

**Gobierno de Reconciliación y Unidad Nacional
Unida Nicaragua Triunfa**



**EXPERIENCES AND GOOD PRACTICES
OF THE STATE OF NICARAGUA
ON DRINKING WATER AND SANITATION
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN
RIGHTS - SPECIAL RAPPORTEUR ON THE HUMAN RIGHT
TO POTABLE WATER AND SANITATION**

Since 2007, the President of the Republic of Nicaragua, Comandante Daniel Ortega, stated that Potable Water and Sanitation are human rights that must be restored to Families and that they will not be privatized.

Consequently, in September 2007, Law No. 620 "General Law of National Waters" was approved, establishing the non-privatization of the Potable water services (Article 4), putting human consumption as a first priority, within the different uses of water resources.

The Government of Reconciliation and National Unity has invested 802 million dollars in Urban Water and Sanitation between 2007 and 2020, and is planning to invest in the next 4 years within this sector, about 530 million dollars, in order to advance on the path of restitution of these rights and ensuring universal coverage.

In 2007, Potable Water Coverage in the urban sector was 65%, in 2020 it has increased to 91.5%, while Sanitary Sewerage coverage in 2007 was 33%, and has increased to 54% in 2020.

Regarding Potable Water services, emphasis is placed, in addition to coverage, on increasing the hours of service and the quality of the Potable water and sanitation delivered to families, in strict compliance with the standards of discharges and with the

construction of the respective systems for treatment.

Please indicate how many households in extreme poverty are benefited by Article 5 of the **General Water Law (Law No. 620)**, as well as **what type of measures are carried out in these cases.**

It is important to note that Nicaragua has a differentiated rate, also one of the lowest in Latin America, aimed at favoring sectors with fewer economic resources.

The Nicaraguan Company of Sanitary Aqueducts and Sewage Services (ENACAL), serves 764,427 families nationwide, equivalent to about 3,822,135 people, distributed between four rate categories: Subsidy, Residential, Home and Settlement Generators.

In order to contribute to the most vulnerable families, the Government of Reconciliation and National Unity has maintained a subsidized rate, where, for families grouped in the "Settlement" segment, the cubic meter of Potable water has a commercial cost of C\$2.14 (U\$0.061) and C\$5.99 (U\$0.17) for families grouped in the "Home" segment.

In total, these two segments account for 678,711 families (89% of the total families served).

Please indicate what legal remedies are available to people whose water supply is cut off due to non-payment.

Article 5 of Law 620 "General Law of National Waters" establishes that the service to vulnerable users cannot be suspended, nor to SCHOOLS, HOSPITALS, HEALTH CENTERS, HOSTELS, FIRE FIGHTERS, HOMES FOR

THE ELDERLY, ORPHANATORIES, POPULAR MARKETS, PENITENTIARY CENTERS, and the like. ENACAL strictly complies with this legal mandate.

For ENACAL, the suspension of the service due to non-payment is the last option to implement.

When the suspension is applied in the segments with payment capacity, it is in search of the efficiency and sustainability of the service itself, since not doing so, would violate the public interest, and this is focused on large consumers who have ample payment capacity and accumulate high default and in some cases have been found to be in a situation of fraud.

In the case of the most vulnerable families and those in default of payment, ENACAL implements alternatives to guarantee accessibility to Potable water and sanitation, such as:

- Favorable restructuring plans for overdue balances.
- Long-term payment agreements with monthly installments, agreed with each family in particular.
- Reduction of overdue balances for the most vulnerable users, when they pay part of the debt.
- Notifications regarding overdue debts are made with enough time in advance in order to avoid the suspension of the service.
- Promotion of the care and proper use of Potable water and sanitation services by holding Community Assemblies, visits by social promoters, convened through the media.

In extreme cases where the suspension of the service is applied to users with the ability to pay and with high amounts of accumulated

debt, the regulations on the matter establish the following resources:

- Claims for review before the Commercial Manager of ENACAL.
- From the Resolution issued by the Commercial Manager, a first instance REVIEW may be requested to the Regulatory Entity.
- From the response of this instance, an APPEAL can be presented to the Board of Directors of the regulatory entity. In this manner exhausting the administrative route.
- Through the Judicial avenue, an administrative appeal may be presented to the Supreme Court of Justice.

