

# Brazilian Basic Sanitation Policy and Human Rights



**Geneva, January 20, 2010**

# Criteria for identifying 'good practices' related to access to sanitation by UN

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The presentation will show the aspects in Law No. 11.445/2007 related with the UN's criteria.

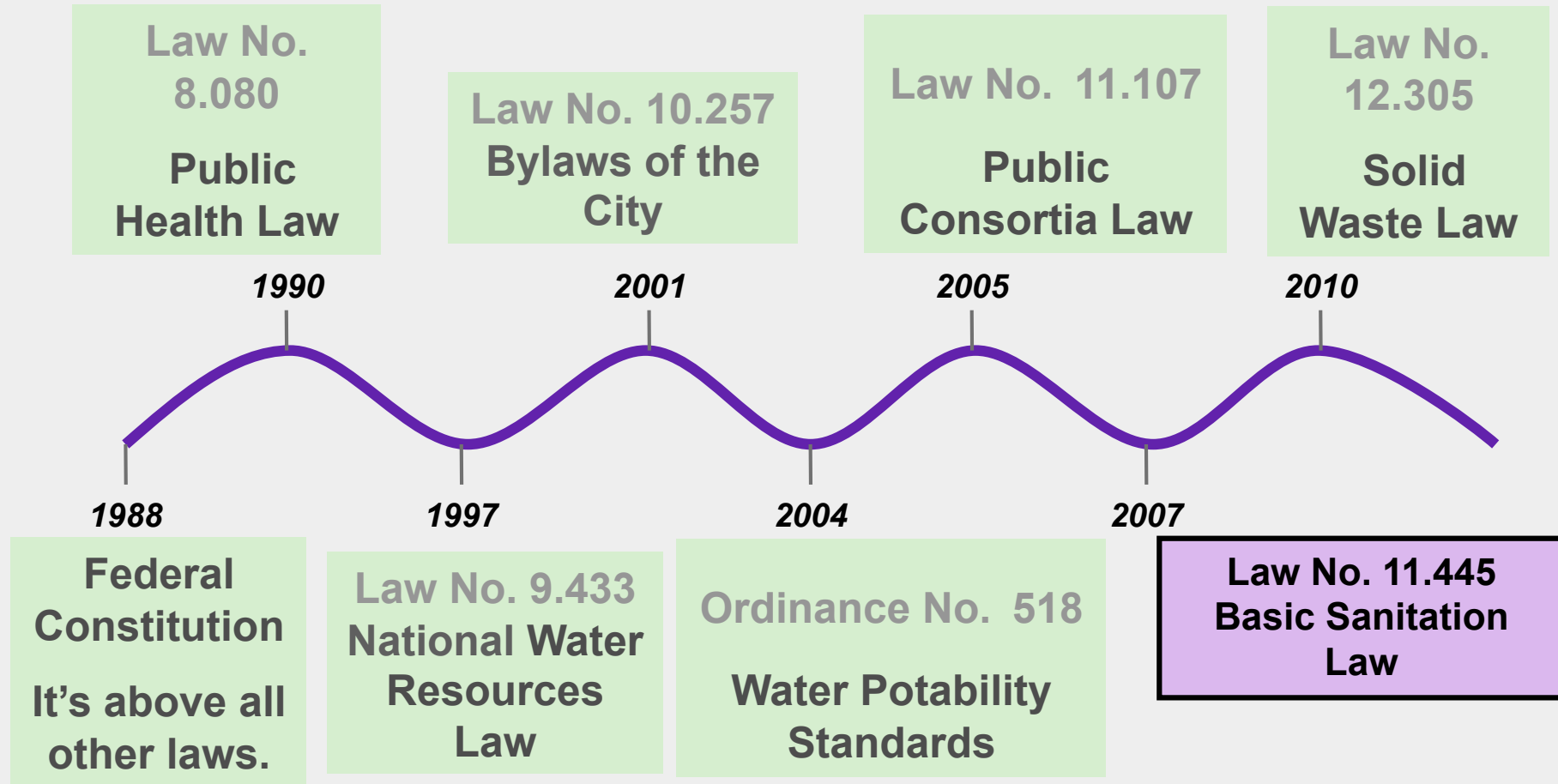
## Cross-cutting Criteria

Non-discrimination  
Participation  
Accountability  
Impact  
Sustainability

## Normative Criteria

Availability  
Accessibility  
Quality/safety  
Affordability  
Acceptability

# Recent History of Brazilian Laws and Regulations



# Main Principles of Law No. 11.445/2007

# Basic Sanitation

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The law considers **Basic Sanitation** as a set of services, infrastructures and operating installations of:

