



# General Assembly

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## Human Rights Council

Thirty-third session

Agenda item 3

### Resolution adopted by the Human Rights Council on 29 September 2016

#### **33/10. The human rights to safe drinking water and sanitation**

*The Human Rights Council,*

*Guided by the purposes and principles of the Charter of the United Nations,*

*Reaffirming* all previous relevant resolutions of the Human Rights Council, inter alia resolutions 7/22 of 28 March 2008, 12/8 of 1 October 2009, 15/9 of 30 September 2010, 16/2 of 24 March 2011, 18/1 of 28 September 2011, 21/2 of 27 September 2012, 24/18 of 27 September 2013 and 27/7 of 2 October 2014,

*Recalling* General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized the human right to safe drinking water and sanitation as essential for the full enjoyment of the right to life and all other human rights,

*Recalling also* General Assembly resolution 70/169 of 17 December 2015, in which the Assembly recognized the rights to safe drinking water and sanitation as human rights that are essential for the full enjoyment of the right to life and all other human rights, and recalling also all resolutions by the Assembly relevant to the full realization of the human rights to safe drinking water and sanitation,

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

*Recalling* the Vienna Declaration and Programme of Action, which reaffirms that all human rights are universal, indivisible, interdependent and interrelated, including the right to development,

*Welcoming* the adoption of the 2030 Agenda for Sustainable Development,<sup>1</sup> including Goal 6 on ensuring the availability and sustainable management of water and

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<sup>1</sup> General Assembly resolution 70/1.

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sanitation for all, which comprises important targets relating to the human rights to safe drinking water and sanitation as well as hygiene, and acknowledges the need for an integrated approach to Goal 6 that reflects the interlinkages between achieving access to safe drinking water, sanitation and hygiene, while also striving to improve the quality and safety of water, to reduce the number of people suffering from water scarcity and to ensure attention to the needs of women and girls,

*Affirming* that attention to realizing the human rights to safe drinking water and sanitation and other related human rights will advance efforts by Member States to achieve several other Sustainable Development Goals, including those relating to adequate housing, education, health and gender equality,

*Noting* the relevant commitments and initiatives promoting the human rights to safe drinking water and sanitation made at the 2014 high-level meeting of the Sanitation and Water for All partnership and in the Ngor Declaration on Sanitation and Hygiene, adopted at the fourth African Conference on Sanitation and Hygiene, in 2015, the Dhaka Declaration, adopted at the sixth South Asian Conference on Sanitation, in 2016, the Lima Declaration, adopted at the fourth Latin American and Caribbean Conference on Sanitation, in 2016, and the Dar es Salam road map for achieving the Ngor commitments on water security and sanitation in Africa, adopted at the sixth Africa Water Week, in 2016,

*Deeply concerned* that the world missed meeting the sanitation component of Millennium Development Goal 7 by almost 700 million people, and that more than 2.4 billion people still do not have access to improved sanitation facilities, including more than 946 million people who, as at 2015, still practise open defecation, which is one of the clearest manifestations of poverty and extreme poverty,

*Deeply concerned also* that the lack of access to water and sanitation and hygiene underlies severe human costs such as poor health and high mortality rates, and major economic losses, and affirming that affordability, accessibility and availability, as human rights criteria, require that the use of water, sanitation and hygiene facilities and services is accessible at a price that is affordable to all people,

*Deeply concerned further* that women and girls often face particular barriers in their access to water and sanitation, which are exacerbated in humanitarian crises, and that they shoulder the main burden of collecting household water in many parts of the world, which restricts their time for other activities, such as education and leisure for girls or earning a livelihood for women,

*Deeply concerned* that the lack of access to adequate water and sanitation services, including for menstrual hygiene management, especially in schools, contributes to reinforcing the widespread stigma associated with menstruation, which negatively affects gender equality and women's and girls' enjoyment of human rights, including the right to education and the right to health,

*Deeply concerned also* that women and girls are particularly at risk of and exposed to attacks, sexual and gender-based violence, harassment and other threats to their safety while collecting household water and when accessing sanitation facilities outside their homes, or practicing open defecation,

*Reaffirming* the responsibility of States to ensure the respect, promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

*Recalling* the understanding by the Committee on Economic, Social and Cultural Rights and the Special Rapporteur on the human right to safe drinking water and sanitation that the rights to safe drinking water and sanitation are closely related, but have features

that warrant distinct treatment in order to address specific challenges in their implementation, that sanitation too often remains neglected if not addressed as a separate right, and that both rights are components of the right to an adequate standard of living,

*Recalling also* that the human rights to safe drinking water and sanitation are derived from the right to an adequate standard of living and are inextricably related to the right to the highest attainable standard of physical and mental health, and to the right to life and human dignity,

*Reaffirming* the importance of eliminating discrimination and inequalities in the enjoyment of the human rights to safe drinking water and sanitation on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds, and with a view to eliminating discrimination and inequalities based on factors such as rural-urban disparities, substandard housing, income levels or other relevant considerations,

*Affirming* the importance of national programmes and policies in ensuring the progressive realization of the human rights to safe drinking water and sanitation,

