



The Human Right to Water and Sanitation

Media brief



Today

Safe drinking water and adequate sanitation are crucial for poverty reduction, crucial for sustainable development and crucial for achieving any and every one of the Millennium Development Goals

Ban Ki-moon, UN Secretary General

884 million people in the world do not have access to **safe drinking-water**.

2.6 billion people lack access to basic **sanitation, 40%** of the world's population.

The UN commitment

The target of **Millennium Development Goal 7** calls to “halve, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation”.

On **28 July 2010** the United Nations General Assembly through **Resolution A/RES/64/292** declared safe and clean drinking water and sanitation a human right essential to the full enjoyment of life and all other human rights.

A/RES/64/292
Votes

In Favour: **122**
Against: **0**
Abstentions: **41**
Absent: **29**

Why is it important?

Ensuring access to water and sanitation as human rights constitute an important step towards making it a reality for everyone. It means that:

- Access to safe water and basic sanitation is a legal entitlement, rather than a commodity or service provided on a charitable basis;
- Achieving basic and improved levels of access should be accelerated;
- The “least served” are better targeted and therefore inequalities decreased;
- Communities and vulnerable groups will be empowered to take part in decision-making processes;
- The means and mechanisms available in the United Nations human rights system will be used to monitor the progress of nations in realizing the right to water and sanitation to hold governments accountable.

What does it mean?

In **November 2002**, the UN Committee on Economic, Social and Cultural Rights adopted its **general comment No. 15** on the right to water stating that: “The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.”

Universal access to sanitation is, “not only fundamental for human dignity and privacy, but is one of the principal mechanisms for protecting the quality” of water resources.

Furthermore, in **April 2011**, the Human Rights Council adopted, through **Resolution 16/2**, access to safe drinking water and sanitation as a human right: a right to life and to human dignity.



Sufficient

The water supply and sanitation facility for each person must be **continuous and sufficient** for personal and domestic uses. These uses ordinarily include drinking, personal sanitation, washing of clothes, food preparation and personal and household hygiene. According to the World Health Organization (WHO), between **50 and 100 litres** of water per person per day are needed to ensure that most basic needs are met and few health concerns arise.

Most of the people categorized as lacking access to clean water use about **5 litres** a day—one tenth of the average daily amount used in rich countries to flush toilets.

UNDP. Human Development Report 2006. Beyond Scarcity: Power, poverty and the global water crisis. 2006

Most people need at least **2 litres** of safe water per capita per day for food preparation.

WHO. The right to water. 2003

The basic requirement of drinking water for a lactating woman engaged in even moderate physical activity is **7.5 litres** a day.

UNDP. Human Development Report 2006. Beyond Scarcity: Power, poverty and the global water crisis. 2006

The human right to water and sanitation in practice in South Africa

The prepayment meters in Phiri, a township in Soweto, South Africa were designed to supply the free basic water supply of 25 litres per person per day or 6,000 litres per household per month. Once this allocation was reached, the meters automatically shut off the supply. [...] In its judgement, the High Court ruled that the City of Johannesburg's forced prepayment water meters scheme in Phiri with automatic shut-off mechanisms was unlawful, unreasonable and unconstitutional [...] The Court ordered the City to provide Phiri residents with 50 litres of free water per person per day. This was an increase from the previous allocation whereby each household (on average containing 16 persons) was provided with 200 litres per day. The Court noted that 25 litres per person was insufficient, especially for people living with HIV/AIDS. The Court noted that the City had the water and the financial resources to provide 50 litres per person per day, including through funds provided by the national Government for water provision that the City had chosen thus far not to use for the benefit of the poor. [...] The City of Johannesburg appealed against this judgement to the Supreme Court of Appeal. It upheld the appeal and ordered that 42 litres of water per Phiri resident per day would constitute sufficient water instead of the 50 litres ordered by the High Court. Contradicting the findings of both the High Court and the Supreme Court of Appeal, the Constitutional Court found that the free basic water policy adopted by the City of 25 litres per person per day was reasonable with regard to the Constitution and that the use of prepaid water meters was lawful.

