



## **SUMMARY**

# **The state of water and human rights in the EU27: a human rights-based approach to water resilience**

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## I. Introduction

Water is essential to life and is indispensable for human survival and well-being. Access to water and sanitation is recognized by the United Nations as human rights – fundamental to everyone’s health, dignity and prosperity. Furthermore, the human rights to water and sanitation are fundamental prerequisites for the realization of a wide range of other human rights. These rights are intrinsically linked to the right to health, as well as the rights to adequate housing and food, among others.

### *The human right to water*

The human rights to safe drinking water was recognized by the UN General Assembly ([resolution 64/292](#)) and the Human Rights Council ([resolution 15/9](#)), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of the International Covenant on Economic, Social and Cultural Rights. Furthermore, the right to water is explicitly stipulated in various international human rights treaties (see Annex I).

### *The human right to sanitation*

The UN General Assembly ([resolution 70/169](#)) and the UN Human Rights Council ([resolution 33/10](#)) recognized that water and sanitation are two distinct but interrelated human rights, while reaffirming that both rights are components of the right to an adequate standard of living.

To ensure the enjoyment of human rights, we must have access to water that is resilient—resilient to water scarcity, pollution, and other potential risks. To illustrate this, consider the example of a clean river that serves as a water source. When water is resilient from pollution, access to clean and affordable water becomes more feasible. Reduced pollution in the river minimizes the need for extensive treatment processes before the water reaches our homes. This efficiency translates into lower costs, which in turn can lead to introducing water tariffs that are affordable for people living in vulnerable situations and low-income population. Furthermore, the savings generated from such efficiencies could be reinvested into other areas, such as maintaining water infrastructure to prevent water leakage.

As the example illustrates, water resilience is closely related to the preservation of freshwater ecosystem and the degradation of the ecosystems directly impacts the enjoyment of human rights including the right to a healthy environment. The human right to water and the right to a healthy environment are interlinked and safe water is an element of the right to a healthy environment.

### *The human right to a healthy environment*

The UN Human Rights Council ([A/HRC/RES/48/13](#)) and the UN General Assembly ([A/RES/76/300](#)) recognized that everyone, everywhere, has the right to live in a clean, healthy and sustainable environment. Safe, sufficient water and healthy freshwater ecosystems is one of the substantive components of the right to a safe, clean, healthy and sustainable environment. (See “Human rights and the global water crisis: water pollution, water scarcity and water-related disaster” [A/HRC/46/28](#)).

## II. Water and international human rights

Water is fundamental to all forms of life. It is utilized for a variety of purposes in daily life, including drinking, sanitation, and hygiene. The water supply for each person must be sufficient and continuous for personal and domestic needs. These needs ordinarily include drinking, personal sanitation, washing of clothes, food preparation, and maintaining personal and household hygiene (CESCR, [General Comment no. 15](#), para. 12). In addition to these personal and domestic uses, water is used in various industrial activities. Furthermore, water is an integral component of the freshwater ecosystem such as rivers, lakes, wetlands, and groundwater. The specific uses of water - whether for consumption, waste management, or other functions - entail different implications for the realization and protection of human rights, which is introduced in this part.

### 1. Drinking water

- Water is life and it is a human right. Water is crucial for survival, health, and maintaining human dignity. Without sufficient and safe water, humans cannot live a healthy life or fully exercise other human rights.
- The key components of the human right to water include availability (continuous and sufficient quantity of water), accessibility (physically accessible water source and services), affordability, quality and safety (water free from harmful contaminants), and acceptability (color, taste, and odor).
- The human right to water is closely linked to other rights such as the rights to life, sanitation, life, health, education, and a clean environment, among others.

### 2. Water for personal and domestic hygiene (including food hygiene)

- Water is needed to maintain personal and domestic hygiene, including handwashing, bathing, laundry, and cooking.
- The key components of the human right to water include availability (continuous and sufficient quantity of water), accessibility (physically accessible water services), affordability, quality and safety (water free from harmful contaminants), and acceptability.
- Having access to adequate water for personal and domestic hygiene impacts various human rights, such as the right to health, education, and reproductive health.

