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

WaterLex
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
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.*
“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
“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 20th January 2003, at 29th 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

- UNECE Protocol on Water and Health (2005)
- 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

Ref: WaterLex Handbook: Human Rights to Water and Sanitation: Annotated Selection of international and regional law and mechanisms
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.

Source: UNFPA Manual “A Human Rights-Based Approach to Programming”
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.”

Source: UNFPA Manual “A Human Rights-Based Approach to Programming”
Human Rights-Based Approach

• Advance the realization of human rights – including in:
  • Design
  • Implementation
  • Monitoring
  • Evaluation
## HRBA to HRWS

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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.
OBJECTIVES:

- Innovative approaches to water and sanitation
- Capture HRBA
- Community-based initiatives – low cost and accessible
- Can be scaled up or replicated
1st 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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1st 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 governmet
• 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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1st Summit Awards

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

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

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