**Potable Water Supply;**

**Sanitation / Sewage;**

**Urban Sanitation and Solid Waste Management;**

**Drainage and Urban Stormwater Management.**

# Main Principles

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Provision of Sanitation Services should follow the principles below:

- Universalization of Access: both poor and rich people, women and men, black and white;
- Equality (implicit principle): equal treatment for equals and unequal treatment for unequals;
- Integrality of all steps of each of Basic Sanitation's four components;
- Public Health, Environment and Life Safety Suitability;
- Consideration of local and regional peculiarities – cultural, technologies, and others;
- Economical efficiency and sustainability;

# Main Principles

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Provision of Sanitation Services should follow the principles below:

- Coordination with the following policies:

<b>Urban and Regional Development</b>	<b>Housing</b>
<b>Fight against poverty and its eradication</b>	<b>Environment Protection</b>
<b>Health Promotion</b>	<b>Improvement of Life Quality</b>
<b>Water Resources</b>	

- Use of appropriate technologies;
- Transparency of actions based on information systems;
- Social Control;
- Safety, Quality and Regularity.

# Municipal Policy - Law No. 11.445/2007



# Municipal Policy

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*“It is up to municipalities to organize and provide for, directly or by means of concession or permission, the public services of local interest.”*

(Item V, article 30, Federal Constitution)

Public Services of Local Interest include Sanitation.

# Municipal Policy

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**The policy making cannot be delegated, it's formulated by the local government and must:**

- Develop Basic Sanitation Municipal or Regional Plan;
- Define the form of provision of services – Can be delegated;
- Define the entities responsible for regulating, inspecting, and for the related procedures – Can be delegated;
- Accept standards for ensuring essential health services, including both the minimum per capita volume and water quality;
- Establish user rights and obligations;

# Municipal Policy

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**The policy making cannot be delegated, it's formulated by the local government and must:**

- Create the Universalization Fund – this isn't mandatory;
- Evaluation and Monitoring Procedures;
- Define Social Control Mechanism;
- Basic Sanitation Information System, coordinated with SINISA;
- Conditions for intervention in and resumption of delegated services, as provided by the law or agreement.

# Municipal Policy

The Law brings a new management to Basic Sanitation;

The Service Provider should follow the municipal planning; it also should be regulated and inspected; and each of these steps should happen with social control;

These are some conditions for validating the agreements.



# Service Provision - Law No. 11.445/2007

# Service Provision

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## Alternatives of Service Provision\*

Brazil has 5.564 municipalities, and it's known that:

MUNICIPAL SERVICES		PRIVATY SERVICES		STATE SERVICES	
1466	27,4%	187	3,5%	3690	69,1%

The service also can be provide through Public Consortia or Associated Management between Municipalities, or between Municipalities and State.

\*By draft version of the Plansab.

# Municipal Planning - Law No. 11.445/2007

# Municipal Planning

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## The Plan should have:

- Diagnosis of Basic Sanitation situation;
- Prognosis and alternatives to universalization, guidelines, aims and goals;
- Programs, Projects and Actions;
- Emergency and Contingency Actions;
- Mechanisms and Procedures to systematic evaluation of efficiency, efficacy, and effectiveness of Plan's action;
- Every municipality should have a plan until 2013 to receive investments from federal funds.



# Mobilization Tools

## Bairros sediam reuniões do Plano de Saneamento



Flagrante da reunião realizada no bairro Inácio Martins, com relevante participação dos moradores

