

# Human Rights to **Water** and **Sanitation**



UNITED NATIONS



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

# What is the Human Right to Water and Sanitation?

**The human right to water** entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses (CESCR General Comment No.15).

**The human right to sanitation** entitles everyone, without discrimination, to physical and affordable access to sanitation, in all spheres of life, which is safe, hygienic, secure, socially and culturally acceptable, which provides privacy and dignity (CESCR's statement on the right to sanitation).



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

# What is the Human Right to Water and Sanitation?

The human right to water and sanitation is an essential component of the right to an adequate standard of living, enshrined in Article 11 of the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**

(General Comment No.15 (2002) and Statement on the right to sanitation (2010)).

Explicit references in **international human rights treaties:**

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Article 14.2.h
- Convention on the Rights of the Child (CRC) Article 24.2.c,e
- Convention on the Rights of Persons with Disabilities (CRPD) Article 28.2.a

The human right to water and sanitation has been affirmed by GA resolution 64/292 (2010) and HRC resolution 15/9 (2010)



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

# What is the human right to water and sanitation?

## AVAILABILITY

Water supply has to be **sufficient** and **continuous** for personal and domestic uses. Likewise, sanitation facilities (with associated services) must be sufficient within the immediate vicinity.



## QUALITY

Water has to be safe for consumption and other personal uses. Sanitation facilities must be hygienically and technically safe to use. To ensure hygiene, access to water for cleansing and hand washing at critical times is essential.



# Frequently asked questions\*

- **Is there sufficient water to ensure enjoyment of the human right to water in all countries?**

**Yes.** The right to water is limited to basic personal and domestic needs, which account for only a fraction of overall domestic use. There is sufficient water to satisfy the needs covered by the right to water in virtually all countries of the world – it is much more a question of equitable distribution.

- **Is 20 liters per capita per day sufficient for the full realization of the right to water?**

**No.** 20 liters per capita per day is a minimum quantity required to realize minimum essential levels of the right, but there remain significant health concerns.

\* Answers to this section from OHCHR website:

[http://www.ohchr.org/Documents/Issues/Water/FAQWater\\_en.pdf](http://www.ohchr.org/Documents/Issues/Water/FAQWater_en.pdf)



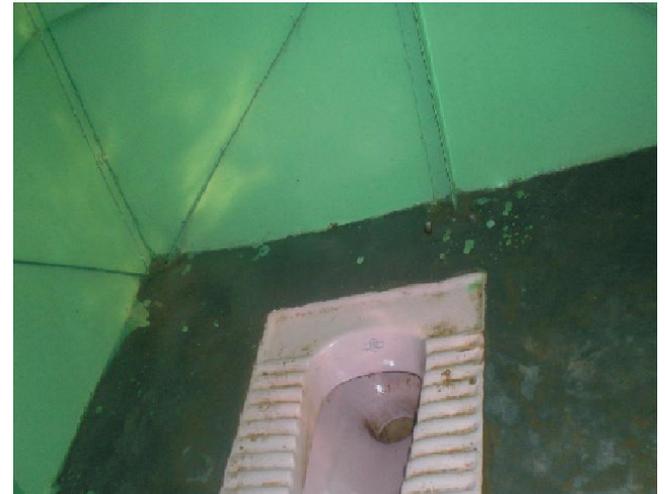
# What is the human right to water and sanitation?

## ACCESSIBILITY

Water and sanitation services have to be accessible to everyone without discrimination, within the immediate vicinity. Physical security must not be threatened when accessing facilities.

## ACCEPTABILITY

Sanitation facilities, in particular, have to be culturally acceptable and gender-specific, and to ensure privacy and dignity.



## AFFORDABILITY

The price of sanitation and water services must be affordable for all without compromising the ability to pay for other essential necessities guaranteed by human rights such as food, housing and health care.

# Frequently asked questions

- **Are the costs of realizing the rights to water and sanitation for all prohibitive?**

**No.** Evidence has shown that the cost of not ensuring access to drinking water and sanitation is even higher in terms of public health and lost work and school days. For each dollar invested in water and sanitation, on average there is a return of 8 dollars in costs averted and productivity gained.

- **Do human rights prohibit private provision of water and sanitation services?**

**No.** Human rights do not require a particular model of service provision. They do not exclude private provision. States must ensure access for all and also ensure that the actions of all actors, public and private do not result in human rights violations.



