

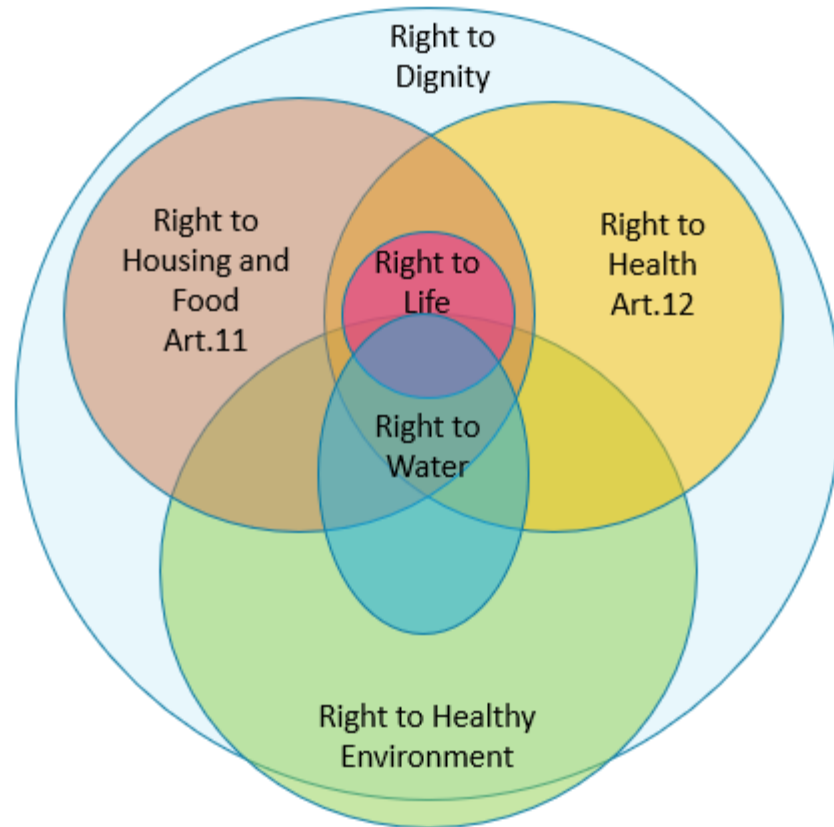


WHAT DO WE MEAN BY THE HUMAN RIGHT-BASED APPROACH?

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29TH NOV. 2021

HUMAN RIGHTS AND WATER



The Human Rights to Water and Sanitation (HRWS) are essential rights for providing people with a life lived in dignity and good health.

All the rights are interlinked, with water at their core

Priority needs to be given to water for personal and domestic use

HUMAN RIGHTS TO WATER & SANITATION?

- Human Rights are binding under international law
 - Duty to protect, respect and fulfil
 - Progressive realisation

“**The human right to water** entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.”

“**The human right to sanitation** entitles everyone to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, and social and culturally acceptable, and that provides privacy and dignity”

- Pay special attention to the needs of women and girls and those in vulnerable situations
- Sanitation is more than just access to use of toilets - Includes treatment and safe disposal or re-use of faeces, urine and domestic wastewater...to minimize health risks

HISTORY: HUMAN RIGHTS TO WATER & SANITATION



"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."

ICESCR, Article 11

"The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."

ICESCR, Article 12

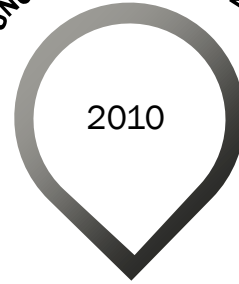
General Comment No. 15



2002

Links the right to water and adequate standard of living. Clarifies the scope and content of the right to water. Explains what is meant by sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses

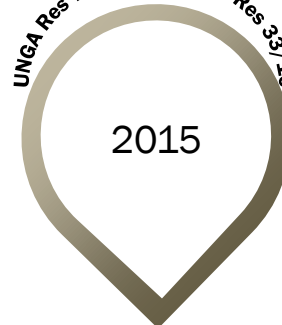
UNGA Resolution 64/292



2010

Entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use. Also at HRC Res 15/9 same year

