



The human rights to water and sanitation

Léo Heller

UN Special Rapporteur on the human rights to safe drinking water and
sanitation



What is the role of Special Rapporteur?

Thematic
reports

HRC & GA

Country visits

(two per year)

Communications

(request clarification from the
government on the situation)

Engagement
with actors

1. Thematic reports to Human Rights Council and General Assembly



Annual reports

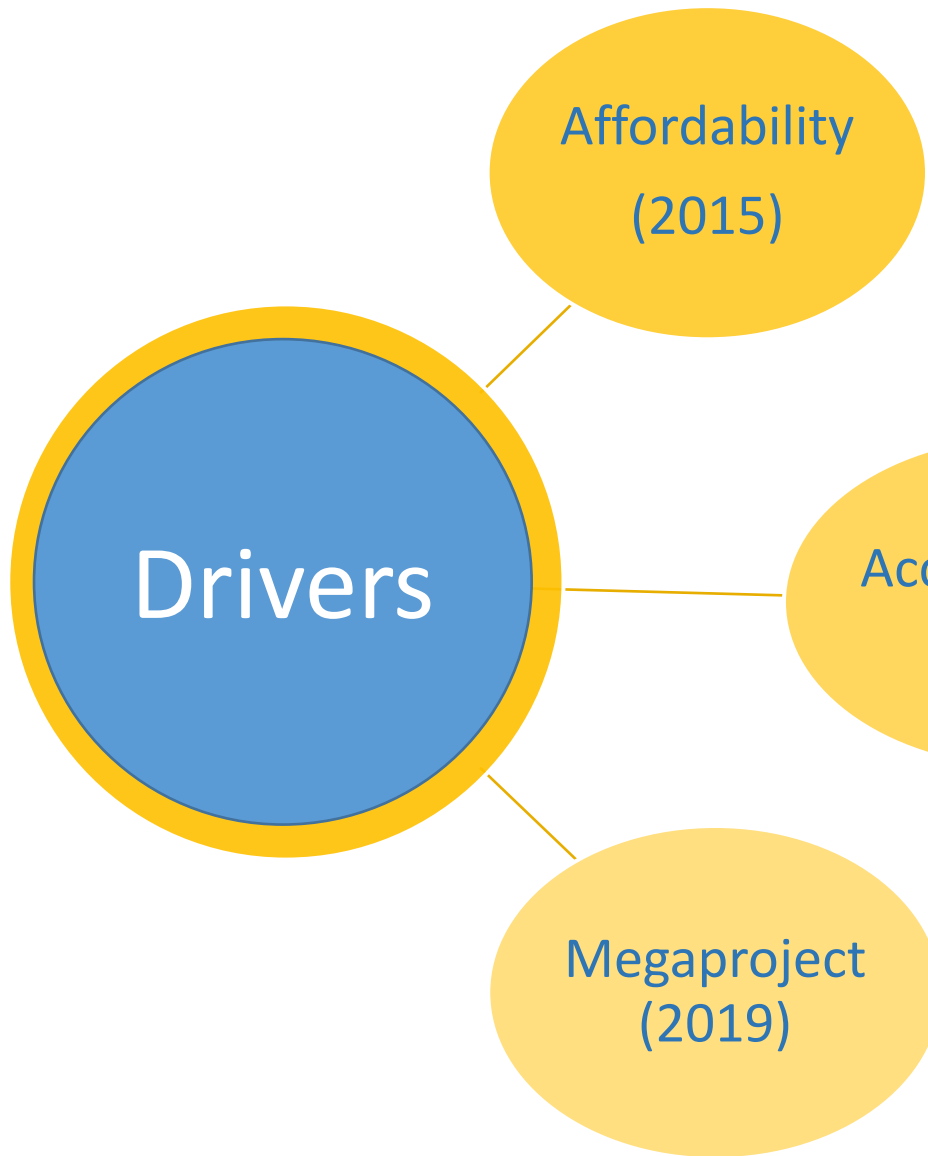
Year	Document number	Title
2018	A/73/162 A C E F R S	Principle of accountability
	A/HRC/39/55 A C E F R S	Forcibly displaced persons
	A/HRC/39/55/Add.1 A C E F R S Hindi (Unofficial translation)	Mission to India
	A/HRC/39/55/Add.3 E	Mission to India: Comments by State
	A/HRC/39/55/Add.2 A C E F R S Mongolian (Unofficial translation)	Mission to Mongolia
2017	A/72/127 A C E F R S	Development cooperation
	A/HRC/36/45 A C E F R S Portuguese (unofficial translation)	Service regulation



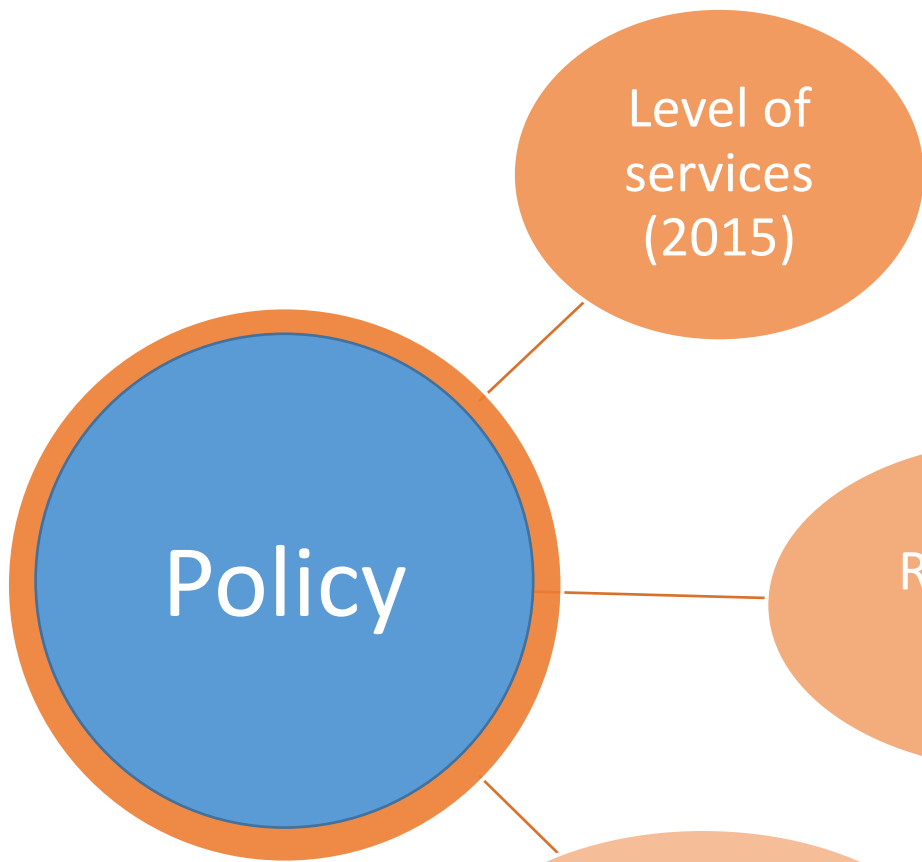
- Using HR as an analytical lens to identify situations or phenomena that can influence the realization of the rights

- Interpretation of how the political and institutional arrangement can influence the realization of the HR

- Groups more affected by insufficient water and sanitation services



- People who cannot afford water and sanitation services or spend too much on those services
- The complexity of actors in the water and sanitation sector and its specificities imply that the traditional State-centred human rights framework leaves gaps in the existing accountability mechanisms.
- Mega-projects or large-scale projects may have a profound impact – both negative and positive - and consequences on the environment and the society, particularly on the human rights to water and sanitation.



