



Mandate of the Special Rapporteur on the human rights to safe drinking water and sanitation

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Open Letter from the United Nations Special Rapporteur on the human rights to safe drinking water and sanitation, Mr. Léo Heller, to the WHO-UNICEF Joint Monitoring Programme for WASH

As an independent expert tasked by the United Nations Human Rights Council to monitor and promote the human rights to safe drinking water and sanitation worldwide, I have the pleasure to address the WHO/UNICEF Joint Monitoring Programme (JMP) for Water Supply, Sanitation and Hygiene in relation to its recently launched publication, titled “Progress on drinking water, sanitation and hygiene: 2017 update and SDG baselines” (hereinafter referred to as “2017 Progress Report”).

At the outset, I wish to reiterate the cooperative relationship between WHO/UNICEF JMP and my mandate over the last decade and our mutual efforts to advance the 2015 Millennium Development Goals (MDG) and the 2030 Sustainable Development Goals (SDG), particularly the targets related to drinking water, sanitation and hygiene (WASH). Since 1990, through the JMP, WHO and UNICEF have produced regular estimates of global progress on drinking water, sanitation and hygiene. The JMP was responsible for monitoring the MDG target 7c5 and is now responsible for tracking progress towards the 2030 SDG targets related to WASH.

My mandate has been actively engaged in the work of JMP, tracing back to the work of my predecessor, Catarina de Albuquerque, who was the Chair of a Working Group established by WHO and UNICEF to elaborate on the principle of equality and non-discrimination for WASH in the post-2015 agenda. The mandate, together with WHO and UNICEF, contributed to the formulation of the water and sanitation goals and targets for the 2030 Sustainable Development Agenda, and I personally advocated for the Agenda to be aligned with the normative content of the human rights to water and sanitation and the principles of the human rights. Without a doubt, the adoption of the SDGs on WASH was a great achievement for those committed to the human rights to safe drinking water and sanitation and both WHO and UNICEF must be commended as pioneers that successfully advocated for this accomplishment. The human rights to water and sanitation are one set among few rights mentioned in “Transforming our world: the 2030 Agenda for Sustainable Development” and their normative content and principles are well reflected in the targets of goals 6.1 and 6.2.

Furthermore, as Special Rapporteur, I participated as a member of the Task Force on monitoring inequalities in access to drinking water, sanitation and hygiene for the 2030 Sustainable Development Agenda led by UNICEF and WHO and, since 2015, I have been a member of the Strategic Advisory Group (SAG) of WHO/UNICEF Joint

Monitoring Programme for Water Supply and Sanitation (JMP) and UN-Water/WHO Global Analysis and Assessment of Sanitation and Drinking-Water (GLAAS). Through my participation in those forums, I have worked to integrate the human rights to safe drinking water and sanitation in monitoring and implementing the water- and sanitation-related targets of the SDGs.

In this connection, first and foremost, I wish to welcome the launch of the 2017 Progress Report, which provides invaluable information on the situation of access to WASH worldwide and establishes the baseline for SDG monitoring. The 2017 Progress Report provides a warning to the international community, governments and the population deprived of WASH services by highlighting the challenges involved in achieving the targets to ensure universal and equitable access to safely managed water and safely managed sanitation for all and to eliminate open defecation.

While acknowledging the key importance of the 2017 Progress Report, I wish to raise some preliminary concerns that attracted my attention, with a view to possibly contributing to future editions of the report.

Firstly, I wish to express my disappointment that the JMP's 2017 Progress Report does not incorporate any explicit human rights language. In my view, the report is missing clear human rights language, particularly, the human rights to safe drinking water and sanitation. Yet, this report's objective is to provide baselines for the SDG Agenda, whose founding document - Transforming our world: the 2030 Agenda for Sustainable Development – indicates “respect, protect and promote human rights and fundamental freedoms” as part of its vision. Particularly, States have declared in its preamble that “the 17 Sustainable Development Goals and 169 targets [...] seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls” and that they envisage “a world where we reaffirm our commitments regarding the human right to safe drinking water and sanitation and where there is improved hygiene.” The lack of reference to and clear incorporation of the human rights framework in the 2017 JMP Progress Report might disappoint all those that expect the first JMP report in the SDGs era to undertake the role of strengthening the human rights framework as an analytical lens and of establishing the necessary linkage between the human rights to water and sanitation and the SDGs.

Secondly, I would like to comment on the approach taken in the 2017 Progress Report on the two indicators designed to monitor targets 6.1 and 6.2 of SDGs. Target 6.1 set to achieve “universal and equitable access to safe and affordable drinking water for all” and the related indicator uses the terminology “safely managed drinking water services.” To encompass all of the attributes of the target, my understanding is that affordability and equality should be treated as an integral part of the indicator's definition of “safely managed” services and not as an additional, complementary aspect of monitoring. The same rationale applies to target 6.2, on the achievement of “access to adequate and equitable sanitation and hygiene for all [...], paying special attention to the needs of women and girls and those in vulnerable situations.” Equality and “special needs” should be integrated in the definition of “safely managed sanitation services” identified in its indicator. Relating to that, I wish to recognize that monitoring of inequalities was introduced in the JMP reports some years ago, which was an enormous advancement in showing patterns of discrimination relating to WASH services distributions in almost all countries.

The 2017 JMP Progress Report is the first monitoring report on WASH in the SDG era and will significantly contribute towards providing an overall blueprint of the WASH sector. I hope that the future editions of JMP reports will address my above-mentioned concerns and that the monitoring and reporting process will be guided by a comprehensive human rights framework, particularly on the human rights to safe drinking water and sanitation.

Finally, I wish to convey my willingness to continue to coordinate and work together with WHO and UNICEF to reach our common aim of providing universal, affordable, and safe access to water and sanitation to all. Furthermore, I call on all actors in WASH sector to step up and cooperate with my mandate and WHO/UNICEF JMP on this task.

Sincerely,



Léo Heller

Special Rapporteur on the human rights to safe drinking water and sanitation