Written contribution from French NGOs

HUMAN RIGHTS TO WATER AND SANITATION IN OVERSEAS DEPARTMENTS AND REGIONS

4TH CYCLE OF THE UNIVERSAL PERIODIC REVIEW OF FRANCE

06/02/2023

Author: Water Coalition and Working Group on the Rights to Water and Sanitation in France

Keywords: Overseas, water, sanitation, hygiene, inequalities, poverty, access to water, water quality, water cuts, informal settlements, DROMs.

I METHODOLOGY

The author organisations of this submission are the NGOs of the Water Coalition and contributing NGOs to the Working Group on the Human Rights to Water and Sanitation in France, coordinated by the Water Coalition. The list of members and partners is attached in the Annex.

This document focuses on the situation of the rights to water and sanitation in 5 Overseas Departments and Regions (DROMs): Guadeloupe, French Guiana, Reunion, Martinique and Mayotte. However, it should be noted that the problems of inequality of access to the resource presented below can be found elsewhere in France, particularly in the so-called "peripheral", overseas territories (Overseas Countries and Territories) and rural areas, and with regard to marginalised or exiled populations (living in camps or shanty towns).

This analysis is based on the 5 criteria of the human rights framework for water, sanitation and hygiene as recalled in the 2015 report of the UN Special Rapporteur on the right to drinking water and sanitation[1] :

- Availability
- Physical accessibility
- Quality and safety
- Economic accessibility
- Acceptability and dignity

This report focuses on the aspects of availability, physical accessibility; economic accessibility and quality.

The facts presented are based on data collected on the ground from local actors, supported by written reports and official figures, most often from the French authorities themselves, the references of which are given in the footnotes.

II CONTEXT

1. KEY ISSUES

In 2022, the human rights situation with regard to water and sanitation is critical for people living in the DROMs: water is not always available or continuously accessible, it is expensive and often unsafe to drink.

A 2013 report by the French General Council for the Environment and Sustainable Development (CGEDD) found that the French Overseas Territories are "*40 years behind in the implementation of water and sanitation policy*". With rates of access to water and sanitation well below those in Metropolitan France, some territories face challenges similar to those of developing countries. This is the result of both the poor performance and obsolescence of water and sanitation services, as well as the weakness of both local and national governance.

In 2016, France drew up the Water-DOM plan for the 5 DROMs (Martinique, Guadeloupe, Mayotte, Reunion, Guyana) and Saint-Martin. The plan is a 10-year investment programme that takes into account the specificity of each territory. The idea is to provide technical and financial support to local authorities in the DROMs. Six years after the start of the Water-Overseas Regions Plan, while the necessary investments amount to several hundred million euros per DROM, the progress contracts currently signed do not cover these needs or guarantee the effectiveness of the rights to water and sanitation.

2. RECOMMENDATIONS FROM THE PREVIOUS UPR

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 its national report of the 3rd cycle, France does not mention the issue of access to water and sanitation on its territory (hexagon and overseas).

[1] *Report A/70/203, by Leo Heller, former UN Special Rapporteur on the right to water and sanitation, 2015, pages 5-7*

Concerning Overseas France, the previous Universal Periodic Review of France, dating from 2018[2] , had presented two recommendations on the DROMs, but did not specifically target access to water:

- *145.189 Develop and implement effective poverty eradication policies, in particular in the overseas departments, regions and territories, including Reunion, French Guiana and Mayotte*
- *145.190 Design social policies and programmes specifically targeting overseas regions, departments and communities to improve their quality of life and bring it up to European standards*

Another recommendation concerned the justiciability of economic, social and cultural rights, including the right to water and sanitation:

- *145.177 Ensure that economic, social and cultural rights are justiciable and that courts have a uniform practice with regard to the applicability of the International Covenant on Economic, Social and Cultural Rights*

