



**HUMAN RIGHTS TO  
WATER AND SANITATION**

# **DIFFERENT LEVELS AND TYPES OF SERVICES AND THE HUMAN RIGHTS TO WATER AND SANITATION**

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A report by the Special Rapporteur on the  
human rights to water and sanitation

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# INTRODUCTION

Measures meant to ensure access to water, sanitation and appropriate hygiene practices occur in a variety of contexts that strongly influence how human rights can be realized. These contexts include:



Particular political-institutional contexts, that have a significant impact on levels of support provided for water, sanitation and hygiene services and the sustainability of access;

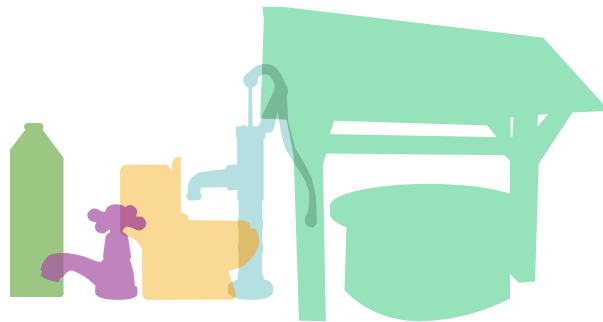


physical characteristics (water availability, geological, topographical and territorial aspects) that are relevant for identifying the most appropriate technologies;



economic context, which influences the implementation capacity of the local institutions and the economic sustainability of systems.

This report discusses to what extent different types of water, sanitation and hygiene services, combined with their diverse management models, can comply with the human rights to water and sanitation. It would be simplistic to isolate this discussion from the context in which certain technologies and management options are applied, and to draw any conclusive generalizations. However, the report highlights the potential benefits and limitations of each type of service and the resulting concerns for the realization of human rights.



The realization of the human rights to water and sanitation is influenced by the way in which these various types of services are delivered and the extent to which the State has oversight of the service provided. The report situates this human rights analysis of types of services in the context of State's obligations to progressively realize human rights, focusing particularly on prioritization.

Governing bodies and service providers may extract lessons from this analysis for their respective planning, assisting them in developing strategies for the progressive realization of the human rights to water and sanitation. Likewise, these lessons may also aid those bodies responsible for monitoring service provision, especially to identify human rights concerns in access to these services.

# HUMAN RIGHTS FRAMEWORK FOR WATER, SANITATION AND HYGIENE

*What are the meanings of human rights standards and principles for sanitation, water and hygiene in light of different types of services?*

Resolution 24/18 of the Human Rights Council recognized “that the human right to safe drinking water and sanitation entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use and to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure and acceptable, and that provides privacy and ensures dignity.”

Building on this definition, the earlier work of the Committee on Economic, Social and Cultural Rights (see E/C.12/2002/11 and A/HRC/12/24) and of the former Special Rapporteur (see A/HRC/12/24), this section seeks to clarify the meaning of human rights standards and principles for sanitation, water and hygiene, in the light of different types of services.

## SANITATION



### AVAILABILITY

A sufficient number of sanitation facilities has to be available. The necessary structures also have to be put in place to ensure that they can be constructed, maintained and managed.

### ACCESSIBILITY

Sanitation facilities must be physically accessible for everyone within or in the immediate vicinity of each household, health or educational institution, public institutions and places, and the workplace.

### AFFORDABILITY

Use of sanitation facilities and services must be available at a price that is affordable to all people.

### QUALITY AND SAFETY

Human rights require that sanitation facilities must be hygienically safe to use and easy to clean and maintain. They must also be technically safe to use, which means that the superstructure is stable and the floor and hole to the pit are designed in a way that reduces the risk of accidents.

### ACCEPTABILITY, PRIVACY AND DIGNITY

Sanitation facilities and services must be culturally acceptable. Personal sanitation is a highly sensitive issue across regions and cultures and differing perspectives about which sanitation solutions are acceptable must be taken into account regarding the design, positioning and conditions for use of sanitation facilities.

# WATER



## AVAILABILITY

There must be a sufficient quantity of water available to fulfil individuals' and households' requirements for drinking and personal hygiene, for personal and domestic uses, which includes cooking, preparation of food, laundry and cleaning.

## ACCESSIBILITY

Water must be accessible in the household or its immediate vicinity, as well as at other places where an individual spends significant amounts of time, including at the workplace, in schools, health centres and detention centres.

## AFFORDABILITY

Water must be affordable to individuals for all personal and domestic uses. In considering the affordability of water services, States must consider all aspects of access, including tariffs, connection charges, storage and household treatment of water, where necessary.