### 3. Water for domestic usage (subsistence agriculture, cultural practices)

- Water is essential for various domestic uses such as subsistence farming, where it supports crop cultivation, livestock hydration, and for cultural practices as water holds spiritual and cultural significance, often tied to the identity and practices of communities.
- The human right to water ensures that this water is available, accessible, affordable, and of sufficient quality for health protection.
- Access to water for domestic purposes affects other rights, including the right to food, adequate living standards, cultural practices, and the livelihoods of Indigenous Peoples and rural communities, particularly those involved in farming and fishing.

#### 4. Water for agriculture and other industrial purposes (productive use)

- Water plays a critical role in both agricultural and industrial activities. Water is also vital for energy generation, including hydropower, and for large-scale industrial projects.
- The increasing demand for water for economic development often creates competition, leading to overexploitation of water and/or water diverted for economic purposes over water for human consumption, particularly for those in vulnerable situations.
- The prioritization of water usage for industrial and domestic needs can negatively impact human rights, particularly the rights to water, food, and an adequate standard of living.

#### 5. Water related to sanitation: wastewater

- Sanitation extends beyond the use of toilets to include the treatment and safe disposal of wastewater, which consists of domestic, industrial, and agricultural effluent.
- Wastewater, if not properly treated, poses significant risks to human health and the environment, as it often contains harmful pathogens, chemicals, and pollutants. Pollution from untreated sewage, industrial activities like mining, and agricultural runoff can contaminate water sources, impacting water quality and exacerbating waterborne diseases.
- The human right to sanitation means that wastewater facilities should be available and accessible – both physically and financially.
- Inadequate wastewater management impacts the enjoyment of the human rights to water, health, and a healthy environment.

#### 6. Freshwater ecosystem

- People depend on freshwater for survival and daily life. The human right to a healthy environment is intrinsically linked to the availability of safe and sufficient water, as ecosystems such as rivers, lakes, and aquifers play an essential role in maintaining water quantity and quality.
- Climate change poses a significant threat to freshwater ecosystems, altering precipitation patterns, increasing droughts and floods, and affecting groundwater and surface water resources. This, in turn, jeopardizes the enjoyment of human rights to water, health, food, and a healthy environment, especially for vulnerable populations.
- Degradation of freshwater ecosystems further impacts human rights by reducing water availability, deteriorating water quality, and threatening the livelihoods of communities dependent on aquatic resources, thus highlighting the need for integrated strategies to safeguard freshwater resources for current and future generations.



### III. Specific issues relating to human rights and water in the EU27

Specific issues related to water and impact on human rights are drawn from the concluding observations and reports of international human rights mechanisms from the period of 2019 to 2025. The international human rights mechanisms are composed of treaty bodies, Universal Periodic Review and special procedures of the UN Human Rights Council.

#### 1. Impact of climate change

States parties should take steps to ensure that groups facing difficulties with physical access to water, such as older persons, persons with disabilities, victims of natural disasters, persons living in disaster-prone areas, and those living in arid and semi-arid areas, or on small islands are provided with safe and sufficient water (CESCR, [General Comment no. 15](#), para. 16 (h)).

The use of maximum available resources is essential for effective climate change adaptation. States should mobilize and allocate adequate resources to support adaptation efforts, particularly for communities most vulnerable to climate impacts. This includes investing in sustainable infrastructure, enhancing resilience in agriculture, and ensuring access to clean water and sanitation. The International Covenant on Economic, Social and Cultural Rights (ICESCR) obligates States to take appropriate steps, to the maximum of their available resources, to achieve progressively the full realization of rights such as adequate housing, food, water, and sanitation. (see generally, “Progressive realization of the human rights to water and sanitation” [A/HRC/45/10](#)).

#### 2. Water quality/pollution

The water required for each personal or domestic use must be safe, therefore free from micro-organisms, chemical substances and radiological hazards that constitute a threat to a person’s health (CESCR, [General Comment no. 15](#), para. 12(b)).

States parties should ensure that natural water resources are protected from contamination by harmful substances and pathogenic microbes. (CESCR, [General Comment no. 15](#), para. 8). States parties should adopt comprehensive and integrated strategies and programmes to ensure that there is sufficient and safe water for present and future generations. (CESCR, [General Comment no. 15](#), para. 28).