UN, OHCHR, UN-Habitat, WHO. (The) Right to Water, Fact Sheet No, 35. 2010



Safe

The water required for personal or domestic use must be safe, therefore **free from micro-organisms, chemical substances and radiological hazards** that constitute a threat to health. Measures of drinking-water safety are usually defined by national and/or local standards. **WHO's Guidelines for drinking-water quality** provide a basis for the development of national standards that, if properly implemented, will ensure the safety of drinking-water.

Everyone is entitled to safe and adequate sanitation. Facilities must be situated where physical security can be safeguarded. Ensuring safe sanitation also requires substantial hygiene education and promotion. This means **toilets must be available for use at all times of the day or night** and must be hygienic; wastewater and excreta safely disposed and toilets constructed to prevent collapse. Services must ensure privacy and water points should be positioned to enable use for personal hygiene, including menstrual hygiene.

At any one time, close to **half** of all people in developing countries are suffering from health problems caused by poor water and sanitation. [...] Together, unclean water and poor sanitation are the world's **second biggest killer** of children. [...] It has been calculated that **443 million school days** are lost each year to water-related illness.

UNDP. Human Development Report 2006. Beyond Scarcity: Power, poverty and the global water crisis. 2006

The human right to water and sanitation in practice in Indonesia, Argentina and the United States of America

Through the Indonesia Sanitation Development Program (ISSDP), an approach for promoting gender and social equity in planning, decision-making and implementation of urban sanitation at both city and community levels has been developed, trialled and applied. Awareness campaigns targeting the official working group on sanitation, city sub-district officials and community groups have been effective for ensuring women's voices are heard by decision makers. Sessions for only women, only men and mixed groups are considered to have complementary inputs. The awareness campaigns and feedback sessions change perspectives by reaching a common understanding on the complementary responsibilities of men and women in the process of realizing a safe sanitation environment. This is closely linked to dissemination of technical options and cost information, as well as, hygiene promotion and education.

Water and Sanitation Program. Gender in the water and sanitation program. 2010

Water pollution and the lack of access to safe drinking water, and the links between the two, in poor neighbourhoods of the city of Córdoba, Argentina, was at the centre of the Marchisio José Bautista y Otros case. As they had no connection to public water distribution networks, these neighbourhoods relied on groundwater wells that were heavily polluted with faecal substances and other contaminants. Furthermore, nearby a water treatment plant had been built upstream on the river, but because of its insufficient capacity, the plant spilt untreated sewage into the river daily. In its ruling, the District Court ordered the municipal authorities to take urgent measures to address the situation and minimize the environmental impact of the plant until a permanent solution for its operation was found. It also ordered them to provide 200 litres of safe drinking water per household per day until full access to the public water services could be ensured.

UN, OHCHR, UN-Habitat, WHO. (The) Right to Water, Fact Sheet No, 35. 2010

Under the U.S. Safe Drinking Water Act Amendments of 1996, large water systems are required to provide annual reports directly to their customers on water contaminants and related health effects. The Act stipulates that persons served by a public water system must be notified within 24 hours of any regulatory violations that could seriously harm human health as a result of short-term exposure. It further indicates that a State must send an annual report to the Federal Environmental Protection Agency Administrator on violations of national drinking water regulations by public water systems in the State and must make such report available to the public.

UN-HABITAT, COHRE, AAAS, SDC. Manual on the Right to Water and Sanitation. 2007



Acceptable

Water should be of an acceptable colour, odour and taste for personal or domestic use. [...] All water and sanitation facilities and services must be [...] **culturally** appropriate and sensitive to **gender, lifecycle** and **privacy** requirements. Sanitation should be culturally acceptable ensured in a non-discriminatory manner and include vulnerable and marginalised groups. This includes addressing public toilet construction issues such as separate female and male toilets to ensure privacy and dignity.

