

HUMAN RIGHTS TO WATER AND SANITATION IN OVERSEAS DEPARTMENTS AND REGIONS

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

No recommendation was made to France in the framework of the Universal Periodic Review on the challenges related to access to water and sanitation in the Overseas Departments and Regions [DROMs]. In the 3rd cycle of the national report, France does not mention the issue of water access and sanitation on its territory.

However, the diversity of the problems related to water and sanitation access in the French Overseas Regions and Territories reveals that they are significantly behind the metropolis: poor performance and obsolescence of water and sanitation services, weak governance of the services, water that is not always available or accessible at all times [water cuts], and water that is expensive and often unsuitable for consumption.

In July 2021, five special rapporteurs questioned France about drinking water cuts in Guadeloupe and their negative impacts on several human rights; France has not yet answered.

NATIONAL FRAMEWORK

In France, the human right to safe drinking water is not recognised as such in legislation despite the fact that it is indirectly linked to several French constitutional objectives (such as safeguarding human dignity, right to decent housing, protection of public health).

• Article L.210-1 of the Environmental Code

The use of water belongs to all and each individual, for his or her food and hygiene, and everyone has the right to access drinking water under conditions economically acceptable to all. However, this provision is only declarative and is not enforceable against citizens.

• Law “Engagement et proximité” n° 2019-1461 of 27 December 2019

This law allows local authorities to set up mechanisms to help the payment of water bills and to develop differentiated tariffs in order to make access to water affordable.

• Law Brottes n° 2013-312 of 15 April 2013

It prohibits water cuts and flow reduction.

• Ordinance n° 2022-1611 of 22 December 2022 on access to and quality of water intended for human consumption, transposing the European “drinking water” Directive 2020/2184

Local authorities are also responsible for people who are not connected to the water network and must ensure access to a minimum quantity of water for all, including people in a vulnerable situation due to social, economic or environmental factors.

• Launch of the DOM Water Plan for the 5 DROMs (Martinique, Guadeloupe, Mayotte, Reunion, Guiana) and Saint-Martin in 2016 with technical and financial support for local authorities

POOR INFRASTRUCTURE

Issues

- NO COVERAGE OF THE WHOLE TERRITORY, OUTDATED NETWORKS
- LIMITED DRINKING WATER PRODUCTION CAPACITY IN SOME AREAS
- WEAK GOVERNANCE OF WATER AND SANITATION SERVICES

Impacts



• NO WATER CONNECTION AT HOME

- » **Mayotte** 30% of the population surveyed
- » **Guyane** 15% of the population
- » **Guadeloupe** 25% of the population



• NETWORK LEAKAGE (FRENCH NATIONAL AVERAGE OF 20%)

- » **Martinique** 53% of produced water lost in the networks
- » **Guadeloupe** 64% of produced water lost in the networks



• WIDESPREAD WATER CUTS

- » **Mayotte** Each household suffers on average 2 water cuts per week at the end of the dry period
- » **Martinique and Guadeloupe** The water cuts affect homes as well as schools and health facilities

LIMITED ALTERNATIVE ACCESS MEASURES

Issues

- A LACK OF ACCESS TO FREE WATER IN THE PUBLIC SPACE
- THE MOST PRECARIOUS PEOPLE ARE THE LEAST CONNECTED AND HAVE TO LOOK FOR ALTERNATIVE SOLUTIONS, WHICH INCLUDE MULTIPLE LIMITATIONS

Impacts



• PAY-PER-USE STANDPIPES INSTALLED IN MAYOTTE AND FRENCH GUYANA:

- » Access subjected to a charge, insufficient in number and placed far away from the informal settlements where precarious populations live with little or no connection



• ALTERNATIVE SOLUTIONS, OFTEN EXPENSIVE:

- » Buying bottled water
- » Resale of unregulated water in jerry cans
- » Use of a nominee meter
- » Drawing water from uncontrolled surface water

EXPENSIVE WATER

Issues

- **AN AVERAGE WATER PRICE AND A POVERTY RATE HIGHER THAN IN METROPOLITAN FRANCE**
- **POORLY DEVELOPED AND INEFFECTIVE MECHANISMS TO HELP PAY WATER BILLS**
- **MAINTAINING A SEA EXCISE DUTY (TAX) ON WATER**

