THE HUMAN RIGHTS TO WATER AND SANITATION

The rights to sanitation and water are guaranteed as implicit components of the right to an adequate standard of living as stipulated in Art. 11 of the International Covenant on Economic, Social and Cultural Rights. They can be specified by a number of criteria:

AVAILABILITY: The human right to water entitles everyone to sufficient and continuous water for personal and domestic uses. Likewise, a sufficient number of sanitation facilities has to be available.

QUALITY: Water has to be safe for consumption and other personal uses, so that it presents 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 critical times 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 within, or in the immediate vicinity, of household, health and educational institution, public institutions and places and workplace. Physical security must not be threatened when accessing facilities.

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.

SPECIAL RAPPORTEUR ON THE HUMAN RIGHT TO SAFE DRINKING WATER AND SANITATION

The mandate of the Special Rapporteur on the human right to safe drinking water and sanitation was first established in 2008 (initially entitled Independent Expert on the human rights obligations related to access to safe drinking water and sanitation). This mandate is part of a larger system of special procedures mandates, who are experts appointed by the UN Human Rights Council to study specific human rights themes or examine the situation in specific countries. As Special Rapporteur, Ms. de Albuquerque carries out a variety of activities:

(A) Conducts research on various themes and presents reports on these issues to the Human Rights Council and the General Assembly.

(B) Conducts country missions to investigate the enjoyment of the rights to water and sanitation in specific contexts.

(C) Receives allegations of violations of the rights to water and sanitation and enters into a dialogue with Governments about these allegations.

(D) Advises Governments, UN agencies, civil society and other stakeholders on measures required for the realisation of the rights to water and sanitation.

(E) Issues public statements on situations of concern or in commemoration of particular events.

For more information on the mandate of the Special Rapporteur, please visit: www.ohchr.org/srwaterandsanitation
You can contact the Special Rapporteur at: srwatsan@ohchr.org
Access to water and sanitation is already at the core of development policies. Why should we rather use the human rights framework?

**The Special Rapporteur (SR):** Many development policies demonstrate strong political commitment to put water and sanitation on the agenda. But human rights can make a difference: They do not leave the provision of water and sanitation to the States’ discretion, but constitute legally binding obligations entailing concrete standards to be achieved. As such, they provide a clear reference and entry points for political, legal and institutional reform.

**SR:** Human rights stress that all individuals, including, of course, slum dwellers, are entitled to water and sanitation. Human rights provide an objective, non-negotiable normative basis and a source of authority and legitimacy to claim these rights. Moreover, human rights aim to address underlying structural causes – such as the lack of secure tenure in slums – to achieve real and sustainable changes and produce more equitable and sustainable development outcomes.

**SR:** Human rights experts often criticize development actions for not enhancing the participation of people in the decision-making process, although consulting people is an imperative of development interventions. What is the kind of participation required by human rights?

**SR:** Human rights understand participation as genuine empowerment, rather than mere consultation and provision of information. Active, free and meaningful participation requires a concrete opportunity to express demands and concerns and influence decisions. This relies on providing information through multiple channels, enabling participation in transparent and inclusive processes, and strengthening the capacities of individuals and civil society to engage. Human rights-based approaches aim to better involve other actors in service provision, or for monitoring and regulatory provision, but it must create the overall enabling environment and framework and ensure that human rights standards are met. I have often observed that roles and responsibilities are not clearly defined. Transparent lines of accountability assist responsible parties to know their obligations, and help individuals to know their rights and how to claim them. States also have to make the necessary mechanisms available and provide remedies. Only when all this comes together can human rights commitments become real and tangible in people’s lives.

Where do you see the role of the State in this?

**SR:** The human rights framework places the primary responsibility for the realisation of human rights on the State. The State has to come up with a strategy for progressively achieving universal access. It will involve other actors in service provision, or for monitoring and regulatory provision, but it must create the overall enabling environment and framework and ensure that human rights standards are met. I have often observed that roles and responsibilities are not clearly defined. Transparent lines of accountability assist responsible parties to know their obligations, and help individuals to know their rights and how to claim them. States also have to make the necessary mechanisms available and provide remedies. Only when all this comes together can human rights commitments become real and tangible in people’s lives.