



Sources



REALISING THE HUMAN RIGHTS TO WATER AND SANITATION:
A HANDBOOK BY THE UN SPECIAL RAPPOREUR
CATARINA DE ALBUQUERQUE

Glossary, bibliography and index





Realising the human rights to water and sanitation:
A Handbook by the UN Special Rapporteur
Catarina de Albuquerque

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01.

Glossary

A

Access to justice and access to remedies – means that individuals have the right to bring alleged violations of human rights before independent and impartial bodies. The decisions of these bodies must be based on standards of fairness and justice, and the remedies they decide on must be effective. Where necessary, people must be able to seek redress before a court or tribunal, although other bodies, including administrative bodies, may offer effective remedies and be able to settle disputes.

Accountability stresses that certain actors (principally States) have human rights obligations that they must comply with. They are answerable on how they realise their obligations and can be held to these obligations through various mechanisms.

Administrative and regulatory mechanisms – regulate service provision (such as tariffs and water quality) and guarantee that government officials implement laws, regulations and policies correctly and in a manner consistent with human rights. States should ensure that they are impartial and independent.

Allegation Letters – are used by Special Procedures mandate holders to communicate information to a State on alleged violations of human rights that are thought to have occurred in that State, and requesting a response.

C

Committee on Economic, Social and Cultural Rights (CESCR) – is a body of 18 independent experts. It monitors the implementation of the International Covenant on Economic, Social and Cultural Rights by its States parties.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW – 1979)

– is a legally binding international human rights treaty that defines discrimination against women and how it is expressed, and sets out human rights obligations to stop such discrimination. This Convention provides the basis for realising substantive equality between women and men.

Convention on the Rights of the Child (CRC – 1989)

– is a legally binding international instrument that protects civil, cultural, economic, political and social rights for people under 18 years of age. Its core principles are: non-discrimination; the best interest of the child; the right to life, survival and development; and respect for the views of the child.

Convention on the Rights of Persons with Disabilities (CRPD – 2006) – is a legally binding international

instrument that reaffirms that all persons with disabilities enjoy all human rights. This Convention explains how human rights apply to persons with disabilities and identifies areas where protection of their human rights must be reinforced.

D

Disadvantaged individuals and groups – may be disadvantaged through their marginalisation, or their vulnerability. This is the general term used in this Handbook to denote both vulnerable and marginalised individuals and groups.

Disaggregated data – separates data according to criteria such as gender, ethnicity, caste or age so as to reveal particular factors, including to highlight disparities between different population groups and helps to determine the particular barriers different individuals and groups face in accessing water and sanitation services.

Duty-bearers and rights-holders – are the terms that define the relationship between individuals and groups with entitlements based on human rights (rights-holders) and State and non-State actors (duty-bearers) with obligations to realise these rights.

Duty bearers are those actors who have particular obligations or responsibilities to realise human rights. The term is most commonly used to refer to State actors, but non-State actors can also be considered duty-bearers.

All human beings are rights-holders under human rights instruments. Citizens of a State are rights-holders, as are people living as refugees, immigrants (regular and irregular), and others who do not hold citizenship. All of these people can claim the realisation of their human rights, including the human rights to water and sanitation, from the State where they are resident.

E

Equality entails a legally binding obligation to ensure that everyone enjoys equal enjoyment of her or his rights. Equality does not imply treating people who are unequal equally; it does not indicate identical treatment in all cases. Substantive equality requires a focus on all groups in society experiencing direct or indirect discrimination, and the adoption of targeted measures to support these groups when barriers persist, including affirmative action or temporary special measures

Equity – is the moral imperative to dismantle unjust differences. It is based on principles of fairness and justice. In the context of water, sanitation and hygiene, equity, like equality, requires a focus on the most disadvantaged and the poorest. Many organisations in the sector have made equity a central part of their agenda; however, from a human rights perspective, relying on equity carries certain risks because it is a malleable concept that is not legally binding.

Extraterritorial obligations – are human rights obligations that relate to the acts and omissions of a State, within or beyond its territory, that have effects on the enjoyment of human rights outside of that State's territory.

G

General comments or general recommendations – are authoritative interpretations of the provisions of human rights treaties by the respective treaty body. General comments also deal with wider, cross-cutting issues such as the role of national human rights institutions in the protection for economic, social and cultural rights.

Governments at all levels – national government comprises those bodies with national jurisdiction, including those of federal States. Sub-national government refers to regional and local departments institutions and agencies.

H

Human Rights Committee (HRCttee) – is an independent expert body that monitors the implementation of the International Covenant on Civil and Political Rights by its States parties.

Human rights treaty bodies – monitor the implementation of human rights treaties. There are currently ten human rights treaty bodies, which are committees of independent experts. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights are two examples of treaty bodies.

I
International Covenant on Civil and Political Rights (ICCPR – 1966) – is the UN human rights treaty that guarantees those human rights defined as civil and political, and includes the right to information, the right to life, the right not to be tortured.

International Covenant on Economic, Social and Cultural Rights (ICESCR – 1966) – is the UN human rights treaty that guarantees those human rights referred to as economic, social or cultural rights, such as the human rights to an adequate standard of living, health, education and, of course, the human rights to water and sanitation.

