

**Toilet Rights are
Human Rights!**

Transport Workers'
Sanitation Charter

The Right to Sanitation under International Law

Key Sources



**SANITATION, MORE THAN ANY OTHER
HUMAN RIGHTS ISSUE, EVOKES THE
CONCEPT OF HUMAN DIGNITY"**

*United Nations, Report of the independent
expert on the issue of human rights
obligations related to access to safe
drinking water and sanitation, 1 July 2009*



November **19**^{itf}
**WORLD
TOILET
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International Conventions and Authoritative Interpretations of Treaty Bodies

States accept internationally binding responsibilities when signing up to international conventions and are held to these commitments.

These obligations relate to the actions and omissions of the state itself, but also require the state to ensure particular actions of those under its jurisdiction or authority, including business enterprises, corporations and other employers.

- **Universal Declaration of Human Rights, 1948:** article 25(1).
- **International Covenant on Economic, Social and Cultural Rights ('ICESCR'), 16 December 1966:** articles 7, 11, 12.
- **General Comment No. 14 Committee on Economic, Social and Cultural Rights ('CESCR'): The Right to the Highest Attainable Standard of Health (Article 12), 2000:** paragraphs 11, 15.
- **General Comment No. 15 CESCR: The Right to Water, 2002:** paragraphs 3, 11, 12(a), 29, 36, 37(i), 49, 60.
- **CESCR Statement on the Right to Sanitation,** adopted 19 November **2010:** paragraphs 1, 5-8.
- **Convention on the Elimination of Discrimination Against Women ('CEDAW') 1979:** paragraphs 11(1)(a)-(c), (f), 14(2)(e), (h).
- **Committee on the Elimination of Discrimination against Women, General Recommendation No. 24** on article 12 of CEDAW (women and health), **1999:** paragraph 28.
- **The Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Water Courses and International Lakes, 1999:** articles 4(2), 5, 6.

Human Rights Council Resolutions

The Human Rights Council is the principal inter-governmental forum at the United Nations for questions related to human rights. Human Rights Council Resolutions are a political expression of the views of its members on human rights issues and issues of particular concern to the international community.

Though they are not legally binding, they are a valuable measure of the commitment of the international community to a particular issue, a reflection of accepted standards, or the recognition of certain soft law principles:

- **Report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments (A/HRC/6/3)**, August **2007**: paragraphs 25, 66, 67.
- **Human Rights and access to safe drinking water and sanitation (A/HRC/RES/7/22)**, March **2008**: Preamble, paragraphs 2, 4.
- **Human Rights and access to safe drinking water and sanitation (A/HRC/RES/12/8)**, October **2009**: Preamble, paragraphs 5, 6, 7.
- **Human rights and access to safe drinking water and sanitation (A/HRC/RES/15/9)**, October **2010**: paragraphs 3, 6, 8(a), (c), 9(a), (b), (d).
- **The Human Right to Safe Drinking Water and Sanitation (A/HRC/RES/16/2)**, April **2011**: paragraphs 4, 5(a)-(d).

General Assembly Resolutions

Though generally non-binding, they are considered important to crystallizing, formulating and expressing the view or opinion of the international community of states and in the influencing of state behaviour can be formative in customary international law.

- **The Human Right to Water and Sanitation (A/Res/64/292)** 26 July **2010**: see paragraph 1.
- **Sanitation for All (A/Res/67/291)**, 24 July **2013**: see paragraph 3.
- **Transforming our World: the 2030 Agenda for Sustainable Development (A/Res/70/1)**, 25 September **2015**: Goals 5, 6 (6.2, 6.b), 8 (8.5, 8.8), 11.
- **New Urban Agenda Endorsing the Quito Declaration on Sustainable Cities and Human Settlements for All (A/Res/71/256)** 23 December **2016**: Annex paragraphs 13(a), 34, 119.
- **The Human Rights to Safe Drinking Water and Sanitation (A/Res/72/178)**, 19 December **2017**: paragraphs 1, 2, 4-6, 9.

UN Human Rights Council independent experts / Special Rapporteurs

UN “Special Rapporteurs” are given a mandate to report and advise on particular human rights issues and contribute to the development of international human rights standards. A UN Special Rapporteur on the human rights to safe drinking water and sanitation was eventually appointed.

- **Report on the Relationship between the enjoyment of Economic, Social and Cultural Rights and the Promotion of the Realization of the Right to Drinking Water and Sanitation (E/CN.4/Sub.2/2002/10), 2002:** paragraph 34.
- **Draft Guidelines for the Realization of the Right to Drinking Water and Sanitation, (E/Cn.4/Sub.2/2005/25) July 2005:** paragraphs 1.3(a), (c), 2.3(d), 5.3, 8.1.
- **United Nations, Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, (A/HRC/12/24), July 2009,** paragraph 55.
- Special Rapporteur on the human rights to safe drinking water and sanitation report on **Gender equality in the realization of the human rights to water and sanitation (A/HRC/33/49), July 2016:** especially paragraphs 45-48, 51-53.

Soft Law International Political Declarations and Commitments

While not legally binding, international political declarations are 'soft law' and may illustrate the development of the acceptance of the right to sanitation in international law.

