

24-28 March 2019

Documentation of the Work of the Human Rights Council



Conference A

Human Rights Council (HRC)

Committee Staff

| | |
|---------------------------|------------------|
| Director | Martin Schunk |
| Assistant Director | Anthony Bassey |
| Chair | Adriana Morales |
| Rapporteur | Nada Nassereddin |

Agenda

- I. Equitable Access to Safe Drinking Water as a Human Right
- II. Human Rights of Unaccompanied Migrant Children and Adolescents
- III. The Human Rights Situation in the Occupied Palestinian Territory

Resolutions adopted by the Committee

| Code | Topic | Vote |
|-------------|--|------------------------|
| HRC/1/1 | Equitable Access to Safe Drinking Water as a Human Right | Adopted without a vote |
| HRC/1/2 | Equitable Access to Safe Drinking Water as a Human Right | Adopted without a vote |
| HRC/1/3 | Equitable Access to Safe Drinking Water as a Human Right | Adopted without a vote |

Summary Report

The Human Rights Council held its annual session to consider the following agenda items:

- I. Equitable Access to Safe Drinking Water as a Human Right
- II. Human Rights of Unaccompanied Migrant Children and Adolescents
- III. The Human Rights Situation in the Occupied Palestinian Territory

The session was attended by representatives of 42 Member States and one Observer.

On Sunday, the committee adopted the agenda in the order I, II, III, and began its discussion on “Equitable Access to Safe Drinking Water as a Human Right.” On Monday, the Dais received five proposals on topics ranging from ensuring access to drinking water for marginalized groups and minorities, to establishing an open-ended working group, to drafting a declaration on equitable access to drinking water as a human right. Other proposals included the relationship between the right to safe and clean drinking water and infrastructure as well as public-private partnerships.

On Tuesday, Member States continued to work on their proposals and merged proposals with similar ideas. Delegations worked collegially and cooperatively in developing these proposals.

By Wednesday afternoon, the Dais approved three draft resolutions. The committee proceeded to debate and come to consensus on these draft resolutions. Throughout the week, the committee worked cooperatively and in the spirit of diplomacy. This resulted in the committee adopting all three draft resolutions without a vote.



Code: HRC/1/1

Committee: Human Rights Council

Topic: Equitable Access to Safe Drinking Water as a Human Right

1 *The Human Rights Council,*

2
3 *Recalling* General Assembly resolution 64/292 on “The human right to water and sanitation,” which
4 recognizes the right to safe drinking water as an essential human right,

5
6 *Noting* General Assembly resolution 70/1 on “Transforming our world: the 2030 Agenda for Sustainable
7 Development” and ensuring to leave no one behind,

8
9 *Guided by the 2030 Agenda for Sustainable Development (2015),* which outlines the essential role of
10 clean and accessible water for all,

11
12 *Alarmed* by 844 million people still lacking access to safe drinking water, according to the Joint Monitoring
13 Program for Water Supply, Sanitation and Hygiene (JMP),

14
15 *Reaffirming* the importance of the *International Covenant on Economic, Social and Cultural Rights (1966),*
16 in particular Articles 11 and 12, which recognize the crucial need of water as a human right, as well as the
17 *International Covenant on Civil and Political Rights (1966),* in particular Article 1,

18
19 *Supporting fully* the contribution of the *Convention of Rights of the Child (1989),* in particular Article 24,
20 and the *Convention on the Elimination of All Forms of Discrimination Against Women (1979),* in particular
21 Article 12, which stresses the crucial necessity to the access to safe drinking water as a resource,

22
23 *Acknowledging* already existing and successful programs, such as the Global Water Partnership (GWP)
24 1996 that pursued the cooperation within the global network to give knowledge and reinforce capabilities
25 to ensure water resources in Member States that were members of GWP,

26
27 *Convinced* that a declaration on ensuring equitable access to safe drinking water as a human right is vital
28 in order to provide an effective protection of the access to safe drinking water as a human right,