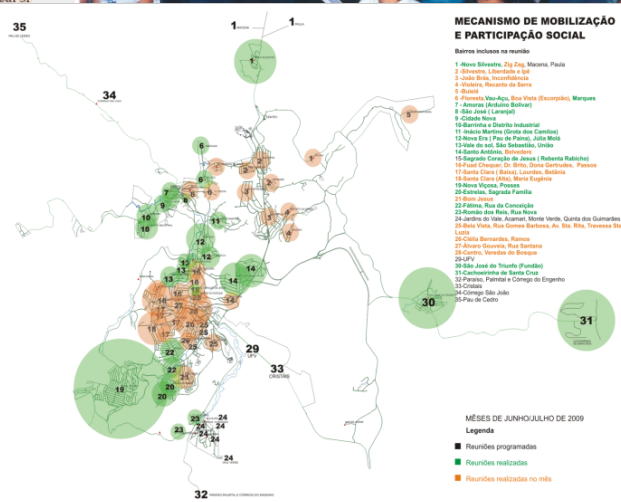
Os bairros Inácio Martins, São Sebastião e União foram mais alguns dos locais da cidade a sediarem reuniões do Plano Municipal de Saneamento Básico. Na última terça-feira (27) a equipe de elaboração do Plano, em parceria com o SAAE (Serviço Autônomo de Água e Esgoto), reuniu-se com moradores do Inácio Martins para levantar problemas e questões sobre o saneamento em Viçosa.

Com participação de mais de 40 pessoas, a reunião trouxe à tona problemas como a

falta de escoamento de águas pluviais, o lixo e o esgoto. Segundo Elisabete Barros – uma das pessoas presentes, reuniões como esta são muito importantes para o desenvolvimento do bairro. “Além de atitudes como esta, é fundamental que os próprios moradores se conscientizem a respeito destas questões e ajudem a melhorar as condições de saneamento do bairro”, mencionou.

Ontem (29), às 19h30min, no São Sebastião, outra reunião sobre o mesmo tema reuniu mo-

radadores daquele bairro e também do bairro União. Questões parecidas às levantadas no Inácio Martins foram levantadas pelos participantes. Estes encontros, iniciados nos últimos meses de 2008, fazem parte de uma etapa importante do Plano Municipal de Saneamento Básico, pois a apuração da real situação do saneamento em cada bairro e distrito é o melhor panorama para a elaboração de soluções e generalização dos serviços na área em Viçosa.

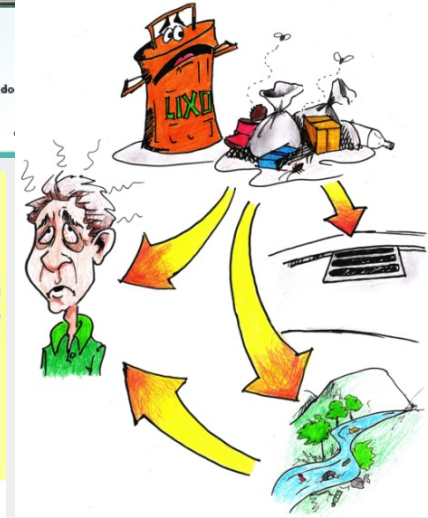


### Plano de Saneamento Básico Participativo

Elabore o Plano de Saneamento de sua cidade e contribua para melhorar a saúde e o meio ambiente do local onde você vive

Mais informações [www.cidades.gov.br/planodesaneamento](http://www.cidades.gov.br/planodesaneamento)

Ministério da Saúde do



# Regulation and Inspection Law No. 11.445/2007

National Secretary of Environmental Sanitation

Ministry of Cities



# Basic Sanitation Regulation\*

## ABAR's (Regulatory Agency Brazilian Association) Research –

### Principal Results (\*\*)

- Institutional Adequacy with Law (article 11);
- The state and local regulators are responsible to 853 concessions regulated, with 268 contracts adequate appropriate to the terms of the law (31%), of which only 161(19%) have plans;
- Incompatibility with Law's rules;
- Compared with 2007, have increased the number of regulated concessions.

(\*) By Léo Heller, Presentation of Discipline *Políticas Públicas de Saneamento – PPGSMARH / UFMG*

(\*\*) Survey in June 2009 with 18 regulatory agencies (13 state and 5 municipal) 5 more than the previous year, 2008.

