



THE HUMAN RIGHTS TO WATER AND SANITATION

FREQUENTLY ASKED QUESTIONS

In the course of 2010, the UN General Assembly and the Human Rights Council explicitly recognized the human right to water and sanitation. It is derived from the right to an adequate standard of living as stipulated in Art. 11 of the International Covenant on Economic, Social and Cultural Rights and other international human rights treaties. Hence, it is part of international human rights law. A number of criteria can be used to specify the content of the right.

AVAILABILITY: The human right to water is limited to personal and domestic uses and foresees a supply for each person that must be sufficient for these purposes. 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 at 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 in the household or its vicinity on a continuous basis. Physical security must not be threatened when accessing facilities.

AFFORDABILITY: The price of sanitation and water services must not compromise the ability to pay for other essential necessities guaranteed by human rights such as food, housing and health care.

FREQUENTLY ASKED QUESTIONS

The recognition of the rights to water and sanitation is a breakthrough that ends a long lasting discussion, but it is only a first step. Now it is crucial to implement these rights and turn them into a reality for everyone. Understanding what the human rights to water and sanitation require, and do not require, is essential for avoiding misunderstandings, building broad political support for this vital subject and achieving the ultimate goal of ensuring full universal access to safe 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 is 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 law.

☞ **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 realize 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 realising the rights to water and sanitation for all 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 sewerage network?**

No. States have to ensure that everyone has access to services that comply with the standards discussed in this leaflet (availability, acceptability, accessibility, affordability, quality), but different settings require different water and sanitation solutions. States have a margin of discretion to adopt the measures most suited to the specific circumstances.

☒ **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 access for all, as well as ensuring – 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 of health and dignity. Lack of safe sanitation is a major cause of contamination of water sources, so without safe sanitation, safe drinking water is impossible. Many diseases are caused by the lack of access to safe sanitation, or by poor quality water. Safe water is essential for hygiene.

☒ **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.

SPECIAL RAPPORTEUR ON THE 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, 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 realization 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



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LEGAL OBLIGATIONS WITH TANGIBLE BENEFITS

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 is limited to personal and domestic uses and foresees a supply for each person that must be sufficient for these purposes. Likewise, a sufficient number of sanitation facilities has to be available.

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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 realization 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 realize 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 realization 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.

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