- 29
30 1. *Decides* to establish an open-ended intergovernmental working group (OEWG) with the intention of
31 drafting a United Nations declaration on equitable access to safe drinking water as a human right,
32 focusing on the interrelation of all actors concerned;
- 33
34 2. *Confirms* that the purpose of the OEWG is aimed at combining existing conventions and the 2030
35 Agenda;
- 36
37 3. *Decides also* that the OEWG should meet for a timespan of five working days before the forty-second
38 session of the Human Rights Council;
- 39
40 4. *Decides further* that the OEWG will be counseled by the Human Rights Council Advisory Committee
41 and the Special Rapporteur on the human rights to safe drinking water and sanitation;
- 42
43 5. *Requests* the Office of the United Nations High Commissioner for Human Rights (OHCHR) to provide
44 the necessary means for the OEWG to fulfill its mandate by facilitating said mandate with meeting
45 locations, accommodations, transport and housing;
- 46
47 6. *Further requests* the OEWG to draft a report by the second week of April 2020 on the process of the
48 declaration on the equitable access to safe drinking water.



Code: HRC/1/2

Committee: Human Rights Council

Topic: Equitable Access to Safe Drinking Water as a Human Right

1 *The Human Rights Council,*

2
3 *Recalling the Universal Declaration of Human Rights (1948), especially Article 3,*

4
5 *Fully aware that safe drinking water is a fundamental human right, as outlined in General Assembly*
6 *resolution 64/292 on “The human right to water and sanitation,”*

7
8 *Reaffirming the importance of the Special Rapporteur on the human rights to safe drinking water and*
9 *sanitation, whose mandate has been established in Human Rights Council (HRC) resolution 16/2 on “The*
10 *human right to safe drinking water and sanitation,”*

11
12 *Noting with concern the prediction of the World Health Organization (WHO) that by 2025 half of the*
13 *world’s population will live in water-stressed areas and bearing in mind the international drinking water*
14 *standards provided by the WHO in 1971,*

15
16 *Acknowledging the Sanitation and Water for all initiative, UN-Water, which creates and monitors*
17 *partnerships, as well as the efforts of the United Nations Entity for Gender Equality and the*
18 *Empowerment of Women, United Nations Children’s Fund, and Food and Agricultural Organization*
19 *towards clean drinking water,*

20
21 *Bearing in mind also the initiatives that promote access to water as a human right, provided by the*
22 *International Conference on public-private partnerships (PPPs) in water and sanitation, hosted by the*
23 *United Nations Economic Commission for Europe in 2014 in Geneva,*

24
25 *Noting the achievements and current success under Sustainable Development Goal (SDG) 6 on “Clean*
26 *Water and Sanitation”, SDG 10 on “Reduced Inequality”, and SDG 17 on “Strong Partnerships for the*
27 *Goals,”*

28
29 *Emphasizing General Assembly resolution 70/169 on “The human rights to safe drinking water and*
30 *sanitation,” which highlights the importance of the availability and the sustainable management of safe*
31 *drinking water and sanitation,*

32
33 *Recalling General Assembly resolution 72/178 on “The human rights to safe drinking water and*
34 *sanitation,” which mentions the responsibilities of non-State actors, including business enterprises, to*
35 *respect human rights to water and sanitation,*

36
37 *Recalling articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights*
38 *(1966), recognizing especially the right of adequate standard of living and encouraging States Party to*
39 *take appropriate measures and collaborate with different actors to ensure this right,*

- 40
41 1. *Calls upon* on the Special Rapporteur to report cases of distribution of water that does not comply
42 *with WHO water standards by Member States and private actors;*
43
44 2. *Stresses* the importance of UNbodies collecting data on the scarcity, sources, distribution and
45 *management of water in order to ensure the human right to access to water and sanitation;*
46
47 3. *Emphasizes* the relevance of funding local innovative enterprises to making water and sanitation
48 *infrastructure more affordable and accessible by respecting its significance to ensure human*
49 *rights;*

