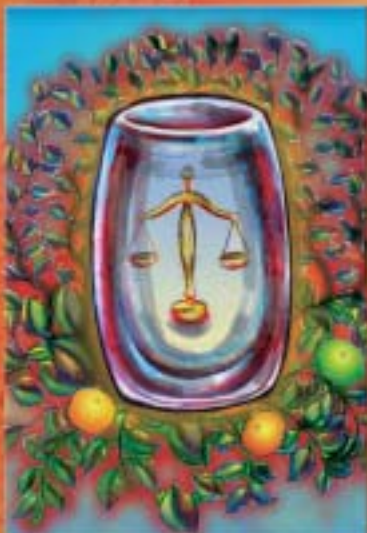


The

RIGHT TO WATER



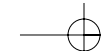
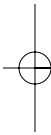
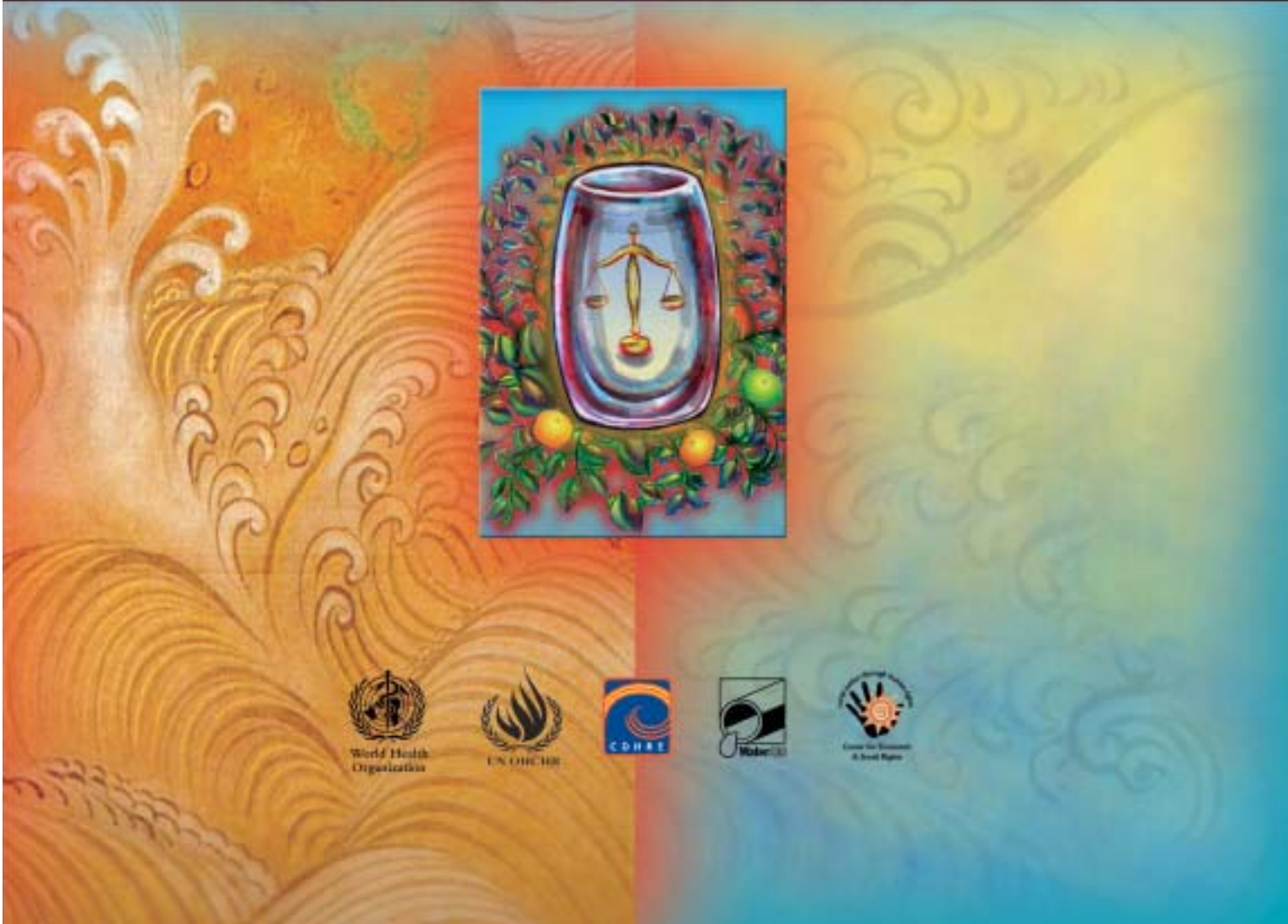
World Health Organization



UN OHCHR



Water for People



WHO Library Cataloguing-in-Publication Data

Right to water.

1.Water supply 2.Potable water 3.Human rights 4.Treaties I.World Health Organization.

Health and human rights publication series; no. 3.

**ISBN 92 4 159056 4
ISSN 1684-1700**

(NLM classification: WA 675)

© World Health Organization 2003

All rights reserved. Publications of the World Health Organization can be obtained from Marketing and Dissemination, World Health Organization, 20 Avenue Appia, 1211 Geneva 27, Switzerland (tel: +41 22 791 2476; fax: +41 22 791 4857; email: bookorders@who.int). Requests for permission to reproduce or translate WHO publications – whether for sale or for noncommercial distribution – should be addressed to Publications, at the above address (fax: +41 22 791 4806; email: permissions@who.int).

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the World Health Organization concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. Dotted lines on maps represent approximate border lines for which there may not yet be full agreement.

The mention of specific companies or of certain manufacturers' products does not imply that they are endorsed or recommended by the World Health Organization in preference to others of a similar nature that are not mentioned. Errors and omissions excepted, the names of proprietary products are distinguished by initial capital letters.

The World Health Organization does not warrant that the information contained in this publication is complete and correct and shall not be liable for any damages incurred as a result of its use.

Printed in France, February 2003.

FOREWORD

The right to the highest attainable standard of health was enshrined in WHO's constitution over 50 years ago, and recognized as a human right in article 12.1 of the International Covenant on Economic, Social and Cultural Rights. This right extends to the underlying determinants of health; central among these are safe water and adequate sanitation.

Yet we have entered the new millennium with one of the most fundamental conditions of human development unmet: universal access to water. Of the world's 6 billion people, at least 1.1 billion lack access to safe drinking-water. The lives of these people who are among the poorest on our planet are often devastated by this deprivation, which impedes the enjoyment of health and other human rights such as the right to food and to adequate housing.

Water is the essence of life and human dignity. Water is fundamental to poverty reduction, providing people with elements essential to their growth and development. Recently, the Committee on Economic, Social and Cultural Rights, which monitors the implementation of the Covenant, adopted General Comment No. 15 in which water is recognized, not only as a limited natural resource and a public good but also as a human right. The right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water, and it must be enjoyed without discrimination and equally by women and men.

At the Millennium Summit, States agreed to halve, by 2015, the proportion of people without access to safe drinking-water. We are pleased to issue this publication as a contribution to the International Year of Freshwater, celebrated worldwide throughout 2003 as an immense opportunity to highlight and promote the right to water as a fundamental human right.

*Dr Gro Harlem Brundtland
Director-General
World Health Organization*

*Sergio Vieira de Mello
United Nations High Commissioner
for Human Rights*



*Dr Gro Harlem Brundtland
Director-General
World Health Organization*










*Sergio Vieira de Mello
United Nations High
Commissioner for Human
Rights*

This publication:

- Outlines *the scope and content of the legal definition of the human right to water* and its relationship to other civil, cultural, economic, political, and social rights;
- Discusses *the right to water as a human right*, and examines its implications on the roles and responsibilities of various stakeholders;
- Examines the various *communities* affecting and being affected by the right to water;
- Considers the *contribution the right to water* can and should make towards making drinking-water a reality for all;
- Explores a *human rights-based approach* to water.

CONTENTS

	Chapter 1	Water as a human right	6
	Chapter 2	General Comment on the Right to Water	12
	Chapter 3	Who is affected?	22
	Chapter 4	Governments' responsibilities	28
	Chapter 5	Implications for other stakeholders	32
		References and further reading	37
		Acknowledgements	40

“Access to safe water is a fundamental human need and, therefore, a basic human right. Contaminated water jeopardizes both the physical and social health of all people. It is an affront to human dignity.”
Kofi Annan, United Nations Secretary-General.

Water is the essence of life. Without water, human beings cannot live for more than a few days. It plays a vital role in nearly every function of the body, protecting the immune system – the body’s natural defences – and helping remove waste matter.

But to do this effectively, water must be accessible and safe. Lack of safe water is a cause of serious illnesses such as diarrhoeal diseases, which kill over 2 million people every year (the vast majority children, mostly in developing countries). Contaminated water, whether drunk or used to cook food, harms people’s health. Water is also essential for hygiene, growing food, keeping animals, rest, exercise and relaxation and for a variety of social and cultural reasons.

