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Strengthening the human right to sanitation as an instrument for inclusive development

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Annex A. Resolution adopted by the UN General Assembly on 28 July 2010

UNITED NATIONS

A/RES/64/292



General Assembly

Distr.: General

3 August 2010

Sixty-fourth session

Agenda item 48

Resolution adopted by the General Assembly on 28 July 2010

[without reference to a Main Committee (A/64/L.63/Rev.1 and Add.1)]

64/292. The human right to water and sanitation

The General Assembly,

Recalling its resolutions 54/175 of 17 December 1999 on the right to development, 55/196 of 20 December 2000, by which it proclaimed 2003 the International Year of Freshwater, 58/217 of 23 December 2003, by which it proclaimed the International Decade for Action, “Water for Life”, 2005–2015, 59/228 of 22 December 2004, 61/192 of 20 December 2006, by which it proclaimed 2008 the International Year of Sanitation, and 64/198 of 21 December 2009 regarding the midterm comprehensive review of the implementation of the International Decade for Action, “Water for Life”; Agenda 21 of June 1992;²⁹⁶ the Habitat Agenda of 1996;²⁹⁷ the Mar del Plata Action Plan of 1977 adopted by the United Nations Water Conference;²⁹⁸ and the Rio Declaration on Environment and Development of June 1992,²⁹⁹

Recalling also the Universal Declaration of Human Rights,³⁰⁰ the International Covenant on Economic, Social and Cultural Rights,³⁰¹ the International Covenant on Civil and Political Rights,⁶ the International

²⁹⁶ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

²⁹⁷ Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3–14 June 1996 (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annex II.

²⁹⁸ Report of the United Nations Water Conference, Mar del Plata, 14–25 March 1977 (United Nations publication, Sales No. E.77.II.A.12), chap. I.

²⁹⁹ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.

³⁰⁰ Resolution 217 A (III).

³⁰¹ See resolution 2200 A (XXI), annex.

Convention on the Elimination of All Forms of Racial Discrimination,³⁰² the Convention on the Elimination of All Forms of Discrimination against Women,³⁰³ the Convention on the Rights of the Child,³⁰⁴ the Convention on the Rights of Persons with Disabilities³⁰⁵ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,³⁰⁶

Recalling further all previous resolutions of the Human Rights Council on human rights and access to safe drinking water and sanitation, including Council resolutions 7/22 of 28 March 2008³⁰⁷ and 12/8 of 1 October 2009,³⁰⁸ related to the human right to safe and clean drinking water and sanitation, general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights, on the right to water (articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)³⁰⁹ and the report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments,³¹⁰ as well as the report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation,³¹¹

Deeply concerned that approximately 884 million people lack access to safe drinking water and that more than 2.6 billion do not have access to basic sanitation, and alarmed that approximately 1.5 million children under 5 years of age die and 443 million school days are lost each year as a result of water- and sanitation-related diseases,

Acknowledging the importance of equitable access to safe and clean drinking water and sanitation as an integral component of the realization of all human rights,

Reaffirming the responsibility of States for the promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated, and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Bearing in mind the commitment made by the international community to fully achieve 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,³¹² to halve, by 2015, the proportion of people who are unable to reach or afford safe drinking water and, as agreed in the Plan of Implementation of the World Summit on Sustainable Development (“Johannesburg Plan of Implementation”),³¹³ to halve the proportion of people without access to basic sanitation,

³⁰² United Nations, *Treaty Series*, vol. 660, No. 9464.

³⁰³ *Ibid.* vol. 1249, No. 20378.

³⁰⁴ *Ibid.* vol. 1577, No. 27531.

³⁰⁵ Resolution 61/106, annex I.

³⁰⁶ United Nations, *Treaty Series*, vol. 75, No. 973.

³⁰⁷ See Official Records of the General Assembly, Sixty-third Session, Supplement No. 53 (A/63/53), chap. II.

³⁰⁸ See A/HRC/12/50 and Corr.1, part one, chap. I.

³⁰⁹ See Official Records of the Economic and Social Council, 2003, Supplement No. 2 (E/2003/22), annex IV.

³¹⁰ A/HRC/6/3.

³¹¹ A/HRC/12/24.

³¹² See resolution 55/2.

³¹³ See Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002 (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

1. *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;

2. *Calls upon* States and international organizations to provide financial resources, capacity-building and technology transfer, through international assistance and cooperation, in particular to developing countries, in order to scale up efforts to provide safe, clean, accessible and affordable drinking water and sanitation for all;

3. *Welcomes* the decision by the Human Rights Council to request that the independent expert on human rights obligations related to access to safe drinking water and sanitation submit an annual report to the General Assembly,¹³ and encourages her to continue working on all aspects of her mandate and, in consultation with all relevant United Nations agencies, funds and programmes, to include in her report to the Assembly, at its sixty-sixth session, the principal challenges related to the realization of the human right to safe and clean drinking water and sanitation and their impact on the achievement of the Millennium Development Goals.