# Social Control - Law No. 11.445/2007

National Secretary of Environmental Sanitation

Ministry of Cities



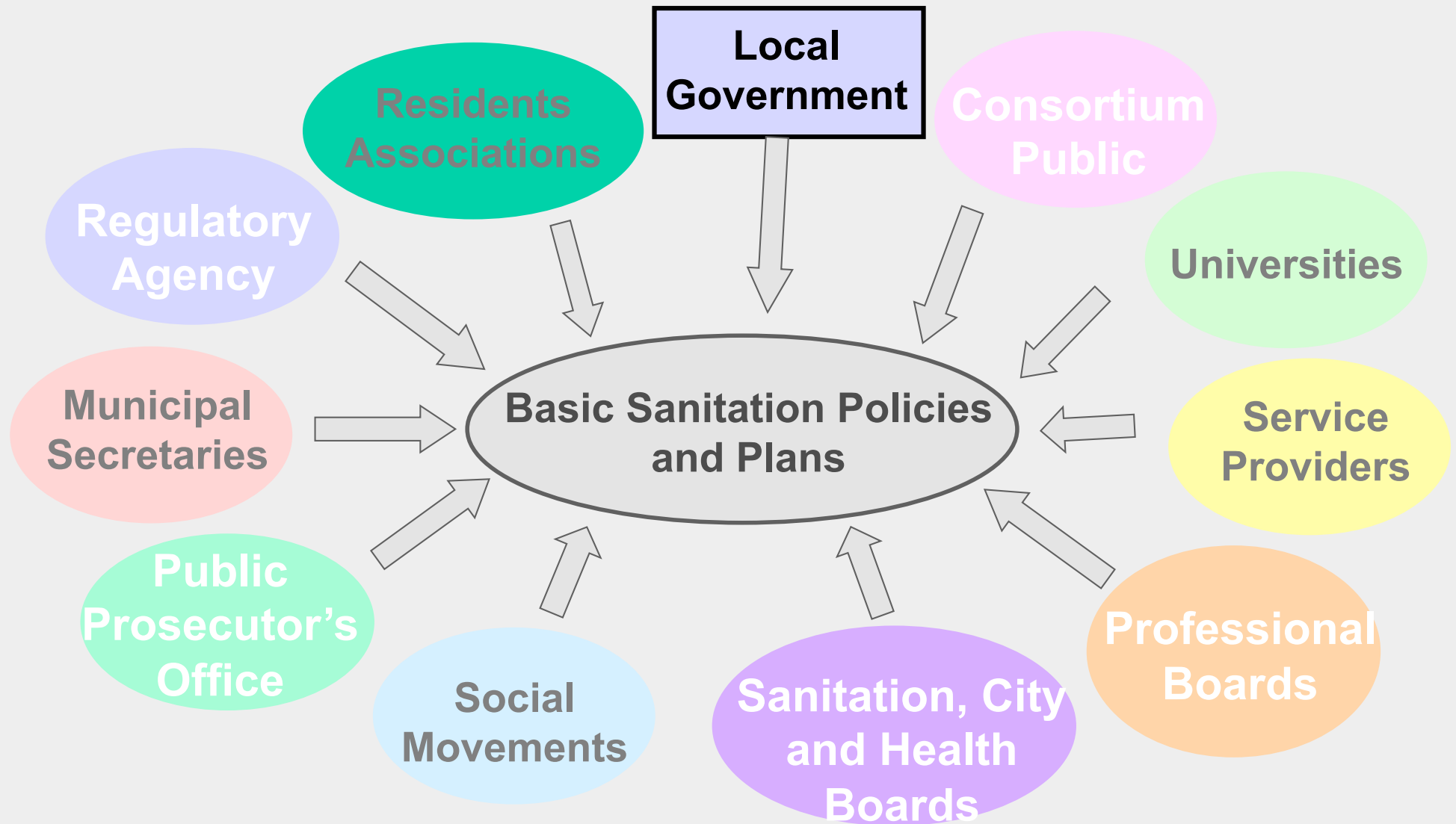
# Social Control

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- *Set of mechanisms and procedures that provide society with information, representation and participation in the processes of policy making, planning and evaluation related to basic sanitation public services (Item IV, Article 3°);*
- National Conference of Cities and National Council of Cities since 2003 and 2004 respectively with representation of:
  - Federal, State and Municipal Government;
  - Social Movements, Civil Society Organizations and Technical Entities;
  - Universities;
  - Industry.
- For municipalities to have access to federal funds in January 2014 they should have formed councils with minimum representation of:
  - Municipality and Entities of Sanitation;
  - Service Providers;
  - Users;
  - Technical Entities, Civil Society Organizations, and Consumer's Defense.



# Social Control



# **Economic Aspects related to Human Rights**

## **Law No. 11.445/2007**

# Aid Policies

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- *Aid: social policy economical tool for ensuring universal access to basic sanitation, especially for low income populations and location (Item VII, Article 3°);*
- Can be tax based or non tax based;
- It's condition to validate agreements for provision public services:

Existence of regulations about aid policies (Article 11).