* The above is regulated in the Appeals Law, Law 49 and its reform in Law 831 and the User Services Regulation (RSU).

I would appreciate your information on the measures being taken to ensure the affordability of water services for those who cannot pay their bills for reasons beyond their control, including unemployment and poverty, in the current pandemic circumstances.

In ENACAL's commercial records, 62% of users have more than 2 overdue invoices, equivalent to 516,693 families, that is, they have difficulty being solvent in their payments.

In this regard, affordability for those who cannot pay is guaranteed, the suspension of the service has not been applied, nor will the suspension of the service be applied for the 39,426 users classified under the "Settlements" rate and the 430,462 users classified in the "Residential" rate that are in debt. The remaining 9% of users with two or more invoices belong to the "Residential" and "Subsidy Generators"

segments, to which the corresponding commercial actions are applied.

The "Settlements" and "Domiciliary" user segments with two or more invoices are offered the following options:

- Favorable restructuring plans for overdue balances.
- Long-term payment agreements with monthly installments, agreed with each family in particular.
- Reduction of overdue balances for the most vulnerable users, when they pay part of the debt.
- Notifications regarding overdue debts are made with enough time in advance in order to avoid the suspension of the service.
- Promotion of the care and proper use of Potable water and sanitation services by holding Community Assemblies, visits by social promoters, convened through the media.

Please inform us about the measures that have been or will be taken to specify and ensure the supply, at least, of the minimum vital quantity of water to guarantee human consumption, sanitation and personal and domestic hygiene, so that guarantee the human rights to safe Potable water and sanitation, both during the Covid-19 pandemic and afterwards.

Starting in 1998, the Potable Water service in Nicaragua began a privatization process when independent companies were created within ENACAL in the departments of Managua, León, Chinandega, Matagalpa and Jinotega.

This process was reversed once Comandante Daniel assumed the government in 2007. The issue of Water and Sanitation became a priority

based on the principle that, access to water is a Human Right and not a business.

That same year the GRUN advanced and promoted the approval of the General Law of National Waters (Law No. 620), Art. 4 of which clearly states:

"The Potable water service will not be subject to any direct or indirect privatization and will always be considered public. Its administration, surveillance and control will be under the responsibility and guardianship of the State."

In addition to this, a subsidized rate is established and maintained for the lowest-income families, that is partially offset by a rate, close to the real value, established for those that consume more water and with higher economic income.

Starting in 2013, 7.5% of Municipal Transfers were allocated to water and sanitation, aiming at quickly advancing in the Model of Alliance with the Municipal Governments, to jointly tackle the challenge of achieving Universal Coverage of this Human Right.

In the year 2014, the implementation of the Comprehensive Sectorial Program for Water and Human Sanitation (PISASH) began, where simultaneously work is carried out in different cities of the country, in order to ensure the supply of Potable water, improve the service and provide sanitary sewerage and treatment; with the goal of reaching 100% of Nicaraguan Families by 2030.

Cities with almost zero coverage and water supply schedules such as: Juigalpa, Boaco, Santo Tomás, Acoyapa, San Carlos, Nueva Guinea, El Rama, San Juan del Sur, Matiguás, El Jicaral,

Chichigalpa and San Rafael del Sur, already have or will soon have, a 24 hour water supply per day.

Bilwi and Bluefields stand out, relegated for over 150 years and that by the year 2021, with the Grace of God, some 27,000 families in these cities will have a 24 hour a day Potable water service, as well as a Sanitary Sewerage service.

From 2007 to 2020, 47 Potable water systems have been built, improved or expanded (245,509 Families) and 14 sanitary sewerage systems have been built or expanded (162,356 Families).

In addition, with financial resources secured by our Government between 2021 and 2024, progress will be made in the construction, improvement and expansion of 18 Potable water systems (173,138 Families) and in the construction

or expansion of 26 sanitary sewerage systems (422,610 Families).

CONCLUSION

The GRUN between the years 2007 and 2020 has restored the right to Potable water with new connections to 1,325,748 sisters and brothers; going from 65% Coverage in the year 2006 to 91.5% in the year 2020 and aiming to reach 96% in the year 2024.

Regarding Sanitary Sewerage, during this same period (2007-2020), this right was restored to 876,724 sisters and brothers, going from 33% Coverage in the year 2006 to 54% in the year 2020, hoping to reach 80% in the year 2024.