Level of services (2015)

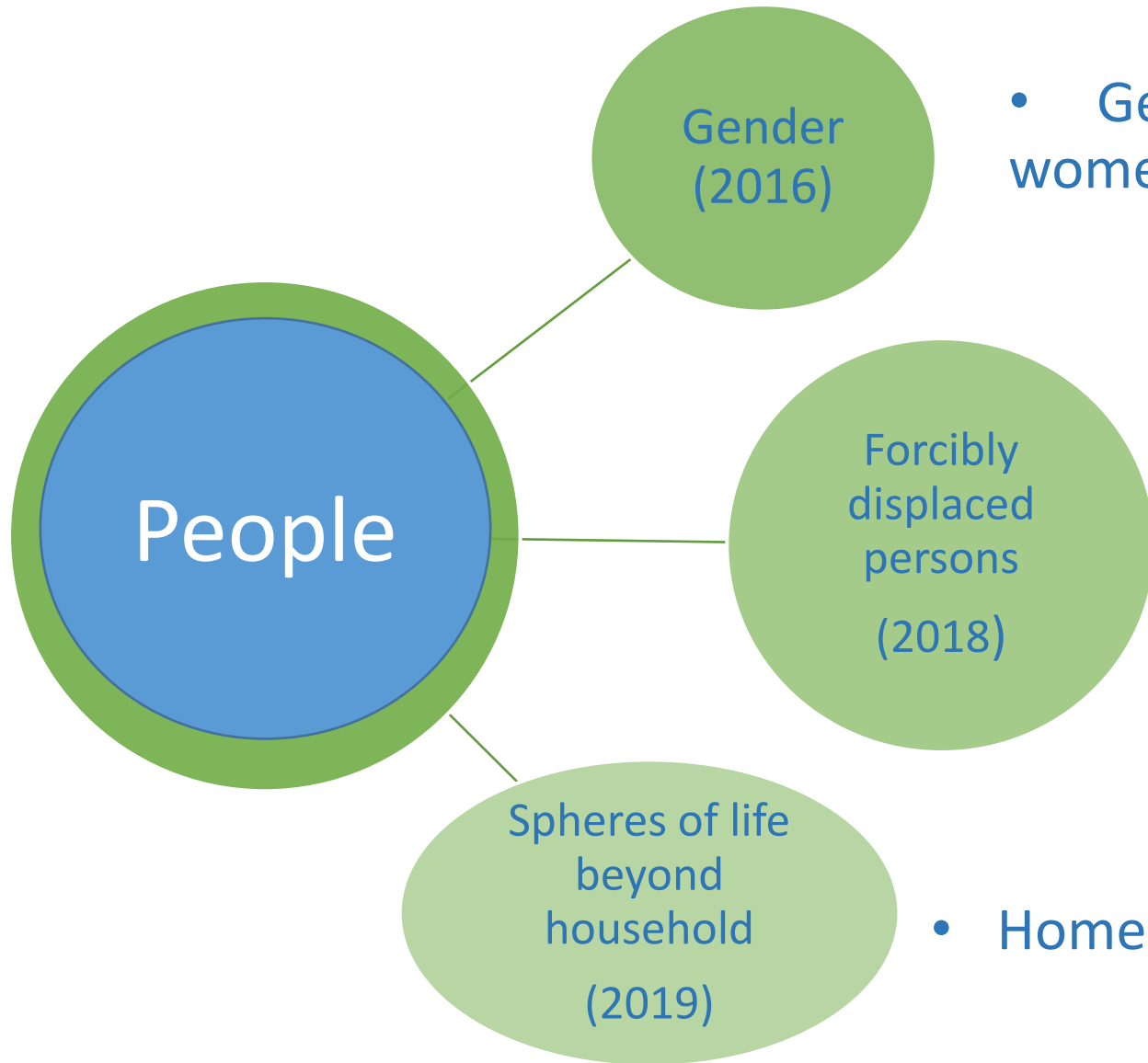
- The selection of type of service and management model for a given location must be assessed in the light of the human rights standards.

Regulation (2017)

- The regulatory framework's objectives, activities and norms should be derived from the human rights framework.

Development cooperation (2016, 2017)

- The human rights framework should be incorporated in all development policies, programmes and projects



- Gender aspects, looking at specific needs of women and girls

- Refugees, migrants, IDPs, stateless

- Homelessness, people on 'daily move'

2. Country visits



India

Statement at the conclusion of the visit (in English and in Hindi)



Mongolia

Statement at the conclusion of the visit (in English and in Mongolian)



Tajikistan

Statement at the conclusion of the visit (in English | Tajik)



Kenya

Statement at the conclusion of the visit (in English)



Portugal

Statement at the conclusion of the visit (in English)



Mexico

Statement at the conclusion of the visit (in English) and (in Spanish)



Jordan

Statement at the conclusion of the visit (in English)



Brazil

Statement at the conclusion of the visit (in English)



El Salvador

Statement at the conclusion of the visit (in Spanish)



Botswana

Statement at the conclusion of the visit (in English)



Thailand

Statement at the conclusion of the visit (in English)



Tuvalu and Kiribati

Statement at the conclusion of the visit: Kiribati
Statement at the conclusion of the visit: Tuvalu (in English)

Tajikistan (4 to 12 August 2015,
[A/HRC/33/49/Add.2](#))

Botswana (9 to 17 November 2015,
[A/HRC/33/49/Add.3](#))

El Salvador (11 to 18 May 2016,
[A/HRC/33/49/Add.1](#))

Portugal (5 to 13 December 2016,
[A/HRC/36/45/Add.1](#))