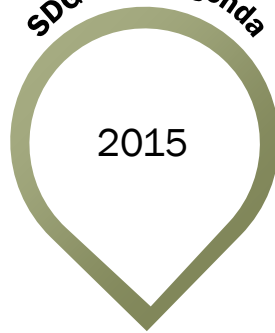
UNGA Res 70/169 and HRC Res 33/10



2015

Recognizes that the human right to sanitation entitles everyone, without discrimination to have physical and affordable access to sanitation, separate from water

SDG 2030 Agenda

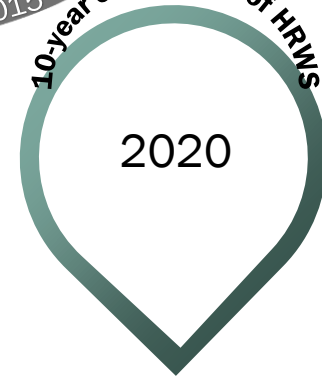


2015

Ensures availability and sustainable management of water and sanitation for all, Targets 6.1 and 6.2

2015

10-year celebration of HRWS



2020

Special Rapporteur Commemoration of the 10-year anniversary: side-event at High Level Political Forum 2020

2020

6 CLEAN WATER AND SANITATION



DUTY BEARERS AND RIGHTS HOLDERS

States have a duty to Protect, Respect and Fulfil Human Rights

- **Progressive Realisation** means:
 - obligation to make progress to maximum of available resources
- **Duty Bearers** include:
 - national governments, water and sanitation authorities, National Human Rights Institutions (NHRIs), parliamentarians, businesses and service providers, UN and development agencies
- **Rights Holders** include:
 - civil society, marginalised and vulnerable people, women, children, migrants, indigenous peoples, elderly, disabled, internally displaced....

THE NORMATIVE AND PROCEDURAL CONTENT

1. Normative Content	2. Procedural Guarantees
I. Accessibility	I. Non-discrimination
II. Affordability	II. Access to information
III. Availability	III. Public participation
IV. Quality	IV. Accountability
V. Acceptability	V. Sustainability

Normative = “ilities”

Procedural = Human rights-based approach

ACCESSIBILITY

- Accessibility concerns the **level** of access and identifies **who** has access

Physical accessibility: ...“Sufficient, safe and acceptable water must be accessible within, or in the immediate vicinity, of each household, educational institution and workplace.....Physical security should not be threatened during access to water facilities and services.”

GC No.15 Para 12(c)

Accessible



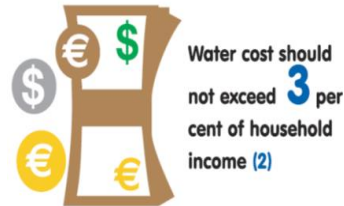
Water source has to be within 1,000 metres from home and collection time less than 30 mins

Available



Between 50 and 100 litres of water per person a day are needed to ensure most basic needs (WHO)

Affordable



Water cost should not exceed 3 % of household income (see Affordability report SpRap)

