



საქართველოს სახალხო დამცველი
PUBLIC DEFENDER (OMBUDSMAN) OF GEORGIA

SPECIAL REPORT OF THE PUBLIC DEFENDER OF GEORGIA

REALISATION OF THE RIGHT TO WATER IN GEORGIA



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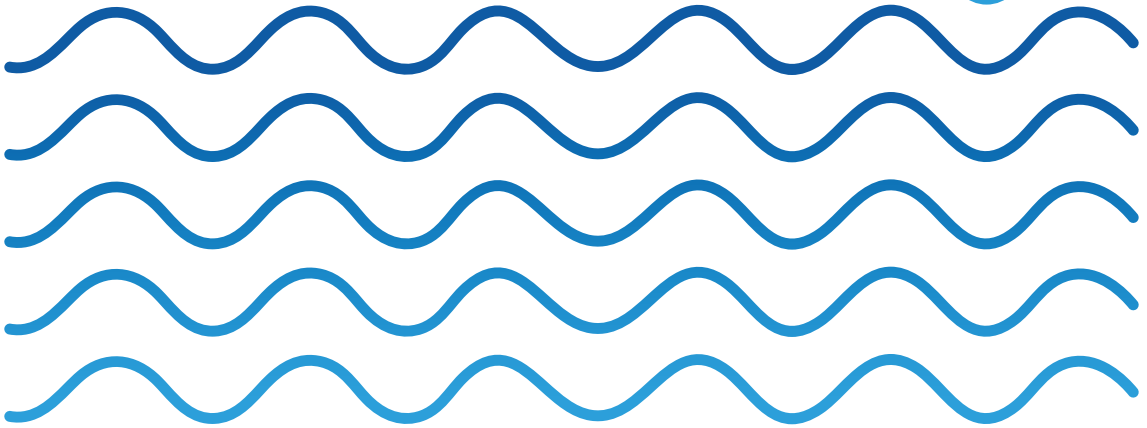


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ABBREVIATIONS:

GANHRI	Global Alliance of National Human Rights Institutions
IDP	Internally Displaced Persons
LEPL	Legal Entity of Public Law
PwDs	Persons with Disabilities
SDGs	Sustainable Development Goals
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children’s Fund
WHO	World Health Organization



INTRODUCTION

Water is a limited natural resource and a public good that creates the foundation of life. The United Nations (UN) indicates that water is crucial for various aspects of human life, first and foremost for health. Moreover, water is essential for reducing poverty, ensuring food security, protecting peace and human rights, supporting ecosystems, and promoting education.¹

The World Health Organization (WHO) indicates that contaminated water and poor sanitary conditions are directly linked to the transmission of diseases such as cholera, diarrhoea, dysentery, and hepatitis A. Water also impacts **socio-economic factors** in human life. Through improved and accessible water services, people spend less time and physical effort collecting water, which means they become more productive in other aspects of life. Additionally, medical expenses related to health are reduced, and children's health conditions improve, which in turn is connected to their academic performance and has a positive long-term impact on their lives.²

WHO reports³ that in 2022, 2.2 billion people remained without access to safe water services. Moreover, sharp geographical, socio-cultural, and economic inequalities persist both between rural and urban populations, as well as within cities.⁴ According to the organization's 2023 forecast, improved access to water, sanitation, and hygiene **can save 1.4 million lives annually**.⁵

Access to water has become an even more pressing issue against the backdrop of the **global climate change crisis**. Experts agree that this crisis is inextricably linked to water, as climate change is increasing variability in the water cycle, thus inducing extreme weather events, reducing the predictability of water availability, decreasing water quality and threatening sustainable development, biodiversity and enjoyment of the human rights to safe drinking water worldwide.⁶ Climate change mitigation strategy is directly linked to ensuring sustainable water access.

1 United Nations, Goal 6: Access to water and sanitation for all, <<https://www.un.org/sustainabledevelopment/water-and-sanitation/>>.

2 The World Health Organization, 2023, <<https://www.who.int/news-room/fact-sheets/detail/drinking-water>>.

3 Ibid.

4 Ibid. Refers to settlements where people living in low-income, informal or illegal settlements typically have less access to improved sources of drinking water than others.

5 World Health Organization (WHO), 2023, see link: <<https://www.who.int/news/item/28-06-2023-improving-access-to-water--sanitation-and-hygiene-can-save-1.4-million-lives-per-year--says-new-who-report>>.

6 UN-Water, Climate Change and Water UN-Water Policy Brief, 2019, p. 4, see link: <https://www.unwater.org/sites/default/files/app/uploads/2019/10/UN_Water_PolicyBrief_ClimateChange_Water.pdf>.

The global challenge of safe and affordable water is also addressed by the **UN Sustainable Development Goals (SDGs)** (specifically, Goal 6 - Access to water and sanitation for all).⁷ According to the 2023 assessment, despite progress, billions of people still lack access to safe drinking water, and achieving universal coverage by 2030 requires significant improvement of current progress, specifically a six-fold increase with respect to drinking water.⁸

It should be noted that the **“Vision 2030, Georgia’s Development Strategy”** approved by the Government of Georgia in 2022 considers the issue of water supply in the country’s regions as one of the significant challenges due to malfunctioning and, in some cases, non-existent infrastructure.⁹ The same document indicates that, considering the number of licensed providers in the country, 66% of Georgia’s population is supplied with water, which, in many cases, is characterized by disruptions. Not all regions have well-functioning infrastructure networks and water quality monitoring mechanisms.¹⁰ According to the Georgian National Energy and Water Supply Regulatory Commission, in 2023, licensed companies provided water supply to only 69% of the population.¹¹

According to the policy stated in this **strategy, by 2025** 100% of the population in Georgia’s cities will have continuous access to water supply that meets the standards, while **by 2030 - 100% of the population of the entire country**.¹²

According to the **Vision and Policy Statement for the Development of the Water Supply and Sewerage Sector**,¹³ the functionality of water supply and sewerage infrastructure needs improvement. The situation in villages is particularly noteworthy, where the level of service needs more improvement than in cities.¹⁴

The 2022 data from the Joint Monitoring Programme (JMP) of the WHO and the United Nations Children’s Fund (UNICEF) on progress in water supply, sanitation, and hygiene indicate that 41% of the rural population, 88% of the urban population, and 69% of the total population in Georgia

7 United Nations, Sustainable Development Goals, Goal 6, see link: <<https://www.un.org/sustainabledevelopment/water-and-sanitation/>>.

8 United Nations, Sustainable Development Goals Report, 2023, p. 26, see link: <<https://unstats.un.org/sdgs/report/2023/The-Sustainable-Development-Goals-Report-2023.pdf>>.

9 Resolution #517 of the Government of Georgia of November 3, 2022, Annex 2: “Vision 2030, Georgia’s Development Strategy”, p. 47, see link: <<https://matsne.gov.ge/ka/document/view/5604706?publication=0>>.

10 Ibid.

11 Georgian National Energy and Water Supply Regulatory Commission Annual Activity Report 2023, p. 35, see link: <<https://gnerc.org/files/Annual%20Reports/Annual%20Report%20short%202023%20GEO.pdf>>.

12 “Vision 2030, Georgia’s Development Strategy”, p. 151-152.

13 Vision and Policy Statement for the Development of the Water Supply and Sewerage Sector, Ministry of Regional Development and Infrastructure of Georgia. Prepared by MRDI/UWSCG/Advisory Team, for United Water Supply Company of Georgia LLC, 2021. Publicly available on the website of the Ministry of Regional Development and Infrastructure of Georgia and is the first consolidated document on the vision necessary for sustainable development of the water supply and sewerage sector in Georgia, see link: <<https://shorturl.at/2pnVn>>.

14 Ibid., p. 3-4.

have access to a safe water supply system.¹⁵ Notably, from 2015 to 2022, this indicator improved by only 2% for the total population, by 1% for the rural population, and remained unchanged for the urban population.¹⁶

Considering the significance and urgency of the issue at both global and national levels, the Office of the Public Defender of Georgia, as a constitutional institution overseeing human rights, prioritized work on the right to water in 2024 with the support of the UN, the Global Alliance of National Human Rights Institutions (GANHRI), and Norway. Based on human rights-based approach and international standards, the Office developed a special methodology, which served as the basis for conducting monitoring and preparing this special report.

The document analyses international standards on the right to water, the obligations of the state, the substantive aspects and principles of the right, national regulations, as well as prevalent challenges in different municipalities of Georgia. The Office also requested and processed various official data related to the realization of the right to water. The special report provides recommendations and proposals to the relevant authorities, the implementation of which will contribute to the fulfilment of this right.

15 Progress on household drinking water, sanitation, and hygiene (2000-2022), 2023, WHO/UNICEF, JMP, p. 111. The report is available at: <<https://data.unicef.org/resources/jmp-report-2023/>>.

16 Ibid.

2

THE HUMAN RIGHTS TO WATER – INTERNATIONAL VISION AND GUARANTEES

To understand the content and scope of the right to water, it's important to briefly analyse the historical development of this right.

The Universal Declaration of Human Rights (1948) adopted by the UN General Assembly, as well as **the International Covenant on Economic, Social and Cultural Rights (1966)**, did not explicitly provide for the human right to water, however, both international instruments recognized and continue to recognize every person's right to an **adequate standard of living**.¹⁷ The UN Special Rapporteur on the Rights to Water and Sanitation (hereinafter - the Special Rapporteur) explains this only by the fact that when these documents were being developed, water was freely available to everyone.¹⁸

In the last decades of the past century, **several international treaties** on human rights began to explicitly refer to water as an important issue for the realization of human rights.¹⁹

In 2002, **the UN Committee on Economic, Social and Cultural Rights (CESCR)** (hereinafter - the Committee) developed **General Comment No. 15**, which reflects interpretations of the norms of the International Covenant on Economic, Social and Cultural Rights. The Comment defines guiding principles regarding the content of the right to water and explains that this right was implicitly reflected in two articles of the Covenant, which concern the rights to an adequate standard of living (Article 11) and health (Article 12). The Comment establishes state obligations regarding the right to water and defines which actions are considered violations.

In subsequent years, various international resolutions and reports also contain references to the human right to water: In 2006, the Sub-Commission on the Promotion and Protection of Human Rights adopted guidelines on the realization of the right to drinking water and sanitation.²⁰ In 2007, this continued with a study submitted by the High Commissioner for Human Rights to the Human Rights Council, which addressed the scope and content of human rights obligations related to

17 Universal Declaration of Human Rights, paragraph 25.1; International Covenant on Economic, Social and Cultural Rights, paragraph 11.1.

18 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Introduction**, 2014, p. 24.

19 For example, Convention on the Rights of the Child, Article 24.2.c; Convention on the Rights of Persons with Disabilities, Article 28.2.a; Convention on the Elimination of All Forms of Discrimination Against Women, Article 14.2.h.

20 UN, Economic and Social Council, Realization of the right to drinking water and sanitation Report of the Special Rapporteur, El Hadji Guissé, **Draft guidelines**, E/CN.4/Sub.2/2005/25, 2005.

See link: https://www.ohchr.org/sites/default/files/Documents/Issues/Water/SUB_Com_Guisse_guidelines.pdf.

equal access to safe drinking water and sanitary conditions.²¹ In the document, the Commissioner explains that it is time for access to safe drinking water and sanitation to be recognized as a human right, which implies **equal and non-discriminatory access to a sufficient amount of safe drinking water for personal and domestic uses - drinking, personal sanitation, washing of clothes, food preparation and personal and household hygiene - to sustain life and health.**²²

Following this, in 2010 for the first time, the **UN General Assembly**²³ **recognized through a resolution** the human right to safe water and sanitation as an essential right for the full enjoyment of life and the realization of human rights. Later, the **UN Human Rights Council**²⁴ affirmed this recognition through a resolution and explained that the right to water derives from the right to an adequate standard of living. The resolutions call upon states to mobilize appropriate resources and develop relevant instruments to progressively ensure the realization of the right to safe, clean, physically and economically accessible drinking water for **everyone**.

As revealed by this resolution of the UN General Assembly, the decision was preceded by an alarming situation: approximately 884 million people lacked access to safe drinking water, and more than 2.6 billion people lacked basic sanitation; 1.5 million children under the age of five died, and 443 million school days were lost annually due to water- and sanitation-related diseases.²⁵ Therefore, equal access to safe and clean drinking water and sanitation was recognized as an integral part of the realization of all human rights.²⁶

In 2013-2014, the UN General Assembly and the UN Human Rights Council reaffirmed the recognition of the right to water and sanitation, on the basis of consensus.²⁷

As a result of historical development, **the work of the UN Special Rapporteur** played a particularly important role in interpreting substantive issues regarding the right to water and overseeing this right. Initially, in 2008, the UN Human Rights Council appointed an independent expert in this area, and after the 2010 recognition, in 2011, it defined **the mandate of the Special Rapporteur on the human right to water and sanitation**: the Rapporteur conducts thematic inquiries, plans

21 UN High Commissioner for Human Rights, Report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments, 2007, <<https://digitallibrary.un.org/record/606139/?v=pdf>>.

22 Ibid., paragraph 66.

23 UN, General Assembly, The human right to water and sanitation, Resolution, A/RES/64/292, 2010, see link: <<https://documents.un.org/doc/undoc/gen/n09/479/35/pdf/n0947935.pdf>>.

24 UN, General Assembly, Human rights and access to safe drinking water and sanitation, Resolution, A/HRC/RES/15/9, 2010, see link: <<https://documents.un.org/doc/undoc/gen/g10/166/33/pdf/g1016633.pdf>>.