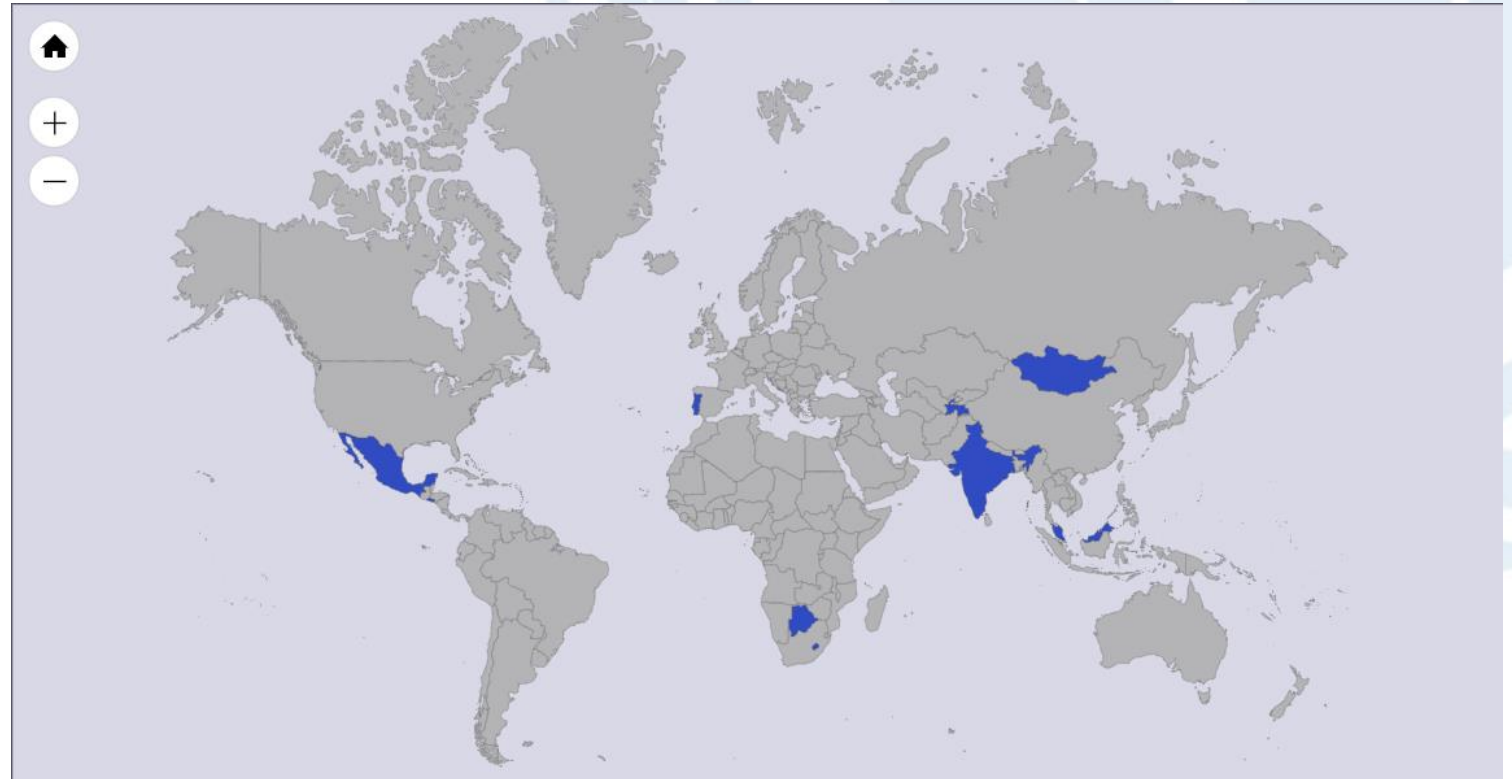
Mexico (2 to 12 May 2017,
[A/HRC/36/45/Add.2](#))

India (27 October to 10 November 2017,
A/HRC/39/55/Add.1, report forthcoming)

Mongolia (9 to 20 April 2018,
A/HRC/39/55/Add.2, report forthcoming)

Malaysia (dates confirmed for 21
November to 4 December 2018)

Lesotho (dates confirmed for 4 to 15
February 2019)



Follow-up analysis to country visits



Botswana

9 to 17 November 2015



Tajikistan

4 to 12 August 2015



El Salvador

11 to 18 May 2016



Portugal

5 to 13 December 2016



Mexico

2 to 12 May 2017

3. Communication letters

Special Procedures may issue communications to duty-bearers (States and other entities such as business corporations) to address alleged human rights violations and other situations of concern to human rights.

- Confidentiality
- Consent
- Credibility of information
- Global coverage
- Strategy of the communication by SR



What is the legal foundation of the HRtWS?

Legal basis for the human rights to water and sanitation

- Universal Declaration of Human Rights (art. 25(1)), 1948
- International Covenant on Economic, Social and Cultural Rights (art. 11), 1966/76
- Convention on the Rights of the Child (art. 24(2)(h))
- Convention on the Elimination of All Forms of Discrimination against Women (art. 14(2)(h))
- Convention on the Rights of Persons with Disabilities (art. 18 (2)(a))
- General Comment 15, 2002
- UN General Assembly and Human Rights Council resolutions 64/292 and 15/9 (2010), respectively
- UNGA Resolution 70/169, 2015





What is the human right to water?

The **human right to water** ensures everyone, without discrimination, to have (water):

**Sufficient
(Available)**

**Physically
accessible**

Affordable

**Safe
(Quality)**

Acceptable

water for personal and domestic use

in homes, schools, hospitals, detention facilities
and public areas

Availability

Personal and domestic use

Continuous availability

Sufficient quantity

Accessibility

Distance

Time

Safe physical access

Design that ensure access and use

Affordability

Capacity to pay for other basic good and services

No arbitrary disconnection

Direct and indirect costs

Quality/safety

Free from harmful chemicals

Free from harmful microorganisms

Free from radiological hazards

Acceptability

Odor, color, taste

Acceptable for intended use

A faint, stylized laurel wreath is visible in the background, rendered in a lighter shade of blue than the main background. The wreath consists of two branches of leaves that curve upwards and meet at the top.

What is the human right to sanitation?

The **human right to sanitation** entitles everyone, without discrimination, to have access to services that are

Available

**Physically
accessible**

Affordable

**Safe,
hygienic,
secure**

**Provides
privacy and
ensures
dignity**

Availability

- Continuous and reliable
- Sufficient number of facilities

Accessibility

- Distance
- Safe physical access
- Design that ensure access and use

Affordability

- Capacity to pay for other basic good and services
- No arbitrary disconnection
- Construction, emptying, maintenance treatment
- Services and facilities (menstrual hygiene management)

Quality/safety

- No contact with excreta
- Menstrual hygiene management
- Technical safety (stability)
- No manual emptying/Safe treatment
- Handwashing

Acceptability

- Dignity/privacy
- Cultural social (design)

Human rights principles

Equality and non-discrimination

- Everyone is equal before the law; prohibition of arbitrary differences of treatment

Participation and inclusion

- Every person is entitled to active, free and meaningful participation in and contribution to decision-making processes affecting them

Accountability

- State and other duty-bearers should be accountable for the fulfillment of their obligations

Progressive realization and maximum use of available resources

- All States must take appropriate measures towards the full realization of economic, social and cultural rights to the maximum of their available resources

A faint, light blue laurel wreath is visible in the background, centered behind the text. The wreath consists of two branches of laurel leaves, one on the left and one on the right, curving upwards and meeting at the top.