# National Basic Sanitation Plan

## *Preliminary Version*

### Law No. 11.445/2007

# National Basic Sanitation Plan

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## The plan will be a Decree-Law and will have:

### I. Diagnostic Analysis:

- Characterization of deficit in the access to services.
- Research about investment happened;
- Evaluation of existent programs;
- Politic institutional analysis of sector;

### II. Thematic Books (13 books):

- About subjects with interest relevant to the Plan.

### III. Strategic Vision:

- Formulation of prognosis to 20 years with guideline, programs, actions and strategies of investment for the sector.

The next few slides are shown only to inform you about the breadth of Plansab's analysis.

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# SERVICE AND DEFICIT BY COMPONENT

COMPONENT	SUITABLE SERVICE		DEFICIT			
			INSECURE SERVICE		NO SERVICE	
	Inhabitants	%	Inhabitants	%	Inhabitants	%
Water Supply	123.471.121	73,3	44.899.772	26,7	--	--
Sewage	51.223.176 <sup>(1)</sup>	30,4	48.376.054	28,7	68.771.663	40,9
Household Solid waste management	83.102.464	49,4	45.566.451	27,1	39.701.978	23,6

Sources: Censo e PNSB (IBGE, 2000)

# Water Supply



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Fonte: PNAD, 2008.

**Solutions and practices used to water supply as a percentage of the population and geographical regions of the country**

