make information on water public? Does it reference only the right to access information or also the obligation to make public such information on water related issues (e.g., are institutions obligated to provide information only upon demand, or are they obligated to publish or make available information at certain periodic intervals, on the occurrence of certain circumstances, etc.)?**

Article 13 of the Framework Law requires ERSAPS to “maintain a public record of the information presented by the providers and of the information generated on the technical, economic and operational aspects of the provision of services.” Article 25 of the Framework Law also empowers water and sanitation users with the right to “receive information on the provision of services, rate regime and collection, plans of expansion and improvement of services, and any other circumstance that may be of interest to [the user], in a sufficiently detailed manner to allow the exercise of [users] rights.” These articles, however, do not provide requirements for periodic publication. As such, these rights appear to be a right to access information.

### 5. **Are there requirements in relation to the language, locations, format, timing and means used for providing water and environment related information to the public? What mechanisms are in place to ensure information is made available to all including to minorities?**

Article 51 requires that the rights and obligations of water and sanitation users, including their right to information, be “widely disseminated, through posters, internet portals, media, notices placed on public access sites within the provider’s facilities and especially in the user’s attention offices.”

### 6. **Are there any mechanisms to ensure that education on the importance of a healthy**

**environment is included in school curricula, and that the link is made with sustainable drinking water supplies?**

While not explicitly related to a healthy environment, Chapter II (Articles 93-102) of the General Regulation of the Law of the Environment focuses on environmental education. Article 93 establishes environmental education “as a fundamental instrument to promote the integral development of the Honduran population.” Articles 94 and 95 requires SERNA to “promote, support and facilitate the integration of education on natural resources and the environment through the national environmental education system” and propose related curricula. The curricula is intended to not only further knowledge of nature but also “sensitize the population in the formation of civic and moral values, the protection and orderly use of natural resources and the preservation of the environment.”

**7. Are there any legal provisions requiring certain authorities to educate the population on water related issues?**

While not specifically confined to water related issues, environmental regulations require Honduran agencies to educate the population on nature and conservation. Article 13(h) of the General Regulation of the Law of the Environment requires SERNA to “promote awareness programs aimed at the different sectors of society, with the aim of integrating them voluntarily in activities for the protection and conservation of the environment and natural resources.” Article 89 also requires SERNA to “*promote the conclusion of agreements with the mass media for the dissemination, information and promotion of ecological actions.*”

**8. Are there any requirements in relation to access to information in contracts with water and sanitation operators?**

See Question G(1) above, as those requirements all relate to access to information in relation to water and sanitation operators.

**H. Public participation (SDG 6.5.1, 6.(b))**

**1. Is there a law/policy which addresses public participation?**

Article 1 of The Framework Law notes that the provision of water and sanitation services “will be governed by the principles of quality, equity, solidarity, continuity, generality, respect for the environment *and citizen participation*” (emphasis added). Among the Framework Law’s objectives in Article 2 are “promoting citizen participation in the conduct of the process and in the resolution of conflicts” and “promot[ing] the participation of citizens through the Water Management Boards and other organizational forms of the community in the provision of services, execution of works and in the expansion of drinking water and sanitation systems.” In accordance with Articles 17 and 18 of the Framework Law, Water Management Boards and community organizations are empowered to grant municipal authorization for the total or partial operation of drinking water and sanitation services in their respective community. In the event communities prefer to grant the operation of services to a “non-community entity” (*i.e.*, not a municipal entity), such a decision requires a 51% minimum participation of the beneficiary community expressed in the form of a plebiscite supervised by the National Court of Elections (known as the “TNE”). A representative of the Water Management Boards are also given a seat on the CONASA, which formulates and approves policies for the Potable Water and Sanitation Sector and develops national strategies and plans for drinking water and sanitation, among others. (Articles 7-8). The Framework Law also requires CONASA to establish a system of dissemination and permanent dialogue in order to ensure the genuine participation of the sectors of society. (Article 7).

Further, Article 27 of the Health Secretary Regulation No. 06/2004 requires municipalities to “promote policies and actions aimed at protecting users’ rights and the participation of civil society” and “encourage private participation and

community organization as ways to manage and expand services.” The General Water Law, Chapter II, regulates the issue of Basin Councils and Citizen Participation. According to Article 19, Basin Councils are “community empowerment entities to ensure citizen participation in the implementation of the law, water management policies and plans.” The Basin Councils are subdivided into sub-basin and micro-basin councils in order to coordinate the actions of public and private agents involved in multi-sectoral management in the geographical area of the basin. Basin Councils are expected to propose and implement programs and actions for better water management, the development of water infrastructure, and the protection, conservation, and preservation of water resources in the basin, among others. (Articles 19-22 of the General Water Law).

2. **What are the criteria listed in the law/policy in relation to participation in water-related issues (e.g. allocated time to provide comments, invitation to public hearings, etc.)?**

No further criteria is listed in relation to participation in water-related issues beyond what is detailed in Question H(1) above.

3. **Do the contracts between governmental authorities and operators of water and sanitation services impose upon the operators an obligation to ensure or provide for public participation at any levels at which the applicable services are delivered?**

Operators of water and sanitation services providers are government entities (municipalities) so their relationship with governmental authorities (like ERSAPS) is governed by ERSAPS regulations and related laws. See question H(1) above for relevant information on public participation.