*108th plenary meeting
28 July 2010*

Annex B. Resolution adopted by the UN Human Rights Council on 6 October 2010



United Nations

A/HRC/RES/15/9

General Assembly

Distr.: General

6 October 2010

Original: English

Human Rights Council

Fifteenth session

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*

15/9

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, in particular resolution 7/22 of 28 March 2008 and resolution 12/8 of 1 October 2009,

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 and 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 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 58/271 of 23 December 2003 proclaiming the International Decade for Action, “Water for Life” (2005-2015),

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its fifteenth session (A/HRC/15/60), chap. I.

GE.10-16633

**A/HRC/RES/15/9**

Noting with interest regional commitments and initiatives promoting the further realization of human rights obligations related to access to safe drinking water and sanitation, including the Protocol on Water and Health, adopted by the 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 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”),

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

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,

Recalling resolution 8/7 of 18 June 2008, in which the Council established the mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises,

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 progress in collecting good practices for her compendium,³¹⁴ and the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for her thematic reports, as well as the undertaking of country missions;

³¹⁴ A/HRC/15/31/Add.1.

2. *Recalls* General Assembly 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;

3. *Affirms* 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;

4. *Calls upon* the independent expert to continue to pursue her work regarding all aspects of her mandate, including to clarify further the content of human rights obligations, including non-discrimination obligations in relation to safe drinking water and

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sanitation, in coordination with States, United Nations bodies and agencies, and relevant stakeholders;

5. *Acknowledges with appreciation* the second annual report of the independent expert³¹⁵ and takes note with interest of her recommendations and clarifications with regard to both the human rights obligations of States and the human rights responsibilities of non-State service providers in the delivery of water and sanitation services;

6. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights, and that the delegation of the delivery of safe drinking water and/or sanitation services to a third party does not exempt the State from its human rights obligations;

7. *Recognizes* that States, in accordance with their laws, regulations and public policies, may opt to involve non-State actors in the provision of safe drinking water and sanitation services and, regardless of the form of provision, should ensure transparency, non-discrimination and accountability;

8. *Calls upon* States:

(a) To develop appropriate tools and mechanisms, which may encompass legislation, comprehensive plans and strategies for the sector, including financial ones, to achieve progressively the full realization of human rights obligations related to access to safe drinking water and sanitation, including in currently unserved and underserved areas;

(b) To ensure full transparency of the planning and implementation process in the provision of safe drinking water and sanitation and the active, free and meaningful participation of the concerned local communities and relevant stakeholders therein;

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

(d) To integrate human rights into impact assessments throughout the process of ensuring service provision, as appropriate;

(e) To adopt and implement effective regulatory frameworks for all service providers in line with the human rights obligations of States, and to allow public regulatory institutions of sufficient capacity to monitor and enforce those regulations;

³¹⁵ A/HRC/15/31.

(f) To ensure effective remedies for human rights violations by putting in place accessible accountability mechanisms at the appropriate level;

9. *Recalls* that States should ensure that non-State service providers:

(a) Fulfil their human rights responsibilities throughout their work processes, including by engaging proactively with the State and stakeholders to detect potential human rights abuses and find solutions to address them;

(b) Contribute to the provision of a regular supply of safe, acceptable, accessible and affordable drinking water and sanitation services of good quality and sufficient quantity;

(c) Integrate human rights into impact assessments as appropriate, in order to identify and help address human rights challenges;

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(d) Develop effective organizational-level grievance mechanisms for users, and refrain from obstructing access to State-based accountability mechanisms;

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

11. *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;

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

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

31st meeting
30 September 2010
[Adopted without a vote.]

Annex C. Resolution adopted by the UN General Assembly on 17 December 2015

UNITED NATIONS

A/RES/70/169



General Assembly

Distr.: General

22 February 2016

Seventieth session

Agenda item 72 (b)

Resolution adopted by the General Assembly on 17 December 2015

[on the report of the Third Committee ([A/70/489/Add.2](#))]

70/169. The human rights to safe drinking water and sanitation

The General Assembly,

Recalling its resolutions 64/292 of 28 July 2010, in which it 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 68/157 of 18 December 2013, entitled “The human right to safe drinking water and sanitation”,

Reaffirming the previous resolutions of the Human Rights Council regarding the human right to safe drinking water and sanitation, inter alia, Council resolutions 24/18 of 27 September 2013³¹⁶ and 27/7 of 25 September 2014,³¹⁷

Recalling the Universal Declaration of Human Rights,³¹⁸ the International Covenant on Economic, Social and Cultural Rights,³¹⁹ the International Covenant on Civil and Political Rights,³¹⁹ the International Convention on the Elimination of All Forms of Racial Discrimination,³²⁰ the Convention on the Elimination of All Forms of Discrimination against Women,³²¹ the Convention on the Rights of the Child³²² and the Convention on the Rights of Persons with Disabilities,³²³

³¹⁶ See Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53A (A/68/53/Add.1), chap. III.

³¹⁷ Ibid. *Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1 and Corr.1 and 2), chap. IV, sect. A.

³¹⁸ Resolution 217 A (III).

³¹⁹ See resolution 2200 A (XXI), annex.

