

What are the human rights to water and sanitation?

What relevance do they have for the work of water operators?

... find out more here

Where do the human rights to water and sanitation come from?

All countries have recognised that the human rights to water and sanitation are part of binding international human rights law. This means that all countries that have ratified relevant human rights treaties are obliged to progressively realise the human rights to water and sanitation as fast as they can, using the maximum resources they have available.

At the national level, it is the responsibility of the government to work towards adequate water and sanitation services for everyone and to thereby fully realise the human rights to water and sanitation for all. The government and all its institutions are duty bearers of human rights. This includes water operators, when they are run by the State. Where Water Operators are private institutions, the government has the responsibility to ensure that they do not violate human rights.

What are the human rights to water and sanitation?

Water and sanitation services must meet the following criteria to be compliant with the human rights to water and sanitation:

1. **Availability:** Sufficient and continuous water for personal and domestic uses. Likewise, a sufficient number of sanitation facilities must be available.
2. **Accessibility:** Water and sanitation services must be accessible to everyone within, or in the immediate vicinity, of household, health and educational institutions, public institutions and workplaces. Physical security must not be threatened when accessing facilities.
3. **Quality:** Safe for consumption and other personal uses, with no threat to human health. Sanitation facilities must be hygienically and technically safe to use. To ensure hygiene, access to water for cleansing and hand washing at critical times is essential. Safe water refers to acceptable colour, odour and taste and is free from all elements that constitute a threat to health.
4. **Affordability:** The price of sanitation and water services must be affordable for all without compromising the ability to pay for other essential necessities guaranteed by human rights such as food, housing and health care.
5. **Acceptability:** Services, in particular sanitation facilities, have to be culturally acceptable. This will often require gender-specific facilities, constructed in a way that ensure privacy and dignity.

Furthermore, **human rights principles** must be ensured in the context of realising all human rights, including for the human rights to water and sanitation:

1. **Non-discrimination and equality:** All people must be able to access water and sanitation without discrimination, prioritising the most vulnerable and disadvantaged individuals and groups.

2. **Participation:** Everyone must be able to participate in decisions relating to their access to water and sanitation without discrimination.
3. **The right to information:** Information relating to access to water and sanitation, including planned programmes and projects must be freely available to those who will be affected, in relevant languages and through appropriate media
4. **Accountability (monitoring and access to justice):** States must be able to be held to account for any failure to ensure access to water and sanitation, and access (and lack of access) must be monitored.
5. **Sustainability:** Access to water and sanitation must be financially and physically sustainable, including in the long-term, with water resources protected for future generations.

Two different Rights: **Human Right to Water** and **Water Rights**.

- Human Right to Water is the right held by every individual, regardless of gender, where they live, and safeguards access to water for personal and domestic uses.
- Water rights, on the other hand, are generally conferred to an individual or company through property rights or land rights, and are rights to access or use a water resource.

Water and sanitation are human rights – yet these rights are not fully realised for everyone, everywhere. And many questions still remain on how these rights can be used in practice.

Using the Handbook by Catarina de Albuquerque, the previous UN Special Rapporteur on the human rights to water and sanitation, we are developing materials to make information on the human rights to water and sanitation more accessible and to ensure that those responsible for delivering services are able to apply the rights to their work.

The partners on this project are:

- WaterAid,
- WASH United
- Institute for Sustainable Futures (University of Technology Sydney)
- Rural Water Supply Network - RWSN (Skat Foundation)
- End Water Poverty.

To find out more about the project, contact:

- louisagosling@wateraid.org
- hannah.neumeyer@wash-united.org

To find out more about the Handbook on realising the human rights to water and sanitation, go to www.righttowater.info/handbook