4. **Is the establishment of an IWRM mechanism including regional or local associations or other groupings of water users provided for and regulated by laws or regulations? How do they interact with or connect into other agencies or regulators?**  
As detailed in question H(1) above, users

participate in Water Management Boards, a representative of which sits on the CONASA. CONASA, in turn, serves as an IWRM mechanism and has significant influence in the sector. CONASA formulates and approves the policies of the Potable Water and Sanitation Sector, develops national strategies and plans for drinking water and sanitation, prepares the investment program for the sector at urban and rural levels, promotes spaces for public dialogue, and develops the methodology to establish the economic valuation of water, among others. (Framework Law, Articles 7-8). CONASA also plays a role in appointing the members leading the regulatory and supervisory agency ERSAPS. CONASA proposes candidates to the President of the Republic, who subsequently appoints the members of ERSAPS. (Framework Law Article 11).

- I. Sustainability (SDG 6.4, 6.5, 6.6)

1. **How does legislation/policy ensure that water and sanitation services are delivered in an improved and sustainable manner, considering the availability of water resources, competing demands and generally the needs of present and future generations?**

See Question I(3) for details on how service providers are required to invest in environmental protection and conservation of water resources.

2. **How does legislation/policy ensure that water and sanitation services are delivered in a sustainable manner to rural and deprived urban areas?**

Article 20 of the ERSAPS Regulation No. 15/2015 requires service provider Investment Plans to give “*priority to the objective of extending the coverage of drinking water and sanitation services to economically depressed areas, without giving up the objective of improving the efficiency and quality of services to the population already served.*”

3. **How does the legislation/policy ensure that delivery of water and sanitation services are economically sustainable, with sufficient expenditure for operation and maintenance**



**and the protection of the environment?**

Article 20 of the Framework Law requires the income derived from the drinking water and sanitation services to be “*invested in activities related to these services for their maintenance, improvement, management of basins or expansion of the systems.*”

Article 18 of the ERSAPS Regulation No. 15/2015 lists among the annual costs providers are expected to incur expenses related to environmental protection, user education, and rational use of water, as well as infrastructure maintenance. Article 20 of the ERSAPS Regulation No. 15/2015 also requires Investment Plan goals to be identified in terms of new users served, improvements in water quality, network expansion and renewal, efficient use of the resource, environmental protection of watershed and micro-watershed areas, sewage purification and protection of the receiving streams of municipal effluents, and collection efficiency, among others.

Article 91 of the General Water Law created a National Water Resources Fund, administered as a trust with an initial allocation of 15 million lempiras, for the purpose of financing programs and projects for the conservation, protection, research, and monitoring of the national water resources. In accordance with Article 92, the trust is supported by various sources of income, including user fees and fines collected by the State for violations of water laws.

**4. How does the legislation/policy reduce the number of people suffering from water scarcity by optimising water use efficiency across all sectors, and ensuring sustainable withdrawals?**

Article 73 of the General Water Law requires all holders of natural or legal water use rights (i.e., services providers and users alike) to preserve and protect the resource, to use in an efficient, rational and effective manner water in the quantity, place and for the granted use, and to comply with standards for the protection and conservation of the environment and natural resources. Article 83 of the General Water Law also requires

the National Water Plan to include projects of national interest for the sustainable and efficient use of water and its conservation and protection. Article 13 of the Framework Law also requires ERSAPS to establish norms, efficiency criteria, indicators and representative models to evaluate the technical, environmental, financial and administrative management of providers, taking into account regional diversities, the characteristics of each system and environmental aspects. Article 30 of the Framework Law similarly, provides obligations for service providers, by requiring them to assume obligations established in current regulations, “especially related to the efficient provision of services” and their “sustainability,” among others.

**5. Is there any legislation/policy to protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes?**

The objective of the General Water Law is to establish principles and regulations to manage, protect, and conserve water resources, among others. Therein, numerous agencies and authorities are created to achieve the goals of the General Water law, including the Secretary of Natural Resources and the Environment (SERNA), National Council of Water Resources (CNRH), The Water Authority and its related regional agencies corresponding to the main basins in the country, National Institute of Water Resources (INRH), and the River Basin Councils. Title IV of the General Water Law (Articles 36-58) provides a number of compulsory regulations and processes to conserve and protect water-related ecosystems, including forests, cloud forests, mangroves, wetlands, coral reefs, the mouth of rivers, estuaries, and deltas, sweet, brackish and salty coastal lagoons, and lakes, among others. These articles include initiatives such as creating new ecological reservations to protect water, temporarily or permanently closing ecological areas from use, afforestation and reforestation measures, and the construction of

absorption wells and targeted outdoor areas to compensate for aquifer absorption loss. (See Articles 36-42).

## J. Accountability/ Remedies and complaint procedures

### 1. **Are there remedies provided by law/regulations to file complaints or other ways of accessing justice in reference to water, sanitation and a healthy environment? Who may file them? Are the decisions appealable?**

Chapter XI of the Health Secretary Regulation No. 6/2004 details the process for filing complaints concerning water and sanitation. Users first file complaints with the municipal customer service office. (Article 43). In the event of non-response or denial of the complaint, the user may then file their complaint with the municipal supervisor. (Article 43). Decisions of the Supervisor can be then be appealed to the ERSAPS. (Article 45).

