

The human rights to water and sanitation at the UN

It is well-known in the WASH sector that water and sanitation have been recognised as human rights. Yet few practitioners are aware that UN Member States negotiate and pass a resolution on these rights every year at either the UN General Assembly or the UN Human Rights Council. The latest resolution, UN Human Rights Council resolution [A/HRC/Res/51/19](#), was adopted on 6 October 2022 by consensus of all Human Rights Council members. This is the 16th resolution on the human rights to water and sanitation since these rights were first recognised in 2010. WASH United has been coordinating civil society advocacy around these resolution processes since the beginning and was present at the Human Rights Council in Geneva to influence the latest resolution.

In this summary, we highlight:

- (1) Background: UN resolutions on the human rights to water and sanitation
- (2) Using UN resolutions for advocacy at the national level
- (3) The most important points contained in this resolution
- (4) Where to find resolutions on the human rights to water and sanitation

(1) Background: UN resolutions on the human rights to water and sanitation

Resolutions on the human rights to water and sanitation are negotiated by two UN bodies: the first is the UN General Assembly, where all UN Member States are represented. The second is the UN Human Rights Council, which has a rotating membership of 47 countries. While only these 47 members can vote, all countries can participate in the negotiation process and even co-sponsor resolutions.

Resolutions adopted by these two UN bodies are evidence of how UN Member States interpret the human rights to water and sanitation and how their interpretation has evolved over time.

How do countries show support for a resolution?

The strongest possible support a UN Member State can express for a resolution is by becoming a co-sponsor. This means that the country joins the original sponsors of the text in bringing the resolution forward for adoption.

How does the negotiation process work?

In the case of the human rights to water and sanitation, the countries who lead the resolution process are Germany and Spain. They are called the sponsors. They provide the first draft of the resolution, lead the negotiations with the other countries and make adjustments to the text as required, trying to find a consensus.

After multiple rounds of negotiations (including several open informal meetings of all interested parties), most of the resolutions on the human rights to water and sanitation have been passed by consensus. On the rare occasion that a country disagreed with parts of the text, votes have been called for. In the case of a vote, countries can vote yes or no or abstain – and they can also co-sponsor the resolution.

At the Human Rights Council, the open informal meetings can be attended by civil society organisations accredited to the UN and present a key opportunity to influence the negotiations.

All resolutions at a glance

Consult this [map](#) to see all resolutions on the human rights to water and sanitation.

You can sort the map to see:

- a list of countries that supported a particular resolution, or
- a list of the resolutions that your country supported.

For an overview of all 16 resolutions, their co-sponsors and (in the case of a vote) the voting record, consult this map: <https://human-rights-to-water-and-sanitation.org/resolution-database/>

(2) Using UN resolutions for advocacy at the national level

If your country has supported a resolution on the human rights to water and sanitation at the UN, you can use this in advocacy in your country, including at national and sub-national level.

It is important to understand that in international law, a state acts as a single entity. A position a country takes at the UN is therefore attributable to all state organs, including regional and local governments. It is also important to note that the actions a country took at the UN under a previous government are fully attributable to its successors.

By actively supporting a resolution as a co-sponsor or by voting “yes”, countries express their opinion at the international level. This creates an expectation that these countries should “walk the talk” and implement what they supported. You can therefore use these expressions of opinion to

- a. remind your country of its recognition of the human rights to water and sanitation in general and advocate for more action to turn the rights into reality;
- b. advocate for more action on the specific issues addressed in the relevant resolutions, such as prioritising services for people who are marginalised, ensuring participation, the importance of services in humanitarian situations, action on menstrual health and hygiene, and others.

Check the list of co-sponsors of Human Rights Council resolution A/HRC/Res/51/19 below to see whether your country is included. To see which other resolutions your country has supported in the past, see this map of all resolutions: www.human-rights-to-water-and-sanitation.org/resolution-database.

Which countries supported UN Human Rights Council resolution A/HRC/Res/51/19?

Like most resolutions on the human rights to water and sanitation, this resolution was adopted by consensus, meaning that none of the 47 Member States of the Human Rights Council demanded a vote or had any objections to the text.

Even though the UN Human Rights Council only has 47 members at any given time, all UN member States can support resolutions as co-sponsors. Of the 193 UN Member States, 75 countries supported the latest resolution on the human rights to water and sanitation as co-sponsors, bringing it forward for adoption together with the original sponsors Germany and Spain.

Full list of co-sponsors of UN Human Rights Council resolution A/HRC/Res/51/19*

Co-sponsors from the **African** group: Gabon, Mali, Morocco, South Africa, Togo, Tunisia

Co-sponsors from the **Asia-Pacific** group: Cyprus, Fiji, Iraq, Malaysia, Maldives, the Marshall Islands, Mongolia, the Republic of Korea, the State of Palestine, the Philippines, Samoa, Thailand, Timor-Leste, Vanuatu

Co-sponsors from the **Eastern European** group: Albania, Armenia, Bosnia and Herzegovina, Bulgaria, Croatia, Czechia, Estonia, Hungary, Latvia, Lithuania, Montenegro, North Macedonia, Poland, Romania, Serbia, Slovakia, Slovenia, Ukraine

Co-sponsors from the **Latin American and Caribbean** group: the Bahamas, Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Haiti, Honduras, Mexico, Panama, Paraguay, Peru, Uruguay

Co-sponsors from the **Western European and Others** group: Andorra, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland

* See *Report of the Human Rights Council on its fifty-first session*, UN document number A/HRC/51/2, 6 December 2022, Advance unedited version

(3) The most important points contained in the latest resolution

UN Human Rights Council 51/19 has a total of six pages and covers many issues that are important for UN Member States to negotiate. For WASH sector advocates interested in the realisation of the human rights to water and sanitation, the following issues are particularly important:

UN 2023 Water Conference

The UN 2023 Water Conference is the first international intergovernmental conference on water since 1977. It is an important opportunity to advocate for the practical realisation of the human rights to water and sanitation. Advocacy by civil society and some countries has led to the explicit inclusion of the human rights to water and sanitation in Theme 1 of the Conference, named “Water for Health, access to safe drinking water, hygiene and sanitation, including the human rights to safe drinking water and sanitation”.

