

# The Human Right to Water and Sanitation

## Milestones



### March 1977 Mar del Plata UN Water Conference

The **Action Plan** from the United Nations Water Conference recognised water as a right for the first time declaring that “All peoples, whatever their stage of development and social and economic conditions, have the right to have access to drinking water in quantities and of a quality equal to their basic needs”.

### December 1979

#### Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The Convention sets out an agenda to end discrimination against women, and explicitly references both water and sanitation within its text.

**Article 14(2)(h)** of CEDAW provides: “States parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: ... (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communication”.

[www.un.org/womenwatch/daw/cedaw/](http://www.un.org/womenwatch/daw/cedaw/)

### November 1989 Convention on the Rights of the Child

The Convention explicitly mentions water, environmental sanitation and hygiene. **Article 24(2)** states:

“States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: ...

*c) to combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution; ...*

*(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents”*

[www2.ohchr.org/english/law/crc.htm](http://www2.ohchr.org/english/law/crc.htm)

### January 1992

#### International Conference on Water and Sustainable Development. Dublin Conference

**Principle 4** of the Dublin Conference states that “... it is vital to recognize first the basic right of all human beings to have access to clean water and sanitation at an affordable price”.

[www.wmo.int/pages/prog/hwrp/documents/english/icwedece.html](http://www.wmo.int/pages/prog/hwrp/documents/english/icwedece.html)

### June 1992 United Nations Conference on Environment and Development. Rio Summit

**Chapter 18 of Agenda 21** endorsed the Resolution of the Mar del Plata Water Conference that all peoples have the right to have access to drinking water, and called this “the commonly agreed premise.”

[www.un.org/esa/dsd/agenda21/](http://www.un.org/esa/dsd/agenda21/)



## September 1994

### United Nations International Conference on Population and Development

The **Programme of Action** of the UN International Conference on Population and Development affirms that all individuals: "Have the right to an adequate standard of living for themselves and their families, including adequate food, clothing, housing, water and sanitation."

[www.un.org/popin/icpd2.htm](http://www.un.org/popin/icpd2.htm)

## December 1999

### UN General Assembly Resolution A/Res/54/175 "The Right to Development"

**Article 12** of the Resolution affirms that "in the full realization of the right to development, inter alia: (a) The rights to food and clean water are fundamental human rights and their promotion constitutes a moral imperative both for national Governments and for the international community".

[www.un.org/depts/dhl/resguide/r54.htm](http://www.un.org/depts/dhl/resguide/r54.htm)

## September 2002 World Summit on Sustainable Development

The **Political Declaration** of the Summit states "We welcome the Johannesburg Summit focus on the indivisibility of human dignity and are resolved through decisions on targets, timetables and partnerships to speedily increase access to basic requirements such as clean water, sanitation, energy, health care, food security and the protection of biodiversity".

[www.johannesburgsummit.org/html/documents/summit\\_docs/1009wssd\\_pol\\_declaration.htm](http://www.johannesburgsummit.org/html/documents/summit_docs/1009wssd_pol_declaration.htm)

## November 2002 General Comment No. 15. The right to water

**General Comment 15** interprets the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) 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 the highest attainable standard of health. The Comment clearly outlines States parties obligations to the right and defines what actions would constitute as a violation.

**Article 1.1** states that "The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights".

[www.unhcr.ch/tbs/doc.nsf/0/a5458d1d1bbd713fc1256cc400389e94/\\$FILE/G0340229.pdf](http://www.unhcr.ch/tbs/doc.nsf/0/a5458d1d1bbd713fc1256cc400389e94/$FILE/G0340229.pdf)

## July 2005

### Draft Guidelines for the Realization of the Right to Drinking Water and Sanitation. E/CN.4/Sub.2/2005/25

These draft guidelines, contained in the report of the Special Rapporteur to the UN Economic and Social Council, El Hadji Guissé, and adopted in Sub-Commission on the Promotion and Protection of Human Rights, are intended to assist government policymakers, international agencies and members of civil society working in the water and sanitation sector to implement the right to drinking water and sanitation. These Guidelines do not legally define the right to water and sanitation, but rather provide guidance for its implementation.

[www2.ohchr.org/english/issues/water/docs/SUB\\_Com\\_Guisse\\_guidelines.pdf](http://www2.ohchr.org/english/issues/water/docs/SUB_Com_Guisse_guidelines.pdf)

## November 2006 Human Rights Council Decision 2/104

The Human Rights Council "Request the Office of the United Nations High Commissioner for Human Rights, taking into account the views of States and other stakeholders, to conduct, within existing resources, a detailed study 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, which includes relevant conclusions and recommendations thereon, to be submitted prior to the sixth session of the Council".

[www2.ohchr.org/english/issues/water/docs/HRC\\_decision2-104.pdf](http://www2.ohchr.org/english/issues/water/docs/HRC_decision2-104.pdf)



## December 2006 Convention on the Rights of Persons with Disabilities

**Article 28**, defines the right of persons with disabilities to an adequate standard of living and states "2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures: (a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs".

[www.un.org/disabilities/convention/conventionfull.shtml](http://www.un.org/disabilities/convention/conventionfull.shtml)

## August 2007

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

Following decision 2/104 of the Human Rights Council, the Report from the High Commissioner for Human Rights states that "It is now the time to consider access to safe drinking water and sanitation as a human right, defined as the right to equal and non-discriminatory access to a sufficient amount of safe drinking water for personal and domestic uses... to sustain life and health".

## March 2008 Human Rights Council Resolution 7/22

Through this resolution, the Human Rights Council decides "To appoint, for a period of three years, an independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation".

[ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_7\\_22.pdf](http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_22.pdf)

## October 2009 Human Rights Council Resolution 12/8

In this resolution, the Human Rights Council welcomes the consultation with the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, acknowledges the independent expert's first annual report and, for the first time, recognizes that States have an obligation to address and eliminate discrimination with regard to access to sanitation, and urges them to address effectively inequalities in this area.

[www2.ohchr.org/english/bodies/hrcouncil/12session/resdec.htm](http://www2.ohchr.org/english/bodies/hrcouncil/12session/resdec.htm)

## July 2010 UN General Assembly Resolution A/RES/64/292

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.

[www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/64/292](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292)

## September 2010 Human Rights Council Resolution A/HRC/RES/15/9

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.

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/166/33/PDF/G1016633.pdf?OpenElement>



## April 2011 Human Rights Council Resolution A/HRC/RES/16/2

In this resolution, the Human Rights Council decides "to extend the mandate of the current mandate holder as a special rapporteur on the human right to safe drinking water and sanitation for a period of three years" and "Encourages the Special Rapporteur, in fulfilling his or her mandate... to promote the full realization of the human right to safe drinking water and sanitation by, inter alia, continuing to give particular emphasis to practical solutions with regard to its implementation, in particular in the context of country missions, and following the criteria of availability, quality, physical accessibility, affordability and acceptability".

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/124/85/PDF/G1112485.pdf?OpenElement>

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