Although not explicitly related to “a healthy environment,” Article 47(b) of the General Regulation of the Law of the Environment requires the Office of the Attorney General to investigate, through SERNA and other competent public sector agencies, complaints by individuals about alleged violations of environmental laws or administrative provisions or resolutions. Article 47(e) further requires the Office of the Attorney General to present complaints so that administrative procedures are initiated and to urge the competent organ or entity to apply relevant administrative sanctions, and in the event that the organ or entity object to the request or does not act, to proceed judicially against the respective entity as needed. See also Articles 49-55 of the same regulation for further details on the handling of complaints and violations of environmental law by SERNA and the Office of the Attorney General.

### 2. **Are there possibilities for financial assistance for legal counsel in cases concerning water, sanitation and a healthy environment?**

N/A

### 3. **Who monitors water & sanitation service providers?**

According to Article 3 of the ERSAPS Regulation No. 25/2014, ERSAPS exercises functions of “*supervision, surveillance and advice to providers and assisting municipalities as service holders.*”

### 4. **Is there a possibility to appeal against the decisions of service providers? With whom would such an appeal be lodged, and under which conditions is such an appeal possible**

In the event of claim denial, users may “act before” the municipal supervisor. (Article 44 Health Secretary Regulation No. 6/2004). Decisions of the Supervisor can then be appealed to the ERSAPS. (Article 45). The language used in the Health Secretary Regulation No. 6/2004 regarding appeals does not provide limitations as to when users appeal. See Article 45 (“*The user, in the event the Municipal Supervisor does not satisfy his request or complaint, may go to the [ERSAPS], in which case the procedure will follow the following steps...*”).

### 5. **Are there any protective mechanisms to ensure that there is a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence?**

Decree No. 34/2015 created, among other matters, the Law for the Protection of the Defenders of Human Rights, Journalists, Social Communicators, and Judicial Officers. This law recognizes the right of all persons individually and collectively to promote, protect, and realize human rights and establishes various State obligations. Among those obligations is the duty of special protection of Human Rights Defenders, and the duties to order the necessary measures for the guarantee, protection, promotion, and prevention of violations of human rights. (Articles 6-11). The law creates an Early Alert mechanism to identify threats against human rights defenders and protect those under threat. (Articles 12-17). Human Rights Defender is defined as “[a]ny person that executes the right, whether individually or

collectively, to promote or pursue the protection and enjoyment of human rights and fundamental freedoms within the framework of national and international law; amongst these are defenders of the environment and natural resources conservationists.” (Article 5). Despite the passage of this law, “the UN Special Rapporteur on the situation of human rights defenders observed in 2019, the effectiveness of the protection measures is often in question and there is an understandable distrust of human rights defenders toward those providing protection” because defenders “identify the

*national police, the military police and the armed forces as the main perpetrators of human rights violations and attacks against defenders.”<sup>18</sup>*

6. **Is there any legislation to respect and protect the rights to freedom of expression, association and peaceful assembly in relation to environmental matters?**

While confined to environmental matters, Articles 78 and 79 of Honduras’ Constitution protects, generally, the freedom of association and the right of peaceful assembly without need of notice or special permission.

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<sup>18</sup> See [Center for Latin American and Caribbean Studies, 2015 Law to Protect Human Rights, 2015 Law to protect Human Rights defenders and journalists; Human Rights Council, Visit to Honduras Report of the](#)

[Special Rapporteur on the Situation of Human Rights Defenders, \(A/HRC/40/60\), \(Mar. 22, 2019\).](#)

## CHAPTER 5. JUDICIARY SYSTEM

### A. Preliminary questions

1. **What is the relationship between international law and national law (i.e. is the state a monist or dualist system--how is international law interpreted in relation with domestic law)?**

Honduras has a monist system – international law instruments are immediately integrated into national legislation once validly signed and ratified.<sup>19</sup> (Article 16 Constitution).

2. **What is the hierarchical structure of the legal system?**

The Honduran judicial branch consists of the Supreme Court (court of last resort), courts of appeals, courts of first instance and justices of the peace (which handle minor criminal cases). The Attorney General is the constitutional legal representative of the State, which brings civil and criminal actions in respect of audits of the Superior Accounts Tribunal. The Public Prosecutor's Office is appointed by the National Congress, independent of all three branches of Government, with the function of prosecuting crimes, ensuring compliance with the Constitution and laws, and to defend the general interests of society. The Human Rights Commissioner can initiate, or by request, cases on abuse of power, law error, negligence or omission and disobedience to court rulings.<sup>20</sup>

In the case of conflict between the treaty or convention and the law, the former shall prevail. (Article 18 Constitution).

**Has the State ratified the relevant international conventions establishing regional or international complaint mechanisms?**

The human right to water and sanitation is considered an implicit prerequisite to the enjoyment of the rights to life, a decent standard of living, health, education, proper housing and to food. Such rights are recognized under the International Covenant on Economic, Social and Cultural Rights<sup>21</sup> and Articles 2, 10 and 11 of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, both of which have been ratified by Honduras. The Optional Protocol empowers the Committee to receive complaints of violations to individual rights; undertake enquiries into alleged violations and to consider interstate complaints.<sup>22</sup>

While Honduras has signed the Central American Water Convention, which at Article 2 seeks to advance the access to drinking water and sanitation services to Central America and the Dominican Republic, it will not come into force until it has been ratified by the State.<sup>23</sup>

### B. Remedies and complaint procedures/accountability

1. **Are there remedies provided by law to file complaints or other ways of accessing justice in reference to water and sanitation and a healthy environment? Who may file them? Are the decisions appealable?**

Since the Framework Law on the potable water sector and purification of water was passed in 2003, water services have been decentralized from the national utility to the municipalities. Articles 25(1) and (4) of the Framework Law states that users of public drinking water and sanitation services enjoy rights to administrative

<sup>19</sup> See [REPUBLICA DE HONDURAS CONSTITUCIÓN POLÍTICA DE 1982 \[CONSTITUTION\] Jan. 20, 1982, \(Hond.\)](#).

