United Nations High Commissioner
For Human Rights
OHCHR
1211 Geneva 10

11 July, 2007

The Permanent Mission of Ireland presents its compliments to the United Nations High Commissioner for Human Rights and has the honour to refer to Council decision 2/104 of 27 November 2006, entitled “Human Rights Access to Water”, requesting information from Ireland on the issues raised.

Attached please find Ireland’s submission in response to this request. Ireland apologises for the tardiness of it’s response.

The Permanent Mission of Ireland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Michéal Tierney
Deputy Permanent Representative

OHCHR REGISTRY
12 JUILL. 2007
Recipients: ...
Ireland's response to the UN High Commissioner's request for information subject to Council decision 2/104 of 27 November 2006, entitled "Human Rights and Access to Water."

Query A:
Ireland believes that the "Guide to Discussion for Participants" usefully summarises the key human rights instruments which inform the debate on the right to water and sanitation.

Access to safe water and basic sanitation are prerequisites to achievement of most, if not all, of the Millennium Development Goals. The scale of the deficit demands urgent action. Although much of the current debate focuses on the right to water, we believe that sanitation ideally needs to be given equal, if not greater priority. Sanitation has received much less attention, with twice as many people deprived of access; and has at least an equal impact on the achievement of other rights including health, gender equality and education.

Finally, we recognise that international agreement on a human right to water and sanitation is not an automatic solution to the problem. However, we do believe that progressive realisation can be accelerated where a human rights approach is used to empower and mobilise poor people to lobby national and international governments to give greater priority to water and sanitation.

Query B:
Water supplies in Ireland are generally provided by local authorities (public supplies) or by privately operated member-owned co-operatives (the group scheme sector). Standards to ensure access to safe and wholesome drinking water are set and enforced under the European Communities (Drinking Water) Regulations 2007, which have also established the requisite monitoring and supervisory arrangements to facilitate enforcement. Additional Regulations are currently being drafted to increase the penalty provisions for related offences to ensure that penalties are sufficiently dissuasive to provide an adequate deterrent.

A significant overhaul of primary water services legislation has also been completed, with the recent enactment of the Water Services Act 2007. The Act sets down a comprehensive modern legislative code governing functions, standards, obligations and practice in relation to the strategic planning, management, and delivery of water supply and waste water collection and treatment services. To this end it both consolidates and modernises the legislative code governing water services. The Act focuses on management of water "in the pipe", as distinct from broader water resources issues such as river water quality, etc.

Related measures to protect sources of drinking water are provided for under the Local Government (Water Pollution) Acts 1977 and 1990, which prohibit the discharge or disposal of any polluting matter to waters. Specific discharges to water, for example of phosphorous or nitrates, are also controlled under related Regulations. The use of sewage
sludge in agriculture is similarly regulated, and regulations are currently being drafted to introduce a licensing regime to control the discharge of effluent from municipal sewage treatment facilities.

Individual septic tanks in single dwellings are subject to general water pollution controls, and enforcement under the Planning and Development Acts. The Water Services Act 2007 has also introduced a specific duty of care on premises owners to maintain them so as to avoid risk to human health or the environment. A revised Manual on Treatment Systems for single Houses has been prepared by the Environmental Protection Agency, and will be published shortly, and incorporated into national building regulations in due course.

The broader EU context for these water source protection measures is the EU Water Framework Directive, which places obligations on EU Member States to maintain high status of water where it exists, prevent any deterioration in the existing status of waters and achieve at least "good status" in relation to all waters by 2015.

**Query C:**
We have no observations to offer.

**Query D:**
The National Development Plan 2007 - 2013 provides for sustained investment in improving and expanding water services infrastructure with planned investment of €4.7 billion - an increase of 27% on expenditure of €3.7 billion under the previous NDP. The priority over the period will be to ensure that the timing and scale of infrastructure facilitates economic, housing or other development and that environmental sustainability objectives are achieved.

**Query E:**
The Environmental Protection Agency Report on Drinking Water Quality for 2005 (published earlier this year) indicated that the overall quality of drinking water in Ireland is generally very high with an overall compliance rate of 96.7%. Rapid progress is being made to eliminate any remaining substandard water supplies. Significant new water supply schemes have been provided at many locations. The increase in drinking water treatment capacity since 2000 is equivalent to the needs of a population of 768,000. Since 1997, additional drinking water treatment capacity equivalent to the needs of a population of over 1.2 million has been provided.

**Query F:**
Rainwater Harvesting Project: The National Rural Water Monitoring Committee, in association with Dublin Institute of Technology, are currently undertaking a pilot rainwater harvesting and re-use project. The objective of the project is to determine the role/benefit of rainwater harvesting as a demand managing tool, quantify the amount of harvestable rainwater at a farmyard and domestic premises, and, determine the cost/benefit and "pay-back" period. The project has two elements:
1. Measuring rainwater run-off volume and assessing suitability for re-use (having regard to hygiene requirements etc) in a farmyard setting. A farm site in County Meath has been selected in consultation with Teagasc, the national farm advisory body.

2. The installation of rainwater storage, together with a pumped water supply to a separate attic header tank which would in turn supply toilet cisterns and outside taps, in 12 houses at a new Carlow County Council housing development at Tullow, County Carlow. Monitoring of the schemes will continue through 2007, following which an evaluation will be prepared.

Query G:
We have no observations to offer.