25 UN, General Assembly, The human right to water and sanitation, Resolution, A/RES/64/292, 2010.

26 Ibid.

27 UN, General Assembly, The human right to safe drinking water and sanitation, Resolution, A/RES/68/157, 2014, see link: <<https://documents.un.org/doc/undoc/gen/n13/448/87/pdf/n1344887.pdf>>;

UN, General Assembly, The human right to safe drinking water and sanitation, Resolution, A/HRC/RES/24/18, 2013, see link: <<https://documents.un.org/doc/undoc/gen/g13/179/24/pdf/g1317924.pdf>>.

state visits, processes good practices, and develops recommendations. In 2020, the Rapporteur dedicated a large-scale campaign to the 10-year anniversary of the recognition of the right to water.²⁸

As noted above, along with the gradual change in international approaches to water and its recognition as a right, the UN also included ensuring water and sanitation for all among the universal goals developed in 2015.

It should also be noted that in 2021-2022, the UN General Assembly and the Human Rights Council recognized **access to a safe, clean, healthy and sustainable environment** as a human right.²⁹ According to the resolution, the Council recognizes that the three dimensions of sustainable development and environmental protection, among other issues, contribute to human well-being and the enjoyment of human rights by present and future generations, including mentioning the right to access safe drinking water and sanitation.³⁰

28 Celebration of the 10th anniversary of the UNGA Resolution, Special Rapporteur on the human rights to safe drinking water and sanitation, see link: <<https://www.ohchr.org/en/special-procedures/sr-water-and-sanitation/celebration-10th-anniversary-unga-resolution>>.

29 UN, Human Rights Council, The human right to a clean, healthy and sustainable environment, Resolution, A/HRC/RES/48/13, 2021, see link: <<https://documents.un.org/doc/undoc/gen/g21/289/50/pdf/g2128950.pdf>>; UN, the General Assembly, The human right to a clean, healthy and sustainable environment, Resolution, A/RES/76/300, 2022, see link: <<https://documents.un.org/doc/undoc/gen/n22/442/77/pdf/n2244277.pdf>>.

30 Ibid., p. 1.

3

STATE OBLIGATIONS

In its General Comment No. 15 regarding the right to water, the Committee identifies several types of state obligations:³¹

First, the **general obligation** requires the state to progressively realize the right to water as expeditiously effectively and fully as possible **using the maximum available resources**. Progressive realization does not imply state inaction; on the contrary, this concept recognizes that full realization is achieved gradually. The obligation of progressive realization requires not only increasing the number of people with access to water systems but also improving the general level of service for current and future generations.³²

Even when resources are very limited (such as during a financial or economic crisis), the state should prioritize ensuring that everyone has access to, **at minimum, the basic level of rights**. States should also take measures to protect poor, marginalized, and disadvantaged individuals/groups through targeted programs, along with other mechanisms.³³

The obligation to have and use maximum available resources also includes the state's duty to generate adequate revenue through taxation and other mechanisms, and to seek international assistance if necessary.

Although the progressive realization of economic, social and cultural rights may be a gradual and continuous future process, there are also immediate **obligations**, such as **prohibiting discrimination and ensuring equality**, which are not subject to gradual implementation in the future.³⁴

In relation to the right to water, the state also has **special obligations**, which include obligations to **Respect, Protect, and Fulfil**.³⁵

The obligation to Respect³⁶ involves taking a number of steps by the state. Violations of this obligation include, for example, selling land with water resources that local populations use

31 UN Committee on Economic, Social and Cultural Rights, General Comment No. 15, 2002 E/C.12/2002/11, Chapter 3.

32 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Introduction**, 2014, 26.

33 UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002 E/C.12/2002/11, Paragraphs: 17, 19, 37(f), 41.

34 OHCHR, UN-HABITAT, The World Health Organization (WHO), The Right to Water, Fact Sheet No. 35, 2010, p. 25.

35 UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002 E/C.12/2002/11, paragraph 20.

36 UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002 E/C.12/2002/11, paragraph 20a.

without providing adequate alternatives;³⁷ polluting water resources; arbitrary and illegal disconnection of water supply; reducing safe drinking water supply to poor neighbourhoods to satisfy the demands of wealthier neighbourhoods; destruction of water services and infrastructure during armed conflict as a punitive measure.³⁸

The obligation to Protect³⁹ requires the state to: prevent/stop third parties from interfering in any way with the realization of the right to water; adopt legislation/measures to ensure the private sector (e.g., industry, water service providers, private individuals) complies with standards related to the right to water; ensure water supply is not disconnected illegally and arbitrarily; protect communities from unsustainable extraction of water resources by third parties that they use for drinking; ensure the physical safety of women and children is not endangered when they go beyond their residence to collect water; ensure property laws and practices do not prevent individuals and communities from accessing safe water; ensure third parties who control or implement water supply do not hinder equal economic and physical access to sufficient water.⁴⁰

The obligation to Fulfil⁴¹ requires the state to create conditions that allow everyone to enjoy the right to water. This does not mean that the state itself must provide the service, except when individuals/groups do not have access to the right to water through other mechanisms.⁴² The state must implement appropriate legislative, administrative, budgetary, judicial, promotional, and other measures for the full realization of the right to water. Also, adopt a water policy that: prioritizes personal and domestic use in water management; defines goals for expanding water services, with a focus on disadvantaged and marginalized groups; identifies available resources to achieve these goals; determines the most economical ways to use them; reflects responsibilities and timeframes for implementing necessary measures; monitors results, including adequate remedies for violations.⁴³ States should also ensure appropriate education on the proper use of water systems and methods for protecting water sources.⁴⁴

A separate chapter in the Committee's interpretations is dedicated to **international obligations as well**. Water should not be used as an instrument or means of economic pressure. The same chapter also reviews the obligations related to mutual assistance between countries.⁴⁵

37 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Introduction**, 2014, p. 26.

38 **OHCHR, UN-HABITAT, The World Health Organization (WHO)**, The Right to Water, Fact Sheet No. 35, 2010, p. 27.

39 UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002 E/C.12/2002/11, paragraph 20b.

40 **OHCHR, UN-HABITAT, The World Health Organization (WHO)**, The Right to Water, Fact Sheet No. 35, 2010, p. 27.

41 UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002 E/C.12/2002/11, paragraph 20c.

42 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Introduction**, 2014, p. 27.

43 **OHCHR, UN-HABITAT, The World Health Organization (WHO)**, The Right to Water, Fact Sheet No. 35, 2010, p. 28.

44 Ibid.

45 In detail, UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002 E/C.12/2002/11, from paragraph 30.

4

THE CONTENT AND CRITERIA OF THE RIGHT TO WATER

Water is used for a wide spectrum of purposes. For example, it is essential for the realization of the rights to adequate nutrition, health, earning income through labour, and participation in cultural life. Nevertheless, when distributing water, priority should be given to the right to water for **personal and domestic use**, as well as for the prevention of hunger and disease.⁴⁶

The human right to water entails **sufficient, safe, acceptable, physically and economically accessible water for personal and domestic uses. According to the UN Committee's interpretation, personal and domestic use includes using water for drinking, personal sanitation, washing clothes, food preparation, and personal and household hygiene.**⁴⁷

The Committee also explains the normative content of individual components. These issues are extensively reviewed in various thematic reports by the UN Special Rapporteur as well. Therefore, the standards reviewed below are based precisely on those interpretations and approaches established by international documents dedicated to the right to water.

4.1 AVAILABILITY

Availability of water requires that water corresponds to people's needs, both now and in the future.⁴⁸

The right to water does not give a person access to an unlimited amount of water. Availability includes two main dimensions: sufficient and continuous water for **personal and domestic use**.

According to the UN General Comment, the amount of water for each person should comply with the guidelines of the WHO.⁴⁹ In turn, the WHO links the concept of sufficient water to meeting basic needs.⁵⁰ For this purpose, one person needs 50 to 100 litres of water daily; access to 20-25 litres per person is the daily minimum, however, this amount raises health-related concerns because it is not enough for hygiene, as well as for meeting basic consumption requirements.⁵¹

46 Ibid., paragraph 6.

47 Ibid., paragraph 12a.

48 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Introduction**, 2014, p. 34.

49 UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002 E/C.12/2002/11, paragraph 12a.

50 Ibid., footnote 14.

51 **OHCHR, UN-HABITAT, WHO**, The Right to Water, Fact Sheet No. 35, 2010, p. 8, see link: <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-35-right-water>, with reference to: G. Howard and J. Bartram, "Domestic water quantity, service level and health" (WHO, 2003), paragraph 22.

It should also be considered that some individuals/groups may need more water due to their health conditions, work, climate conditions, or other factors.⁵² For example, nursing mothers, pregnant women, or those with HIV/AIDS need more than 50-100 litres of water per day.⁵³

Therefore, to assess quantity and sufficiency, it is essential to evaluate the local context and specific circumstances.

Regarding continuity, this criterion means that water supply should be sufficiently regular.⁵⁴ Thus, continuity should be assessed together with the sufficiency component, as they are interconnected and interdependent elements.

The right to water does not prohibit the discontinuation of water services, which may occur for various reasons (e.g., contamination of water resources or emergencies), although such interruptions are allowed only under specific restrictions and conditions. Overall, disconnection should be based on legally established rules, and the affected individuals should benefit from procedural guarantees.⁵⁵ The amount of safe drinking water may be reduced, but a complete disconnection may be permissible only if there is access to an alternative source that provides a minimum amount of safe drinking water to prevent disease.⁵⁶

When water is scarce, or when the provider is carrying out technical or repair work, temporary (but not permanent) disconnection may be justified. However, during such times, the state should establish regulations, standards, and procedures that ensure the population is provided with an alternative supply of the necessary amount of water, and the affected individuals should be informed about the time and duration of any such interruption.⁵⁷

4.2 PHYSICAL ACCESSIBILITY

The physical accessibility criterion, in turn, encompasses several important components, whether it is location, physical safety, or the time factor.

Specifically, water supply infrastructure (e.g., a tap) should be positioned in a way to truly ensure accessibility, including for people who have various barriers. **Ensuring physical safety is vitally important. Therefore, it is essential to consider the needs of different groups,** particularly

52 UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002 E/C.12/2002/11, paragraph 12a.

53 OHCHR, UN-HABITAT, WHO, The Right to Water, Fact Sheet No. 35, 2010, p. 8.

54 Ibid., paragraph 12a.

55 Ibid., p. 34.

56 Ibid.

57 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Planning processes, service providers, service levels and settlements**, 2014, p. 40.

the interests of children, the elderly, persons with disabilities (PwDs), and people with chronic illnesses.⁵⁸ The location should be accessible always and to everyone.⁵⁹

Regular water supply to a residential house eliminates the need for women and children to exert physical effort and spend time collecting water from distant sources.⁶⁰ Although access to water in homes is always desirable, interim solutions such as common public water points may comply with human rights obligations in the short term during the process of progressive realization.⁶¹ However, in this case, the requirement for reasonable distance must be met: the common supply tap should be at a reasonable distance from the residential house. A “reasonable distance” is considered to be a distance that allows everyone to collect sufficient water for personal and household use.

The General Comment does not specify a particular distance and collection time when defining physical accessibility. The Committee emphasizes that water should be accessible within or in the immediate vicinity of each household, educational institution, and workplace.⁶² However, **according to WHO**, for daily access to a basic amount of water, the source should be no more than 1,000 meters from the home and collection time should not exceed 30 minutes, including both travel time and queuing.⁶³

4.3 ECONOMIC ACCESSIBILITY

Economic accessibility is another essential criterion identified by the UN Committee. It explains that direct and indirect costs and charges associated with securing water must be affordable and must not compromise or threaten the realization of other Covenant rights.⁶⁴

Specifically, citizens should not have to forgo other essential needs and services, including food, housing, healthcare, and education, due to water costs.⁶⁵ While the human rights standards do not require the provision of free water service, no one should be denied access to water due to inability to pay. Therefore, the state has an obligation to create mechanisms for free service

58 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Introduction**, 2014, p. 35.

59 Ibid.

60 **OHCHR, UN-HABITAT, WHO**, The Right to Water, Fact Sheet No. 35, 2010, p. 10.

61 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Introduction**, 2014, p. 35.

62 UN Committee on Economic, Social and Cultural Rights, General Comment No. 15, 2002 E/C.12/2002/11, paragraph 12c.i.

63 Domestic Water Quantity, Service Level and Health, Second Edition, WHO, 2020, p. 52, <<https://iris.who.int/bitstream/handle/10665/338044/9789240015241-eng.pdf>>; also, Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Legislative, regulatory and policy frameworks**, 2014 p. 40.

64 UN Committee on Economic, Social and Cultural Rights, General Comment No. 15, 2002 E/C.12/2002/11, paragraph 12c (ii).

65 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Introduction**, 2014, p. 36.

or adequate subsidies for certain circumstances, so that everyone always has access to the necessary minimum and costs do not become a barrier.⁶⁶ For example, the threshold proposed by the United Nations Development Programme (UNDP) is 3% of household income.⁶⁷

Economic accessibility is considered with regard to two kinds of expenses: first, the cost of connection and/or construction, which is relatively high but not paid regularly; and second expense is the cost of the regular charges, such as tariffs, or operation and maintenance charges.⁶⁸

Recouping investment costs and providing services effectively are important for the sustainability of the service itself, but this should not undermine citizens' economic accessibility.⁶⁹ Providing completely free service may be an administratively efficient way to ensure accessibility, however, this raises questions regarding the appropriate use of maximum available resources.⁷⁰

The state has broad discretion in selecting the most appropriate means. This may include the introduction of low-budget techniques and technologies, developing an appropriate pricing policy that includes free or inexpensive water, as well as introducing income supplements (e.g., subsidies or other mechanisms). Service fees should be based on the principle of equity, including for socially vulnerable groups, and poor families should not be disproportionately burdened with water service costs compared to wealthy populations.⁷¹

Therefore, there is no single formula that is suitable not only for all countries but also universally applicable within a country,⁷² since a specific fee may be affordable for one segment of the population but not for another. Special attention should be paid to citizens who have low income or who are without income.⁷³

The standards pertaining to the right to water also emphasize that there should be legal frameworks that put adequate procedural safeguards in place in cases of disconnection for non-payment, so that the reason for non-payment is established prior to any disconnection, and users must then be given the chance to pay arrears.⁷⁴ This is particularly noteworthy since disconnection of services due to inability to pay is unjustified, violates human rights, and is a

66 Ibid.

67 **OHCHR, UN-HABITAT, WHO**, The Right to Water, Fact Sheet No. 35, 2010, p. 11, also see <<https://www.un.org/en/global-issues/water>>.