Napoga Gurigo lives in Tambuog of Tengzuk in rural Ghana. She does not know her age, but is probably about 12. She comes to this water hole at 05:30 every day to collect water and it takes about three hours to collect the water she needs for her family. Napoga does not go to school. She likes the taste of the water even though it is very muddy. Napoga does not boil the water before drinking it (a man standing nearby said that there was no need to boil the water as it did not contain any living things). Animals also drink from the same waterhole.



WaterAid/Candline Penn

Access to a regular supply of safe water is a basic human right, as is access to unadulterated food. But as with other human rights, too many people miss out. Of the world's population of 6 billion people, at least 1.1 billion do not have available sources of clean drinking-water, such as protected springs and wells.

Lack of access to safe water has a major effect on people's health. Poor health constrains development and poverty alleviation. Poor water and sanitation have an impact on education, but when safe water and appropriate sanitation are provided in schools, increased attendance and a reduction in drop-out rates results.

Water is essential for farming and for manufacturing services. Making more water available to communities can improve families' incomes, for instance by boosting crop production and the health of livestock.

Water sources have been put under great pressure by population increases in developed and developing countries, through pollution by agricultural, domestic and industrial waste, and by environmental change.

What is a human right?

Human rights are protected by internationally guaranteed standards that ensure the fundamental freedoms and dignity of individuals and communities. They include civil, cultural, economic, political and social rights. Human rights principally concern the relationship between the individual and the State. Governmental obligations with regard to human rights can broadly be categorized in obligations to **respect, protect, and fulfil** (WHO, 2002).

Respect. The obligation to *respect* requires that States Parties (that is, governments ratifying the treaty) refrain from interfering directly or indirectly with the enjoyment of the right to water.

Protect. The obligation to *protect* requires that States Parties prevent third parties such as corporations from interfering in any way with the enjoyment of the right to water.

Fulfil. The obligation to *fulfil* requires that States Parties adopt the necessary measures to achieve the full realization of the right to water.

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family.

— Article 25, Universal Declaration of Human Rights (1948)

- In the past 10 years, diarrhoea has killed more children than all those lost to armed conflict in almost 60 years since the Second World War.
- A child dies every 15 seconds from diarrhoea, caused largely by poor sanitation and water supply.
- In 1998, 308 000 people died from war in Africa, but more than 2 million (six times as many) died of diarrhoeal disease.
- The death toll from diarrhoea among children far exceeds that for HIV/AIDS among children.

WHO/UNICEF Joint Monitoring Programme on Water Supply and Sanitation, Assessment 2000 Report.



WaterAid/Jim Hobins

Evolution of water and health-related human rights

The range of human rights has been enshrined in a number of international conventions and declarations. The right to health was recognized as early as 1946, when the Constitution of the World Health Organization, stated that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being (WHO, 1946). The Universal Declaration of Human Rights of 1948 (UN, 1948) adopted two years later guaranteed all people a right to a standard of living adequate for their health and well-being. Article 12 of the International Covenant on Economic, Social and Cultural Rights recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” Article 24 of the Convention on the Rights of the Child (1989) further guaranteed that children are entitled to the enjoyment of the highest attainable standard of health, which requires States Parties to take appropriate measures to combat disease and malnutrition, including within the framework of primary health care (which includes the provision of clean drinking-water) (UNHCHR, 1989).

In 2000, the United Nations Committee on Economic, Social and Cultural Rights, the Covenant’s supervisory body, adopted a General Comment on the right to health that provides a normative interpretation of the right to health as enshrined in Article 12 of the Covenant. This General Comment interprets the right to health as an inclusive right that extends not only to timely and appropriate health care but also to those factors that determine good health. These include access to safe drinking-water and adequate sanitation, a sufficient supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information.

In 2002, the Committee further recognized that water itself was an independent right. Drawing on a range of international treaties and declarations, it stated: “the right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival.”

Regardless of their available resources, all States Parties have an immediate obligation to ensure that the minimum essential level of a right is realized. In the case of water, this minimal level includes ensuring people's access to enough water to prevent dehydration and disease. Other immediate and inexpensive obligations include non-discrimination and the respect and protection of the existing enjoyment of rights.

The recognition that the realization of human rights is dependent upon resources is embodied in the principle of *progressive realization*. This principle mandates the realization of human rights within the constraints of available resources. It also creates a constant and continuing duty for States to move quickly and effectively towards the full realization of a right. This neither requires nor precludes any particular form of government or economic system being used to bring about such change. Steps towards the full realization of rights must be deliberate, concrete and targeted as clearly as possible towards meeting the human rights obligations of a government (WHO, 2002) and may include legislative, administrative, financial, educational and social measures or the provision of remedies through the judicial system.

Why does defining water as a human right make a difference?

Ensuring that access to sufficient safe water is a human right constitutes an important step towards making it a reality for everyone. It means that:

- fresh water is a legal entitlement, rather than a commodity or service provided on a charitable basis;
- achieving basic and improved levels of access should be accelerated;
- the "least served" are better targeted and therefore inequalities decreased;
- communities and vulnerable groups will be empowered to take part in decision-making processes;
- the means and mechanisms available in the United Nations human rights system will be used to monitor the progress of States Parties in realizing the right to water and to hold governments accountable.

A rights-based approach to development

Approaching development from a rights perspective informs people of their legal rights and entitlements, and empowers them to achieve those rights. Rather than seeing people as passive recipients of aid, the rights-based approach puts the individual at the centre of development.

In the Millennium Declaration, 2000, delivered at the close of the Millennium Summit of the United Nations in New York, 150 heads of state and government pledged to "reduce by half the proportion of people without sustainable access to safe drinking water". The Johannesburg Declaration adopted at the World Summit of Sustainable Development in September 2002 extended this goal to include sanitation as well.

What is meant by a rights-based approach to development?

A rights-based approach to development is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed towards promoting and protecting human rights.

A rights-based approach integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development.

The norms and standards are those contained in the wealth of international treaties and declarations. The principles include equality and equity, accountability, empowerment and participation. A rights-based approach to development includes:

- Express linkage to rights
- Accountability
- Empowerment
- Participation
- Non-discrimination and attention to vulnerable groups.

(Source: OHCHR at <http://www.unhchr.ch/development/approaches-04.html>)

A rights-based approach has implications for a range of actors concerned directly or indirectly with water issues. Governments, as primary duty-bearers, must take concrete steps to respect, protect and fulfil the right to water and other water-related rights and to ensure that anyone operating within their jurisdiction - individuals, communities, civil society, and the private sector - do the same. This means paying attention to these rights also in processes, ensuring the right of beneficiaries to participate in decision-making that affects them and guaranteeing transparency so that individuals have access to information and are able to understand, interpret, and act on the information available to them.

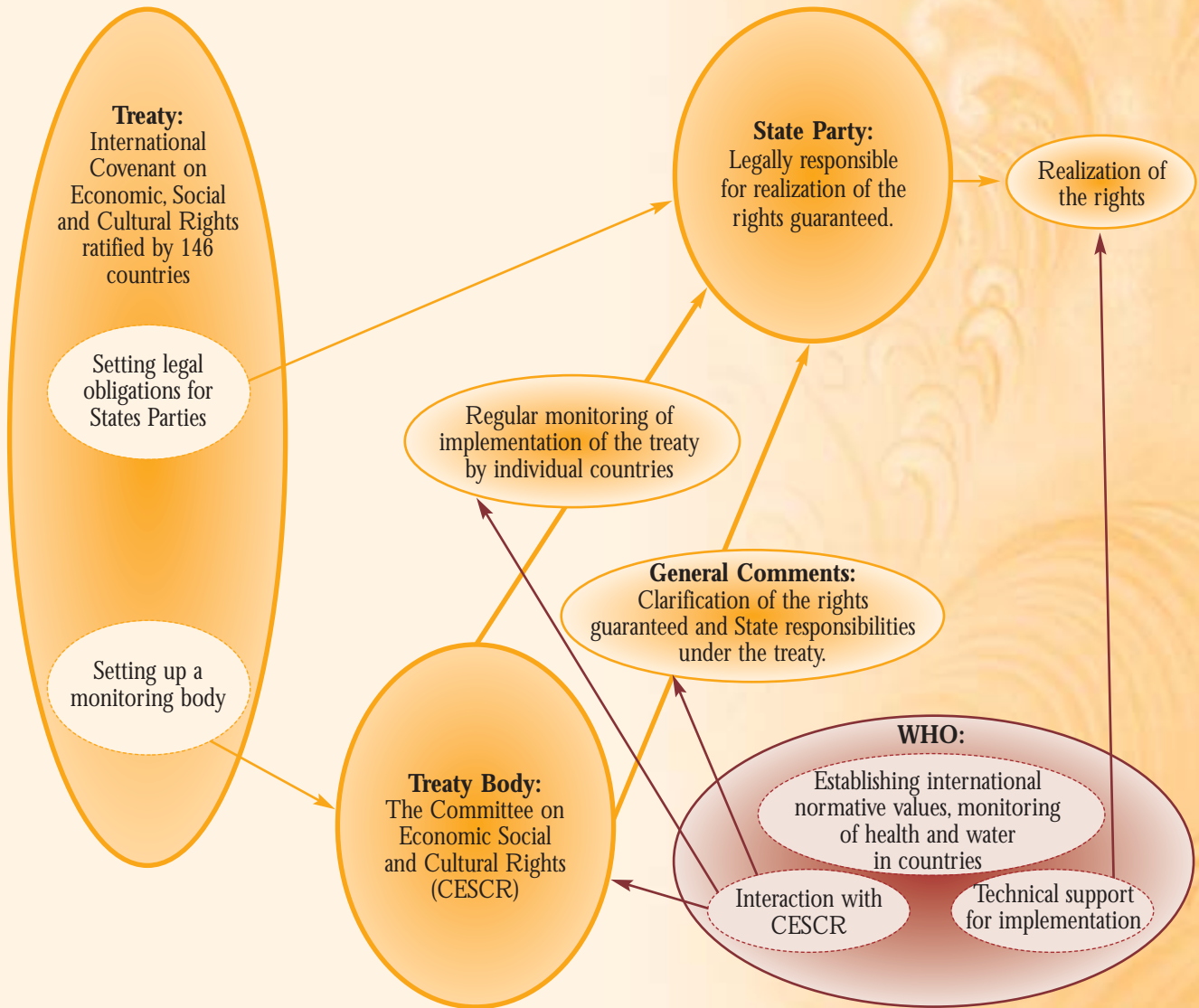
A rights-based approach is also premised upon the principle of freedom from discrimination and equality between men and women. This is closely linked to the issue of accessibility. For example, the right to water specifically rules out exclusion from needed services according to ability to pay. This is crucial in ensuring the delivery of services to the poor.