³²⁰ United Nations, *Treaty Series*, vol. 660, No. 9464.

³²¹ Ibid. vol. 1249, No. 20378.

³²² Ibid. vol. 1577, No. 27531.

³²³ Ibid. vol. 2515, No. 44910.

Welcoming the adoption of the 2030 Agenda for Sustainable Development,³²⁴ including the reaffirmation of commitments regarding the human right to safe drinking water and sanitation therein,

Recalling the Rio Declaration on Environment and Development of June 1992³²⁵ and its resolution 66/288 of 27 July 2012, entitled “The future we want”, and emphasizing the critical importance of water and sanitation within the three dimensions of sustainable development,

Reaffirming its resolutions 58/217 of 23 December 2003, by which it proclaimed the period from 2005 to 2015 the International Decade for Action, “Water for Life”, 61/192 of 20 December 2006, by which it established 2008 as the International Year for Sanitation, and 65/153 of 20 December 2010, by which it called upon Member States to support “Sustainable sanitation: the five-year drive to 2015”, and recalling its resolution 65/154 of 20 December 2010, by which it declared 2013 the International Year of Water Cooperation,

Recalling the designation of 19 November as World Toilet Day, in the context of Sanitation for All, pursuant to General Assembly resolution 67/291 of 24 July 2013, in which the Assembly encouraged all Member States, as well as the organizations of the United Nations system and international organizations and other stakeholders, to approach the sanitation issue in a much broader context and to encompass all its aspects, including hygiene promotion, the provision of basic sanitation services, sewerage and wastewater treatment and reuse in the context of integrated water management,

Taking note of the relevant commitments and initiatives promoting the human right to safe drinking water and sanitation, including the Panama Declaration, adopted at the third Latin American Sanitation Conference, in 2013, the Kathmandu Declaration, adopted at the fifth South Asian Conference on Sanitation, in 2013, the 2015 Dushanbe Declaration of the High-level International Conference on the Implementation of the International Decade for Action “Water for Life”, 2005–2015, the commitments made on the human right to safe drinking water and sanitation at the high-level meeting of the Sanitation and Water for All partnership in 2014 and the Ngor Declaration on Sanitation and Hygiene, adopted at the fourth AfricaSan Conference, in 2015,

Recalling general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)³²⁶ and the statement on the right to sanitation of the Committee of 19 November 2010,³²⁷ as well as the reports of the Special Rapporteur of the Human Rights Council on the human right to safe drinking water and sanitation,

Welcoming the work of the World Health Organization and the United Nations Children’s Fund in the 2015 update published by their Joint Monitoring Programme for Water Supply and Sanitation,³²⁸

³²⁴ Resolution 70/1.

³²⁵ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.

³²⁶ Official Records of the Economic and Social Council, 2003, Supplement No. 2 (E/2003/22), annex IV.

³²⁷ *Ibid.* 2011, Supplement No. 2 (E/2011/22), annex VI.

³²⁸ World Health Organization/United Nations Children’s Fund, *Progress on Sanitation and Drinking Water*, Geneva, 2015.

Welcoming also the fact that, according to Joint Monitoring Programme reports of the World Health Organization and the United Nations Children's Fund, the target on safe drinking water of the Millennium Development Goals was formally met, while being deeply concerned, however, that, according to the 2015 Joint Monitoring Programme update, 663 million people still lack access to improved drinking water sources and that 8 out of 10 people still without improved drinking water sources live in rural areas,

Deeply concerned that the world missed the sanitation component of Millennium Development Goal 7 by almost 700 million people and that more than 2.4 billion people still do not have access to improved sanitation facilities, including more than 946 million people who still practise open defecation, which is one of the clearest manifestations of poverty and extreme poverty,

Deeply concerned also that women and girls often face particular barriers in accessing water and sanitation and that they shoulder the main burden of collecting household water in many parts of the world, restricting their time for other activities, such as education and leisure, or for women earning a livelihood,

Deeply concerned further that the lack of access to adequate water and sanitation services, including for menstrual hygiene management, especially in schools, contributes to reinforcing the widespread stigma associated with menstruation, negatively affecting gender equality and women's and girls' enjoyment of human rights, including the right to education,

Deeply concerned that women and girls are particularly at risk and exposed to attacks, sexual and gender-based violence, harassment and other threats to their safety while collecting household water and when accessing sanitation facilities outside of their homes or practising open defecation,

Deeply alarmed that, every year, almost 700,000 children under 5 years of age die as a result of water and sanitation-related diseases, 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,

Deeply concerned that official figures do not fully capture the dimensions of drinking water availability, safety, affordability of services and safe management of excreta and wastewater, as well as of inequality and discrimination in the access to safe drinking water and sanitation and therefore underestimate the numbers of those without access to safe and affordable drinking water and safely managed and affordable sanitation, and highlighting in this context the need to adequately monitor the safety of drinking water and sanitation in order to obtain data that capture those dimensions,

