

*“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.

## 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.unhcr.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

