

# The human right to water and sanitation Reader

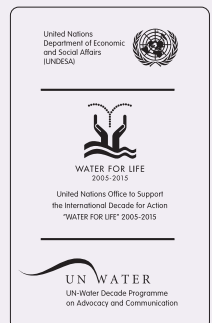
UN-Water Decade Programme on Advocacy and  
Communication (UNW-DPAC)

Produced by the UN-Water Decade Programme on Advocacy and Communication (UNW-DPAC), this reader is intended for all those interested in getting familiar with issues related to the human right to water. The reader provides basic references for easy reading and some of the latest and most relevant United Nations publications on this issue. Link is provided when the publication is available online.

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United Nations Office to Support  
the International Decade for Action  
'Water for Life' 2005-2015

[www.un.org/waterforlifedecade](http://www.un.org/waterforlifedecade)



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## An overview

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### ■ **(The) Right to Water. Fact sheet No. 35**

United Nations, Office of the High Commissioner for Human Rights (OHCHR), United Nations Human Settlements Programme (UN-Habitat), World Health Organization (WHO). 2010

<http://bit.ly/mzgSsU>

This publication explains what the right to water is, illustrates what it means for specific individuals and groups, and then elaborates upon State obligations with respect to the right. It concludes with an overview of national, regional and international accountability and monitoring mechanisms.

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### ■ **Outcome of the International Experts' Meeting on the Right to Water. Paris, 7 and 8 July 2009**

United Nations Educational, Scientific and Cultural Organization (UNESCO), UNESCO Etexa - UNESCO Centre Basque Country. 2009

<http://bit.ly/kayl7L>

This publication analyzes the human right to water, its content, evolution, legal basis and implementation; summarizes UNESCO's position on the issue; examines some innovative policies that seek to realize the right to water, including examples from Brazil, South Africa, Belgium and the Philippines; and makes a number of suggestions to assist decision-makers in their efforts to implement the right to water and access to adequate sanitation.

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### ■ **Human Development Report 2006. Beyond scarcity: Power, poverty and the global water crisis. Chapter 1**

United Nations Development Programme (UNDP). 2006

<http://bit.ly/m2tEao>

Chapter 1 of the Human Development Report 2006 'Ending the crisis in water and sanitation' focuses on the world's water and sanitation crisis, the human development costs of the crisis and the role recognizing the human right to water and sanitation can play in making progress a reality.

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### ■ **Water as a Human Right?**

International Union for Conservation of Nature and Natural Resources (IUCN), United Nations Development Programme (UNDP). 2004

<http://bit.ly/IpSaO>

Why do we need a right to water? What would be the benefits and contents of such a right? What mechanisms would be required for its effective implementation? Should the duty to provide basic water sanitation for all be placed on governments alone, or should the responsibility in this regard be borne also by private actors, both individual and corporate, national as well as international? These paper addresses these critical questions in detail and provides the material and analysis necessary to tackle them.

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### ■ **The Human Right to Water. Legal and Policy Dimensions**

International Bank for Reconstruction and Development (IBRD), World Bank. 2004

<http://bit.ly/j6HAMq>

This study analyzes the resolutions and declarations of the various conferences and forums that have been held since the early 1970s, and the ways in which they have confronted the issue of the right to water. The Study then discusses the evolution of the international legal regime for the protection and promotion of human rights, and pays particular attention to the Universal Declaration of Human Rights and the International Covenant on Economic,

Social and Cultural Rights, as well as to the International Covenant on Civil and Political Rights. The role of each of the committees established to oversee the implementation of the two Covenants is considered. The last two parts of the Study are devoted to General Comment No. 15, which recognizes the human right to water. These parts analyze the extent to which the Comment recognizes a legal right to water, and highlights some policy aspects that are related to, and may affect, this right.

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## ■ The Right to Water

World Health Organization (WHO), Office of the High Commissioner for Human Rights (OHCHR), Centre on Housing Rights and Evictions (COHRE), Water Aid, Centre on Economic, Social and Cultural Rights. 2003

<http://bit.ly/mcjU3o>

This publication outlines the scope and content of the legal definition of the human right to water and its relationship to other civil, cultural, economic, political, and social rights; discusses the right to water as a human right, and examines its implications on the roles and responsibilities of various stakeholders; examines the various communities affecting and being affected by the right to water; considers the contribution the right to water can and should make towards making drinking-water a reality for all; and explores a human rights-based approach to water.