Deeply concerned also that inexistent or inadequate sanitation facilities as well as serious deficiencies in water management and wastewater treatment can negatively affect water provision and sustainable access to safe drinking water, and recognizing that, in progressively realizing the human rights to safe drinking water and sanitation as well as other human rights, States should increasingly pursue integrated approaches and strengthen their water resource management, including by improving their wastewater treatment and by preventing and reducing surface and groundwater pollution,

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 any prejudice to questions of international water law, including international watercourse law,

Reaffirming the responsibility of States to ensure the promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated, and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Recalling the understanding by the Committee on Economic, Social and Cultural Rights and the Special Rapporteur on the human right to safe drinking water and sanitation that the rights to safe drinking water and sanitation are closely related, but have distinct features which warrant their separate treatment in order to address specific challenges in their implementation and that sanitation too often remains neglected if not addressed as a separate right, while being a component of the right to an adequate standard of living,

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, as well as to the right to life and human dignity,

Acknowledging the importance of equal access to safe drinking water and sanitation as an integral component of the realization of all human rights,

1. *Affirms* that the human rights to safe drinking water and sanitation as components of the right to an adequate standard of living are essential for the full enjoyment of the right to life and all human rights;

2. *Recognizes* that the human right to safe drinking water entitles everyone, without discrimination, to have 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;

3. *Welcomes* Goal 6 of the 2030 Agenda for Sustainable Development,³²⁴ on ensuring the availability and sustainable management of water and sanitation for all, which includes important dimensions related to the human rights to safe drinking water and sanitation;

4. *Also welcomes* the work of the Special Rapporteur of the Human Rights Council on the human right to safe drinking water and sanitation, and takes note with appreciation, in particular, of his first reports on affordability of water and sanitation services³²⁹ and on the analysis of the different types of water and sanitation services from the perspective of the human right to safe drinking water and sanitation;³³⁰

5. *Calls upon* States:

(a) To ensure the progressive realization of the human rights to safe drinking water and sanitation for all in a non-discriminatory manner while

³²⁹ A/HRC/30/39.

³³⁰ A/70/203.

eliminating inequalities in access, including for individuals belonging to groups at risk and to marginalized groups, on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds, with a view to progressively eliminating inequalities based on factors such as rural-urban disparities, residence in a slum, income levels and other relevant considerations;

(b) To give due consideration to the commitments regarding the human rights to safe drinking water and sanitation when implementing the 2030 Agenda for Sustainable Development, including through the full implementation of Goal 6;

(c) To continuously monitor and regularly analyse the status of the realization of the human rights to safe drinking water and sanitation;

(d) To identify patterns of failure to respect, protect or fulfil the human rights to safe drinking water and sanitation for all persons without discrimination and to address their structural causes in policymaking and budgeting within a broader framework, while undertaking holistic planning aimed at achieving sustainable universal access, including in instances where the private sector, donors and non-governmental organizations are involved in service provision;

(e) To promote both women's leadership and their full, effective and equal participation in decision-making on water and sanitation management and to ensure that a gender-based approach is adopted in relation to water and sanitation programmes, including measures, *inter alia*, 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 and 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;

(f) To progressively eliminate open defecation by adopting policies to increase access to sanitation, including for individuals belonging to vulnerable and marginalized groups;

(g) To approach the sanitation issue in a much broader context, taking into account the need to pursue integrated approaches;

(h) To consult and coordinate with local communities and other stakeholders, including civil society and the private sector, on adequate solutions to ensure sustainable access to safe drinking water and sanitation;

(i) To provide for effective accountability mechanisms for all water and sanitation service providers to ensure that they respect human rights and do not cause human rights violations or abuses;

6. *Calls upon* non-State actors, including business enterprises, both transnational and others, to comply with their responsibility to respect human rights, including the human rights to safe drinking water and sanitation, including by cooperating with State investigations into allegations of abuses of the human rights to safe drinking water and sanitation, and by progressively engaging with States to detect and remedy abuses of the human rights to safe drinking water and sanitation;

7. *Invites* regional and international organizations to complement efforts by States to progressively realize the human rights to safe drinking water and sanitation;

8. *Calls upon* Member States to enhance global partnerships for sustainable development as a means to achieve and sustain the Goal and the targets of the 2030 Agenda for Sustainable Development, and highlights the need to develop adequate follow-up and review of progress on the 2030 Agenda, including on ensuring availability and sustainable management of water and sanitation for all;

9. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical cooperation, to the maximum of their available resources, with a view to progressively achieving the full realization of the rights to safe drinking water and sanitation by all appropriate means, including, in particular, the adoption of legislative measures;

10. *Stresses* the important role of the international cooperation and technical assistance provided by States, specialized agencies of the United Nations system and international and development partners, as well as by donor agencies, and urges development partners to adopt a human rights-based approach when designing and implementing development programmes in support of national initiatives and plans of action related to the rights to safe drinking water and sanitation;

11. *Decides* to continue its consideration of the question at its seventy-second session.

