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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Austria, Belgium,* Bulgaria, Croatia,* Czechia, Denmark, Ecuador,* Estonia,* Fiji, Finland,* France,* Georgia,* Germany, Greece,* Hungary,* Iceland,* Ireland,* Italy, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Marshall Islands, Mexico, Monaco,* Montenegro,* Netherlands, North Macedonia,* Paraguay,* Peru, Philippines, Portugal,* Romania,* Slovakia, Slovenia,* Spain, Sweden,* Switzerland,* Thailand,* Ukraine and Uruguay: draft resolution

45/... 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,

Recalling all resolutions of the General Assembly on the human rights to safe drinking water and sanitation, in particular resolution 64/292 of 28 July 2010, in which the Assembly recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights, and resolution 74/141 of 18 December 2019,

Reaffirming all previous resolutions of the Human Rights Council on the human rights to safe drinking water and sanitation, inter alia, Council resolution 39/8 of 27 September 2018,

Recalling 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 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,

Recalling further the Vienna Declaration and Programme of Action, which reaffirms that all human rights are universal, indivisible, interdependent and interrelated, that human rights must be treated globally in a fair and equal manner, on the same footing, and with the

* State not a member of the Human Rights Council.



same emphasis, and that it is the duty of States to promote and protect all human rights, and which also reaffirms the right to development,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which States pledged to leave no one behind,

Recalling that the 2030 Agenda for Sustainable Development covers the issue of the human rights to safe drinking water and sanitation and other water-related Sustainable Development Goals, including Goal 6, on ensuring the availability and sustainable management of water and sanitation for all, which comprises important targets relating to the human rights to safe drinking water and sanitation, as well as health and hygiene, and acknowledges the need for an integrated approach to Goal 6 that reflects the interlinkages between achieving universal and equitable access to safe drinking water, sanitation and hygiene, while also striving to improve the quality and safety of water, reduce the number of people suffering from water scarcity and ensure special attention to the needs and rights of women and girls,

Recalling also that 10 years after the recognition of the human rights to safe drinking water and sanitation and five years after the adoption of the 2030 Agenda for Sustainable Development, integrated approaches that support the practical realization of the human rights to water and sanitation, particularly by tackling inequalities and ensuring special attention to the needs and rights of all women and girls, are more pertinent than ever before, also in the context of the coronavirus disease (COVID-19) pandemic,

Recognizing the need to pursue these integrated approaches to the implementation of Goal 6 and other water-related Sustainable Development Goals that reflect the interlinkages between achieving universal and equitable access to safe drinking water, sanitation and personal hygiene, in particular for women and girls, to enable menstrual management in a dignified and healthy way, while also striving to improve the quality and safety of water and to reduce the number of people suffering from water scarcity,

Recalling General Assembly resolution 71/222 of 21 December 2016, by which the Assembly proclaimed the period from 2018 to 2028 the International Decade for Action, “Water for Sustainable Development”,

Noting the work of the High-level Panel on Water, jointly convened by the United Nations and the World Bank Group, in order to champion a comprehensive, inclusive and collaborative way of developing and managing water resources and improving water and sanitation-related services in line with Sustainable Development Goal 6 and taking note of its outcome document of 14 March 2018,

Noting also the relevant commitments and initiatives promoting the human rights to safe drinking water and sanitation made at recent regional and subregional conferences and meetings,

Welcoming the work of the World Health Organization and the United Nations Children’s Fund in the 2019 update published by their Joint Monitoring Programme for Water Supply, Sanitation and Hygiene,

Welcoming also the fact that, according to a report of the Joint Monitoring Programme for Water Supply, Sanitation and Hygiene, in 2019, 1.6 billion people gained access to safe drinking water between 2000 and 2017 and that an estimated 71 per cent of the global population uses a safely managed drinking water service system, while being deeply concerned, however, that 12 per cent of the global population still lacks even a basic drinking water system,

Deeply concerned that 785 million people lack a basic water service, 2 billion people lack access to safe drinking water that is available when needed and free from contamination in their homes, 4.2 billion people lack access to a safely managed sanitation service and 673 million people still practise open defecation,

Deeply alarmed about the fact that, according to *The Sustainable Development Goals Report 2020*, scarcity of water could displace an estimated 700 million people by 2030, *Welcoming* the fact that the Joint Monitoring Programme for Water Supply, Sanitation and

