



# General Assembly

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## Human Rights Council

### Fifteenth session

Agenda item 3

### Promotion and protection of all human rights, civil political, economic, social and cultural rights, including the right to development

Armenia\*, Azerbaijan\*, Andorra\*, Belgium, Bosnia and Herzegovina\*, Bulgaria\*, Chile, Colombia\*, Croatia\*, Cyprus\*, Denmark\*, Djibouti, Estonia\*, France, Germany\*, Greece\*, Hungary, Italy\*, Jordan, Latvia\*, Luxembourg\*, Morocco\*, Netherlands\*, Norway, Panama\*, Paraguay\*, Peru\*, Portugal\*, Serbia\*, Slovakia, Slovenia\*, Spain, Tunisia\*, Uruguay, Viet Nam\*, Yemen\*: draft resolution

## 15/... Human rights and access to safe drinking water and sanitation

*The Human Rights Council,*

*Reaffirming* all previous resolutions of the Council on human rights and access to safe drinking water and sanitation, in particular resolution 7/22 of 28 March 2008 and resolution 12/8 of 1 October 2009,

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

*Recalling also* relevant provisions of declarations and programmes with regard to access to safe drinking water and sanitation adopted by major United Nations conferences and summits, and by the General Assembly at its special sessions and during follow-up meetings, inter alia, the Mar del Plata Action Plan on Water and Development and Administration, adopted at the United Nations Water Conference in March 1977, Agenda 21 and the Rio Declaration on Environment and Development, adopted at the United Nations Conference on Environment and Development in June 1992, and the Habitat Agenda, adopted at the second United Nations Conference on Human Settlements in 1996, Assembly resolutions 54/175 of 17 December 1999 on the right to development, and 58/271 of 23 December 2003 proclaiming the International Decade for Action, "Water for Life" (2005-2015),

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\* Non-Member State of the Human Rights Council.

*Noting with interest* regional commitments and initiatives promoting the further realization of human rights obligations related to access to safe drinking water and sanitation, including the Protocol on Water and Health, adopted by the Economic Commission for Europe in 1999, the European Charter on Water Resources, adopted by the Council of Europe in 2001, the Abuja Declaration, adopted at the first Africa-South America summit in 2006, the message from Beppu, adopted at the first Asian-Pacific Water Summit in 2007, the Delhi Declaration, adopted at the third South Asian Conference on Sanitation in 2008, and the Sharm el-Sheikh Final Document, adopted at the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries in 2009,

*Bearing in mind* the commitments made by the international community to achieve fully the Millennium Development Goals, and stressing, in that context, the resolve of Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve, by 2015, the proportion of people unable to reach or afford safe drinking water, and to halve the proportion of people without access to basic sanitation, as agreed in the Plan of Implementation of the World Summit on Sustainable Development (“Johannesburg Plan of Implementation”),

*Deeply concerned* that approximately 884 million people lack access to improved water sources as defined by the World Health Organization and United Nations Children’s Fund in their 2010 Joint Monitoring Programme report, and that over 2.6 billion people do not have access to basic sanitation, and alarmed that approximately 1.5 million children under 5 years of age die and 443 million school days are lost every year as a result of water and sanitation-related diseases,

*Reaffirming* the fact that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities entail obligations for States parties in relation to access to safe drinking water and sanitation,

*Recalling* resolution 8/7 of 18 June 2008, in which the Council established the mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises,

1. *Welcomes* the work of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, including the progress in collecting good practices for her compendium,<sup>1</sup> and the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for her thematic reports, as well as the undertaking of country missions;

2. *Recalls* General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized 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;

3. *Affirms* 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;

4. *Calls upon* the independent expert to continue to pursue her work regarding all aspects of her mandate, including to clarify further the content of human rights obligations, including non-discrimination obligations in relation to safe drinking water and

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<sup>1</sup> A/HRC/15/31/Add.1.

sanitation in coordination with States, United Nations bodies and agencies, and relevant stakeholders;

5. *Acknowledges with appreciation* the second annual report of the independent expert<sup>2</sup> and takes note with interest of her recommendations and clarifications with regard to both the human rights obligations of States and the human rights responsibilities of non-State service providers in the delivery of water and sanitation services;

6. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights, and that the delegation of the delivery of safe drinking water and/or sanitation services to a third party does not exempt the State from its human rights obligations;

7. *Recognizes* that States, in accordance with their laws, regulations and public policies, may opt to involve non-State actors in the provision of safe drinking water and sanitation services and, regardless of the form of provision, should ensure transparency, non-discrimination and accountability;

8. *Calls upon* States:

(a) To develop appropriate tools and mechanisms, which may encompass legislation, comprehensive plans and strategies for the sector, including financial ones, to achieve progressively the full realization of human rights obligations related to access to safe drinking water and sanitation, including in currently unserved and underserved areas;

(b) To ensure full transparency of the planning and implementation process in the provision of safe drinking water and sanitation and the active, free and meaningful participation of the concerned local communities and relevant stakeholders therein;

(c) To pay particular attention to persons belonging to vulnerable and marginalized groups, including by respecting the principles of non-discrimination and gender equality;

(d) To integrate human rights into impact assessments throughout the process of ensuring service provision, as appropriate;

(e) To adopt and implement effective regulatory frameworks for all service providers in line with the human rights obligations of States, and to allow public regulatory institutions of sufficient capacity to monitor and enforce those regulations;

(f) To ensure effective remedies for human rights violations by putting in place accessible accountability mechanisms at the appropriate level;

9. *Recalls* that States should ensure that non-State service providers:

(a) Fulfil their human rights responsibilities throughout their work processes, including by engaging proactively with the State and stakeholders to detect potential human rights abuses and find solutions to address them;

(b) Contribute to the provision of a regular supply of safe, acceptable, accessible and affordable drinking water and sanitation services of good quality and sufficient quantity;

(c) Integrate human rights into impact assessments as appropriate, in order to identify and help address human rights challenges;

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<sup>2</sup> A/HRC/15/31.

(d) Develop effective organizational-level grievance mechanisms for users, and refrain from obstructing access to State-based accountability mechanisms;

10. *Stresses* the important role of the international cooperation and technical assistance provided by States, specialized agencies of the United Nations system, international and development partners as well as by donor agencies, in particular in the timely achievement of the relevant Millennium Development Goals, and urges development partners to adopt a human rights-based approach when designing and implementing development programmes in support of national initiatives and action plans related to the enjoyment of access to safe drinking water and sanitation;

11. *Requests* the independent expert to continue to report, on an annual basis, to the Council and to submit an annual report to the General Assembly;

12. *Requests* the United Nations High Commissioner for Human Rights to continue to ensure that the independent expert receives the resources necessary to enable her to discharge her mandate fully;

13. *Decides* to continue its consideration of this matter under the same agenda item and in accordance with its programme of work.

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