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

# Frequently asked questions

- **Is everyone – even those living in remote areas – entitled to piped water and a flush toilet connected to sewerage network?**

**No.** Different settings require different water and sanitation solutions. States have a margin of discretion to adopt the measures most suited to the specific circumstances.

- **Does States have to provide services free of charge?**

**No.** States are not obliged to provide access to water and sanitation free of charge. Human rights require services to be affordable and not to compromise the realization of other human rights such as food, housing and health.



# Special Rapporteur on the human right to safe drinking water and sanitation



**Ms. Catarina de Albuquerque**  
*Special Rapporteur on the  
human right to safe drinking  
water and sanitation*

- Mandate established by the UN Human Rights Council (HRC) in March 2008 by res. 7/22.
- **Ms. Catarina de Albuquerque** took up the mandate in November 2008. She is the first UN Special Rapporteur on the right to safe drinking water and sanitation (formerly Independent Expert).

# Special Rapporteur on the human right to safe drinking water and sanitation

## 2011- 2014: HRC encourages the Special Rapporteur to

- Monitor and promote the realization of the human right to safe drinking water and sanitation;
- Pay particular attention to persons belonging to vulnerable and marginalized groups;
- Identify challenges and obstacles to the full realization of the human right to water and sanitation, and continue to identify good practices;
- Continue the mutual dialogue with Governments and other stakeholders;
- Make recommendations for goals beyond the 2015 Millennium Development Goals process and to make more recommendations that could help the realization of the MDGs, particularly Goal 7.



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

## Work on Post-2015 development agenda

Special Rapporteur has been strongly advocating on integration of non-discrimination and equality into the post-2015 development agenda for water, sanitation and hygiene.

- JMP Working Group on Equity and Non-Discrimination to develop goals, targets and indicators for post-2015 global monitoring for WASH

- SR's report to the General Assembly in October on this topic.



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

# Work on Post-2015 development agenda

## WG's recommendations on Elements for Goals, Targets and Indicators:

- Attention to both universality and eliminating of inequalities in the WASH goal;
- Targets and indicators that require the elimination of equality gaps by targeting the most disadvantaged groups;
- Specific language in targets and indicators requiring reduction in intra-household inequalities;
- Targets aimed at reducing inequalities due to individual status and indicators requiring monitoring of equality in access beyond the household;
- Language in targets or indicators capturing menstrual hygiene management.

# Work on Post-2015 development agenda

## Recommendations on Measurement and Data Sources

- Make appropriate use of tools for measuring inequalities, particularly gap analyses (e.g. rate of coverage in the best-off group and the worst-off group);
- Ensure that materials created to guide the implementation of WASH targets and indicators address human rights concerns related to data collection;
- Work to improve household data sources, especially the Demographic and Health Surveys (DHS) and Multiple Indicator Cluster Surveys (MICS);
- Expand data sources to ensure equality dimensions are captured.

# Work on Post-2015 development agenda

## Equality Checklist developed by END WG

- When examined as a whole, do the goals, targets, and indicators:
  - Do goals, targets, and indicators prioritize basic access and focus on progressive realization toward safe and sustainable water, sanitation and hygiene for all, while reducing inequalities?
  - Do goals, targets, and indicators address spatial inequalities, such as those experienced by communities in remote and inaccessible rural areas and slum-dwellers in (peri-)urban areas?
  - Do goals, targets, and indicators focus on inequities, shining the light on the poorest of the poor?
  - Do goals, targets, and indicators address group-related inequalities that vary across countries, such as those based on ethnicity, race, nationality, language, religion, and caste?
  - Do goals, targets, and indicators attend to the impacts of individual-related inequalities that are relevant in every country of the globe, such as those based on sex/gender, age, disability, and health conditions imposing access constraints—as they are experienced both inside and beyond the household? Do they address menstrual hygiene management?



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

# Human Right to Water and Sanitation

The full report of the END WG is available at:

[www.wssinfo.org/fileadmin/user\\_upload/resources/JMP-END-WG-Final-Report-20120821.pdf](http://www.wssinfo.org/fileadmin/user_upload/resources/JMP-END-WG-Final-Report-20120821.pdf)

For further information on the SR:

<http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/SRWaterIndex.aspx>



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER