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PERMANENT MISSION OF INDIA TO THE UN, GENEVA

HUMAN RIGHTS COUNCIL

12TH SESSION (14 Sep-02 Oct 2009)

**Report of the Independent Expert on the Issue of Human Rights
Obligations Related to Access to Safe Drinking Water and Sanitation,**

Ms Catarina de Albuquerque

(17 Sep 2009)

Statement by India

Mr. President,

We thank all the three mandate-holders for their reports and would like to confine our remarks to the Independent Expert on the Issue of Human Rights Obligations Related to Access to Safe Drinking Water and Sanitation who has presented her first substantive report on the issue since the establishment of her mandate in March 2008.

2. Mr President, in her report, the Independent Expert has elaborated the human rights obligations to provide safe drinking water and access to sanitation under existing human rights instruments, while acknowledging the absence of an internationally accepted definition of sanitation and a consensus on whether sanitation should be recognized as a distinct human right. In doing so, she has proposed a working definition of sanitation, which is actually a slight modification of the definition used by the UN Water Task Force, and encouraged the states to recognize sanitation as a distinct human right. Further, while she has emphasized availability, quality, accessibility, affordability and cultural acceptability in the provision of sanitation services, she has also clarified what a state's human rights obligations on this issue are *not*. For instance, states, in her view, are not obliged to provide everyone with access to a sewerage system or provide individual facilities in every home. Instead, the obligations relate to creation of an enabling environment through collection of disaggregated data, adoption of national action plans, budgetary support, recognition of human rights obligations in national

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political and legal systems, raising public awareness and a realization of human rights obligation to sanitation in a non-discriminatory manner, with special attention to the disadvantaged groups and gender equality.

3. Mr President, of the estimated 2.6 billion people who lack access to proper sanitation facilities, nearly a billion, i.e. nearly 40%, are in South Asia. Given the strong correlation between sanitation and human development indicators, this poses a major challenge for our development goals. In India, the government has, therefore, taken up this issue as a matter of priority. As mentioned in the Delhi Declaration adopted at the Third South Asian Conference on Sanitation on 16-21 November 2008 that we hosted, we recognize that access to sanitation and safe drinking water is a basic right. In the past five years, the Indian government has increased investment in rural sanitation by as much as six times. Further, under its *Total Sanitation Campaign*, the government has re-oriented its approach, with emphasis on the demand-side as a driver for change through mobilization of local community leadership. Simultaneously, the government has also laid special focus on expanding access to potable drinking water that is one of the six core elements of the government's flagship "*Bharat Nirman* or *Build India*" programme under which about 290 villages are being added to drinking water supply network each day. We are, thus, happy to say that, despite the challenges of its size and diversity, India is well on course to achieving the Millennium Development Goal-7 targets related to safe drinking water and sanitation much ahead of the target dates.

4. Lastly, Mr President, we look forward to receiving the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Mr Ibeanu, later this year and hope that his visit would provide him a useful opportunity to have a productive dialogue on the progress made and the outstanding challenges relating to the issue of ship dismantling in South Asia.

Thank you, Mr. President.