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The global water crisis and human rights

A/HRC/46/28 - Executive summary

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The global water crisis

Water is the lifeblood of human beings, and life on Earth. Aquatic ecosystems – wetlands, rivers, lakes, springs and aquifers – help to sustain the global hydrological, carbon and nutrient cycles. People depend on fresh water for drinking, cooking, cleaning, sanitation, growing food, fishing, generating energy, navigation, recreation and tourism. Safe, sufficient water and healthy aquatic ecosystems are essential for protecting health, achieving food security and ending poverty. Many people, particularly indigenous peoples, consider water to be sacred.

The Special Rapporteur heard devastating stories from all over the world from people forced to drink dangerously polluted or salty water, deprived of water by extractive industries, no longer able to grow their own food or harvest fish, their cultures imperilled by ill-conceived projects ranging from dams and mines to monoculture plantations and fracking, and compelled to migrate by floods, droughts or other water-related disasters. Over 2 billion people lack access to safely managed drinking water, and over 4 billion people – half the global population – lack access to safely managed sanitation. One in three freshwater species is at risk of extinction. Three quarters of all the natural disasters in the last twenty years were water-related, including floods, extreme weather events, landslides and droughts. Inequality is a striking element of the global water crisis. While some people and communities struggle to survive on a few litres per day, businesses and people in wealthy States consume vast quantities of water.

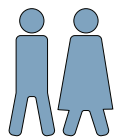
This is a summary of the report on safe and sufficient water as one of the substantive components of the right to a safe, clean, healthy and sustainable environment (A/HRC/46/28), presented to the 46th session of the Human Rights Council in 2021.

Impacts of the global water crisis on human rights



Safe, sufficient water and healthy aquatic ecosystems are substantive elements of the right to a healthy environment, as recognized by regional tribunals, national laws and national jurisprudence.

The Inter-American Court of Human Rights has emphasized that “the right to a healthy environment, unlike other rights, protects the components of the environment, such as forests, rivers and seas”. The African Commission on Human and Peoples’ Rights, in a case involving water contamination by the oil industry, stated that the right to a healthy environment “requires the State to take reasonable and other measures to prevent pollution and ecological degradation”. The European Court of Human Rights has ruled that water pollution can violate several human rights, including the right “to the enjoyment of a healthy and protected environment”.



Although water is essential to life, contaminated water and water scarcity can cause death. Nearly 2 million deaths could be prevented annually with safe and sufficient water.



Waterborne illness caused by recreational activities afflicts hundreds of millions of people annually. Individuals who experience water insecurity and disasters endure psychological distress.



Fulfilling the right to water requires ensuring safe and sufficient water for personal and domestic use. Pollution and pathogens can prevent water from being safe for human consumption.



Safe and sufficient water is vital for realizing the right to food, particularly for poor and marginalized people engaged in subsistence or small-scale farming and fishing. Droughts and floods can jeopardize the right to food.



Every day, more than 700 children under the age of 5 die from water-related diseases. By 2040, almost 600 million children will live in regions with extremely limited water resources. Globally, over 500 million children live in extremely high-risk flood zones.



Groups with fewer resources to deal with water pollution and scarcity are often more seriously affected by water-related issues including women, indigenous peoples, minority groups, refugees, persons with disabilities, older persons, and people living in poverty.

The global water crisis within the UN human rights system

Concerns about the human rights implications of water scarcity have been raised by treaty bodies and special procedures. The Committee on Economic, Social and Cultural Rights recognized that a regional water crisis caused increased prevalence of diseases, food shortages, and migration, with wide-ranging implications for human rights. The Committee on the Elimination of Discrimination against Women expressed concerns about the disproportionate impacts on women of water scarcity caused or exacerbated by industrial agriculture, hydroelectric projects and climate change, as well as about the dangers faced by women serving as environmental human rights defenders to protect water. The Independent Expert on human rights and international solidarity expressed concerns about increasingly frequent droughts, linked to climate change, exacerbating water scarcity and jeopardizing food production.