*80th plenary meeting
17 December 2015*

Annex D. Thesis log frame

MAIN RESEARCH QUESTION: How can the human right to sanitation be interpreted and implemented to promote inclusive development?	
SUB-RESEARCH QUESTIONS	
1	Scholarly literature is largely more focused on the human right to water than on the human right to sanitation (HRS), leading to poor development of the normative content of the HRS.
2	There are contestations over the meaning of the human right to sanitation.
3	The human right to sanitation literature does not integrate perspectives from other fields on the drivers of poor sanitation services and the impact of the normative architecture of the human right to sanitation on inclusive development.
4	There is a paucity of indicators for assessing the progressive realisation of the human right to sanitation.
5	There is incoherence between the legal and non-legal literature on the human right to sanitation.
1	What are the drivers of poor sanitation services and how are these currently being addressed in sanitation governance frameworks?
2	How has the human right to sanitation evolved across different levels of governance, from international to local; how do the human right to sanitation principles address the drivers?
3	Which humanitarian law and any other non-human rights instruments, including principles and indicators, for sanitation governance promote the progressive realisation of the human right to sanitation, through addressing the drivers of poor sanitation services?
4	How does legal pluralism operate in sanitation governance, with the implementation of the human right to sanitation, alongside (other human rights regimes and) non-human rights instruments and principles?
5	How can the human right to sanitation institution be redesigned to advance ID outcomes across multiple levels of governance?

CHAPTERS	OBJECTIVES	ANSWERS RESEARCH QUESTION(S)	CLOSES KNOWLEDGE GAP(S)
1 The Human Right to Sanitation and Inclusive Development Under an Uncertain Future	To introduce the practical and theoretical problems; knowledge gaps; research questions; focus and limits and the structure of the thesis.	-	-
2 Research Methodology and Theoretical Framework	To explain the research methodology used and situate the research within the contemporary theoretical debates on relevant themes.	-	-
3 Contextualizing the Sanitation Problem	To expound on the meaning and economic classification of sanitation, the drivers of poor domestic sanitation services, and the main technologies for domestic sanitation services and the implications for the design of sanitation governance frameworks.	Sub-research Question (1)	Knowledge Gap (2)
4 Human Rights Principles	To assess how human rights principles for addressing key development challenges affect inclusive development.	Sub-research Question 2 (at the international level, as a background to analysing the human right to sanitation principles for addressing the drivers of poor sanitation services)	Knowledge Gap (3)
5 Human Right to Sanitation Principles	To assess how the human right to sanitation framework addresses the drivers of poor sanitation services to promote inclusive development.	Sub-research Questions (2) and (4)	Knowledge Gaps (1) – (5)

CHAPTERS	OBJECTIVES	ANSWERS RESEARCH QUESTION(S)	CLOSES KNOWLEDGE GAP(S)
6 Human Right to Sanitation in Humanitarian Situations	To assess how the current framework of humanitarian assistance supports the realisation of the human right to sanitation, addresses the drivers of poor sanitation services and contributes to inclusive development.	Sub-research Questions (3) and (4)	Knowledge Gaps (3) and (4)
7 Non-human Rights Principles for Sanitation Governance	To assess how non-human rights frameworks for sanitation governance support the realisation of the human right to sanitation, address the drivers of poor sanitation services and contribute to inclusive development.	Sub-research Questions (3) and (4)	Knowledge Gaps (3) and (4)
8 Architecture for Sanitation Governance in Nigeria	To assess how the current framework of sanitation governance in Nigeria supports the realisation of the human right to sanitation, addresses the drivers of poor sanitation services and contributes to inclusive development, and propose redesign where necessary.	Sub-research Questions (1) – (5) (for Nigeria)	Knowledge Gaps (1) – (5) (for Nigeria)
9 Human Right to Sanitation and the Inclusive Development Imperative	To discuss what kind of normative architecture for groundwater governance supports sustainable and inclusive development and what is required to achieve this architecture across multiple geographic levels.	Sub-research Question (5); Main Research Question	Knowledge Gaps (1) – (5) (across multiple levels of governance, from the international to the local levels)

Annex E. Keywords searched in scientific databases

‘Causes AND poor sanitation services’
‘Drivers AND poor sanitation services’
‘Effects of lack of sanitation’
‘Human right to sanitation’
‘Human right to water and sanitation’
‘Inclusive development’
‘Institutional analyses’
‘Instruments AND human right to sanitation’
‘Legal pluralism AND human right to sanitation’
‘Legal pluralism’
‘Multi-level governance’
‘Principles AND human right to sanitation’
‘Sanitation AND economic good’
‘Sanitation AND formal settlements’
‘Sanitation AND governance’
‘Sanitation AND humanitarian situations’
‘Sanitation AND informal settlements’
‘Sanitation AND Nigeria’
‘Sanitation AND sustainable development goals’
‘Sanitation crisis’

