

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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United Nations: All States must support rights to water and sanitation at the Human Rights Council

Amnesty International urges all States to re-affirm the rights to water and sanitation at the current session of the United Nations Human Rights Council (the Council) in Geneva. A resolution affirming that these rights are derived from the right to an adequate standard of living, sponsored by Germany and Spain, is to be adopted by the end of the Council's session on 1 October 2010.

Amnesty International is concerned that in the negotiations of the draft resolution (A/HRC/15/L.14), the USA, the UK and Canada, with some support from a small number of other States, have vocally and consistently attempted to block the affirmation of these rights in the present resolution.

Opposition to the rights to water and sanitation is unconscionable as they are essential for life and dignity. According to UNICEF and WHO, an estimated 1.5 million children under the age of five die due to diarrhoea and that 88% of these deaths are due to lack of access to clean water and sanitation. Many people living in slums and informal settlements are denied, or enjoy limited access to, water and sanitation. In many contexts, lack of access to water and sanitation affects women and girls far worse than men, undermining efforts to reduce existing gender inequalities, and putting them at risk of gender-based violence. For example, the inaccessibility of toilet facilities makes women in slums vulnerable to sexual violence, leaving them often too scared to leave their houses to use communal toilet and bathroom facilities.

The United Nations Committee on Economic, Social and Cultural Rights clarified in 2002 that the right to water emanates from the right to an adequate standard of living contained in Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR). It is legally binding on the 160 States that are party to the ICESCR. Article 11 (1) article recognises the right to an adequate standard of living "including food, housing and clothing." The Committee stated that this list of rights is not exhaustive and that the right to water is clearly one of the guarantees essential for an adequate standard of living. The Committee also noted that the right to water is inextricably related to the rights to food, adequate housing, health and should be seen in conjunction with the right to life. The Committee stated that the right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.

Sanitation is as important for human dignity as other explicit components of the right to an adequate standard of living, such as food, clothing and housing. For this reason, the United Nations Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation has stated that there are considerable precedents - both in international political declarations and the work of United Nations human rights mechanisms - for treating sanitation as a right implied under the right to an adequate standard of living.

At least 160 States from all regions of the world have already recognised the right to water and sanitation on one or more occasions in an international or regional declaration. Twenty two additional States have recognised the right to water in an international or regional declaration.

Two international declarations adopted by consensus - the 1996 Habitat Agenda and the 1994 Programme of Action of the International Conference on Population and Development - have already recognised that the right to an adequate standard of living includes water and sanitation in addition to food, clothing and housing.

In July 2010, the UN General Assembly adopted a resolution that “recognised the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights” (A/RES/64/292 of 28 July 2010). The resolution was adopted by 122 votes in favour, with no States voting against and 41 abstaining. The UK and USA explained their abstention by stating they did not recognise the rights. Some of the abstaining States explained that they had done so for reasons of process, including by referring to the need to address these issues at the Human Rights Council.

Although an overwhelming majority of States have affirmed the rights to water and sanitation, Amnesty International is greatly concerned that a small number of States are attempting to block initiatives to promote and protect these rights.

Those denied their rights to water and sanitation – and all people – must be able to hold governments accountable for any failures to respect, protect and fulfil these rights. The international human rights framework is an important tool for victims of violations. However, the Council’s silence on the rights to water and sanitation signifies to those denied their rights to water and sanitation that they can expect no support from the United Nations.

States have recognised the rights to health, education, food, housing, work and social security in international treaties and in international declarations that have been accepted by consensus by all States. It is incoherent of States such as Canada, the UK and USA to be willing to recognise and to take on legal obligations to realise certain human rights, but not to be willing to recognise other rights that are equally essential for any person’s survival and dignity.

Draft resolution A/HRC/15/L.14 addresses the role of non-State service providers. The resolution should specify that an effective regulatory framework consistent with the state’s human rights obligations should be put in place *at the outset* prior to any decision by a State to involve non-State actors in water and sanitation service provision. Such a decision should provide for active, free and meaningful participation of the persons whose rights may be affected by such a decision.

Background

International declarations recognising the right to water and sanitation include:

- The Abuja Declaration adopted by 53 African and 12 South American States at the First Africa-South America Summit (ASA) in Abuja, Nigeria, on 30 November 2006.
- The “Message from Beppu”, adopted by 37 States from the Asia-Pacific Region at the 1st Asia-Pacific Water Summit, held in Beppu, Japan, 3-4 December 2007.
- The Delhi Declaration, adopted by eight South Asian countries at the Third South Asian Conference on Sanitation (SACOSAN III), 16-21 November 2008.
- UN General Assembly Resolution A/RES/64/292, adopted by 122 votes, with no States voting against and 41 abstaining.

International declarations recognising the right to water include:

- Recommendation (2001) 14 of the Committee of (Foreign) Ministers to member States on the European Charter on Water Resources, representing each of the 43 members of the Council of Europe at the time.
- The Final Document of the XIV Summit Conference of Heads of State and Government of the Non-Aligned Movement in Havana, Cuba, 11-16 September 2006, comprising 118 States,

which also recalls General Comment No. 15: The Right to Water by the UN Committee on Economic, Social and Cultural Rights. An identical provision was included in the Final Document of the 15th Ministerial Conference of the Non-Aligned Movement, Teheran, 27-30 July 2008, and in the Final Document of the XV. Summit of Heads of State and Government of the Non-Aligned Movement, Sharm El Sheikh, Egypt, 11 to 16 July 2009.

Amnesty International's Demand Dignity campaign aims to end the human rights violations that drive and deepen global poverty. The campaign mobilises people all over the world to demand that governments, corporations and others who have power listen to the voices of those living in poverty and recognise and protect their rights. For more information visit the [Demand Dignity website](#)

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