



WASH UNITED

The human rights to water and sanitation

Overview of the December 2015 and September
2016 resolutions by the UN General Assembly
and UN Human Rights Council

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The recognition of the human rights to water and sanitation is a well-known fact in the WASH sector. Yet while many practitioners are aware of the initial recognition of the rights in 2010, most are unaware of how the understanding of these rights has developed since then through a total of eight Human Rights Council (HRC) and UN General Assembly (GA) resolutions. These resolutions are important as they illustrate how UN Member States interpret these rights today and how their interpretation has evolved over time.

This briefing paper gives an overview of the key issues addressed in the two most recent resolutions on the human rights to water and sanitation: UN General Assembly resolution 70/169, adopted by consensus (meaning that all UN Member States agreed on the text) in December 2015, and UN Human Rights Council resolution 33/10, adopted in September 2016. This resolution was adopted by a vote. Of the 47 members of the Human Rights Council, a large majority of 42 voted in favour, one voted against and

four abstained. The vote happened as a result of a surprise amendment proposed by Kyrgyzstan shortly before the adoption of the text, which was not successful.

References in the paper are to Preambular Paragraphs (PP) or Operative Paragraphs (OP) of the resolutions. Preambular paragraphs serve to introduce the issue that a resolution deals with. They are not numbered. Operative paragraphs are action oriented and numbered.

Did you know?


Since 2010, the UN General Assembly and Human Rights Council have adopted eight resolutions on the human rights to water and sanitation. These resolutions show how the understanding of the rights to water and sanitation as guaranteed in international human rights law has evolved over time.

GA resolution 64/292 (2010)	HRC resolution 15/9 (2010)	HRC resolution 18/1 (2011)
HRC resolution 21/2 (2012)	HRC resolution 24/18 (2013)	GA resolution 68/157 (2013)
HRC resolution 27/7 (2014)	GA resolution 70/169 (2015)	HRC resolution 33/10 (2016)

All these resolutions are available on [the website](#) of the UN Special Rapporteur on the human rights to water and sanitation.

How are these rights legally binding for states?

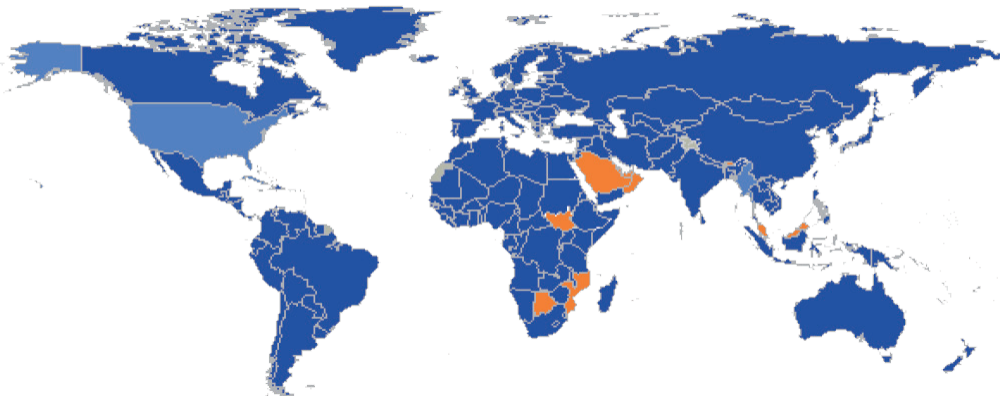
Like other resolutions before, both UN General Assembly resolution 70/169 and UN Human Rights Council resolution 33/10 confirm that the human rights to water and sanitation are derived from (meaning that they are part of) the human right to an adequate standard of living. → See PP 22 GA 70/169 and PP 16 HRC 33/10

 This is important, because the human right to an adequate standard of living is part of binding international human rights law. The right is guaranteed in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as in the Convention on the Rights of the Child and the Convention on the

Rights of Persons with Disabilities. These human rights treaties have been ratified by 164, 194 and 151 states respectively. All of these states are therefore under the obligation to realise the human rights to water and sanitation for everyone in their respective countries.