Quality



Water for personal and domestic uses must be safe and free from contaminants

Acceptable



Water and sanitation must be safe, private and allow dignity

SDG 6 AND THE HUMAN RIGHTS

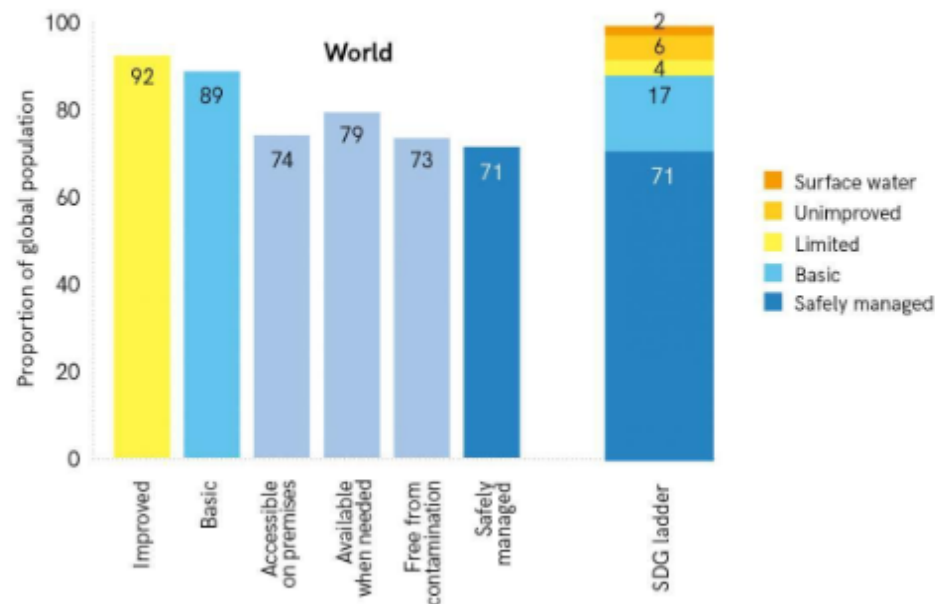


SDG 6.1 and 6.2 on drinking water
and sanitation

- **SDG 6 captures most of the criteria of the HRWS:**
- **SDG 6: Ensure **availability** and **sustainable** management of water and sanitation for all**
- **Target 6.1:** By 2030, achieve **universal and equitable access** to **safe and affordable** drinking water for all
- **Target 6.2:** By 2030, achieve **access to adequate and equitable** sanitation and hygiene for all and end open defecation, paying special attention to the **needs of women and girls and those in vulnerable situations**

DRINKING WATER – SDG 6.1 AND HUMAN RIGHTS

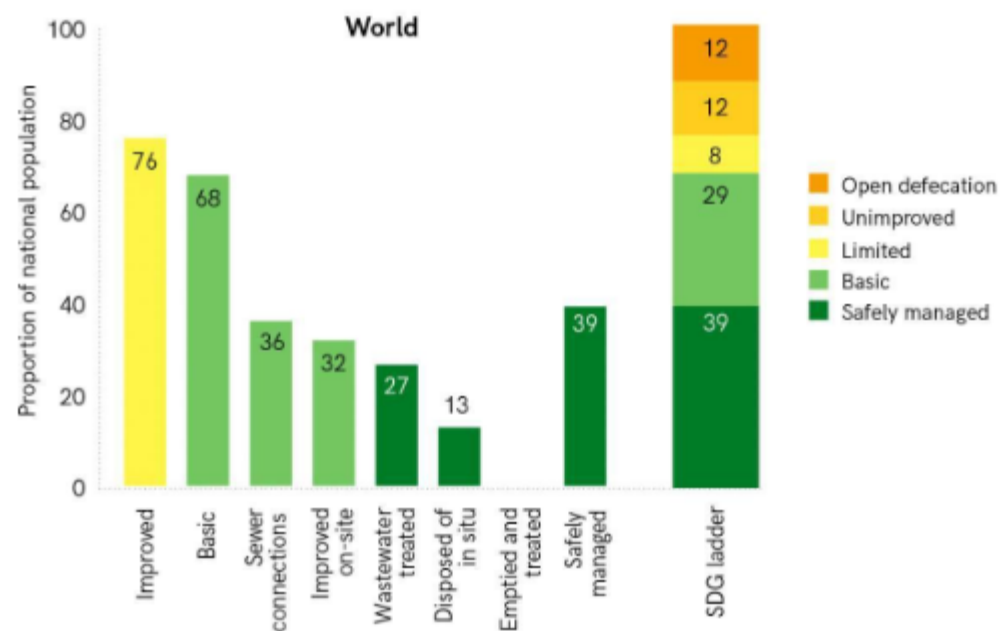
Drinking water services refers to the accessibility, availability and quality of the main source used by households for drinking, cooking, personal hygiene and other domestic uses



- Safely Managed Water and human right to water:
 - Accessible
 - Available
 - Quality
 - Affordable
 - Acceptable?
- Goals vs obligations
- 3/10 people globally without safely managed

SANITATION- SDG 6.2 AND HUMAN RIGHTS

Sanitation services refer to the management of excreta from the facilities used by individuals, through emptying and transport of excreta for treatment and eventual discharge or reuse.



