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Press Release

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Third World Water Forum

Joint Statement by the

Special Rapporteur on adequate housing

Special Rapporteur on the right to food

and
Special Rapporteur on the right to the highest attainable standard of physical and mental health

under the Commission on Human Rights

On the occasion of the Third World Water Forum, taking place during the International Year of Freshwater, we welcome this important opportunity to address global concerns related to water, and its sustainable use and management.

Water, being an essential resource for life, is one of the most fundamental elements for survival and inextricably linked to the rights to adequate housing, food and the

highest attainable standard of physical and mental health, all protected by the International Covenant on Economic, Social and Cultural Rights. We have been mandated by the Commission on Human Rights to further the realization of these human rights.

In this context, we applaud the landmark recognition of the right to water as a human right by the Committee on Economic, Social and Cultural Rights (CESCR) in November 2002. The Committee, in its General Comment No. 15 on the right to water, elaborates on the nature of the right to water and its relationship with other human rights, as well as on the duty of States to respect, protect and fulfil this right.

As a human right, the right to water entitles everyone, on the basis of non-discrimination, to sufficient, safe, physically accessible and affordable water, which is of an acceptable quality, for personal and domestic uses. However, the poor and other marginalized groups have the greatest difficulty in accessing sufficient and safe water and adequate sanitation. In many slums and informal settlements around the world, having no water connection means that the residents have to pay higher prices to buy water from distribution tankers. In rural areas, women and children often have to walk great distances in search of water to meet minimum household needs. Diseases associated with contaminated drinking water and unsanitary living conditions are among the leading causes of ill-health, and a significant contributor to infant and child mortality in developing countries.

Against this backdrop, we wish to draw further attention to the particular importance of the right to water in relation to the rights to adequate housing, food and health, enshrined in articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights, article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, articles 12 and 14 of the Convention on the Elimination of All Forms of Discrimination Against Women and articles 24 and 27 of the Convention on the Rights of the Child.

The right to adequate housing is not merely about having a roof over one's head. Rather, it is the right of every woman, man, youth and child to gain and sustain a secure home and community in which to live in peace and dignity. The right to adequate housing is therefore integrally linked to other human rights such as the rights to water, food, security of home and persons. General Comment No. 15 specifically recognizes the responsibility of States to ensure that "no household should be denied the right to water on the grounds of their housing and land status" and that "deprived urban areas, including informal human settlements and homeless persons, should have access to properly maintained water facilities".

Water is essential for the right to food to be realised. Not only is safe, sufficient, and acceptable drinking water crucial to life itself and healthy nourishment, but adequate and sustained access to water is necessary for agriculture and food production, including for disadvantaged and marginalized farmers and those surviving by subsistence farming. Water is required to prevent diseases and starvation and is inextricably linked to life and good health based on proper nutrition. General Comment 15 states that "priority in the allocation of water must be given to the right to water for personal and domestic uses. Priority should also be given to the water resources required to prevent starvation and disease, as well as water required to

meet the core obligations of each of the Covenant rights".

The right to the highest attainable standard of physical and mental health is not simply a right to health care. As CESCR's General Comment No. 14 on the right to health observes, it is also a right to the "underlying determinants of health, such as access to safe and potable water and adequate sanitation". This General Comment also recognizes that access to water and sanitation facilities must be within safe physical reach, including in rural areas. The quality of water for personal or domestic use is also crucial: General Comment No. 15 recognizes that it "must be free from micro-organisms, chemical substances and radiological hazards that constitute a threat to a person's health".

In addressing these challenges, we call for a clear recognition of water as a human right in the Ministerial Declaration and other outcomes of the World Water Forum, in accordance with international human rights instruments including General Comments. Such recognition is an essential step towards ensuring that action is taken on behalf of those who are suffering from lack of access to clean, adequate and affordable water supplies.

International human rights law requires that Governments take immediate steps, such as the formulation and implementation of domestic and international policies and resource allocations, to realise the right to water. Moreover, international human rights also require that Governments are held to account for their conduct in relation to their human right obligations. Water as an essential public good takes priority over water as an economic commodity where conflicts may arise, for example in the context of privatization of water services and the charging of user-fees.

Plans for the implementation of national and international water strategies should encompass a human rights-based approach. In other words, they should refer to and be guided by international human rights instruments, and reflect the principles of non-discrimination and equality. Procedural rights, such as the rights to information and participation in decision-making processes must be an integral part of any policy, programme or strategy concerning water.

We are also concerned that scarcity of and competing demands for water may give rise to conflicts between and within countries. International human rights obligations require States to refrain from actions that interfere, directly or indirectly, with the enjoyment of the right to water in other countries. Water should never be used as an instrument of economic or political pressure.

In their deliberations at the World Water Forum, Governments must consider meeting the needs of the most vulnerable first, keeping in mind the primacy of human rights obligations as recognized in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights. Only then will the goals and targets contained in the Millennium Declaration and Johannesburg Plan of Implementation, and the rights to water, adequate housing, food and health, be realized.

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