Annex F. Criteria for coding sanitation governance principles

Code	Criteria
Acceptability	Requires sanitation facilities to be appropriate for use and meet users' preferences; social acceptance
Accessibility	Provides for sanitation facilities to be located in areas that can be easily accessed
Access to information	Entitles rightsholders to demand information concerning their sanitation services from both public utilities and private service providers
Accountability	Requires States to adopt effective regulatory framework for the realisation of the human right to sanitation and to prevent violations by non-State actors; mechanisms for rightsholders to demand action from the State and non-State actors involved in sanitation governance; requires good governance or compliance with constitutional provisions
Affordability	Requires that the direct and/or indirect costs of sanitation facilities should not interfere with meeting other human needs
Autonomy of Service Providers	Protects the service providers from undue political interference
Availability	Requires an adequate number of sanitation facilities for users
Capacity building	Provides for sanitation and hygiene training, finances or other resources that improve sanitation access
Cooperation	Requires States to cooperate in the management of transboundary water resources
Cost sharing	Allocates the financial cost of sanitation facilities to different stakeholders; requires users to own private facilities
Demand responsiveness	Requires sanitation facilities to be designed to meet users' stated preferences
Dignity	Protects privacy of users, especially vulnerable users like women and girls
Disaster risk reduction	Focuses on reducing the adverse impacts and/or possibility of disasters
Environmental Impact of Sanitation Facilities	Requires service providers and/or regulators to assess the negative impacts of sanitation facilities on water quality or the environment generally
Equality and Non-discrimination	Prohibits all forms of covert or overt discriminatory practices in sanitation governance processes and/or service delivery
Equity and Poverty Reduction	Requires the elimination of poverty and/or equal treatment of the poor; includes intra and inter-generational equity
Extra-territorial Obligation	Places obligations on States to respect, protect and fulfil the human right to sanitation outside their territories either directly or through the actions of non-State actors based on attribution ; requires international cooperation in the management of transboundary resources
Gender Responsiveness	Requires sanitation facilities to be designed to meet the special needs of women and girls especially

Code	Criteria
Human right to sanitation (express recognition)	Recognises the human right to access safe, affordable, accessible and acceptable sanitation facilities for are adequate for their personal needs
Human right to sanitation (implied recognition)	Recognises the need for sanitation as a requirement for the realisation of the human right to water or other related economic, social or cultural rights
Human right to water (express recognition)	Recognise the human right to access water for drinking, including other domestic consumption needs
Human right to water (implied recognition)	Recognises the human right to water, as a requirement for the realisation of the human right to water or other related economic, social or cultural rights
Integration	Requires considerations for environmental sustainability or ecosystems integrity in sanitation governance; monitors the environmental impact of sanitation facilities
Participation	Promotes the participation of stakeholders, especially users, in sanitation governance
Participation of Communities, Private Sector and Civil Society	Promotes the participation of communities, private sector and civil society specifically, in sanitation governance
Policy making and regulatory role of government	Highlights the role of the State to make policies and laws for sanitation governance
Polluter pays	Requires polluters to internalise the costs of pollution
Pollution prevention	Requires measures to prevent pollution
Precautionary principle	Requires action to prevent irreversible harm even without any conclusive scientific evidence and/or irrespective of the economic cost of taking action
Prioritization of human needs	Elevates basic human needs like drinking and sanitation to be satisfied before other uses of groundwater
Safety	Demands measures to protect users from harm caused by sanitation facilities
Subsidiarity	Requires sanitation governance and decision making at the lowest-appropriate level of governance
Sustainability	Requires sanitation facilities to be environmentally sustainable and/or meet the present needs
Social good	Protects water resources and the environment from contamination in order to meet human needs sustainably and derive the optimum long term benefits for the society; public trust doctrine
Transparency and Access to Information	Provides the public with access to information regarding the quality, status and other aspects of sanitation services which affects their enjoyment of their rights
Water as an economic good	Recognises water as an economic and/or promotes full cost recovery

Annex G. List of interviewees

Code	Professional background/experience	Country of residence
Interviewee 1	Inter-governmental WASH agency	Nigeria
Interviewee 2	National regulatory agency	Nigeria
Interviewee 3	National regulatory agency	Nigeria
Interviewee 4	National regulatory agency	Nigeria
Interviewee 5	National regulatory agency	Nigeria
Interviewee 6	National regulatory agency – focused on humanitarian situations	Nigeria
Interviewee 7	Provincial sanitation regulatory agency	Nigeria
Interviewee 8	Provincial sanitation regulatory agency	Nigeria
Interviewee 9	Provincial WASH regulatory agency	Nigeria
Interviewee 10	Media activist – focused on informal settlements	Nigeria
Interviewee 11	Urban planner and environmental journalist	Nigeria
Interviewee 12	Journalist and development expert	Nigeria
Interviewee 13	Urban planner and WASH journalist	Nigeria
Interviewee 14	Civil geo-environmental consult & WASH service provider	Nigeria
Interviewee 15	Private sector sanitation service provider	Nigeria
Interviewee 16	International NGO – focused on informal settlements	Nigeria
Interviewee 17	National NGO – focused on informal settlements	Nigeria
Interviewee 18	National NGO – focused on humanitarian situations	Nigeria
Interviewee 19	National NGO – focused on informal settlements	Nigeria
Interviewee 20	International WASH NGO – focused on humanitarian situations	USA
Interviewee 21	International WASH NGO – focused on humanitarian situations	Pakistan
Interviewee 22	International WASH NGO – focused on humanitarian situations	South Africa
Interviewee 23	Law and international relations	West Indies
Interviewee 24	Sustainability science & governance	USA
Interviewee 25	Sustainability science & governance	Sweden
Interviewee 26	Sustainability science & governance	UK
Interviewee 27	Geographer; environmental & human rights law	UK
Interviewee 28	Water supply and sanitation governance	UK
Interviewee 29	Sustainability science/governance	UK
Interviewee 30	Law, natural resources and international security	Germany
Interviewee 31	Sustainability science & governance	UK
Interviewee 32	International development policy & management	Belgium
Interviewee 33	Sustainability science & governance	Canada
Interviewee 34	Sustainability science & governance	UK
Interviewee 35	Ecological and political philosophy	UK
Interviewee 36	Climate change law& policy	UK
Interviewee 37	Sustainability science & governance	Netherlands
Interviewee 38	Human geography and political ecology	Germany
Interviewee 39	Sustainability science & governance	USA
Interviewee 40	Sustainability science & governance	Netherlands
Interviewee 41	Sustainability science & governance	Japan
Interviewee 42	Sustainability science & governance	Netherlands
Interviewee 43	Sustainability science & governance	UK
Interviewee 44	Water and Sanitation engineer	India
Interviewee 45	Economist – focus on WASH	Netherlands
Interviewee 46	Waste management	Ghana
Interviewee 47	Water supply and sanitation governance	Netherlands