Hygiene has established an extensive global database and has been instrumental in developing global norms by which to benchmark progress, while taking into consideration the fact that official figures do not always capture all the dimensions of the human rights to water and sanitation,

Deeply concerned that the lack of access to safe drinking water, sanitation and hygiene underlies severe human costs, such as poor health and high mortality rates, and major economic losses, and affirming that affordability, accessibility, availability and quality, as human rights criteria ensuring the rights to safe drinking water and sanitation, require, inter alia, that water, sanitation and hygiene facilities and services are within the safe physical reach of all sections of the population without discrimination of any kind and are accessible at a price that is affordable to all,

Recognizing that sustained access to safe water, sanitation and hygiene facilities is essential to preventing infectious diseases and that people without or with inadequate access to water, sanitation and hygiene facilities are at a much higher risk of contracting and passing on diseases,

Deeply concerned that the COVID-19 pandemic perpetuates and exacerbates existing inequalities and that those most at risk are persons in vulnerable and marginalized situations, recognizing the need to expand as a matter of utmost urgency access to adequate water and sanitation services, including for menstrual hygiene management, and to ensure continued access to existing services in this regard, and gravely concerned that 3 billion people worldwide lack basic hand-washing facilities at home, which is the most effective method of preventing the spread of COVID-19,

Expressing concern that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights, including the human rights to safe drinking water and sanitation,

Recognizing that, while the implications of climate change-related impacts and environmental damage for the enjoyment of the human rights to safe drinking water and sanitation affect individuals and communities around the world, the consequences are felt most acutely by those segments of the population that are already in vulnerable and marginalized situations, such as people living in informal settlements, people living in small island developing States and the least developed countries, rural and local communities and people facing desertification, land degradation, drought and water scarcity, as well as rising water levels due to storm surges, sea level rise and flooding, and recognizing also that indigenous peoples, because of their specific situation and nature, may be among the first to face the direct consequences of climate change owing to their dependence upon and close relationship with the environment and its resources,

Deeply concerned that women and girls often face particular barriers in their enjoyment of the rights to safe drinking 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 constitutes a major impediment to the achievement of their economic empowerment, independence and social and economic development,

Deeply concerned also that widespread silence and stigma surrounding menstruation and menstrual hygiene mean that women and girls often lack basic information thereon, are excluded and stigmatized and are thus prevented from realizing their full potential,

Deeply concerned further that the lack of access to adequate water and sanitation services, including for menstrual hygiene management, especially in schools, workplaces, health centres and public facilities and buildings, negatively affects gender equality and women's and girls' enjoyment of human rights, including the rights to education, health, safe and healthy working conditions and to participate in public affairs,

Deeply concerned 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, when accessing sanitation facilities outside their homes or when, in the absence of adequate sanitation facilities, practising open defecation and urination, which limits their ability to move freely and safely in the public sphere,

Deeply concerned also that persons with disabilities, especially children with disabilities, often face barriers in accessing water and sanitation facilities, as such facilities are often inaccessible and inappropriate for meeting their needs, which affects their ability to live independently and participate fully in all aspects of life, including education and employment, which is further exacerbated in particular in the situation of homelessness, in informal settlements and in humanitarian emergencies and crises,

Deeply alarmed that water-, sanitation- and hygiene-related diseases have a disproportionate impact on children and that, in humanitarian crises, including in times of conflict or during natural disasters, children suffer the most from interruptions in water and sanitation services, and underscoring that progress on reducing child mortality, morbidity and stunting is linked to children's and women's access to safe drinking water and sanitation services,

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, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, as well as on any other grounds, including disability, and reaffirming also the importance of taking steps with a view to eliminating discrimination and inequalities based on factors such as rural-urban disparities, substandard housing, tenure status, income levels or other related considerations,

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

Stressing the importance of achieving universal access to safe, affordable and adequate drinking water, sanitation and hygiene by 2030 and of adequate and new sources of funding, including innovative financing,

Stressing also the importance of monitoring and reporting on the implementation of the Sustainable Development Goals and targets, including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all,

Affirming 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 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,

1. *Reaffirms* that the human right to safe drinking water entitles everyone, without discrimination, to have sustained 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 and the right to the highest attainable standard of physical and mental health;

2. *Welcomes* the work of the Special Rapporteur on the human rights to safe drinking water and sanitation and takes note with appreciation of his reports;

3. *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;

