



## WATER AND SANITATION AS HUMAN RIGHTS

Water and sanitation are not explicitly recognized as human rights in the International Bill of Rights. However, in 2002 the UN Committee on Economic, Social and Cultural Rights interpreted Art. 11 of the International Covenant on Economic, Social and Cultural Rights to include, implicitly, the right to water as a component of the right to an adequate standard of living, defining the right as “everyone’s entitlement to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses”. The Committee stated that “the right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival.” Many States recognize a right to water, similar to the Committee’s definition, in their own Constitution or legislation, and few disagree with the Committee’s interpretation. Sanitation does not yet enjoy the same level of recognition as a human right, although there is a clear trend in that direction.

Regardless of whether one accepts access to water or sanitation as distinct rights, it is indisputable that there are clear human rights obligations related to access to water and sanitation, because they are inextricably linked to the enjoyment of many other human rights including the rights to education, food, health, housing, life, physical security and the freedom from inhuman and degrading treatment.

Human Rights Council resolution 7/22 of 2008 expressed deep concern “that over one billion people lack access to safe drinking water and that 2.6 billion lack access to safe sanitation.” Access to safe drinking and sanitation is central to living a life in dignity and the realization of human rights. The mandate of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation was established by the Council in March 2008 to examine these crucial issues.

## 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](http://www2.ohchr.org/english/issues/water/ieexpert)

You can contact the Independent Expert at:

[iewater@ohchr.org](mailto:iewater@ohchr.org)

# Water AND Sanitation AS HUMAN RIGHTS



UNICEF NYHQ2000-0631 LeMoyné



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## FREQUENTLY ASKED QUESTIONS

As water and sanitation are emerging as human rights, there remain some questions as to the precise scope and content of the relevant obligations. Understanding what the human rights obligations related to access to safe drinking water and sanitation require, and do not require, is essential for avoiding misunderstandings, building a broad political support to this matter and achieving our ultimate goal: ensuring universal access to safe drinking 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 achieving universal water and sanitation coverage 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.