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Human Rights Council Resolution - The Human Right to Safe Drinking Water and Sanitation, 2011

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Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Resolution adopted by the Human Rights Council*

18/1

The human right to safe drinking water and sanitation

The Human Rights Council,

Reaffirming all previous relevant resolutions of the Human Rights Council, inter alia, resolutions 7/22 of 28 March 2008, 12/8 of 1 October 2009, 15/9 of 30 September 2010 and 16/2 of 24 March 2011,

Recalling General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized 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,

Recalling also the holding of the General Assembly plenary meeting of 27 July 2011 entitled “The human right to water and sanitation”,

Recalling further the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling the relevant provisions of declarations and programmes with regard to access to safe drinking water and sanitation adopted by major United Nations conferences and summits, and by the General Assembly at its special sessions and during follow-up meetings, inter alia, the Mar del Plata Action Plan on Water Development and Administration, adopted at the United Nations Water Conference in March 1977, Agenda 21 and the Rio Declaration on Environment and Development, adopted at the United

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its eighteenth session (A/HRC/18/2), chap. I.

Nations Conference on Environment and Development in June 1992, and the Habitat Agenda, adopted at the second United Nations Conference on Human Settlements in June 1996, Assembly resolutions 54/175 of 17 December 1999 on the right to development, and 58/217 of 23 December 2003 proclaiming the International Decade for Action, “Water for Life” (2005-2015),

Noting with interest relevant commitments and initiatives promoting the human right to safe drinking water and sanitation, including the Abuja Declaration, adopted at the first Africa-South America Summit, in 2006, the message from Beppu, adopted at the first Asia-Pacific Water Summit, in 2007, the Delhi Declaration, adopted at the third South Asian Conference on Sanitation, in 2008, the Sharm el-Sheikh Final Document, adopted at the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, in 2009, and the Colombo Declaration, adopted at the fourth South Asian Conference on Sanitation, in 2011,

Bearing in mind the commitments made by the international community to achieve fully the Millennium Development Goals, and stressing, in that context, the resolve of Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve, by 2015, the proportion of people unable to reach or afford safe drinking water, and to halve the proportion of people without access to basic sanitation, as agreed in the Plan of Implementation of the World Summit on Sustainable Development (“Johannesburg Plan of Implementation”) and the outcome document adopted at the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals entitled “Keeping the promise: united to achieve the Millennium Development Goals”,

Recalling World Health Assembly resolution 64/24 of May 2011, in which the Assembly urged Member States to, inter alia, “ensure that national health strategies contribute to the realization of water- and sanitation-related Millennium Development Goals while coming in support to the progressive realization of the human right to water and sanitation that entitles everyone, without discrimination, to water and sanitation that is sufficient, safe, acceptable, physically accessible and affordable for personal and domestic uses”;

Deeply concerned that approximately 884 million people lack access to improved water sources and that more than 2.6 billion people do not have access to improved sanitation as defined by the World Health Organization and the United Nations Children’s Fund in their 2010 Joint Monitoring Programme report, and alarmed that, every year, approximately 1.5 million children under five years of age die and 443 million school days are lost as a result of water- and sanitation-related diseases,

Affirming the need to focus on local and national perspectives in considering the issue, leaving aside questions of international watercourse law and all transboundary water issues,

1. *Welcomes* the recognition of the human right to safe drinking water and sanitation by the General Assembly and the Human Rights Council, and the affirmation by the latter that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity;

2. *Also welcomes* the work of the Special Rapporteur on the right to safe drinking water and sanitation, including the progress in collecting good practices, the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for her thematic reports and collection of good practices, as well as the undertaking of country missions;

3. *Acknowledges with appreciation* the third annual report of the Special Rapporteur,¹ and takes note with interest of her recommendations and clarifications with regard to national and local planning for the implementation of the right to safe drinking water and sanitation;

4. *Welcomes* the submission of the compilation of good practices on the right to safe drinking water and sanitation,² in which the Special Rapporteur put particular emphasis on practical solutions with regard to the implementation of the human right to safe drinking water and sanitation;

5. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights, and must take steps, nationally and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, to achieve progressively the full realization of the right to safe drinking water and sanitation by all appropriate means, including particularly the adoption of legislative measures in the implementation of their human rights obligations;

6. *Also reaffirms* the important role that national plans of action can play as tools for the promotion and protection of human rights, as highlighted in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, including for the promotion and protection of the human right to safe drinking water and sanitation;

7. *Calls upon* States:

(a) To continuously monitor and regularly analyse the status of the realization of the right to safe drinking water and sanitation on the basis of the criteria of availability, quality, acceptability, accessibility and affordability;

(b) To assess existing policies, programmes and activities in the sectors of water and sanitation, giving due consideration to waste-water management, including treatment and reuse, and to monitor resources allocated to increase adequate access, as well as to identify actors and their capacity;

(c) To develop comprehensive plans and strategies, including the definition of responsibilities for all water and sanitation sector actors, to achieve progressively the full realization of the right to safe drinking water and sanitation for all, or re-examine and revise them where necessary to ensure consistency with human rights standards and principles;

(d) To assess whether the existing legislative and policy framework is in line with the right to safe drinking water and sanitation, and to repeal, amend or adapt it in order to meet human rights standards and principles;

(e) To ensure full transparency of the monitoring and assessment of the implementation of plans of action, projects and programmes in the sectors of water and sanitation and to ensure, including in the planning process, the free, effective, meaningful and non-discriminatory participation of all people and communities concerned, particularly people living in disadvantaged, marginalized and vulnerable situations;

(f) To set access targets to be reached in short-time periods for universal service provision, giving priority to realizing a basic level of service for everyone before improving service levels for those already served;

¹ A/HRC/18/33.

² A/HRC/18/33/Add.1.

(g) To set indicators, including disaggregated data, based on human rights criteria,³ to monitor progress and to identify shortcomings to be rectified and challenges to be met;

(h) To ensure financing to the maximum of available resources in order to implement all the necessary measures to ensure that water and sanitation systems are sustainable and that services are affordable for everyone, while ensuring that allocated resources are not limited to infrastructure but also include resources for regulatory activities, operation and maintenance, the institutional and managerial structure and structural measures, including increasing capacity;

(i) To provide for a regulatory framework aimed at ensuring that all water and sanitation service providers respect and protect human rights and do not cause human rights violations or abuses, and to ensure that national minimum standards, based on human rights criteria, are in place when water and sanitation services are decentralized, in order to ensure coherence and countrywide compliance with human rights;

(j) To provide for a framework of accountability that provides for adequate monitoring mechanisms and legal remedies, including measures to overcome obstacles in access to justice and other accountability mechanisms, and lack of awareness of the law, human rights and opportunities to claim these rights;

8. *Invites* States to continue to promote, at all levels, including at the highest level, the full realization of the human right to safe drinking water and sanitation in forthcoming national, regional and international initiatives, inter alia, the Global Forum on Sanitation and Hygiene of the Water Supply and Sanitation Collaborative Council in October 2011, in Mumbai, India, and the sixth World Water Forum in March 2012, in Marseille, France;

9. *Stresses* the important role of the international cooperation and technical assistance provided by States, specialized agencies of the United Nations system, international and development partners, as well as by donor agencies, in particular in the timely achievement of the relevant Millennium Development Goals, and urges development partners to adopt a human rights-based approach when designing and implementing development programmes in support of national initiatives and plans of action related to the right to safe drinking water and sanitation;

10. *Encourages* all Governments to continue to respond favourably to requests by the Special Rapporteur for visits and information, to follow up effectively on recommendations of the mandate holder and to make available information on measures taken in this regard;

11. *Requests* the Special Rapporteur to continue to report, on an annual basis, to the Human Rights Council and to submit an annual report to the General Assembly;

12. *Encourages* the Special Rapporteur to facilitate, including through engagement with relevant stakeholders, the provision of technical assistance in the area of the human right to safe drinking water and sanitation;

13. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the resources and assistance necessary for the effective fulfilment of her mandate;

³ See A/65/254, paras. 22-48 and 53-60.

14. *Decides* to continue its consideration of this matter under the same agenda item and in accordance with its programme of work.

34th meeting
28 September 2011
[Adopted without a vote.]
