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HUMAN RIGHTS COUNCIL

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Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

Resolution adopted by the Human Rights Council*

12/8. Human rights and access to safe drinking water and sanitation

The Human Rights Council,

Reaffirming all previous resolutions of the Council on human rights and access to safe drinking water and sanitation, inter alia, resolution 7/22 of 28 March 2008, in which the Council created the mandate of independent expert on human rights obligations related to access to safe drinking water and sanitation,

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 relevant provisions of declarations and programmes with regard to access to safe drinking water and sanitation adopted by major United Nations conferences and summits, and by the General Assembly at its special sessions and during follow-up meetings, inter alia, the Mar del Plata Action Plan on Water Development and Administration, adopted at the United Nations Water Conference in March 1977, Agenda 21, adopted at the United Nations Conference on Environment and Development in June 1992, and the Habitat Agenda, adopted at the second United Nations Conference on Human Settlements in 1996,

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its twelfth session (A/HRC/12/50), chap. I.

Taking note with interest of regional commitments and initiatives promoting the further realization of human rights obligations related to access to safe drinking water and sanitation, including in the Protocol on Water and Health, adopted by the United Nations Economic Commission for Europe in 1999, the European Charter on Water Resources, adopted by the Council of Europe in 2001, the Abuja Declaration, adopted at the first Africa-South America summit in 2006, the message from Beppu, adopted at the first Asian-Pacific Water Summit in 2007, the Delhi Declaration, adopted at the third South Asian Conference on Sanitation in 2008, and the Cairo Declaration, adopted at the fifteenth summit of Heads of State and Government of the Non-Aligned Movement in 2009,

Bearing in mind the commitments made by the international community to achieve fully the Millennium Development Goals, and stressing, in that context, the resolve of Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve, by 2015, the proportion of people unable to reach or afford safe drinking water, and to halve the proportion of people without access to basic sanitation, as agreed in the Johannesburg Plan of Action,

Deeply concerned that approximately 884 million people lack access to safe drinking water and that over 2.5 billion do not have access to basic sanitation,

Reaffirming the fact that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights, 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 entail obligations for States parties in relation to access to safe drinking water and sanitation,

Welcoming the consultation with the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation on 29 April 2009,

Recalling General Assembly resolution 61/192 of 20 December 2006, in which the Assembly declared 2008 the International Year of Sanitation,

1. *Welcomes* the work of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, including the undertaking of country missions;

2. *Acknowledges with appreciation* the independent expert's first annual report (A/HRC/12/24), including her recommendations and the clarifications with regard to the content of human rights obligations in the access to sanitation, proposing, inter alia, the categories of availability, quality, physical accessibility, affordability and acceptability;

3. *Recognizes* that States have an obligation to address and eliminate discrimination with regard to access to sanitation, and urges them to address effectively inequalities in this area;

4. *Calls upon* States:

(a) To create an enabling environment to address the issue of lack of sanitation at all levels, including, where appropriate, by budgeting, legislation, the establishment of regulatory, monitoring and accountability frameworks and mechanisms, the assignment of clear institutional

responsibilities and the appropriate inclusion of sanitation in national poverty reduction strategies and development plans;

(b) To collect, at the appropriate level, current, accurate and detailed information about sanitation coverage in the country and the characteristics of unserved and underserved households, and to make this information available to all stakeholders;

(c) To develop, where appropriate, national and/or local plans of action, in cooperation with other stakeholders, in order to address the lack of access to sanitation in a comprehensive way, giving due consideration to wastewater management, including treatment and reuse;

(d) To ensure and promote access to information for, and the full, free and meaningful participation of, local communities in the design, implementation and monitoring of the above mentioned plans of action;

(e) To adopt a gender-sensitive approach to all relevant policymaking in the light of the special sanitation needs of women and girls;

(f) To organize or otherwise support, as appropriate, large-scale public awareness campaigns promoting behaviour change in sanitation and to provide information, in particular on hygiene promotion;

5. *Recognizes* the important contribution of the private sector when addressing the issue of access to sanitation;

6. *Stresses* the important role of international cooperation and technical assistance played by the specialized agencies of the United Nations system, international and development partners as well as donor agencies, and therefore the need that more should be done when mobilizing resources to support effectively the efforts of States to address the lack of access to sanitation, and urges development partners to adopt a human rights-based approach when designing relevant development programmes in support of national initiatives and plans of action;

7. *Requests* the independent expert to continue to report, on an annual basis, to the Council and to submit an annual report to the General Assembly;

8. *Notes with appreciation* the cooperation extended to date to the independent expert by different actors, and calls upon all States to continue to cooperate with the independent expert in the discharge of her mandate and to respond favourably to her requests for information and visits;

9. *Requests* the United Nations High Commissioner for Human Rights to continue to ensure that the independent expert receives the necessary resources to enable her to discharge her mandate fully;

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

*30th meeting
1 October 2009*

[Adopted without a vote.]