- Safely Managed Sanitation and human right to sanitation:
 - Accessible
 - Available
 - Quality
 - Affordable
 - Acceptable?
- Goals vs obligations
- 3/5 people globally without

HYGIENE – SDG 6.1/ SDG 3 AND HUMAN RIGHTS

Handwashing ladder

	<p>BASIC</p> <p>Availability of a handwashing facility on premises with soap and water</p>
	<p>LIMITED</p> <p>Availability of a handwashing facility on premises without soap and water</p>
	<p>NO FACILITY</p> <p>No handwashing facility on premises</p>

Note: Handwashing facilities may be fixed or mobile and include a sink with tap water, buckets with taps, tippy-taps, and jugs or basins designated for handwashing. Soap includes bar soap, liquid soap, powder detergent, and soapy water but does not include ash, soil, sand or other handwashing agents.

- Basic Hygiene and human right to health:
 - Accessible
 - Available
 - Quality
 - Affordable
 - Acceptable?
- Goals vs obligations
- 2/5 people globally without

PROCEDURAL PRINCIPLES – THE HRBA

- Water and sanitation facilities must be **available to all on a non-discriminatory basis.**
- Priority must be given to the **most marginalized and vulnerable** to the exclusion of discrimination

Non-Discrimination



Water and sanitation facilities must be available to all with priority to most vulnerable

Participation



The right to seek, receive & impart information for individuals, and duty by States to ensure

Access to Information



The right to participate in decision-making processes – must be full, free and meaningful participation

Accountable



States should be accountable for meeting their obligations and ensuring that non-state actors respect

Sustainable



For future generations – must respect the environment and ensure balance of economic, social and environmental sustainability

PROGRESSIVE REALISATION

- Global Pandemic highlights the need for handwashing, hygiene and access to water
 - 1 in 4 health care facilities lack basic water services
 - 3 billion (2 out of 5) people globally lacked this critical service in their home based on the latest estimates.
 - Each day, nearly 1,000 children die due to preventable water and sanitation-related diarrheal diseases
- Innovative solutions are needed to provide dignity and access without compromise on pollution
 - More than 80 per cent of wastewater resulting from human activities is still discharged into rivers or sea without any pollution removal
 - At least 892 million people continue to practice open defecation



PROGRESSIVE REALISATION

- Progressive Realisation is slow
 - 3 in 10 people lack access to safely managed drinking water services and 6 in 10 people lack access to safely managed sanitation facilities.
 - Between 1990 and 2015, the proportion of the global population using an improved drinking water source has increased from 76 per cent to 90 per cent
 - 2.4 billion people lack access to basic sanitation services, such as toilets or latrines
- Women and Girls continue to be left behind
 - Women and girls are responsible for water collection in 80 per cent of households without access to water on premises.



PROGRESSIVE REALISATION

- Water Scarcity affects more than 40% of global population and rising
 - Over 1.7 billion people are currently living in river basins where water use exceeds recharge.
 - Approximately 70 per cent of all water abstracted from rivers, lakes and aquifers is used for irrigation
- Deaths due to natural disasters
 - Floods and other water-related disasters account for 70 per cent of all deaths related to natural disasters



THE HUMAN RIGHTS TO WATER AND SANITATION, THE HRBA AND SDG 6

Human rights to water and sanitation provide:

- Rights for everybody, States have a duty...
- Assurances for everyone, esp. women and girls
- The link to right to health and life and healthy environment
- A legal standard

The human rights based approach provides the mechanism

SDG 6 provides a measurable target



THANK YOU FOR YOUR ATTENTION

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