A central feature of a rights-based approach is the notion of accountability, which in practice requires the development of adequate laws, policies, institutions, administrative procedures and practices, and mechanisms of redress. This calls for the translation of the internationally recognized right to water into locally determined benchmarks for measuring progress, thereby enhancing accountability.

A rights-based approach may deliver more sustainable solutions because decisions are focused on what communities and individuals require, understand and can manage, rather than what external agencies deem is needed.

General Comment 15 on the right to water proscribes any discrimination on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation and civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to water.

MONITORING HUMAN RIGHTS



“The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.”
— *General Comment 15 on the right to water*

“By means of water we give life to everything.”
Koran, 21:30

Criteria: to sufficient, safe, acceptable, physically accessible and affordable water

General Comment 15 on the right to water, adopted in November 2002 by the Committee on Economic, Social and Cultural Rights, sets the criteria for the full enjoyment of the right to water. The following chapter takes certain elements in the General Comment and supplements them with WHO’s practical knowledge concerning water.

Sufficient

The 1977 United Nations Water Conference in Mar del Plata, Argentina, established the concept of basic water requirements to meet fundamental human needs, which was reiterated at the 1992 Earth Summit in Rio de Janeiro, Brazil in 1992.

In practice, the amount of water collected every day by households is largely determined by how far the source of water is from the home. If it is outside the home, but within around 1 kilometre (or 30 minutes total collection time) - a “basic” level of service - then about 20 litres per person per day will typically be collected.

Over 1 billion people lack access to even a basic level of service. Meeting their needs, plus ensuring that they are aware of the importance of hygiene and are able to act accordingly, remain the principal priorities.

Around 1.6 billion people are served by a basic level of service that contributes much to protect their health, although they may still invest heavily in the collection of water. At this basic level of service, good hygiene practices and treatment of water in the home will further reduce the likely spread of disease.



WaterAid/Jon Spaul

Service level and quantity of water collected

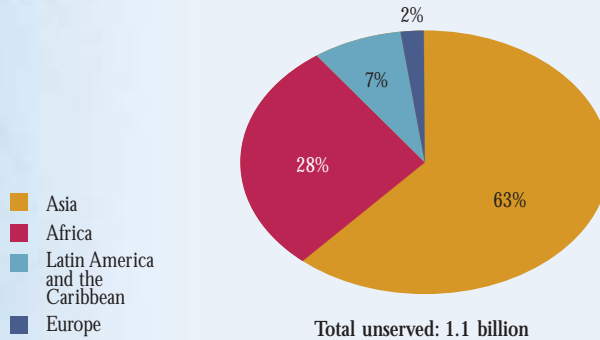
Service level	Distance/time	Likely volumes of water collected	Needs met	Intervention priority and actions
No access	More than 1 kilometre/more than 30 minutes round trip	Very low (often below 5 litres per capita per day)	Consumption cannot be assured Hygiene practice compromised Basic consumption may be compromised	Very high Provision of basic level service
Basic access	Within 1 kilometre/within 30 minutes round trip	Average unlikely to exceed approximately 20 litres per capita per day	Consumption should be assured Hygiene may be compromised Laundry may occur off-plot – i.e. away from home	High Hygiene education Provision of intermediate level of service
Intermediate access	Water provided on-plot through at least one tap (yard level)	Average of approximately 50 litres per capita per day	Consumption assured Hygiene should not be compromised Laundry likely to occur on-plot – i.e. within the confines of the household	Low Hygiene promotion still yields health gains Encourage optimal access
Optimal access	Supply of water through multiple taps within the house	Average of 100-200 litres per capita per day	Consumption assured Hygiene should not be compromised Laundry will occur on-plot	Very low Hygiene promotion still yields health gains

Source: Howard G, Bartram J. *Domestic water quantity, service level and health*. Geneva, World Health Organization, 2003.

Where water is supplied through a single tap, within the confines of the household's living area ("on-plot"), the water used is typically about 50 litres per person per day. This means access to an intermediate level of service and, at this level, it is much easier to ensure good hygiene. For example, it is estimated that households may use 30 times more water for child hygiene compared with those who have to collect water from a communal source. Households who do not have to travel to collect water have more time for economic activity, food preparation, child care and education.



DISTRIBUTION OF THE GLOBAL POPULATION NOT SERVED WITH IMPROVED WATER SUPPLY, BY REGION



Safe and acceptable

Water must be safe for drinking and other household uses. Drinking-water must be free from microbes and parasites, and chemical, physical and radiological hazards that constitute a threat to a person's health. It must also be acceptable in terms of colour and odour so that individuals will choose this water rather than polluted alternatives that may look more attractive.

Measures of drinking-water safety are usually defined by national and/or local standards for drinking-water quality. WHO's *Guidelines for drinking-water quality* provide a basis for the development of national standards that, if properly implemented, will ensure the safety of drinking-water.

The ability of less developed countries to monitor water quality comprehensively may be inhibited by limited resources, and some countries lack the knowledge, resources, and infrastructure to develop water quality standards. The WHO *Guidelines* therefore include guidance on developing standards from them appropriate for economic, environmental and socio-cultural conditions.

Accessible

Everyone must have safe and easy access to adequate facilities and services in order that clean drinking-water is secured and useable.

For many people in the world today, the goal of providing access to water at home will not be realized in the short- or even medium-term. Practical, achievable interim goals are therefore a priority.

Increasing access to drinking-water provides water for drinking, food preparation and hygiene. It potentially encourages hand-washing, general physical cleanliness and laundry, and improved living conditions.

When water has to be collected at distant sources, there are risks – both direct and indirect – to health. It is usually women who collect water, and they may be physically attacked while performing this task. Carrying heavy loads may also cause spinal injuries. Children may miss school in order to collect water and will encounter similar risks.

Respecting safety means refraining from and preventing any actions that would lower the quality of drinking-water to unsafe levels.

Protecting safety means ensuring that water sources that are currently safe do not become unsafe as a result of pollution.

Fulfilling safety means improving water sources and the treatment of drinking-water; thus reducing or preventing pollution. Actions to fulfil may include support for treatment of water in households if this is the only reliable way of getting safe water to people.

Accessible drinking-water can help to avoid potentially risky methods of water storage and gathering. For instance, India witnessed a severe outbreak of dengue fever when people stored water in their homes for use through dry spells, thus providing ideal habitats for *Aedes* mosquitoes. In the same way, flooded areas may also be breeding grounds for the *Culex* mosquito, which can carry Japanese encephalitis.

Affordable

Water must be affordable for everyone. It is a sad irony that it is often the poor who receive the lowest levels and least reliability of service and water of inferior quality, who pay most per litre for their water— for example, from water vendors in the street. According to one recent estimate, the poor pay on average 12 times more per litre of water than their counterparts with a municipal supply.

Ensuring the affordability of water requires that services match what people can pay. This is not simply a matter of the total cost of water. Many people earn money on an irregular basis, which inhibits them from entering into long-term regular financial commitments that might be cheaper in the long run.

Matching services with people's ability and willingness to pay implies the need for a ('demand driven') approach. It may be necessary to offer a range of levels of service and technologies, with the potential for progressive upgrading.

In order to meet the obligations to *respect*, *protect*, and *fulfil*, governments will generally monitor the water market, and take action to ensure that all can access a minimum service, through mechanisms such as pricing policy and tariff regulation.

Daily needs, requirements and uses

Reduce the risk of water-related disease

Water that is consumed must be safe. Drinking contaminated water can lead to infectious diseases and diseases caused by toxic chemicals - both may be life threatening.