68 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Legislative, regulatory and policy frameworks**, 2014, p. 60.

69 Ibid., p. 49.

70 Ibid., p. 50.

71 UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002 E/C.12/2002/11, (c), Obligations to fulfil, paragraph 27.

72 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Legislative, regulatory and policy frameworks**, 2014, p. 49.

73 Ibid.

74 Ibid., p. 51

regressive/dangerous measure.⁷⁵ Service disconnection due to non-payment is permissible only if the citizen is able to pay and does not pay.⁷⁶ Service providers should also study the impact of any disconnection to ensure that the action is necessary and proportionate.⁷⁷ Disconnection at the citizen's own request is also a problematic issue, as this may be caused by a lack of economic accessibility and the citizen may prefer to rely on alternative water sources, which is associated with public health hazards.⁷⁸ If service is disconnected due to non-payment and inability to pay is confirmed, supply must be restored immediately, regardless of payment/non-payment.⁷⁹

4.4 WATER QUALITY

One of the main criteria for the realization of the right to water is water quality. The state's obligation to ensure access to adequate water not only creates the foundation for human dignity but is also one of the principal mechanisms for protecting the quality of water supplies and resources themselves.⁸⁰

According to the Committee's explanation, water needed for personal or household use must be safe and, therefore, free from microorganisms, chemical substances, or radiological hazards that pose a threat to human health.⁸¹

The legislative framework should ensure water safety and quality. Therefore, it is essential to develop standards appropriate to the national context, which, in turn, will be based on **WHO** guidelines and will consider the interests of vulnerable groups.⁸²

WHO Guidelines for Drinking Water Quality establish recommended limits for chemical and biological substances. The purpose of the established limits is to maximize the probability of water safety for humans, and the long-term goal should be to fully comply with these guidelines.⁸³

In turn, these guidelines are periodically updated and are based on directives developed by WHO over decades (since 1983) regarding water quality, which serve as an authoritative foundation for

75 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Planning processes, service providers, service levels and settlements**, 2014, p. 40.

76 Ibid.

77 Ibid., p. 41.

78 Ibid.

79 Ibid.

80 UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002 E/C.12/2002/11, paragraph 29.

81 Ibid., paragraph 12.b.

82 UN, Economic and Social Council, Realization of the right to drinking water and sanitation Report of the Special Rapporteur, El Hadji Guissé, **Draft guidelines**, E/CN.4/Sub.2/2005/25, 2005, paragraph 7.1.

83 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Monitoring compliance with the human rights to water and sanitation**, 2014, p. 18.

developing national regulations and standards. For example, most recently, the guidelines were updated in 2022.⁸⁴

Quality monitoring is an expensive measure. Therefore, in countries with limited resources, setting interim goals (standards) is permissible until the final goal is fully achieved,⁸⁵ however, periodic and progressive review of these standards is essential.⁸⁶ It is also the state's obligation to devise regulations and policies to **control** the pollution of water resources.⁸⁷

For communities dependent on small-scale water supply systems, especially low-income communities, states should provide financial and technical assistance, including through information and training.⁸⁸

As the Special Rapporteur indicates, piped water supply in homes is the gold standard for access to drinking water, but in rural areas drinking water is often obtained from public sources/boreholes, or citizens themselves draw from private wells, directly from springs, rivers, and lakes. In almost all cases, the absence of household water supply networks and the lack of chlorination and quality monitoring mean a high risk of non-potability.⁸⁹

4.5 ACCEPTABILITY

The UN General Comment indicates that water must have acceptable **colour, smell, and taste**⁹⁰ for personal or household use. This means that water must meet local social and cultural standards, which is crucial for dignity and privacy.⁹¹

In a local context, water that is acceptable to citizens (colour, smell, taste) is important so they don't resort to contaminated alternatives that might appear more attractive. The acceptability criterion must be met by all means of water supply, including network supply, cisterns, wells, and

84 WHO, Guidelines for drinking-water quality: fourth edition incorporating the first and second addenda, 2022, see link: <<https://www.who.int/publications/i/item/9789240045064>>.

85 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Monitoring compliance with the human rights to water and sanitation**, 2014, p. 18; For example, authorities can set a minimum goal that water is not contaminated with faecal matter and naturally occurring minerals/metals that cause disease, as well as with waste from local industry or agriculture.

86 UN, Economic and Social Council, Realization of the right to drinking water and sanitation Report of the Special Rapporteur, El Hadji Guissé, **Draft guidelines**, E/CN.4/Sub.2/2005/25, 2005, paragraph 7.2.

87 Ibid., paragraph 7.3.

88 Ibid., paragraph 7.5.

89 UN, General Assembly, Report of the Special Rapporteur on the human rights to safe drinking water and sanitation, Human rights to safe drinking water and sanitation of people in impoverished **rural areas**, A/77/167, 2022, paragraph 34, see link: <<https://documents.un.org/doc/undoc/gen/n22/426/99/pdf/n2242699.pdf>>.

90 UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002E/C.12/2002/11, paragraph 12.b.

91 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Introduction**, 2014, p. 37.

others.⁹² Therefore, water services should be provided in a way that accommodates local cultural practices, in order to be truly acceptable and accessible, including for all vulnerable groups.⁹³

The state has an obligation to establish clear policy parameters for determining acceptability in a specific settlement/territory, as well as to define ways to improve this in the future, taking into account the concept of progressive realization.⁹⁴

4.6 SUSTAINABILITY

Water is a socio-cultural good and not primarily an economic good.⁹⁵ Therefore, the realization of the right to water must be sustainable for present and future generations.⁹⁶

When providing water services, the natural environment and the rights of future generations must be protected, which requires maintaining a balance between different dimensions of financial, social, and environmental sustainability.⁹⁷

A human rights-based approach requires understanding financial, social, and environmental sustainability against regressive realization. The service should improve, positive results should be maintained, and any deterioration should be avoided.⁹⁸ Sustainability is achieved through technological solutions that can be maintained at the local level.⁹⁹

States must establish standards to ensure the sustainability of water services, regardless of whether the service is provided by the state or a private entity.

92 OHCHR, UN-HABITAT, WHO, The Right to Water, Fact Sheet No. 35, 2010, p. 9.

93 **Human Right 2 Water**, A practical guide for the realization of the human rights to water and sanitation through programming, 2021, p. 19, see link: <<http://humanright2water.org/blog/2021/03/19/a-human-rights-based-approach-manual/>>.

94 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Planning processes, service providers, service levels and settlements**, 2014, p. 25.

95 UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002E/C.12/2002/11, paragraph 11.

96 Ibid.

97 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Planning processes, service providers, service levels and settlements**, 2014, p. 22.

98 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Introduction**, 2014, p. 33.

99 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Legislative, regulatory and policy frameworks**, 2014, p. 38.

5

HUMAN RIGHTS-BASED APPROACHES IMPORTANT FOR THE REALIZATION OF THE RIGHT TO WATER

The realization of the right to water, like other human rights, requires an approach based on several key principles, as indicated by both the Committee's General Comment and various guideline documents.

The international human rights framework defines standards that must be observed when making political and economic decisions related to water resource allocation. Therefore, in accordance with international standards, the main principles for full protection of the right to water are: **non-discrimination and equality, access to information, participation, and state accountability.**

5.1 NON-DISCRIMINATION AND EQUALITY

The state has an obligation to ensure equality for each individual and all groups. Water, as well as water facilities and services, must be accessible to everyone, including the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.¹⁰⁰ At the same time, as noted, the prohibition of discrimination regarding the right to water has immediate effect.¹⁰¹ Discrimination in access to water is proscribed, both for specific characteristics and due to "other status."¹⁰² States should pay special attention to the needs of individuals or groups who are vulnerable or traditionally face difficulties in realizing their right to water. These include women, children, indigenous people, persons living in rural and deprived urban areas, nomadic and traveller communities, refugees, asylum-seekers, internally displaced persons, migrant workers, prisoners and detainees, as well as other groups facing difficulties with gaining access to water.¹⁰³ Unequal accessibility may be observed due to the residential location of persons/groups and not for obvious discriminatory reasons.¹⁰⁴

The principle of non-discrimination inherently acknowledges that people face different barriers and their needs also differ, given their inherent characteristics or discriminatory practices.

100 UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002E/C.12/2002/11, paragraph 12.c.iii.

101 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Access to justice for violations of the human rights to water and sanitation**, 2014, p. 13.

102 Due to sex, age, language, religion, political or other opinion, national or social origin, property status, place of birth, disability, health status, sexual orientation, civil, political, social or other status; UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002E/C.12/2002/11, paragraph 13.

103 UN, Economic and Social Council, Realization of the right to drinking water and sanitation Report of the Special Rapporteur, El Hadji Guissé, **Draft guidelines**, E/CN.4/Sub.2/2005/25, 2005, paragraphs 3.1. and 3.2.

104 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Legislative, regulatory and policy frameworks**, 2014, p. 17.

Therefore, they require different approaches and support. The state must take measures to reduce and eliminate the causes of discrimination in order to achieve equality in services. In turn, this requires the state to have knowledge about inequalities not only between groups with different incomes but also between rural and urban populations, as well as in terms of gender and in relation to vulnerable groups.¹⁰⁵

It is impossible to deny that systematic correction of inequality and discrimination requires time and expense. This depends, to some extent, on available resources, but in the case of failure to eliminate inequality, the state bears the burden of proof to justify its inaction. There are cases when historical or deeply rooted discrimination is such an intractable problem that it justifies the adoption of temporary special measures, often called “affirmative action” or “positive discrimination”.¹⁰⁶

States should monitor the extent to which equality is being ensured, as well as develop appropriate policies/plans/indicators and assess whether the steps taken are achieving results in the process of eliminating inequality.¹⁰⁷

5.2 ACCESS TO INFORMATION

The realization of the right to water is inconceivable, without access to information. Only an informed society can strengthen state accountability. The public should have access to information to achieve the following **purposes**:¹⁰⁸

-  Democratic engagement (involvement in local councils, participatory budget planning);
-  Active, free, and meaningful participation in the development and planning of water-related policies;
-  Monitoring and accountability;
-  Making everyday decisions about water use and service.

Poor and vulnerable individuals/groups are often excluded from public debates, cannot participate in political life, and cannot influence decisions that seriously affect their daily lives, while access to information helps balance existing inequalities.¹⁰⁹

105 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Introduction**, 2014, p. 31.

106 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Principles**, 2014, pp. 14–16.

107 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Legislative, regulatory and policy frameworks**, 2014, p. 16.

108 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Principles**, 2014, p. 36.

109 Ibid.

Citizens have the right to know both **their rights and the mechanisms to protect them**. Therefore, the state must provide everyone with access to information regarding water standards, progress in their implementation, and established mechanisms. Transparency requires that this information be provided openly, without special requests.¹¹⁰

The definitions of the criteria discussed above also show that awareness is crucial for virtually all components, especially regarding water quality and service interruptions for various reasons (including the duration of interruptions and restoration time).

Data and information related to water and water services, in addition to being publicly accessible, **must be understandable to everyone**, including representatives of ethnic minorities, as well as citizens who cannot read.¹¹¹ One of the main challenges is the technical language of information/data. The standard requires that information be easily comprehensible and understandable for everyone, not just experts.¹¹² Simple and informal language should be used, with examples provided, since formal speech reduces credibility and allows for vague and incorrect interpretation.¹¹³

Both mainstream media and community and alternative channels relevant at the local level should be used as information sources. Materials should be adapted to the context, be culturally sensitive, and be translated into all relevant languages and dialects. The use of technologies and the production of databases are important, however, access to the internet must also be considered. Citizens who do not have access to the internet should be provided with information through the support of local authorities, via alternative means.¹¹⁴ Information that is published only online or in commercial newspapers remains largely useless and unusable.¹¹⁵

In addition to the public availability of information, it is important to pay attention to **raising awareness and strengthening capabilities** in the population. This may include providing information about national and local strategies, tariffs and services, as well as policies.¹¹⁶ This can promote citizens' full enjoyment of their rights.

110 Realising the human rights to water and sanitation: A Handbook by UN Special Rapporteur on the human right to safe drinking water and sanitation, **Introduction**, 2014, p. 31.

111 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Legislative, regulatory and policy frameworks**, 2014, p.19.

112 Ibid., p. 21.

113 Ibid. For example, the United Kingdom has created a guide that could help all states achieve this goal.

114 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Principles**, 2014, p. 46.

115 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Access to justice for violations of the human rights to water and sanitation**, 2014, p. 42.

116 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Legislative, regulatory and policy frameworks**, 2014, p. 21.

5.3 PUBLIC PARTICIPATION

Active, free, and meaningful public participation in decision-making processes is crucial for the realization of the right to water, similar to many other rights.