## QUALITY AND SAFETY

The water used by households and individuals for domestic and personal uses must be of sufficient quality to protect their health.

## ACCEPTABILITY, PRIVACY AND DIGNITY

Water must be of an acceptable colour, odour and taste, beyond the issues of quality mentioned above.

# HYGIENE



## AVAILABILITY

Facilities to meet hygiene requirements must be available wherever there are toilets or latrines, where water is stored, and where food is prepared and served.

## ACCESSIBILITY

Hygiene facilities must be physically accessible for everyone within or in the immediate vicinity of each household, public institution or space. Access to hygiene facilities should be secure and convenient for all users.

## AFFORDABILITY

Use of hygiene facilities and services must be available at a price that is affordable to all people. Assistance should be provided to households or individuals who cannot afford services.

## QUALITY AND SAFETY

Hygiene facilities must be safe to use and easy to clean. Sanitation facilities must ensure access to safe water for hand washing, menstrual hygiene, and anal and genital cleansing.

## ACCEPTABILITY, PRIVACY AND DIGNITY

Sanitation facilities and services must be culturally acceptable. Personal sanitation is a highly sensitive issue across regions and cultures and differing perspectives about which sanitation solutions are acceptable must be taken into account regarding the design, positioning and conditions for use of sanitation facilities.

# HUMAN RIGHTS PRINCIPLES

*Human rights principles provide vital guidance on how human rights must be realized and applied to particular types of services.*



## NON-DISCRIMINATION AND EQUALITY

For individuals and groups to enjoy full equality, States must take all necessary steps to ensure substantive equality, which means preventing discrimination in legislation and policies as well as in practice. With respect to water, sanitation and hygiene, human rights requires that everyone has equal access to services; but this does not mean that everyone must enjoy the same type of service, such as flush toilets, as they may not be appropriate in all circumstances and contexts.



## PARTICIPATION

Participation must be active, free and meaningful to comply with the human rights to water and sanitation. Individuals and communities must be given the opportunity to participate in the choice of the type of service and management model.



## ACCESS TO INFORMATION

To be able to make informed choices, communities and individuals must have access to adequate information about the different technologies' long-term costs, sustainability and related health and environmental concerns. Poor and marginalized individuals and communities are often the passive objects of policymaking, excluded from public debate, unable to participate in political life and prevented from influencing the decisions that have a profound effect on their everyday lives. Access to information helps balance the unequal power dynamic that exists between marginalized individuals and groups and the State and other bodies such as service providers.



## ACCOUNTABILITY

States have an obligation to realize the human rights to water and sanitation, and can be held accountable for this. Monitoring is essential to assessing whether States and other actors, including service providers, are complying with the human rights to water and sanitation, and is a prerequisite for holding them to account for violations. States have an obligation to put appropriate accountability mechanisms in place and to ensure access to the courts as a last resort.



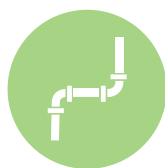
## SUSTAINABILITY

Human rights law requires that the progressive realization of human rights is achieved in a sustainable manner. Improvements to services and facilities must be maintained such that slippage and retrogression is avoided. In the context of service levels, this demands that services are reliable and continuously functional. Above all, today's services must not limit future generations from accessing water, sanitation and hygiene services. The most appropriate technology must be chosen with due attention to immediate costs, long-term costs and the availability of water and financial resources.

# DIFFERENT TYPES AND CATEGORIES OF DELIVERY SERVICES

## TYPES OF SERVICES

To facilitate the discussion on the appropriateness of the different types of service, this section includes a brief assessment of the characteristics and factors of each type of service that can either favour or hinder their compliance with the human rights to water and sanitation.



**Connection to a piped network**



**Shared or communal facilities**



**Individual on-site solutions**

## MANAGEMENT MODELS



### **Utilities**

Utilities will generally have a formal structure and will be required to meet particular standards in service provision. There will generally be State-mandated or independent oversight of a utility's activities, whether or not this is effective.



### **Small-scale, NGO or community-run providers that are not mandated by the State and are largely unregulated**

Informal providers exist outside of State oversight, often in response to the absence of more formal solutions for adequate services. These providers tend only to be accountable to consumers insofar as the latter are able to choose between existing providers based on the criteria of availability, price, and quality of service.



### **Small-scale, non-governmental (NGO) or community-run service providers that are recognized or even mandated by the State**

In some countries, these providers are part of the formal institutional arrangement for ensuring access to water, sanitation and hygiene. This may be the case particularly in rural areas, where it may not be realistic to deliver piped services to individuals and households in the short term.



