

REFERENCES TO HUMAN RIGHTS AND SANITATION IN INTERNATIONAL, REGIONAL AND DOMESTIC STANDARDS

Instrument	Human Rights obligations related to sanitation in the treaty	Sanitation as explicit distinct HR	Sanitation enshrined as component of other human rights in instrument	Interpretation by treaty body
PART A: INTERNATIONAL LEGAL STANDARDS				
I. INTERNATIONAL HUMAN RIGHTS TREATIES				
International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1965	-	-	-	The Committee referred to “the right to health and sanitation services” under the right to an adequate standard of living
International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966	Art. 12 [on the right to the highest attainable standard of physical and mental health] (2)(b) stipulates that the : “improvement of all aspects of environmental and industrial hygiene” is a precondition for achieving the right to the highest attainable standard of health.	-	No explicit reference, but art 11 (1) on the right to an adequate standard of living, has a non-exhaustive listing of rights that are included in that concept [food, clothing and housing, and the continuous improvement of living conditions], making it thus possible to argue that other rights (such as possibly water and/ or sanitation) are included.	CESCR addresses sanitation under the rights to health, housing, water and social security. CESCR has also explicitly referred to sanitation as a right in its Concluding Observations: mentioning the “rights to adequate housing, food and water, health services and sanitation.” In its new reporting guidelines adopted in January 2009, the Committee refers to sanitation under the right to housing (see paragraph 50) and the right to health (see paragraph 57 b).
International Covenant on Civil and Political Rights (ICCPR), 1966	-	-	-	The Human Rights Committee regularly addresses sanitary conditions in detention facilities under arts 7 (“no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”) and 10 (1) ICCPR (“all persons deprived of their liberty shall be

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				treated with humanity and with respect for the inherent dignity of the human person”). Also, the right to life guaranteed under art. 6 (1) ICCPR may be violated when persons under direct control of a State (prisoners; illegal immigrants held in detention) die due to unsanitary conditions
Convention on the Elimination of All Forms of Discrimination Against (CEDAW), 1979	Art. 14(2)(h) addressing the specific challenges faced by rural women stipulates that “States ... in particular, shall ensure to such women the right: ... To enjoy adequate living conditions, particularly in relation to housing, sanitation, ...”	-	Right of rural women to an adequate standard of living	Sanitation only addressed under article 14(2)(h) CEDAW regarding rural women.
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984	-	-	-	Committee against Torture addresses poor sanitary conditions in detention facilities under article 16 of the Convention prohibiting cruel, inhuman or degrading treatment or punishment
Convention on the Rights of the Child (CRC), 1990	Art. 24 [on the right of the child to the enjoyment of the highest attainable standard of health] asks States to: “ensure that all segments of society ... are informed, have access to	-	-	Under right to health (art. 24 CRC) and right to an adequate standard of living (art. 27 CRC)

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	education and are supported in the use of basic knowledge of hygiene and environmental sanitation”			

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II. INTERNATIONAL DECLARATIONS AND RESOLUTIONS			
II. 1. DECLARATIONS ADOPTED BY STATES WITHIN THE UN FRAMEWORK			
Standard Minimum Rules for the Treatment of Prisoners, 1955 [Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977]	<p>“prisoners ... shall be provided with water and with such toilet articles as are necessary for health and cleanliness.”</p>	-	-
United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990 [adopted by GA resolution 45/113]	<p>“sanitary installations should be so located and of a sufficient standard to enable every juvenile to comply, as required, with their physical needs in privacy and in a clean and decent manner.”</p>	-	-
Programme of Action of the Cairo International Conference on Population and Development, 1994	-	-	Sanitation as a component of the right to an adequate standard of living.
The Habitat Agenda Goals and Principles, Commitments and the Global Plan of Action, 1996 [adopted by 171 States at Habitat II Conference in Istanbul]	-	-	<p>“Everyone has the right to an adequate standard of living for themselves and their families, including ... water and sanitation, ...” [see para 11].</p>
Declaration on Cities and Other Human Settlements in the New Millennium, 2001 [adopted by GA resolution S25.2 of 9 June 2001] [This	Representatives of Governments “[r]esolve to promote access to safe drinking water for all and to facilitate the provision of basic infrastructure	-	-

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Declaration reaffirms that the Istanbul Declaration and the Habitat Agenda will remain the basic framework for sustainable human settlements development in the years to come]	and urban services, including adequate sanitation, waste management [...] that is integrated and accessible to all, including people with disabilities.” [see § 59].		
United Nations Declaration on the Rights of Indigenous Peoples, 2007 [adopted by the GA, through resolution A/RES/61/295]	-	-	Article 21 §1 stipulates that “[i]ndigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of ... sanitation, health and social security. Paragraph 2 of this same provision stipulates that “particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.”
II.2. STATEMENTS OF UN EXPERT BODIES			
Guiding Principles on Internal Displacement, 1998 [drafted by the Representative of the Secretary-General on Internally Displaced Persons, Mr. Francis M. Deng and submitted to the Commission on Human Rights in 1998 and contained in document E/CN.4/1998/53/Add.2]	-	-	Sanitation is an element of the right to an adequate standard of living [see Principle 18].
Sub-Commission on Human Rights resolution 2000/8	-	The Sub-Commission reaffirmed “the fundamental principles of	-