4. *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; urges development partners to adopt a human rights-based approach that includes menstrual health management 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; and invites regional and international organizations to complement the efforts made by States to progressively realize the human rights to safe drinking water and sanitation, in accordance with their respective mandates;

5. *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 safe drinking 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 in vulnerable situations have equal access to effective remedies;

6. *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, in particular as a result of women's and girls' specific needs concerning menstrual hygiene and menstrual health;

7. *Calls upon States:*

(a) To implement the internationally agreed Sustainable Development Goals and targets, including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all, in accordance with their obligations under international law;

(b) To consider making the Sustainable Development Goals, including Goal 6, a priority at the highest level in order to ensure the progressive realization of the human rights to safe drinking water and sanitation for all in a non-discriminatory manner while eliminating inequalities in access, including for persons in vulnerable situations and marginalized groups, on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, as well as on any other grounds, including disability;

(c) To increase public funding and support private capital in order to make adequate funding available to the sector and to close the financing gap that hampers the achievement of Sustainable Development Goal 6 and the human right to safe drinking water and sanitation;

(d) To monitor continuously and analyse regularly the status of the realization of the human rights to safe drinking water and sanitation, to enhance efforts to improve the availability, accessibility, quality and use of water-related data at local, national and regional levels and to develop disaggregated and gender-responsive indicators and monitoring mechanisms;

(e) To promote both women's leadership and the full, effective, meaningful and equal participation of women in planning, decision-making and implementation on water and sanitation management; to ensure that a gender-based approach is adopted in relation to water and sanitation programmes and that measures are taken to reduce the time spent by women and girls in collecting household water, in order to address the negative impact of inadequate water and sanitation services on the access of girls to education; to protect women and girls from being physically threatened or assaulted, including from sexual violence, while collecting household water and when accessing sanitation facilities outside of their home or practising open defecation; to protect women's and girls' equal access to water and sanitation; and to take positive measures to guarantee the availability and accessibility of these rights;

(f) To promote safe public spaces and improve the security and safety of all women and girls through gender-responsive rural and urban planning and infrastructure when accessing sanitation facilities and water waste collection and treatment facilities outside their homes or when collecting household water;

(g) To enhance international solidarity, cooperation and support for countries hosting large numbers of displaced persons and refugees to address their water- and sanitation-related challenges;

(h) To address the widespread stigma and shame surrounding menstruation and menstrual hygiene by ensuring access to factual information thereon, addressing the negative social norms around the issue in order to foster a culture in which menstruation is recognized as healthy and natural and ensuring universal access to hygienic products and gender-sensitive facilities, including options for the disposal and waste management of menstrual hygiene products, while recognizing that women's and girls' attendance at school, university or, for women, work, can be affected by negative perceptions of menstruation and lack of means to maintain personal hygiene, such as safe water, sanitation and hygiene facilities in schools, public places and, for women, the workplace;

(i) To take steps to promote action to raise international awareness on the issue of waterborne diseases and to mitigate the disproportionate impact of water-, sanitation- and hygiene-related diseases on children and reduce child mortality, morbidity and stunting by ensuring the progressive realization of the human rights to safe drinking water and sanitation and by engaging in partnerships with stakeholders to implement projects aimed at scaling up access to safe water, sanitation and hygiene in developing countries;

(j) To take measures to accelerate the realization of the human rights to safe drinking water and sanitation, in line with the Sustainable Development Goal 6 global acceleration framework, in particular in the context of responding to and preventing the spread of COVID-19, including by working collaboratively with all stakeholders in a coordinated manner to improve water and sanitation services and by ensuring that water and sanitation systems are resilient and sustainable in order to protect people's health and support national health systems;

(k) To step up disease prevention efforts by ensuring access to safe, adequate and affordable water and sanitation services for all in public and private spaces;

(l) To apply broad and inclusive participatory approaches, consulting and coordinating with local communities and other stakeholders, including civil society and the private sector, on adequate solutions to ensure sustainable and non-discriminatory access to adequate water and sanitation services;

(m) To provide for effective mechanisms, such as regulation and accountability mechanisms, to ensure that all stakeholders respect and promote human rights and avoid causing or contributing to human rights violations or abuses;

(n) To assess the social and environmental impact of megaprojects on the human rights to safe drinking water and sanitation;

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

9. *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;

10. *Decides* to continue its consideration of this matter under the same agenda item at its fifty-first session.