

United Nations resolutions on the human rights to water and sanitation

A briefing paper for civil society organisations

Water and sanitation are human rights. You probably already know that. But did you know that countries negotiate and pass a resolution on these rights every year at either the UN General Assembly or the UN Human Rights Council? These resolutions can be important for national level advocacy on the rights to water and sanitation.

In this briefing paper we (1) explain what these United Nations (UN) resolutions are and (2) how these can be useful in national and local level advocacy work. (3) We explain how resolutions are negotiated, and (4) summarise the issues reflected in the latest resolution.

And we want you to get involved! At the bottom of this briefing paper, we summarise what you can do to express your priorities for the next resolution in the 51st UN Human Rights Council session from 12 September – 7 October 2022.

1. United Nations Resolutions: what are they?

A UN resolution is a formal text adopted by a UN body: Every year, countries negotiate a resolution on the human rights to water and sanitation at the General Assembly or Human Rights Council. These UN bodies consist of UN member states. This means that all resolutions are documents drafted and passed by countries themselves. CSOs can influence negotiations by doing lobby work, but have no role in adopting resolutions. While resolutions are not legally binding, they are an important expression of countries' positions and of commitments to the human rights to water and sanitation.

Since 2010, the 193 UN member states have passed 15 resolutions on the human rights to water and sanitation. Use this [MAP](#) to find all resolutions by the UN General Assembly and Human Rights Council on the human rights to water and sanitation – and which country supported which resolution.

2. How are resolutions useful?

Resolutions reflect countries' support and commitment to the human rights to water and sanitation and give meaning to the interpretation of these rights. Resolutions can therefore be used for advocacy at the national level by reminding the government of its international commitment.

How are the rights to water and sanitation binding for states?

Even though resolutions are not legally binding themselves, these resolutions show the solid understanding that **the human rights to water and sanitation are legally binding**. All but one resolutions on the human rights to water and sanitation confirm that the human rights to water and sanitation are part of (or derived from, as the resolutions state) the human right to an adequate standard of living.

This is important, because the human right to an adequate standard of living is part of **binding international human rights law**. This right is guaranteed in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as in the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD). These human rights treaties have been ratified by 171, 196 and 184 countries respectively. All of these countries are therefore **under the obligation to realise the human rights to water and sanitation for everyone** in their respective countries.

So how does this commitment work? If your country has **co-sponsored** a resolution and/or voted yes, you could use it to urge institutions at the national level to follow the *recommendations* and *calls to action* contained in the resolution's text. 'Co-sponsoring' means that a country actively supported the resolution. This is the strongest support a country can express for a resolution that is adopted by consensus among countries.

Use this [MAP](#) to find out how many resolutions on the human rights to water and sanitation your country has co-sponsored and/or voted yes on. These resolutions contain "calls to action" that your country has committed to. As a reference, we have included some of the main issues contained in the latest resolution further below. Some of these issues may respond to the challenges you face in your local context. You can talk to government officials about what these commitments mean for their work.

3. How do negotiations on resolutions work?

Every year, countries draft a new resolution on the human rights to water and sanitation. In this process, the very first draft is always prepared by Germany and Spain (these happen to be the 'main sponsors' that lead negotiations on the human rights to water and sanitation at the UN).

Germany and Spain also lead the negotiations at the UN Human Rights Council respectively the UN General Assembly. Countries send diplomats to negotiate the draft text of the resolutions in a series of meetings. In these negotiations, diplomats receive guidance and direction from their ministries of foreign affairs at country level. The ministries have already defined the political direction for these resolutions, long before the negotiations at the UN level take place.

So how can civil society influence the text of a resolution? Most importantly: By influencing the ministries of foreign affairs at the national levels. Advocacy for forward-looking topics and progressive language in resolutions is crucial to move the realisation of the human rights to water and sanitation forward. This can be done most successfully when CSOs advocate well in advance, and at country level. This is because diplomats at the UN act within the scope of the political direction they receive from their ministry of foreign affairs.

This doesn't mean that civil society is not needed at these UN level negotiations! Here, civil society lobbying is important to ensure that the text of the resolution is as progressive as possible, and that language is not weakened. Also the practical expertise of civil society is important for diplomats who negotiate the text. Diplomats are not familiar with the everyday reality of the challenges people face. CSOs have much more knowledge on the current barriers in the realisation of rights. In negotiation processes they can therefore try to lobby diplomats and make a statement, for instance.

After several rounds of negotiations, the final resolution text is presented in the official UN Human Rights Council' respectively the UN General Assembly' session. Here, the resolutions on the human rights to water and sanitation are usually adopted **by consensus**. This means that all countries pass the resolution without objection, and that the resolution was not put to a vote. Generally, consensus is the desired outcome of a negotiation on a resolution on the human rights to water and sanitation, given that the topic as such is not controversial and should therefore not be put to a vote. In addition, the latest resolution had 103 active **co-sponsors**, which means that those countries did not only let the resolution pass, but were active supporters of the text. This is the strongest support a country can express for a resolution that is adopted by consensus.