Infectious waterborne diseases such as diarrhoea, typhoid, and cholera are leading causes of death and illness in the developing world, while outbreaks of waterborne infectious disease caused by agents such as *Cryptosporidium*, *Campylobacter* and *E. coli* O157 continue to occur in industrialized countries worldwide.

Unsafe water may contain toxic chemicals from natural sources as well as from pollution. Some naturally occurring toxic chemicals such as arsenic and fluoride affect many people. In Bangladesh, for example, as many as 35-77 million inhabitants, of a population of 125 million, may be exposed to arsenic through their drinking-water.

“An adequate amount of safe water is necessary to prevent death from dehydration, reduce the risk of water-related disease and provide for consumption, cooking, personal and domestic hygienic requirements.”

— *General Comment 15 on the right to water*

Consumption and preventing death by dehydration

The daily individual requirement for drinking-water implies a minimum that must be safe to consume (by drinking or through food) to prevent the effects of dehydration, whether mild or severe and potentially life threatening.

How much water a person needs for drinking and food preparation varies considerably, according to diet, climate and the work they do. Yet those with least access to water supply tend to live in warm climates and engage in at least moderately strenuous work. Pregnant women and breastfeeding mothers need more water. The minimum amount of water needed for drinking ranges from about 2 litres in temperate climates to about 4.5 litres per day for people in hot climates who have to carry out manual work (Howard and Bartram, 2003).

Cooking

Water is critical for food in many ways: it is used in irrigation, aquaculture and livestock watering to produce food. The scope of the General Comment on the right to water concerning cooking is restricted to aspects of household use: water as an ingredient of foodstuffs (e.g. rice, pasta, bread), and water as a requirement for food hygiene – to ensure that food is safe to eat.

Most people need at least 2 litres of safe water per capita per day for food preparation.

Hygiene

Huge health benefits can be gained by ensuring that people have access to water and by encouraging its use for good hygiene. The *Shigella* bacterium causes dysentery or bloody diarrhoea, and is a major contributor to the millions of water-related deaths each year. Simple measures like washing hands with soap and water reduce *Shigella* and other diarrhoeal diseases by up to 35%.

Providing clean water for washing can prevent trachoma, the leading cause of preventable blindness. More than 6 million people worldwide are irreversibly blinded by trachoma and more than 150 million people are in need of treatment.

Some water-related diseases:

Arsenicosis, Campylobacteriosis, Cholera, Cyanobacterial toxicoses, Dengue and Dengue Haemorrhagic Fever, Diarrhoea, Fluorosis, Guinea-Worm Disease (Dracunculiasis), Infectious Hepatitis, Japanese Encephalitis, Lead Poisoning, Leptospirosis, Malaria, Malnutrition, Methaemoglobinemia, Onchocerciasis (River Blindness), Ringworm (Tinea), Scabies, Schistosomiasis, Spinal Injury, Trachoma, Typhoid and Paratyphoid Enteric Fevers.

Accessibility of water supply and the effective use of water for cleanliness are the most important influence on hygiene. Washing hands at critical times – after defecating and before food preparation or eating – leads to very significant improvements in health even when the overall quantity of water available is limited.

“Water is required for a range of different purposes, besides personal and domestic uses, to realize many of the Covenant rights. For instance, water is necessary to produce food (right to adequate food) and ensure environmental hygiene (right to health). Water is essential for securing livelihoods (right to gain a living by work) and enjoying certain cultural practices (right to take part in cultural life).”

— *General Comment on the right to water*

Water for food, environment, culture, employment and housing

While the General Comment emphasizes the right to water for personal and domestic uses, other uses are also important. Water is essential for numerous activities that sustain human life and ensure human dignity.

Water for food (right to adequate food)

Globally, some 70% of all water resource use is for agriculture, and the bulk of global food production depends on a range of agricultural systems in which water is the critical factor. Land used for agriculture amounts to about 1.5 billion hectares (11% of the total land surface) and of this some 270 million hectares are under irrigation. This mere 18% of land under cultivation produces over 40% of the world's staple foods.

While global nutrition has consistently improved over the past four decades, the absolute number of undernourished people is reducing at a much slower rate than anticipated. Currently, some 777 million people in developing countries are estimated not to have access to sufficient and adequate food. Access to water for irrigation is, however, not the limiting factor; rather, inequitable distribution systems, poverty and the lack of purchasing power and the incapacity of subsistence farmers to produce enough food for their own consumption.

Water is essential for food security at two levels. Domestic water is used for household food production (vegetable gardens, domestic livestock) and contributes to diet variety and nutritional balance; large-scale water supply for agricultural production systems produces food for local consumption or for export and trade to food deficient regions. While opinions differ on the pathway to achieving global food security - some claiming that global market mechanisms increasingly free from government regulation are the best option, others underscoring the role of governments in ensuring equitable access to basic food needs - governments expressed their willingness to halve the number of undernourished people by 2015 at the 1996 World Food Summit.

“Attention should be given to ensuring that disadvantaged and marginalized farmers, including women farmers, have equitable access to water and water management systems, including sustainable rain harvesting and irrigation technology.”

— *General Comment on the right to water*



WaterAid/Caroline Penn

Water for environmental hygiene (right to health)

Human livelihoods are intimately connected to natural life on the planet, and that, in turn, depends on water for survival.

Natural ecosystems are often found in water or are heavily dependent on it. Without water, soil would parch, forests would wither, and species would die out.

More than 100 constitutions throughout the world guarantee a right to a clean and healthy environment, impose a duty on the state to prevent environmental harm, or mention the protection of the environment or natural resources. Over half of these constitutions explicitly recognize the right to a clean and healthy environment, including nearly all constitutions adopted since 1992. Some 92 constitutions impose a duty on the government to prevent harm to the environment.

Dinah Shelton, health and human rights working paper series available at http://www.who.int/hhr/information/Human_Rights_Health_and_Environmental_Protection.pdf

Every minute, 1.1 million litres of raw sewage are dumped into the Ganges River. (World Watch Vol. 12 No 4 (July/August 1999).



WHO/P/Int

Water scarcity in some regions goes hand in hand with degradation, thus aggravating the water supply situation. The emphasis of the General Comment on the right to water is on the protection of drinking-water sources. This implies not only the immediate surroundings but generally a catchment or even resource-wide approach and in turn requires that adequate attention is applied to the control of pollution from agriculture and industry, as well as to sanitation (including water borne sewerage). The General Comment on the right to water states that sanitation is one of the principal mechanisms for protecting the quality of drinking-water supplies and resources.

It is essential to create a better understanding of the impact of water resource development upon the surrounding environment and those that depend on its health for their own health.

Aquatic environments are essential to the ecology of mosquitoes and other vectors of diseases, including malaria and schistosomiasis. The hydrological and demographic changes incurred by water resources development will often lead to increased transmission risks of vector-borne diseases, and this will disproportionately undermine the health status of the most vulnerable groups. The voluntary risk-taking of developers and investors in dams, irrigation schemes and other water projects runs parallel to the involuntary risks imposed on local communities, affecting their right to health, usually without offering even adequate compensation, let alone health safeguards.

Aspects of water for environment from the viewpoint of the individual are also dealt with through the perspective of environmental hygiene and the General Comment on the right to health.

Water for cultural practices (right to take part in cultural life)

General Comment 15 on the right to water requires that access to traditional water sources be protected from unlawful encroachment and pollution. This applies particularly to the access of indigenous peoples to water resources on their ancestral lands, and also embraces the right to follow traditional cultural practices, such as performing religious ceremonies with water, for example the Hindu washing rites on the river Ganges in India.

The right to water is violated if governments fail to take adequate steps to safeguard the cultural identity of various ethnic or religious groups. Examples include the destruction, expropriation or pollution of water-related cultural sites by state or non-state actors, or the offering by state authorities of land titles to individual members of indigenous peoples when these peoples traditionally take a collective approach to using property and attendant water resources, thereby threatening the cultural identity and existence of the entire group.

Water for securing livelihoods (right to work)

Water is a productive resource - but one that tends to be taken for granted. Few goods are made or services provided without water. Through hydroelectricity, water can be used as a renewable source of energy.

Fresh water is particularly important to food production and agriculture - whether mechanized or at subsistence level. Agriculture accounts for 69% of water abstracted globally, and on some continents the percentage is as high as 90.

Water for households (right to adequate housing)

“No dwelling should be deprived of water because such deprivation would render it unliveable.”
— *Special Rapporteur on adequate housing (E/CN.4/2002/59, para. 56)*

Globally, it is estimated that 600 million people in cities and 1 billion in rural areas live in poor quality housing. The number of people without access to improved water sources in 2000 was a staggering 1.1 billion globally. The number of urban dwellers without access to these services reached 157 million, which represents an increase of 44 million over the comparable figure in 1990. The situation with global sanitation is much worse, with almost three times as many people denied even minimal sanitation facilities.

“Human rights cannot be secured in a degraded or polluted environment. The fundamental right to life is threatened by soil degradation and deforestation and by exposures to toxic chemicals, hazardous wastes and contaminated drinking water. Environmental conditions clearly help to determine the extent to which people enjoy their basic rights to life, health, adequate food and housing, and traditional livelihood and culture. It is time to recognize that those who pollute or destroy the natural environment are not just committing a crime against nature, but are violating human rights as well.”