<sup>20</sup> See [Florida International University, Description of the Judicial System of Honduras](#).

<sup>21</sup> See [General Assembly, International Covenant on Economic, Social and Cultural Rights \(Dec. 16, 1996\)](#).

<sup>22</sup> See [General Assembly, Optional Protocol to the](#)

[International Covenant on Economic, Social and Cultural Rights, \(A/RES/63/117\), \(Dec. 10, 2008\)](#).

<sup>23</sup> See page 30 of [Water Lex, Good Practices in Access to Water and Sanitation in Central America: Lessons from Guatemala, Honduras, El Salvador and Nicaragua \(2018\)](#).

procedures for the filing of complaints, and the right to appeal. The municipalities, as service providers, must efficiently provide services, including that relating to complaint procedures. (Article 30 Framework Law).<sup>24</sup>

**2. Are such complaint procedures required to be provided in conformity with human rights principles (such as non-discrimination, equity)?**

No.

**3. Does the law provide for financial assistance for legal counsel in cases concerning water and sanitation or access to a healthy environment?**

No – no publicly available information that would suggest otherwise were found.

**4. Who monitors the administrative level bodies and/or service providers?**

The Regulatory Authority, which is composed of 3 members appointed by the President on suggestion of the National Council for Drinking Water Supply and Sanitation. (Article 10 Framework Law). It has the power to arbitrate conflicts that arise between municipalities, between municipalities and service providers and between providers and users. (Article 13(7) Framework Law).

**5. Is there a possibility to appeal against the decisions of service providers? With whom would such an appeal be lodged, and under which conditions is such an appeal possible?**

See above.

**6. What remedies are available at an administrative level?**

The offender is required to make appropriate repairs and restore damages caused (Article 47 Framework Law) in relation to infractions of service providers, including non-compliance with standards relating to the quality of services. (Article 44(2) Framework Law).

**7. Who monitors these administrative level bodies?**

The Regulatory Authority.

**8. Are such administrative bodies legally independent entities according to the law?**

Article 9 of the Framework Law states that the Regulatory Authority is a decentralised institution ascribed to the State Health Secretariat with functional, technical administrative independence with respect to its functions of regulating and controlling the provision of potable water and sanitation services at the national level.

**9. Is there any evidence (e.g., case law) that courts in the country have (or may have) jurisdiction to enforce any economic, social or cultural rights?**

There is evidence to the contrary – the Periodic Review of the Committee on Economic, Social and Cultural Rights previously expressed concern over the lack of training on human rights issues among the judicial system and other bodies responsible for implementing the Covenant. While there has been cases recognizing the right to health, education and employment, there is a lack of understanding of rights with respect to land.<sup>25</sup> The August 2022 submission to the Committee on Economic, Social and Cultural Review asserts that the state's grant of land rights and exploitation of natural resources under allegations of corruption and without consultation of indigenous communities, undermine such communities' right to free, prior and informed consent on their land rights. While the Honduran government had introduced a bill to regulate the right, the bill has been pending since 2018.<sup>26</sup>

There is hope however, that the new administration elected in 2022, will put into practice its publicly announced commitment to respecting all human rights including the

<sup>24</sup> See [La Gaceta Diario Oficial de la Republica de Honduras, Sección A](#).

<sup>25</sup> See page 82 of [Axel Thamers Sendra and Giovanna Tejjido Vázquez, Honduras Economic, Social and Cultural Rights \(June 2016\)](#).

<sup>26</sup> See page 11 of [Human Rights Watch, Submission to the Committee on Economic, Social and Cultural Rights Review of Honduras 71st Pre-Session \(August 2022\)](#).

rights of women and human rights defenders, migrants, territoriality of Indigenous populations, stigmatised persons and victims of systematic violence.<sup>27</sup>

**10. Do courts in the country have jurisdiction to hear cases regarding the obligations to respect, protect and fulfil the human rights to water, sanitation and a healthy environment? Is there any existing case law?**

Courts have jurisdiction however no publicly available case law seem not to be available in this regard.

**11. Do courts in the country have jurisdiction to hear cases regarding the obligations to respect, protect and fulfil the human rights to a healthy environment? Is there any existing case law?**

As above.

**12. Provide a brief overview of the judicial procedure involving a human rights violation case.**

The annual report submitted to the United Nations High Commissioner for Human Rights in 2021 states that the “COVID-19 pandemic negatively affected the functioning of a justice system that faced a pre-existing lack of effectiveness”. Challenges relate to high levels of impunity for human rights violations involving the arrest, torture and forced disappearances of armed forces, excessive use of force by security forces, arbitrary detention etc. The lack of independence of judges and lawyers, and their susceptibility to peddling and pressure from non-State actors continue to impact judicial independence.<sup>28</sup> As a consequence of the systemic disregard of human rights at various governmental levels, it is difficult to accurately discern

how judicial procedures involving a human rights violation are conducted.

