

What is the Right to Water?

What is the legal basis for the right to water?

- The right to water stems from the rights to an adequate standard of living, adequate food and housing, health, and life, protected by the Universal Declaration of Human Rights; International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights; and the International Convention on the Elimination of All Forms of Racial Discrimination.
- In the context of rural women, the Convention on the Elimination of All Forms of Discrimination Against Women, Article 14(2) sets out the right “to enjoy adequate living conditions, particularly in relation to... water supply,” and the Convention on the Rights of the Child, Article 24 requires “clean drinking water” to combat disease and malnutrition.
- See also UN General Assembly Resolution 64/292; UN General Assembly Resolution 76/153; Human Rights Council Resolution 15/9; Plan of Implementation of the World Summit on Sustainable Development (paragraph 25). The UN General Assembly has further clarified that in addition to a right to water, there is also a separate right to sanitation.
- The Committee on Economic, Social and Cultural Rights has provided detailed guidance on implementing the right to water (CESCR General Comment 15), discussed in the sections below. It describes water as “indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights.”

What does the right to water mean?

- A right to water “entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.”
- While personal and domestic uses take priority, water is “necessary to produce food (right to adequate food) and ensure environmental hygiene (right to health)” and is “essential for securing livelihoods (right to gain a living by work) and enjoying certain cultural practices (right to take part in cultural life).”
- Water must be “**adequate** for human dignity, life, and health.”

What are the components of the right to water?

1. AVAILABILITY. Water supply should be sufficient and continuous for personal and domestic uses. Additional water may also be necessary for some due to health, climate, and work reasons. Water quantity per person should be more than just the bare minimum to survive. The UN General Assembly has endorsed 50-100 liters or 13-26 gallons per person per day. Moreover, it is important to ensure the availability of water for agriculture to realize the right to adequate food.

2. ACCESSIBILITY. Water should be accessible to everyone in these four aspects:

- **Physical accessibility:** adequate water should be within a safe distance of households, educational institutions, and workplaces. Water collection should not exceed 30 minutes and should be within 1,000 meters of the home. Water facilities and services must be of sufficient quality, culturally appropriate, and sensitive to gender, life cycle, and privacy requirements.
- **Economic accessibility:** water should be affordable for everyone.
- **Non-discrimination:** water should be available for everyone, including marginalized groups. People with disabilities may face particular challenges in access to water.
- **Information accessibility:** information about water should be accessible to all.

3. QUALITY. Water should be safe and free of bacteria, chemical substances, and other health hazards.

4. SUSTAINABILITY. Water should be used in a manner that ensures its continuing availability for present and future generations.

5. ACCEPTABILITY. Water should be of acceptable odor, taste, and color to meet all personal and domestic uses. The water facility itself must be acceptable, ensuring privacy and dignity and sensitive to people’s cultures and priorities. (Catarina De Albuquerque, Realising the Human Rights to Water and Sanitation: A Handbook, pg. 36)

How can this right be meaningfully protected if it is dependent on its resources?

- This right contains a **minimum core** and aspects for **progressive realization** to the maximum of available resources.
- The minimum core includes:
 - Minimum essential water to prevent disease.
 - Non-discriminatory access to water, especially for marginalized groups.
 - Sufficient, safe, and regular water access. Sufficient water outlets to avoid prohibitive wait times at a reasonable distance from households.
 - No threats to security in accessing water.
 - Equitable distribution of water facilities and services.
 - National water strategy and plan of action devised and periodically reviewed through a participatory and transparent process, giving particular attention to marginalized groups.
 - Monitoring realization of the right to water and ensuring accountability.
 - Adopting targeted water programs to protect marginalized groups.
 - Ensuring adequate sanitation and preventing, treating, and controlling diseases linked to water.
- National water strategy and action plan need to include **benchmarks** to measure progressive realization. There is thus an important **monitoring** role for civil society and a need for transparency concerning water policies.
- Judicial bodies can also play a critical role in ensuring government accountability for the right to water.
- There is also an “essential role” for international cooperation and assistance. ● CESCR calls on states to take “joint and separate action to achieve the full realization of the right to water.”

How can the government progressively realize the right to water?

- Use new techniques and technologies to improve system efficiency and reach irregular settlements.
- Enable users of a water service to participate in making decisions on technology and the type of service.
- Implement appropriate pricing policies, including income-based pricing or when appropriate, free water.
- Create sustainable alternatives to digging and dumping in water sources.
- Sustainably restore water sources from chemical poisoning and further protections against contamination.
- Monitor water reserves.
- Increase government revenue as needed to ensure the right to water, through taxation or other mechanisms.
- Use Sustainable Development Goal 6 as a tool to inform a national plan, set priorities, collect data, and monitor progress toward ensuring the human right to water for all.