— Klaus Toepfer, Executive Director of the United Nations Environment Programme, Statement to the 57th Session of the Commission on Human Rights in 2001

Poverty is “a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.”

E/C.12/2001/10,

— *“Poverty and the International Covenant on Economic, Social and Cultural Rights”, Statement adopted by the Committee on Economic, Social and Cultural Rights on 4 May 2001.*

The challenge for development professionals, and for policy and practice, is to find ways to weaken the web of powerlessness and to enhance the capabilities of poor women and men so that they can take more control of their lives.

— *“Voices of the Poor: Crying Out for Change,” World Bank 2000, p. 235*

“Freedom alone is not enough without light to read at night, without time or access to water to irrigate your farm, without the ability to catch fish to feed your family.” Nelson Mandela

“Whereas the right to water applies to everyone, States Parties should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right, including women, children, minority groups, indigenous peoples, refugees, asylum seekers, internally displaced persons, migrant workers, prisoners and detainees” – Article 16, General comment N°15

More than 1 billion people lack access to improved sources of drinking-water, and all of them suffer the consequences – health problems, economic and social difficulties and inequities. Certain groups are affected in a specific and dramatic way.

The poor

Among those most directly affected by unsafe water are the poor in both rural and urban areas. Not only are the poor less likely to have access to safe water and sanitation, but they are also less likely to have the financial and human resources to manage the impact of this deprivation.

Some 80% of those who have no access to improved sources of drinking-water are the rural poor - who may also have less access to political and lobbying processes than their urban counterparts. The “cost” of lack of access to safe water is reflected in the day-to-day investment of time to collect water - time that is not then available for productive activity, household or child care or education; and in the burden of disease arising from water collection - including injury and water contact diseases such as schistosomiasis.

In many cities, the poorest residents live in shanty towns and slums, sometimes on the edge of the city. These settlements generally lie outside formal water and sanitation distribution networks. They are often not recognized by the city authorities, who may not support extension of essential services, whether public or private, to these areas. Suppliers of services give a number of reasons for not supplying such areas - that residents cannot pay, that they do not have the documentation to prove that they are entitled to services, or that these communities are at risk of eviction.

Elina Adini, 30, lives in the Salima District of Malawi. “Our water and sanitation situation is not good. We’re lacking so many things. We do have one open well with a bucket but it’s in a bad state. It’s not protected and it seems that the water is full of bacteria. The well is also too busy because there are too many people trying to use it. It often takes me four hours to collect water and get it home because of the terrible queues and it’s also over 1 kilometre away from my home and the water is very heavy to carry.”



WaterAid/Jon Spaul

Lack of water and sanitation leads to unhealthy living conditions; lanes, where children play, are filled with rubbish and sewage. Residents have to collect their water from unprotected sources, such as polluted wells and contaminated drainage channels, or buy it from vendors at a cost far higher than would be paid if their homes were connected to the municipal supply. For example, piped water in the United Republic of Tanzania costs on average US\$ 0.1 per litre compared to US\$ 0.6 per litre for water bought from a water vendor (IIED, 2001).

Ruby lives in Balar Math Slum in Dhaka, the capital city of Bangladesh, where there are no sanitation or water facilities.

“This slum has existed for 10 years and is in a shocking state. Hanging latrines feed straight into a rubbish-filled ditch in the middle of the slum. Five thousand households live here with no safe water and no sanitation. Many people get very ill here and I think it all stems from the open latrines. Smell the stench, it’s disgusting. We get fevers, coughs and terrible diarrhoea and there are no health care facilities that we can use.”



WaterAid/Abir Abdullah

Poor families without access to safe water frequently find themselves even poorer as a result of ill-health caused by the lack of safe water. A study in Karachi (Pakistan) found that people living in areas without adequate sanitation or hygiene education spent six times more on medical treatments than people who had such services (UNICEF, 2000). And because the poor often work as daily labourers, they immediately lose pay if they are too ill to work.



WaterAid/Caroline Penn

Recognizing water as a human right means that governments must ensure that water is affordable. Equity demands that poorer households should not be disproportionately burdened with water expenses with compared richer households. Even in times of severe resource constraints, vulnerable members of society must be protected by the adoption of relatively low-cost targeted programmes.

Women

Women, in many cultures, are assigned an inferior social, economic, and political status. They often suffer most from a lack of access to water and sanitation. Almost 70% of the 1.3 billion people living in extreme poverty are women (WHO, 2001).

Research has shown that, on average, households in rural Africa spend 26% of their time fetching water, and it is generally women who perform this duty (DFID, 2001a). The water that is collected is often dirty, from an unprotected source, such as a stream or scoophole. Simply by collecting water they may be exposed to risks of schistosomiasis. Women's health may also be affected by the heavy burden of carrying water.

This work also prevents women from spending time on more productive work in the home or elsewhere, or on education.

Women in particular suffer from the lack of appropriate sanitation facilities. When there is little privacy or security for them, women and girls have to go into an inappropriate location where they may risk being attacked. A major reason for parents not sending their daughters to school in many countries is the lack of secure sanitation facilities. Water facilities and services must be culturally appropriate and sensitive to gender, lifecycle and privacy requirements.

Article 14 of the Convention on the Elimination of All Forms of Discrimination Against Women obliges States Parties to take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply.

The Convention on the Rights of the Child, 1989, in Article 24, obliges States Parties to pursue full implementation of the right to the highest standard of attainable health and, in particular, to take appropriate measures to provide adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution.

Children

Lack of accessible safe water increases the vulnerability of children to diseases. Their immune systems and detoxification mechanisms are not fully developed, so they are often less able to respond to a water-related infection. Children also have less body mass than adults. This means that a water borne chemical may be dangerous for a child at a concentration that is relatively harmless for an adult.

Children often share with women in the community the responsibility of fetching water; this can affect children's health and put them, especially girls, at risk of attack.

Governments should take steps to ensure that children are not prevented from enjoying their human rights due to the lack of adequate water in educational institutions and households or through the burden of collecting water. Provision of adequate water and sanitation to educational institutions currently lacking them should be addressed as a matter of urgency.

1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.

2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.

4. Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.

Article 7 of the ILO C169 Indigenous and Tribal Peoples Convention, 1989



WHO/PV/Int

Indigenous peoples

Indigenous peoples may face problems accessing safe water. Natural water sources traditionally used by them, such as lakes and rivers, may no longer be accessible because of land expropriation or contamination.

While water is important to every community, many indigenous groups rely on waterways and water bodies for their traditional livelihoods, including fishing, whaling, and sealing. When access to fresh water is compromised, often indigenous rights to self-determination and occupation are impinged upon, as are their water-reliant traditions.

Many indigenous groups also have important traditions of respect for water. These are significant both in terms of religion and culture, and also for preserving and maintaining fresh water sources. Among the Karen in Myanmar, for example, their relationship with the water reflects their basic respect for the earth. So the Karen are careful to protect water sources and, in turn, this ensures continued access to safe water. Overdevelopment, or careless development, can jeopardize such water sources (Nakashima, Douglas, 2001).

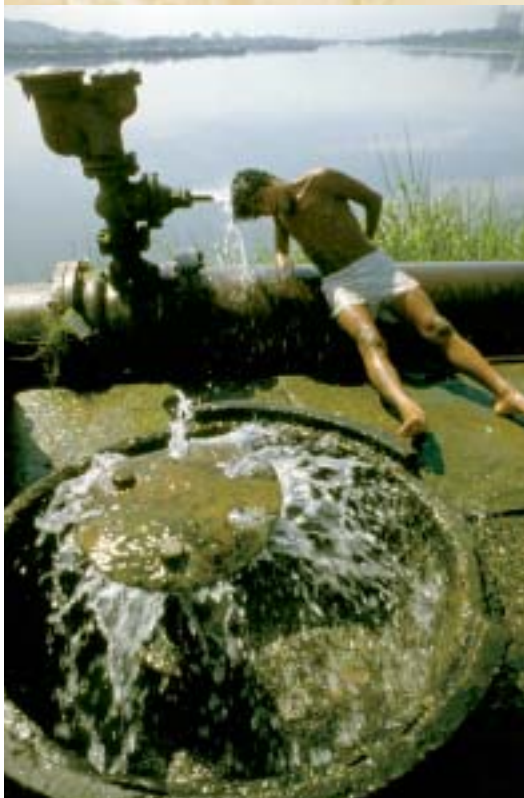


Examples of Exploitation of Indigenous Water Rights:

Although many indigenous communities have a relationship of respect, tradition, and conservation towards their water sources, development plans often overlook these beliefs, and in doing so, destroy available water sources.

- The Thai villagers living along the Mun river found their fishing lifestyle completely altered by the construction of the Pak Mun hydropower dam in 1989.
- The Cree peoples in Canada prized the First Rapids as a traditional gathering place and fish habitat; developers thought that building a dam was the only way to create value out of the “wasted water”.
- Coal extraction in Navajo and Hopi territories in the south-western USA has resulted in the drying-up of wells and springs in the community.