Human Rights Council resolution 51/19 stresses the importance of highlighting the human rights dimension across all segments of the conference, calls upon States to take the outcomes of the Conference into account and calls for broad and inclusive civil society representation.

If you are interested to read more, then refer to the following paragraphs in the resolution:

- ⇒ Preambular paragraph 13
- ⇒ Operative paragraphs 2 (b) and 5

Practical implementation of the rights to water and sanitation

While all countries recognise the human rights to water and sanitation as part of the right to an adequate standard of living, the rights are of course not yet realised for many people. The resolution contains a number of references that can be useful to advocate for more and more effective action at the national level. The resolution calls for integrated approaches to realise the rights to water and sanitation, as well as cross-sectoral implementation of all SDGs, including SDG 6. It also recognises the important role of civil society at local, national, regional and international levels – and the role of human rights defenders in the promotion and protection of the rights to water and sanitation.

If you are interested to read more, then refer to the following paragraphs in the resolution:

- ⇒ Preambular paragraphs 10 and 31
- ⇒ Operative paragraph 2 (b)

Gender equality and menstrual health and hygiene

Gender inequality persists in all spheres of life – and so it is important to consider gender in the realisation of the human rights to water and sanitation. Some of the language on gender equality proposed in the draft resolution was controversially discussed, including in particular language on the diversity of women and girls. The compromise found now speaks of women and girls in diverse situations and conditions and as agents and beneficiaries of strength, which is stronger compared to older resolutions.

On menstruation, the resolution now uses the terminology menstrual health and hygiene to address the topic more comprehensively than in previous texts, which spoke of menstrual hygiene management. Importantly, the resolution contains strong references to societal stigma and shame, the need for promoting education and health practices and fostering a culture in which menstruation is recognised as healthy and natural.

What are preambular and operative paragraphs?

All UN resolutions begin with preambular paragraphs (PPs), which introduce the topic that the resolution deals with. Preambular paragraphs are not numbered. If you want to read a PP that this analysis refers to, simply count the paragraphs from the beginning of the resolution. Operative paragraphs are action oriented. They often call upon States to do something. Operative paragraphs are numbered.

If you are interested to read more, then refer to the following paragraphs in the resolution:

- ⇒ Preambular paragraphs 8, 11, 23, 24, 25 and 26
- ⇒ Operative paragraphs 2 (a), 2 (d), 2 (b), 2 (e) and 2 (f)

Humanitarian situations

Humanitarian emergencies and crises, including those arising from armed conflict or natural disasters, continue to be a focus in the resolution. Human rights of course apply always, but ensuring water and sanitation services in such situations remains a significant challenge, and violations of the rights to water and sanitation in armed conflict are not uncommon.

If you are interested to read more, then refer to the following paragraphs in the resolution:

- ⇒ Preambular paragraphs 18, 19, 27, 28 and 29
- ⇒ Operative paragraphs 2 (e) and 2 (m)

Climate change and the environment

The impacts of climate change and environmental degradation are increasingly felt the world over. And they increasingly impact the availability of water and the sustainability of water and sanitation services.

Since the last resolution on the human rights to water and sanitation (UN General Assembly resolution A/Res/76/153), the human right to a clean, healthy and sustainable environment has been recognised by the UN Human Rights Council (A/HRC/Res/48/13) and the General Assembly (A/Res/76/300). Given the strong interlinkages between the realisation of the rights to water and sanitation and the right to the environment, the resolution recalls both.

If you are interested to read more, then refer to the following paragraphs in the resolution:

- ⇒ Preambular paragraphs 9, 20 and 22

(4) Where to find resolutions on the human rights to water and sanitation

Resolutions on the human rights to water and sanitation are passed either by the UN Human Rights Council or the General Assembly. The resolutions and related documentation are available on the websites of these UN bodies. But it is not easy to find them there, because these bodies pass many resolutions at each session.

The Make Rights Real initiative has therefore created a map showing all resolutions on the human rights to water and sanitation, as well as the countries that supported them. The map is available here: www.human-rights-to-water-and-sanitation.org/resolution-database

You will find the following 16 resolutions there.

A/Res/64/292 (GA, 2010)	A/Res/70/169 (GA, 2015)
A/HRC/Res/15/9 (HRC, 2010)	A/HRC/Res/33/10 (HRC, 2016)
A/HRC/Res/16/2 (HRC, 2011)	A/Res/72/178 (GA, 2017)
A/HRC/Res/18/1 (HRC, 2011)	A/HRC/Res/39/8 (HRC, 2018)
A/HRC/Res/21/2 (HRC, 2012)	A/Res/74/141 (GA, 2019)
A/HRC/Res/24/18 (HRC, 2013)	A/HRC/45/8 (HRC, 2020)
A/Res/68/157 (GA, 2013)	A/Res/76/153 (GA, 2021)
A/HRC/Res/27/7 (HRC, 2014)	A/HRC/Res/51/19 (HRC, 2022)