



## IF RIO+20 IS TO DELIVER, ACCOUNTABILITY MUST BE AT ITS HEART

### Background Note: *The Human Right to Water and Sanitation for All*<sup>1</sup>

#### **Proposal 1: Reaffirm the right to water and sanitation**

The Zero draft “underline[s] the importance of the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights” (para. 67). The Special Rapporteur on the human right to safe drinking water and sanitation welcomes this emphasis and calls on all stakeholders to maintain this paragraph as suggested in the Zero Draft. The language contained therein corresponds to the exact formulation that has been previously agreed upon within the UN.

In fact, the right to water and sanitation is a human right recognized under international law, including by the General Assembly and the Human Rights Council in 2010 and 2011. The General Assembly resolution, which “recognize[d] the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights”, was adopted with no votes against it, and the Human Rights Council’s resolutions, which “affirme[d] that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity” were both adopted by consensus.

It is important to reaffirm the right to water in the context of sustainable development because the right to water requires States to prioritize access to available, safe, acceptable, accessible, and affordable water for personal and domestic uses. It is important to underline that the human right to water does not grant people a right to unlimited amounts of water, but simply the quantities necessary for drinking, cooking and hygiene. To ensure access to water for personal and domestic uses must be the top priority for Governments, and it must not be threatened by any other water allocation.

On the other hand, the right to sanitation entails obligations to States to ensure access to available, safe, acceptable, accessible, and affordable sanitation for all. (Please see further information on sanitation below under Proposal 2.)

When developing Sustainable Development Goals, Governments must be consistent with their legal obligations under international law, and political commitments previously made at the General Assembly and the Human Rights Council. Paragraph 6 of the Zero draft, which states “we reaffirm that we continue to be guided by the purposes and principles of the Charter of the United Nations and with full respect for international law and its principles”, should be an integral part of all Rio+20 commitments.

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<sup>1</sup> See also *Open Letter from Special Procedures mandate-holders of the Human Rights Council to States negotiating the Outcome Document of the Rio+20 Summit*.

## **Proposal 2: Prioritize the right to sanitation**

The human right to sanitation should be particularly prioritized in the current world where 2.6 billion people still live without access to improved sanitation and 1 billion people are forced to practice open defecation on a daily basis. Women and girls in particular are constantly confronted with dignity issues when forced to urinate or defecate in the open. Having to wait for the cover of darkness to do their most essential needs, so as to protect their privacy and ensure a minimum of dignity, they risk their safety, being too often victims of attacks by men or animals. Furthermore, open defecation and poor or lack of treatment or safe disposal of wastewaters and sludge - the product of defecation and urination - causes tremendous impacts on the environment, including on water, fauna and flora.

Further to the recognition of the human right to water and sanitation, in November 2011, the Committee on Economic, Social and Cultural Rights reaffirmed the right to sanitation as an independent human right, recognizing that “sanitation is fundamental for human survival and for leading life in dignity”.

The Zero draft underlines the importance of the human right to water and sanitation in paragraph 67, however, a more explicit reference to sanitation should be made as one of the priority areas to achieve sustainable development. In paragraph 25, sanitation should be mentioned alongside water and other areas, so that it reads:

“25. We are convinced that a green economy in the context of sustainable development and poverty eradication should contribute to meeting key goals – in particular the priorities of poverty eradication, food security, sound water management, **universal access to water and sanitation**, universal access to modern energy services, sustainable cities, management of oceans and improving resilience and disaster preparedness, as well as public health, human resource development and sustained, inclusive and equitable growth that generates employment, including for youth...”

Moreover, it will be crucial to include sanitation in the Sustainable Development Goals. Sanitation is already part of the current Millennium Development Goals efforts, and it will be impossible to achieve real progress in sustainable development without further prioritizing sanitation. Para 107 should read:

“107. We propose that the Sustainable Development Goals could include sustainable consumption and production patterns as well as priority areas such as oceans; food security and sustainable agriculture; sustainable energy for all; **sanitation and water** access and efficiency; sustainable cities; green jobs, decent work and social inclusion and disaster risk reduction and resilience.”

## **The Normative Content of the Human Right to Water and Sanitation**

### *1. Availability*

Water supply and sanitation facilities (with associated services) must be sufficient.

The right to water is limited to personal and domestic uses, which include water needed for drinking, personal sanitation, washing of clothes, food preparation and personal and household hygiene. The availability of sanitation applies to the immediate vicinity of not only each household, but also schools, hospitals, public places and the workplace. Rather than determining a specific minimum number of toilets needed to meet the availability requirement, the facilities available must “ensure that waiting times are not too long.”

### *2. Quality/Safety*

Water quality and sanitation facilities must be safe to use.

Water for personal and domestic uses must be safe, free from micro-organisms, chemical substances and radiological *hazards* that constitute a threat to a person’s health. Sanitation facilities must effectively prevent human, animal and insect contact with human excreta. They must also provide for access to safe water for hand washing, menstrual hygiene and anal and genital cleansing, as well as mechanisms for the hygienic disposal of menstrual products. Sanitation facilities must as well be safe to use and access.

### *3. Acceptability*

Sanitation in particular has to be culturally acceptable. In most cultures, acceptability requires privacy and separate facilities for women and men in public places, and for girls and boys in schools. In addition, women’s toilets need to accommodate menstruation needs.

### *4. Physical accessibility*

Water, adequate water facilities and services and sanitation facilities must be physically accessible for all sections of the population.

Sufficient, safe and acceptable water and sanitation facilities must be accessible within, or in the immediate vicinity of, each household, health or educational institution and public institution as well as in the workplace. Moreover, physical security should not be threatened during access to water and sanitation facilities and services, and privacy should be ensured in this context.

### *5. Affordability*

Access to water and sanitation facilities and services must be available at a price that is affordable for everybody. The direct and indirect costs and charges associated with securing water and sanitation must not compromise or threaten the realization of other Covenant rights.