Participation should be ensured at all levels, whether it is creating policy and legal frameworks, or determining budgets; making decisions on service type, location, and ways of improvement; private sector involvement and defining forms of engagement; water supply disconnection and service during emergencies. The right of individuals and groups to participate in decision-making processes that may affect the implementation of their right to water should be an integral part of any water-related policy, program, or strategy.¹¹⁷

The state should also assess **barriers** to participation. These may include: language barriers, meeting time, location, physical access, discussion timeframes, seasonal migration, and other obstacles.¹¹⁸

One of the challenges to public participation, according to the Special Rapporteur, is that processes are typically dominated by men, majority groups, and families with high social status and education, without appropriate measures being taken. Therefore, it is the state's obligation to identify citizens/groups in disadvantaged positions and make targeted efforts to involve them in processes. This can be effectively achieved by working with local organizations and institutions and by decentralizing processes.¹¹⁹

Public participation should not be excluded on the argument that complex and technical issues related to water services require expert knowledge and are difficult for citizens to understand. The role of experts is irreplaceable, but they should help citizens by sharing knowledge and making informed decisions.¹²⁰

Children are also often excluded from these processes, especially that adult participation does not automatically represent the voice of children. Therefore, creating space for minors and giving them sufficient time is also necessary.¹²¹

Meaningful and genuine participation does not only mean the opportunity to express opinions: citizens should have **the expectation that their views can influence decision-making**. If the

117 UN Committee on Economic, Social and Cultural Rights, General Comment #15, 2002E/C.12/2002/11, paragraphs 37f and 48.

118 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Principles**, 2014, p. 59.

119 Ibid., p. 64.

120 Ibid., p. 63.

121 Ibid., p. 65.

public does not have this influence, it causes great disappointment. The state should take into account public opinions and inform them about what was not accepted and why.¹²²

5.4 ACCOUNTABILITY

Accountability mechanisms are crucial for the state to fulfil its obligations.

Accountability requires the development of laws, policies, institutions, administrative procedures, and remedial mechanisms to ensure access to safe drinking water.¹²³

Everyone should have access to administrative or judicial procedures when public or private organizations violate the right to water through their actions or inaction. Additionally, states must monitor the fulfilment of obligations related to the right to water through an independent body, and this process should be transparent.¹²⁴

Therefore, accountability includes, on one hand, monitoring and supervision of service accessibility, and on the other hand, the possibility of restoring violated rights and justice. There is no exact formula for creating national mechanisms and ensuring accountability, however such mechanisms should, at a minimum, be accessible, impartial, transparent, and effective.¹²⁵

In the case of decentralization of government, clarity of mandate is crucial. Local governments often lack the capacity and resources to fully implement all obligations and are less familiar with international or national standards. Therefore, decentralization must be accompanied by the establishment of adequate capacity, resources, and clear accountability mechanisms.¹²⁶

122 Ibid., p. 60.

123 OHCHR, UN-HABITAT, WHO, The Right to Water, Fact Sheet No. 35, 2010, p. 17.

124 UN, Economic and Social Council, Realization of the right to drinking water and sanitation Report of the Special Rapporteur, El Hadji Guissé, **Draft guidelines**, E/CN.4/Sub.2/2005/25, 2005**, **paragraphs 9.1. and 9.2.

125 OHCHR, UN-HABITAT, WHO, The Right to Water, Fact Sheet No. 35, 2010, p. 38.

126 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Legislative, regulatory and policy frameworks**, 2014, p. 30.

6

NATIONAL GUARANTEES OF THE RIGHT TO WATER

According to the UN Special Rapporteur, generally, different legal systems may offer constitutional guarantees of the right to water in various forms (both direct and indirect).¹²⁷ The constitutions of numerous countries recognized this right¹²⁸ even before the UN recognition (2010), though it has also appeared in state constitutions after this recognition. International human rights law does not obligate states to recognize the right to water in their constitution; however, without clear and supreme recognition, protection of the right to water may be fragmented and dispersed across various laws, regulations, or policies, leading to different interpretations.¹²⁹

The Constitution of Georgia does not explicitly recognize the right to water, nor is there any relevant case law from the Constitutional Court. However, based on the constitutional principle of a social state, the government is responsible to take care of human health, social protection, and decent housing.¹³⁰ The Constitution also guarantees the right to environmental protection.¹³¹

According to the Constitution of Georgia, the right to environmental protection includes everyone's right to live in a healthy environment and enjoy the natural environment. Also, everyone has the right to receive full information about the state of the environment in a timely manner.¹³² Environmental protection and the rational use of natural resources is ensured by law, taking into account the interests of current and future generations.¹³³

According to the Law of Georgia "On Environmental Protection," water is one of the constituent elements of the environment.¹³⁴ Environmental quality standards also imply the maximum permissible norms for the concentration of substances harmful to human health and the natural environment and the number of microorganisms in water.¹³⁵

127 Ibid., p. 11.

128 The first such state was Uruguay (2004). In the European Union, the first country was Slovenia, which recognized the right to water through a constitutional amendment in 2016; Human Right 2 Water, National human rights institutions and water governance, compilation of good practices, 2020, p. 38.

129 Realising the human rights to water and sanitation: A Handbook by the UN Special Rapporteur on the human right to safe drinking water and sanitation, **Legislative, regulatory and policy frameworks**, 2014, p. 12.

130 Constitution of Georgia, Article 5, Paragraph 4.

131 Ibid., Article 29.

132 Ibid., Article 29, Paragraph 1.

133 Ibid., Article 29, Paragraph 2.

134 Law of Georgia "On Environmental Protection," Article 4, Paragraph d².

135 Ibid., Article 29, Paragraph 1, Subparagraph "a".

Through the Association Agreement with the European Union, Georgia has undertaken obligations to implement European standards, as well as legislative and institutional harmonization. These include maintaining, protecting, and improving environmental quality, protecting human health, and sustainable use of natural resources. Water quality and water resource management are among the listed sectors.¹³⁶ In accordance with the Directive on quality of water intended for human consumption, the state must establish drinking water standards, develop a monitoring system, and create mechanisms for providing information to consumers.¹³⁷

Georgia has also taken on the obligation to implement the **UN SDGs, one of which**, as mentioned, is access to water and sanitation for all.¹³⁸

It was also noted that in Georgia, overcoming water supply challenges is a strategic goal of the state¹³⁹ and **for 2025-2030** the aim is to ensure continuous availability of water that meets standards for 100% of urban/country population.¹⁴⁰

The National Strategy for the Protection of Human Rights of Georgia (2022–2030) includes the continuous improvement of access to quality drinking water. This objective is identified as one of the key tasks for enhancing the system that protects and ensures the human right to a healthy environment.¹⁴¹

Georgia is a party to numerous international human rights treaties, which, when considered collectively, provide international guidelines that define the content and guarantees of the right to water, as well as establish guiding principles.

Therefore, through the protection of human rights recognized by both international treaties and the Constitution of Georgia, along with its declared political vision, Georgia expresses its aspiration to ensure access to water for its citizens in accordance with international standards.

6.1 LEGISLATIVE FRAMEWORK

Along with constitutional guarantees, subsequent legislative regulation is also crucial for the full implementation of the right to water, which was also highlighted by the overview of international standards in the first part of the report. The state itself must establish clear **standards** for the

136 Association Agreement between, on the one hand, Georgia and, on the other hand, the European Union and the European Atomic Energy Community and their Member States, Article 302, Paragraph 1c.

137 Ibid., Articles 355–356.

138 UN, SDGs, Goal 6.

139 Annex 2 to Resolution #517 of the Government of Georgia of November 3, 2022, “Vision 2030, Development Strategy of Georgia, p. 47, see link: <<https://matsne.gov.ge/ka/document/view/5604706?publication=0>>.

140 Ibid., pp. 151–152.

141 Resolution of the Parliament of Georgia 23/03/2023 on the approval of the “National Human Rights Strategy of Georgia (for 2022–2030)”, Annex 1, pp. 42–43, see link: <<https://matsne.gov.ge/ka/document/view/5757268?publication=0>>.

right to water and achieve its gradual and progressive realization. In addition to the criteria for protecting the right, national legislation should clearly define **those human rights principles and guarantees** that are an integral part of the realization of the right to water.

As noted, the human right to water implies everyone's right to have access to water that meets standards for personal and domestic (household) use - for drinking, personal sanitation, washing clothes, food preparation, personal and household hygiene. Normative acts in force in Georgia refer to drinking and household water, however, the legislation does not define the content of this right, making it difficult to determine its scope. Regulations related to drinking/household water are scattered across various legal acts, which complicates the understanding of the right's components and principles, as well as the coherent interpretation of the competencies of responsible authorities.

According to the Public Defender's assessment, the analysed national legislation perceives drinking water issues primarily within the context of public health rather than from a multipronged human rights perspective. While public health is one of the key components of the right to water, as evidenced by international approaches, it has been repeatedly emphasized that water is not merely a resource linked to this domain. Water has an impact on the socio-economic aspects of human life, and access to water is fundamental for dignity, an adequate standard of living, nutrition, and the realization of numerous other rights. However, according to the Public Defender, this systemic and multifaceted human rights-based approach is not reflected in the existing regulations.

Given the objectives of this report, the review and analysis offered in the following chapters are based on the main issues related to drinking water criteria and human rights-based principles.

6.2 INSTITUTIONAL COMPETENCIES AND OBLIGATIONS

In 2023, the Parliament of Georgia adopted the Law of Georgia "On Water Resources Management", which will largely come into force between 2026-2030.¹⁴² The adoption of the new law was important to bring the water resources management system into compliance with various international directives. This law repeals the Law of Georgia "On Water" (1997).¹⁴³ However, since the old law remains in force until the new law is fully enacted, the existing regulatory gaps should be considered as circumstances that have been hindering the realization of the right to water for many years.

142 Law of Georgia "On Water Resources Management", Article 42.

143 Ibid., Article 41.

One of the objectives of the “Law on Water Resources Management” **is to ensure citizens’ right of access to clean water** by establishing appropriate legal frameworks.¹⁴⁴ The law delineates the **competencies and obligations** of state agencies with respect to water resources management. The competent authorities on drinking water issues are:

-  **The Ministry of Environmental Protection and Agriculture of Georgia** (policy development, state control of drinking water **quality, provision of information to consumers** on the qualitative status of drinking water, etc.);¹⁴⁵
-  **The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia** (development of drinking water **quality standards**);¹⁴⁶
-  **The Ministry of Regional Development and Infrastructure of Georgia** (implementation of measures **supporting the introduction and development** of water supply and sewerage (sanitation) systems);¹⁴⁷
-  **The Georgian National Energy and Water Supply Regulatory Commission** (implementation of relevant authority arising from the Law of Georgia “On Energy and Water Supply”, the Law of Georgia “On Water Users’ Organisations” and other legislative acts);¹⁴⁸
-  **Municipality** (implementation of **measures** for water supply and provision of technical water).¹⁴⁹

Unlike the new law, the currently applicable Law on Water does not clearly distinguish institutional competencies.¹⁵⁰ It outlines the responsibilities of Georgia’s **highest state authorities** in regulating water-related matters, but the obligations of specific agencies are scattered across various articles,¹⁵¹ making it difficult to comprehend them collectively. The law separately defines the powers of **municipalities**, which are almost identical to the new regulations.¹⁵²

144 Ibid., Article 1, Paragraph 1.

145 Ibid., Article 6, Paragraph 2, Subparagraphs “S” and “T”.

146 Ibid., Article 6, Paragraph 3.

147 Ibid., Article 6, Paragraph 4.

148 Ibid., Article 6, Paragraph 7.

149 Ibid., Article 6, Paragraph 8, specifically these include “participation in the preparation of technical and investment programmes and projects for water supply systems and urban wastewater collection and treatment; approval of projects for sanitary protection zones of drinking water supply facilities; informing the population about the boundaries of the sanitary protection zone and its belts of drinking water supply facilities, as well as the regimes operating within this zone; management of water resources of local importance.”

150 Law of Georgia “On Water”, Chapter II.

151 For example, “State management of water use and protection in Georgia is carried out by the Ministry of Environmental Protection and Agriculture of Georgia, as well as, within their competences, by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, the Ministry of Economy and Sustainable Development of Georgia, and the bodies of the Autonomous Republics of Abkhazia and Adjara”, Article 74, Paragraph 2;

152 With the exception of management of water resources of local importance, Law of Georgia “On Water”, Article 12.

According to the **Local Self-Government Code of Georgia**,¹⁵³ it is the **own** and, therefore, complete and exclusive authority of the municipality to ensure water supply (including technical water supply) and sewerage, and to develop irrigation systems of local importance. The Code also defines the conditions for drinking water supply and indicates that the municipality provides this authority **through licensed private law entities** in settlements where the relevant licensed provider does not provide drinking water supply and sewerage services.¹⁵⁴ Thus, water supply in municipalities must be carried out through a licensed entity, in accordance with the provision of the Law of Georgia “On Licenses and Permits”, which stipulates that water supply is an activity subject to license.¹⁵⁵

Therefore, at both central and local levels, the relevant authorities have various obligations in terms of creating/facilitating/controlling the water supply system. While the obligation to ensure water supply itself is decentralised, as it is recognized as the municipality’s own authority.

6.3 CRITERIA AND PRINCIPLES OF THE RIGHT TO WATER

The new Law of Georgia “On Water Resources Management,”¹⁵⁶ as required by international standards, prioritizes **meeting the population’s drinking/household needs** when utilizing water resources.

The law also stipulates that the population **should be supplied with safe water continuously, in sufficient quantity, and at an affordable price**. Furthermore, according to the law, drinking and household water supply for the population must come from **surface and/or groundwater sources that are reliably protected from pollution and contamination**. The quality of this water, either in its natural state or after appropriate treatment, must comply with the standards established by the legislation of Georgia.¹⁵⁷

As for another criterion, sustainability, **sustainability**: it is not stipulated in the list above, however, among the objectives of the law is to create a legal basis for the sustainable use of water resources, taking into account the interests of present and future generations and the principles of **sustainable development**.

