

GA75 virtual side-event:

**PRIVATE ACTORS,
PRIVATIZATION AND
THE HUMAN RIGHTS
TO WATER AND
SANITATION**

Register [here](#)

16 OCT 2020

3 P.M. – 4.30 P.M. CEST

**Panel of winners from the
3rd Human Rights Youth Challenge**

Organized by the UN Special Rapporteur on the human rights to safe drinking water and sanitation, Mr. Léo Heller

Together with UN Water, the Permanent Mission of Spain, the Permanent Mission of Germany, UNESCO-IHP, AquaFed, PSI, and the Water Youth Network



Franciscans International
A voice at the United Nations

AquaFed
THE INTERNATIONAL FEDERATION OF
PRIVATE WATER OPERATORS
www.aquafed.org

Permanent Mission
of the Federal Republic of Germany
to the Office of the United Nations and
to the other International Organizations
Geneva



ABOUT THE 3RD HUMAN RIGHTS YOUTH CHALLENGE (2019-2020)

The water and sanitation sector is in need of new ideas on how to raise awareness that access to water supply/service and access to sanitation facilities are human rights. Youth, with their creativity and different ways of thinking and expressing, can contribute to bringing innovation to this sector and advancing a much needed paradigm shift from the traditional focus on infrastructure and finance to one with people at the centre. In order to involve and to hear from youth in this paradigm shift, the series of Human Rights Youth Challenge, organized by the Special Rapporteur on the human rights to water and sanitation, is an opportunity for youth to show knowledge, understanding and passion about the human rights to water and sanitation by creating original content. For information about the first Human Rights Youth Challenge (2018) and the second Human Rights Youth Challenge (2019), please see the Annex of this document.

The Special Rapporteur convened the third Human Rights Youth Challenge inviting all persons aged between 24 and 32 years old to submit an essay focussing on one case study illustrating the impacts of privatization on the human rights to water and sanitation. The challenge was initially launched on 8 July 2019 with a deadline of 2 September 2019 with the theme “private actor participation”, but, following a need to clarify the scope of the theme, the deadline was extended to 20 April 2020. The scope of the theme of “private actor participation” was further clarified as cases related to for-profit organizations providing water and sanitation services.

From a total of 43 submissions received, 10 essays were disqualified as they did not focus on the topic of private actors and privatization. 33 qualified submissions were anonymized and organizations that co-sponsored the Youth Challenge were invited to assess the anonymized submissions according to two criteria: “understanding of the impact of private sector participation on the human rights to water and sanitation” and on “detail and uniqueness of the case study”. Additionally, the Special Rapporteur assessed the submissions according to two additional criteria: “understanding of the human rights to water and sanitation”, and “ability to write clearly and concisely”. The four criteria were used to select four top winners, who are the four speakers of this event.

SPECIAL RAPPORTEUR'S REPORT ON PRIVATIZATION (A/75/208)

The theme of the third Human Rights Youth Challenge is also the theme of the Special Rapporteur's last thematic report to the UN General Assembly (A/75/208). In the report, the Special Rapporteur challenges the common narrative of the human rights community that human rights are neutral towards the type of water and sanitation provision and provider. He starts from the premise that specific risks to the enjoyment of the human rights to water and sanitation in situations of privatization exist, and that the exploration of the legal, theoretical and empirical dimensions of these risks is necessary and relevant.



OBJECTIVE OF THE EVENT

- To present the top 4 winning essays of the Youth Challenge to demonstrate the level of awareness and understanding of youth about the human rights to water and sanitation.
- To discuss the perspective of youth on the roles and responsibilities of private actors in water and sanitation sector including views on privatization of water and sanitation services.
- To highlight a variety of perspectives on the impact of privatization of water and sanitation service on human rights, including and beyond those that were the focus of the Special Rapporteur's report.



PROGRAMME

Moderated by the Special Rapporteur on the human rights to water and sanitation, **Léo Heller**

PANEL 1 – ROLES AND RESPONSIBILITIES OF PRIVATE ACTORS



Jennifer Barr (US)

"WHOSE CLEAN INDIA IS IT? PRIVATE SECTOR AND THE HUMAN RIGHTS OF SANITATION WORKERS"

Ms. Jennifer A. Barr has a PhD in Anthropology and an MPH in Global Health from Emory University. Currently, she is a researcher for the Colorado Department of Healthcare Policy and Financing. She is under contract with Vanderbilt University Press to publish a book on the sociocultural and political aspects of the Clean India Mission based on her ethnographic fieldwork.

