



# General Assembly

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## Human Rights Council

### Sixteenth session

Agenda item 3

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

Albania\*, Andorra\*, Armenia\*, Benin\*, Bosnia and Herzegovina\*, Brazil, Bulgaria\*, Chile, Colombia\*, Costa Rica\*, Croatia\*, Cyprus\*, Estonia\*, Finland\*, France, Germany\*, Greece\*, Guatemala, Honduras\*, Hungary, Iceland\*, Ireland\*, Israel\*, Italy\*, Jordan, Lithuania\*, Luxembourg\*, Maldives, Monaco\*, Morocco\*, Netherlands\*, Nicaragua\*, Norway, Palestine\*, Panama\*, Peru\*, Poland, Portugal\*, Romania\*, Serbia\*, Slovakia, Slovenia\*, Spain, Sweden\*, Switzerland, Uruguay, Yemen\*: draft resolution

### 16/... The human right to safe drinking water and sanitation

*The Human Rights Council,*

*Reaffirming* all previous resolutions of the Human Rights Council on human rights and access to safe drinking water and sanitation, inter alia, Council resolutions 7/22 of 28 March 2008, 12/8 of 1 October 2009, and 15/9 of 30 September 2010,

*Recalling* General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognizes 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,

*Recalling also* 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 further* 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 and the Rio Declaration on Environment and Development, adopted at the United

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\* Non-Member State of the Human Rights Council.

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, Assembly resolutions 54/175 of 17 December 1999 on the right to development, and 58/217 of 23 December 2003 proclaiming the International Decade for Action, “Water for Life” (2005-2015),

*Noting with interest* relevant commitments and initiatives promoting the human right to safe drinking water and sanitation, including the Abuja Declaration, adopted at the first Africa-South America Summit in 2006, the message from Beppu, adopted at the first Asia-Pacific Water Summit in 2007, the Delhi Declaration, adopted at the third South Asian Conference on Sanitation in 2008, and the Sharm el-Sheikh Final Document, adopted at the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries 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 Plan of Implementation of the World Summit on Sustainable Development (“Johannesburg Plan of Implementation”) and the outcome document adopted at the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals entitled “Keeping the promise: united to achieve the Millennium Development Goals”,

*Deeply concerned* that approximately 884 million people lack access to improved water sources and that over 2.6 billion people do not have access to improved sanitation as defined by the World Health Organization and the United Nations Children’s Fund in their 2010 Joint Monitoring Programme report, and alarmed that, every year, approximately 1.5 million children under 5 years of age die and 443 million school days are lost as a result of water and sanitation-related diseases,

*Affirming* the need to focus on local and national perspectives in considering the issue, leaving aside questions of international watercourse law and all transboundary water issues,

*Recalling* Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the code of conduct for special procedures mandate holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the recognition of the human right to safe drinking water and sanitation by the General Assembly and the Human Rights Council, and the affirmation by the latter that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity;

2. *Also 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 progress in collecting good practices for her compendium,<sup>1</sup> the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for her thematic reports and compilation of good practices, as well as the undertaking of country missions;

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<sup>1</sup> A/HRC/15/31/Add.1.

3. *Taking note with interest* of the statement of the Committee on Economic, Social and Cultural Rights on the right to sanitation,<sup>2</sup> as a complement to the Committee's general comment No. 15;<sup>3</sup>

4. *Decides* to extend the mandate of the current mandate holder as a special rapporteur on the human right to safe drinking water and sanitation for a period of three years;

5. *Encourages* the Special Rapporteur, in fulfilling his or her mandate:

(a) To promote the full realization of the human right to safe drinking water and sanitation by, *inter alia*, continuing to give particular emphasis to practical solutions with regard to its implementation, in particular in the context of country missions, and following the criteria of availability, quality, physical accessibility, affordability and acceptability;

(b) To pay particular attention to persons belonging to vulnerable and marginalized groups, including by respecting the principles of non-discrimination and gender equality;

(c) To work on identifying challenges and obstacles to the full realization of the human right to safe drinking water and sanitation, as well as protection gaps thereto, and to continue to identify good practices and enabling factors in this regard;

(d) To monitor the way in which the human right to safe drinking water and sanitation is being realized throughout the world;

(e) To continue the mutual dialogue with Governments and where appropriate, with local authorities, organizations and bodies of the United Nations system, other relevant international and regional organizations, non-governmental organizations and other concerned stakeholders, such as indigenous peoples;

(f) To make recommendations for goals beyond the 2015 Millennium Development Goals process with special regard to the full realization of the human right to safe drinking water and sanitation; and also to continue to make more recommendations that could help the realization of the Millennium Development Goals, in particular of Goal 7, as appropriate;

(g) To continue to work in close cooperation, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Council, relevant United Nations bodies, the treaty bodies and regional human rights mechanisms;

(h) To continue to report, on an annual basis, to the Council and to the General Assembly;

(i) To facilitate, including through the engagement with relevant stakeholders, the provision of technical assistance in the area of the human right to safe drinking water and sanitation;

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

7. *Stresses* the important role of the international cooperation and technical assistance provided by States, specialized agencies of the United Nations system, international and development partners, as well as by donor agencies, in particular in the timely achievement of the relevant Millennium Development Goals, and urges development partners to adopt a human rights-based approach when designing and implementing

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<sup>2</sup> E/C.12/2010/1.

<sup>3</sup> E/C.12/2002/11.

development programmes in support of national initiatives and action plans related to the enjoyment of access to safe drinking water and sanitation;

8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all resources and assistance necessary for the effective fulfilment of her mandate;

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

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