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4. *Recognizes* the importance of all relevant organizations, including the World Bank Group and the International Monetary Fund, continuing their support of projects that have a positive impact on the right to water in order to ensure that partners respect the right to water and sanitation for all in the implementation of common projects;
 5. *Highlights* the connection between the right to equality and equal access to economic opportunities, healthcare, water and sanitation and sustainable development, which can be improved through educational measures that could be undertaken by relevant UN bodies and private actors;
 6. *Suggests* Member States to reconsider the opportunities of PPPs that have a positive impact on the right to clean water and sanitation for all by collaborating with local and regional private partners already operating in the water and sanitation industry in order to increase efficiency and to mobilize synergies;
 7. *Stresses* the necessity of monitoring PPPs to ensure they comply with principles by:
 - a. Maintaining infrastructure of all kinds by the cooperation contracted until either the local population is capable of servicing by itself or the government or another corporation takes over the contract;
 - b. Ensuring that the extraction of water does not deplete the reservoir of origin for generations to come; and
 - c. Further ensuring that technical constructions necessary to execute PPPs do not endanger the environment or the access to other resources;
 8. *Welcomes* any initiatives of the private sector operating in the water and sanitation industry to follow human rights standards of equitable water access and establish indicators, such as seals or stamps, that identify the adherence to the human rights standards on equitable water access;
 9. *Encourages* regional cooperation between member states on matters related to water, such as monitoring and maintaining the water quality of shared bodies of water as well as developing shared infrastructure networks;
 10. *Recommends* Member States and aforementioned PPPs to consider the diversity of people's living condition for the establishment of prices in order to:
 - a. Promote equal access to safe drinking water for their entire population;
 - b. Ensure the respect of the right to water as recognized by the UN;
 - c. Prevent the exclusion of minorities, low-income people, marginalized groups and local communities.



Code: HRC/1/3

Committee: Human Rights Council

Topic: Equitable Access to Safe Drinking Water as a Human Right

1 *The Human Rights Council,*
2
3 *Recalling* General Assembly resolution 64/292 on “The human right to water and sanitation,” which
4 recognizes the right to safe drinking water as an essential human right,
5
6 *Recognizing* the sovereignty of all Member States as stated in Article II of the Charter of the United
7 Nations (UN) (1945), in regard to enacting water access solutions,
8
9 *Emphasizing* the role of equitable safe drinking water in maintaining basic human rights standards, which
10 are laid down in the *Universal Declaration of Human Rights* (1948), therefore upholding international
11 peace, security and political stability, specifically in the prevention of crisis,
12
13 *Noting* that human rights are inherent to all human beings, regardless of age, race, sex, nationality,
14 ethnicity, language or religion, further ensuring equal access to safe drinking water for all,
15
16 *Acknowledging with deep gratitude* the *2030 Agenda for Sustainable Development* (2015), particularly
17 Sustainable Development Goal (SDG) 6 on the availability and sustainable management of water and
18 sanitation for all,
19
20 *Further recognizing* the need to work towards the realization of SDG 5, achieving gender equality, and
21 SDG 10, regarding the reduction of inequalities in water distribution, and SDG 17 that encourages
22 partnership for the goals of sharing and transferring knowledge in the water sector,
23
24 *Recalling* the Human Rights Council (HRC) resolution 7/22 on “Human rights and access to safe drinking
25 water and sanitation,” HRC resolution 39/8 on “The human rights to safe drinking water and sanitation,”
26 and HRC resolution 15/9 on “Human rights and access to safe drinking water and sanitation,” which
27 acknowledges the equitable access to safe and clean drinking water and sanitation as an integral
28 component of the realization of all human rights,
29
30 *Acknowledging* the treaties that explicitly recognize the human rights of Water and Sanitation, such as the
31 *Convention on the Elimination of All Forms of Discrimination Against Women* (1979), the *Convention on*
32 *the Rights of the Child* (1989), the *Convention on the Rights of Persons with Disabilities* (2006), and the
33 *Declaration on the Rights of Indigenous People* (2007),
34
35 *Bearing in mind* HRC resolution 33/10 on “The human rights to safe drinking water and sanitation” and
36 HRC resolution 39/8 on “The human rights to safe drinking water and sanitation” that underlines the
37 detrimental effect the lack of access to safe drinking has for women and young girls,
38
39 *Further acknowledging* HRC resolution 15/9 on “Human rights and access to safe drinking water and
40 sanitation,” which draws the attention to ensuring protection to vulnerable and marginalized groups, with
41 specific regard to the principles of non-discrimination and gender equality,
42
43 *Alarmed by* the adverse effects of climate change, which restricts the access to drinking water for the
44 global population, a violation of their human rights,
45
46 *Noting with regret* the lack of sustainable sewage filtration systems, especially in developing countries,
47 which can cause the spread of disease and deteriorate the standard of living, as well as compound the