Annex H. Background information for the respondent households

Variable	Frequency (n = 254)	Percent
Head of the household		
Head	71	28.0
Related to head	183	72.0
Type of housing		
Flat in a block of flats	100	39.4
House on a separate land	58	22.8
Rooms let in a house	50	19.7
Improvised dwelling	11	4.3
Bungalow	11	4.3
Semi-detached house	8	3.1
Duplex	8	3.1
Traditional structure	8	3.1
Method of payment for the house		
House owner	145	57.1
Normal rent	89	35.0
Free	15	5.9
Subsidized rent	5	2.0
Duration lived in the house		
< 1 year	27	10.6
1 – 5 years	107	42.1
6 – 10 years	63	24.8
> 10 years	57	22.4
Population living in the house		
< 7	183	72.0
7 – 10	53	20.9
> 10	18	7.1

Annex I. States with human right to sanitation and/or water legislations, grouped according to their continents

Africa

Country	UNGA Vote	HRS	HRW
Algeria	√	√	√
Angola	√	X	X
Benin	√	√	√
Botswana	Abstention	√	√
Burkina Faso	√	√	√
Burundi	√	X	X
Cameroon	Absent	√	√
Cape Verde	√	0	0
Central African Republic	√	√	√
Chad	Absent	√	√
Comoros	√	0	0
Congo	√	X	X
Côte d'Ivoire	√	√	√
Democratic Republic of the Congo	√	0	√
Djibouti	√	0	0
Egypt	√	0	0
Equatorial Guinea	√	0	0
Eritrea	√	0	√
Ethiopia	Abstention	√	√
Gabon	√	X	X
Gambia	Absent	√	√
Ghana	√	√	√
Guinea	Absent	X	X
Guinea-Bissau	Absent	√	√
Kenya	Abstention	√	√
Lesotho	Abstention	X	0
Liberia	√	0	0
Libya	√	0	0
Madagascar	√	√	√
Malawi	Absent	0	0
Mali	√	√	√
Mauritania	Absent	X	√
Mauritius	√	0	0
Morocco	√	√	√
Mozambique	Absent	X	X
Namibia	Absent	0	0
Niger	√	√	√
Nigeria	√	√	√
Rwanda	Absent	√	√
Sao Tome and Principe	Absent	0	0
Senegal	√	X	X
Seychelles	√	0	0
Sierra Leone	Absent	√	√
Somalia	√	0	0
South Africa	√	√	√

Country	UNGA Vote	HRS	HRW
Sudan	√	√	√
Swaziland	Absent	0	0
Togo	√	X	√
Tunisia	√	√	X
Uganda	Absent	√	√
United Republic of Tanzania	Abstention	√	√
Zambia	Abstention	0	0
Zimbabwe	√	√	√
√ - Yes X – Made representation to the GLAAS 2014 but does not have national human right to sanitation legislation 0 - No representation to the GLAAS 2014 and no additional records of human right to sanitation laws found			

Asia

Country	UNGA Vote	HRS	HRW
Afghanistan	√	X	X
Bahrain	√		
Bangladesh	√	√	√
Bhutan	√	√	√
Brunei Darussalam	√	0	0
Cambodia	√	X	X
China	√	0	0
Democratic People's Republic of Korea	√	0	0
India	√	X	X
Indonesia	√	√	√
Iran	√	√	√
Iraq	√	0	0
Israel	Abstention	0	0
Japan	Abstention	0	0
Jordan	√	X	X
Kazakhstan	Abstention	√	√
Kuwait	√	0	0
Kyrgyzstan	√	√	√
Lao People's Democratic Republic	√	√	√
Lebanon	√	√	√
Malaysia	√	0	0
Maldives	√	√	√
Mongolia	√	√	√
Myanmar	√	X	X
Nepal	√	√	√
Oman	√	√	√
Pakistan	√	X	X
Philippines	Absent	√	√
Qatar	√	0	0
Republic of Korea	Abstention	0	0
Russian Federation	√	0	0
Saudi Arabia	√	0	0
Singapore	√	0	0
Sri Lanka	√	√	√

