



Sources



REALISING THE HUMAN RIGHTS TO WATER AND SANITATION:
A HANDBOOK BY THE UN SPECIAL RAPPOREUR
CATARINA DE ALBUQUERQUE

Glossary, bibliography and index





Realising the human rights to water and sanitation:
A Handbook by the UN Special Rapporteur
Catarina de Albuquerque

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01.

Glossary

A

Access to justice and access to remedies – means that individuals have the right to bring alleged violations of human rights before independent and impartial bodies. The decisions of these bodies must be based on standards of fairness and justice, and the remedies they decide on must be effective. Where necessary, people must be able to seek redress before a court or tribunal, although other bodies, including administrative bodies, may offer effective remedies and be able to settle disputes.

Accountability stresses that certain actors (principally States) have human rights obligations that they must comply with. They are answerable on how they realise their obligations and can be held to these obligations through various mechanisms.

Administrative and regulatory mechanisms – regulate service provision (such as tariffs and water quality) and guarantee that government officials implement laws, regulations and policies correctly and in a manner consistent with human rights. States should ensure that they are impartial and independent.

Allegation Letters – are used by Special Procedures mandate holders to communicate information to a State on alleged violations of human rights that are thought to have occurred in that State, and requesting a response.

C

Committee on Economic, Social and Cultural Rights (CESCR) – is a body of 18 independent experts. It monitors the implementation of the International Covenant on Economic, Social and Cultural Rights by its States parties.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW – 1979)

– is a legally binding international human rights treaty that defines discrimination against women and how it is expressed, and sets out human rights obligations to stop such discrimination. This Convention provides the basis for realising substantive equality between women and men.

Convention on the Rights of the Child (CRC – 1989)

– is a legally binding international instrument that protects civil, cultural, economic, political and social rights for people under 18 years of age. Its core principles are: non-discrimination; the best interest of the child; the right to life, survival and development; and respect for the views of the child.

Convention on the Rights of Persons with Disabilities (CRPD – 2006) – is a legally binding international

instrument that reaffirms that all persons with disabilities enjoy all human rights. This Convention explains how human rights apply to persons with disabilities and identifies areas where protection of their human rights must be reinforced.

D

Disadvantaged individuals and groups – may be disadvantaged through their marginalisation, or their vulnerability. This is the general term used in this Handbook to denote both vulnerable and marginalised individuals and groups.

Disaggregated data – separates data according to criteria such as gender, ethnicity, caste or age so as to reveal particular factors, including to highlight disparities between different population groups and helps to determine the particular barriers different individuals and groups face in accessing water and sanitation services.

Duty-bearers and rights-holders – are the terms that define the relationship between individuals and groups with entitlements based on human rights (rights-holders) and State and non-State actors (duty-bearers) with obligations to realise these rights.

Duty bearers are those actors who have particular obligations or responsibilities to realise human rights. The term is most commonly used to refer to State actors, but non-State actors can also be considered duty-bearers.

All human beings are rights-holders under human rights instruments. Citizens of a State are rights-holders, as are people living as refugees, immigrants (regular and irregular), and others who do not hold citizenship. All of these people can claim the realisation of their human rights, including the human rights to water and sanitation, from the State where they are resident.

E

Equality entails a legally binding obligation to ensure that everyone enjoys equal enjoyment of her or his rights. Equality does not imply treating people who are unequal equally; it does not indicate identical treatment in all cases. Substantive equality requires a focus on all groups in society experiencing direct or indirect discrimination, and the adoption of targeted measures to support these groups when barriers persist, including affirmative action or temporary special measures

Equity – is the moral imperative to dismantle unjust differences. It is based on principles of fairness and justice. In the context of water, sanitation and hygiene, equity, like equality, requires a focus on the most disadvantaged and the poorest. Many organisations in the sector have made equity a central part of their agenda; however, from a human rights perspective, relying on equity carries certain risks because it is a malleable concept that is not legally binding.

Extraterritorial obligations – are human rights obligations that relate to the acts and omissions of a State, within or beyond its territory, that have effects on the enjoyment of human rights outside of that State's territory.

G

General comments or general recommendations – are authoritative interpretations of the provisions of human rights treaties by the respective treaty body. General comments also deal with wider, cross-cutting issues such as the role of national human rights institutions in the protection for economic, social and cultural rights.

Governments at all levels – national government comprises those bodies with national jurisdiction, including those of federal States. Sub-national government refers to regional and local departments institutions and agencies.

H

Human Rights Committee (HRCttee) – is an independent expert body that monitors the implementation of the International Covenant on Civil and Political Rights by its States parties.

Human rights treaty bodies – monitor the implementation of human rights treaties. There are currently ten human rights treaty bodies, which are committees of independent experts. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights are two examples of treaty bodies.

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