What is the relationship between the human rights to water and sanitation and the SDG?

“A world where we reaffirm our commitments regarding the human right to safe drinking water and sanitation and where there is improved hygiene” (Transforming Our World)





Target 6.1: Achieve universal equitable access to safe affordable drinking water for all

Indicator 6.1.1: Percentage of population using safely managed drinking water services

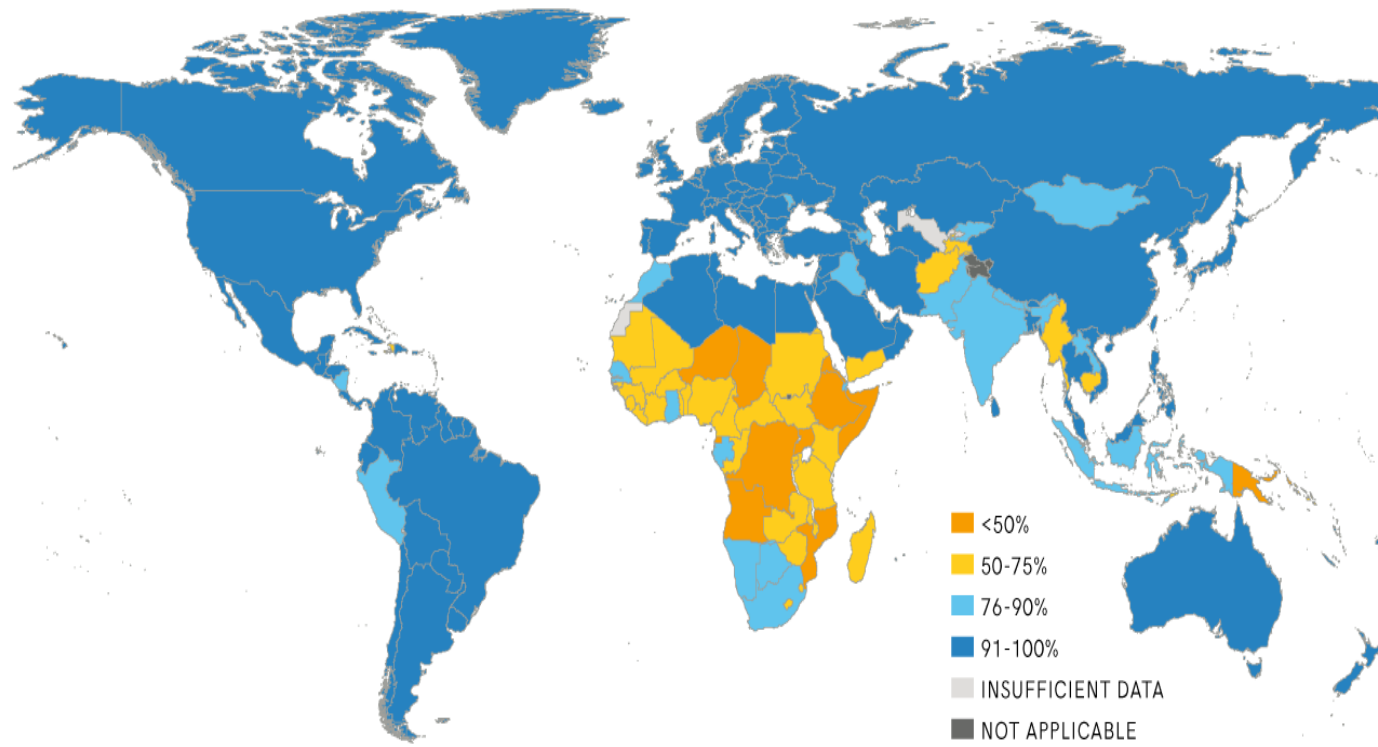
Target 6.2: Achieve access to adequate and equitable sanitation and hygiene for all and end open defecation paying special attention to the needs of women and girls and those in vulnerable situations

Indicator 6.2.1: Proportion of population using safely managed sanitation services, including handwashing facility with soap and water

