



# Human Rights-Based Approach to the Human Rights to Water and Sanitation



# Who is WaterLex?

## Our Vision

A world where there is sustainable use and access to safe water and sanitation for all

## Our Mission

To secure the human rights to water and sanitation through law and policy reform

## THE HUMAN RIGHTS TO WATER AND SANITATION

AN ANNOTATED SELECTION OF INTERNATIONAL  
AND REGIONAL LAW AND MECHANISMS





# International ESCR Framework:

- 1966 **ICESCR** Covenant on Economic, Social and Cultural Rights
  - 1979 **CEDAW** Convention on the Elimination of all Forms of Discrimination against Women
  - 1989 **CRC** Convention on the Rights of the Child
  - 2006 **CRPD** Convention on the Rights of Persons with Disabilities
- 
- **Covenant** is a legal agreement between states internationally and when it is signed it is internationally legally binding for parties signed
  - **Convention** is an official agreement between countries or leaders. If states do not sign it, states will not be having any responsibility to fulfil or bring it within the national jurisdiction. **It means practically the same as covenant.**

# ICESCR



“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

ICESCR, Article 11

“The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

ICESCR, Article 12



# HRWS in International Human Rights Law

“Article 11, paragraph 1, of the Covenant specifies a number of rights emanating from, and indispensable for, the realization of the right to an adequate standard of living “including adequate food, clothing and housing”.

The use of the word “including” indicates that this catalogue of rights was not intended to be exhaustive.

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. [...]

The right to water is also inextricably related to the right to the highest attainable standard of health (art. 12, para.1) and the rights to adequate housing and adequate food.”

GC No. 15, Para 3

# General Comment No.15

## The Right to Water



Adopted 20<sup>th</sup> January 2003, at 29<sup>th</sup> session of UN Committee on Economic, Social and Cultural Rights (CESCR)

- Links the right to water and adequate standard of living
- Clarifies the scope and content of the right to water
- Explains what is meant by sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses

# Human Right to Water

- 2010 Recognition at UN General Assembly, Human Rights Council
- Entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use

# Regional Legal Frameworks



African Convention on  
the Conservation of  
Nature and Natural  
Resources (1968)

African Charter on  
the Rights and Welfare  
of the Child (1990)

The Protocol to the African  
Charter on Human and  
People's Rights on the  
Rights of Women in  
Africa (2003)

UNECE Protocol on Water  
and Health (2005)



Inter-American  
Convention on Protecting  
the Human Rights of  
Older Persons (2015)

Inter-American  
Convention Against All  
Forms of Discrimination  
and Intolerance (2017)

Inter-American Convention  
Against Racism, Racial  
Discrimination and Related  
Forms of Intolerance (2015)

Plus many soft law  
instruments

# Human Rights-Based Approach

## UN Common Understanding:

- All programmes of development cooperation, policies and technical assistance should further the realization of human rights as laid down in the UDHR and other international human rights instruments
- Human rights standards contained in, and principles derived from the UDHR and other international human rights instruments guide all development cooperation and programming in all sectors and in all stages of the programming process
- Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.