In her essay, she examines private sector involvement in protecting the wellbeing of sanitation workers. By creating technologies that prevent the need for close human contact with human fecal matter or by rearranging the economic configurations to improve the agency and circumstances of the sanitation workers, private sector actors can materially improve the lives of people engaged in sanitation labor. However, these approaches fail to address underlying social inequalities or the human right to nondiscrimination. As precedent has shown, without other efforts or regulations, these kinds of initiatives can actually disguise and erase social stigma and suffering.



Dylan O'Donoghue (US)

"FORCED LABOUR AND WATER AND SANITATION AS PART OF EMPLOYMENT CONDITIONS FOR MIGRANT FISHERMEN IN TAIWAN"

Ms. Dylan O'Donoghue is currently employed at the American Association for Cancer Research and is pursuing her MS/PhD in Public Affairs/Community Development at Rutgers University-Camden following her undergraduate degree from Grinnell College and her Master's in Legal Studies from Drexel University. As a 2018-2019 Fulbright Research Grant and Boren Fellowship Grant recipient to Taiwan, she studied Taiwan's successful anti-human trafficking methods. She also shadowed the Yilan Migrant Fisherman's Union, at which time she witnessed the intersection of denial of access to water and human trafficking.

Dylan's submission for this challenge is a case study of labor abuses to migrant fishermen who typically hail from Indonesia, The Philippines, and Vietnam to Taiwan. She studied how abusive employers in the fishing industry fail to uphold employee rights to water and sanitation. When fishermen in this study raise concerns to their employers about water or sanitation facilities, employers and the brokers who represent fishermen, use repressive tactics to silence the fishermen. As a result, these fishermen are forced to stay with their employers against their will and are continuously denied water and sanitation access.

PANEL 2- HUMAN RIGHTS IN CASES OF PRIVATIZATION



Arthur Nielsen C. Demain
(Philippines)

"MULTI-SECTORAL ANALYSIS OF THE JOINT VENTURE MODEL UNDER PPP TO ENHANCE DOMESTIC PRIVATE SECTOR PARTICIPATION IN SOLVING THE WATER AND SANITATION CRISIS, IN METRO MANILA, PHILIPPINES"

Mr. Arthur Demain is currently a Master's Student in International Studies at the University of Tokyo in Japan. He used to work as a displacement camp educator and peacebuilder in the island of Mindanao, Philippines. He became aware of the Youth Challenge through Asniya Mohamad, his former student and the first winner of the Human Rights Youth Challenge. His immersive experiences in informal settlements both in Manila and in Mindanao have motivated him to use the Youth Challenge as a platform to showcase his ideas on how enhanced private sector participation can resolve the long-standing water and sanitation crisis happening in various municipalities in the Philippines.

Arthur's essay examines the perspectives of public institutions, private operators, and urban consumers on the usage of the Joint Venture Model (JVM) among Domestic Private Sector Participants (DPSPs) under the Public-Private Partnership framework to provide safe and accessible water and sanitation services to Metro Manila residents. It analyzes the challenges, risks, and impact of the JVM on the cooperation between the national government and local government units in designing and implementing human-rights based water and sanitation mechanisms for both formal and informal urban dwellers. This essay recommends the improvement of procedural mechanisms in procurement to promote fair competition among the DPSPs in the WASH sector and the wider usage of design thinking to help DPSPs in integrating human rights-centric content in their proposals to Philippine municipalities under JVM.



Yushi Yamada (Japan)

"SUGGESTION FOR IMPROVING THE HUMAN RIGHTS TO WATER AND SANITATION THROUGH PRIVATE SECTOR PARTICIPATION IN WATER SERVICES (CONCESSION SCHEME IN HAMAMATSU CITY)"

Mr. Yushi Yamada obtained his master's degree in Transdisciplinary Science and Engineering from Tokyo Institute of Technology in 2019. He majored in environmental engineering as an exchange student in the University of Strathclyde, Scotland from 2015 and 2016 and in the Bandung Institute of Technology, Indonesia in 2018 and 2019. He did research in Abe lab about the identification of the important aspects for household water security in Bandung, Indonesia. Yushi is currently working in Veolia in Tokyo and making the proposal to optimise minisparities' management of water treatment plants, while pursuing another project in Live with Friends on the Earth (NPO) creating the water distribution system of a village in Bali, Indonesia. Yushi participated in the Youth Challenge because he would like to discuss the current state of water service provision and how it relates to human rights with professionals from all over the world.

Yushi's essay describes how Japanese municipalities are trying to solve unique water and sanitation issues in developed countries, with a particular focus on private sector participation in water and sanitation and its implications for human rights. This essay points out what has been cared to introduce the private sector for guaranteeing human rights and many positive impacts by private sector participation in Hamamatsu city. Yushi hopes this essay can serve as inspiration for solutions to similar issues experienced in other developed countries.

ANNEX – PREVIOUS HUMAN RIGHTS YOUTH CHALLENGES CONVENED BY THE SPECIAL RAPPORTEUR

1ST HUMAN RIGHTS YOUTH CHALLENGE (2018)

On the occasion of International Youth Day in 2018 (12 August), the UN Special Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller, convened an online initiative aiming to raise awareness among the youth population on the human rights to water and sanitation. A challenge entitled "the Human Rights Youth Challenge: Show your understanding of the rights to water and sanitation" was held from 12 July to 6 August 2018 during which youth between the ages of 15 and 24 years were invited to participate. They were encouraged to demonstrate knowledge of the human rights to water and sanitation and express what these rights mean to them by sharing original content via social media channels (@SRwatsan on Facebook and Twitter; @UNSRwatsan on Instagram), marking the submissions with the hashtag #Youth4watsan.

More than 150 youth from around the world sent in submissions ranging from infographics, animated videos, videos with interviews and on-site visits, short stories, poems, songs, academic works and essays. Several youths took the opportunity to comment on the shortcomings related to access to water and sanitation at the international, national and even local levels. Also, many youths made abundant use of new technologies in preparing their submissions—video was incorporated into approximately half of all submissions.

The winner of the Youth Challenge. Ms. Asniya Mohamad (age 17) from the Philippines, was invited to present her submission (Her [submission](#)) via Skype at the side-event of the 38th session of the Human Rights Council on "#Youth4Watsan: The role of youth and the human rights to water and sanitation" held on 11 September 2018. Asniya was also invited to travel to Geneva to speak at a side-event of the 42nd session of the Human Rights Council on "The human rights to water and sanitation in sphere of life beyond the household" held on 11 September 2019.

In her video submission, Asniya shares how access to clean water and proper sanitation can be used to achieve peace in vulnerable communities. She started the video by explaining how decades of historical injustice and armed violence in the Bangsamoro region has caused territorial disputes and clan wars that destroyed wells, pumps, and latrines, thereby cutting off any sort of reliable access to clean water and proper sanitation in their area. The video was mostly shot in an evacuation community in Poblacion, Datu Piang, Maguindanao where Asniya and her family resides, together with over a hundred other internally displaced families.

See [interview](#) with Asniya.



2ND HUMAN RIGHTS YOUTH CHALLENGE (2019)

On the occasion of World Water Day in 2019 and following the success of the 1st Human Rights Youth Challenge in 2018, the Special Rapporteur on the human rights to safe drinking water and sanitation organised a second online challenge to raise awareness of the human right safe drinking water and sanitation. The 2nd Human Rights Youth Challenge was organized together with the Permanent Mission of Spain, the Permanent Mission of Germany, UN-Water, UNESCO-IHP, and OHCHR.

The theme of the challenge for the 2nd Human Rights Youth Challenge was 'Leave no one behind', which was the theme of the 2019 World Water Day also part of the Special Rapporteur's HRC thematic report on public spaces (A/HRC/42/47). The goal of the challenge was to draw attention to people who lack of access to safe drinking water and sanitation in spheres of life beyond the household.

From 14 January 2019 to 28 February 2019, over 80 submissions were received. The Special Rapporteur looked for submission that demonstrated a good understanding of the human rights to water and sanitation, particularly focusing on those who are left behind in sphere of life beyond household such as public spaces. The winner, Juliana Muller (age 17 from Brazil), was invited to travel to Geneva to speak at a side-event of the 42nd session of the Human Rights Council on "The human rights to water and sanitation in sphere of life beyond the household" held on 11 September 2019.

Juliana Muller's video, "[RIGHTLESS](#)" allows you to walk a mile in the shoes of a young girl in rural Brazil who understands the consequences of being left behind first hand. Her creative, virtual reality-inspired submission centres on the human experiences that highlights the importance of the human right to safe drinking water and sanitation. She demonstrates an excellent understanding of rights, and a sensitivity for personal stories and experiences that are at the core of human rights advocacy.

See [interview](#) with Juliana.

