

Department for International Development (UK)

Public Consultation on the Human Rights obligations related to Sanitation

The UK has recognised the right to water as an element of "the right of everyone to an adequate standard of living for himself and his family" (Article 11 of the International Covenant on Economic, Social and Cultural Rights or ICESCR). The UK considers that the right to water entitles everyone to a sufficient amount of reasonably affordable and accessible water necessary for survival, i.e. drinking, cooking and personal hygiene.

Expanding access to basic sanitation is a priority in DFID policy and programmes. Further information can be found in DFID's Water Policy Update 2008: *Water: an increasingly precious resource. Sanitation: a matter of dignity* available at www.dfid.gov.uk.

The UK does not currently consider there to be a sufficient legal basis under international law to recognise the right to sanitation, either as a free-standing right or as a right deriving from other rights. DFID notes that a 'right to sanitation' is a more complex issue than a right to water. It would require a sufficient legal basis under international law, a clear and common definition, and clarification of the duties and responsibilities of governments and individuals that are involved in declaring such a 'right'. From a policy perspective legal recognition may also inadvertently lead to a reversion to supply-led sanitation programming, which has proved unsuccessful in the past.

DFID also notes that focusing efforts on recognising the right to sanitation may not be the most effective way to accelerate progress towards the sanitation MDG target. Seeking agreement on definitional issues is likely to be time-consuming and may derail current programmes to raise the priority of sanitation.

Before resources are committed to achieving such a right, there is a need to clarify what would be achieved by it. Recognition of the right to water by a number of states (including the UK) has not been fully evaluated in terms of what difference it has made for water supply improvements in developing countries. DFID considers this to be important before embarking on the process to recognise a right to sanitation. Recognition of rights requires consultation across all relevant departments of UK government and a careful consideration of policy and legal issues. This has not taken place with regard to sanitation.

DFID continues to follow closely international developments on sanitation, and states' recognition of the right to sanitation. We are interested in others' perspectives on the aforementioned issues.