**Water pipe**  
**Well**  
**Cistern**

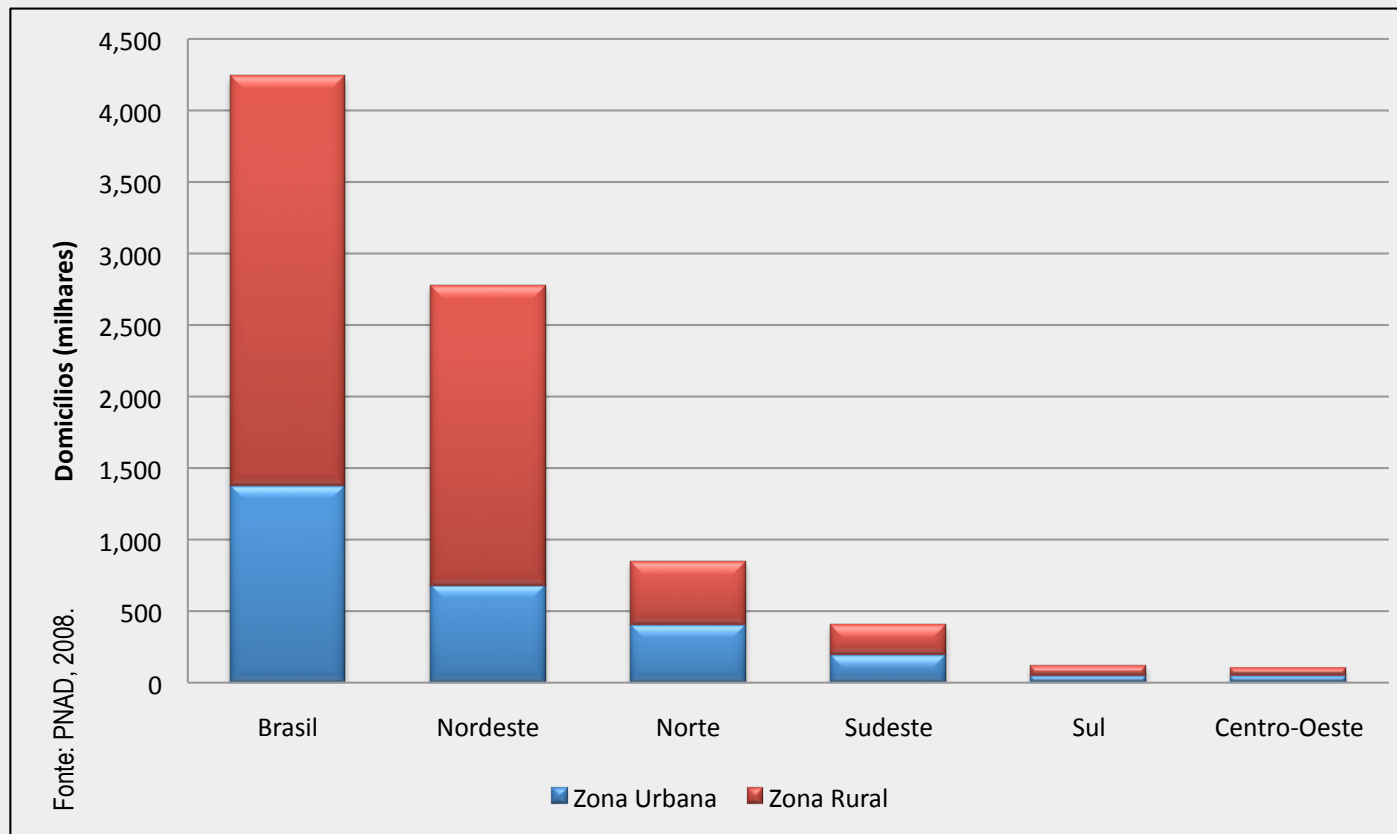


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Fonte: PNAD, 2008

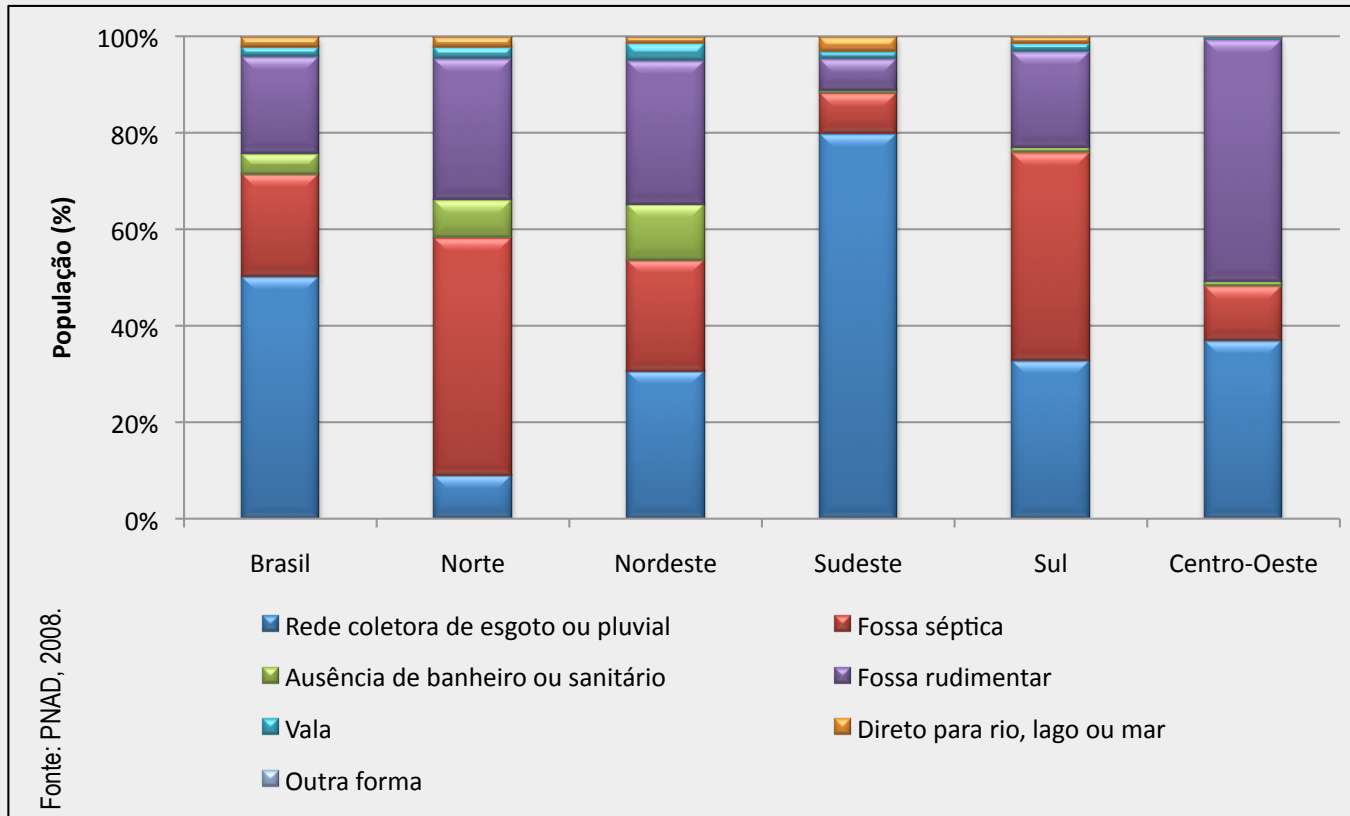
**Solutions and practices used to water supply as a percentage of the population in urban and rural**

