

- The **Promotion of Access to Information Act** ensures that your right to access information from Government and private companies is protected.
- **Service Delivery Agreements** between businesses and Government must be provided on municipality websites.
- You may also lodge a complaint with the **National Credit Regulator**, (0860 627 627), the **Public Protector** (0800 11 20 40) or the **SAHRC** if you suspect corruption.

The Role of the SAHRC

The South African Human Rights Commission (SAHRC) is an independent body set up by the Constitution to **monitor, protect** and **promote** the attainment of human rights in our country.

South Africa has one of the highest rates of poverty and inequality. An estimated 16 million poor people do not have access to adequate sanitation while 3.5 million poor people do not have access to water.

The SAHRC has received many complaints on water and sanitation. We demand Government's responsibility in realising these rights, and will continue to monitor their responses.

The people give Government its power so Government must serve the people. Those with power must listen to the poor and develop solutions that work.

Although the SAHRC has limited capacity and resources, it can work with other Chapter 9 Institutions and NGOs to assist communities and ensure that government delivers on its services.

The vision of the SAHRC is to transform society, secure rights and restore dignity!

Apart from the SAHRC, there are many organisations that can help you. Some of these organisations put together a guide '**Making Local Government Work: An Activist's Guide,**' which is available free on the internet and at SAHRC's provincial offices

Contact us

Website: www.sahrc.org.za
E-mail: info@sahrc.org.za

Head Office

Forum 3, Braampark Office Park, Braamfontein, JOHANNESBURG
 ☎ (011) 877 3600 Fax: (011) 403 0684

Eastern Cape

4th Floor, Oxford House, 86–88 Oxford Street, EAST LONDON
 ☎ (043) 722 7828 • Fax: (043) 722 7830

Free State

50 East Burger Street, 1st Floor TAB Building BLOEMFONTEIN
 ☎ (051) 447 1133 • Fax: (051) 447 1128

Gauteng

2nd Floor, Forum 3, Braampark Office Park, 33 Hoofd Street, Braamfontein, JOHANNESBURG
 ☎ (011) 877 3750 • Fax: (011) 403 0668

KwaZulu-Natal

First Floor, 136 Margaret Mncadi, DURBAN
 ☎ (031) 304 7323/4/5 • Fax: (031) 304 7323

Limpopo

1st Floor, Office 102, Library Garden Square, Corner of Schoeman and Grobler Streets, POLOKWANE
 ☎ (015) 291 3500 • Fax: (015) 291 3505

Mpumalanga

4th Floor Carltex Building, 32 Bell Street, NELSPRUIT
 ☎ (013) 752 8292 • Fax: (013) 752 6890

Northern Cape

45 Mark and Scott Road, Ancorley Building, UPINGTON
 ☎ (054) 332 3993/4 • Fax: (054) 332 7750

North West

170 Kloppe Street, RUSTENBURG
 ☎ Tel: (014) 592 0694 • Fax: (014) 594 1089

Western Cape

7th Floor, ABSA Building, 32 Adderley Street, CAPE TOWN
 ☎ (021) 426 2277 • Fax: (021) 426 2875



The Right to Water and Sanitation

Water is life, Sanitation is dignity

SAHRC guide to your right to water and sanitation



Learners protesting against lack of toilets (Sowetan, 11 May 2012)

Your Right to Water and Sanitation

The Constitution of South Africa states "Everyone has the right to have access to sufficient food and water".

The Water Services Act states that:

- Everyone has a right of access to basic water supply and sanitation.
- Every water services institution must take steps to realise these rights.
- Every municipality must plan, in its Water Services Development Plan (WSDP), to realise these rights.
- This right is also recognised by the UN Human Rights Council

Who is responsible for delivery of water & sanitation?

GOVERNMENT:

- National Government must manage water resources.
- Municipalities are responsible for the delivery of water and sanitation services. They must draw up plans for delivery.
- Our law recognises that government does not have to provide these services to everybody IMMEDIATELY. However, they must have a clear PLAN with timeframes and budgets to provide these services and increase access.
- Government must do so without trade-offs with other basic rights

Many municipalities involve private companies in the provision of services. **Service Delivery Agreements** are the contracts between companies and municipalities that tell us what services are supposed to be delivered. The municipality is still responsible for these services and must hold these companies accountable. Contracts must also be available to the public for their information.

Government must provide the following **basic water and sanitation services**:

- At least 6000 litres per household per month
- At a flow rate of not less than 10 litres per minute
- Within 200 metres of a stand
- No consumer can be without water for more than 7 days per year
- A toilet or ventilated pit latrine, which is safe, reliable, environmentally sound, easy to keep clean, provides privacy and protection against the weather, well ventilated, keeps smells to a minimum and prevents the entry of flies and other disease-carrying pests.

Government must also provide **education** on water use and basic health and hygiene.

YOUR RESPONSIBILITY:

- Citizens must hold Government and contractors to account.
- Water is a scarce resource and needs to be conserved. You are responsible for conserving water so be sure to use water sparingly and wisely.

Local Government must hold business accountable for the services they deliver and citizens must hold Government to account. Big companies use more water but pay lower rates and seldom pay anything for causing pollution.

Your Free Basic Services

South Africa has a policy of free basic services (indigent policy) including water, electricity & solid waste collection.

- Every household should receive the first 6000 litres of water a month for free. Water that is used over and above this has to be paid for. Water is charged at a rising tariff which means that the more you use, the more it costs.
- Different municipalities have different policies for the provision of free water and sanitation. You may receive these services automatically or you may have to register for the services.

ASK YOUR MUNICIPALITY WHAT THEIR POLICY IS

What happens if you don't pay for your services?

The law says your water can be cut off or limited if you do not pay for your services **BUT**, you cannot just be cut off. The municipality must first inform you in writing about their intention to disconnect your water. You have the right to challenge their decision.

Our International Obligations

- Is sufficient and continuous water **AVAILABLE**? Are there enough sanitation facilities? Are waiting times reasonable?
- Is water quality **SAFE** for consumption? Are sanitation facilities hygienic and SAFE to use?
- Are facilities culturally **ACCEPTABLE**? Are gender-specific facilities catered for? Do they ensure privacy and dignity?
- Are services **ACCESSIBLE** to everyone? Are you safe when accessing these facilities?
- Is the price of sanitation and water services **AFFORDABLE** so that it does not compromise your ability to pay for necessities?

Why access to water and sanitation is important for one's dignity?

Every right in our Constitution is equal. Rights are dependent on each other. For example without water, it is difficult to learn at school and get an education.

All human rights are intertwined and interdependent. The right to water and sanitation is linked to the rights to life, dignity, health, housing, food, education, physical security, gender equality, and the prohibition against discrimination. A lack of access to water and sanitation has many negative impacts. For example:

- The spread of preventable diseases like diarrhoea and cholera.
- Children, especially girls, tend to drop out of school if there are no toilet facilities.
- There is an increased use of hospitals and clinics.
- People miss work and are not productive.
- Women are afraid to go to toilets at night for fear of violence.



How do I get help?

- You have a right to free services AND you have a right to know why you are not receiving adequate services
- You must tell your **Municipality, Ward Councillor** or **Community Development Worker** if you are experiencing problems
- The **SAHRC and other Chapter 9 Institutions and NGOs** can also assist you to get the information you need. Visit our website www.sahrc.org.za for more resources.