3. MAIN LAWS ON ACCESS TO WATER IN FRANCE

- The right to access to drinking water is enshrined in article 1er of the Law on water and aquatic environments of 30 December 2006 as well as in article L. 210-1 of the Environment Code: "*the use of water belongs to all and every individual, for his or her food and hygiene, has the right to access drinking water under conditions that are economically acceptable to all*"
- The ban on water cuts was enshrined in Law 2013-312 of 15 April 2013 (Loi Brottes). This provision implies that the distributor does not have the right to cut off the water or reduce the flow (lentillage) if a subscriber does not pay his bill.
- Article 1 of the Law for Real Equality in Overseas France, adopted in 2017, states that "*The Republic recognises the right of the overseas populations to real equality within the French people. The Republic recognises their right to adopt their own model of sustainable development in order to achieve equality while respecting national unity. [The State and local authorities [...] shall undertake appropriate public policies aimed at 1° Reduce the differences in levels of development in the economic, social, health, environmental protection and enhancement fields, as well as the differences in access to healthcare, education, vocational training, culture, public services, new technologies and audiovisual services between the French territory and their territory*"[3] .
- Law No. 2019-1461 of 27 December 2019 on engagement in local life and the proximity of public action specifies that "*Public water and sanitation utilities are authorised to implement social measures aimed at making effective the right to access drinking water and sanitation in conditions economically acceptable to all*".
- Article 3 of the Decree of 30 January 2002 relating to the characteristics of decent housing taken for application of article 187 of the law of 13 December 2000 relating to solidarity and urban renewal: *The housing includes the following elements of equipment and comfort: [...] 2. A drinking water supply system ensuring the distribution of sufficient pressure and flow inside the dwelling for the normal use of its tenants.*
- Ordinance no. 2022-1611 of 22 December 2022 on access to and quality of water intended for human consumption [4], transposing the European Drinking Water Directive 2020/2184, defines essential water needs (Public Health Code and Environment Code) as comprising "depending on the situation of the people, between fifty and one hundred litres of water per person per day", taking into account "the technical, geographical and topographical constraints and the

[2] *Report of the Human Rights Council, A/HRC/38/4*

[3] *UNSR Report 2015 page 11*

[4] https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000046780481

easements to which the territories concerned are subject". This text also extends the competences of local authorities to persons not connected to the network (General Code of Local Authorities): "The communes or their public cooperation establishments shall take the necessary measures to improve or preserve access for all persons to water intended for human consumption, even in the absence of a connection to the public water distribution network intended for human consumption, including persons in a vulnerable situation linked to social, economic or environmental factors.

III ANALYSIS OF THE SITUATION ON 3 CRITERIA OF THE RIGHT TO WATER

1. AVAILABILITY AND PHYSICAL ACCESSIBILITY

1.1. PRESSURE ON THE RESOURCE

In the DROMs, despite high rainfall, the pressure on water resources is high due to demographic changes, abandonment of water catchments due to pollution and conflicts of use (agricultural, industrial and domestic activities, protection of watersheds). The effects of climate change are also causing disturbances in the catchment areas and increasing the pressure on the resource. In Mayotte, Reunion and Martinique, several years of consecutive drought, together with problems linked to water production infrastructures, have led to a significant drop in available water resources.

In addition, drinking water production capacities are sometimes limited or poorly planned in certain territories[5] . In Mayotte[6] , there is a permanent mismatch and backlog between drinking water production capacity and water demand, which is constantly increasing (+5.4%/year over the last 3 years) due to population growth[7] , not to mention the 30% of the population that is not served, requiring an effort to catch up in terms of production. At the end of the dry season, some abstractions from surface water catchments are blocked and abstractions from underground wells are greatly reduced. In Martinique, the production of drinking water is dependent on the abstraction of water from rivers, the flow of which is greatly reduced during the dry season, thus endangering the abstractions[8] .

1.2. POOR INFRASTRUCTURE

Due to a chronic lack of investment in the renovation of drinking water supply networks, the DROMs have deficient infrastructures that do not allow them to serve the entire population continuously at home. In Martinique, 53% of the water taken from the natural environment is lost in the pipes[9] : to remedy this problem would require the renovation of 500km of pipes[10] **.** In Guadeloupe, 64% of the water produced is lost in the networks and 1/3 of the pipes need to be renewed[11] and ¼ of the Guadeloupean population has no access to drinking water at home[12] . In Mayotte, the drinking water network does not cover all inhabited areas and is non-existent in the shanty towns: around 30% of the population does not have access to running water at home[13] . In French Guiana, 15% of the population

