



United Nations General Assembly affirms that water and sanitation are distinct rights and confirms a strong definition of these rights

17 December 2015: The UN General Assembly today adopted by consensus a resolution which for the first time recognises the distinction between the human right to water and the human right to sanitation. Amnesty International, WASH United and Human Rights Watch welcome this step and the additional clarification of States' obligations contained in General Assembly resolution 70/169.

Highlighting the right to sanitation

The recognition of the rights to water and sanitation as distinct human rights reflects the accurate understanding of the right to an adequate standard of living, as defined in international human rights law. The right to an adequate standard of living contains a number of different rights that are recognised and treated as distinct rights. This includes, for example, the rights to food, health and housing. With the resolution adopted today, the General Assembly has clarified that the rights to water and sanitation, while linked, are separate from one another and have distinct features, while they remain part of the right to an adequate standard of living and are interrelated to other human rights.

We are convinced that this clarification will help to ensure that governments give much-needed and due attention to their obligations as they relate specifically to the right to sanitation. Such a focus is especially needed as UN Member States are preparing plans for the implementation of the Agenda 2030 for Sustainable Development. Under the previous development agenda, the Millennium Development Goals, sanitation was one of the most neglected and off-track targets of the entire agenda.

Endorsing a strong definition to guide implementation

The General Assembly resolution, in operative paragraph 2, also for the first time recognises the content of entitlements under the right to sanitation and right to water respectively, and specifically highlights that these entitlements apply "without discrimination." It states that everyone is entitled "to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use" and entitled "to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, and socially and culturally acceptable and that provides privacy and ensures dignity."

States have thereby clarified the scope and meaning of their obligations under international human rights law.

The definition of the rights to water and sanitation endorsed by the General Assembly reflects the definition by the UN Committee on Economic, Social and Cultural Rights, a committee of independent experts elected by States to elaborate the meaning of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The definition has also been recognised by the UN Human Rights Council. Because these definitions reflect an authoritative interpretation of the ICESCR, they should be reflected in national level law, policymaking and implementation, and those advocating for the rights to water and sanitation should use these definitions in their work.

The resolution calls on States, as is their obligation under international human rights law, to progressively realise these rights and to eliminate inequalities. The resolution further references the human rights dimensions contained in Goal 6 of the 2030 Agenda for Sustainable Development.

The resolution thereby provides much needed guidance for the implementation of the 2030 Agenda for Sustainable Development. Adequate sanitation within the context of the agenda should be consistent with international human rights law as reflected in this resolution. The target of adequate services for all is achievable only if states focus their attention on removing the many barriers that individuals and groups who are marginalised or discriminated against face.

The gender-specific human rights impact

We further welcome that the resolution highlights many of the gender-specific human rights impacts of inadequate water and sanitation services. These include, in particular, the reinforcement of widespread stigma associated with menstruation when water and sanitation services are inadequate, and the impact this has on other human rights, such as the right to education for girls. The resolution also recognises the increased risk of gender-based violence and threats to safety that women and girls experience when practicing open defecation or collecting household water and accessing sanitation facilities outside their homes.

To counter those impacts, the resolution calls for the full, effective and equal participation of women in decision-making on water and sanitation management and programming and for specific measures to reduce the gender-specific burdens and threats that women and girls face all too often. These aspects of the resolution provide important guidance for national implementation, including of the 2030 Agenda for Sustainable Development, as they clarify the cross-cutting nature of water and sanitation goals and targets for other goals, including on education and gender equality.

Holding all actors to account

The resolution reaffirms the importance of ensuring that all water and sanitation service providers, including the private sector, are effectively held to account to ensure that they respect human rights. In this regard, all actors should cooperate with investigations into alleged abuses and provide appropriate remedies for victims.

The adoption of UN General Assembly Resolution 70/169 is an important achievement in advancing the understanding of the human rights to water and sanitation. We call on all Member States to now use this resolution as guidance for their implementation of water and sanitation related programmes, plans and policies. We also call on civil society actors to remind States of the commitments they have expressed by adopting this text, and to hold them accountable to this promise of making the human rights to water and sanitation a reality for all.

Background

The UN Committee on Economic, Social and Cultural Rights recognised in General Comment No. 15: The Right to Water (2002), the right of “everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.” In its 2010 ‘Statement on the Right to Sanitation’, it recognised the obligation of States to ensure that “everyone, without discrimination, has physical and affordable access to sanitation, in all spheres of life, which is safe, hygienic, secure, socially and culturally acceptable, provides privacy and ensures dignity.” The UN Human Rights Council has recognised these definitions, most recently in Resolution 27/7 of September 2014.