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## Recognition of the human right to water

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## ■ Human rights and access to safe drinking water and sanitation. A/HRC/RES/15/9

United Nations General Assembly, Human Rights Council. 30 September 2010

<http://bit.ly/kWp2y6>

Following the UN General Assembly resolution, this resolution of the UN Human Rights Council affirms that the rights to water and sanitation are part of existing international law and confirms that these rights are legally binding upon States. It also calls upon States to develop appropriate tools and mechanisms 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.

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## ■ The human right to water and sanitation. Resolution A/RES/64/292

United Nations General Assembly. 28 July 2010

<http://bit.ly/kWp2y6>

For the first time, this UN Resolution formally recognises for the right to water and sanitation and acknowledges that clean drinking water and sanitation are essential to the realisation of all human rights. The Resolution calls upon States and international organisations to provide financial resources, help capacity-building and technology transfer to help countries, in particular developing countries, to provide safe, clean, accessible and affordable drinking water and sanitation for all.

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## ■ General Comment No. 15. The right to water (Arts. 11 and 12 of the Covenant). E/C.12/2002/11

UN Committee on Economic, Social and Cultural Rights (CESCR). 2003

<http://bit.ly/mUDI17>

General Comment 15 interprets the 1966 Convention on Economic, Social and Cultural Rights confirming the right to water in international law. This Comment provides guidelines for the interpretation of the right to water, framing it within two

articles, Article 11, the right to an adequate standard of living, and Article 12, the right to health. The Comment clearly outlines States parties obligations to the right and defines what actions would constitute as a violation.

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## The Right to Water and the Millennium Development Goals

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### ■ Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation. A/65/254

United Nations General Assembly 65th Session. 6 August 2010

<http://bit.ly/kRMcrW>

This report from the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation examines how human rights, in particular the rights to water and sanitation, can make a contribution to the realization of the Millennium Development Goals, with a particular focus on target 7.C. It begins with a short summary of the history and defining attributes of the Millennium Development Goals and then analyses the potential for the Millennium Development Goal framework to contribute to the progressive realization of economic, social and cultural rights. It also considers a number of gaps in the monitoring framework and the impact of human rights law in addressing these gaps. Finally, the report offers recommendations on how the human rights framework can help to strengthen development strategies based on the Millennium Development Goals, for the benefit of equitable and sustained poverty reduction efforts as well as increased legal and policy coherence at global and national levels.

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### ■ Claiming the Millennium Development Goals: A human rights approach

United Nations. 2008

<http://bit.ly/m8EAc3>

This publication sets out a human rights approach to the MDGs, the primary purpose of which is to outline a clear framework of analysis for the development sector, relevant also to the needs of human rights practitioners, identifying entry points at the policy level as well as for country-level programming and advocacy. Practical illustrations are provided throughout, along with suggested additional indicators for particular MDGs, as contributions to sectoral strategies and MDG monitoring and reporting. Chapter III is concerned with the application of a human rights approach to individual Millennium Development Goals; Goal 7, ensure environmental sustainability, and its relation to the right to water and sanitation is therefore addressed in this chapter.

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## The case of sanitation

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### ■ Sanitation: A human rights imperative

United Nations Human Settlements Programme (UN-Habitat), Swiss Agency for Development and Cooperation (SDC), Centre on Housing Rights and Evictions (COHRE), WaterAid. 2008

<http://bit.ly/j7tXHB>

This document defines sanitation in human rights terms, describes the value of treating sanitation as a human rights issue and outlines priority actions for governments, international organisations and civil society.

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### ■ Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation. A/HRC/12/24

United Nations General Assembly, 12th Session of the Human Rights Council. 1 July 2009

<http://bit.ly/iXATWR>

This report focuses on the human rights obligations related to sanitation. After reviewing the links between sanitation and a range of human rights, the independent expert concludes that an analysis of sanitation in a human rights context must go beyond linking it to other human rights, because this would fail to fully capture all of the dimensions of sanitation. The report outlines a definition of sanitation in human rights terms, and explains the human rights obligations related to sanitation, as well as the content of those obligations. The report ends with some conclusions and recommendations.