[5] *Ibid. Report No. 50*

[6] *Ibid. p314*

[7] *Water Coalition. Study report on the situation of human rights to water and sanitation in the French Overseas Territories: Zoom on Mayotte. 2019. p38 (http://www.coalition-eau.org/wp-content/uploads/rapport-etude-outre-mer-coalition-eau-compressed.pdf)*

[8] *Report of the Parliamentary Commission of Inquiry into the Private Takeover of Water Resources and its Consequences. 2021. p328*

[9] *https://www.observatoire-eau-martinique.fr/services-d-eau-potable-et-d-assainissement/eau-potable/les-chiffres-de-l-eau-potable-en-martinique*

[10] *Parliamentary Report of the Commission of Inquiry into the Private Takeover of Water Resources and its Consequences. 2021. p329*

[11] *Water figures 2018 (p.3) and Water figures 2019 (p. 22-23) published by the Guadeloupe Water Office, the State services (DEAL and ARS), the Departmental Council, the Regional Council and the operators*

[12] *Proposal for a law renewing the governance of the public drinking water and sanitation service in Guadeloupe*

[13] *Solidarités International: EHA diagnostic report for Mayotte. 2022.*

(i.e. 30,000 people, living in urban and peri-urban areas and along rivers) is affected by this lack of access to drinking water[14] .

The difficulties of connection and the lack of infrastructure are also indicative of poor housing conditions. In this context, people may connect to water unofficially, reflecting the fragility of households in terms of access to water. This is particularly the case in Mayotte and Reunion, where connections do not always guarantee access to water with basic comfort (hot water, shower, etc.).

1.3. WATER SERVICE REGULARLY CUT OFF

The authorities in several DROMs (notably Guadeloupe, Martinique, Mayotte) have set up water towers to reduce water distribution in order to avoid a generalized interruption throughout the territory. The populations are therefore living with frequent water cuts, which impact both homes and public establishments (schools, hospitals, fire services, etc.).

In Mayotte, water cuts are widespread due to insufficient production of drinking water and pressure on the resource (each household suffers on average 2 water cuts per week at the end of the dry period).

In Guadeloupe, 400,000 people are affected by the water turns[15] . In July 2021, 5 Special Rapporteurs for Human Rights [16]called on the French State in a Communication on the cuts in drinking water in Guadeloupe and their negative impacts on several human rights, which France did not respond to. Since the beginning of the health crisis, the situation has worsened: more regular, planned or unannounced cuts.

1.4. AVAILABILITY OF WATER OUTSIDE THE DWELLING

In order to ensure the availability of water for those not connected or suffering from water shortages, specific infrastructures have been installed by some territories.

French Guyana has chosen to develop collective (boreholes) and semi-collective (human powered pumps) solutions or rainwater harvesting in the absence of other alternatives in terms of access to drinking water. These solutions are not satisfactory in view of the absence of rain in the dry season or the immersion of installations due to flooding in the rainy season[17] .

French Guiana and Mayotte are the only French territories to have a network of pay stations (BFMs), which provide access to water for a fee outside homes (this type of system exists in other international contexts but not elsewhere in France where water fountains are free). These BFMs can only be installed in areas served by the network, which prevents them from being deployed in precarious outlying areas or on high ground. People often have to travel a long distance to recharge their prepaid cards. Those who are not familiar with the prepaid system or do not have a card or bank account remain excluded from the system.

In French Guyana, the number of BFMs is insufficient in relation to the population living in informal settlements (50 BFMs for 61 sites surveyed, i.e. more than 15,000 people on the coast)[18] . Maintenance and upkeep difficulties as well as repeated damage to the facilities greatly reduce the number of functional BFMs for these populations.

---

[14] https://eauguyane.fr/l-eau-en-guyane/eau-potable-et-assainissement/l-eau-potable-en-guyane#:~:text=In%20Guyane%2C%20one%20estimates%20that%20communes%20of%20the%20interior%C3%A9.