30 May 2007
United Nations (‡412)

Comment No. 15, The right to water, 2002
Realisation of the right to drinking water and sanitation, report of the Special Rapporteur, El Hadj Gulssé, July
2005
15 Supra note 15, para 1, 3, 4
16 Ibid., para 2; 12(a)
17 Ibid., para 12(b)
18 Ibid.
19 Ibid., para 21, 44
20 Ibid., para 29
21 Ibid., para 12(c)(i), 56
22 Ibid., para 11, 12(c)(ii)
23 Ibid., para 12, 13, 14.
24 Ibid., 12-16, 27, 44. 56
25 Ibid., para 21
26 Ibid., para 23
27 Ibid., para 23
28 Ibid., para 23, 24, 44; See also U.N. Doc. E/1991/23, UN Committee on Economic, Social and
Cultural Rights, General Comment No. 3, The nature of States parties' obligations, 1990, para 8
29 Ibid., para 25
30 Ibid., para 17, 19
31 Ibid., para 55; Supra note 15, para 9.1
32 Supra note 15, para 12, 48; Supra note 15, para 8.1, 8.3
33 Supra note 5, p. v
34 Supra note 5, pp. 3-4
35 Supra note 5, pp. 77-78
36 Supra note 5, p. 60
37 Supra note 5, p. 60
40 Mar del Plata Declaration, United Water Conference, 1997, Preamble; Agenda 21, UN Conference
on Environment and Development, 1992, Chapter 18.47; Programme of Action of the International
Conference on Population and Development, Cairo, 1994; The Vancouver Declaration on Human
Settlements, 1976, para 8; Habitat Agenda, UN Habitat II Conference, Istanbul, 1996, para 11
41 Supra note 15, para 29
42 Supra note 16, para 1.2
43 Supra note 16, para 2
44 Supra note 16, para 2
45 Supra note 16, para 1.3
46 Supra note 16, para 2.3(a), 3
47 Supra note 16, para 1.3(d), 2.3(e), 3, 6
48 Supra note 16, para 8.2
49 Supra note 16, para 60; Supra note 15, para 10.4
50 Supra note 16, para 60
51 Supra note 16, para 24, 44
52 Supra note 15, para 44, Supra note 16, para 2.3(e)
53 Supra note 15, para 51; Supra note 16, para 2.2
54 Rome Statute of the International Criminal Court, 17 July 1998, article 8(XXV)
55 Supra note 10
56 U.N. Doc. CRC/C/GC/7/Rev.1, UN Committee on the Rights of the Child, General Comment No. 7,
Implementing Child Rights in Early Childhood, 2006, para 27
57 Voluntary guidelines to support the progressive realization of the right to adequate food in the
58 International Covenant on Civil and Political Rights, article 25(c); International Convention on the
Elimination of All Forms of Racial Discrimination, article 5(c) (iv); Additional Protocol to the
American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, article
11.1; African Charter on Human and People's Rights, article 15(3)
59 See for instance: U.N. Doc. CERD/C/ZA/CO/3/15, Concluding observations of the Committee on
the Elimination of Racial Discrimination: South Africa, 2006, para 18; U.N. Doc. CERD/C/64/CO/3,
Concluding observations of the Committee on the Elimination of Racial Discrimination: Lithuania,

60 UN Human Rights Committee, General Comment No. 6, The Right to Life, 1982, para 5

61 Corte Interamericana de Derechos Humanos, Caso Villagrán Morales y Otros (Caso de los “Niños de la Calle”), Sentencia del 19 de noviembre de 1999 (Ser. C) No. 63, para 144


63 For instance, the Supreme Court in India indicated that the right to access to drinking water is fundamental to life and there is a duty on the State under the right to life to provide clean drinking water to its citizens: 2000 SCL Case No. 673; See also Orari No. 56/98 of 1 April 1998 of the Belgian Court of Arbitration


66 Ibid.


71 Supra note 5; UNICEF, Sanitation for All, New York, January 2000

72 Supra note 74

73 UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 25, Temporary special measures, 2004, para 14

74 Ibid.

75 Carol Brown, Geeta Rao Gupta and Aslihan Kes, Taking action: achieving gender equality and empowering women, UN Millennium Project, Taskforce on Education and Gender Equality, 2005, p. 79


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GVA 0635

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INFORMATION NOTE

Subject: Council Decision 2/104 – Human Rights and Access to Water

The High Commissioner for Human Rights has the honour to refer to Council decision 2/104 of 27 November 2006, entitled “Human Rights and Access to Water”.

On 26 February 2007, the High Commissioner forwarded a note verbale to Member States requesting information concerning:

a) Views on international human rights obligations to be taken into account in relation to equitable access to safe drinking water and sanitation.

b) National legislation or draft legislation related to equitable access to safe drinking water and sanitation (constitution, specific law, regulation, etc.), including with regard to private sector provision of related services.

c) Examples of judicial decisions related to access to safe drinking water and sanitation.

d) National plan of actions, development programmes, public policies or emergency responses related to access to safe drinking water and sanitation.

e) The impact of these national laws, judicial decisions, plan of actions, development programmes, public policies and other measures in promoting or restricting equitable access to safe drinking water and sanitation.

f) Examples of approaches considered to represent "best practice" related to access to safe drinking water and sanitation.

g) Any other existing initiatives and standards relating to equitable access to safe drinking water and sanitation, and the scope and legal status of these initiatives.

The High Commissioner has the pleasure to extend the deadline for submissions and consequently would be grateful if any response could be forwarded to the Office of the High Commissioner for Human Rights, United Nations Office at Geneva, CH 1211 Geneva 10, no later than 31 May 2007.

24 April 2007