# Water Supply



**Indoor plumbing deficit in households in Brazil and its regions by percentage.**

# Sewage



**Solutions and practices used for sewage in percent of the population and geographical regions of the country.**

**Sewage Collection Network**

**Septic Tank**

**Lack of bathroom or toilette**

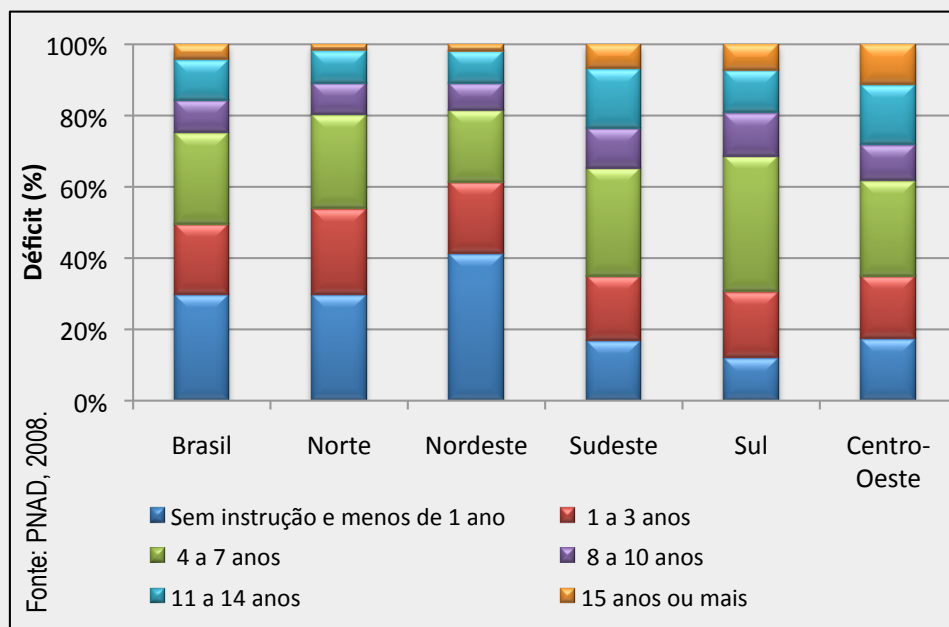
**Rudimentary swage**

**Straight to the river, lake or sea**

**Ditch**

**Others**

# Solid Waste Management



Deficit in the management of solid waste in the country and by geographical regions per year of study;

Without schooling or until 1 year

1 to 3 years

4 to 7 years

8 to 10 years

11 to 14 years

15 or more years

Deficit in the management of solid waste in the country and by geographical regions by color (auto declaration)