Find out: Which treaties has your country ratified?

Example: International Covenant on Economic, Social und Cultural Rights



■ State party ■ Signatory ■ No action

This [website](#) shows the ratification of different human rights treaties on a world map. Profiles for each country are also available.

Recognition of water and sanitation as two separate human rights

Water and sanitation are often connected, but still hard to compare: The service models, technologies, the requirements service infrastructure needs to fulfil and institutional responsibilities differ significantly between water and sanitation. The recognition of water and sanitation as separate rights emphasizes this fact. Also, sanitation remains a neglected topic in many countries, and recognising sanitation as a distinct right can help boost attention.

Both the UN General Assembly and the UN Human Rights Council have now passed resolutions that recognise water and sanitation as two separate, closely related human rights:



UN General Assembly resolution 70/169, adopted on 17 December 2015, states that the General Assembly »affirms that the human rights to safe drinking water and sanitation as components of the right to an adequate standard of living are essential for the full enjoyment of the right to life and all human rights«.

→ See OP 1

The resolution was adopted by consensus. This means that all 193 UN Member States agree that the human rights to water and sanitation are part of the human right to an adequate standard of living, and therefore part of binding international human rights law.



UN Human Rights Council resolution 33/10, adopted on 29 September 2016, states that the Human Rights Council »welcomes the recognition by the General Assembly« and affirms that distinct treatment of the two closely related rights is warranted »in order to address specific challenges in their implementation«.


→ See OP 1 and 3

Distinct treatment is warranted »in order to address specific challenges in their implementation.«


The human rights to water and sanitation and the Sustainable Development Goals

The Sustainable Development Goals (SDGs) will shape international development discourse for years to come. However, the SDGs are not silent on human rights and human rights should support implementation of the SDGs, as states are obliged to honour their human rights obligations. Human rights feature prominently in the SDG declaration, which states that it is grounded in the Universal Declaration of Human Rights and international human rights treaties.¹ The human rights to water and sanitation are the only rights that are specifically mentioned in the text of the declaration.²


The SDGs were adopted by the UN General Assembly on 25 September 2015. Both UN General Assembly resolution 70/169 and UN Human Rights Council resolution 33/10 that were adopted since then clarify links between the human rights to water and sanitation and the SDGs.

 Both resolutions welcome the adoption of the Sustainable Development Goals and highlight that goal 6 and targets include criteria that define the content of the human rights to water and sanitation. → See OP 3 of GA 70/169 and PP 6 of HRC 33/10

The resolutions thereby refer to the fact that target 6.1 includes the criteria of safety and affordability for water and target 6.2 includes the criterion of adequacy, all of which are part of the definition of the human rights to water and sanitation. → See OP 2 of GA 70/169 and OP 2 of HRC 33/10 for the definition of the rights

 General Assembly resolution 70/169 calls on states to duly consider their commitments on the human rights to water and sanitation in the implementation of the SDGs at national level. The Human Rights Council highlights that real-

isation of the human rights to water and sanitation will also advance other human rights. → See OP 5 (b) of GA 70/169 and PP 7 of HRC 33/10

 While this language may seem quite weak, countries that have ratified an international human rights treaty which guarantees the rights to water and sanitation have an obligation to realise these rights, and advocates for the realisation of the SDGs and the rights to water and sanitation can highlight this in their work.

How are the rights to water and sanitation defined?

For water and sanitation services to comply with human rights obligations, a service must meet the following criteria: It must be available, affordable, accessible, safe and acceptable for everyone, at all times.

¹ See also »Tools for transformation: Gender equality in the human rights to water and sanitation«, a short version of the report in the form of a leaflet on the UN Special Rapporteur's website: <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/SRWaterIndex.aspx>

² Ibid., para. 7

Gender equality and the human rights to water and sanitation

Gender equality is a human right in itself and an important issue of concern in the realisation of the human rights to water and sanitation. Not only do women and girls regularly experience greater challenges in realising their rights to water and sanitation. Such challenges also affect their enjoyment of a range of other human rights. Gender inequality most often is due to systemic discrimination. Therefore, targeted measures to address the root causes are required.