With every resolution that is passed by consensus, a bit more weight is added to the legal interpretation of these rights. Although resolutions as such are not legally binding documents, the repeated agreements over issues contained in them serve as guidance for the interpretation of the rights (and the actions that need to be taken to realise these rights).

With this in mind, it is easier to understand that negotiations over new resolution texts are a careful weighing of chances of success. Because care need to be taken not to loose support for the resolution, or harm the 'status quo' of the current consensus.

4. What topics are covered in the latest resolution?

Resolutions have long and relatively hard to read texts. The content of the UN resolutions is quite general, as it needs to be applicable to all contexts everywhere. Below we have summarised some of the main issues covered in the latest UN General Assembly resolution A/RES/76/153, adopted 16 December 2021. References below these messages are to the paragraphs in the resolution text.

To find these, you can open the original resolution ([here](#)) and have a look at the document. The first five pages have paragraphs without numbers. These paragraphs are the *Preambular Paragraphs (PP)*. All UN resolutions begin with PPs, which introduce the topic that the resolution deals with (in this case, the human rights to water and sanitation). If you want to read a PP that this overview refers to, simply count the paragraphs from the beginning of the resolution. The following pages list the *Operative Paragraphs (OP)* of the resolution. OPs are action oriented; they contain "calls to action" that countries agree on among each other. These OPs are numbered.

A selection of key issues and commitments contained in the most recent resolution:

1. Countries have recognised that the human rights to water and sanitation are part of **binding treaty law**.

To read more about this, refer to the following paragraphs of GA resolution A/RES/76/153: **PP2, PP3, PP4, PP5, OP 1, OP2**

All resolutions since 2010 repeat and confirm that the human rights to water and sanitation are 'derived from' (meaning that they are part of) **the human right to an adequate standard of living**. This is important, because the human right to an adequate standard of living is part of existing **binding international human rights law**. Namely, Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), articles 24 and 27 (3) of the Convention on the Rights of the Child (CRC) and Article 28 of the Convention on the Rights of Persons with Disabilities (CRPD).

[Click here](#) to see if your country is part of these legally binding treaties

2. Countries must **take all the necessary steps**, and while doing that, use their maximum available resources, in order to realise the rights to safe drinking water and sanitation for everyone in the country.

To read more about this, refer to the following paragraphs of GA resolution A/RES/76/153: **OP4**

Countries need to **move forward** with the realisation of the human rights to water and sanitation, **step by step** and **using the maximum of their available resources**. This is called "**progressive realisation**". It recognises that rights such as the human rights to water and sanitation cannot be realised for everyone over night – while also clarifying that progress must be made. It means that states must move **as quickly and effectively as possible** towards good water and sanitation services for all.

3. **Non-discrimination and equality:**

- Countries should realise the human rights to water and sanitation for all in a non-discriminatory manner while eliminating inequalities in access, including for individuals belonging to groups at risk and those who are marginalised.

- Countries should, among other things, recognise that a lack of adequate water and sanitation services negatively affects gender equality and the empowerment of women and girls and their enjoyment of human rights.
- Countries should, among other things, eliminate inequalities in access, empower women and girls, promote their leadership and participation and protect them from gender-based violence.

To read more about this, refer to the following paragraphs of GA resolution A/RES/76/153: **PP22, PP26, PP28, PP 31, PP 32, PP 37, OP 2, OP 5a, OP 5e, OP 5f, OP 5h, OP 5i, OP 5j, OP 5 k, OP 5l**

The specific gender inequality issues highlighted in this resolution include e.g. the impact of gender roles, the connection between inadequate wash facilities and gender based violence, and the particular need to manage menstruation safe and hygienically and with dignity.

Note that gender inequality is experienced differently across different contexts and cultures and also affects non-binary people. Resolutions so far do not touch upon all of this. Rather, it contains paragraphs on particularly pervasive issues with regard to gender equality and menstruation.

4. Accountability, monitoring and data:

- Countries should provide for effective accountability mechanisms for all water and sanitation service providers, including private sector providers. Also, this resolution addresses non-State actors, such as private service actors, to comply with their responsibility to respect human rights.
- Countries have stressed the importance of monitoring and reporting for the realisation of rights without discrimination, and affirmed the importance of continually improving the availability of high-quality, accessible, timely and reliable disaggregated data on progress.