- **Dublin Statement on Water and Sustainable Development, 1992:** Guiding Principles 3, 4.
- **Programme of Action of the UN International Conference on Population and Development, 1994**
- **Council of Europe Recommendation Rec (2001)14** Of the Committee of Ministers to member states on the European Charter on Water resources, October **2001:** paragraph 5.
- **Johannesburg Declaration on Sustainable Development of World Summit on Sustainable Development, September 2002**

ILO Conventions relevant to the right to adequate sanitation in the workplace

The International Labour Organization ('ILO') is a tripartite organisation of States, employers' organisations and workers' organisations, which elaborates international labour standards.

Legal instruments are drawn up by the ILO's tripartite constituents setting out basic principles and rights at work. Conventions are legally binding international treaties that may be ratified by member States.

- **ILO Convention No. 155 on Occupational Safety and Health, 1981:** articles 1.1, 1.2, 3(c), (e), 4.1, 4.2, 5(a), 16.1, 19(a), (b), (e).
- **ILO Convention No. 161 on Occupational Health Services, 1985:** article 5(b).
- **ILO Convention No. 187 - Promotional Framework for Occupational Safety and Health Convention, 2006:** articles 1(d), 2.1, 4.2.
- **ILO Convention No. 190 on Violence and Harassment, 2019:** articles 3(b), 9(a).

ILO Conventions specific to particular sectors

(examples particularly relevant to transport workers)

- **ILO Maritime Labour Convention 2006**, as amended: Regulation 3.1, Standard A3.1.11, Guidelines B3.1.5.2, B3.1.7, B3.1.10(c).
- **ILO Convention No. 092 on Accommodation of Crews Convention (Revised), 1949**: articles 4.2, 13.1, 13.2, 13.8, 13.9, 13.11(c)-(e).
- **ILO Convention No. 120 - Hygiene (Commerce and Offices) Convention, 1964**: articles 1(b), 1(c), 13.
- **ILO Convention No. 133 - Accommodation of Crews (Supplementary Provisions) Convention, 1970**: article 9.1(a), (b).
- **ILO Convention No. 152 - Occupational Safety and Health (Dock Work) Convention, 1979**: articles 4.2(n), 40.
- **ILO convention No.188 - Work in Fishing, 2007 (in force 2017)**: article 26(f).

Gender-Specific Core Convention

- **ILO Convention No. 111 - Discrimination (Employment and Occupation) Convention, 1958**: article 1(a), (b).

Other Core ILO Supporting Conventions

- **ILO Convention No. 087 - Freedom of Association and Protection of the Right to Organise Convention, 1948:** articles 2, 3, 10, 11.
- **ILO Convention No. 098 - Right to Organise and Collective Bargaining, 1949:** articles 1.1, 2.1, 2.2, 4.

As the rights in Conventions 87 and 98 form part of the ILO Declaration on Fundamental Principles and Rights at Work, even ILO Member States that have *not* ratified the above conventions are obliged to respect, promote and realise the principle of freedom of association and recognise the right to collective bargaining.

ILO Recommendations relevant to the right to adequate sanitation in the workplace

ILO Recommendations serve as non-binding guidelines. In many cases, a Convention lays down the basic principles to be implemented by ratifying countries, while a related Recommendation supplements it by providing more detailed guidance on how it could be applied. Recommendations can also be autonomous, i.e. not linked to a Convention.

- **R97 - Protection of Workers' Health Recommendation, 1953:** article 2(e).
- **R164 - Occupational Safety and Health Recommendation, 1981:** articles 1(1),(2), 2(c),(e), 3(o).
- **R171 - Occupational Health Services Recommendation, 1985:** articles 8(b), 21, 36(2), 41.
- **R197 - Promotional Framework for Occupational Safety and Health, 2006:** article 2(a), annex.
- **R120 - Hygiene (Commerce and Offices) Recommendation, 1964:** articles 5, 8, 11, 14, 19, 37, 38(1)-(4), 39-41.
- **R115 - Workers' Housing Recommendation, 1961:** Part I - articles 12(2), 19, Part II - 7(e), 7(f).
- **R204 - Concerning the transition from the informal to the formal economy, 2015:** articles 7(i), 11(f), 11(p), 16(d), 17(a), 17(b).
- **R206 - Violence and Harassment, 2019:** articles 7(a)-(c), 8(a), (b).

ILO Sectoral Codes of Practice

ILO Sectoral Codes of Practice are not legally binding instruments and are not intended to replace the provisions of national laws or regulations, or accepted standards.

They are reference tools that provide guidance to governments designing policies, programmes and legislation. A relevant sectoral example below:

- **ILO Code of Practice on Safety and health in ports (Revised 2016):** paragraphs 11.2.3, 11.2.5, 11.2.9, 11.2.10.

ILO tools for governments, workers and employers and their organisations to implement Codes and Standards

- **Wash@work: a Self-Training Handbook, 2016**
- **10 Keys for Gender Sensitive OSH Practice: Guidelines for Gender Mainstreaming in Occupational Health and Safety, 2013**
- **Working on a warmer planet: The impact of heat stress on labour productivity and decent work, 2019**