48 deterioration of other water access services for vulnerable individuals, as stated within the 2018 report
49 (39/55) by the Special Rapporteur on the human rights to safe drinking water and sanitation,
50

51 *Draws attention* to the successes made through Foreign Direct Investment (FDI) in developing countries
52 in the logistics and water infrastructure sector, highlighted in *The State of African Cities 2018: The*
53 *Geography of African Investment Report* by UN-Habitat, to enable equitable water access to marginalized
54 groups and provide stable investment opportunities for governments and business,
55

56 1. *Recognizes* the importance of equitable access to safe drinking water as:
57

- 58 a. Regional cooperation of neighboring states geographically sharing the same body or stream
59 of water to ensure fairness in their access;
60
- 61 b. Intra-national consideration for different groups in their ability to access safe drinking water,
62 particularly with special care to marginalized and vulnerable groups of society;
63

64 2. *Encourages* Member States to work jointly in multilateral partnership to help the global community in
65 the equitable access to safe drinking water by actively exchanging research and technology by
66 States;
67

68 3. *Fully supports* the construction of water cleaning infrastructures that will help the regional, national,
69 and international community by:
70

- 71 a. Encouraging all Member States to create a panel of discussion between current Member
72 States named the WATER.F.ALL panel, which stands for Water For All, for the purpose of
73 raising awareness on increasing accessibility to vulnerable groups such as indigenous
74 groups, women, youth, and those facing disabilities, by sharing dialogue through forums and
75 special missions on the ground concerning previously targeted vulnerable groups, between
76 the Member States, International institutions and non-governmental organizations (NGOs);
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- 78 b. Sharing technical knowledge between Member States regarding sustainable water cleaning
79 infrastructures;
80
- 81 c. Reporting every kind of discriminations concerning the access to safe drinking water and
82 ensure that everybody enjoys their safe drinking water, sanitation, and hygiene (WASH)
83 services;
84
- 85 d. Cooperating to prevent the degradation of human rights, especially those which may impact
86 vulnerable groups, in order to reach SDGs 5, 6, 10 and 17;
87

88 4. *Recommends* the linking of the international partners alongside the regional community and nation-
89 specific NGOs for capacity development to ensure sustainability engagement and establish education
90 and program opportunities, particularly within marginalized groups, through the transition stage; the
91 secondary stage will transition away from the HRC facilitated connection in the participating state
92 through the expansion of regional education and an increasing role of independent state
93 organizations;
94

95 5. *Calls upon* Member States to endorse natural-based solutions in the field of water distribution by
96 promoting ideas of sustainable water use such as rainwater harvesting and reusing water by purifying
97 for domestic household and irrigation which will reduce the demand of water in water scarce regions;
98

- 99 a. Encouraging open dialogue with the private sector to increase best practices regarding the
100 use of water in industrial production and agriculture;
101
- 102 b. Further encourage the private sector to develop sustainable ways of using water in the
103 specified sector in order to reduce their national grey water footprint/drinking water pollution;