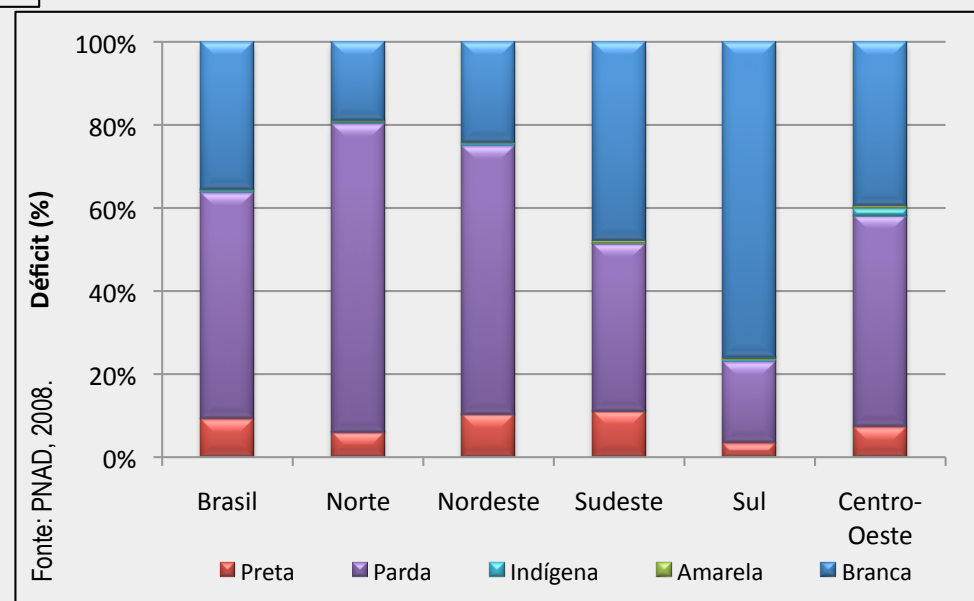
Black

Dun

White

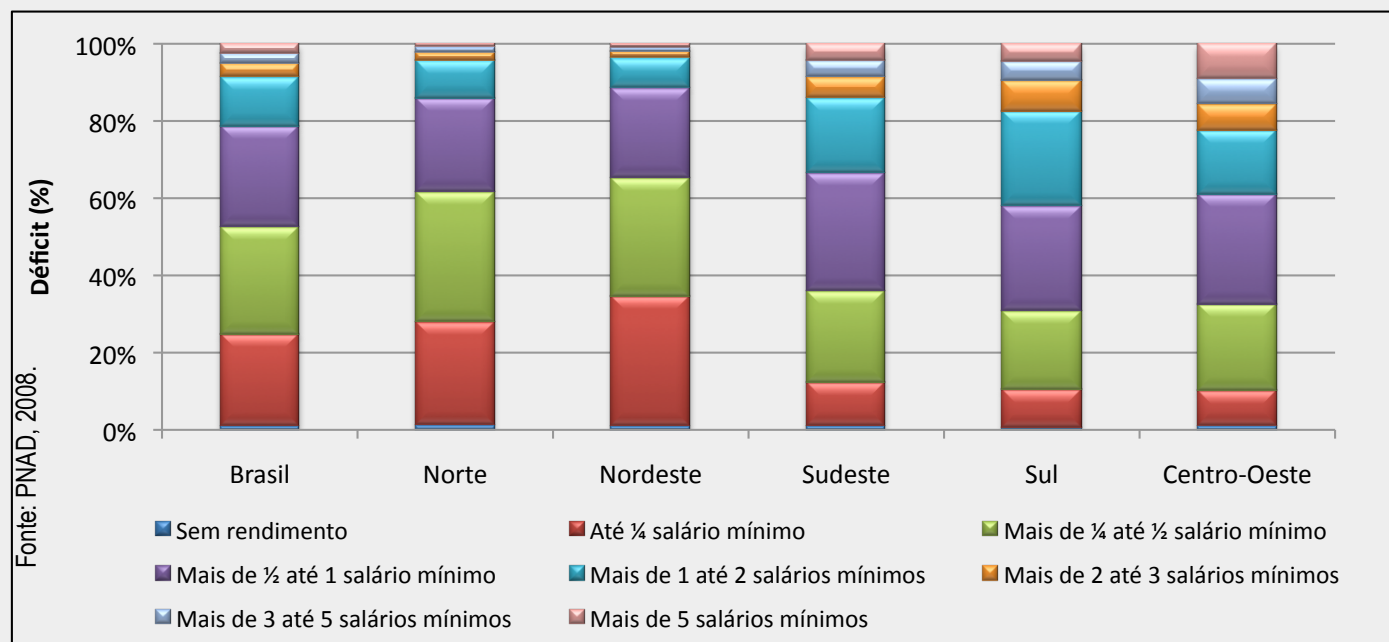
Indigenous

Yellow





# Solid Waste Managment



**Deficit in the management of solid waste in the country and by geographical regions in the range of household monthly income per capita;**

**Red represents the people who earn up to a quarter minimum wage;**

**Green are the people who earn from a quarter to a half minimum wage;**

**Purple represents the people who earn from a half to one minimum wage.**

**Brazilian Minimum Wage is about \$ 300.**

# Goals

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## Plansab will define goals to:

Managment;

Water Supply;

Sewage;

Solid Waste Managment;

Drainage .

For the years 2015, 2020 and 2030.

# **National Basic Sanitation Information System - SINISA**

**Law No. 11.445/2007**

# National Basic Sanitation Information System

SNIS → SINISA

SNIS has data from services providers for water, sewage and waste;  
SINISA will get data for Basic Sanitation from services providers, and also from municipalities.

[www.snis.gov.br](http://www.snis.gov.br)



National Secretary of Environmental Sanitation Ministry of Cities



**Thank you!**

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