**13. Is there a Constitutional /Supreme Court? Are cases heard as the last appeal or may cases be referred directly?**

The Supreme Court is the court of last resort, which has the powers to appoint judges in lower courts and prosecutors, declare laws as unconstitutional and try high-ranking officials on grounds for impeachment.<sup>29</sup>

**14. Have domestic courts applied international human rights law in past cases or have they referred to decisions from international human rights bodies (with reference to water, sanitation and the environment)?**

It is unclear from publicly available resources whether cases alleging human rights violations are brought to domestic courts. However, it is more likely that this is not the case – several sources note impunity rates are high for all types of crime in Honduras, where the judiciary is often susceptible to intimidation, corruption and politicization.<sup>30</sup> A recent landmark case found the Honduran state responsible for the killing of a transwoman, after an LGBT rights organization filed a petition before the Inter-American Commission on Human Rights, which then submitted the case to the Inter-American Court of Human Rights.<sup>31</sup>

**15. Are court proceedings conducted in only one principal language, or are they also conducted in local languages, including minority and indigenous languages? Does the law require that information is made available in local languages?**

It is unclear from online resources – it is likely court proceedings are only conducted

<sup>27</sup> See [UN Human Rights Office of the High Commissioner, Human Rights Council Hears High Commissioner Present Her Global Oral Update, and Her Office’s Reports on Colombia, Guatemala, Honduras and Cyprus, and an Oral Update on Eritrea, Followed by a General Debate \(Mar. 8, 2022\)](#).

<sup>28</sup> See pages 4 and 6 of [UN High Commissioner for Human Rights, Situation of Human Rights in Honduras, \(A/HRC/46/75\), \(Mar. 19, 2021\)](#).

<sup>29</sup> See [Florida International University, Description of the Judicial System of Honduras](#).

<sup>30</sup> See page 3 of [Congressional Research Service, Honduras: Background and U.S. Relations \(July 22, 2019\)](#).

<sup>31</sup> See [Cristian González Cabrera, Honduras Recognizes Its Responsibility in Trans Killing \(May 13, 2022\)](#).

in Spanish, given that primary legislative sources can only be found in Spanish.

**16. Have domestic courts applied (or referenced) recommendations of national human rights institutions?**

It is unclear from online sources but this is unlikely, given the state's track record of impunity – murders and attacks against rights defenders go unpunished and if investigations are launched, they tend to be inconclusive.<sup>32</sup>

### C. National human rights institutions

**1. Is there an independent national human rights institution?**

Yes, the National Commissioner for Human Rights (“CONADEH”).

**2. Does the mandate of the national human rights institution cover the entire human rights framework, including economic, social and cultural rights?**

CONADEH was established by Decree No. 2/1995 of the National Congress, which amended Article 59 of the Constitution, “to guarantee the rights and freedoms recognized in this Constitution.” Article 16 of the Constitution provides that once international treaties (and importantly, for this question, includes the International Covenant on Economic, Social and Cultural Rights) are approved by the National Congress, ratified by the Executive Power and come into force, they will become part of domestic law.

**3. Is the national human rights institution authorized to receive and adjudicate complaints of violations of human rights to water, sanitation and a healthy environment?**

Yes, CONADEH has the powers to receive and

investigate claims of human rights abuses (unless a judicial determination on such case is pending), and has an important role in promoting human rights and providing human rights training. CONADEH has access to all public administration documents necessary to carry out its investigations.<sup>33</sup> However, it should be noted that there are limitations – the budget allocated to CONADEH is insufficient for the purposes of implementing their duties. Furthermore, CONADEH holds B status with the Subcommittee on Accreditation of the International Coordinating Committee of National Human Rights Institutions (“ICC”) due to its failure to comply with Paris Principles (a set of international standards which guide and frame the work of national human rights institutions<sup>34</sup>). This means it does not have right to vote or hold office positions at the ICC.<sup>35</sup>

**4. Does the national human rights institution have a legal basis or authority to initiate an action to address systemic human rights violations?**

Yes, it is empowered to do so.<sup>36</sup>

**5. What type of remedies does the national human rights institution have the authority to impose?**

CONADEH cannot modify or cancel Honduran legislation or judicial decisions, but it can make recommendations.<sup>37</sup> As an example, following a 2012 incident involving the injury and killing of community members due to drug trafficking by foreign individuals, CONADEH issued recommendations including that the Attorney's General's office expedite investigations and hold those responsible accountable, the executive power enter negotiations for victim reparations, etc.<sup>38</sup>

<sup>32</sup> See page 22 of [Congressional Research Service, Honduras: Background and U.S. Relations \(July 22, 2019\)](#).

<sup>33</sup> Page 151, of the CONADEH Organic Law Regulations.

<sup>34</sup> See [UN High Commissioner for Human Rights, Paris Principles: 20 years Guiding the Work of National Human Rights Institutions \(May 30, 2013\)](#).

<sup>35</sup> See page 10 of [OMCT World Organization Against Torture, Honduras Human Rights Defenders Between a Rock and a Hard Place \(Dec. 2016\)](#).

<sup>36</sup> See Article 23 of the CONADEH Organic Law; Article 20 of the CONADEH Organic Law Regulations.

<sup>37</sup> See Articles 44 and 45 of the CONADEH Organic Law.