- 104
105 6. *Reminds* the Member States to guarantee equitable access to safe drinking water distributed by the
106 private sector by:
107
108 a. Promoting that water is not only an industrial good, but most importantly a fundamental
109 human right;
110
111 b. Encouraging open dialogue with the private sector to increase best practices regarding the
112 use of water in industrial production and agriculture in order to foster equitable distribution of
113 safe drinking water;
114
115 c. Further encouraging the private sector to develop sustainable ways of using water in the
116 specified sector in order to reduce drinking water pollution;
117
118 7. *Recommends* states to prioritize marginalized groups and areas when building new infrastructure
119 pertaining to water and must take steps to progressively achieve the equitable and universal right to
120 safe water access, including the adoption of relevant legislation and dispute mechanisms;
121
122 8. *Strongly recommends* Member States to promote inclusive policies to eliminate discrimination and
123 inequalities in access to water and sanitation, by involving NGOs, civil society organizations and
124 private sector as well as supporting educational programs in order to prevent and treat the issue of
125 water pollution and distribution;
126
127 9. *Urges* Member States to recognize the special vulnerability of disadvantaged groups like women,
128 children, people with disabilities, the rural poor and especially local farmers regarding equal access to
129 safe drinking water;
130
131 10. *Recommends* the Special Rapporteur on the human rights to safe drinking water and sanitation to
132 establish indicators that refer to degree of equity in access to drinking water in every Member State
133 and report to the HRC on them regularly;
134
135 11. *Further recommends* the Office of the United Nations High Commissioner for Human Rights
136 (OHCHR) to support the International Work Group on Indigenous Affairs (IWGIA) in terms of financial
137 and personnel assistance whilst also urging IWGIA to focus on guaranteeing indigenous peoples
138 access to safe drinking water;
139
140 12. *Encourages* the Working Group on the issue of discrimination against women in law and in practice to
141 start a discourse about discriminatory national water policies and practices;
142
143 13. *Further encourages* states to interact with international companies seeking to invest in their region to
144 cooperate in fulfilling the access to water for all:
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146 a. building sustainable infrastructure and maintaining currently existing facilities;
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148 b. raining and educating volunteers from local communities in order to include them in the
149 ongoing procedure of developing water infrastructure;
150
151 c. considering the counsel of academics, experts and other professionals to advise the local
152 efforts;
153
154 14. *Condemns* discriminatory practices in the field of water distribution infrastructure due to gender, age
155 or social status and calls upon Member States to address such actions accordingly;
156
157 15. *Encourages* the utilization of the WASH Program data to identify most vulnerable communities in
158 regard to water infrastructure and take affirmative actions to help those Member States by

- 159 recognizing that these Member States are in a state of water crisis and that the universal right to
160 access to water of individuals living in those States is in danger;
161
- 162 16. *Expresses its hope* for global cooperation among Member States in coalition with UN agencies to
163 invest in permanent sewage infrastructure and to assess sewage and wastewater treatment as well
164 as water recycling techniques with a focus on desalination and integrated water management to
165 provide access to clean drinking water to all vulnerable individuals;
166
- 167 17. *Emphasizes* the importance of Member States educating stakeholders on proper water filtration,
168 sterilization, and wastewater management techniques in areas lacking access to clean water and
169 sanitation services to act as a stop-gap measure to improve health of marginalized communities as
170 new infrastructure is developed;
171
- 172 18. *Encourages* all Member States to collaborate with marginalized groups, such as women and
173 indigenous communities, within developing Member States to attract FDI to further economic, social
174 and infrastructural development, such as water kiosks, to promote stability in the sectors of growth in
175 local communities;
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- 177 19. *Expresses its hope* that with the construction of efficient water cleaning infrastructure the international
178 community will have a better access to safe and drinking water;
179
- 180 20. *Believes* that multilateralism is the key to acknowledge the inalienable right to water and to foster a
181 sustainable economic growth.