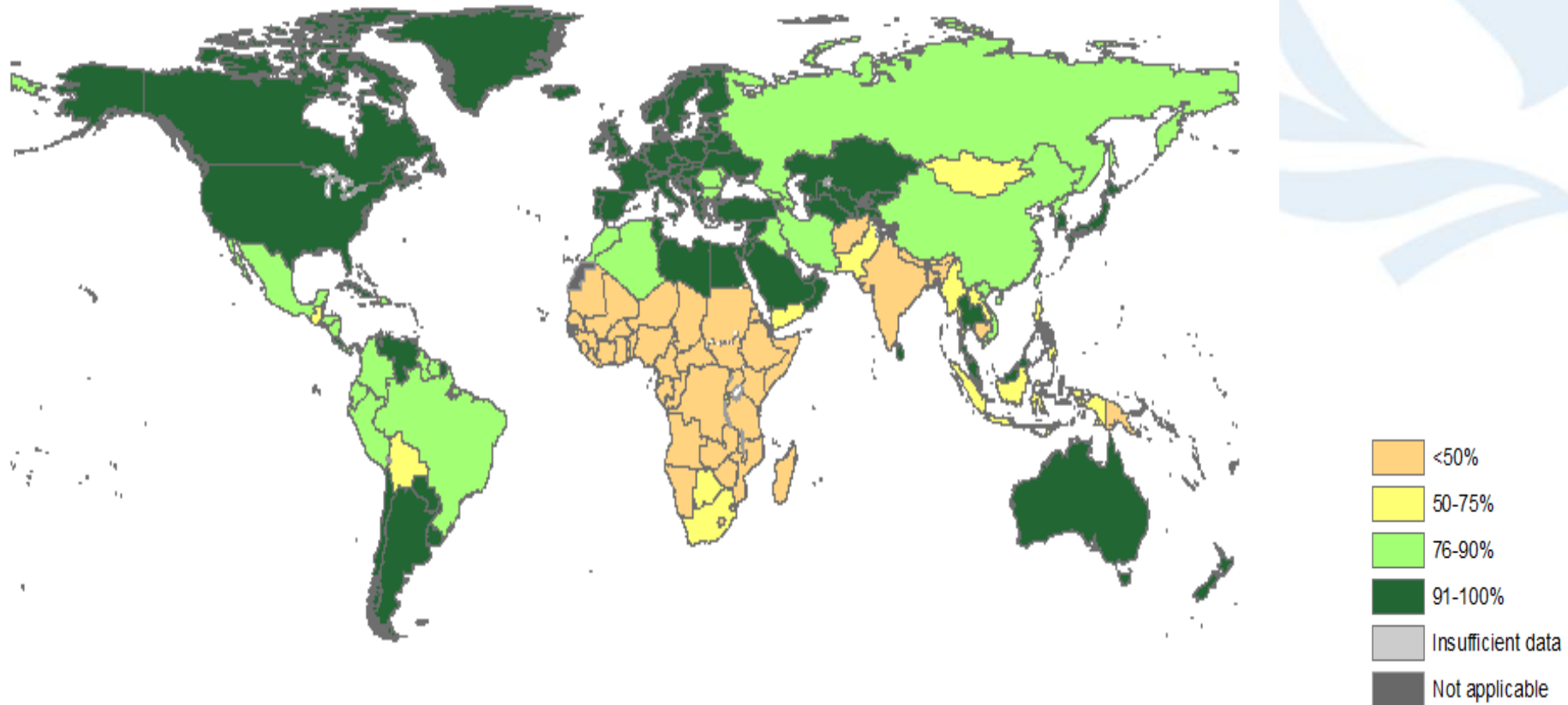
Incorporating disaggregated indicators

1. Wealth quintile analysis
 2. Geographic disparities
 - a) rural-urban
 - b) intra-urban
 3. Group-related inequalities (e.g. based on race, ethnicity and migratory status)
 4. Intra-household inequalities (e.g. based on sex, age and disability)
- Service provision must also be monitored in institutions, the workplace and public spaces

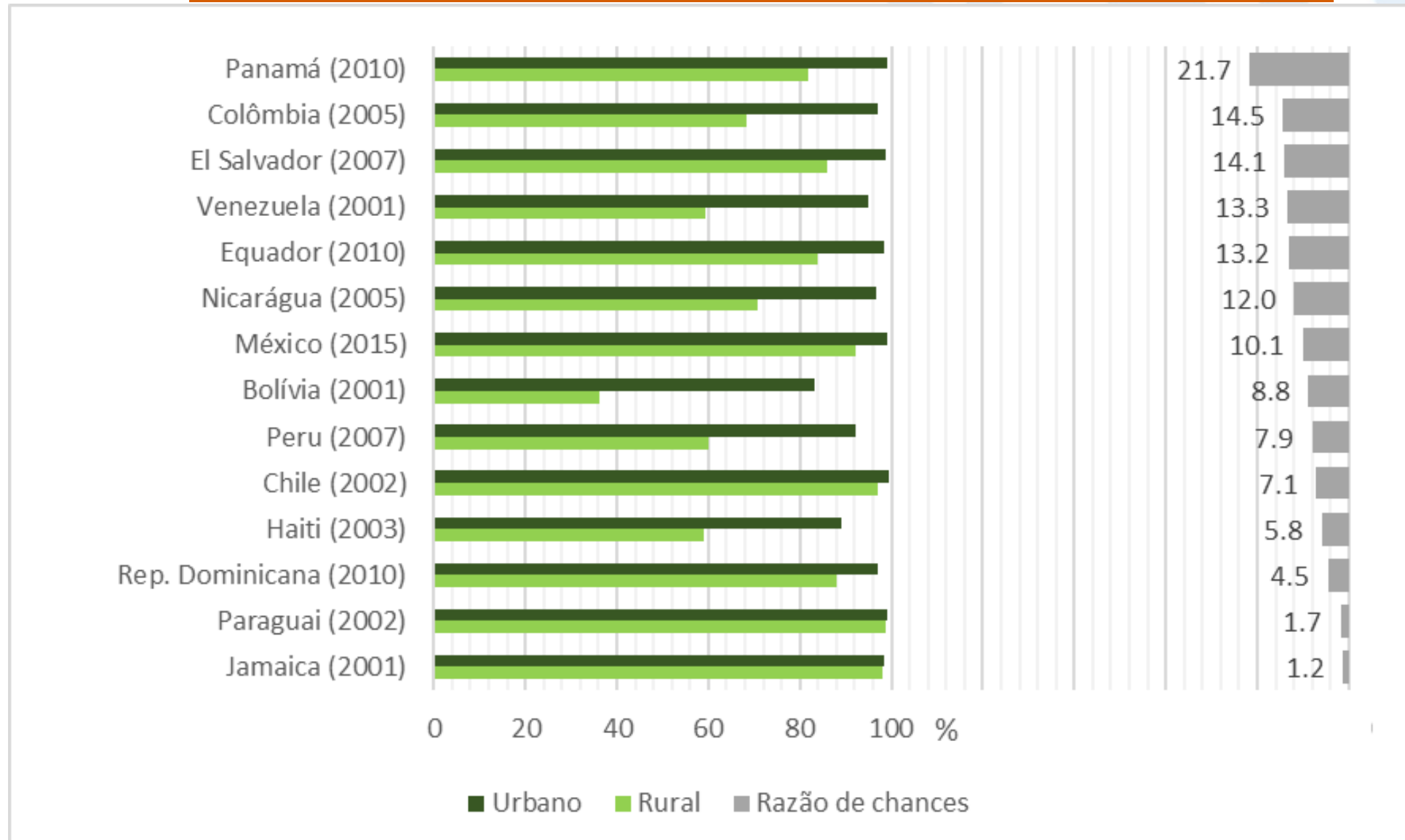
Proportion of population using at least basic drinking water services, 2015