<sup>38</sup> See [CONADEH, Special Report with Recommendations](#)

**6. Is the institution allowed to initiate investigations/hearings?**

Yes, CONADEH has the competence to initiate investigations into claims of illegitimate, arbitrary, abusive, defective, negligent or discriminatory conduct of the public administration and private entities that provide public services.<sup>39</sup>

**7. Does the national human rights institution have the authority to monitor how remedies for violations of rights to water, sanitation and a healthy environment are implemented by governmental authorities, service providers or other agencies/entities?**

CONADEH is not explicitly empowered to monitor rights to water, sanitation and a healthy environment, but has a general power to monitor and promote human rights.

**D. Regulation**

**1. Is there a water regulator established by law?**

The National Water and Sanitation Council, the Regulatory Authority, and the Central Government, the Municipalities and the Water Management Boards are established under Articles 7, 9 and 21 of the Framework Law, respectively.<sup>40</sup>

**2. Is the water regulator an independent entity?**

The Regulatory Authority is – see Part B, Paragraph 11.

**3. What are the oversight mechanisms and responsibilities related to drinking water supply and sanitation services of the regulator?**

See Part B, Paragraph 4 – individuals can bring complaints against service providers on their rights related to drinking water. See also Part B, Paragraph 7 – the Regulatory Authority oversees conflicts between the different levels of authorities that manage the water supply and sanitation services.

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[Regarding the Events That Took Place in Ahuas, Gracias A Dios, On May 11th, 2012, in a Joint Operation Of Honduran Authorities with Dea Agents \(2012\).](#)

<sup>39</sup> Article 23 of the CONADEH Organic Law and Article 20 of the CONADEH Organic Law Regulations.

<sup>40</sup> See [La Gaceta Diario Oficial de la Republica de Honduras, Sección A.](#)



## ANNEX 1: TARGETS AND INDICATORS OF SDG 6

TARGET	INDICATOR (CUSTODIAN AGENCIES)
6.1 By 2030, achieve universal and equitable access to safe and affordable drinking water for all	6.1.1 Proportion of population using safely managed drinking water services (World Health Organization (WHO)/United Nations Children's Fund (UNICEF))
6.2 By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations	6.2.1a Proportion of population using safely managed sanitation services (WHO/UNICEF)
	6.2.1b Proportion of population using a handwashing facility with soap and water available (WHO/UNICEF)
6.3 By 2030, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally	6.3.1 Proportion of wastewater safely treated (WHO/United Nations Human Settlements Programme (UN-Habitat)/United Nations Statistics Division (UNSD))
	6.3.2 Proportion of bodies of water with good ambient water quality (United Nations Environment Programme/UNSD)
6.4 By 2030, substantially increase water-use efficiency across all sectors and ensure sustainable withdrawals and supply of freshwater to address water scarcity and substantially reduce the number of people suffering from water scarcity	6.4.1 Change in water-use efficiency over time (Food and Agriculture Organization of the United Nations (FAO))
	6.4.2 Level of water stress: freshwater withdrawal as a proportion of available freshwater resources (FAO)
6.5 By 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate	6.5.1 Degree of integrated water resources management implementation (0–100) (United Nations Environment Programme)
	6.5.2 Proportion of transboundary basin area with an operational arrangement for water cooperation (United Nations Educational, Scientific and Cultural Organization (UNESCO)/United Nations Economic Commission for Europe (UNECE))
6.6 By 2020, protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes	6.6.1 Change in the extent of water-related ecosystems over time (United Nations Environment Programme/Ramsar Convention)
6.a By 2030, expand international cooperation and capacity-building support to developing countries in water- and sanitation-related activities and programmes, including water harvesting, desalination, water efficiency, wastewater treatment, recycling and reuse technologies	6.a.1 Amount of water- and sanitation-related official development assistance that is part of a government-coordinated spending plan (WHO/United Nations Environment Programme/Organization for Economic Cooperation and Development (OECD))
6.b Support and strengthen the participation of local communities in improving water and sanitation management	6.b.1 Proportion of local administrative units with established and operational policies and procedures for participation of local communities in water and sanitation management (WHO/United Nations Environment Programme/OECD)

Source: See Table 1 of [UN, Sustainable Development Goal 6 - Synthesis Report on Water and Sanitation \(2018\)](#).

## ANNEX 2: The human rights to water and sanitation and the right to a healthy environment compared

Table 1: Comparison of the human rights principles

Principles of the Human Right to a Healthy Environment (from Framework Principles)	Principles of the Human Rights to Water and Sanitation (from General Comment No.15)
<b>Human Rights</b>	
<p>Principle 1. States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights.</p>	<p>GC 1. Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights.</p> <p>GC 20. The right to water, like any human right, imposes three types of obligations on States parties: obligations to respect; obligations to protect; and obligations to fulfil.</p>
<b>Sustainable environment</b>	
<p>Principle 2. States should respect, protect and fulfil human rights in order to ensure <u>a safe, clean, healthy and sustainable environment</u>.</p>	<p><i>Respect:</i> GC 21: The obligation to <i>respect</i> requires that States parties refrain from interfering directly or indirectly with the enjoyment of the right to water. The obligation includes, inter alia, refraining from engaging in any practice or activity that denies or limits equal access to adequate water; arbitrarily interfering with customary or traditional arrangements for water allocation; <u>unlawfully diminishing or polluting water</u>, for example through waste from State-owned facilities or through use and testing of weapons; and limiting access to, or destroying, water services and infrastructure as a punitive measure, for example, during armed conflicts in violation of international humanitarian law.</p> <p><i>Protect:</i> GC 23. The obligation to <i>protect</i> requires States parties to prevent third parties from interfering in any way with the enjoyment of the right to water. Third parties include individuals, groups, corporations and other entities as well as agents acting under their authority. The obligation includes, inter alia, adopting the necessary and effective legislative and other measures to</p>