J
Justiciability – relates to the capacity for a matter to be decided by an independent and impartial body. Justiciability implies the right to effective remedies for people alleging a violation of their human rights.

L
Legal or normative content – is the substance of a human right. For economic, social and cultural rights it is usually clarified under the criteria of availability, accessibility, quality, affordability, and acceptability.

M
Marginalised individuals and groups – are those people who are excluded from social, economic, cultural and political life, including water and sanitation service provision because of who they are or where they live. In some countries, marginalised individuals and groups can include a significant proportion of the population; for example, women. This term can also refer to a cultural or ethnic minority, or people suffering from particular stigmatised diseases.

N
National Human Rights Institutions (NHRIs) – can be defined as permanent and independent bodies that States have set up for the particular purpose of promoting and protecting human rights. There are many different types of national human rights institutions, with varying mandates, structures, and political and legal traditions.

Non-discrimination – is the principle that requires States to counteract any distinction, exclusion or restriction that has the purpose or the effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Note Verbale – is used in the exchange of information between the UN and its Member States, including: the transmission of decisions or recommendations of United Nations organs; requests for and acknowledgements of information and documents; and other requests or acknowledgements to Governments relating to the work of the United Nations.

O
Optional Protocols – complement and add to existing human right treaties. They may either establish procedures that affect the way a treaty operates and is enforced or include a new substantive area that has not been sufficiently addressed in the original text of the treaty. Most optional protocols establish complaint mechanisms to allow individuals or groups to file formal complaints when States have allegedly violated the human rights recognised in the treaty. Optional protocols are open to signature and ratification by any country that is already bound by the related treaty.

P

Participation – is a human right requiring the active, free and meaningful participation of people in decision-making that affect their lives.

Progressive realisation and use of maximum available resources – requires States to take steps to progressively realise economic, social and cultural rights. Such steps must be deliberate, concrete and targeted. States have an obligation to move as quickly and effectively as possible towards the full realisation of human rights, using the maximum available resources.

R

Retrospective measures – directly or indirectly lead to backward steps in the enjoyment of human rights. Examples include raising the price of services disproportionately, so that poor people can no longer afford water and sanitation, and allowing infrastructure to deteriorate because of a lack of investment in operation and maintenance. A “strong presumption” exists under human rights law that retrospective measures are prohibited.

S

Special Procedures of the Human Rights Council

– are independent human rights experts appointed by the UN Human Rights Council who monitor countries’ situation from a human rights perspective and investigate specific human rights. The UN Special Rapporteur on the human right to safe drinking water and sanitation is one of these Special Procedures. As of 1 July 2014, there are 52 Special Procedures: 38 thematic and 14 country mandates.

States parties – are those countries that have ratified or acceded to a particular treaty, and are therefore legally bound by its provisions.

Sustainability – is a fundamental human rights principle essential for realising the human rights to water and sanitation. The human rights framework defines sustainability holistically, and as being the opposite of regression. Water and sanitation must be provided in a way that respects present and future generations, as well as the natural environment, and ensures a balance of the different dimensions of economic, social and environmental sustainability.



U

United Nations Human Rights Council (HRC)

– (created in 2006) replaces the Commission on Human Rights (created in 1946). It is an inter-governmental body composed of 47 Member States and is responsible for the promotion and protection of all human rights around the world. The Human Rights Council appoints special procedures, sets standards on human rights, has a complaints procedure, and reviews the human rights records of all UN Member States.

United Nations Office of the High Commissioner for Human Rights (OHCHR)

– is mandated to promote and protect the enjoyment and full realisation, by all people, of all rights established in international human rights law. The Office also supports the UN human rights mechanisms including the Special Procedures and treaty bodies.

Universal Declaration of Human Rights – includes significant guarantees of human rights. It largely reflects customary international law and its content has been progressively translated into legally binding treaty law. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights are two of these legally binding treaties.

Urgent Appeals – are used by Special Procedures to communicate information to a State about time-sensitive alleged violations of human rights which include loss of life, life-threatening circumstances or imminent or on-going damage of a grave nature that require urgent intervention. The appeal should guarantee that the appropriate State authorities are informed as quickly as possible of the situation so that they can intervene to stop or prevent a human rights violation.

V

Vulnerable individuals and groups – include people who have specific needs with respect to water and sanitation, and who are not able to meet those needs themselves. This may include pregnant women, new mothers, children, older persons, persons with disabilities, and those living through difficult circumstances due to disasters or climate change. Vulnerability is not necessarily life-long – people can move in and out of being ‘vulnerable’.

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Page 4 A girl wets her toothbrush at a community tap in Itopenti Village, near the town of Monteagudo, capital of Hernando Siles Province in the south-central department of Chuquisaca in Bolivia 2008. UNICEF/NYHQ2008-1620/.

Page 9 Lizbeth Vela, 11, washes clothes at a tap outside her home, in the Molle Mayu community in Icla Municipality, in the drought-affected department of Chuquisaca in the Chaco Boliviano region of Bolivia in 2013. UNICEF/NYHQ2013-1483/.

Page 15 Boy carries water from protected spring to his village. UNICEF/DRC/2014.

Page 24 Cleaning products displayed inside a home in Goswami Nagar, a post intervention slum in Kanpur, Uttar Pradesh, India, 2013. WaterAid/ Poulomi Basu.

