

November 9, 2015

Secretary John F. Kerry
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Kerry,

We, advocates and non-governmental organizations working on human rights in the United States, write to express our firm support of the proposed resolution (A/C.3/70/L.55) on the rights to water and sanitation introduced by Germany and Spain to the 70th Session of the United Nations General Assembly Third Committee.

We represent civil society groups from across the United States committed to the promotion of the human rights to water and sanitation. In October, many of us provided information to the Inter-American Commission on Human Rights about grave and widespread violations and concerns related to the human rights to water and sanitation in rural and urban communities here in the United States. We raised concerns about contaminated drinking water, mass water shutoffs and failing water and sanitation infrastructure. Inadequate access to water and sanitation services disproportionately impacts people living in poverty, people of color, Indigenous Peoples, women, persons with disabilities, people experiencing homelessness, and other groups that historically have faced discrimination and marginalization.

Marginalized populations around the world face similar challenges in realizing their human rights to water and sanitation. The 2010 United Nations General Assembly resolution 64/292 recognizing the right to safe drinking water and sanitation was an important step forward for people to hold their governments accountable for obligations that already existed under the human right to an adequate standard of living. As people living in the United States and represented by the Obama Administration, we were disappointed that the United States abstained from that vote in 2010, but were pleased that the United States showed a strong commitment to this issue as a co-sponsor of the subsequent 2013 resolution A/HRC/24/L.31.

We have learned that Germany and Spain have proposed a new resolution on the rights to water and sanitation, and that the draft includes the recognition of the right to water and the right to sanitation as separate and interrelated rights. This is an important recognition that highlights the distinct characteristics of water and sanitation, but it does not expand states' human rights obligations. Water and sanitation are distinct rights derived from the right to an adequate standard of living and both are integral components of the realization of many other human rights, in particular the rights to life, health, equal treatment, and non-discrimination. The use of the plural reflects the accurate understanding of the right to an adequate standard of living, which contains a number of different rights that are recognized and treated as individual rights, including the rights to food and housing.

The proposed resolution also provides definition of these rights, as further articulation of the right defined and derived from by both the Human Rights' Council resolution and the Committee on Economic, Social and Cultural Rights (CESCR). The United States should support these developments and the inclusion of the definition in the resolution. Unlike the vast majority of the world's population, we -people living in the U.S. - currently do not enjoy the full guarantees provided in the International Covenant on Economic, Social and Cultural Rights (CESCR). Nevertheless, as a signatory to the CESCR, the U.S. has committed not to take any steps that contravene the purpose of the Covenant. We therefore ask the U.S. not work at cross purposes to member states of the Covenant to reflect the definition of these rights as recognized by the CECSR.

Finally, we urge the United States to support the proposed language in the resolution related to the private sector, so as to ensure the private sector does not violate the rights to water and sanitation. We remind the United States to uphold the United Nations Guiding Principles on Business and Human Rights and the U. S. National Action Plan on Responsible Business Conduct, and uphold the duty to protect these human rights.

We urge you to ensure that the United States is a strong proponent of the rights to water and sanitation internationally. In particular, we ask that the United States not work to weaken the proposed language of the resolution in relation to the rights to water and sanitation. Doing so is to the detriment of marginalized and vulnerable populations around the world and too many of us living in the United States.

We appreciate your attention in this matter.

Sincerely,

Ejim Dike, Executive Director; Rebecca Landy, Human Rights Outreach & Advocacy Manager,
US Human Rights Network

Cathy Albisa, Director; Rob Robinson, National Economic & Social Rights Initiative

Horacio Amezcuita, General Manager, San Jerardo Cooperative, Inc.

Joni Arends, Executive Director, Concerned Citizens for Nuclear Safety

Colin Bailey, Executive Director, Environmental Coalition for Water Justice

Mary Bricker-Jenkins, PhD, Professor Emerita, Temple University School of Social Service

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Sarah Dávila-Ruhaak, Director, International Human Rights Clinic, The John Marshall Law School

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Dorothy Felix, President, Mossville Environmental Action Now

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Petuuche Gilbert, Vice President, Laguna Acoma Coalition for a Safe Environment

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Patricia Jones, Senior Program Leader, the Human Right to Water, Unitarian Universalist Service Committee (UUSC)

Suren Moodliar & Dorotea Manuela, Color of Water Project, Massachusetts Global Action

Kevin Murray, Executive Director, Program on Human Rights in the Global Economy (PHRGE), Northeastern University School of Law

Marlene Perrote, RSM, Partnership for Earth Spirituality

John Philo, Executive & Legal Director; Rashida Tlaib, Community Partnerships & Development Director, Sugar Law Center for Economic & Social Justice

Nancy Price, Women's International League for Peace and Freedom, US/Earth Democracy Committee

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Caleen Sisk, Winnemem Wintu Tribe

Eric Tars, Senior Staff Attorney, National Law Center on Homelessness and Poverty

Maureen Taylor, State Chair, Michigan Welfare Rights Organization

Bret Thiele, Co-Executive Director, Global Initiative for Economic, Social and Cultural Rights

Cc: Bathsheba Nell Crocker, Assistant Secretary, Bureau of International Organization Affairs

Ambassador Samantha Power, Permanent U.S. Representative to the United Nations

Ambassador Sarah Mendelson, U.S. Representative on the UN Economic and Social Council

Sarah Sewall, Under Secretary for Civilian Security, Democracy, and Human Rights

Tom Malinowski, Assistant Secretary, Bureau of Democracy, Human Rights, and Labor

Scott Busby, Deputy Assistant Secretary, Bureau of Democracy, Human Rights & Labor

Aaron Salzberg, Special Coordinator for Water Resources