### **Self-supply**

For sanitation, this is probably the most common form of access in rural areas and in many informal settlements, and is also widespread for households' access to water.

# ASSESSMENT OF KEY LEVELS OF SERVICE THROUGH THE LENS OF HUMAN RIGHTS

## SANITATION



### CONNECTION TO A PIPED NETWORK



- Usually ensure accessibility, acceptability and convenience for the user, quality and privacy.
- Faeces and wastewater are transported away from the household in a way that avoids human contamination.
- Regulatory framework and standards are generally available, while these are not always effectively put in place and monitored.

#### HUMAN RIGHTS CONCERNS:

- Construction of such systems may be technically difficult to install in and around existing buildings and infrastructure where urban settlements have not been adequately planned, such as informal settlements.
- In many developing countries, the sewerage network is only available in middle and high income areas.
- Requires considerably more water than other forms of sanitation, which can raise environmental and affordability concerns.

### SHARED OR COMMUNAL FACILITIES



- Institutions such as schools, healthcare centres and detention centres generally use communal systems in the absence of a sewerage system, and may be either formally or informally provided.
- A short- to medium-term solution, necessary owing to limited urban planning and insufficient resources.
- Examples include: Public or communal toilet or latrine blocks and latrines privately shared between a few households

#### HUMAN RIGHTS CONCERNS:

- There may be particular concerns for persons with disabilities, children, older persons, people with a chronic illness (which may be stigmatized, such as HIV), renters or those who do not belong to the main household.
- Less likely to be well-managed than privately shared latrines.
- Tend to be located at a greater distance from the home, raising concerns for quality, hygiene and accessibility.

### INDIVIDUAL ON-SITE SOLUTIONS



- A short- to medium-term solution, necessary owing to limited urban planning and insufficient resources
- Pit latrines, ventilated or improved pit latrines, septic tanks and different types of ecological sanitation

#### HUMAN RIGHTS CONCERNS:

- Some of these solutions may be inadequate, especially in terms of cleaning, maintenance and sludge management, which can have strong negative impacts on human health and the environment

# WATER



## CONNECTION TO A PIPED NETWORK

- Regulatory framework and standards are generally available, while these are not always effectively put in place and monitored.

### HUMAN RIGHTS CONCERNS:

- Problems often arise with piped water supplies in terms of quality (where the water is not adequately treated) or with continuity, where limited water availability leads to rationing of water supplies
- Piped services are often not available to rural households or to those living in informal settlements in urban areas.



## SHARED OR COMMUNAL FACILITIES

- Institutions such as schools, health-care centres and detention centres in settlements or areas without access to a piped supply may use a borehole or well that is available for their own use or for the use of the broader community, particularly where such a settlement does not have another reliable source of water.
- Examples include: Water kiosks, standpipes, boreholes and wells often based in a settlement or village. Institutions such as schools, health-care centres and detention centres in settlements or areas without access to a piped supply may rely on these solutions.

### HUMAN RIGHTS CONCERNS:

- Particular issues to consider are water quality, price, distance from the home, waiting times (where there are a number of households using the same source) and the appropriate transport to, and storage within, the home.
- Prices for water supplies may rise and fall according to water availability, putting the price of water out of reach for households on low-incomes in times of water scarcity.



## INDIVIDUAL ON-SITE SOLUTIONS

- A short- to medium-term solution, necessary owing to limited urban planning and insufficient resources
- Examples include: Private wells or boreholes, rainwater harvesting

### HUMAN RIGHTS CONCERNS:

- Private wells may not provide a regular or year-round supply of water, with seasonal dry periods being problematic in some regions.
- There can be issues with household water treatment and storage, and continuity of supply in areas with variable rain.



# HYGIENE



Generally, all hygiene services are provided through a household's own initiative, or through the initiative of the relevant institution. Many cultures use water for genital and anal cleansing, and again require sufficient quantities of water at the point of use.

Hand-washing is often seen as the key aspect of hygiene. It requires both adequate quantities of water at necessary places (in the kitchen and bathroom) and critical times (after using the toilet, before preparing food and before eating), as well as soap (or an alternative, such as ash).

## HUMAN RIGHTS CONCERNS:

- Systems should be designed with the participation of users to make sure that they are relevant, appropriate and not liable to increase stigmatization (for example of girls and women during their periods)
- Resources necessary for hygiene may be in short supply, for accessibility or affordability reasons
- It is essential that there be an adequate wastewater disposal system to prevent the local (and in some cases broader) environment from being flooded with excess water.
- In State institutions, whether a school, health centre or place of detention, there should be independent oversight to ensure that these services are adequate.