Impacts

- **HIGH WATER BILLS** that imply a significant share of the budget of precarious households allocated to water and sanitation expenses: between 13 and 19% of a household's budget depending on the territory
- **COMPARISON OF THE PRICE OF WATER:**
 - » **Metropolitan France** Average water price of €3.56/m³
 - » **Mayotte** [poverty rate of 77%] Average water price is 4.81€/m³
 - » **Guadeloupe** Average water price is €4.89/m³
- **CONNECTION TO A NEIGHBOUR'S PRIVATE METER** [multiple connections to one meter leading to high water consumption and very high bills in Mayotte]
- **CONFLICT BETWEEN SEVERAL BASIC NEEDS** such as water, food, or clothing

CONTAMINATED WATER

Issues

SEVERAL SOURCES OF WATER CONTAMINATION LEADING TO WATER THAT IS UNFIT FOR CONSUMPTION:

- Non-compliant sanitary infrastructures leading to the discharge of untreated wastewater into the networks and nature
- Open defecation due to lack of sanitation
- Pollution by pathogens, bacterial pollution
- Saline intrusion
- Chemical pollution [chlordecone, mercury, manganese, etc.]
- Pollution of underground water and surface water linked to river laundering habits

Impacts

- **NON-COMPLIANT WASTEWATER TREATMENT PLANTS:**
 - » **Guadeloupe** 72% • **Martinique** 67%
- **HOUSING WITH NO-COMPLIANT NON-COLLECTIVE SANITATION:**
 - » **Guadeloupe** 75% • **Martinique** 90% • **La Réunion:** 70%
- **HOUSING WITH NO SANITATION SYSTEM**
 - » **Mayotte** 42%
- **POOR QUALITY OF WATER:**
 - » **La Réunion** 46% of people connected to the network do not have sufficient drinking water quality
 - » **French Guiana** 40,000 people live in small communities supplied with poor quality water
- **HEALTH CONSEQUENCES:**
 - » **Risk of epidemics and water-borne, faecal-oral and vector-borne diseases**
 - » **Infant mortality linked to diarrhoeal diseases and pneumopathies associated with unsanitary living conditions in precarious housing**
 - » **Excess mortality from enteric diseases and infectious intestinal diseases**
 - » **Epidemics of cholera** [from 98 to 2000 in Mayotte and in 1991 in Guyana], typhoid fever and scabies [Mayotte]
 - » **High incidence rate of typhoid fever** [between 14/100,000 and 20/100,000 per year between 2016 and 2020 in Mayotte]
 - » **Presence of chlordecone in the water in Martinique**

RECOMMENDATIONS TO FRANCE

IMPROVE ACCESS TO WATER

- **Develop free water access points in public spaces and public institutions** in the French Overseas Departments and Regions, in accordance with Ordinance n°. 2022-1611 of 22 December 2022.
- **Eliminate drinking water service interruptions in Guadeloupe, Martinique and Mayotte**, by renovating networks, improving efficiency rates and increasing drinking water production resources.
- **Respond to interruptions in the drinking water service with emergency measures via emergency water distribution** in the same way as in mainland France [e.g. installation of water tanks].
- **Establish, within the framework of the DOM Water Plan, a specific intervention and financing plan for populations who are not connected to the drinking water network** in the Overseas Departments and Regions, in accordance with Ordinance n°. 2022-1611 of 22 December 2022.

IMPROVE WATER QUALITY

- **Develop local and innovative solutions for the access to drinking water and sanitation** which are well-suited to the DROMs realities, particularly rainwater and plant filters harvesting in an ecological and social interest.

ENSURE AFFORDABILITY

- **Establish mechanisms to ensure the affordability of drinking water and sanitation services**, such as assistance with the bills payment, free access to the first m³ of water, a ceiling on water tariffs and a ban on the collection of dock dues in the overseas water sector.



SOURCES

- **Redaction**
Coalition Eau - movement of French NGOs committed to human rights to water and sanitation and to water as a common good, and SOLIDARITÉS INTERNATIONALE
- **With contributions from**
French Red Cross, Médecins du Monde, Observatoire Terre Monde, Sillages
- **Websites**
coalition-eau.org and solidarites.org/fr

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