

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: swatsan@ohchr.org

LEGAL OBLIGATIONS WITH TANGIBLE BENEFITS

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



A conversation between the Special Rapporteur on the human right to water and sanitation and different stakeholders including State representatives, development practitioners, individuals and NGO representative.

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.

Aren't human rights just words? How can they make a difference to people living in slums?

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.

In countries which have already achieved impressive progress in ensuring access to sanitation and water for great proportions of the population over the past years, what difference would human rights make?

SR: Even though some States have achieved remarkable results and it is a step towards the realisation of the rights to water and sanitation, human rights are not only concerned with the percentage of people who enjoy access to sanitation and water, but also with who does not

have access, and why. What I often see is that it is always the same groups and individuals who are left out, namely the ones who face physical, institutional, cultural, language or other barriers such as women, children, slum dwellers, people living in rural areas, people living in poverty, indigenous groups, minorities, and person with disabilities. Human rights prohibit discrimination and focus on these situations of systematic exclusion, deprivation and discrimination, and require targeted interventions to benefit these groups and individuals.

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 respond to people's needs and priorities including those normally excluded. By achieving community ownership, they help to realise more sustainable interventions.

In many countries, NGOs have been active for decades. Over time they have come to understand the needs of the people and how to help them. In turn, people have learnt to trust them and are satisfied with their work. Don't you think that we should build on this?

SR: I am aware of the crucial role that NGOs play in service provision, precisely because of their often close connection with the local population. Many people would be in a much worse situation without these services. But, as development NGOs have themselves recognised, in the long run this is often not enough to bring about sustainable change. Where development aid is perceived as a question of charitable benevolence, it fails to raise the awareness that water and sanitation are human rights, does not create community empowerment and risks generating dependency on external NGOs, allowing for negligence on the part of the State. Human rights empower people to claim their rights, strengthening people's own agency in their own development.

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 regulating 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.