Douglas Nakashima, Water and Indigenous Peoples Conference Report, 2001.



WHO/P.Vitot

“Nothing on earth is so weak and yielding as water, but for breaking down the firm and strong it has no equal.” Lao-tsze

Governments hold the primary responsibility for ensuring the realization of human rights. The United Nations Committee on Economic, Social and Cultural Rights has stated that governments have a number of duties that follow on from the right to water. Governments must take the steps necessary to ensure that everyone can enjoy sufficient, safe, acceptable, accessible and affordable water, without discrimination. While some discretion is allowed in the choice and mix of the measures to be taken – for example, law, policies, and programmes – they must be targeted and directed towards full implementation of the right.

This duty of governments to take steps can be divided into the obligations to *respect*, *protect* and *fulfil*. There is a range of ways that governments can and must carry out their obligations.

Duty to *respect*: maintaining existing access

The right to water may be realized, partially or fully, as a result of a person's own actions, government assistance or a combination of both. However, government activities may impinge upon people's existing entitlements to water. For instance, a government institution may pollute a river required for drinking-water supply; a local authority may unfairly disconnect the water supply of residents; a law may prevent access by a group to a traditional water source or piped water.

The duty to *respect* requires a government to ensure the activities of its institutions, agencies and representatives do not interfere with a person's access to water. Laws, consistent with international law, should be enacted stating under what circumstances the right to water cannot be interfered with. Where interference cannot be avoided, individuals should be given reasonable notice, full information, a chance to consult with authorities, and the opportunity to make an effective formal complaint to a tribunal or court. A person must never be placed in a situation of having no water.

A closely related responsibility is the duty of *non-retrogression* - in other words, not going backwards. Where governments have directly established the means to obtain drinking-water – for example, maintaining a water infrastructure system or providing social assistance to purchase water services – the removal of these mechanisms should

only be permitted in very restricted circumstances, for example, severe economic conditions or where an adequate alternative is available.

The potential for the erosion of existing entitlements to water is too easily forgotten. Access today does not necessarily mean access tomorrow. Sustainability and progressive realization will require appropriate laws, institutions and a marked degree of vigilance.

Duty to *protect*: regulating third parties

A government is not the only actor that can endanger or restrict the right to water. Individuals and corporations have the potential to interfere with a person's or community's water supply. For example, pollution from factories, farming or sewage can greatly damage the quality of water used for drinking. A private individual can deny access to a river needed for washing, or a corporation may increase prices for water services to unaffordable levels.

The duty to protect requires that governments should diligently take all the necessary feasible steps to prevent others from interfering with the right to water. This will usually require a strong regulatory regime that is consistent with other human rights. The Committee on Economic, Social and Cultural Rights has stated that this should include independent monitoring, genuine public participation and imposition of penalties for non-compliance with standards. Comprehensive regulatory measures will be needed with respect to pollution, disconnection of water supplies, land use and access to water supplies.

"Privatization" of water services is often a controversial issue, and the involvement of the private sector in water delivery has accelerated over the past decade. In many countries, private sector involvement has extended beyond selling water from trucks and supply of infrastructure to the full operation and management of water delivery systems. While governments under international human rights law may permit private sector involvement, their responsibilities remain the same. Steps must be taken to ensure that the sufficiency, safety, affordability and accessibility of water are *protected* from interference as well as ensuring that everyone will enjoy the right in the shortest possible time. Where it is involved, the private sector should be encouraged by governments to participate effectively in ensuring people's right to water.

Water disconnections in South Africa

Properly respecting the right to water requires effective legislation and remedies.

In South Africa, legislation ensures that everyone has a right to a basic water supply and there are strict guidelines concerning disconnection.

Without warning, a local council disconnected the water supply for a group of residents. The residents legally contested the disconnection. The judge, citing the constitutionally and legislatively enshrined right to water, held that disconnection was only permissible if there were good reasons and the procedure was fair and equitable (which included examination of the person's ability to pay). Since the council had failed to comply with these requirements, an order was made for the reconnection of the water supply.

Nepal, privatization and the United Nations Committee on Economic, Social and Cultural Rights

Nepal embarked on a process of privatization of key utilities such as water, energy and gas. Significant concern was expressed about potential increases in the pricing of water services, because the privatization of electricity had led to marked rises.

The Committee on Economic, Social and Cultural Rights, during its review of Nepal's periodic report (Session 26, August 2001), recommended that projects involving privatization of water supply provide for continued, assured and affordable access to water by local communities, indigenous people, and the most disadvantaged and marginalized groups of society. They also noted with regret that 29% of the population had no access to safe water.

Duty to *fulfil*: going forward

In essence, the duty to *fulfil* requires that governments take active steps to ensure that everyone can enjoy the right to water as soon as possible. This encompasses the obligations to *facilitate*, *promote* and *provide*. The obligation to *facilitate* requires the State to take positive measures to assist individuals and communities to enjoy the right. The obligation to *promote* obliges the State Party to take steps to ensure that there is appropriate education concerning the hygienic use of water, protection of water sources and methods to minimize water wastage. States Parties are also obliged to *fulfil* (*provide*) the right when an individual or a group are unable, for reasons beyond their control, to realize that right themselves by the means at their disposal.

In practice, this means taking steps that accord sufficient recognition of this right within the national political and legal systems, preferably by way of:

- legislative implementation;
- adopting a national water strategy and plan of action to realize this right;
- ensuring that water is affordable for everyone;
- facilitating improved and sustainable access to water, particularly in rural and deprived urban areas.

To ensure that water is affordable, States Parties must adopt the necessary measures that may include, for example, the use of a range of appropriate low-cost techniques and technologies, appropriate pricing policies such as free or low-cost water, and income supplements. Some governments lack the financial resources to implement extensive programmes, but low-cost programmes can be implemented even with resource constraints and can make important contributions to health improvement, for example. The Committee on Economic, Social and Cultural Rights has stated that countries have a duty to progressively increase the level of water access until it reaches an adequate standard for safety and quantity. One of the most practical ways of ensuring such a quantity is to ensure access to households or “on-plot”.

States Parties should adopt comprehensive and integrated strategies and programmes to ensure that there is sufficient and safe water for present and future generations. Such strategies and programmes may include, for example, reducing depletion of water resources, reducing and eliminating contamination of watersheds and water-related eco-systems, increasing the efficient use of water by end-users, and reducing water wastage in its distribution.



Countries also have international obligations to cooperate with other states to ensure that the right to water is achieved everywhere. This means countries must make certain that their actions do not deprive individuals of the right to water in other parts of the world. Examples include cooperating with respect to transboundary water-courses, preventing pollution, and refraining from imposing sanctions on goods and services needed to ensure the right to water. Steps should also be taken to ensure that sufficient financial and other aid is given to other countries, to accelerate coverage improvement beyond that possible with limited domestic resources. Finally, States Parties should ensure that the right to water is given due attention in international agreements.

Responsibilities of local governments

Local governments are often at the front line in providing water and sanitation services. They are frequently given responsibility by national governments to ensure access to these services as well as the power to determine who receives the services, and under what conditions. General Comment 15 on the right to water states that national government must ensure that local authorities “have at their disposal sufficient resources to maintain and extend the necessary water services and facilities.” However, local authorities must also respect the right to water of everyone in their jurisdiction and the General Comment states that States Parties “must further ensure that such authorities do not deny access to services on a discriminatory basis.”

WaterAid/Jan Spantall



“In time and with water, everything changes.” Leonardo da Vinci

Although governments have the primary responsibility for ensuring that the right to water is achieved, other stakeholders are involved in its fulfilment. Common to all individuals and all other stakeholders is the obligation to comply with governments’ plans, policies and laws intended to respect, protect and fulfil the human right to water. This chapter, based on the experience of several agencies, sets out some of the actions that diverse stakeholders may contribute to the respect, protection and fulfilment of the right to water.

Citizens may have to contribute financially and in other ways to ensure the realization of their rights to water. They may have to pay an affordable fee for connection to safe water and for a safe method of disposal of waste water and human excreta. They may also take some responsibility for:

- ensuring that a connection/waterpoint/latrine is secured through collective action;
- maintaining the connection/waterpoint, or for informing the relevant bodies that it is faulty;
- ensuring that the water is kept in safe conditions within the home so that it is not contaminated, and so protect their own health;
- disposing of waste and waste-water in a safe and sustainable way.

The **local private sector** includes many of those directly involved in construction of facilities (such as plumbers, well-diggers and latrine builders) and service providers. It contributes through:

- ensuring that residents and communities understand the implications of the choices they are offered in terms of the type of service provided;
- where appropriate and possible (often the case with community-level systems), providing opportunity for participation of future users in the installation of services and basic training for future maintenance of the services;
- acting in an ethical manner towards the communities and residents that they are employed to deliver services to;
- developing and applying responsible and sustainable methods of water extraction and delivery;
- ensuring equity in reliability of the service to all residents/consumers.

The local private sector also includes those whose actions may adversely affect water resources. These may include local industry (manufacture, mining, logging, farming, etc.).