Human rights obligations relating to clean, safe and sufficient water

The framework principles on human rights and the environment clarify three categories of State obligations: procedural obligations, substantive obligations, and special obligations towards those in vulnerable situations. States have procedural obligations to:

- Incorporate water in the educational curriculum at all levels,
- Ensure an inclusive, equitable and gender-based approach to public participation in all planning and actions related to the allocation, conservation and sustainable use of water,
- Enable affordable and timely access to justice and effective remedies for all, to hold States and businesses accountable for fulfilling their obligations and responsibilities related to safe, sufficient water and healthy freshwater ecosystems;
- Assess the potential environmental, social, health, cultural and human rights impacts of all plans, policies, projects and proposals that could pollute, waste, damage, destroy or diminish water and freshwater ecosystems;
- Integrate gender equality into all plans and actions to allocate, use, conserve, protect, restore and equitably share the benefits of safe, sufficient water and healthy freshwater ecosystems, empowering women to play leadership roles in water governance;
- Respect the rights of indigenous peoples, local communities, Afrodescendants and peasants in all actions related to water and healthy aquatic ecosystems, including legal recognition of traditional knowledge, customary laws, collective ownership, and indigenous peoples' right to free, prior and informed consent;

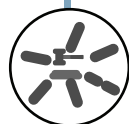
With respect to substantive obligations, States must not violate the right to a healthy environment or other human rights related to water through their own actions, must protect those rights from being violated by third parties, in particular businesses, and must establish, implement and enforce laws, policies and programmes to fulfil these rights. Wealthy States must contribute more towards the costs of securing safe, sufficient water and healthy aquatic ecosystems in low-income countries.

Outlining a rights-based approach

Human rights demand that States prioritize action to improve the lives and livelihoods of the most disadvantaged people. There are seven key steps, detailed below, that States must take to apply a rights-based approach to water governance:



prepare a **state-of-the-water assessment** including water quality, sources of pollution, water supply, users of water, and impacts on human rights, human and ecosystem health, with a particular focus on vulnerable and marginalized groups;



conduct a **legal mapping initiative** to ensure that the human rights to water, sanitation and a healthy environment are incorporated in water and wastewater laws, regulations, standards and policies, and ensure that these instruments prioritize human rights in allocation decisions and to identify and correct gaps and weaknesses;



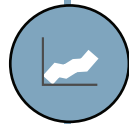
develop or revise water-related plans to incorporate a rights-based approach;



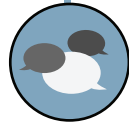
implement water-related plans and enforce water-related laws, regulations and standards; and



evaluate progress and, if necessary, strengthen actions to ensure that human rights are fulfilled.



Two additional actions must be taken at every step of the process: **building human, financial and institutional capacity**; and



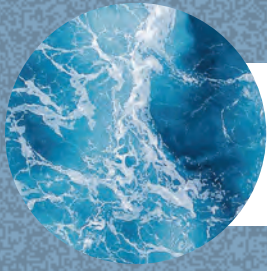
informing and engaging the public, particularly women and vulnerable and marginalized groups.

Responsibilities of businesses

All businesses should comply with the Guiding Principles on Business and Human Rights as they apply to activities carried out by the business, its subsidiaries or its supply chains. Businesses should prioritize respect for the rights of indigenous peoples, local communities and peasants and avoid projects or activities that could jeopardize human rights related to safe, sufficient water and the health of freshwater ecosystems.

Businesses should reduce water pollution, water use, and damage to freshwater ecosystems from their own activities, subsidiaries and suppliers, reduce use of and adverse impacts on water from the use of their products and services, and publicly disclose their use of and adverse impacts on water. In addition, businesses should support, rather than oppose, laws and policies intended to fulfil human rights and to effectively conserve, protect, restore and ensure the sustainable use of water and freshwater ecosystems.

Some good practices relating to human rights and clean water



Global treaties prohibit or limit the use of substances that can pollute water, or provide guiding principles for transboundary water management.



Laws in Nepal and Zambia explicitly recognize women's rights to participate in community-level water governance.



Many countries are designing policies that aim to center marginalized and vulnerable people in water management policy.



A citizens' initiative, Right2Water, was successful in achieving a rights-based approach to drinking water in the European Union.



Singapore uses mandatory water efficiency requirements, focused on businesses that are large users, to reduce water demand.



Thailand restored mangroves at the Krabi River Estuary to protect coastal communities against tropical storms and rising sea levels.



Uganda included water in their first Nationally Determined Contribution, with a focus on wetland protection, restoration and management.



El Salvador's National Plan for Integrated Water Resource Management is aimed at achieving water security.



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