[15] *Report "Eau Secours", written by a coalition of user groups in Guadeloupe. 2020. (http://www.coalition-eau.org/wp-content/uploads/rapport-droit-a-leau-guadeloupe-19-oct-2020-defenseur-des-droits-final-1.pdf*

[16] *Communication from the 5 special rapporteurs on Guadeloupe: https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26511*

[17] *CSHPF of 3 April 2007. Request for an opinion on the plan to improve the organisation of the drinking water supply in French Guyana proposed by the Health and Social Development Department of Guyana. SUPREME COUNCIL OF PUBLIC HYGIENE OF FRANCE (solidarites-sante.gouv.fr)*

[18] *Source: Resorption-bidonvilles - Acting to resorb slums (beta.gouv.fr)*

In Mayotte, these BFMs are difficult to reach, as they are often located on the side of the road, far from the most precarious housing areas with the least water connections. The average walking time to reach these kiosks is 30 minutes[19] . Water from these kiosks is accessible via prepaid cards. Obtaining and recharging these prepaid cards can also make it difficult to use BFMs: distance from the recharging location, conditions for accessing the subscription and proof of entitlement, payment methods, etc. Due to the lack of maintenance of this equipment, of the 108 terminals installed in Mayotte in the 2000s, only 67 are functional, which inevitably increases the waiting time at the terminal. These factors increase the exposure of the most vulnerable people (people with disabilities, elderly people, women, children, etc.) to the risk of financial or sexual abuse[20] when they are looking for water. In Mayotte, a project is in place to install 40 additional standpipes in precarious housing areas[21] , but this number remains largely insufficient in relation to the water needs of the population[22] and the capacity to serve one BFM, i.e. 100 homes[23] .

2. WATER AFFORDABILITY

2.1. THE HIGH COST OF THE FACILITIES

The DROMs experience additional costs in water and sanitation services due to the remoteness of the territories (import of materials, etc.) and the lack of local competition (especially construction companies). These additional costs have a significant impact on the water and sanitation sector (investment and maintenance costs, etc.) and are reflected in the water tariff.

In Mayotte and French Guyana, where the rates of connection to the sewerage network are very low, the costs of installing sanitary infrastructures and drinking water at home are very high (in Mayotte, the average cost of a drinking water connection is €1,500 and that of a connection to the sewerage network between €2,000 and €7,000). This reveals a lack of control over pricing practices.

2.2. HIGH WATER BILLS

In the DROMs, a large proportion of the budget of precarious households is allocated to water and sanitation expenses, between 13 and 19% depending on the territory, and systematically exceeds 3% of household income (the threshold at which the water bill becomes unaffordable). This forces people to choose between several basic needs such as water, food or clothing. The frequency of price-related deprivation is higher in the DROMs than in France [24] .

In Mayotte, the average price of water will be €4.81/m3 in 2020, compared to €3.56/m3 at the national level[25] . In this department, where the poverty rate is 77%[26] , the choice was made to set up a progressive pricing system, by consumption bracket (the less water the user consumes, the lower the bracket and therefore the lower the bill). However, this ecological system has proved to be ill-suited to the context of Mauritania, where a large proportion of the population is not connected to the water network and uses collective water meters, shared by several inhabitants. Consequently, the volume of water consumed on a single meter is high and the water price bracket is high. Thus, this measure of

[19] *Ps-Water. Monetary standpipes: A strategy for supplying slum areas. 2016. (https://www.pseau.org/outils/lettre/article.php?lett_article_lettre_id=1481); and Etude sur la situation des droits humains à l'eau et à l'assainissement dans les Outre-Mer - Zoom sur Mayotte ". 2019. p38. (https://www.coalition-eau.org/wp-content/uploads/rapport-etude-outre- mer-coalition-eau-compressed.pdf)*

[20] *https://www.waterintegritynetwork.net/2022/03/08/what-is-sextortion-and-what-does-it-have-to-do-with-water-and-sanitation/*

[21] *Ps-Water. Monetary standpipes: A strategy for supplying slum areas. 2016; and Water Coalition. Study on the situation of human rights to water and sanitation in the French Overseas Territories - Zoom on Mayotte". 2019. p38.*

[22] *Ibid.*

[23] *Ps-Water. Monetary standpipes: A strategy for supplying slum areas. 2016.*

[24] *Insee Focus "Extreme poverty much more frequent and much more intense in the DOM" n°270. July 2022. https://www.insee.fr/fr/statistiques/6459395#onglet-3*

[25] *The price of water | Eaufrance*

[26] *Insee. Analyse Mayotte. Revenus et pauvreté à Mayotte en 2018 n°25. July 2020. https://www.insee.fr/fr/statistiques/4622454*

progressivity, which is the opposite of a social pricing system, turns against the most precarious populations, who are forced to pay exorbitant bills.