Therefore, the criteria defined by the international standards that were reviewed above are largely reflected in national legislation. However, the law does not include the **criterion of acceptability**

153 Organic Law of Georgia Local Self-Government Code, Article 16, Paragraph 2, subparagraph “h”.

154 Ibid., Article 163, Paragraphs 1, 2, 3; The legal relationship conditions between the municipality, the Georgian National Energy and Water Supply Regulatory Commission, and private law provider entities are defined by the relevant legislative act. This act is prepared by the Ministry of Regional Development and Infrastructure of Georgia and submitted to the Parliament of Georgia by the Government of Georgia.

155 For more details, see Chapter 7 of this report, “Water Supply System in Georgia”.

156 Law of Georgia “On Water Resources Management,” Article 14, Paragraph 1.

157 Ibid., Article 13, Paragraph “a”.

(such as the acceptable colour, odour, and taste for individual or household use). Only the technical regulations on drinking water specify that routine laboratory tests should be conducted to assess odour, taste, colour, and turbidity.¹⁵⁸

Apart from listing the criteria for realizing the right to water, the law does not clarify the content of each component, even though this is essential for determining state obligations and national standards. Defining these components enables an assessment of their alignment with international approaches, an evaluation of the efforts and progress made by the state, and a clearer understanding of the content and scope of the right for society.

It should be noted that, unlike the new law, the Law “On Water” that is currently in force does not consider the components of the right at all and only refers to water safety and quality.¹⁵⁹

As for the obligations related to informing citizens and their participation, according to the law on “Water Resources Management,” it is the competence of the Ministry of Environmental Protection and Agriculture of Georgia to ensure the provision of information to consumers on the quality status of drinking water.¹⁶⁰ For this purpose, the Ministry develops a mechanism for providing information to the public and publishes a report once every 3 years on the status of water intended for human consumption, the content of which is determined by the order of the Minister.¹⁶¹ Additionally, the Legal Entity of Public Law (LEPL) National Food Agency will provide information to consumers on the quality status of drinking water.

Municipalities will also have certain obligations to inform the public through various means (publishing information, disseminating notices, distributing informational leaflets to citizens, placing informational signs near relevant water sources, and more). This obligation is related to situations that pose a threat to the life and/or health of the population, in which case specific locations will be identified where water collection for drinking or household use is prohibited.¹⁶²

In contrast, the Law of Georgia “On Water” that is currently in force does not contain any guarantees for informing citizens regarding drinking/household water. It only generally indicates that natural and legal persons have the right to receive complete, timely, and objective information (except for state or commercial secrets) about the condition of water from state authorities.¹⁶³

158 Resolution #58 of 2014 of the Government of Georgia “On the Approval of the Technical Regulation of Drinking Water”, Paragraph 9, Subparagraph “a”.

159 Law of Georgia “On Water”, Article 53, Paragraph 2.

160 Law of Georgia “On Water Resources Management”, Article 6, Paragraph 2, Subparagraph “t”.

161 Ibid., Article 14, Paragraph 3.

162 Ibid., Article 15, Paragraphs 5 and 6.

163 Law of Georgia “On Water”, Article 13, Paragraph 3, Subparagraph “a”.

The Rules for Drinking Water Supply/Consumption¹⁶⁴ also establish certain requirements regarding the obligation to inform, which are relatively old (dating back to 2008), although they have undergone amendments at different stages. The rules regulate the relationship between the drinking water supplier and the consumer and are mandatory for all persons who provide water supply to consumers or/and consume drinking water.¹⁶⁵ A supplier is any entity that holds the appropriate water supply license.¹⁶⁶ Therefore, the rules apply only to licensed entities, which, on the one hand, is logical since water supply is a licensed activity; however, it should be taken into consideration that in practice, unlicensed entities also carry out water supply (see Chapter 7 of this report – “Water Supply System in Georgia”).

The rules stipulate¹⁶⁷ that a licensed water supplier is obligated to notify consumers and/or applicants via text message regarding various information (service interruptions/restorations, the reasons for planned/unplanned interruptions, as well as their duration and timing). The notification must be sent electronically to the primary and alternative phone number(s) and/or email address(es) specified by the consumer/applicant.

In cases of drinking water contamination or the risk of contamination within the system, the supplier must also ensure that the public is informed.¹⁶⁸ Specific timeframes for notification are outlined for planned and unplanned service interruptions.¹⁶⁹

As for the **public participation in decisions related to drinking water**, this principle and the corresponding procedures/guarantees are not recognized or strengthened in either Georgia’s laws “On Water Resources Management” and “On Water”, nor in the rules of drinking water supply/consumption. This is **while** public participation is necessary at all levels. These include decision-making on the type of service, location, and ways of improvement; private sector involvement and defining forms of engagement; issues of water supply disconnection and service in emergency situations. When developing guarantees, the needs of citizens and groups should be studied, as well as barriers to participation, and standards should correspond to the local context. Procedural guarantees should be clear and transparent, and citizens should be informed about them (for more details, see Chapter 5.3 of this report, “Public Participation”).

164 Resolution #32 of the Georgian National Energy and Water Supply Regulatory Commission “On Approval of the Rules for Drinking Water Supply and Consumption” (2008).

165 Rules for Drinking Water Supply and Consumption, Article 1, Paragraphs 1 and 2.

166 Ibid., Article 1, Paragraph 4’.

167 Ibid.

168 Ibid., Article 21, Paragraph 1, Subparagraph “v”; regarding notification during interruptions see also Article 14, and regarding open (public) information – Article 16.

169 Ibid., Article 14, Paragraphs 1 and 1’.

6.4 WATER QUALITY CONTROL AND INFORMING THE PUBLIC

As noted, one of the main components of realizing the right to water is water quality control. The new law “On Water Resources Management” prescribes that the LEPL National Food Agency implements state control of drinking water quality and provides information to consumers regarding the quality status of drinking water.¹⁷⁰

According to the Georgian law “On Public Health,” the powers of the Ministry of Environmental Protection and Agriculture of Georgia and/or its subordinate institutions in the field of public health include monitoring the compliance of drinking water safety parameters and quality with the requirements established by Georgian legislation and implementing external, selective laboratory control of drinking water.¹⁷¹

In accordance with the Law of Georgia “On Food Safety and Quality”,¹⁷² the **LEPL National Food Agency of Georgia**, in order to carry out state control in the field of safety and quality, takes samples and conducts tests in a testing laboratory, as well as verifies documentary materials.¹⁷³

Based on the explanation provided by the National Food Agency to the Public Defender’s Office,¹⁷⁴ state control of drinking water (inspection, monitoring, supervision, document verification, sample collection) is carried out in accordance with the annual risk-based state control program. This, in turn, is based on various factors, such as cases of microbiological, chemical, or physical contamination of food; environmental pollution incidents; comparative analysis of activities conducted in previous years, and others.

According to the same agency,¹⁷⁵ starting from 2020, it has been determined as a priority to conduct state control of drinking water suppliers (licensed/unlicensed operators) through centralized water supply systems once a year, without determining the level of risk. Despite this decision, it should be noted that as of today, not all municipalities have a centralized water supply system. In such settlements, the population uses natural sources and/or alternative means of self-supply, which makes the quality control even more challenging.

As for sampling - one of the mechanisms of state control, the agency also determines annually the number of samples to be taken for laboratory testing of drinking water, taking into account

170 Law of Georgia “On Water Resources Management,” Article 31, Paragraph 3.

171 Law of Georgia “On Public Health,” Article 34, Paragraph “o”.

172 According to Article 3a of the Law of Georgia “On Food Safety and Quality,” “Food (or food product) is any product intended for human consumption, processed or unprocessed. Food also includes all types of beverages, chewing gum, and every substance, including packaged water and water used in food, which is deliberately added to the composition of food during its production and processing.” According to the Food/Animal Feed Safety, Veterinary and Plant Protection Code, “Food also includes all types of beverages (including drinking water),” Article 2, Paragraph “a”.

173 Law of Georgia “On Food Safety and Quality,” Article 24, Paragraph 1.

174 LEPL National Food Agency’s letter #2024/6048 dated 4.11.2024 to the Office of the Public Defender of Georgia.

175 Ibid.

specific criteria. These include: the probability of diseases caused by drinking water, considering its severity; evaluation of the previous year's laboratory research results; sporadic cases/epidemics of intestinal infections caused by drinking water in the population.

It is also interesting to compare the relevant data. For example, according to the Food Safety State Control Program, a total of 850 samples of drinking water (including packaged water) were envisaged to be taken in 2024;¹⁷⁶ in 2022 this number was 470, and in 2023 - 520. This statistic demonstrates an increase in the number of samples, however, control in this direction could not/cannot cover the entire country annually.

It is noteworthy that the agency's website publishes the results of state control for the years 2019-2024,¹⁷⁷ including monitoring, in Excel format, which includes data related to various types of food. Information about drinking water is separated, but the data compiles all directions together, whether these are samples from a reservoir, a source, a yard tap, a public kindergarten, or other locations. Moreover, processing information related to drinking water quality in this form does not provide the possibility of seeing even a generalized picture of regions/municipalities, taking into account the results of the monitoring conducted.

An interested person should be able to easily find the specific information they desire, both by years, subjects, and regions/municipalities, which is currently impossible without special efforts. In order to properly inform the public, it is necessary and important to reflect in one consolidated database/platform the information/data that the state control body has processed directly related to the quality of drinking water using various methods.

On the other hand, as has been noted multiple times, publishing information only in electronic form is not considered a reasonable and useful means of properly informing the public. Therefore, coordinated work with municipalities is important and, the use of locally applicable and effective means, considering the local context (language barriers or other issues). According to the explanation provided by the LEPL Food Agency,¹⁷⁸ in case of non-compliance with technical regulations, the agency notifies the responsible company supplying drinking water and gives instructions on measures to be taken. These include informing the population, providing alternative sources of drinking water to the population until the problem is resolved, and in the absence of an alternative source, ensuring supply with auto-cisterns and/or commercial products. The agency also explained that if it identifies non-compliance in water samples supplied by small-scale rural water supply centralized systems managed by local self-government, it notifies municipalities in writing and, considering the type of non-compliance, provides recommendations about measures to be taken by them. At the beginning of each subsequent year, state representatives

176 Food Safety State Control Program for 2024, 2024, Chapter III.

177 See documents at the link: <<https://nfa.gov.ge/Ge/StateControl>>.

178 LEPL National Food Agency's letter #2024/6048 dated 4.11.2024 to the Office of the Public Defender of Georgia.

in the regions are informed in writing about the results of state control related to drinking water. The Agency informs the public only when laboratory tests reveal non-compliance with specific indicators¹⁷⁹ defined by technical regulations.¹⁸⁰

As the monitoring visits conducted by the Public Defender's Office revealed, the lack of information on water quality among the population is one of the main challenges. This demonstrates that existing mechanisms and practices, collectively, fail to ensure proper public information in this direction¹⁸¹ and solving the problem requires more effective, flexible, and result-oriented efforts.

Regarding **quality standards** themselves, Georgia operates under a technical regulation on drinking water approved by the government in 2014.¹⁸² As revealed from the "Legislative Herald," no amendments have been made to the regulation since its adoption, which contradicts **international guidelines on the progressive improvement of quality standards**. Moreover, as noted, the WHO's guidelines on drinking water quality, which define recommended limits for chemical and biological substances, are periodically updated, and the latest 2022 amendments updated and expanded the list of chemical substances.¹⁸³

Therefore, it is important to review the current technical regulation, identify existing inconsistencies in line with the updated guidelines, and update the relevant indicators if necessary.

179 These indicators are: detection of pathogenic microorganisms, including Salmonella and Shigella; detection of Pseudomonas aeruginosa in packaged water; detection of parasitological indicators (Giardia cysts, dysenteric amoeba cysts); violation of indicators for arsenic (As, total), cadmium (Cd, total), lead (Pb, total), mercury (Hg, inorganic), chromium (Cr6+), cyanides (CN-), antimony (Sb), and total pesticide content; violation of radiation safety indicators.

180 LEPL National Food Agency's letter #2024/6048 dated 4.11.2024 to the Office of the Public Defender of Georgia.

181 For more details, see Chapter 8 of this report, "Results of Monitoring Conducted by the Public Defender in Various Municipalities of Georgia."

182 Resolution #58 of the Government of Georgia of January 15, 2014.

183 The World Health Organization's (WHO), see at the link: <<https://www.who.int/publications/i/item/97892240045064>>.



WATER SUPPLY SYSTEM IN GEORGIA

In Georgia, the population is supplied with drinking/household water by several leading licensed companies, along with other unlicensed entities.

According to the Law of Georgia “On Licenses and Permits,” water supply is an activity subject to licensing,¹⁸⁴ while according to the Law of Georgia “On Energy and Water Supply,” licenses are issued by the Georgian National Energy and Water Supply Regulatory Commission. Moreover, according to the same law, “it is prohibited to carry out water supply without a valid license issued by the Commission, which grants the enterprise the right to carry out the relevant activity.”¹⁸⁵

According to the 2023 report of the Georgian National Energy and Water Supply Regulatory Commission, there are currently only 8 licensed companies operating in the water supply sector in Georgia.¹⁸⁶ These are: LLC “Georgian Water and Power”, LLC “United Water Supply Company of Georgia”, LLC “Batumistskali”, LLC “Kobuleti Water”, LLC “Sachkhere Tskalcanal”, LLC “Soguri”, LLC “Marneuli Softskali”, LLC “Sagarejo”.