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		equality, human dignity and social justice, and the right to drinking water supply and sanitation for every woman, man and child”. It also underlined “that various obstacles linked to the realization of the right of everyone to drinking water supply and sanitation seriously impede the realization of economic, social and cultural rights”.	
Sub-Commission Guidelines for the Realization of the Right to Drinking Water and Sanitation , 2006	Guidelines elaborate HR obligations related to sanitation in detail using the AAAQ framework	“Everyone has the right to have access to adequate and safe sanitation that is conducive to the protection of public health and the environment.”	-
II.3. OTHER RELEVANT STATEMENTS			
ILO Recommendation No. 115 on Workers’ Housing, 1961	Obligations related to sanitation part of obligation to ensure safe and decent housing	-	-
Dublin Statement on Water and Sustainable Development, 1992	-	“... it is vital to recognize first the basic right of all human beings to have access to clean water and sanitation at an affordable price.”	-
III. FINDINGS OF UN SPECIAL PROCEDURES			
Former Special Rapporteur on the right to adequate housing, Mr. Miloon Kothari	-	Reference to “human right to water and sanitation” in report to 7 th session of HRC	Realization of right to housing closely interlinked with and contingent upon fulfilment of other rights and services, including access to ... sanitation
Former Special Rapporteur on the right to the highest attainable	Comprehensively addressed HR obligations related to water and	“The human right to water and sanitation is recognized as a self-	-

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standard of health, Mr. Paul Hunt	sanitation in his final 2007 report to GA	standing right in a wide range of international documents, including treaties and declarations, as well as by governmental and non-governmental bodies and in various court decisions.”	
Special Rapporteur on the right to education, Mr. V. Muñoz Villalobos	Elaborates on State obligations to ensure school sanitation, specifically for girls	-	-
IV. INTERNATIONAL HUMANITARIAN LAW TREATIES			
Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949	Stipulates a wide range of State obligations with regard to sanitation and hygiene, including access day and night and separate facilities for women internees	-	-
Geneva Convention (III) relative to the Treatment of Prisoners of War	Contains virtually identical provisions	-	-
PART B: REGIONAL STANDARDS			
AFRICA			
Abuja Declaration adopted at the 1 st Africa-South America Summit, 2006 [Africa and South America]	-	“the right of our citizens to have access to clean and safe water and sanitation ...”	-
AMERICAS			
American Declaration of the Rights and Duties of Man, 1948	-	-	Sanitary and social measures included under right to health [see article XI].
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (“Protocol of San Salvador”),	-	-	No explicit reference to sanitation, but strong argument that sanitation is included under the right to have access to a

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1988			healthy environment and to have access to basic public services [see article 11].
ASIA			
“Message from Beppu”, adopted at 1 st Asia-Pacific Water Summit, 2007	-	“... the people’s right to safe drinking water and basic sanitation as a basic human right and a fundamental aspect of human security”	-
Delhi Declaration, adopted at 3rd South Asian Conference on Sanitation (SACOSAN III), 2008	-	“access to sanitation and safe drinking water is a basic right, and according national priority to sanitation is imperative”	-
MIDDLE EAST			
Arab Charter on Human Rights, 2004	Provision of proper sanitation systems under right to health.	-	-
PART C: EXAMPLES OF DOMESTIC STANDARDS			
I. CONSTITUTIONAL SOURCES			
Bolivia	-	“Everyone has the right to universal and equitable access to the basic services of drinking water, sanitation, ...”	-
Colombia	“Public health and environmental sanitation are public services for which the State is responsible.”	-	-
Ecuador	“The State shall be responsible for providing the public services of ... sanitation”	“The right to a life in dignity, that safeguards health, ... environmental sanitation”	-
Guatemala	“[The State] shall watch over the establishment and planning of	-	-

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	primary health care and the improvement of the conditions of basic environmental sanitation of the less protected communities.”		
Kenya	-	Draft: “Every person has the right to a reasonable standard of sanitation.”	-
Maldives	-	“Every citizen [has] the following rights ... (f) the establishment of a sewage system of a reasonably adequate standard on every inhabited island;”	-
Uruguay	-	“Access to drinking water and access to sanitation constitute fundamental human rights.”	-
Venezuela	-	-	“Everyone has the right to housing that is adequate, secure, comfortable and hygienic, with essential basic services...”
II. OTHER DOMESTIC LEGISLATIVE SOURCES			
Algeria	-	“...the right of access to water and sanitation to satisfy the basic needs of the population”	-
Bolivia	“The providers of water or sanitation services may not discriminate between users of the same tariff category in the provision of the services.”	-	-
Brazil	-	“...guarantee the right to sustainable cities, understood as the right to urban land, housing, environmental	-

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		sanitation,..."	
Guatemala	-	"Access to water and sanitation for the satisfaction of primary needs of the population at adequate prices is a fundamental right of every human being. ... "[draft]	-
South Africa	-	"RECOGNIZING the rights of access to basic water supply and basic sanitation necessary to ensure sufficient water and an environment not harmful to health or well-being"	-
III. DOMESTIC WATER AND SANITATION POLICIES			
Bangladesh	-	"Sanitation is a human right"	-
Kenya	-	"Safe water and basic sanitation must be regarded as a basic human right and should therefore be accessible and affordable to all."	-
Sri Lanka	-	"The Government of Sri Lanka considers access to safe drinking water and sanitation as an inalienable right."	-