In French Guiana, where the poverty rate is 52%[27] , a social tariff is applied. The cost of a m3 of water is equal to €0.8 up to 60m3. This social bracket is applied to all inhabitants of the department who have a subscription with the Guyana Water Company. This does not apply to people living illegally or in informal settlements who, if they have access to prepaid cards, consume water that costs more than three times the social bracket. This may have led to situations of indebtedness or to people consuming non-potable water via private wells or rainwater harvesting, or even connecting to the network illegally.

In Reunion Island, where the poverty rate is 39%[28] , the rate of unpaid bills is twice that of the average (5.17% compared to 2.55%[29]). The estimated bill in 2019 for a consumption of 120 m3/year is on average €280 on the island with a variation between €150 and €410, i.e. between 1/6 and 1/4 of the value of the net minimum wage. If you buy bottled water, the cost is 500 to 1000 times more expensive than tap water. In this context, a group action was launched with UFC-Que Choisir, against the Compagnie des Eaux in Saint-Denis Réunion, a subsidiary of the Société d'Aménagement Urbain et Rural (Saur), for failure to guarantee continuity of service while the delegatee continued to bill and distribute unhealthy water to more than 80,000 people[30] .

In Guadeloupe, while water and sanitation services are failing, with regular and prolonged water cuts, and the poverty rate reaches 34.5%[31] , the average price of water and collective sanitation is €4.89/m3[32] . Water bills can be very high (from a hundred euros to several thousand, including during the health crisis, when water cuts were exacerbated)[33] .

In addition, there is the additional cost of dock dues, a tax originally applied to imported products, which has gradually been extended to local production, particularly in Martinique and Guadeloupe. This tax is also applied to water distribution, and affects all consumers, including the most modest. Several operators unduly deduct this dock dues from the subscription part of the bill, which, being a service, should not be subject to it. Each year, this represents an amount of more than 150,000 euros paid unduly by users.

2.3. THE HIGH COST OF ALTERNATIVE SOLUTIONS

In the DROMs, the most disadvantaged people are also the least connected, which forces them to look for and finance solutions to access water themselves: purchase of bottled water, resale of unregulated water (water in jerry cans after transport), connection to a neighbour's private meter, use of a nominee meter, etc. In Guadeloupe, in order to have access to safe drinking water, many users have to buy bottled drinking water (often imported, as chlordecone has been identified in locally produced bottled water) which is 32.9% more expensive than in France, not to mention the obvious ecological cost of transport and plastic production. The authorities or operators sporadically distribute bottled water to the inhabitants because of pollution or power cuts. However, these emergency measures remain insufficient, opaque and generate inequality of treatment between users.

In Martinique and Guadeloupe, the installation of water tanks attached to homes represents a significant cost for the poor. Although the subsidy rate for these cisterns varies from 50% to 90%[34] , many

[27] *Insee. Analyse Guyane. Living standards in 2017 - n°46. June 2020. https://www.insee.fr/fr/statistiques/4623886*

[28] *Insee. Analyse La Réunion. n°194. January 2021. https://www.insee.fr/fr/statistiques/5016838*

[29] *CIREST and TCO progress contract*

[30] *Parliamentary Report of the Commission of Inquiry into the Private Takeover of Water Resources and its Consequences. p320*

[31] *Insee. Analyse Guadeloupe. Living standards in 2017 - n°43. July 2020. https://www.insee.fr/fr/statistiques/4623253*

[32] *Water figures 2018 (p.40)*

[33] *https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26511*

[34] *https://www.regionguadeloupe.fr/les-aides-les-services/guide-des-aides/detail/actualites/aide-aux-systemes-de-recuperation-des-eaux-de-pluie/categorie/particulier-1/# and https://www.observatoire-eau-martinique.fr/services-d-eau-potable-et-d-assainissement/eaux-pluviales/recuperation-et-utilisation-des-eaux-de-pluie*

households do not have the financial capacity to pay this cost (around 3000€), which remains accessible almost exclusively to wealthy households. These tanks also have operational weaknesses, and are unusable in the event of a power cut. Many households therefore choose not to invest in these expensive installations at their own expense.

