

Invitation to Brainstorming Roundtable on the human rights to water and sanitation in spheres of life beyond the household

Organized by the UN Special Rapporteur on the human rights to safe drinking water and sanitation,
Mr. Léo Heller

*10:30 a.m. – 12:30 p.m. 12 September 2018 (Wed)
OHCHR Palais Wilson, Room RS 181*

Pursuant to the UN Human Rights Council Resolutions 27/7 of 2014 and 33/10 of 2016, the Special Rapporteur on the human rights to safe drinking water and sanitation, Mr. Léo Heller, is mandated to work on identifying challenges and obstacles to the full realization of the rights, as well as protection gaps, good practices and enabling factors.

The Special Rapporteur will focus on one of his 2019 thematic reports on the subject of the human rights to water and sanitation in spheres of life beyond the household. As part of the preparation for his research, the Special Rapporteur is convening a roundtable meeting in order to have a preliminary discussion on the possible scope and content of the report.

BACKGROUND

The human rights to water and sanitation require that water and sanitation services must be physically accessible for everyone within or in the immediate vicinity of all spheres of their lives, particularly at home, but also in other spaces. These include places where people spend a significant part of their time or are occasionally impelled to go, such as the workplace, educational institutions, health centres and public spaces as well as those places of residence that are not strictly characterized as homes, such as prisons, public places (for homeless) and certain workplaces and dormitories in schools. While efforts have been observed on improving access to water and sanitation services in households, health centres and educational facilities, access to those services in some other spheres of people's lives are clearly lagging behind.

Many people spend a large part of their time outside the home, either at work or in commute. Sometimes, the public space is the work area for some people such as street vendors and informal transportation drivers. In other situations, the place of residence is not their own households but provided by a third party such as prisons and certain housing provided by employers. All of these situations affect the universal enjoyment of the human rights to water and sanitation and the achievement not only of Goal 6.1 and 6.2 of the Sustainable Development Goals, but also SDG 3, related to health and well-being; SDG 8 referring to decent work for all; and SDG 11, related to safe and sustainable cities.

OBJECTIVES of the REPORT

- To analyze different spheres of life from the perspective of the human rights to water and sanitation and to give visibility to those spheres identified as lacunae in the current international agenda, namely, public spaces (squares, parks, streets), open workspace (agricultural fields) and residential place that are not the traditional home with four walls (such as prisons and detention centres)
- To raise awareness on the lack of water and sanitation services beyond households with a view to achieving universal coverage and access to water and sanitation services so that no one is left behind in all spheres of life (under goals 6, 3, 8 and 11 of SDGs).
- To identify the roles and responsibilities of accountable actors to provide access to water and sanitation service in those areas and to clarify the human rights obligations and responsibilities of those actors.

CURRENT WORKING SCOPE

The two starting points of the working scope are first, to elaborate on spaces beyond households and second, to focus on the most neglected and invisible spaces and populations, namely public spaces, open workspaces and prisons. Therefore, the working scope excludes educational facilities and hospitals/health facilities. It also excludes formal and informal camps for refugees, internally displaced persons and other population as this was the subject of the report to the 39th session in 2019 (A/HRC/39/55).

1. Public spaces

As the Special Rapporteur pointed out in his recent visit to India, the lack of sufficient and adequate facilities for water and toilets in public spaces “inevitably affects the large population that is “on the move” daily, which includes homeless persons, street vendors, rickshaw drivers and seasonal migrant workers. Street vendors are particularly dependent on the sanitation facilities located in buildings nearby and are often forced to provide money to the guards of the building in exchange for access to those facilities. (A/HRC/39/55/Add.1, para. 23)”

People that work in public space such as street vendors and informal transportation drivers have difficulties to access water and sanitation services when adequate services are not available in public spaces. In those circumstances, they are left with no choice but to either reduce water consumption in order to avoid the necessity of using toilets and to defecate in the open. The same situation affects people who “on daily move”, such as commuters and workers that move from one workplace to another spending part of the day in the streets (such as domestic workers who are prevented from using facilities in the households they clean).

