



Picture by Catarina de Albuquerque

THE HUMAN RIGHTS TO WATER AND SANITATION

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.

QUALITY: Water has to be safe for consumption and other uses, so that it is 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 after use 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: Access to sanitation and water must not compromise the ability to pay for other essential necessities guaranteed by human rights such as food, housing and health care.



INDEPENDENT EXPERT ON THE ISSUE OF HUMAN RIGHTS OBLIGATIONS RELATED TO ACCESS TO SAFE DRINKING WATER AND SANITATION

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 Human Rights Council in March 2008. 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 good practices related to access to safe drinking water and sanitation, and to prepare a compendium of good 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/iexpert

You can contact the Independent Expert at:

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LEGAL OBLIGATIONS WITH TANGIBLE BENEFITS

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INDEPENDENT EXPERT ON THE ISSUE OF HUMAN RIGHTS OBLIGATIONS RELATED TO ACCESS TO SAFE DRINKING WATER AND SANITATION




A conversation between the Independent Expert on human rights, water and sanitation and different stakeholders including State representatives, development practitioners, individuals and NGO representatives

 **Access to water and sanitation is already at the core of development policies. Why should we rather use the human rights framework?**

Independent Expert (IE): 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?**

IE: 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?**

IE: 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 persons 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?**

IE: 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?

IE: 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 in the long run this is often not enough to bring about sustainable changes, and can even have negative effects when external organizations leave after having been present for a long time. If 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 dependencies and negligence on part of the State. Human rights put people in a position to claim their rights instead of merely asserting that they have needs. By strengthening people's agency and the capacity to claim their rights, they show a significant potential for empowerment.

 **Where do you see the role of the State in this?**

IE: 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 can involve other actors in service 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.