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HUMAN RIGHTS COUNCIL

Seventh session

Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

**Andorra*, Belgium*, Bolivia, Bulgaria*, Chile*, Costa Rica*, Croatia*,
Cuba, Cyprus*, Ecuador*, Estonia*, Finland*, France, Germany,
Greece*, Guatemala, Ireland*, Italy, Luxembourg*, Maldives*,
Monaco* Netherlands, Nicaragua, Peru, Portugal*, Slovenia,
Spain*, Switzerland, Uruguay: draft resolution**

7/... Human rights and access to safe drinking water and sanitation

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recalling its resolution 6/8 of 28 September 2007 and decision 2/104 of
27 November 2006 on human rights and equitable access to safe drinking water and sanitation,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

* Non-member State of the Human Rights Council.

Recalling its resolutions 5/1 on institution-building of the Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling also the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Recalling further relevant provisions of declarations and programmes with regard to access to safe drinking water and sanitation adopted at major United Nations conferences and summits and by the General Assembly at its special sessions and their follow-up meetings, inter alia the Mar del Plata Action Plan on Water Development and Administration, Agenda 21 adopted by the United Nations Conference on Environment and Development or the Habitat Agenda adopted by the Habitat II conference,

Noting general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights),

Recalling commitments made by the international community to fully implement the Millennium Development Goals and stressing, in that context, the resolve of the Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve by 2015 the proportion of people without sustainable access to safe drinking water and basic sanitation,

Recalling also General Assembly resolution 61/192 of 20 December 2006, in which the Assembly declared 2008 the International Year of Sanitation,

Deeply concerned that over one billion people lack access to safe drinking water and that 2.6 billion lack access to basic sanitation,

Emphasizing that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child entail obligations in relation to access to safe drinking water and sanitation,

Mindful that certain aspects of human rights obligations related to the access to safe drinking water and sanitation have yet to be further studied, as pointed out in the report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments,¹

Affirming the need to focus on local and national perspectives in considering the issue, leaving aside questions of international watercourse law and all transboundary water issues,

1. *Recalls* the report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments, submitted pursuant to Council decision 2/104 of 27 November 2006;

2. *Decides* to appoint, for a period of three years, an independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, whose tasks will be:

(a) To develop a dialogue with Governments, the relevant United Nations bodies, the private sector, local authorities, national human rights institutions, civil society organizations and academic institutions, to identify, promote and exchange views on best practices related to access to safe drinking water and sanitation, and, in that regard, to prepare a compendium of best practices;

(b) To advance the work by undertaking a study, in cooperation with and reflecting the views of Governments and relevant United Nations bodies, and in further cooperation with the private sector, local authorities, national human rights institutions, civil society

¹ A/HRC/6/3.

organizations and academic institutions, on the further clarification of the content of human rights obligations, including non-discrimination obligations, in relation to access to safe drinking water and sanitation;

(c) To make recommendations that could help the realization of the Millennium Development Goals, in particular of Goal 7;

(d) To apply a gender perspective, including through the identification of gender-specific vulnerabilities;

(e) To work in close coordination, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Council, relevant United Nations bodies and the treaty bodies, and taking into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(f) To submit a report, including conclusions and recommendations, to the Council at its tenth session;

3. *Requests* the United Nations High Commissioner for Human Rights to ensure that the independent expert receives the necessary resources to enable him/her to discharge the mandate fully;

4. *Calls upon* all Governments to cooperate with the independent expert and invites them to share best practices with the independent expert, and to provide him/her with all the necessary information related to the mandate to enable him/her to fulfil the mandate;

5. *Decides* to continue its consideration of this matter under the same agenda item at its tenth session.