Legislation contributing to the realization of the right to water should:

- make them accountable to local communities and individuals;
- ensure they do not contaminate ground and surface water sources;
- involve local communities and residents in decisions affecting them.

Local nongovernmental organizations (NGOs) (including professional associations, local clubs and societies as well as those concerned with specific issues such as water, sanitation and the environment). Although the term “NGOs” covers a wide range of organizations, many can contribute to the realization of the right to water through:

- informing their constituencies on aspects of the right to water and how citizens can claim that right and assist others in fulfilling it;
- building capacities among their members and constituencies on human rights generally;
- promoting human rights, particularly the right to water, to local government, and monitoring the work of local government;
- contributing to ensuring that there is a government policy for delivering the right to water for all, and that the policy is implemented;
- supporting local service provision, for instance in the management of community water supplies. In this case, they may have a responsibility for informing and training residents on the maintenance of water and sanitation services, and their proper use.

International NGOs vary widely and may be active in one or more countries, for instance in extending services, supporting local institutions and providing training and technical assistance. Many are also active in advocating and developing international policy. In contributing to the respect, protection and fulfilment of the right to water, their actions should generally:

- promote the development of international standards, benchmarks and indicators on the right to water;
- develop the capacity of local civil society partners to claim their right to water;
- promote the accountability of local government partners in respect to the right to water;
- ensure that projects do not arbitrarily distort customary or traditional means of accessing water;
- engage in human rights education on the right to water;
- document and highlight violations of the right to water;
- advocate in international and regional fora on behalf of those who have had their right to water threatened or violated;

- encourage human rights-based approaches to resolving transboundary water resource conflicts;
- cooperate with governments in advancing the right to water;
- monitor the policies and practices of international, multilateral, and bilateral institutions in respect to the right to water.

United Nations specialized agencies and programmes are increasingly integrating human rights into their development work. They work to ensure that their own policies and programmes promote and protect human rights so that they can effectively support governments to act in ways which are compatible with their human rights obligations. In the context of the right to water and water-related human rights, this can be done, *inter alia*, by:

- not interfering with individual or community access to water (for example, through contamination of water supplies) through their premises or activities;
- ensuring organizational standards and procedures for country activities to prevent interference with the right to water and to ensure that it is respected, protected and promoted (including, for example, procedures to receive and act upon complaints);
- ensuring that projects and programmes take account of the right to water in their design;
- ensuring that projects do not arbitrarily distort customary or traditional means of accessing water;
- preventing interference by third parties when an agency has control or significant influence over a situation (for example, in refugee camps, or United Nations administered territory);
- promoting the right to water internally: for instance, appropriate priority should be given to right to water in planning by those agencies and programmes involved in water issues;
- ensuring that programmes are non-discriminatory and directed towards the most vulnerable and marginalized;
- establishing and updating appropriate international guidelines to support countries in developing approaches to implement the right to water and to ensure that they are consistent with it (e.g. WHO's Guidelines for Drinking-water Quality; for the Safe Use of Wastewater and Excreta in Agriculture and Aquaculture; and for Safe Recreational Water Environments);
- promoting compliance with the right to water by other stakeholders.

International financial institutions play an important role in promoting the fulfilment of the right to water through their financing and influence on the use of domestic

resources by national authorities. Their influence may also extend over activities of others (such as national and local governments and contractors) and contribute to respecting and protecting the right to water. Aspects of their work of direct relevance include:

- not interfering adversely with access to water directly; (for example, through building, dams or other construction work);
- not indirectly interfering with the right to water; (for example through encouraging or requiring removal of social security support or cross-subsidisation essential for poorer users to maintain their established rights);
- ensuring that projects do not arbitrarily distort customary or traditional means of accessing water;
- ensuring organizational standards and procedures for country activities to prevent interference with the right to water and to ensure that it is respected, protected and promoted (including for example procedures to receive and act upon complaints);
- ensuring community participation in design, delivery and evaluation of programmes;
- ensuring that programmes are non-discriminatory and directed towards the most vulnerable and marginalized;
- promoting demand-responsive approaches providing affordable and sustainable service provision;
- ensuring that debt relief schemes permit retention of government capacity to progressively realize the right to water;
- establishing monitoring and accountability mechanisms that ensure their own compliance with the right to water, including complaints mechanisms for affected groups;
- promoting compliance with the right to water by other relevant stakeholders such as governments.
- avoiding undue pressure on governments to open up water services for liberalization where this could negatively effect the enjoyment of the right to water or where there has not been adequate public consultation.

The World Trade Organization (WTO) is concerned with setting the rules of trade policy. It serves as a forum for negotiation and administers the trade agreements negotiated by its members. WTO rules apply to all members, who are subject to binding dispute settlement procedures. WTO agreements explicitly allow governments

WHO/P.Vinot





WHO/PV/Int

to take measures to restrict trade in pursuing national health policy objectives. Its activities can contribute to development through:

- the crafting and implementation of trade rules that contribute to the objectives of raising standards of living and sustainable development;
- providing technical assistance to countries to enable them to better negotiate and implement trade rules to ensure policy coherence between trade and other key national policy objectives.

National and multinational private service providers include companies ranging from local providers of services to multinational corporations. Depending on the nature of the company it may:

- advance the provision of services so that the number of people served should always increase;
- establish sustainable policies towards water conservation for its own activities;
- use differential cost-recovery/progressive pricing to contribute to increasing coverage;
- ensure equity in reliability of services;
- give priority to supplies for the most marginalized communities;
- establish a responsible disconnection policy;
- ensure the participation of citizens in decision-making;
- provide clear and accurate information to all users.

The research community (which includes both public and private sector research) plays an important and often little-seen role. It contributes significantly towards:

- identifying and developing new research areas, varying from new technologies to assisting in expanding service provision, through developing understanding of equity issues in water distribution/pricing/cost recovery, to implementing a rights-based approach in research itself.

As part of an overall ethical policy and in support to the right to water, research projects should:

- ensure that people's rights are respected and achieved;
- be attentive to people's needs;
- be honest with the people involved and not create false expectations of outcomes;
- be accountable;
- screen sources of funds to ensure that money does not come from human rights-burdening activities.

REFERENCES AND FURTHER READING

Cairncross S (1999). *Why promote sanitation?* Technical Brief. Well fact sheets, Water and Environmental Health. London and Loughborough (available at Web site <http://www.lboro.ac.uk/well/resources/fact-sheets/fact-sheets-htm/wps.htm>)

Cairncross AM, Kinnear J (1988). *Measurement of the elasticity of domestic water demand*. Report for the Overseas Development Administration UK, Project R4285. London School of Hygiene and Tropical Medicine.

Convention on the Rights of the Child (1989). Geneva, Office of the United Nations High Commissioner for Human Rights (available on the Internet at <http://www.unhcr.ch/html/menu3/b/k2crc.htm>).

Committee on Economic, Social, and Cultural Rights (2000). *General Comment No. 14*, Geneva.

Committee on Economic, Social, and Cultural Rights (2002). *Substantive issues arising in the implementation of the International Covenant on Economic, Social, and Cultural Rights, General Comment No. 15*, Geneva.

Constitution of the World Health Organization (1946). New York, NY, United Nations (available on the Internet at http://www.who.int/rarebooks/official_records/constitution.pdf).

DFID (2000a). *Achieving sustainability: poverty elimination and the environment. Strategies for achieving the international development targets*. London, United Kingdom Department for International Development.

DFID (2001b). *Addressing the water crisis: healthier and more productive lives for poor people. Strategies for achieving the international development targets*. London, United Kingdom Department for International Development.

DFID (2001c). *The challenge of universal primary education Strategies for achieving the international development targets*. London, United Kingdom Department for International Development.

DFID (2001d). *Meeting the challenge of poverty in urban areas Strategies for achieving the international development targets*. London, United Kingdom Department for International Development.

Gorre-Dale E, De Jong D, Ling J (1994). *Communication in water supply and sanitation: resource booklet*. International Water and Sanitation Centre.

Howard G, Bartram J (2003). *Domestic water quantity, service level and health*. Geneva, World Health Organization.

- IIED (2001). *Drawers of water II*. London, International Institute for Environment and Development.
- Nakashima D (2001). *Water and indigenous peoples*. Conference report 2.4, Water policy, S49–S51, 2001.
- UNEP (1999). *Global environment outlook 2000*. London, Earthscan.
- UNEP (2002). *Global environmental outlook 3*. London, Earthscan.
- UNICEF (2000). *Sanitation for all: promoting dignity and human rights*. New York, NY, United Nations Children's Fund.
- WaterAid (2001a). *WaterAid's next five years to 2005*. London, WaterAid.
- WaterAid (2001b). *Looking back: the long-term impacts of water and sanitation projects*. London, WaterAid.
- WaterAid (2001c). *Water, sanitation and education* [Development Issue Sheet]. London, WaterAid.
- WaterAid (2001d). *Water, sanitation and poverty reduction* [Development Issue Sheet]. London, WaterAid.
- WHO (2003). *Guidelines for safe recreational water environments: coastal and fresh waters*. Geneva, World Health Organization.
- WHO (2001). *Water for health: taking charge*. Geneva, World Health Organization (document WHO/WSH/WWD/01.1; available at Web site: http://whqlibdoc.who.int/hq/2001/WHO_WSH_WWD_01.1.pdf).
- WHO (2002). *25 Questions and answers on health and human rights*. Geneva, World Health Organization (available at Web site: <http://www.who.int/hhr/information>).
- WHO (2003). *Guidelines for drinking-water quality*. 3rd ed. [in press]. Geneva, World Health Organization.
- WHO (2004). *Guidelines for safe recreational water environments*. Volumes 1 and 2 [in press]. Geneva, World Health Organization.
- WHO/UNICEF/WSSCC (2000). *Global water supply and sanitation assessment, 2000 report*. New York, NY, United Nations Children's Fund and Geneva, World Health Organization.
- WSSCC (2000). *Vision 21: a shared vision for hygiene, sanitation and water supply*. Geneva, Water Supply and Sanitation Collaborative Council.
- Universal Declaration of Human Rights 1948*. New York, NY, United Nations, 1948 (available on the Internet at <http://www.jus.uio.no/lm/un.universal.declaration.of.human.rights.1948/toc.html>).