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## Implementing the right to water

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### ■ **Manual on the Right to Water and Sanitation**

United Nations Human Settlements Programme (UN-HABITAT), Centre on Housing rights and Evictions (COHRE), American Association for the Advancement of Science (AAAS), Swiss Agency for Development and Cooperation (SDC). 2007

<http://bit.ly/mAHMJh>

This manual is designed to assist policy makers and practitioners in implementing the right to water and sanitation. This publication, written in non-legal language, addresses the vital need to clarify how human rights can be practically realised in the water and sanitation sector. The Manual recognizes that implementing the right to water and sanitation is not limited to legal recognition or allocation of funds. Rather, it provides the basis for practical reforms in many areas of water supply and sanitation and in water resource

management that can help make the water and sanitation sector operate in a manner that is more pro-poor, accountable and inclusive.

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## States' Obligations

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### ■ **Protección del derecho humano al agua y arbitrajes de inversión**

United Nations Economic Commission for Latin America and the Caribbean (UNECLAC). January 2011

<http://bit.ly/fHqbh0>

Available in Spanish

This study examines how bilateral investment treaties and decisions of arbitral tribunals can have a negative impact on the fundamental rights of individuals; especially when these conflicts are related to investment in public services or natural resources. It analyses the key characteristics of the international obligations assumed by States in relation to economic, social and cultural rights, and in particular the human right to water, and the relationship between human rights and bilateral investment treaties.

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### ■ **Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation. A/HRC/15/31**

United Nations General Assembly, 15th Session of the Human Rights Council. 29 June 2010

<http://bit.ly/IAQoHo>

In this report, the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation focuses on the human rights obligations and responsibilities which apply in cases of no-State service provision of water and sanitation. The report begins with an overview of the role

that non-State service providers play in delivering water and sanitation throughout the world and continues by outlining the human rights obligations of States and the responsibilities of non-State service providers and highlights three main areas where challenges can be faced in this regard: decision-making, operation of services, and accountability and enforcement. The final section of the report contains a number of conclusions and recommendations.

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■ **Report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments. A/HRC/6/3**

United Nations, Human Rights Council. 16 August 2007

<http://bit.ly/k7Pypd>

This report reviews international human rights obligations related to the provision of safe drinking water and sanitation. It discusses their scope and content, nature and monitoring, and points to areas needing further elaboration. The report ends with conclusions and recommendations to further strengthen and implement human rights obligations related to access.

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## The role of the private sector

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■ **The CEO Water Mandate. The Human Right to Water: Emerging Corporate Practice and Stakeholder Expectations**

United Nations Global Compact, Pacific Institute. November 2010

<http://bit.ly/jv57a1>

This white paper is designed to provide information that will inform both how individual companies can respect the

human right to water, as well as how the Mandate itself can meaningfully contribute to business' ability to effectively address this issue. Specifically, it sets out to: (a) Provide an overview of related public policies and emerging frameworks and guidance that support business practice and/or establish expectations of companies on this issue; (b) Describe the nature of the challenges and the contours of the debate regarding businesses respecting the human right to water; (c) Summarize the state-of-play with regard to business practice and illustrate examples of existing corporate policy and approaches on the topic; and (d) Identify options for how the CEO Water Mandate might advance this core focus area.

# International Decade for Action 'Water for Life' 2005-2015

## A Decade for Water, a Decade for Life

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Towards the primary goal of the Water for Life Decade, Spain has agreed to provide resources to the United Nations to establish an Office to support the International Decade for Action. Located in Zaragoza, Spain, and led by the United Nations Department of Economic and Social Affairs (UNDESA), the Office implements the UN-Water Decade Programme on Advocacy and Communication (UNW-DPAC) aiming at sustaining the global attention and political momentum in favour of the water and sanitation agenda at all levels during the Decade.

The views expressed in this publication do not necessarily reflect the views of the United Nations Secretariat or the United Nations Office to Support the International Decade for Action (UNO-IDfA) 'Water for Life' 2005-2015.

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### **UN-Water Decade Programme on Advocacy and Communication (UNW-DPAC)**

Casa Solans  
Avenida Cataluña, 60  
50014 Zaragoza, Spain

Tel. + 34 976 478 346  
Tel. + 34 976 478 347  
Fax + 34 976 478 349

[water-decade@un.org](mailto:water-decade@un.org)  
[www.un.org/waterforlifedecade](http://www.un.org/waterforlifedecade)

