

The limited access to safe drinking water and sanitation tends to disproportionately affect the inequality, in particular towards women especially because the limited access has an impact on their health, physical and psychological integrity, privacy and access to education. The time burden of collecting and carrying water, which often falls on women and girls, is one explanation for the very large gender gaps in school attendance in many countries. Girls also commonly miss out disproportionately on an education if school sanitation facilities are inadequate. When girls and women have to walk to a place distant from their home for water collection or excreta disposal, they are also vulnerable to harassment and assault.

Under the Convention on the Elimination of all Forms of Discrimination against Women, States parties have the obligation to address all forms of discrimination against women, including the elimination of the causes and consequences of their de facto or substantive inequality.

Everyone agrees that access to water and access to sanitation are basic human needs and are essential to health and well-being.

But does water and sanitation basic need imply a right? And these rights do they exist?

In 1977, access to safe drinking water was first declared a human right by United Nations Member States in the Mar del Plata Action Plan asserting that irrespective of the level of development, all people “have the right to have access to drinking water in quantities and of a quality equal to their basic needs” Access to safe drinking water and sanitation are referred to in a range of international legal instruments.

- Explicit references are referred in human Rights treaties as the Convention on the Rights of the Child, or in the Convention on the Elimination of All Forms of Discrimination against Women.
- Implicit references to access to safe drinking water and sanitation in other treaties notably in relation to the right to life, the prohibition of torture, the right to health, the right to education, the right to adequate housing, the right to food and the right to an adequate standard of living.

More recently, as to bridge a gap in 2002, the Committee on Economic, Social and Cultural Rights (CESCR) adopted its General Comment N° 15 on the right to water (articles 11 and 12 of the Covenant), defined as the right of everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.

In 2006, the Sub-Commission for the Promotion and Protection of Human Rights adopted the draft guidelines for the realization of the right to drinking water supply and sanitation.

What does safe drinking water mean?

The term “safe drinking water” covers a limited amount of water needed to provide for and domestic uses, which comprise water for drinking, washing clothes, food and for personal and household hygiene. These personal and domestic uses represent a tiny fraction of the total use of water, less than 5 per cent.

Accordingly to the World Health Organization publications and recommendations and most of water experts between 50 and 100 liters of water per person per day are needed to ensure that all health concerns. The threshold of 25 liters per person per day represents the lowest level to maintain life, but this amount raises health concerns because it is insufficient to meet basic hygiene and consumption requirements. The international human rights law entails *clear obligations in relation to access to safe drinking water*. These obligations demand that States

ensure everyone's access to a sufficient amount of safe drinking water for personal and domestic uses - defined as water for drinking, personal sanitation, washing of clothes, food preparation and personal and household hygiene - to sustain life and health. It is up to each country to determine what this sufficient amount is.

This access should be prioritized over other water uses and should be premised on equality and non-discrimination. States should take steps to ensure that this sufficient amount is of good quality, affordable for all and can be collected within a reasonable distance from a person's home. The primary target should be to ensure everyone's access to a minimum amount of water to prevent disease. Each States should adopt and implement a national water strategy that should include clear goals backed by adequate financing, and pro-poor regulations.

What does Sanitation mean?

Human Rights instruments *offer little guidance as to the scope and content of the term sanitation*. The Sub-Commission's guidelines refer to a right to sanitation, defined as the right of everyone to have access to adequate and safe sanitation that is conducive to the protection of public health and the environment. Therefore, sanitation and sanitation facilities should be physically accessible, affordable, of a sufficient and culturally acceptable quality and in a where physical security can be ensured. But the Human right treaties are particularly *silent on the obligations* towards States concerning sanitation issues.

One of the most important reasons is that in many cultures, defecation and urinate act are taboos, in opposite to drink or to eat. Water is life, symbol of beauty and wild- safe nature, water is happiness and entertainment, water is subject of sharing. Water is sacred in most of the religious. Water has a special place in human imagination.

What is happening for urine and excrements?

They are wastes produced by human biological machine. Human being is polluting nature. The excrements are mainly considered as smelly and supports of diseases. To touch them is *taboo*. Most of developed countries contribute to diabolize excrements. Toilets with flush are directly connected to the sewage in order to minimize the time that the user can see his excrements. The design of toilets is conceived to practically forgive the excrements. Therefore, even to talk about defecation is taboo excepted about children and seek persons defecation.

In addition of health hazards that can easily affect the people living in the community, defecation in open space poses a problem of *dignity and respect* of private life. In some cultures, it is formally forbidden for women to defect in open space where they can be seen. They should do this natural and human act early in the morning before the sun raise or late in the day after sunset.

The embarrassment felt by someone who defects in public or the incapacity to have access to minimum of hygiene or intimacy can have important physiological and psychological consequences are constipation, cystitis, urinary infection that after recurrence can evolve to serious infections as pyelonephritis followed by kidney abscesses. At the end kidney insufficiencies are possible in case of multiple pyelonephritis. In 2006, approximately 18% of the world population was obliged to defect in open space. The percentage raises 48% in South Asia, notably in India and 28% in sub-Saharan Africa.

One word of public toilets. The shared toilets are improved toilets assuring a satisfactory

separation between excrement and users. They are shared by few families or are totally public. One estimates that 8% of the world population is using public toilettes mainly in urban areas. Even, if these pubic facilities allow generally a better hygiene than the non-improved toilets, it is difficult to know if the security and the privacy are satisfactory and then if they are effectively utilized. Cleaning is a huge problem, everywhere in developed and developing countries. Access to clean public toilets is a public service that requests the permanent involvement of users.

Toilet is a private issue that concerns the world community.

Water is the beauty, Sanitation is the ugly

Water is the pure, sanitation is the impure

Water is the clean, sanitation is the dirty

The needs for clean water are the same for men and women. The needs for sanitation and hygiene are different for men and women. Currently, these different needs are not seriously considered or taking into account by the decision makers and political leaders. We should question ourselves about the possibility to gather under a same human right two subjects so different and even opposite.

I think that the human right to sanitation should be considered separately for the human right to safe drinking water and follow its own independent elaboration.

To conclude, I would like to speak about the financing of the human right to safe drinking water and the fundamental right to sanitation. The world is living a *critical financial and economical crisis* that will challenge the existing priorities of the world development. I hope that fundamental values and priorities that are the respect of all human rights will be restored. The poor and excluded people could be the losers of this crisis if their basic needs and basic rights are not implemented and respected. The access to safe drinking water and sanitation that are not the priority of many decision makers and political leaders could see the financing of facilities and infrastructures again decrease, it could be worst for education and hygiene.

During the international conference organized in Paris on November 13, 2009 on Water for Peace and Peace for Water by Fondation Chirac, Agence Française pour le Développement and UNESCO, President Jacques Chirac proposed the creation of a new tax that will use to finance access to water and sanitation. This new tax is similar to the one created few years ago by France, Brazil, Chili, Norway and United Kingdom on flight tickets that finances UNITAID in its fight against international pestilences that are Aids, malaria and tuberculosis. This tax on flight tickets collects 300 millions Euros per year.

The *new tax for water and sanitation for all could be on telecommunication turnover* that reached 1 360 billions USD in 2008. With a tax of 1% on world telecommunication turnover, 13 billions USD will be raises annually, enough to provide universal access to safe drinking water and basic sanitation in 10 years. Such tax would contribute to solve the paradox so often mentioned by President Fauchon about the incredible development of cell phone all around the world and particularly between population that has no access to safe drinking water and sanitation.