3. QUALITY AND SAFETY

3.1. CONTAMINATED WATER

In French Guyana, the health risk linked to water concerns a large part of the Guyanese population, whether they live in urban areas or in isolated sites. The tropical environment is an aggravating factor as it favours the development of pathogens. For example, nearly 40,000 people living in small communities were supplied with poor quality water from a drinking water distribution unit (excluding non-connected populations)[35] . With regard to human powered pumps, sanitary monitoring shows that 18% of them deliver water chronically contaminated with dangerous bacteria[36] . Gold mining activity is also a problem in French Guyana, responsible for the high concentration of mercury in rivers located downstream of mining sites, rivers which are used by the populations of the interior communes for their daily needs.

In Reunion Island, a territory which is structurally behind in the installation of its drinking water treatment plants[37] , 46% of the people connected to the network do not have sufficient quality drinking water. 5% of these people are supplied by networks for which the health risk is proven (detection of pathogens) and permanent (lack of treatment)[38] .

Water quality is also affected by several chemical pollutions, exposing populations to potential or proven microbiological risks, requiring restrictions on use[39] . In this respect, Mayotte has received repeated warnings from the Regional Health Agency regarding a lack of mandatory self-monitoring by the operator to monitor water quality.

In Guadeloupe and Martinique, chlordecone (a dangerous pesticide banned by France in 1990 but used under a derogatory regime until 1993 in Guadeloupe and Martinique) is found in certain water catchments and then in the tap water of certain communes[40] . More than 90% of the adult population in Guadeloupe and Martinique is currently contaminated by chlordecone[41] . In Réunion, saline intrusions (linked to overexploitation of the resource) have been observed in the groundwater bodies, as well as the presence of pesticides including atrazine (banned since 2003) and glyphosate. No less than ten water catchments used for the production of water intended for human consumption have had to be abandoned[42] and 16 communes out of 24 have been put on notice because of the insufficient quality of water intended for human consumption[43] .

Surface water, often used for domestic supply in several territories, can also be affected by these contaminations. In Reunion, although many surface water resources are exploited subject to treatment, some are abandoned due to pollution (nitrate, saline intrusion or atrazine). In Martinique, 90% of these

---

[35] *High Council for Public Health. Les inégalités de santé en Guyane: état des lieux et préconisations. 2021. p35 (https://www.hcsp.fr/explore.cgi/avisrapportsdomaine?clefr=1007#:~:text=Le%20Haut%20Conseil%20de%20la,et%20culturelles%20de%20cette%20r%C3%A9gion)*

[36] *Ibid.*

[37] *Parliamentary Commission of Inquiry into the Private Takeover of Water Resources and its Consequences. Report No. 50.*

[38] *Ibid. p320-321*

[39] *Ibid.*

[40] *Water figures 2018 (p.3) and Water figures 2019 (p. 33) published by the Guadeloupe Water Office, the State services (DEAL and ARS), the Departmental Council, the Regional Council and the operators*

[41] *https://www.santepubliquefrance.fr/les-actualites/2018/chlordecone-et-autres-pesticides-sante-publique-france-presente-aux-antilles-de-nouveaux-resultats*

[42] *State Secretariat for Health. Abandonments of catchments used for the production of water intended for human consumption. 2012. p11*

[43] *Ibid*

surface water sources are unfit for consumption due to bacterial pollution. Their consumption is not recommended by the health authorities[44] as they represent a proven risk for the population.

3.2. NON-COMPLIANT SANITATION INFRASTRUCTURE

All DROMs are characterised by wastewater treatment failures, particularly in the case of non-compliant collective sanitation infrastructures, which is the case for 72% and 67% of wastewater treatment plants in Guadeloupe and Martinique respectively[45] . In these territories[46] , wastewater is discharged into ponds, mangroves, rivers, the sea, beaches or roads, resulting in muddy water or faecal matter at the tap in Guadeloupe[47] .

In terms of non-collective sanitation, many houses do not comply with the regulations in force, either because of a failure of the sanitation system or because they do not have one. In Guadeloupe, out of the 54% of homes connected individually, 75% are non-compliant. [48]In Martinique, out of 60% of individually connected dwellings, about 90% of the installations are non-compliant.[49] . In Reunion Island, 47% of dwellings are connected to a non-collective sanitation system, of which 70% are non-compliant[50] without the impacts being quantified. In Mayotte, 80% of the so-called "official" dwellings are in non-collective sanitation: 42% of them discharge their wastewater without any means of sanitation[51] .