Country	UNGA Vote	HRS	HRW
Syria	√	0	0
Tajikistan	√	0	√
Thailand	√	√	√
Timor-Leste	√	√	0
Turkey	Abstention	0	0
Turkmenistan	Absent	0	0
United Arab Emirates	√	0	0
Uzbekistan	Absent	0	0
Viet Nam	√	√	√
Yemen	√	X	√
√ - Yes			
X – Made representation to the GLAAS 2014 but does not have national human right to sanitation legislation			
0 - No representation to the GLAAS 2014 and no additional records of human right to sanitation laws found			

Europe

Country	UNGA Vote	HRS	HRW
Albania	Absent	0	0
Andorra	√	0	0
Armenia	Abstention	0	0
Austria	Abstention	0	0
Azerbaijan	√	√	√
Belarus	√	√	√
Belgium	√	0	0
Bosnia and Herzegovina	Abstention	0	0
Bulgaria	Abstention	0	0
Croatia	Abstention	0	0
Cyprus	Abstention	0	0
Czech Republic	Abstention	0	0
Denmark	Abstention	0	0
Estonia	Abstention	0	0
Finland	√	0	0
France	√	0	√
Georgia	√	√	√
Germany	√	0	0
Greece	Abstention	0	0
Hungary	√	0	0
Iceland	Abstention	0	0
Ireland	Abstention	0	0
Italy	√	0	0
Latvia	Abstention	0	0
Liechtenstein	√	0	0
Lithuania	Abstention	√	√
Luxembourg	Abstention	0	0
Malta	Abstention	0	0
Monaco	√	0	0
Montenegro	√	0	0
Netherlands	Abstention	0	0
Norway	√	0	0

Country	UNGA Vote	HRS	HRW
Poland	Abstention	0	0
Portugal	√	0	0
Republic of Moldova	Abstention	0	0
Romania	Abstention	0	0
San Marino	√	0	0
Serbia	√	0	0
Slovakia	Abstention	0	0
Slovenia	√	0	0
Spain	√	0	0
Sweden	Abstention	0	0
Switzerland	√	0	0
The former Yugoslav Republic of Macedonia	√	0	√
Ukraine	Abstention	√	√
United Kingdom	Abstention	0	0
√ - Yes X – Made representation to the GLAAS 2014 but does not have national human right to sanitation legislation 0 - No representation to the GLAAS 2014 and no additional records of human right to sanitation laws found			

North America

Country	UNGA Vote	HRS	HRW
Antigua and Barbuda	√	0	0
Bahamas	√	0	0
Barbados	√	0	0
Belize	Absent	0	0
Canada	Abstention	0	0
Costa Rica	√	√	√
Cuba	√	√	√
Dominica	√	0	0
Dominican Republic	√	√	√
El Salvador	√	0	0
Grenada	√	0	0
Guatemala	√	0	0
Haiti	√	√	√
Honduras	√	√	√
Jamaica	√	0	0
Mexico	√	√	√
Nicaragua	√	0	√
Panama	√	X	X
Saint Kitts and Nevis	Absent	0	0
Saint Lucia	√	0	0
Saint Vincent and the Grenadines	√	0	0
Trinidad and Tobago	Abstention	0	0
United States	Abstention	0	0
√ - Yes X – Made representation to the GLAAS 2014 but does not have national human right to sanitation legislation 0 - No representation to the GLAAS 2014 and no additional records of human right to sanitation laws found			

Oceania

Country	UNGA Vote	HRS	HRW
Australia	Abstention	0	0
Fiji	Absent	√	√
Kiribati	Absent	0	0
Marshall Islands	Absent	0	0
Micronesia (Federated States of)	Absent	0	0
Nauru	Absent	0	0
New Zealand	Abstention	0	0
Palau	Absent	0	0
Papua New Guinea	Absent	0	0
Samoa	√	0	0
Solomon Islands	√	0	0
Tonga	Absent	0	0
Tuvalu	√	0	0
Vanuatu	√	X	X
√ - Yes X – Made representation to the GLAAS 2014 but does not have national human right to sanitation legislation 0 - No representation to the GLAAS 2014 and no additional records of human right to sanitation laws found			

South America

Country	UNGA Vote	HRS	HRW
Argentina	√	√	√
Bolivia	√	√	√
Brazil	√	√	√
Chile	√	X	X
Colombia	√	√	√
Ecuador	√	0	0
Guyana	Abstention	0	0
Paraguay	√	X	√
Peru	√	X	X
Suriname	Absent	0	0
Uruguay	√	√	√
Venezuela	√	0	0
√ - Yes X – Made representation to the GLAAS 2014 but does not have national human right to sanitation legislation 0 - No representation to the GLAAS 2014 and no additional records of human right to sanitation laws found			