According to the same report, licensed companies provide water supply to 69% of the population (2,578,404 people), while water supply for 31% (1,157,953 people) is the responsibility of local self-government units.¹⁸⁷

Additionally, the Georgian National Energy and Water Supply Regulatory Commission has approved rules for drinking water supply and consumption,¹⁸⁸ which apply to licensed water suppliers.¹⁸⁹ The fact that some of the population’s water supply is provided by licensed entities and some by unlicensed entities puts consumers in unequal conditions, which also affects their rights. Specifically, the Georgian National Energy and Water Supply Regulatory Commission exercises supervisory and regulatory functions only over licensees.¹⁹⁰ The obligations of water supply licensees are specifically outlined in the law.¹⁹¹ These include: constant quality control,

184 Law of Georgia “On Licenses and Permits,” Article 6, Paragraph 87.

185 Law of Georgia “On Energy and Water Supply,” Article 11, Paragraphs 1 and 2.

186 Annual Report of the Georgian National Energy and Water Supply Regulatory Commission, 2023, p. 35, link: <https://gnerc.org/files/Annual%20Reports/Annual%20Report%20short%202023%20GEO.pdf>.

187 Ibid.

188 Resolution #32 of the Georgian National Energy and Water Supply Regulatory Commission of November 26, 2008.

189 Rules for Drinking Water Supply and Consumption, Article 1, Paragraph 41: For the purposes of these rules, the terms “supplier” and “water supply licensee” refer to all persons who have obtained a water supply license.

190 Law of Georgia “On Energy and Water Supply”, Article 29, Paragraph 1; Article 30.

191 Ibid., Article 145, Paragraph 2; also, Articles 150, 152-153.

proper protection of water facilities, obligations during scheduled service, obligation to provide access to information/documentation, obligation to submit information to state authorities, and others. The law also establishes relevant responsibilities and sanctions.

This does not exclude the failure of licensed companies to fulfil various obligations,¹⁹² however, when such control and protection guarantees do not exist in the case of unlicensed entities, the challenges are more severe and extensive.

Despite the fact that according to the **Local Self-Government Code**, the municipality should provide drinking water through **licensed private law entities** (in settlements where the supply of drinking water and sewerage services is not carried out by the respective licensed provider),¹⁹³ in practice this provision is not fulfilled in all municipalities and water supply is also provided by unauthorized (unlicensed) entities. It is noteworthy that according to the latest (2020-2021) summary report of the State Audit,¹⁹⁴ an audit conducted in 20 municipalities revealed that there are significant problems related to water supply in self-governing units.¹⁹⁵ These include: scarcity of budgetary resources; failure to implement effective measures by the self-government itself; in most cases, **lack of control over compliance with the indicators established by the water technical regulation**; in some cases, discrepancies revealed during inspection; **failure to complete projects in a timely and/or quality manner**; distribution **without metering** subscribers, unequal distribution and causing water deficiency.

192 See 2017-2023 statistics, Annual Report of the Georgian National Energy and Water Supply Regulatory Commission, 2023, from page 45, see link: <<https://gnerc.org/files/Annual%20Reports/Annual%20Report%20short%202023%20GEO.pdf>>.

193 Local Self-Government Code of Georgia, Article 163, Parts 1-3; *ibid*: The legal relations between the municipality, the Georgian National Energy and Water Supply Regulatory Commission and private law entities providing services are determined by the relevant legislative act. This act is prepared by the Ministry of Regional Development and Infrastructure of Georgia and submitted to the Parliament of Georgia by the Government of Georgia.

194 The State Audit Office prepares and submits to the Parliament summary reports on audits conducted on the expenditure and performance of municipal budgets once every two years, see link: <<https://shorturl.at/GdhzS>>.

195 Summary report of the State Audit Office for 2020-2021, pp. 11-13.

8

RESULTS OF MONITORING CONDUCTED BY THE PUBLIC DEFENDER IN VARIOUS MUNICIPALITIES OF GEORGIA

When assessing the realization of the right to water, it was important for the Public Defender to understand the situation on the ground. For this purpose, the representatives of the Office conducted visits to five regions of Georgia¹⁹⁶ and 35 villages in 15 municipalities.¹⁹⁷ These included villages populated by ethnic minorities, as well as settlements located near the occupation line. Based on a pre-developed methodology and questionnaire, the office representatives also interviewed local residents. In some cases, they inspected water supply facilities and measured distances between settlements and neighbourhood springs/taps/wells. Meetings were conducted with maximum involvement of all groups of the local population, including women, the elderly and, in some cases, children.

In addition, the Office of the Public Defender of Georgia requested information in writing from the municipalities where visits were conducted. Some municipalities did not provide the requested information to the office,¹⁹⁸ or the response was incomplete,¹⁹⁹ while in some cases the information provided by the municipality and the local population differed from each other.²⁰⁰ Based on the received correspondence, it should be noted that the municipalities' own awareness regarding water rights issues is very scarce and general.

196 Mtskheta-Mtianeti, Shida Kartli, Kvemo Kartli, Samtskhe-Javakheti and Kakheti.

197 Villages of Mtskheta Municipality: Misaqtsieli, Navazi and Aghdgomelaantkari; Villages of Dusheti Municipality: Ebnisi, Mchadijvari, Mikeliani and Tsikhistsubani; Villages of Gori Municipality: Akhalubani and Adzvi; Villages of Kareli Municipality: Ghogheti (located near the occupation line) and Tamarasheni (located near the occupation line); Chorchana village of Khashuri Municipality (located near the occupation line); Settlement of internally displaced persons (IDPs) in Koda village and Jorjashvili village of Tetrtskaro Municipality; Jandari settlement and Zvareti village of Marneuli Municipality; Patara Arakali village of Ninotsminda Municipality; Villages of Akhalkalaki Municipality: Sulda and Okami; Villages of Akhaltsikhe Municipality: Mugareti, Boga and Julgha; Villages of Borjomi Municipality: Larebi, Tsagveri and Kvibisi; Villages of Gurjaani Municipality: Kachreti, Darchieti, Jimiti and Naniani; Villages of Dedoplistskaro Municipality: Zemo Kedi and Kvemo Kedi; Villages of Sagarejo Municipality: Keshalo and Kazlari; Vaziani settlement and Akhali Kumisi village of Gardabani Municipality.

198 Khashuri and Bolnisi municipalities.

199 Letters from Gori Municipality Mayor's Office dated October 7, 2024, No. 20-2024281344, Kareli Municipality Mayor's Office dated October 9, 2024, No. 104-1042428313 and October 10, 2024, No. 104-104242849, as well as Gardabani Municipality Mayor's Office dated October 29, 2024, No. 18-1824303129.

200 Letters from Gori Municipality Mayor's Office dated October 7, 2024, No. 20-2024281344, Dusheti Municipality Mayor's Office dated October 16, 2024, No. 132-13224290103, Tetrtskaro Municipality Mayor's Office dated September 26, 2024, No. 124-1242427065, Gardabani Municipality Mayor's Office dated October 29, 2024, No. 18-1824303129, Ninotsminda Municipality Mayor's Office dated September 24, 2024, No. 122-1222426834, and Sagarejo Municipality Mayor's Office dated November 11, 2024, No. 52-522431676.

Despite somewhat different situations among municipalities and villages, they have many problems in common. The water supply system is not heterogeneous. For example, some village residents have water supplied to their homes²⁰¹ (which does not necessarily mean supply through a central regulated system; in some villages, residents carry out connection works to the network at their own expense), while in some villages, residents have to obtain water only from neighbourhood springs/taps/wells.²⁰² Only a small number of municipalities/villages²⁰³ are supplied with water by a licensed company, while in the majority of settlements where the Office conducted monitoring, the population is supplied by an unlicensed provider. It should be noted that supplying water to residential houses is not a guarantee of full realization of the right to water, and numerous challenges were identified in this direction as well. Particularly noteworthy are villages where the network has been installed, but residents do not receive water for months or not at all (e.g., Kazlari village in Sagarejo Municipality and Ebnisi village in Dusheti Municipality).

On-site visits revealed problems related to almost all criteria of the right to water. Among these, the most acute are: **insufficient access to water; access to varying quantities of water, both across different settlements and within a single settlement; long distance between residential homes and neighbourhood springs/taps/wells; poorly maintained road infrastructure; disregard for the interests of vulnerable groups; alternative supply through one's own expenses and efforts; unacceptable water colour/taste/smell.** It should also be noted that the Public Defender's Office lacks the ability to independently assess one of the main criteria of water - quality/safety. However, based on a pre-developed methodology, one of the main issues during visits was the extent to which citizens had information about water quality, which emerged as one of the main problems in almost all cases. In addition, information requested from municipalities revealed that not only informing citizens about drinking water quality is problematic, but also the monitoring/control of quality itself. Low awareness was revealed in other directions as well: for example, unlike in Tbilisi, the population is not notified in advance about expected water interruptions²⁰⁴ and information about the duration of works or estimated restoration time is provided verbally. Coupled with this, the principle of public participation is practically ignored. Examining the challenges collectively reveals unequal rights not only between citizens living in rural and urban areas, but also among the

201 Villages of Mtskheta Municipality: Misaqtsieli, Navazi, Aghdgomelaantkari; Villages of Gori Municipality: Akhalubani and Adzvi; Ghogheti village of Kareli Municipality; Kazlari village of Sagarejo Municipality (populated by ethnic minorities); Villages of Gurjaani Municipality: Kachreti, Jimiti and Naniani; Villages of Dedoplistskaro Municipality: Zemo Kedi and Kvemo Kedi; Patara Arakali village of Ninotsminda Municipality; Villages of Akhalkalaki Municipality: Sulda and Okami; Villages of Akhaltsikhe Municipality: Mugareti, Boga and Julgha; Villages of Borjomi Municipality: Tsagveri, Larebi and Kvibisi; IDP settlement in Koda village and Jorjashvili village of Tetrtskaro Municipality; Jandari settlement of Marneuli; Villages of Dusheti Municipality: Ebnisi and Mchadijvari; Vaziani settlement of Gardabani Municipality.

202 Chorchana village of Khashuri Municipality (located near the occupation line); Tamarasheni village of Kareli Municipality (located near the occupation line); Keshalo village of Sagarejo Municipality (populated by ethnic minorities); Zvareti village of Bolnisi Municipality; Villages of Dusheti Municipality: Mikeliani and Tsikhistsubani.

203 Villages of Dedoplistskaro Municipality: Zemo Kedi and Kvemo Kedi; Okami village of Akhalkalaki Municipality.

204 For example, exceptions are the villages of Dedoplistskaro Municipality: Zemo Kedi and Kvemo Kedi.

villages and, in some cases, even among residents of the same village, which is caused by various factors (e.g., terrain, geographical location of the citizen's residence, socio-economic situation and the resulting different individual capabilities).

SUFFICIENCY AND EQUAL ACCESS

Meetings with the population revealed that the provision of sufficient water is a challenge in most villages. In those villages where water is supplied to residential houses, the provision of sufficient water is hindered by the terrain, the supply of several villages by one system/pipe, or the inappropriate use of drinking water by the population. The situation also varies depending on the seasons. For example, according to the population, in summer the water supply decreases and is almost not delivered to the village of Ebnisi in Dusheti Municipality. Due to increased consumption, supplies are also reduced in villages of Mtskheta Municipality: Misaqtsieli, Aghdgomelaantkari, Navazi, and others.²⁰⁵ The village of Ebnisi also does not receive water in winter. During winter, the water supply also decreases in the village of Sulda of Akhalkalaki Municipality, the village of Mugareti of Akhaltsikhe Municipality, and other settlements.²⁰⁶ In the village of Patara Arakali of Ninotsminda Municipality, the village of Jorjashvili of Tetrtskaro Municipality, and other villages,²⁰⁷ the water flow does not adequately reach the population living in elevated areas. In some places, pipes are damaged and have not been repaired, causing some families to not receive water.²⁰⁸ In the village of Ghogheti of Kareli Municipality and in villages of Gurjaani Municipality - Kachreti, Jimiti, and Naniani - these problems are compounded by the use of drinking water for irrigation or other purposes,²⁰⁹ all of which prevents supplying the population with sufficient amounts of water.

Water supply does not depend only on terrain: in the Jandari settlement of Marneuli Municipality, which is part of the city, different neighbourhoods receive water with varying flow rates. The socio-economic condition of families was also identified as an obstacle to sufficient water supply in villages where unlicensed providers operate. Specifically, in the villages of Akhalubani and Adzvi in Gori Municipality, and in the village of Mikeliani in Dusheti Municipality, some families cannot afford to connect to the network using their own resources. When speaking with representatives of the Public Defender's Office of Georgia, residents in the villages of Misaqtsieli,

205 Villages of Gurjaani Municipality: Jimiti and Naniani; Villages of Dedoplistskaro Municipality: Kvemo Kedi and Zemo Kedi; Mugareti village of Akhaltsikhe Municipality; Kvibisi village of Borjomi Municipality; IDP settlement in Koda village of Tetrtskaro Municipality; Villages of Dusheti Municipality: Ebnisi, Mikeliani, and Mchadijvari.

206 Larebi village of Borjomi Municipality; Tsikhisubani village of Dusheti Municipality.

207 Villages of Mtskheta Municipality: Misaqtsieli, Navazi, and Aghdgomelaantkari; Villages of Gori Municipality: Akhalubani and Adzvi; Villages of Dusheti Municipality: Mikeliani (the population itself could not install pipes due to living in an elevated area, there is no unified supply system in the village) and Tsikhistsubani.

208 The village of Mchadijvari of Dusheti Municipality.

209 Villages of Mtskheta Municipality: Misaqtsieli, Navazi, and Aghdgomelaantkari; Villages of Gori Municipality: Akhalubani and Adzvi; the village of Patara Arakali of Ninotsminda Municipality; the village of Sulda of Akhalkalaki Municipality; the village of Mugareti of Akhaltsikhe Municipality; the village of Kvibisi of Borjomi Municipality; Villages of Dusheti Municipality: Mchadijvari, Tsikhistsubani, and Mikeliani.