In French Guyana, 60,000 inhabitants do not have their wastewater treated by a collective system, public or private, to which must be added the very many illegal residents present in the territory, who only have access to makeshift solutions, such as open defecation, leading to high health risks and pollution[52] .

3.3. HEALTH EFFECTS

The total or partial lack of access to water, coupled with the poor quality of water distributed to households, has significant health consequences and increases the risk of epidemics and waterborne, faecal-oral and vector-borne diseases. The health crisis in Covid19 violently highlighted the lack of access to water in the French overseas territories.

French Guyana has an excess mortality rate due to enteric diseases, a characteristic that brings the department closer to developing countries. It is the French department with the highest mortality rate from infectious intestinal diseases. The department experienced a cholera epidemic in 1991 and has seen regular cases of typhoid[53] , which is transmitted by ingesting water or food contaminated by the stools of an infected person. Infant mortality is also strongly linked to diarrhoeal diseases and pneumopathies associated with unhealthy living conditions in precarious housing (without access to drinking water and defective wastewater management) where people living in an irregular situation (without social security coverage) or economically disadvantaged people reside[54] .

Mayotte is also concerned by these issues as it experienced a major cholera epidemic in 1998-2000. The incidence rates of typhoid fever are also very high (between 14/100,000 and 20/100,000 per year

[44] https://www.martinique.ars.sante.fr/leau-des-sources-de-bord-de-route

[45] *Guadeloupe Water Observatory. Water and sanitation key figures 2021. p53; and Observatoire de l'eau Martinique. Les chiffres clés de 2019 de l'eau potable et de l'assainissement en Martinique*

[46] *Parliamentary Report of the Commission of Inquiry into the Private Takeover of Water Resources and its Consequences. 2021. p325*

[47] *Water figures by the Guadeloupe Water Office. 2019; and Report of the "Eau Secours" collective. 2020.*

[48] *Parliamentary Report of the Commission of Inquiry into the Private Takeover of Water Resources and its Consequences. 2021. p304 and p305*

[49] *Ibid. p326*

[50] Office de l'eau de La Réunion. Chronique de l'eau n°119. 2021. p6 (https://www.eaureunion.fr/fileadmin/user_upload/Chroniques/2021/21.04.26_CHRONIQUES_de_L_EAU_119.pdf) ; Étude sur les services publics d'assainissement non collectif de La Réunion. 2020. p15.16

[51] *Solidarités International. Diagnostic Report on Water, Hygiene and Sanitation in Mayotte. 2022*

[52] *High Council for Public Health. Inequalities in health in French Guyana: the current situation and recommendations. 2021. p39*

[53] *Drinking water supply in French Guyana: problems and appropriate solutions, CAIRN.info, 2010/2 Vol. 22 | pages 181 to 192*

[54] *Haut Conseil de la Santé Publique, "Les inégalités de santé en Guyane: état des lieux et préconisations", 4 March 2021*

between 2016 and 2020)[55] , as are hepatitis and gastroenteritis, the main waterborne diseases reported in Mayotte. Skin and parasitic diseases have also been recorded, including major scabies epidemics[56] . Finally, pathologies mainly transmitted by mosquitoes, such as malaria, dengue fever and Rift Valley fever, reoccur each year due to the stagnant water[57] .

In Martinique and Guadeloupe, the presence of chlordecone in the water also remains a central issue for the health of the populations. According to the National Institute of Health and Medical Research, this product is a powerful endocrine disruptor. Classified as a possible carcinogen in 1979 by the World Health Organisation, this pesticide is suspected of increasing the risk of prostate cancer (which is twice as frequent and twice as serious in the West Indies as in mainland France, with more than 500 new cases per year in Martinique and Guadeloupe).

IV CONCLUSION

The situations presented in this written contribution demonstrate the violation of the rights to water and sanitation of a large proportion of the population living in these territories, which impacts on other human rights: the right to life, the right to integrity and security, the right to dignity, the right to health, the right to education, the right to adequate housing, the right to development and the right to a safe, clean, healthy and sustainable environment.