*Affirming also* the importance of regional and international technical cooperation, where appropriate, as a means to promote the progressive realization of the human rights to safe drinking water and sanitation, without any prejudice to questions of international water law, including international watercourse law,

*Recognizing* the important role that civil society plays at the local, national, regional and international levels in facilitating the achievement of the purposes and principles of the United Nations, fundamental freedoms and human rights, including the human rights to safe drinking water and sanitation,

*Recalling* Human Rights Council resolutions 5/1, on institution-building of the council, and 5/2, on the Code of Conduct for special procedure mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the recognition by the General Assembly of the human rights to safe drinking water and sanitation as components of the right to an adequate standard of living and essential for the full enjoyment of the right to life and all human rights;

2. *Also welcomes* the recognition by the General Assembly that the human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use, and that the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living;

3. *Affirms* that the human rights to safe drinking water and sanitation are closely related, but have features that warrant distinct treatment in order to address specific challenges in their implementation, while recognizing the relevance of all previous Human Rights Council resolutions on the topic and the importance of the work of the previous and current Special Rapporteur on the human right to safe drinking water and sanitation;

4. *Takes note with appreciation* of the annual report of the Special Rapporteur submitted to the Human Rights Council at its thirtieth session on access to affordable water

and sanitation services,<sup>2</sup> and the annual report submitted to the Council at its thirty-third session on gender equality in the realization of the human rights to water and sanitation;<sup>3</sup>

5. *Also takes note with appreciation* of the annual report of the previous mandate holder submitted to the General Assembly at its sixty-ninth session on the right to participation in the context of realizing the right to safe drinking water and sanitation<sup>4</sup> and the annual report of the current Special Rapporteur submitted to the General Assembly at its seventieth session on the human rights framework for water, sanitation and hygiene and the relevant human rights standards and principles that serve to assess different levels and types of services;<sup>5</sup>

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

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

8. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, including the human rights to safe drinking water and sanitation, and in this regard of judicial, quasi-judicial and other appropriate remedies, including procedures initiated by or on behalf of individuals or, as appropriate, groups of individuals, and of adequate procedures to avoid infringements of such rights with a view to ensuring justice for all for violations in the context of the realization of the rights to water and sanitation as components of the right to an adequate standard of living, including taking the measures necessary to ensure that women and girls and persons at risk have equal access to effective remedies;

9. *Notes with concern* that, in spite of all efforts, gender inequalities still exist in the realization of the human rights to safe drinking water and sanitation, and therefore calls upon States:

(a) To identify, with a view to repealing and reforming them, all laws that have both direct and indirect discriminatory consequences with regard to the equal enjoyment of the human rights to safe drinking water and sanitation, and with regard to gender-based violence;

(b) To take action to tackle systemic inequalities and to meet their obligations to effectively achieve substantive gender equality in the enjoyment of the rights to safe drinking water and sanitation, including through the implementation of targeted gender-responsive policies, budgets and measures that go beyond enacting formal provisions;

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<sup>2</sup> A/HRC/30/39.

<sup>3</sup> A/HRC/33/49.

<sup>4</sup> A/69/213.

<sup>5</sup> A/70/203.

(c) To prevent and combat the root causes of gender inequalities, including the impact of social norms, stereotypes, roles and taboos with regard to both women and men, through public campaigns, education and the media, among other measures;

(d) To consider that gender-based inequalities are exacerbated when coupled with other grounds of discrimination and disadvantages, and therefore to use an “intersectionality lens” in policy initiatives so that priority is given to and measures are taken, as necessary, for those most disadvantaged in the enjoyment of their rights to water and sanitation, including women and girls;

(e) To increase collaboration between the water, sanitation and hygiene sector and other sectors, including the education, employment and health sectors, and to address inequalities on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any grounds, with a view to progressively eliminating inequalities in a comprehensive manner;

(f) To develop water, sanitation and hygiene approaches, programmes and policies that enable the meaningful participation of women and girls at all stages of planning, decision-making, implementation, monitoring and evaluation;

10. *Welcomes* the work of the Special Rapporteur on the human right to safe drinking water and sanitation, the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for his thematic reports and the undertaking of country missions;

11. *Decides* to extend the mandate of the current mandate holder as Special Rapporteur on the human rights to safe drinking water and sanitation for a period of three years, and encourages the Special Rapporteur to promote the full realization of the human rights to safe drinking water and sanitation, in accordance with the mandate set out in Human Rights Council resolutions 7/22 and 16/2, and in accordance with all other relevant resolutions on this matter;

12. *Encourages* the Special Rapporteur to continue to contribute to the implementation of the 2030 Agenda for Sustainable Development, in particular Goal 6, with special regard to the full realization of the human rights to safe drinking water and sanitation for all;

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

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

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

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

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

*39th meeting  
29 September 2016*

[Adopted by a recorded vote of 42 to 1, with 4 abstentions. The voting was as follows:

*In favour:*

Albania, Algeria, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Ethiopia, France, Georgia, Germany, Ghana, India, Indonesia, Latvia, Maldives, Mexico, Mongolia, Morocco, Namibia, Netherlands, Panama, Paraguay, Philippines, Portugal, Qatar, Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

*Against:*

Kyrgyzstan

*Abstaining:*

El Salvador, Kenya, Nigeria, Russian Federation]

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