Proportion of population using at least basic sanitation services, 2015

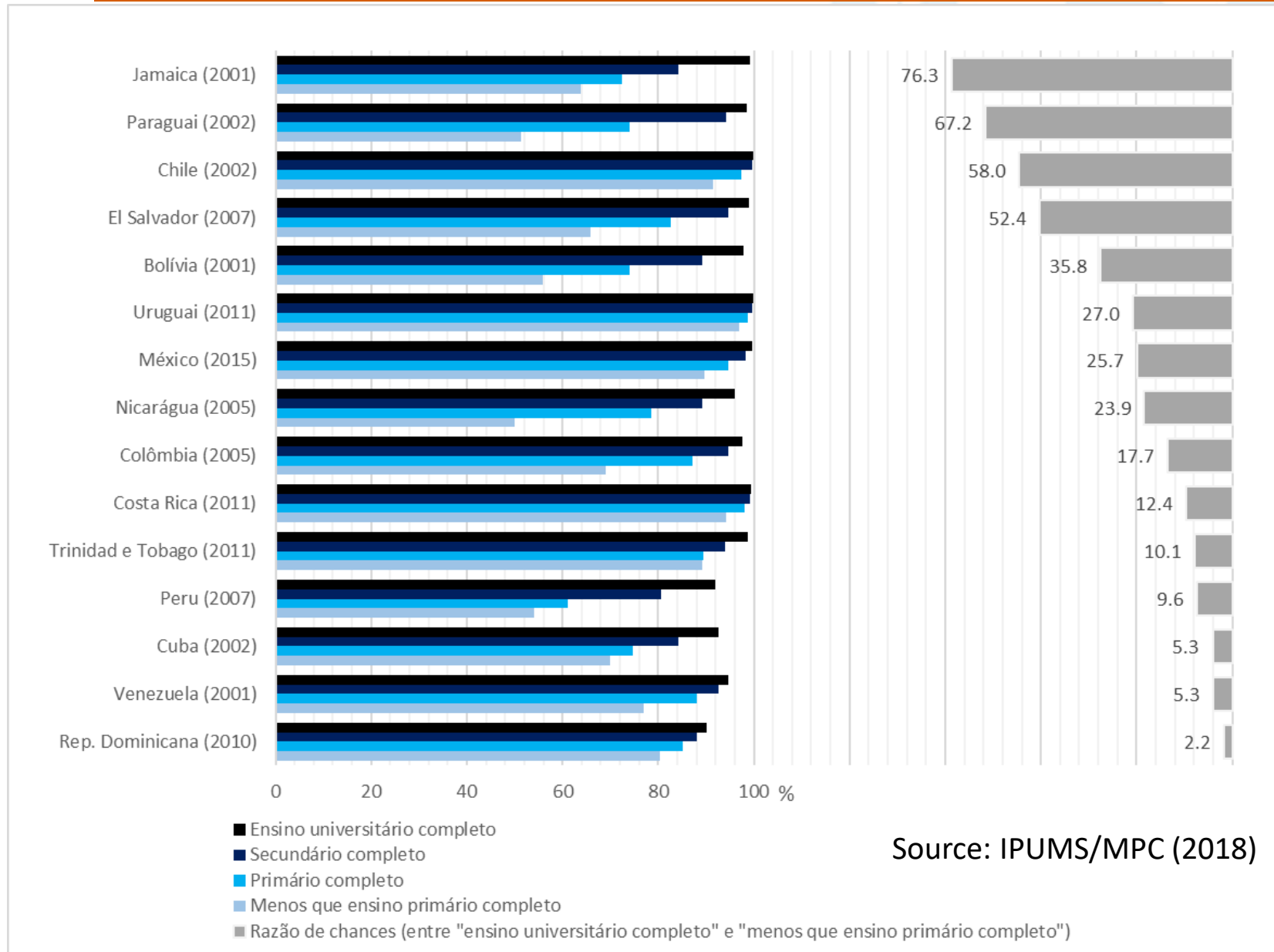


Access to toilet by Rural-Urban Status (%)



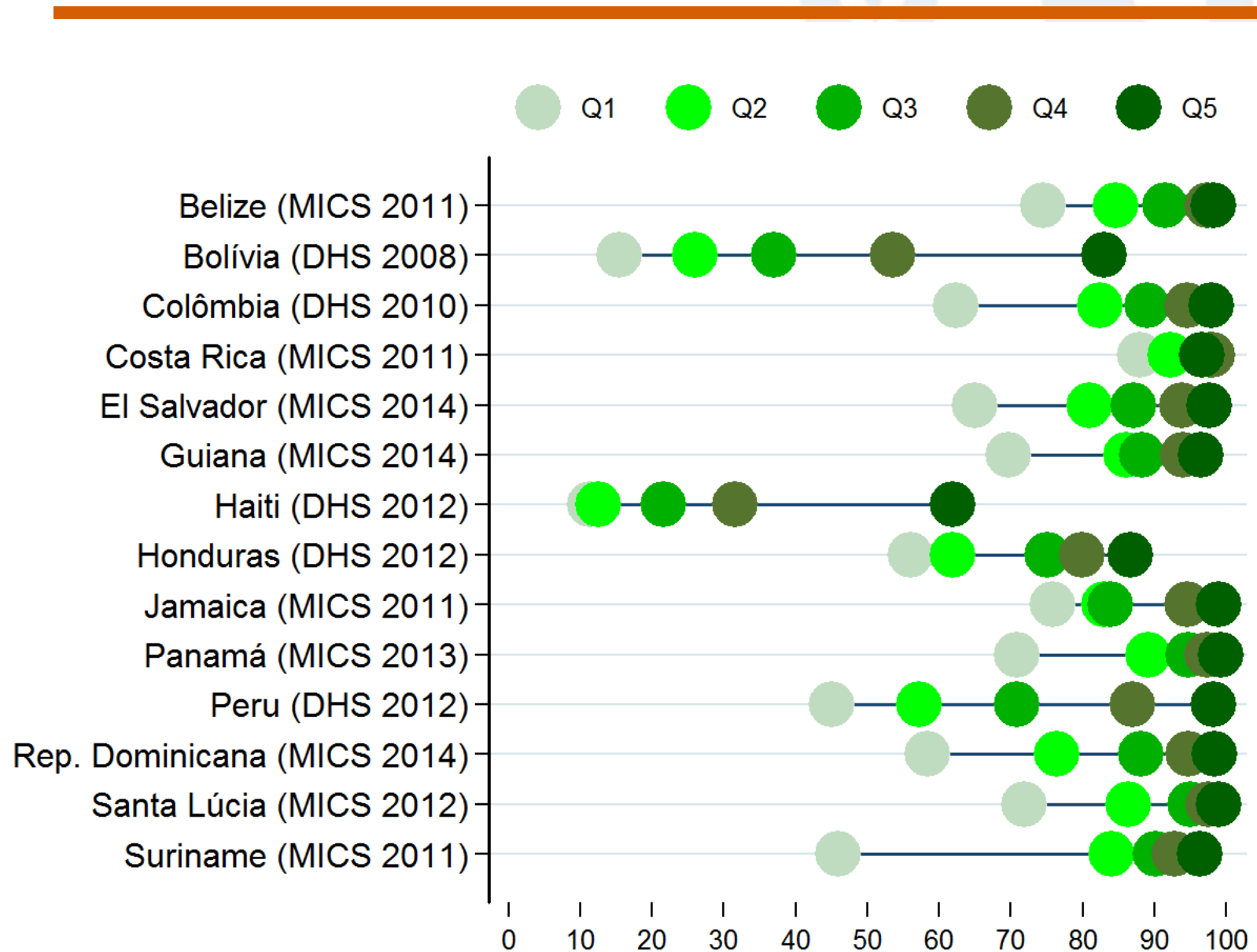
Source: IPUMS/MPC (2018)

Access to piped water by Educational Attainment of Household Head Status (%)



Source: IPUMS/MPC (2018)