United Nations Millennium Declaration. New York, NY, United Nations, 2000 (available on the Internet at <http://www.un.org/millennium/declaration/ares552e.htm>).

World Summit on Sustainable Development Plan of Implementation. (Advance unedited text dated 4 September 2000; available on the Internet at http://www.johannesburgsummit.org/html/documents/summit_docs/0409_plan_final.pdf).

Web sites:

World Health Organization: www.who.int

WHO's water, sanitation and health programme: www.who.int/water_sanitation_health

WHO health and human rights: www.who.int/hhr

United Nations: www.un.org

Water for People: www.water4people.org

Sanitation Connection: www.sanicon.net

Office of the High Commissioner for Human Rights: www.unhchr.ch

ACKNOWLEDGEMENTS

Special thanks to those listed below for their valuable input and contribution.

Technical advisers, writers and reviewers:

Jamie Bartram	World Health Organization (WHO)
Robert Bos	World Health Organization (WHO)
Dutima Bhagwandin	Office of the High Commissioner for Human Rights (OHCHR)
Belinda Calaguas	WaterAid
Nico Drager	World Health Organization (WHO)
Hiroki Hashizume	World Health Organization (WHO)
Rio Hada	Office of the High Commissioner for Human Rights (OHCHR)
Asako Hattori	World Health Organization (WHO)
Katie Heller	World Health Organization (WHO)
Guy Howard	Water, Engineering and Development Centre (WEDC)
Malcolm Langford	Centre on Housing Rights and Evictions (COHRE)
Julian Liu	Center for Economic and Social Rights (CESR)
Roger Normand	Center for Economic and Social Rights (CESR)
Helena Nygren-Krug	World Health Organization (WHO)
Lisa Oldring	Office of the High Commissioner for Human Rights (OHCHR)
Nada Osseiran	World Health Organization (WHO)
Federico Properzi	World Health Organization (WHO)
Laurence Haller	World Health Organization (WHO)
Eibe Riedel, Special Adviser	Director, Institute of Medical Law, Bioethics and Public Health, University of Mannheim
Margret Arambulo	Office of the High Commissioner for Human Rights (OHCHR)
Virginia Roaf	WaterAid
Simon Walker	Office of the High Commissioner for Human Rights (OHCHR)

Writer:	Lindsay Knight
Editor:	Gregory Hartl
Cover design & illustration:	Pat Leidl
Layout:	Paprika
Photographs:	P.Virot, WHO photolibrary, WaterAid

WHO'S water, sanitation and health activities aim to reduce water-related disease and optimize the benefits of sustainable water and waste management. Its objectives are to support the health sector in effectively addressing water and waste-related disease burden and in engaging others in its reduction. WSH also assists non-health sectors in understanding and acting on the health impacts of their actions.

Activities carried out by WHO on water, sanitation and health include:

- articulating consistent ethical and evidence-based policy;
- providing technical and policy support for sustainable capacity-building.
- setting, validating, monitoring and guiding the implementation of norms and standards;
- assessing status and trends;
- developing tools and guidelines for disease control and risk reduction;
- stimulating research and development, testing new technologies and comparing performance.

For more information contact:

Water, Sanitation and Health
World Health Organization
20, avenue Appia, CH-1211 Geneva 27
http://www.who.int/water_sanitation_health
E: mail. bartramj@who.int

WHO's health and human rights activities span across the Organization and are focused on the following areas of work:

1. Developing a health and human rights approach within WHO;
2. Supporting governments to integrate human rights in health policies and strategies;
3. Advancing health as a human right and other health-related rights.

For more information contact:

Strategy Unit, Office of the Director-General
World Health Organization
20, avenue Appia, CH-1211 Geneva 27
<http://www.who.int/hhr>
E: mail. nygrenkrugh@who.int

WHO Regional Offices

Africa

WHO
Parirenyatwa Hospital
P.O.Box BE 773
Harare
Zimbabwe
Tel : (+1) 321.733.9244
Fax: (+1) 321.733.9020

BP.6
Brazzaville
Republic of Congo
Tel: (+1242) 839100.001 321 9539100
Fax: (+242) 811939 / 811679 / 001 321 39501

Americas

WHO
525, 23rd Street, N.W.
Washington DC 20037
USA
Tel : (+1-202) 9743000
Fax : (+1-202) 9743663

Europe

WHO
Scherfigsvej
DK-2100 Copenhagen 0
Denmark
Tel: (+45-39) 171717
Fax: (+45-39) 171818

Eastern Mediterranean

WHO Post Office
Abdul Razzak Al Sanhoury Street
(Opposite Children's Library)
Nasr City
Cairo 11371
Egypt
Tel: (+202) 6702535
Fax: (+202) 6702492 or 94

South-East Asia

WHO
Indraprastha Estate
Mahatma Gandhi Road
New Delhi 110002
India
Tel: (+ 91-11) 3317804/09/10/11
Fax: (+ 91-11) 337.01.97/337.93.95

Western Pacific

WHO
P.O.Box 2932
1000 Manila
Philippines
Tel: (+632) 5288001
Fax: (+632) 5211036 or 5360279

Office of the High Commissioner for Human Rights (OHCHR)

The Office of the High Commissioner for Human Rights is the principal organization dealing with the promotion and protection of human rights across the United Nations system. Among its activities related to the right to water, OHCHR:

- provides the Secretariat support to the Committee on Economic, Social and Cultural Rights;
- supports the mandate of the Special Rapporteur on the right to water of the Sub-Commission on the Promotion and Protection of Human Rights, Mr El-Hadji Guissé;
- supports other Special Rapporteurs of the Commission on Human Rights with mandates related to the right to water, including the Special Rapporteurs on the right to adequate housing, on the right to food, and on the right to health;
- promotes the right to water in its work to promote economic, social and cultural rights through research, technical cooperation programmes and through its field offices.

WaterAid

WaterAid is the United Kingdom's only major charity dedicated exclusively to the sustainable provision of safe domestic water, sanitation and hygiene education to the world's poorest people. Its projects are set up by local organizations and managed by the community. WaterAid also seeks to influence governments' water and sanitation policies.

For more information contact:

WaterAid
Prince Consort House
27-29 Albert Embankment
London SE1 7UB, UK
Tel. + 44 (0)20 7793 4500
Fax. + 44 (0)20 7793 4545
E: mail. wateraid@wateraid.org.uk
www.wateraid.org.uk

Centre on Housing Rights and Evictions (COHRE)

COHRE carries out activities in support of the promotion and protection of economic, social and cultural rights, in particular the right to adequate housing and the prevention of the widespread practice of forced evictions. COHRE'S Right to Water Programme is devoted to the protection and promotion of the right to water and sanitation.

For more information contact:

Malcolm Langford
Water Programme Coordinator
Centre on Housing Rights and Evictions
83 rue de Montbrillant
1202 Geneva, Switzerland
Tel: +41.22.733.1126
Fax: +41.22.733.8336
E: mail. langford@cohre.org
www.cohre.org

Center for Economic and Social Rights (CESR)

Established in 1993, the Center for Economic and Social Rights is one of the first organizations to challenge social exclusion and economic injustice as a violation of international human rights law. Through its projects abroad and in the United States, CESR has developed an effective strategy that combines research, advocacy, collaboration, and education. CESR believes that economic and social rights – legally binding on all nations — can provide a universally accepted framework for strengthening social justice activism.

For more information contact:

162 Montague Street, 2nd Floor
Brooklyn, New York 11201
United States
Tel. +1 718 237 9145
Fax. +1 718 237 9147
E: mail. rights@cesr.org
www.cesr.org

“People all over the world have a human right to water as the most fundamental prerequisite for living a life in dignity. Without it, the realization of other human rights is impossible. Since water resources are limited and unevenly distributed, a clear responsibility rests on all States and other public or private non-state actors to secure access to safe, secure, affordable and acceptable, drinking and freshwater resources for all.”

Eibe Riedel
Member of the United Nations Committee on Economic, Social and Cultural Rights



ISBN 92 4 159056 4 ISSN 1684-1700