This phenomenon does not exist at such a level in metropolitan France (except for marginalised and/or exiled populations living in camps, shanty towns or squats). The lack of an appropriate and effective response from the state and local authorities, including the lack of effective legal recourse, means that users are not granted redress, compensation for the damage suffered, or emergency solutions to stop the violation of their human rights. This undermines the confidence of users and citizens in an essential but failing public service. The extent of these problems reveals a difference in treatment between France and the DROMs, where the majority of the population affected is of African descent or from indigenous peoples.

The French State must take up this challenge and guarantee the cultural rights of the overseas populations by giving each DROM the means to take measures to remedy the shortcomings observed in terms of the right to water and sanitation, in a logic of equity and non-discrimination.

V RECOMMENDATIONS TO FRANCE

- Develop free water access points in public spaces and public institutions in the French Overseas Departments and Regions, in accordance with Ordinance 2022-1611 of 22 December 2022 on access to and quality of water intended for human consumption
- Eliminate interruptions to drinking water services in Guadeloupe, Martinique and Mayotte, by renovating networks, improving efficiency rates and increasing drinking water production resources
- Propose emergency drinking water distribution solutions to compensate for these service interruptions in the same way as in France (e.g. installation of water tanks)
- Establish, within the framework of the DOM Water Plan, a specific intervention and financing plan for populations not connected to the drinking water network in the Overseas Departments and Regions, in accordance with Order no. 2022-1611 of 22 December 2022
- Develop local and innovative solutions for access to drinking water and sanitation that are adapted to the realities of the DROMs, to prevent the contamination of water bodies, in accordance with target 6.4 of Sustainable Development Goal 6 of the 2030 Agenda

[55] *Solidarités International : Water, Hygiene and Sanitation diagnostic report for Mayotte. 2022*

[56] *Ibid.*

[57] *Ibid.*

- Establish mechanisms to ensure the affordability of drinking water and sanitation services, such as assistance with the payment of bills, free access to the first m3 of water, a ceiling on water tariffs and a ban on the collection of dock dues in the water sector in overseas France
- Strengthen training in engineering, technical support and monitoring and evaluation of drinking water and sanitation services
- Include representatives of civil society and users in the local governance of public water and sanitation services
- Ensure access to legal remedies to enable users to obtain redress and compensation for damages suffered, as well as emergency measures to stop the violation of their right to drinking water and sanitation and other related human rights violations
- Respond to the Communication sent to France in July 2021 by 5 UN Special Rapporteurs on the water situation in Guadeloupe and extend this response and the information transmitted to the situation in all other DROMs

VI ANNEXES

1.1. PRESENTATION OF THE WATER COALITION

Founded in 2007, the Water Coalition is a collective of 30 French NGOs committed to the human right to drinking water and sanitation and to the preservation and sustainable management of water as a common good.

The members of the Water Coalition are ACAD · Action contre la Faim · BlueEnergy · CRID · 4D · Dynam'eau · EAST · Eau et Vie · Eau Sans Frontières International · Experts Solidaires · GRDR · GRET · Guinée 44 · Hamap Humanitaire · Human Dignity · Hydraulique Sans Frontières · Initiative Développement · Kynarou · Morija · Première Urgence Internationale · Secours Catholique - Caritas France · Secours Islamique France · SEVES · Solidarité Eau Europe · Solidarités International · Vision du Monde · WECF · Wikiwater

The Water Coalition has been coordinating a working group on the human right to water and sanitation (DHEA) in France since 2012, which brings together some twenty NGOs with the following objectives: recognition of the human right to water and sanitation in French law; affordable access to water and sanitation services; access to water and sanitation infrastructure for unconnected populations; accountability by public authorities; access to water and sanitation in the French Overseas Territories.

The following associations participated in the drafting of this written contribution: Coalition Eau · Croix Rouge française Guyane et Mayotte · Médecins du Monde Mayotte et Guyane· Observatoire Terre Monde · Sillages · Solidarités International

More information: www.coalition-eau.org

1.2. CONTACT OF THE WATER COALITION

Mail: edith.guiochon@coalition-eau.org

Telephone: + 33 (0)1 70 91 92 60

Campus of the Tropical Agricultural Garden

45 bis avenue de la Belle Gabrielle

94736 Nogent sur Marne cedex - France