A survey of 5 000 schools in Senegal showed that over half had no water supply and almost half had no sanitation facilities. Of those schools with sanitation, only half had separate facilities for boys and girls. The result was that girls chose not to utilise these facilities, either because they did not want to risk being seen to use the toilet, or because they were warned that these facilities were not private or clean enough. Not only was this painful, but also caused urinary and bladder problems. Girls also avoided drinking water at school to avoid urination, thereby becoming dehydrated and unable to concentrate. Where there were no facilities or no segregated facilities, girls – for fear of being seen – would go into the bush where they were at risk from snakebites or even sexual attack. Girls would also stay away from school when menstruating. This situation is a primary cause of the under-representation of females in schools.

UN-HABITAT, COHRE, AAAS, SDC. Manual on the Right to Water and Sanitation. 2007

The human right to water and sanitation in practice in South Africa, the Philippines and Nepal

South Africa's Water Services Act (1997) requires water services authorities to take reasonable steps to bring their draft water services development plans to the notice of their consumers, potential consumers and water services institutions within their areas of jurisdiction and to invite public comments to be submitted within a reasonable time. Authorities must also consider all comments received before adopting their development plans and, on request, report on the extent to which a specific comment has been taken into account or, if a comment was not taken into account, provide reasons why.

UN, OHCHR, UN-Habitat, WHO. (The) Right to Water, Fact Sheet No. 35. 2010

In the Philippines, the 1997 Indigenous Peoples Rights Act recognises, protects and promotes the water rights of indigenous peoples. Traditional water use practices, though not mentioned in the Water Code, are protected by the Act, which bestows customary water rights to indigenous communities.

UNESCO, UNESCO-Etxea. Outcome of the International Experts' Meeting on the Right to Water. 2009

The Pro-Poor Water Supply and Sanitation Project in Nepal has been implemented specifically in poor communities, which has demonstrated a real demand for improved water and sanitation services. As women have the main responsibility for water, they have been encouraged to take a lead role in community decisions about water supply through membership of the Water User Committee and to utilise their knowledge and capabilities to influence its design. In addition, Hygiene and Sanitation Education programmes have provided support for female facilitators to inform the community on water borne diseases and their prevention.

Water Supply and Sanitation Collaborative Council. For Her it's the Big Issue. 2006

Physically accessible

Everyone has the right to water and sanitation services that are physically accessible within, or in the immediate vicinity of, their household, workplace and educational or health institutions. Relatively small adjustments to water and sanitation services can ensure that the needs of the disabled, elderly, women and children are not overlooked, thus improving the dignity, health, and overall quality for all.

According to WHO, the water source has to be within **1,000 metres** of the home and collection time should not exceed **30 minutes**.

The average distance that women in Africa and Asia walk to collect water is **6 kilometres**.

United Nations, OHCHR, UN-Habitat, WHO. (The) Right to Water, Fact Sheet No. 35. 2010

Inadequate sanitation, poor hygiene and unsafe drinking water contribute to **88% of diarrhoeal disease**.

WHO. Global Health Risks: Mortality and Burden of Disease Attributable to Selected Major Risks. 2009

Accessible drinking water can help avoid potentially risky methods of water storage and gathering. For instance, India witnessed a severe outbreak of dengue fever when people stored water in their homes for use through dry spells, thus providing ideal habitats for *Aedes* mosquitoes.

WHO. The right to water. 2003

The human right to water and sanitation in practice in Kenya and Paraguay

In Kenya, UN-Habitat and COHRE facilitated community meetings and made recommendations based on human rights standards to the Nairobi City Water and Sewerage Company (owned by the City Council). As a result, the company adopted a policy to extend water supply to informal settlements.

UN, OHCHR, UN-Habitat, WHO. (The) Right to Water, Fact Sheet No, 35. 2010

In the case of the Sawhoyamaxa Indigenous Community v. Paraguay, the Inter-American Court considered that the living conditions of the Sawhoyamaxa indigenous peoples, and the death of several of their members as a consequence of these conditions, amounted to a violation of their right to life. Barred from their ancestral lands, the Sawhoyamaxa indigenous community had been living by the roadside, without any basic services, such as health care, safe drinking water or sanitation. Their most reliable source of drinking water was rainwater, which was very scarce because of inadequate storing facilities. [...] There was no sanitation and community members had to defecate in the open. When it rained, the stagnant water covered the floor of the huts with excrement, raising serious health concerns. [...] In its judgement, the Court ordered the Government to immediately, regularly and permanently adopt measures to supply sufficient drinking water for consumption and personal hygiene to the members of the community and to set up latrines or other types of sanitation facilities in the settlements of the community. The Court underlined that these services should be provided until the traditional lands are effectively made over to the Sawhoyamaxa indigenous community.

UN, OHCHR, UN-Habitat, WHO. (The) Right to Water, Fact Sheet No, 35. 2010



Affordable

Water and sanitation facilities and services must be available and affordable for everyone, even the poorest. The costs for water and sanitation services should not exceed **5%** of a household's income, meaning services must not affect peoples' capacity to acquire other essential goods and services, including food, housing, health services and education.

Almost two in three people lacking access to clean water survive on less than **\$2 a day**, with one in three living on less than **\$1 a day**. [...] People living in the slums of Jakarta, Manila and Nairobi pay **5 to 10 times** more for water than those living in high-income areas in those same cities and more than consumers in London or New York. [...] In Manila the cost of connecting to the utility represents about **three months' income** for the poorest 20% of households, rising to six months' in urban Kenya.

UNDP. Human Development Report 2006. Beyond Scarcity: Power, poverty and the global water crisis. 2006

The human right to water and sanitation in practice in Colombia, New Zealand and Belgium

As a result of chronic kidney failure and the related medical treatment, Ms. Jimenez de Correa was unable to work and could not afford to pay for the services provided by the Medellin Public Enterprises. The company consequently cut off her power and water supply. The District Court held that public services were inherent to the social purpose of the State and acknowledged the duty to ensure their efficient delivery to all inhabitants of the country. On appeal, the Constitutional Court confirmed the District Court's decision and ordered the immediate reconnection of electricity and water to Ms. Jimenez as a public service, referring inter alia to international standards and the general comments of the Committee on Economic, Social and Cultural Rights in its decision.

UN, OHCHR, UN-Habitat, WHO. (The) Right to Water, Fact Sheet No, 35. 2010

In New Zealand, the Local Government Act stipulates that a local authority considering a partnership with the private sector must develop a formal policy to address how it will assess, monitor and report on the extent to which community outcomes are furthered by the partnership. Any contracting-out of water services to the private sector may not be for more than 15 years, and the local government must retain control over pricing and management.

UN, OHCHR, UN-Habitat, WHO. (The) Right to Water, Fact Sheet No, 35. 2010

In the Flemish region of Belgium, residents pay a basic connection fee for a minimum amount of water supplied for free to each person, with the price of excess water used depending on the amount consumed.

UNESCO, UNESCO-Etxea. Outcome of the International Experts' Meeting on the Right to Water. 2009



Common misconceptions

Misconception	Clarification
The right entitles people to free water	Water and sanitation services need to be affordable for all. People are expected to contribute financially or otherwise to the extent that they can do so.
The right allows for unlimited use of water	The right entitles everyone to sufficient water for personal and domestic uses and is to be realised in a sustainable manner for present and future generations.
The right entitles everyone to a household connection	Water and sanitation facilities need to be within, or in the immediate vicinity of the household, and can comprise facilities such as wells and pit latrines.
The right to water entitles people to water resources in other countries.	People cannot claim water from other countries. However, international customary law on transboundary watercourses stipulates that such watercourses should be shared in an equitable and reasonable manner, with priority given to vital human needs.
A country is in violation of the right if not all its people have access to water and sanitation	The right requires that a State take steps to the maximum of available resources to progressively realise the right.

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