Connection to a piped network



Shared or communal facilities



Individual on-site solutions

## CONTEXT IS KEY.

The context and policy environment in which a particular technology is used strongly influence whether the service complies with human rights standard and principles.

While the relationship between any particular technological option and its performance is largely dependent on the management model that accompanies it and the context within which it is carried out, the type of service used may, in and of itself, weigh on the realization of these rights.

The type of service and management model for a given location's water, sanitation and hygiene services must be assessed in the light of the human rights and standards and principles, as well as the principles of core obligations, progressive realization and use of maximum available resources.

# PROGRESSIVE REALIZATION

The concept of progressive realization encapsulates the need for States to move beyond minimum provision of water and sanitation. Instead, progressive realization points towards the need for States to take stock of the current situation of human rights to water and sanitation, and identify how best to achieve the highest level of services possible for all people from there.

## Achieving universal access

The solutions proposed by the State need to be assessed contextually, with particular consideration of the resources available.

Where they have the capacity to realize the human rights to water and sanitation in full, however, they have obligation to do so. All States must undertake deliberate, targeted and concrete steps to that end.

## Targeting and prioritizing the most disadvantaged individuals and groups

It is not sufficient for States not to discriminate against certain groups or individuals, but States must take positive measures to include everyone and to redress past disadvantage and reverse patterns of inequalities. Accordingly, equality and non-discrimination have important implications for priority-setting.

Assessing who is unserved or underserves through the lens of discrimination and equality demands policymakers to address the structural causes for which many people have been disadvantaged through comprehensive measures.

## Addressing practical challenges in prioritization

The human rights framework does not allow States to ignore the immediate needs with promises of a long-term strategy that will eventually reach the entire population, including the most marginalized and disadvantaged individuals and communities. The human rights framework conveys an urgency to meet and prioritize these needs.

# IMPLICATIONS FOR MONITORING

Monitoring can play an important role in assessing whether States meet their human rights obligations.

Sectoral water, sanitation and hygiene monitoring in the context of development cannot fully monitor the progressive realization of the human rights to water and sanitation. Yet, it can provide useful tools that support human rights monitoring.

Additional factors that must be taken into account are:



Inequalities



Legislation, policies and regulatory frameworks



Accountability

The Special Rapporteur encourages States to develop more specific monitoring processes, considering the relevant indicators for their specific context. A central tenet of such processes is not only to monitor whether certain benchmarks have been met and reward States for meeting these targets, but also to measure the very different starting points and baselines for achieving universal access to water and sanitation.

# THE SPECIAL RAPPOREUR RECOMMENDS THAT STATES:

- (a) Use the human rights framework for water, sanitation and hygiene to identify appropriate types of services and to ensure that services are **available, safe, acceptable, accessible and affordable** to all;
- (b) Take into account the different concerns as to meeting human rights standards related to each type of service in planning and implementation processes. It is important for States to consider that **some combinations of types of services and management models** may be not compliant and might even provide outcomes far from human rights standards;
- (c) Take into account the social, economic, political, cultural and environmental **context** in assessing the compliance of types of services with human rights;
- (d) Ensure **active, free and meaningful participation** in the decision-making on adopting types of services and management models;
- (e) Set **priorities** in a way to meet the most essential needs to ensure survival, health and dignity, considering the short-, medium- and long-term planning;
- (f) Focus on the **unserved and underserved** as a matter of priority. Where parts of the population do not even have access to an essential level of service, States must prioritize the realization of their human rights. When everyone has access to at least an essential level of service, States have the obligation to progressively realize the human rights to water and sanitation in order to achieve an adequate standard of living for all;
- (g) Prioritize groups and individuals who have been disadvantaged in the past in order to achieve substantive equality and to **redress past disadvantage**;
- (h) **Balance short-, medium- and long-term needs** and address these through comprehensive planning. This implies not deferring immediate needs with promises of a long-term strategy that will eventually reach the entire population. Immediate needs must be addressed as a matter of priority, while minimizing the cost of any potential double investment in infrastructure;
- (i) Develop **monitoring systems** to measure the progress States make, acknowledging that States have different starting points and baselines for achieving universal access to water, sanitation and hygiene, as well as to monitor the progressive reduction of inequalities;
- (j) Use and adapt, as necessary, existing platforms or partnerships so as to ensure the **accountability**, future review and follow-up of the water-, sanitation- and hygiene-related sustainable development goal targets. Such a platform should establish a country-led review process that includes international and civil society organizations, and assesses progress and bottlenecks.