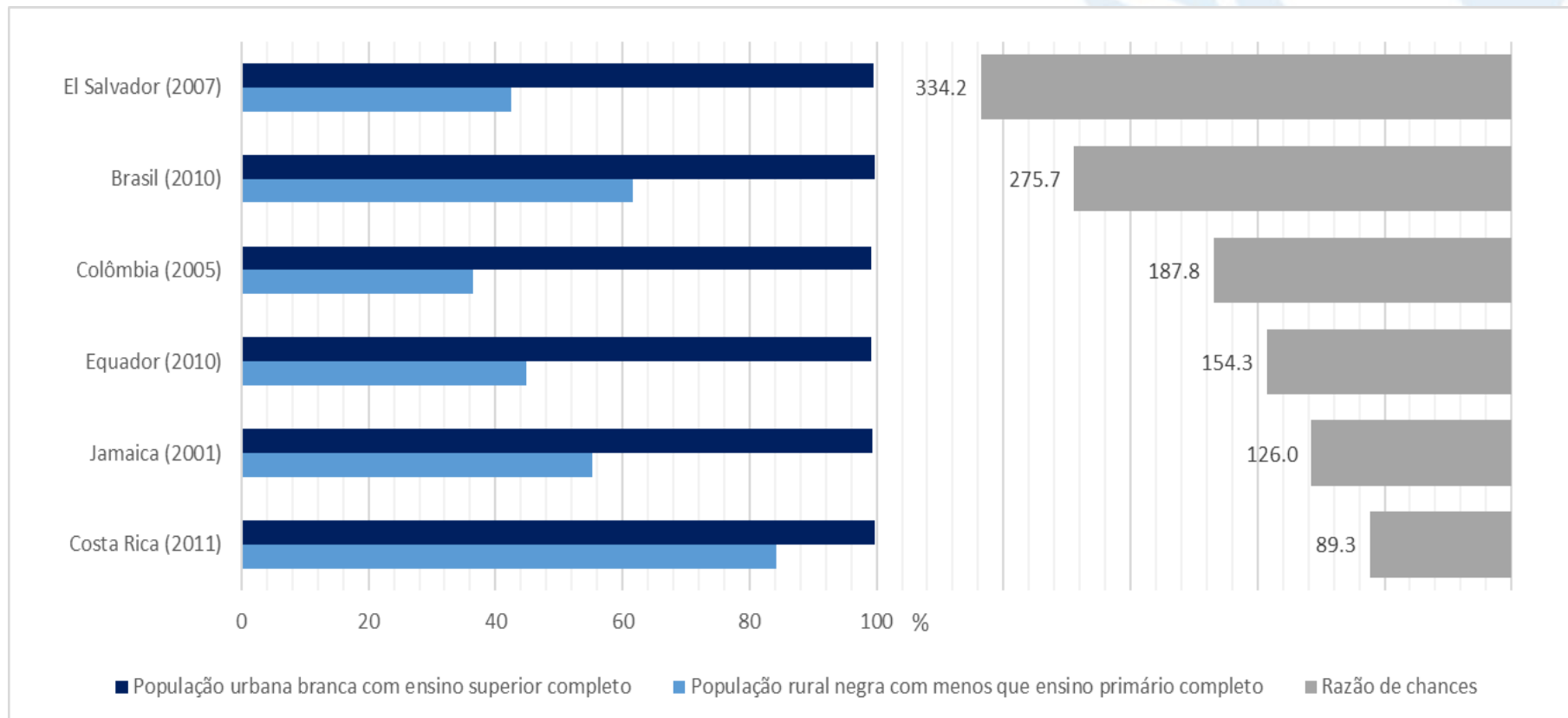
Access to “at least basic” services of sanitation by wealth quintiles



Source: IPUMS/MPC (2018)

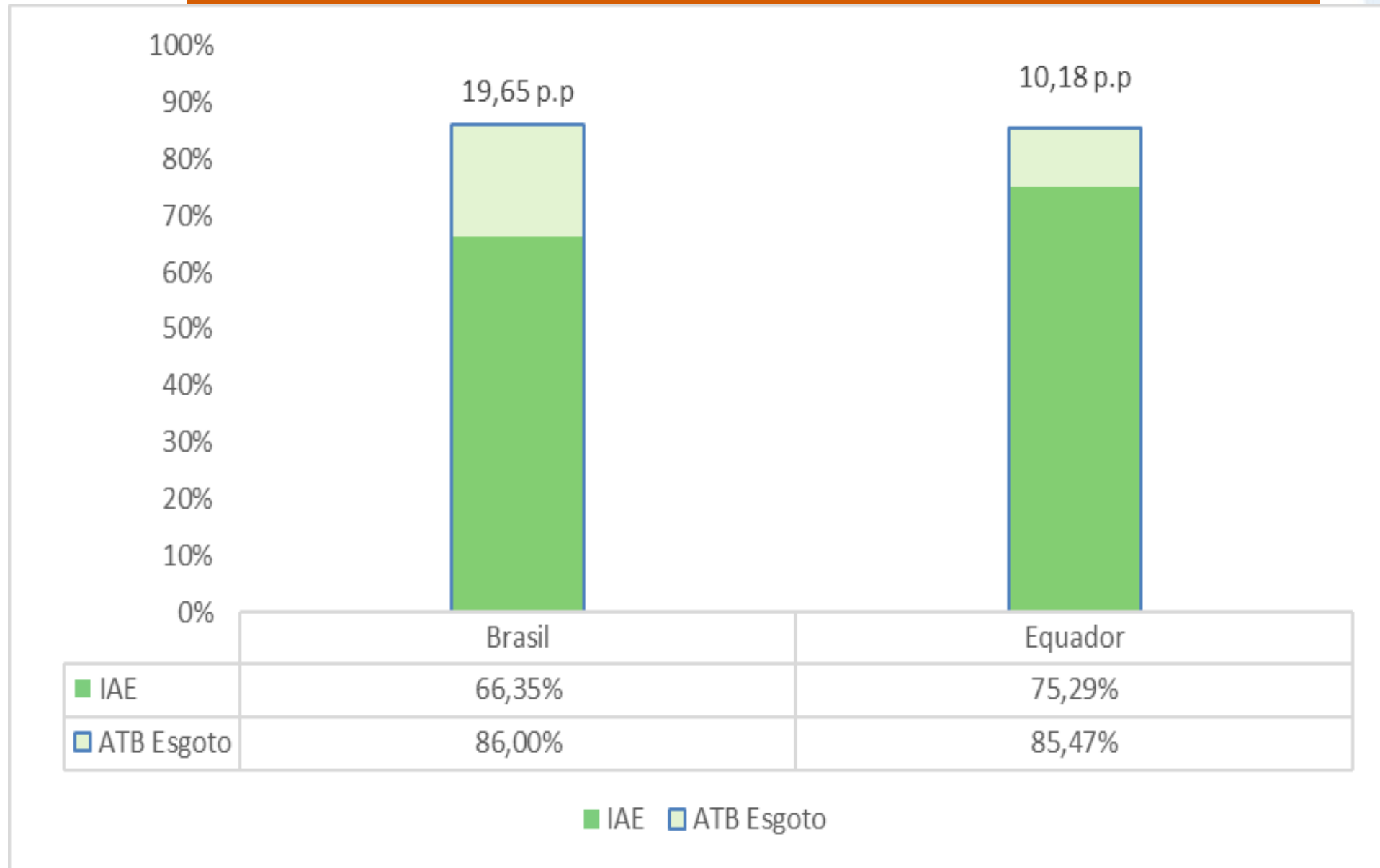
MULTIPLE LAYERS OF INEQUALITY

Access to piped water by
White urban population with complete higher education
X
Black rural population with less than complete primary education