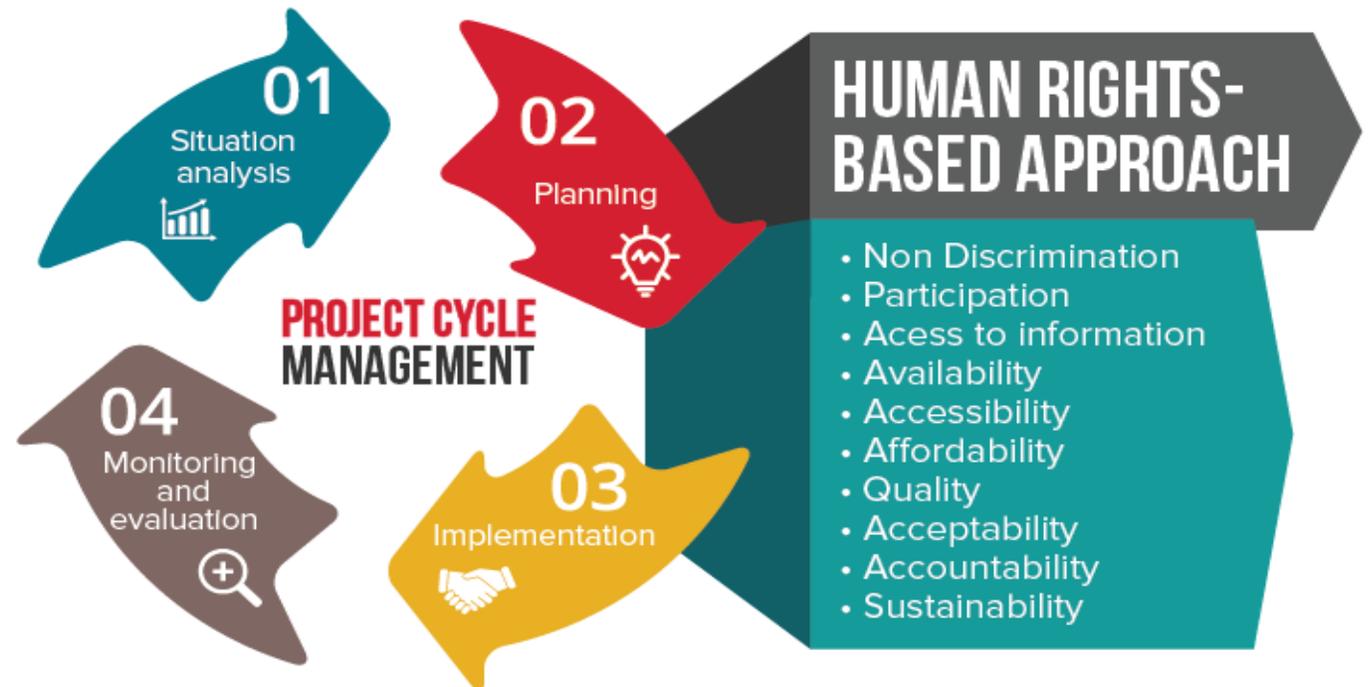
# Human Rights-Based Approach

## In short:

*“A human rights-based approach entails consciously and systematically paying attention to human rights and rights principles in all aspects of programming work.”*

# Human Rights-Based Approach

- Advance the realization of human rights – including in:
  - Design
  - Implementation
  - Monitoring
  - Evaluation



# HRBA to HRWS

<b>1. Normative Content</b>	<b>2. Principles</b>
I. Accessibility	I. Non-discrimination
II. Affordability	II. Access to information
III. Availability	III. Public participation
IV. Quality	IV. Accountability
V. Acceptability	V. Sustainability

# Human Rights-Based Approach to HRWS



## NEW PARADIGM

The provision of **safe drinking water is no longer a charity, but**

**a legal entitlement with individuals at the centre**



1<sup>st</sup>

# World Summit on Leaving No One Behind

Geneva, 7-8<sup>th</sup> February 2019, WIPO Conference Hall  
Human Rights-Based Solutions for Access to Water and Sanitation



## OBJECTIVES:

- Innovative approaches to water and sanitation
- Capture HRBA
- Community-based initiatives – low cost and accessible
- Can be scaled up or replicated

# 1<sup>st</sup> Summit Awards



## Flagship Winner – Shervin Hashemi (Seoul National University)

*Self Sustaining Resource Circulation Sanitation Showcase to Provide Sustainable Sanitation in Remote and Rural Areas*

- Safe sanitation through waste recycling as a safe fertiliser, covering costs
- No complicated infrastructure & meets WHO Guidelines
- Innovative system of resource circulation sanitation
  - Separates liquids and solid waste
  - Combines with rainwater and bio seed



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# 1<sup>st</sup> Summit Awards



## Exploratory Project – Ramisiety Murali (FANSA) and Snehalatha Mekala (SaciWATERS)

*Sanitation facilities for disabled and elderly people*

- Focus on disabled people and the elderly
- Partnership with local government
- Affordable and accessible toilet facilities



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## Exploratory Project – Eva Manzano (Centre for Affordable Water and Sanitation Technology)

*Improving technical capabilities of local government and implementators*

- Supports government agencies
- Local co-operation
- Provides training for the community



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## Exploratory Project – Deepthi Wickramasinghe (University of Colombo & Sri Lanka Water Partnership) *Community-led Village Rainwater Harversting*

- Aims to decrease Chronic Kidney Disease of Unknown Aetiology (CKDU)
- Focus on agricultural areas
- Rainwater harversting
- Training and awareness campaigns



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# THANK YOU!

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## HUMAN RIGHTS-BASED APPROACH TO INTEGRATED WATER RESOURCES MANAGEMENT

TRAINING MANUAL AND FACILITATOR'S GUIDE