Navazi, and Aghdgomelaantkari in Mtskheta Municipality, and in the villages of Akhalubani and Adzvi in Gori Municipality, stated that several villages are supplied by a single network, which hinders sufficient drinking water supply. However, the Gori Municipality Mayor's Office provided different information to the Public Defender's Office of Georgia, informing them that Akhalubani and Adzvi are supplied by independent networks.²¹⁰ The population of the village of Akhali Kumisi in Gardabani Municipality, due to the lack of water supply to residential homes and the absence of neighbourhood springs/taps/wells, is forced to purchase water from a private company.

As noted, there are villages where drinking water is still not supplied to residential homes. The problem of sufficient water supply, clearly, exists in such settlements as well, which is caused by various factors, for example: A shortage of water resources in the village of Zvareti in Bolnisi Municipality; transportation problems (at times, when a large quantity of water is needed for replenishment), terrain, accessibility of roads, and individuals' ability to travel, etc.- in the village of Ebnisi in Dusheti Municipality, in the villages of Keshalo and Kazlari in Sagarejo Municipality, and in the IDP settlement of Koda village in Tetrtskaro Municipality.

Due to the inability of the population to secure an adequate water supply, locals in the village of Keshali in the Sagarejo Municipality, the village of Mchadijvari in the Dusheti Municipality, and the village of Zvareti in the Bolnisi Municipality, as well as other locations,²¹¹ collect rainwater for technical needs. In the village of Patara Arakali in the Ninotsminda Municipality, residents reportedly use water directly from the river, while in the village of Lari in the Borjomi Municipality, they have even used snow.

The villages located near the occupation line should be noted separately, specifically, the villages of Tamarasheni and Ghogheti in Kareli Municipality, where, according to the population, they do not feel safe when moving around.

Equal access to water is also a challenge in villages where water is not supplied to residential homes. In such places, given the different instruments of water supply, citizens need special effort to collect water. Their individual capabilities and barriers also differ: for example, factors such as health condition, number of family members, transportation capability, socio-economic situation, etc. play a major role.

CONTINUITY:

The visits revealed that uninterrupted water supply is one of the main challenges. Only a small portion of villages are provided with 24-hour supply (e.g., Darchieti village in Gurjaani Municipality; Zemo Kedi and Kvemo Kedi villages in Dedoplistskaro Municipality; and Okami village in

210 Letter N20-2024281344 of October 7, 2024, from the Gori Municipality Mayor's Office.

211 Villages of Dusheti Municipality: Tsikhistsubani, Ebnisi, and Mikeliani; the village of Naniani in Gurjaani Municipality; the village of Kvemo Kedi in Dedoplistskaro Municipality; the village of Patara Arakali in Ninotsminda Municipality.

Akhalkalaki Municipality). The summer season is an exception.²¹² Elsewhere, for example, in the villages of Jimiti and Kachreti in Gurjaani Municipality, Sulda village in Akhalkalaki Municipality, the IDP settlement in Koda village and Jorjiashvili village in Tetrtskaro municipality, as well as other settlements,²¹³ the population receives water according to a schedule, although in some places there is not even a fixed schedule.²¹⁴ The schedule varies among villages, but even within the same village, water is supplied with different schedules and flow rates,²¹⁵ which causes additional dissatisfaction among the population.

In turn, the schedule depends on the water debit, the village's terrain, and the condition of the water supply system. For example, according to local residents: in the villages of Misaktsieli, Navazi, and Aghdgomelaantskari in Mtskheta Municipality, water is available according to schedule from 12 midnight until 12 noon; in Ghogheti village in Kareli Municipality, Jorjiashvili village in Tetrtskaro Municipality, and other villages - water is available every other day, for only 2 hours;²¹⁶ in the IDP settlement of Kodi in the Tetrtskaro Municipality, water is available daily for 5 hours. Water comes every other day for 5 hours in Kachreti village in Gurjaani Municipality. In Jandari settlement of Marneuli Municipality, according to the population, water is supplied approximately twice a week for 2 hours, and in Naniani village of Gurjaani Municipality - once a week for several hours. According to the residents of Sulda village in Akhalkalaki Municipality, they have water in summer, daily, for 1-2 hours.

212 Kvisibi village in Borjomi Municipality; Villages in Akhaltsikhe Municipality: Julgha and Boga.

213 Villages in Mtskheta Municipality: Misaktsieli, Navazi and Aghdgomelaantskari; Villages in Gori Municipality: Akhalubani and Adzvi; Ghogheti village in Kareli Municipality; Patara Arakali village in Ninotsminda Municipality; Jandari settlement in Marneuli Municipality; Vaziani settlement in Gardabani municipality.

214 Villages in Dusheti Municipality: Mchadijvari, Mikeliani and Tsikhisubani.

215 Villages in Gori Municipality: Akhalubani and Adzvi; Ghogheti village in Kareli Municipality; Patara Arakali village in Ninotsminda Municipality; Kachreti village in Gurjaani Municipality.

216 Villages in Gori Municipality: Akhalubani and Adzvi.



**AKHALKALAKI MUNICIPALITY,
VILLAGE OF SULDA.**

The information provided by the municipalities themselves regarding the schedules is also noteworthy. For example, during a visit by representatives of the Georgian Public Defender's Office to the village of Jorjiashvili in the Tetrtskaro Municipality, residents stated that they were not receiving water at that moment, while the official schedule indicated water supply every other day for 2 hours. However, the Municipality itself explained that the village had a continuous water supply throughout the day.²¹⁷ According to residents of the village of Patara Arakali in the Ninotsminda Municipality, water is supplied for only half an hour during the day. However, the Municipality did not confirm this and instead reported that the schedule provides for water supply lasting 12-15 hours from the morning.²¹⁸

The situation in the village of Kazlari in the Sagarejo Municipality should be also separately noted. According to locals, a water supply system exists in the village but does not meet their needs. For example, water may not be supplied for two months, and sometimes it is available for only half an hour to an hour per day. In contrast, the Sagarejo Municipality provided radically different information to the Georgian Public Defender's Office, claiming that Kazlari has a 24-hour water supply.²¹⁹

217 Letter N124-1242427065 of September 26, 2024 from Tetrtskaro Municipality Mayor's Office.

218 Letter N122-1222426834 of September 24, 2024 from Ninotsminda Municipality Mayor's Office.

219 Letter N52-522431676 of November 11, 2024 from Sagarejo Municipality Mayor's Office.



**GARDABANI MUNICIPALITY,
VILLAGE OF AKHALI KUMISI.**



**GARDABANI MUNICIPALITY,
VAZIANI SETTLEMENT.**



**BORJOMI MUNICIPALITY,
VILLAGE OF TSAGHVERI.**

Based on the information obtained by the Public Defender's Office, the water supply schedules that have been identified cannot be considered satisfactory for the continuity standard, as the main component - sufficiency - is questioned: specifically, to what extent citizens are able to collect even the minimum amount of water necessary for personal and household purposes. This continues to depend on individual capabilities and storage containers. In cases where low water

debit is evident, it is objectively impossible to fill even the containers they have available. During the meetings, residents of several villages in Gurjaani and Akhalkalaki municipalities noted that metering and/or 24-hour water supply works were in progress.²²⁰ Borjomi, Kareli, Tetrtskaro, and Akhalkalaki municipalities informed the Office in writing that works were planned to improve the water supply to the population, as well as for metering and/or ensuring 24-hour water supply.²²¹

Beyond the established schedules, water supply is often interrupted for various reasons, including damage. It was revealed that water was often interrupted in the village of Larebi in Borjomi Municipality (once a week) and in the IDP settlement of the village of Kodi in Tetrtskaro Municipality (once a month).

Due to damage and other reasons, water is interrupted for longer periods in the village of Zvareti in Bolnisi Municipality (according to residents, the taps may not come to the district taps for 15-20 days), in the village of Jorjiashvili in Tetrtskaro Municipality (for example, 4 days) and in other villages,²²² which is an additional obstacle to the realization of the right, especially since in such cases they are less informed in advance and/or supplied through alternative ways.

Continuity problems are prevalent in villages where the population has to replenish their water supply in various ways: for example, in the village of Chorchana in Khashuri Municipality, Tamarasheni in Kareli Municipality, Keshalo in Sagarejo Municipality, and elsewhere,²²³ people collect water from neighbourhood springs/taps/wells. This particularly negatively affects elderly and PwDs who physically struggle to collect and transport water. According to the residents of Keshalo and Kazlari villages in Sagarejo Municipality, this also negatively impacts families who do not own vehicles to travel long distances to collect water. The population of Kachreti in Gurjaani Municipality, Kvibisi and Tsaghveri villages in Borjomi Municipality, and other villages²²⁴ have to incur additional expenses and purchase water.

220 Villages in Gurjaani Municipality: Kachreti, Naniani, and Jimiti; Sulda village in Akhalkalaki Municipality.

221 Letters N16-1624304184 of October 30, 2024 from Borjomi Municipality Mayor's Office and N13-1624296243 of October 22, 2024 from N(N)LE "Borjomi Village Water"; Letters N104-1042428313 of October 9, 2024 and N104-104242849 of October 10, 2024 from Kareli Municipality Mayor's Office; Letter N116-1162430637 of November 1, 2024 from Akhalkalaki Municipality Mayor's Office, Letter N124-1242427065 of September 26, 2024 from Tetrtskaro Municipality Mayor's Office, and Letter N18-1824303129 of October 29, 2024 from Gardabani Municipality Mayor's Office; Letters N34-342429815 of October 24, 2024 from Mtskheta Municipality Mayor's Office and N504 of September 26, 2024 from LLC "Water and Transport Company".

222 Villages in Mtskheta Municipality: Misaktsieli, Navazi, and Aghdgomelaantskari (for example, all three villages did not receive water for 2 weeks); Villages in Gori Municipality: Akhalubani and Adzvi (they were without water for 1 week); Vaziani settlement in Gardabani Municipality (at neighbourhood taps, water supply was interrupted for the longest period of 2 weeks).

223 The village of Zvareti in Bolnisi Municipality; Villages in Dusheti Municipality: Mikeliani and Tsikhisubani.

224 Jandari settlement in Marneuli Municipality; The village of Zvareti in Bolnisi Municipality.

► PHYSICAL ACCESSIBILITY:

Problems with physical accessibility were identified both in villages where water is supplied to residential houses and in villages lacking such a system. When the schedule does not ensure continuous supply, the population is forced to replenish water through alternative means, while in places where water is not supplied to residential houses, people already collect water by other means.



**DUSHETI MUNICIPALITY,
VILLAGE OF EBNISI.**

Physical accessibility problems manifest in various forms. These include inadequate roads and infrastructure, distance between residential houses and neighbourhood water sources/taps/wells, socio-economic conditions of families, etc. Residents of villages located near the occupation line also face security problems: for example, according to residents of the village of Tamarasheni in Kareli Municipality, they do not feel safe when moving around the village, including when collecting water. In most cases, the distance between residential houses and neighbourhood water sources/taps/wells is up to 1 kilometre, however, due to poor infrastructure/roads and/or low water flow, the population needs more time to collect water than is provided for by the relevant standard. Examples of such settlements are the village of Ebnisi in Dusheti Municipality and the village of Sulda in Akhalkalaki Municipality. However, there are villages where the distance between a residential house and a neighbourhood water source/tap/well exceeds 1 kilometre and reaches up to 3 km. Such examples include the Vaziani settlement in Gardabani Municipality and the villages of Kazlari and Keshalo in Sagarejo Municipality. In the villages of Akhalubani and Adzvi in Gori Municipality, in the village of Jorjiashvili in Tetrtskaro Municipality, and elsewhere,²²⁵ water is also collected from neighbouring villages. Clearly, in such cases, the physical accessibility standard cannot be considered satisfied, especially for those who have physical mobility problems.

²²⁵ Village of Ebnisi in Dusheti Municipality; Village of Kazlari in Sagarejo Municipality.



**AKHALTSIKHE MUNICIPALITY,
VILLAGE OF MUGARETI.**

ECONOMIC ACCESSIBILITY AND SUSTAINABILITY

Economic accessibility is one of the most difficult standards to assess, as it requires a thorough examination of the socio-economic conditions of citizens—something that is virtually impossible within the scope of such visits. However, one key point should be noted: while, in most villages, there is no established water fee, and therefore, the risk of restricting access due to non-payment does not arise, residents report that they still incur various costs to secure this resource. These costs include expenses for transportation, water purchases, and, in some cases, connection to the network, all of which, according to standards, fall within the scope of economic accessibility and require comprehensive assessment by municipalities. If necessary, such assessments should be followed by the implementation of appropriate measures.

On the other hand, the absence of metering in most villages²²⁶ raises questions about the proper use of water resources, since water, as a finite resource, should also be managed by this criterion; especially since visits to individual villages have shown that the lack of metering and irrigation systems and/or unequal access to water in many villages (e.g., villages in Dusheti Municipality: Mchadijvari, Ebnisi, Tsikhisubani, and Mikeliani; villages in Gori Municipality: Akhalubani and Adzvi,

²²⁶ For example, exceptions are the villages of Zemo Kedi and Kvemo Kedi in Dedoplistskaro Municipality, as well as the Jandari settlement in Gardabani Municipality, which is metered, and the population pays according to consumption. There are cases when meters are installed in homes, but either the system does not work/is not controlled (village of Ghogheti in Kareli Municipality), or the population does not pay as a form of protest (village of Tsagveri in Borjomi Municipality, although according to the Municipality's correspondence, the villages are not metered). Work started for metering could not be completed and meters were stolen in the village of Vaziani in Gardabani Municipality.

etc.²²⁷) also leads to misuse of water intended for drinking/household needs (e.g., for supplying swimming pools).²²⁸ This is only natural, since for many rural residents, small-scale agricultural activities are related to food access and meeting daily needs. Consequently, they are compelled to resort to such methods. This does not refer to cases where the misuse of water is evident.

