

# HUMAN RIGHTS IN THE UNITED STATES



## What are Human Rights?

They are fundamental rights that are inherent to every person just for being human. They are principles that recognize the basic protections needed for people to live in dignity and freedom. They are universal and apply equally to all people, regardless of nationality, race, religion, sex, or any other status. They are made law through treaties which are international agreements.

## What rights do they protect?

Human rights fall into two categories, but they are interconnected and all equally important.

- **Political and civil rights** protect individuals from infringements on their personal liberty– like life and freedom from arbitrary detention- while ensuring that they are able to participate in civil and political life- like voting and freedom of expression.
- **Economic, social, and cultural rights** address issues in the home, the workplace, and cultural life and include an adequate standard of living, health, education and housing.

## What are the duties of governments that have signed human rights treaties?

Each treaty outlines specific obligations, but in general governments must:

- ✓ **Respect-** Refrain from interfering with the enjoyment of rights
- ✓ **Protect-** Prevent others from interfering with the enjoyment of rights
- ✓ **Fulfill-** Ensure the realization of rights through active measures

## Which human rights treaties has the United States ratified?

The U.S. has ratified some human rights treaties, including:

- **International Covenant on Civil and Political Rights (“ICCPR”)** was ratified by the U.S. in 1992 and outlines a number of basic rights, including to life, due process, and equal protection under the law. It also protects the rights of all to freedom of speech, religion, and self-determination.
- **International Convention on the Elimination of all forms of Racial Discrimination (“CERD”)** was ratified by the U.S. in 1994 and calls upon countries to end all forms of racial discrimination and ensure equality through proactive measures.
- **Convention Against Torture (“CAT”)** was ratified by the U.S. in 1994 and commits nations to take measures to prevent and punish torture.



# THE HUMAN RIGHT TO WATER

## **Where does the human right to water fit in?**

The human right to water is recognized as an economic, social, and cultural right. It is based on the right to an adequate standard of living. Although the U.S. has not ratified the convention on economic, social, and cultural rights, the Convention on the Elimination of all forms of Racial Discrimination requires that these rights be fulfilled in a non-discriminatory manner and as a result the U.S. is bound by that principle.

## **What is the human right to water?**

The Human Right to Water, as recognized by the U.N. Human Rights Council, means every person enjoys access to safe water in sufficient quantities for personal and domestic uses at affordable rates that do not compromise other basic needs.

## **What does California's Human Right to Water Law say?**

The Human Right to Water law in California mirrors the international definition and explicitly recognizes that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.”

## **Who is responsible for implementing California's Human Right to Water law?**

State agencies are responsible for implementing the law- they must ‘consider’ the human right to water in their decision-making when an issue impacts water for domestic use.

## **Where can I learn more?**

Columbia Law School, *Bringing Human Rights Home: How State and Local Governments Can Use Human Rights to Advance Local Policy*:

<http://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/Bringing%20Human%20Rights%20Home.pdf>

United Nations, Human Right to Safe Drinking Water and Sanitation: <http://sr-watersanitation.ohchr.org/>

United Nations, Frequently Asked Questions on the Human Right to Safe Drinking Water and Sanitation: [http://www.ohchr.org/Documents/Issues/Water/FAQWater\\_en.pdf](http://www.ohchr.org/Documents/Issues/Water/FAQWater_en.pdf)

California's Human Right to Water law (AB 685):

[http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0651-0700/ab\\_685\\_bill\\_20120925\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0651-0700/ab_685_bill_20120925_chaptered.pdf)

U.C. Berkeley School of Law, *The Human Right to Water Bill in California: An Implementation Framework for State Agencies*: [http://www.law.berkeley.edu/files/Water\\_Report\\_2013\\_Interactive\\_FINAL.pdf](http://www.law.berkeley.edu/files/Water_Report_2013_Interactive_FINAL.pdf)