

Introduction & Greeting: Water and Sanitation

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Human Rights are universal, inalienable, interdependent and interrelated. The Universal Declaration of Human Rights stipulates that “all human beings are born free and equal in dignity and rights”. Having access to safe drinking water and sanitation is central to living a life in dignity and upholding human rights. Yet, there are billions of people who do not enjoy the fundamental rights of accessing safe drinking water and sanitation. Many of them face significant barriers to access due to where they live and who they are – do they belong to an ethnic minority? Are they displaced persons? Are they persons deprived of personal liberty? Are they poor? Are they women? Governments have an obligation to ensure access to water and sanitation for all members of the population, including the most vulnerable or marginalized, in law and in fact, without discrimination on any of the prohibited grounds.

When both the UN General Assembly and the Human Rights Council adopted resolutions recognizing water and sanitation as fundamental human rights, States undertook very clear commitments. They recognized that water and sanitation are derived from the right to an adequate standard of living and must be available in sufficient quantity, and be accessible, safe, affordable and culturally acceptable to all, without discrimination. 161 countries in the world have ratified the International Covenant on Economic, Social and Cultural Rights, these obligations are also binding.

The human rights framework imposes three types of obligations on States parties: obligations to respect, obligations to protect and obligations to fulfil. The obligation to respect with regard to the right to water requires that States refrain from interfering directly or indirectly with the enjoyment of this right; for instance, through use and testing of weapons; or destroying, water services and infrastructure as a punitive measure during armed conflicts in violation of international humanitarian law. In fact, the Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment N°15 (on the right to water) notes that during armed conflicts, emergency situations and natural disasters, the right to water embraces those obligations by which State parties are bound under international law, which includes protection of objects indispensable for survival of the civilian population, including drinking water installations and supplies and irrigation works, protection of the natural environment against widespread, long-term and severe damage and ensuring that civilians, internees and prisoners have access to adequate water.

The obligation to protect requires State parties to prevent third parties from interfering in any way with the enjoyment of the right to water. Third parties include individuals, groups, corporations and other entities as well as agents acting under their authority. The obligation includes, *inter alia*, adopting the necessary and effective legislative and other measures to restrain, for example, third parties from denying equal access to adequate water, and polluting and inequitably extracting from water resources, including natural resources, wells and other water distribution systems.

The obligation to fulfil requires the State to take positive measures to assist individuals and communities to enjoy the right to

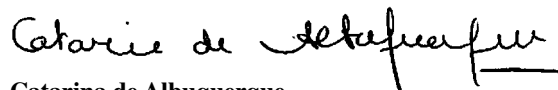
water. When individuals or a group are unable to enjoy the right for reasons beyond their control, the State is also obliged to provide it.

But do States have to ensure the rights to water and sanitation by implementing all these measures as such? States are expected to take deliberate steps to progressively realise these rights making maximum use of available resources, while putting an end to all forms of discrimination in the access to water and sanitation. In any case, through this process, States cannot contravene the content of the measures mentioned above.

Can States justify their lack of actions due to limited resources? In fact, a lot of progress can be made even within a climate of limited resources. “It is often more a matter of political will than lack of resources”. However, States parties are also obliged to seek for international assistance and co-operation, especially economic and technical, to mainly enable developing countries to fulfil their core obligations with regard to the right to water and sanitation.

In any case, States parties have core obligations to provide minimum essential levels of the right to water and sanitation to ensure: access to the minimum essential amount of water, that is sufficient and safe for personal and domestic uses to prevent disease; access to water and water facilities and services on a non-discriminatory basis, especially for disadvantaged or marginalized groups; physical access to water facilities or services that provide sufficient, safe and regular water, that have a sufficient number of water outlets to avoid prohibitive waiting times, and that are at a reasonable distance from the household; that personal security is not threatened when having to physically access water; equitable distribution of all available water facilities and services; the adoption and implementation of national water strategies and plan of actions addressing the whole population, under periodic revision on the basis of a participatory and transparent process; monitoring the realization and non-realization of the right; the adoption of low-cost targeted water programmes to protect vulnerable and marginalized groups; and the adoption of measures to prevent, treat and control diseases linked to water, in particular ensuring access to adequate sanitation.

I welcome the release of this publication, and express my hope that it will provide an impetus for increased attention to the importance of the realization of the rights to water and sanitation for all, without any kind of discrimination. The recognition of these rights at universal level put an end to the discussion who must have and where one must have access to water and sanitation. Today, there is no excuse for States to progressively realize the rights to water and sanitation under their jurisdiction, no matter whether the country is under conflict, emergency or disaster situations, all human beings are equal in rights, including the rights to water and sanitation.



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