Principles of the Human Right to a Healthy Environment (from Framework Principles)	Principles of the Human Rights to Water and Sanitation (from General Comment No.15)
	<p>restrain, <u>for example, third parties from denying equal access to adequate water; and polluting and inequitably extracting from water resources, including natural sources, wells and other water distribution systems.</u></p> <p><i>Fulfill:</i> GC 26. The obligation to fulfil requires States parties to adopt the necessary measures directed towards the full realization of the right to water... and facilitating improved and <u>sustainable access to water, particularly in rural and deprived urban areas.</u></p> <p>GC 11. The manner of the realization of the right to water must also be <u>sustainable, ensuring that the right can be realized for present and future generations.</u></p>
<b>Non-Discrimination</b>	
<p>Principle 3. States should <u>prohibit discrimination</u> and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy and sustainable environment.</p>	<p>GC 15. With respect to the right to water, States parties have a special obligation to provide those who do not have sufficient means with the necessary water and water facilities and <u>to prevent any discrimination</u> on internationally prohibited grounds in the provision of water and water services.</p>
<b>Safety and freedom of expression</b>	
<p>Principle 4. States should provide <u>a safe and enabling environment</u> in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.</p>	<p>GC 44(b) Violations of the obligation to protect follow from the failure of a State to <u>take all necessary measures to safeguard persons</u> within their jurisdiction from infringements of the right to water by third parties.</p>
<p>Principle 5. States should respect and protect the rights to freedom of expression, association and peaceful assembly in relation to environmental matters.</p>	

Principles of the Human Right to a Healthy Environment (from Framework Principles)	Principles of the Human Rights to Water and Sanitation (from General Comment No.15)
<b>Public Awareness and education</b>	
<p>Principle 6. States should provide for <u>education and public awareness on environmental matters.</u></p>	<p>GC 25. The obligation to fulfil can be disaggregated into the obligations to facilitate, promote and provide. The obligation to promote obliges the State party to take steps to ensure that there is <u>appropriate education concerning the hygienic use of water, protection of water sources and methods to minimize water wastage.</u></p> <p>Article 24, para. 2, of the Convention on the Rights of the Child requires States parties “[t]o ensure that <u>all segments .”of society [...] have access to education and are supported in the use of basic knowledge of [...] the advantages of [...] hygiene and environmental sanitation</u></p>
<b>Access to Information</b>	
<p>Principle 7. States should provide <u>public access to environmental information</u> by collecting and disseminating information and by providing affordable, effective and timely access to information to any person upon request.</p>	<p>GC 48. The formulation and implementation of national water strategies and plans of action should respect, inter alia, the principles of non-discrimination and people's participation. The right of individuals and groups to participate in decision-making processes that may affect their exercise of the right to water must be an integral part of any policy, programme or strategy concerning water. <u>Individuals and groups should be given full and equal access to information concerning water, water services and the environment, held by public authorities or third parties.</u></p>
<b>Accountability</b>	
<p>Principle 8. To avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of</p>	<p>GC 56. Before any action that interferes with an individual's right to water is carried out by the State party, or by any other third party, the relevant authorities must ensure that such actions are performed in a manner warranted by law, compatible with the Covenant, and that comprises: (a) opportunity for genuine consultation with those affected; (b) timely and full disclosure of information on the proposed</p>

Principles of the Human Right to a Healthy Environment (from Framework Principles)	Principles of the Human Rights to Water and Sanitation (from General Comment No.15)
human rights.	<p>measures; (c) reasonable notice of proposed actions; (d) legal recourse and remedies for those affected; and (e) legal assistance for obtaining legal remedies</p> <p>GC 24. Where water services (such as piped water networks, water tankers, access to rivers and wells) are operated or controlled by third parties, States parties must prevent them from compromising equal, affordable, and physical access to sufficient, safe and acceptable water. To prevent such abuses an effective regulatory system must be established, in conformity with the Covenant and this General Comment.</p>
<b>Public Participation</b>	
<p>Principle 9. States should provide for and facilitate <u>public participation in decision-making related to the environment</u> and take the views of the public into account in the decision-making process.</p>	<p>GC 48. The formulation and implementation of national water strategies and plans of action should respect, inter alia, the principles of non-discrimination and people's participation. <u>The right of individuals and groups to participate in decision-making processes that may affect their exercise of the right to water must be an integral part of any policy, programme or strategy concerning water.</u> Individuals and groups should be given full and equal access to information concerning water, water services and the environment, held by public authorities or third parties.</p>
<b>Remedies</b>	
<p>Principle 10. States should provide for <u>access to effective remedies for violations of human rights and domestic laws relating to the environment</u></p>	<p>GC 55. Any persons or groups who have been denied their right to water should have <u>access to effective judicial or other appropriate remedies</u> at both national and international levels</p>
<b>Standards and Indicators</b>	
<p>Principle 11. States should establish and maintain <u>substantive environmental standards</u> that are non-discriminatory, non-retrogressive and otherwise respect,</p>	<p>GC 53. To assist the monitoring process, <u>right to water indicators should be identified in the national water strategies or plans of action.</u> The indicators should be designed to monitor, at the</p>