To read more about this, refer to the following paragraphs of GA resolution A/RES/76/153: **PP12, PP 17, PP25, PP 19, PP 18, OP 5 q, OP 5r, OP 7**

Note that, as in previous resolutions, this resolution uses aggregated data from the Joint Monitoring Programme (JMP) on the status of SDG 6 implementation for an overview of progress. International data collected and analysed by JMP monitors progress towards SDG targets on safely managed and on basic water and sanitation. [For more info on JMP click [here](#)] Due to the depth available in JMPs reports, this information is extremely valuable from a human rights perspective. However, JMP does not monitor the realisation of the human rights to water and sanitation. This is not their mandate, nor could they monitor it. Among other reasons, this is because data that is aggregated at a global level loses detail. And details – for example on underlying reasons for inequality – and context – for example to understand affordability challenges – is extremely important in order to realise the human rights to water and sanitation.

- 5. Participation:** Countries should apply broad and inclusive participatory approaches, consulting and coordinating with local communities and other stakeholders, including women, girls, persons with disabilities and broader civil society, and the private sector, on adequate solutions to ensure sustainable, equitable and non-discriminatory access to safe drinking water and sanitation.

To read more about this, refer to the following paragraphs of GA resolution A/RES/76/153: **OP5h, OP5o**

6. Sustainability, climate change and the environment

- Countries have recognised the severe implications of climate change and environmental damage for the enjoyment of the human rights to water and sanitation, and should accelerate action to become more resilient and less vulnerable to climate change.

- Countries have committed to step up efforts to tackle desertification, land degradation, erosion and drought, biodiversity loss and water scarcity.
- Countries have recognised that those already in vulnerable situations unequally feel consequences of environment and climate change.
- Countries should substantially reduce the share of untreated wastewater released into the environment and take into account appropriate systems for the treatment of wastewater produced, and implement water resources management.

To read more about this, refer to the following paragraphs of GA resolution A/RES/76/153: **PP35 PP36 PP 37 OP 5c OP 5f OP 5p OP 9 OP 10**

7. Health; pandemic response; menstrual health and hygiene

- Countries have recognised that hygiene, water and sanitation are essential for preventing diseases.
- Countries should urgently prioritise the provision of water and sanitation services for all, especially in densely populated, impoverished and rural areas, as a means of enhancing pandemic preparedness and preventing the ongoing spread of infectious diseases such as COVID-19
- **Menstruation:** Countries have recognised how the realisation of the human rights to water and sanitation is important to enable good menstrual hygiene management as well as the importance of menstrual health and hygiene for the enjoyment of all human rights.

To read more about this, refer to the following paragraphs of GA resolution A/RES/76/153: **PP 23, PP 22, PP 26, PP 27, PP30, PP31, OP 5(f), OP 5 (e), OP 5 (n), OP 5 (b), OP 5 (m), PP 22, PP 24, OP 5 (p), OP 9**

8. Standards on the human rights to water and sanitation

Countries have recognised that the human rights to water and sanitation entitle everyone, without discrimination, to have access to **sufficient, safe, acceptable, physically accessible and affordable** water for personal and domestic use, and that the human right to sanitation entitles everyone, without discrimination, to have **physical and affordable access** to sanitation, in all spheres of life, that is **safe, hygienic, secure, socially and culturally acceptable** and that provides **privacy and ensures dignity**

To read more about this, refer to the following paragraphs of GA resolution A/RES/76/153: **PP26 PP28 PP31 PP 33 OP2 OP 5b OP 5e OP 5g OP 5l**

Standards serve to assess whether services meet human rights requirements. Find more information on this here: <https://human-rights-to-water-and-sanitation.org/hrbackground/>

9. Humanitarian situations

Countries have recognised that people who are affected by conflict and crisis are particularly vulnerable and more likely to lack access to services, and is alarmed by the attacks on objects and infrastructure critical for (water and sanitation) services.

To read more about this, refer to the following paragraphs of GA resolution A/RES/76/153: **PP 24 PP 26 PP 27 PP 28 PP 29**

Human rights apply always – including in humanitarian emergencies and crises. Yet ensuring adequate services in such situations is a challenge – and attacks on these services including as a method in armed conflict are not uncommon.

10. International cooperation

Countries have affirmed that regional and international cooperation and assistance is important for the realisation of the human rights to water and sanitation. They call upon countries and organisations to provide and expand financial, capacity building, and technological support to governments that need help.

To read more about this, refer to the following paragraphs of GA resolution A/RES/76/153: **PP 34 OP 4 OP 6 OP 8 OP 10 OP 11g**

This and former resolutions on the human rights to water and sanitation can be found on this [MAP](#).

HOW YOU CAN GET INVOLVED

1. Join us on **14 July** in the [MRR talk](#) dedicated to **UN resolutions on the rights to water and sanitation and their usefulness to civil society organisations**. Here, we discuss how you can use resolutions for advocacy on the rights. You can also use this MRR talk to connect with other CSOs. When you unite yourselves, you can push for certain messages (including at country level) and influence future resolutions.
2. Go to this [online questionnaire](#) and indicate what is most important for you in the negotiations for the upcoming resolution in the 51st UN Human Rights Council session from 12 September – 7 October 2022. Here you can indicate the issues that are particularly important to you and highlight what you think governments need to do to address these issues better.