AWARENESS/ENGAGEMENT:

The problems related to awareness and engagement were revealed in most villages, but it is most severe in relation to water quality issues. During meetings in almost every village, it became apparent that the population does not have information about the quality of the water they consume. People also do not know how frequently, or who checks this issue. Despite the distrust towards water quality, laboratory test results are not accessible to the population. Although in some villages (villages of Mugareti and Julgha in Akhaltsikhe Municipality; villages of Adzvi and Akhalubani in Gori Municipality, and others²²⁹) they possess information about water testing/quality (sometimes about chlorination, from social media), this information has been received by them only verbally from the municipality or private individuals (neighbours), and that was years ago. Consequently, informing the population does not have an official (e.g., familiarization with test results) and systematic form. The fact regarding providing only verbal information on water quality to locals was also confirmed by Dusheti Municipality in correspondence submitted to the Public Defender's Office of Georgia.²³⁰

227 Villages in Mtskheta Municipality: Misaktsieli, Navazi, and Aghdgomelaantkari; village of Ghogheti in Kareli Municipality; villages in Gurjaani Municipality: Kachreti, Jimiti, and Naniani; village of Patara Arakali in Ninotsminda Municipality; villages of Sulda and Okami in Akhalkalaki Municipality; village of Mugareti in Akhaltsikhe Municipality; village of Kvibisi in Borjomi Municipality.

228 Villages in Mtskheta Municipality: Misaktsieli, Navazi, and Aghdgomelaantkari.

229 Villages in Gurjaani Municipality: Kachreti, Darchieti, and Jimiti; IDP settlement in the village of Koda and the village of Jorjiashvili in Tetritskaro Municipality; village of Patara Arakali in Ninotsminda Municipality; village of Sulda in Akhalkalaki Municipality.

230 Letter N132-13224290103 from Dusheti Municipality Mayor's Office dated October 16, 2024.



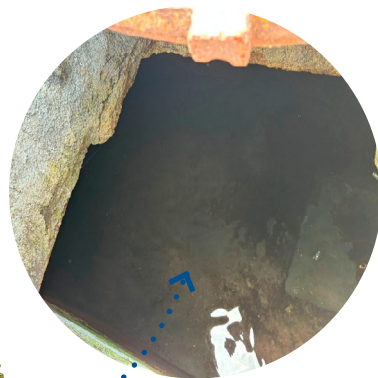

**BORJOMI MUNICIPALITY,
VILLAGE OF TSAGHVERI.**




**GORI MUNICIPALITY,
VILLAGE OF ADZVI.**




**AKHALTSIKHE MUNICIPALITY,
VILLAGE OF BOGA.**




**NINOTSMINDA MUNICIPALITY,
VILLAGE OF ARAKALI.**

Specific examples of lack of public awareness were identified in several municipalities. In particular, according to correspondence provided by Gori Municipality Mayor's Office,²³¹ they check water quality in Adzvi and Akhalubani once a month according to the standard established by the relevant regulation (laboratory test results were also provided to the Office, according to which the quality is satisfactory), however, this information was not known to the population. The Mayor's Office of Gardabani Municipality informed the Office²³² that they check water quality once every six months and publish the results publicly in their building (results were not presented to the Public Defender's Office of Georgia), but the population also did not possess information about this. Neither was the water quality of the licensed provider known to the population of the villages of Zemo Kedi and Kvemo Kedi in Dedoplistskaro Municipality, despite the fact that according to the Municipality Mayor's Office, the proper operation and safety of water supply systems are controlled by employees of the licensed company.²³³

It should also be noted that within the framework of meetings with representatives of the Office, the population identified the following problems related to water quality: **changes in water colour after rain or without it,²³⁴ which is often followed by sand²³⁵/moss²³⁶/various debris;²³⁷ contaminated water well;²³⁸ unprotected water wells/collectors/tanks/pipes;²³⁹ the existence of a cemetery near the neighbourhood water source;²⁴⁰ discovery of worms²⁴¹/reptiles²⁴²/rodents²⁴³ in the water; unpleasant taste/odour²⁴⁴** and so forth. These circumstances relate not

231 Letter N20-2024281344 from Gori Municipality Mayor's Office dated October 7, 2024.

232 Letter N18-1824303129 from Gardabani Municipality Mayor's Office dated October 29, 2024.

233 Letters N56-562430419 from Dedoplistskaro Municipality Mayor's Office dated October 30, 2024, and N24417/30/06 from LLC "United Water Supply Company of Georgia" Dedoplistskaro Service Centre dated October 28, 2024.

234 Villages in Mtskheta Municipality: Misaktsieli, Navazi, and Aghdgomelaantkari; village of Zemo Kedi in Dedoplistskaro Municipality; villages in Dusheti Municipality: Mchadijvari, Mikeliani, and Tsikhisubani; Jandari settlement in Marneuli Municipality; IDP settlement in the village of Koda and the village of Jorjiashvili in Tetrtskaro Municipality; village of Sulda in Akhalkalaki Municipality; villages in Akhaltsikhe Municipality: Mugareti and Boga; village of Patara Arakali in Ninotsminda Municipality; villages in Borjomi Municipality: Larebi and Tsaghveri.

235 Villages in Mtskheta Municipality: Misaktsieli, Navazi, and Aghdgomelaantkari; village of Keshalo in Sagarejo Municipality; villages in Dusheti Municipality: Ebnisi and Mchadijvari; village of Tsaghveri in Borjomi Municipality.

236 Villages in Gori Municipality: Adzvi and Akhalubani.

237 Village of Jimiti in Gurjaani Municipality; village of Larebi in Borjomi Municipality.

238 Village of Ghogheti in Kareli Municipality.

239 Village of Kazlari in Sagarejo Municipality; Jandari settlement in Marneuli Municipality; village of Patara Arakali in Ninotsminda Municipality; village of Okami in Akhalkalaki Municipality; village of Tsagveri in Borjomi Municipality.

240 Villages in Gori Municipality: Adzvi and Akhalubani; village of Ebnisi in Dusheti Municipality; village of Kvibisi in Borjomi Municipality.

241 Villages in Gori Municipality: Adzvi and Akhalubani; villages in Dusheti Municipality: Ebnisi and Mchadijvari; village of Zvareti in Bolnisi Municipality.

242 Village of Ghogheti in Kareli Municipality; village of Keshalo in Sagarejo Municipality (as the population explained, the water was bloody).

243 Village of Ghogheti in Kareli Municipality.

244 Villages in Gori Municipality: Adzvi and Akhalubani; village of Kvemo Kedi in Dedoplistskaro Municipality; village of Keshalo in Sagarejo Municipality; IDP settlement in the village of Koda and the village of Jorjiashvili in Tetrtskaro Municipality; village of Patara Arakali in Ninotsminda Municipality; village of Sulda in Akhalkalaki Municipality; village of Mugareti in Akhaltsikhe Municipality; villages in Borjomi Municipality: Larebi and Tsaghveri.

only to the quality criterion but also to the acceptability criterion, as the overviewed standards stipulated that water should have a culturally acceptable colour, taste, and odour in the local context.



**BORJOMI MUNICIPALITY, VILLAGE OF
LAREBI (WATER COLLECTED BY THE
LOCAL POPULATION).**



**BORJOMI MUNICIPALITY, VILLAGE OF
KVIBISI (WATER COLLECTED BY THE
LOCAL POPULATION).**

The situation in the Vaziani settlement of Gardabani Municipality must be assessed as critical. Part of the population receives technical water in their residential homes (as confirmed by the Municipality itself in their correspondence²⁴⁵), which is unsuitable for drinking, while drinking water supplied from district taps forms sediment. There is also distrust regarding the quality of water that residents of Akhali Kumisi village in Gardabani Municipality purchase from a private company (the village has neither a communal system nor district spring/tap/well). The Mayor's Office of the Ninotsminda Municipality in a correspondence provided to the apparatus explained that water quality is not being tested. Consequently, no testing documentation exists, although they claim the quality is satisfactory.²⁴⁶ This clearly raises doubts about the accuracy of the information provided. An example of the lack of information on water quality is the response provided by the Mayor's Office of Borjomi Municipality, according to which quality is controlled several times a

245 Letter N18-1824303129 of October 29, 2024, from Gardabani Municipality Mayor's Office.

246 Letter N122-1222426834 of September 24, 2024, from Ninotsminda Municipality Mayor's Office.

year and residents are informed through information cards. The Municipality did not provide the monitoring results to the apparatus,²⁴⁷ while the village residents themselves provided contrasting information: according to them, water quality is not tested at all.²⁴⁸

In correspondence provided to the Public Defender's Office of Georgia, the Akhalkalaki Municipality Mayor's Office explained that water quality has been tested several times and the information on results is held by the licensed company, as well as by the municipality's non-governmental non-commercial legal entity responsible for water supply, while residents are informed of the results verbally.²⁴⁹

Considering all of the above, the population does not have the perception that the water is suitable for drinking, especially given that information about the frequency of testing and, most importantly, the results are inaccessible to them.

During a meeting in the village of Ebnisi in Dusheti Municipality, locals explained that despite their request, they were not provided with information on the results of the tested samples, which further intensifies distrust regarding the quality of the water they consume. Thus, along with continuous, proper, and equal water supply, the population also highlighted the critical need for water quality testing.

In addition to the lack of information on quality, it was revealed that there is no system that would provide the population with information about the expected interruption of water supply. As for restoration works and the resumption of service provision, this information is mainly received verbally (often from neighbours). The population is also not informed about the right to water: they have never had a meeting or other type of activity on this issue. Citizens are not even aware of the existing guarantees, procedures and ways of their implementation. The obligations of authorized and responsible agencies, including the state/municipality, are also unclear to them.

As for participation in decision-making processes, information provided during meetings indicated that only in Dusheti Municipality was there an instance where the population was actively involved in resolving water-related issues, and this engagement produced tangible outcomes.²⁵⁰ Generally, citizens lacked information about this procedural right: they were unaware of any decision-making processes taking place or of their opportunities to participate in such processes.

247 Letters N16-1624304184 of October 30, 2024, from Borjomi Municipality Mayor's Office and N13-1624296243 of October 22, 2024, from NNLE "Borjomi Village Water."

248 Borjomi Municipality villages: Larebi, Kvibisi, and Tsaghveri.

249 Letter N116-1162430637 of November 1, 2024, from Akhalkalaki Municipality Mayor's Office.

250 Village of Mikeliani, Dusheti Municipality.

In conclusion, it should be noted that, in general, the situation pertaining to the right to water of rural population is more severe compared to urban residents. Local governments often lack institutional and financial resources to ensure sustainable service. Challenges persist due to shortages in technical skills, management capabilities, and financial resources. Institutional reform, as well as increased financial and human resources, are necessary for improved realization of the right to water in rural areas. Strengthening community capacities by establishing community development associations, as well as providing training and information on rights and their enforcement, is crucial, but requires external support from both local authorities and service providers.

9

PROPOSALS/RECOMMENDATIONS

PROPOSALS:

► TO THE PARLIAMENT OF GEORGIA:

- Based on the international standards overviewed in this report and prevalent in the field, establish comprehensive legislative guarantees that fully encapsulate the right to water, its content and scope, all relevant criteria, and the rights-based principles.

RECOMMENDATIONS:

► TO THE GOVERNMENT OF GEORGIA:

- With the involvement of the public, experts, and stakeholders, assess the progress in realizing the right to water, including the implementation of the objective defined by “Vision 2030, Georgia’s Development Strategy” (ensuring water supply meeting standards for 100% of the population in Georgia’s cities/the entire country by 2025/2030); additionally, develop a time-bound plan for addressing existing challenges, which will define specific measures and responsible agencies;
- Enhance the resource capacities of local self-governing entities in a purposeful and outcome-oriented manner, to facilitate the effective and progressive implementation of the right to water, as well as to ensure equality;
- Strengthen the LEPL National Food Agency with the necessary resources to conduct monitoring of water quality throughout the country and to create an information system essential for proper public awareness;
- Examine the compliance of the technical regulations for drinking water approved by the Government of Georgia’s Decree #58 of 2014 with the WHO’s latest (2022) guidelines on drinking water quality; to ensure progressive realization, update the relevant indicators and continue the systemic revision of national standards in accordance with future amendments to these guidelines.

TO THE MINISTRY OF ENVIRONMENTAL PROTECTION AND AGRICULTURE OF GEORGIA, LEPL NATIONAL FOOD AGENCY:

-  Create a unified platform/database for simple, understandable, accessible, and adequate public information on the results of drinking water quality control;
-  In addition to the online platform, establish supplementary mechanisms for citizen information dissemination, ensuring that the population receives data regarding drinking water quality control and its findings through diverse and efficacious modalities.
-  Expand the scope of water quality monitoring through coordination with governmental agencies and resource mobilization and ensure the implementation of comprehensive state control over water quality throughout the country within the most expeditious timeframe possible.

TO LOCAL SELF-GOVERNMENTS:

-  Through efficient utilization of existing resources and collaboration with state institutions, expeditiously plan and implement substantive measures to ensure the provision of water supply services by licensed providers across all municipalities.
-  Exert maximum effort to examine and fulfil the needs of citizens, including women, the elderly, PwDs, and other groups, in terms of access to water; to ensure alternative water supply for citizens who do not have access to the minimal amount of water necessary for personal and domestic purposes.

