



Statement by His Excellency Archbishop Ivan Jurkovič Permanent Observer of the Holy See
to the United Nations and Other International Organizations in Geneva
at the Interactive Dialogue on Water and Sanitation – Item 3
42nd Session of the Human Rights Council

9 September 2019

Mr. President,

The Delegation of the Holy See takes note of the Report of the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation and appreciates its particular focus on the issue of the realization of the human rights to water and sanitation in public spaces.

In many spheres of life, in addition to household use, access to water and sanitation is an essential element in order to exercise the human rights to water and sanitation. In fact, the Declaration on the Human Right to Water and Sanitation considered water “essential for the full enjoyment of life and all human rights”.¹ As rightly noted in the *General Comment No. 15 of the UN Committee on Economic, Social and Cultural Rights (CESCR)* “water is a limited natural resource and a public good fundamental for life and health”² and is “indispensable for leading a life in human dignity”³.

In order to guarantee continued access to water, the above-cited General Comment distinguished three types of obligations to be implemented by States, namely: to respect, by “refraining from engaging in any practice or activity that denies or limits equal access to adequate water”⁴; to protect, which requires States “to prevent third parties from interfering in any way with the enjoyment of the right to water”⁵; and to fulfill, which imposes on States the responsibility “to adopt the necessary measures directed towards the full realization of the right to water”⁶. In this regard, my Delegation shares the concern of the Special Rapporteur, in particular, that legislation and policy regarding water and sanitation is, more often than not, focused only on improving access at the household level, while levels beyond the household are rarely on the radar of national or local governments, service providers, or the regulators whose role is to ensure the provision of those basic services in compliance with human rights standards.⁷

¹ Resolution 64/292, in UNITED NATIONS – GENERAL ASSEMBLY, The Human Right to Water and Sanitation, para. 1, available at <http://www.un.org/es/comun/docs/?symbol=A/RES/64/292&lang=E>.

² UN Committee on Economic, Social and Cultural Rights (CESCR) *General Comment No. 15 (art. 11)*, 2002. Available at http://www2.ohchr.org/english/issues/water/docs/CESCR_GC_15.pdf [accessed 1 August 2018].

³ *Ibidem*.

⁴ *Ibid.* para 21.

⁵ *Ibid.* para 24.

⁶ *Ibid.* para 26.

⁷ Report of the Special Rapporteur on the human rights to safe drinking water and sanitation. A/HRC/42/47 p.16.

Accessing water in sufficient quantity and quality is also the basis for any country to ensure the potential of its economic development. The continuing contamination, depletion and unequal distribution of water exacerbates existing levels of poverty. Thus, effective measures must be adopted to realize, without discrimination, the right of access to water. Whereas such a right applies to everyone, in order to ensure there is no discrimination in access, governments have a duty to guarantee that sufficient attention, at the more local and basin-catchment levels, is paid to disadvantaged and marginalized populations.

Mr. President,

Water is indispensable for social development, and access to it for essential human needs is a fundamental, inalienable, universal right. As emphasized by Pope Francis, “water is the most essential element for life, and the future of humanity depends on our capacity to guard it and share it”⁸. An effective infrastructure and a water services regulatory framework, aligned with the norms and principles of human rights, would help ensure both accountability and sustainability of water resources. Throughout history, civilisations, cultures, and nations, were born close to water. Furthermore, history shows that migration flows have often followed the search for fresh water resources. Water is the most important resource in this world, since, without water, there is no life. Therefore, the human right to water finds its roots in this simple concept: given its vital role as an essential part of life, every person has the basic and inalienable right to water, and a duty related to responsible water management, consumption and waste.

Without the realization of the right to access to water, the aim of *Sustainable Development Goals* (SDGs) to “leave no one behind” cannot be achieved. Nor can the freedom of every person be attained, since lack of access to water makes it impossible to exercise fully human rights and to live in dignity and health. Moreover, the lack of such access further aggravates inequalities, crises, and misery all over the world.

Thank you, Mr. President.

⁸Pope Francis, ‘*Water*’ the most essential element for life, Vatican News, 22 March 2018. Available at <https://www.vaticannews.va/en/pope/news/2018-03/pope-francis-world-water-day.html> [accessed 26 July 2018].