



THE HUMAN RIGHT TO WATER AND SANITATION

In the course of 2010, the UN General Assembly and the Human Rights Council explicitly recognized the human right to water and sanitation. It is derived from the right to an adequate standard of living as stipulated in Art. 11 of the International Covenant on Economic, Social and Cultural Rights and other international human rights treaties. Hence, it is part of international human rights law. A number of criteria can be used to specify the content of the right.

AVAILABILITY: The human right to water is limited to personal and domestic uses and foresees a supply for each person that must be sufficient for these purposes. Likewise, a sufficient number of sanitation facilities has to be available.

QUALITY: Water has to be safe for consumption and other uses, so that it is no threat to human health. Sanitation facilities must be hygienically and technically safe to use. To ensure hygiene, access to water for cleansing and hand washing after use is essential.

ACCEPTABILITY: Sanitation facilities, in particular, have to be culturally acceptable. This will often require gender-specific facilities, constructed in a way that ensures privacy and dignity.

ACCESSIBILITY: Water and sanitation services must be accessible to everyone in the household or its vicinity on a continuous basis. Physical security must not be threatened when accessing facilities.

AFFORDABILITY: Access to sanitation and water must not compromise the ability to pay for other essential necessities guaranteed by human rights such as food, housing and health care.

INDEPENDENT EXPERT ON THE ISSUE OF HUMAN RIGHTS OBLIGATIONS RELATED TO ACCESS TO SAFE DRINKING WATER AND SANITATION

Ms. Catarina de Albuquerque was appointed as the first Independent Expert and took up her functions in November 2008. She is called upon to:

- (A) identify, promote and exchange views on best practices related to access to safe drinking water and sanitation, and to prepare a compendium of best practices;
- (B) clarify the content of human rights obligations in relation to access to safe drinking water and sanitation;
- (C) make recommendations that could help the realization of the Millennium Development Goals, in particular of Goal 7.

In addition to preparing reports on those subjects, the Independent Expert also undertakes country missions to collect information and provide advice.

For more information on the mandate
of the Independent Expert, please visit:

www2.ohchr.org/english/issues/water/ieexpert

You can contact the Independent Expert at:

iewater@ohchr.org



Photo courtesy of WSSCC

THE HUMAN RIGHT TO WATER AND SANITATION

FREQUENTLY ASKED QUESTIONS

B2design.pt [José Brandão] [Joana M. Ramalho]
Printed in Portugal by Texttype.pt • 2010 • 2nd edition



UNICEF NYHQ2000-0631 LeMoyne

INDEPENDENT EXPERT ON THE ISSUE
OF HUMAN RIGHTS OBLIGATIONS
RELATED TO ACCESS TO SAFE
DRINKING WATER AND SANITATION

FREQUENTLY ASKED QUESTIONS

The recognition of the right to water and sanitation is a breakthrough that ends a long lasting discussion, but it is only a first step. Now it is crucial to implement the right and turn it into a reality for everyone. Understanding what the human right to water and sanitation requires, and does not require, is essential for avoiding misunderstandings, building a broad political support for this vital subject and achieving the ultimate goal of ensuring universal access to safe water and sanitation.

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

Yes. There is sufficient water to satisfy the needs covered by the right to water in virtually all countries of the world – it's much more a question of equitable distribution. On average, overall household water use accounts for less than 10% of total water use, while industry and agriculture are the largest water users. The right to water is limited to basic personal and domestic needs which account for only a fraction of overall domestic use. Even in the context of climate change, which affects overall water availability, water for personal and domestic uses can still be ensured, if prioritized as required by human rights.

❓ Is 20 litres per capita per day sufficient for the full realisation of the right to water?

No. 20 liters per capita per day is a minimum quantity required to realise minimum essential levels of the right, but there remain significant health concerns. To ensure the full realisation of the right, States should aim for at least 50 to 100 litres per person per day.

❓ Are the costs of realising the right to water and sanitation for all prohibitive?

No. It is true that investing in water and sanitation is costly. Yet, 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. Also, the human rights obligations related to access to safe drinking water and sanitation are subject to progressive realization. Thus universal coverage does not need to be achieved immediately, but every State must demonstrate that it is taking steps towards this goal to the maximum of its available resources and continually moving in this direction.

❓ Do States have to provide access directly?

No. Human rights do not require States to directly provide individuals with water and sanitation. Their primary obligation is to create an environment conducive to the realisation of human rights. Individuals are expected to contribute with their own means. Only in certain conditions, such as extreme poverty or natural disasters, when people, for reasons beyond their control, are genuinely unable to access water and sanitation through their own means, is the State obliged to actually provide services.

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

No. States have to ensure that everyone has access to services that comply with certain standards (availability, acceptability, accessibility, affordability, quality), but different settings require different and flexible water and sanitation solutions. States have a margin of appreciation to adopt the measures most suited to the specific circumstances including low-cost technologies.

❓ Do 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. Those who can have to contribute financially or in kind.

❓ 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 (including privatization). Yet, States must ensure – through adequate oversight and regulation, including effective monitoring and complaint procedures – that the actions of all actors – public and private – do not result in human rights violations.

❓ Are water and sanitation equally important?

Yes. Water and sanitation are integrally related and equally important for a life in health and dignity. Many diseases are caused by the lack of access to safe sanitation and water is essential for hygiene. Also, lack of safe sanitation is a major cause of contamination of drinking water supplies, so without safe sanitation, safe drinking water is impossible.

❓ Do human rights contribute to providing access to water and sanitation?

Yes. Among other things, they establish a legal framework, which clearly defines rights and obligations, and promote pro-poor and non-discriminatory service provision. They decisively contribute to the empowerment of individuals by transforming them from passive recipients to active agents of change. Access to water and sanitation is no longer a matter of charity or welfare, but a legal entitlement.