

## LAC to Fight for Right to Adequate Sanitisation, Water

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FOR IMMEDIATE RELEASE

Legal Assistance Centre (LAC) has announced plans to take legal action against the municipality for the failure to provide adequate water and sanitisation facilities to the community.

During consultations throughout 2009, LAC staff witnessed community toilets in a deplorable state. Water in the toilets, built to service the more than 4,000 residents, has been turned off. Instead, people have used the entrance and surrounding area of the toilets to relieve themselves, leaving a pool of human waste surrounding the area.

Martha Lukas, a resident of Otavi's informal settlement, says the sanitisation situation gets worse during the rain season. "The rubbish flows with the water in our yards," Lukas says. "As a result we get diseases like diarrhea, malaria and cholera."

She adds that those affected are mostly elderly people and children.

Cornelia Ubu-gaes, a resident of the Bliekies Drop settlement for 14 years, reports that the sanitization situation became unbearable about five years ago and the toilets regularly have maintenance problems.

She further stresses that, "Some water points were built close to the toilets, therefore contaminating the drinking water."

Norman Tjombe, director of the LAC, says that all Namibians should have access to fair public services, the right to proper housing and the right to safe living conditions.

"This is really about fundamental freedoms – the right to dignity, the right to safety and security and the right to non-discrimination, based on socioeconomic status," Tjombe states.

LAC is among a growing number of organisations around the world who are urging the international community to recognize that access to better sanitisation is a fundamental human need and, therefore, a basic human right.

Of additional concern for the Otavi Informal Settlement residents are the six water points for the community.

Ubu-gaes points out that many people in Otavi's informal settlement are impoverished and unable to afford the price of water. The water system has no provision for these residents that can't afford water at all.

During an LAC collaborative documentation project with Stanford Law, researchers learned of children in Otavi's informal settlement, as young as six or seven, who regularly must beg for water from other settlement residents. The children do not go to school but instead spend each day at the rubbish dump site looking for food.

In November 2007, the Ombudsman carried out an investigation on the health hazard conditions in and around the toilets at the informal settlement in Otavi. A report was then submitted to the Ministry of Regional, Local Government and Housing, the regional health directorate in Otjiwarongo and the Otavi village council.

In 2008, a reassessment was done by the team of the Ombudsman. The obligation of the village council was not fulfilled, the Ombudsman's report stated.

The application will be finalised in December 2009 and filed in January 2010.

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## **Q&A - Adequate Water & Sanitisation**

### **Why is the right to adequate water important?**

Without clean water, people get diseases – in particular diarrhea diseases which kills more than 2 million people ever year around the world. In fact, every 15 seconds a child dies from diarrhoea, largely caused by poor sanitisation and a lack of water. Most of those affected are children in African countries. Even if it doesn't cause death, contaminated water harms people's health, which in turn affects other rights. If you're often sick, you're less likely to work, less likely to go to school and less likely to earn a reliable income.

Aside from drinking, water is essential for keeping clean, growing food, keeping animals, exercise and a number of other factors

### **What is right to sanitisation?**

The right to sanitation is about about having access to, and having use of, safe toilet facilities and services that ensure privacy.

### **Why is this a human rights issue?**

The overall guiding document that sets out the principles for human rights says that everyone has the right to enjoy the highest standard of physical and mental health. Without clean water or adequate sanitation they are not able to realise this right. Several International and Namibian documents speak to this:

1. International Covenant on Economic, Social and Cultural Rights specifically talks about the right to health.
2. In the Namibian Constitution, the opening preamble states that everyone has the right to life. Without access to safe water or adequate sanitization, the right to life is at risk.
3. Additionally, often we see the ones most affected by the lack of safe water or adequate sanitization is those who are the most poor in society. Again, the Constitution says that everyone should have equal rights – rich and poor

**What is the Namibian situation?**

According to an Assessment Report on the Millennium Development Goals – countries around the world agreed to a number of factors to improve their countries. One of the goals for Namibia was to improve access to safe drinking water in urban areas to 100% of the population and in rural areas to 87% of the population. Additionally, Namibia pledged to provide 98% of households in urban areas to basic sanitation and 65 percent of households in rural areas.

Halfway to 2015, Namibia will likely meet the targets to provide safe drinking water to 100 per cent of the households (in 2006 statistics 97% already had access to safe drinking water). 80% of the households in Namibia in rural areas had access to safe drinking water – and that the country was on track to meet the 87% goal.

However, in terms of right to adequate sanitation, Namibia is failing to meet their goals. In 2006, 58% of urban households had access to basic sanitation services while 14% of rural households had access to basic sanitation services.