Furthermore, those who are homeless spend much of their time in public spaces. Homelessness is an extreme violation of the rights to adequate housing and nondiscrimination and often also a violation of the rights to life, to the security of person, to health, to the protection of the home and family and to freedom from cruel and inhuman treatment. People who move to cities often have no choice but to live in informal settlements where millions suffer, in varying degrees, from poor sanitation, lack of access to clean water, overcrowding and makeshift structures (Report on homelessness by the Special Rapporteur on adequate housing, A/HRC/31/54, paras. 4 and 29).

2. Workers in open working space

For agricultural workers who spend most of their working hours in open space, in some situations, employers often do not provide cool, potable drinking water, a toilet and hand washing facilities. Furthermore, when housing is provided by employers in order for the workers to be close to the agricultural field or tea plantations, workers and their families must have sufficient access to safe drinking water and sanitation services in the housing provided.

ILO Convention concerning Safety and Health in Agriculture affirms the obligation of states and employers to ensure that agricultural workers have adequate access to safe drinking water and sanitation. Similarly, for workers in construction, ILO Convention concerning Safety and Health in Construction stipulates that at or within reasonable access of every construction site an adequate supply of wholesome drinking water and washing facilities shall be provided.

3. Prisons

For prisoners and detainees, the prisons and detention centers are their place of residence. In some prisons and detention centers, overcrowding has led to a lack of sufficient water and sanitation services. At times, the prisoners and detainees suffer from water disconnections which impacts their usage of

toilets and negatively affects their health. (See communication letter to Haiti [AI HTI 5/2007](#); letter to Syrian Arab Republic [JUA SYR 1/2014](#) and letter to Sri Lanka [JUA LKA 6/2011](#)).

In the course of his visit to El Salvador, “the Special Rapporteur had the opportunity to visit La Esperanza prison, in the town of Ayutuxtepeque, the largest penal centre in El Salvador. During interviews with detainees, the Special Rapporteur heard complaints and accounts describing access to water and its quality, and access to toilets. One person told him that there were times when he was thirsty for days for lack of drinking water, while others said that they were forced to suck water from a pipe in the wall, and to share the water for drinking and personal hygiene in cells shared by 15 to 25 inmates. Others complained about the physical appearance of the water provided. [...] The cells are generally overcrowded with just a hole for defecating and urinating, which is used by 15 to 25 persons, with no privacy. [...] Furthermore, information was received about the conditions of detention in the so-called “bartolinas” — places intended for short-term detention, but in which, on account of the overcrowding of the prison system, people are often held for long periods, sometimes for over a year. (A/HRC/33/49/Add.1, paras. 85 – 87)”

Prisoners and detainees are equally entitled to enjoy the rights to water and sanitation. The Standard Minimum Rules for the Treatment of Prisoners, also known as Mandela Rules (first adopted in 1957, reviewed and unanimously adopted by the UN General Assembly (UN-Doc A/Res/70/175) on 17 December 2015), stipulates that “drinking water shall be available to every prisoner whenever he or she needs it.” (Rule 22.2); that “prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.” (Rule 18.1); that, “in order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.” (Rule 18.2).

DISCUSSION FORMAT & QUESTIONS

Roundtable moderated by the Special Rapporteur, Mr. Léo Heller.

1. Are there other “neglected spheres of life” that should be included in the scope of the report? Which other spheres also require attention in order to achieve universal coverage and access to water and sanitation under SDGs?
2. What elements should be focused on and emphasized in the spheres of people’s lives beyond their own homes?
3. What are the root causes and specific challenges to ensure full enjoyment of the rights to water and sanitation for street vendors, agricultural workers, homeless and prisoners?
4. What are the roles and responsibilities of the actors accountable to provide the service in public places (beyond the household) situations? What are their human rights obligations and responsibilities? What is the specific role of service providers?
5. What must be done more in order to provide sufficient and adequate water and sanitation services to these neglected spheres of life?

CONFIRMATION OF ATTENDANCE

Please confirm your attendance by replying to srwatsan@ohchr.org before 4 September 2019 with the subject “Participation to 12 Sept Roundtable”. Please indicate whether you need a visitor’s pass to access OHCHR Palais Wilson.