The Special Rapporteur on the human rights to water and sanitation focused his July 2016 report to the Human Rights Council on gender equality in the realisation of the human rights to water and sanitation.³ The corresponding Human Rights Council resolution 33/10 of September 2016 therefore focuses in particular on gender equality.

The preambular section of the resolution highlights the most prevalent issues with regard to gender equality and the human rights to water and sanitation. It expresses concern over the barriers that women and girls face in particular and the unequal burden of collecting water, as well as over the increased risk of gender-based violence associated with inadequate sanitation and water. It points out that the stigma associated with menstruation is often further reinforced when water and sanitation services are inadequate or non-existent. → See PP 11, 12 and 13 of HRC 33/10



The operative section of the resolution contains calls to action for states that are aimed at tackling gender inequalities in the realisation of the human rights to water and sanitation. More specifically, the resolution calls upon states to:

- Identify and aim to repeal and reform laws that have direct or indirect discriminatory consequences. → See OP 9 (a) of HRC 33/10
- Take action to tackle systemic inequalities, including through targeted gender-responsive policies, budgets and other practical measures, so that substantive equality can be achieved. → See OP 9 (b) of HRC 33/10

³ See also »Tools for transformation: Gender equality in the human rights to water and sanitation«, a short version of the report in the form of a leaflet on the UN Special Rapporteur's website: <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/SRWaterIndex.aspx>



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- Prevent and combat root causes of gender inequalities, including social norms, stereotypes, roles and taboos. → **See OP 9 (c) of HRC 33/10**
 - Enable meaningful participation of women and girls at all stages of planning, decision-making, implementation, monitoring and evaluation. → **See OP 9 (f) of HRC 33/10**

Furthermore, the resolution also underlines that it is important to ensure that effective remedies for and protection procedures against violations of the rights to water and sanitation are available, and that these are accessible to women and girls. → **See OP 8**

All of these issues affect not only the human rights to water and sanitation, but also other human rights, such as the rights to education, health, housing or work.

Further resources on the human rights to water and sanitation

If you are interested in learning more about the human rights to water and sanitation, have a look at the following resources.

For further information on resolutions and declarations on the human rights to water and sanitation, refer to »Recognition of the human rights to water and sanitation by UN Member States at the international level« (WASH United and Amnesty International), www.wash-united.org/files/wash-united/resources/States'%20recognition_HRWS_WEB_2015.pdf

To learn more about the meaning of and legal obligations that arise from the human rights to water and sanitation, refer to the Handbook on realising the human rights to water and sanitation by Catarina de Albuquerque, the previous UN Special Rapporteur. The Handbook translates the often complex technical and legal language into accessible information for WASH practitioners. <http://www.righttowater.info/handbook/>

If you are interested in using the human rights to water and sanitation in your work with local government officials to promote WASH for all at the local level, there is a brand-new 3-piece guide that explains to local government officials how human rights thinking can help them achieve their service delivery goals. <http://www.righttowater.info/making-rights-real/>

Last but not least, these websites contain a range of useful information about the human rights to water and sanitation:

- The information portal on the human rights to water and sanitation: www.righttowater.info
- The website of the UN Special Rapporteur on the human rights to water and sanitation, Léo Heller: <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/SRWaterIndex.aspx>

About WASH United

WASH United is an international non-profit organisation with offices in Berlin/Germany, Delhi/India and Nairobi/Kenya. WASH United's strong background in international human rights law, WASH sector expertise and creative talent enables us to tackle the global WASH crisis through a combination of promoting the human rights to water and sanitation, as well as innovative advocacy campaigns and behaviour change interventions. Our human rights work aims to strategically influence the legal development of the human rights to water and sanitation and to accelerate integration of the human rights into the work of leading WASH sector organisations.

www.wash-united.org

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