Principles of the Human Right to a Healthy Environment (from Framework Principles)	Principles of the Human Rights to Water and Sanitation (from General Comment No.15)
protect and fulfil human rights.	national and international levels, the State party's obligations under articles 11, paragraph 1, and 12. Indicators should address the different components of adequate water (such as sufficiency, safety and acceptability, affordability and physical accessibility), be disaggregated by the prohibited grounds of discrimination, and cover all persons residing in the State party's territorial jurisdiction or under their control.
<b>Violations</b>	
Principle 12. States should ensure the effective enforcement of their environmental standards against public and private actors.	GC 55. All victims of violations of the right to water should be <u>entitled to adequate reparation</u> , including restitution, compensation, satisfaction or guarantees of non-repetition. National ombudsmen, human rights commissions, and similar institutions should be permitted to address violations of the right.
<b>International Cooperation</b>	
Principle 13. States should cooperate with each other to establish, maintain and enforce effective international legal frameworks in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights.	GC 30. Article 2, paragraph 1, and articles 11, paragraph 1, and 23 of the Covenant require that States parties recognize the essential role of international cooperation and assistance and take joint and separate action to achieve the full realization of the right to water.  GC 38. For the avoidance of any doubt, the Committee wishes to emphasize that it is particularly incumbent on States parties, and other actors in a position to assist, to provide international assistance and cooperation, especially economic and technical which enables developing countries to fulfil their core obligations indicated in paragraph 37 above.
<b>Non-Discrimination</b>	
Principle 14. States should take additional measures to <u>protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm,</u>	GC 16. Whereas the right to water applies to everyone, States parties should give <u>special attention to those individuals and groups who have traditionally faced difficulties in exercising</u>

Principles of the Human Right to a Healthy Environment (from Framework Principles)	Principles of the Human Rights to Water and Sanitation (from General Comment No.15)
<p>taking into account their needs, risks and capacities.</p>	<p><u>this right</u>, including women, children, minority groups, indigenous peoples, refugees, asylum seekers, internally displaced persons, migrant workers, prisoners and detainees.</p>
<p>Principle 15. States should ensure that they <u>comply with their obligations to indigenous peoples</u> and members of traditional communities, including by:</p> <ol style="list-style-type: none"> <li>a. Recognizing and protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used.</li> <li>b. Consulting with them and obtaining their free, prior and informed consent before relocating them or taking or approving any other measures that may affect their lands, territories or resources.</li> <li>c. Respecting and protecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories, and resources.</li> <li>d. (d) Ensuring that they fairly and equitably share the benefits from activities relating to their lands, territories, or resources.</li> </ol>	<p>GC 7. The Committee notes the importance of ensuring sustainable access to water resources for agriculture to realize the right to adequate food (see General Comment No.12 (1999)). Attention should be given to <u>ensuring that disadvantaged and marginalized farmers, including women farmers, have equitable access to water and water management systems, including sustainable rain harvesting and irrigation technology</u>. Taking note of the duty in article 1, paragraph 2, of the Covenant, which provides that a people may not “be deprived of its means of subsistence”, States parties should ensure that there is <u>adequate access to water for subsistence farming and for securing the livelihoods of indigenous peoples</u>.</p> <p>GC 16. In particular, States parties should take steps to ensure that:</p> <p>...(c) Rural and deprived urban areas have access to properly maintained water facilities. Access to traditional water sources in rural areas should be protected from unlawful encroachment and pollution. Deprived urban areas, including informal human settlements, and homeless persons, should have access to properly maintained water facilities. No household should be denied the right to water on the grounds of their housing or land status; (d) <u>Indigenous peoples’ access to water resources on their ancestral lands is protected from encroachment and unlawful pollution. States should provide resources for indigenous peoples to design, deliver and control their access to water</u>; (e) Nomadic and traveler communities have access to adequate water at traditional and designated halting sites; (f) Refugees, asylum-seekers, internally displaced persons and returnees have access to adequate</p>

Principles of the Human Right to a Healthy Environment (from Framework Principles)	Principles of the Human Rights to Water and Sanitation (from General Comment No.15)
	water whether they stay in camps or in urban and rural areas. Refugees and asylum-seekers should be granted the right to water on the same conditions as granted to nationals;
<b>Sustainability</b>	
<p>Principle 16. States should respect, protect and fulfil human rights in the actions they take to <u>address environmental challenges and pursue sustainable development.</u></p>	<p>GC 11. The elements of the right to water must be adequate for human dignity, life and health, in accordance with articles 11, paragraph 1, and 12. The adequacy of water should not be interpreted narrowly, by mere reference to volumetric quantities and technologies. Water should be treated as a social and cultural good, and not primarily as an economic good. The manner of the realization of <u>the right to water must also be sustainable, ensuring that the right can be realized for present and future generations.</u></p> <p>26. The obligation to fulfil requires States parties to adopt the necessary measures directed towards the full realization of the right to water. The obligation includes, inter alia, according sufficient recognition of this right within the national political and legal systems, preferably by way of legislative implementation; adopting a national water strategy and plan of action to realize this right; ensuring that water is affordable for everyone; <u>and facilitating improved and sustainable access to water</u>, particularly in rural and deprived urban areas.</p>