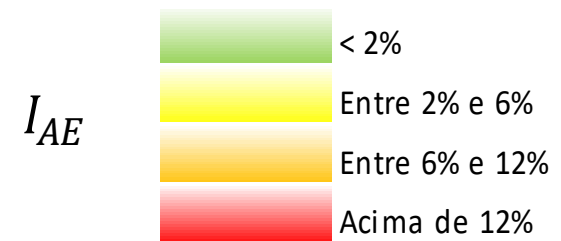


Source: IPUMS/MPC (2018)

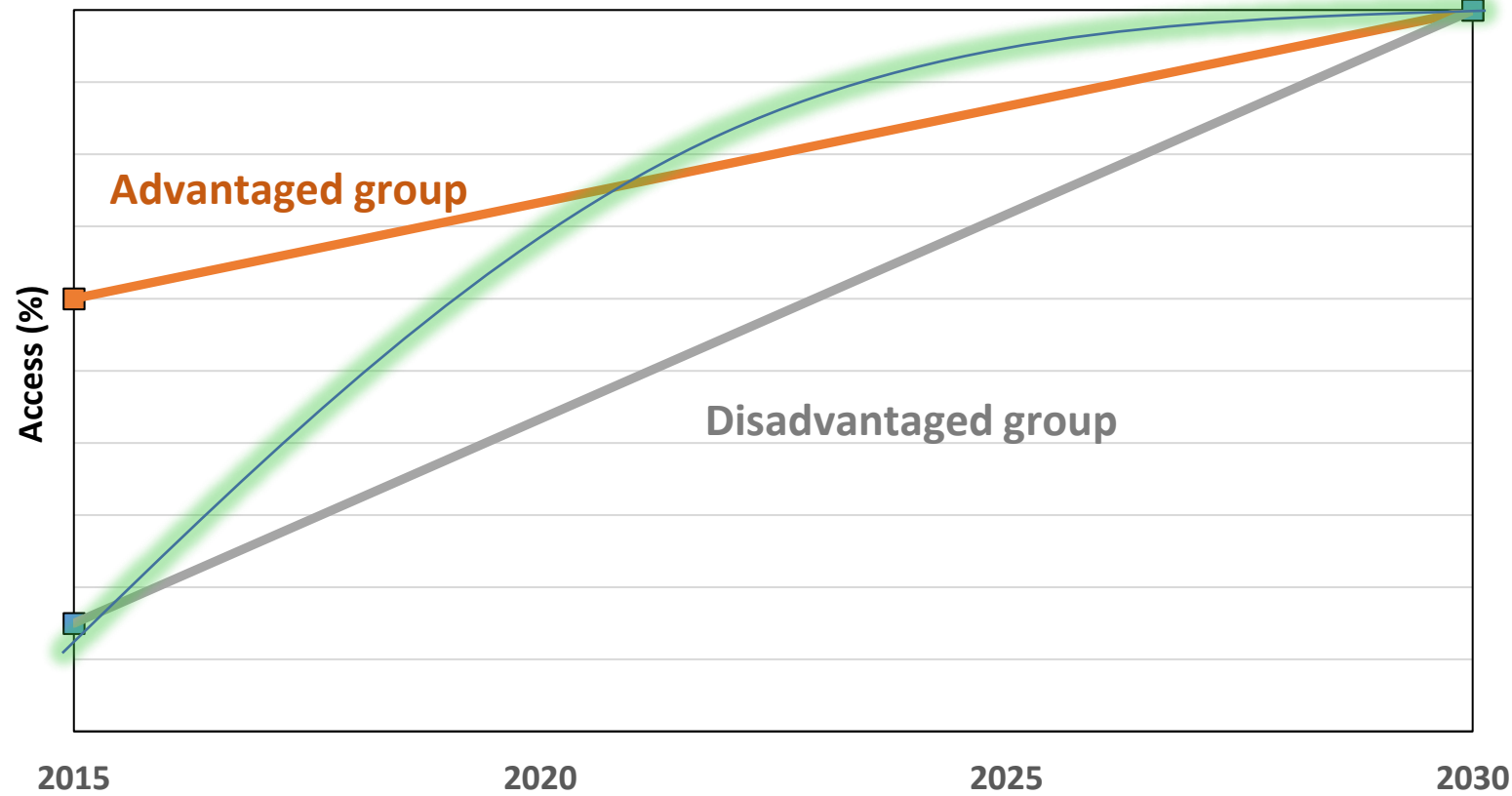
Example: “At least basic” sanitation services Access Adjusted by Inequality



AFFORDABILITY



Progressive elimination of inequalities



For further information...



English > Your Human Rights > WaterAndSanitation > SRWater

Arabic | French | Spanish

Special Rapporteur on the human rights to safe drinking water and sanitation

Introduction

Having access to safe drinking water and sanitation is central to living a life in dignity and upholding human rights. Yet billions of people still do not enjoy these fundamental rights. The rights to water and sanitation require that these are available, accessible, safe, acceptable and affordable for all without discrimination. These elements are clearly interrelated. While access to water may be guaranteed in theory, in reality, if it is too expensive, people do not have access. Women will not use sanitation facilities which are not maintained or are not sex segregated. Having a tap which delivers unsafe water does not improve one's access. Human rights demand a holistic understanding of access to water and sanitation. The rights to water and sanitation further require an explicit focus on the most disadvantaged and marginalized, as well as an emphasis on participation, empowerment, accountability and transparency.

The mandate of the Special Rapporteur on the human rights to safe drinking water and sanitation was established to examine these crucial issues and provide recommendations to Governments, to the United Nations and other stakeholders. Mr. Léo Heller was appointed in November 2014, and began his work on the mandate on 1 December 2014.

Announcement

News Call for input – visit to Mongolia (9 to 20 April 2018)

Latest news

[Latin America and Caribbean urgently need strong, legally binding treaty on environmental rights, say UN experts](#)
27 November 2017

[For World Toilet Day, "Sanitation is a Human Right"](#) on 19 November
16 November 2017

[More press releases and statements](#)

[Archived news](#)
(over 3 years old)

Special Rapporteur

Mr. Léo Heller
(Brazil) since 2014

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- [Gender Equality](#)
- [Development Cooperation](#)
- [Different levels and types of services](#)
- [Affordability](#)

See also

- [International Standards](#)
- [Documents](#)



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