#### 3. Access to water and sanitation facilities

Water, and adequate water facilities and services, must be within safe physical reach for all sections of the population. Sufficient, safe and acceptable water must be accessible within, or in the immediate vicinity, of each household, educational institution and workplace. Physical security should not be threatened during access to water facilities and services (CESCR, [General Comment no. 15](#), para. 12(c)).

Priority in the allocation of water must be given to the right to water for personal and domestic uses. Priority should also be given to the water resources required to prevent starvation and disease, as well as water required to meet the core obligations of each of the Covenant rights (CESCR, [General Comment no. 15](#), para. 6).

#### 4. Affordability of water (including water disconnections)

Water, and water facilities and services, must be affordable for all. The direct and indirect costs and charges associated with securing water must be affordable, and must not compromise or threaten the realization of other rights stipulated in ICESCR (CESCR, [General Comment no. 15](#), para. 12(c)(ii)). To ensure that water is affordable, States parties must adopt the necessary measures that may include, inter alia: (a) use of a range of appropriate low-cost techniques and technologies; (b) appropriate pricing policies such as free or low-cost water; and (c) income supplements. Any payment for water services has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups (CESCR, [General Comment no. 15](#), para. 27). The right to water includes the right to be free from interference, such as the right to be free from arbitrary disconnections (CESCR, [General Comment no. 15](#), para. 10).

#### 5. Leave no one behind

All forcibly displaced persons (those who are forced to move, within or across borders— mainly internally displaced persons, refugees, asylum seekers and migrants in vulnerable situations while en route, at borders, at reception and at destination) are equally entitled to the human rights to safe drinking water and sanitation irrespective of their current location and the status bestowed on them, and even in cases where they are considered ineligible for international refugee protection (See generally, [A/HRC/39/55](#)). Refugees and asylum-seekers should be granted the right to water on the same conditions as granted to nationals (CESCR, [General Comment no. 15](#), para. 16).

#### 6. Leave no places behind

Deprived urban areas, including informal human settlements, and homeless persons, should have access to properly maintained water facilities. No household should be denied the right to water on the grounds of their housing or land status; (CESCR, [General Comment no. 15](#), para. 16 (c)).

Prisoners and detainees are provided with sufficient and safe water for their daily individual requirements, taking note of the requirements of international humanitarian law and the United Nations Standard Minimum Rules for the Treatment of Prisoners (CESCR, [General Comment no. 15](#), para. 16 (g)).

#### 7. Environmental human rights defenders

Environmental human rights defenders include “individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna” (“Situation of human rights defenders” [A/71/281](#)). They include all individuals and groups, who work to protect and promote the human right to a clean, healthy and sustainable environment, on which a vast range of other human rights depend, for present and future generations. Environmental human rights defenders are often stigmatized, criminalized, threatened and killed for their work to protect our planet and may face increased risks based on intersecting patterns of discrimination, exclusion, and marginalization.

## IV. A human rights-based approach to water resilience

A human rights-based approach involves identifying people and communities (rights-holders) impacted and addressing the requirements for those people and communities to enjoy their human rights associated with water resilience (entitlements) which includes their right to meaningful participation, among others. In addition, a human rights-based approach includes steps that duty-bearers (both States and non-States) should take to protect human rights associated with water resilience. Human rights demand that States prioritize action to improve the lives and livelihoods of the most disadvantaged people.

Several tools exist that provide how to implement a human rights-based approach and to protect human rights and enhance water resilience:

- The normative content of the human rights to water and sanitation: Explanations and Guiding Questions ([EN](#) | [FR](#) | [ES](#))
- Key Messages on advancing a human rights-based approach to desertification, land degradation and drought ([EN](#))
- Key Messages on human rights and climate change ([EN](#))
- Key Messages on Human Rights and Loss and Damage ([EN](#))
- Key Messages on human rights and biodiversity ([EN](#) | [FR](#) | [ES](#))
- Key Messages on human rights and hazardous substances ([EN](#) | [FR](#) | [ES](#))
- Key Messages on human rights, the environment, and gender equality ([EN](#) | [FR](#) | [ES](#))
- Guidelines on the effective implementation on the right to participate in public affairs ([EN](#) | [FR](#) | [ES](#))
- United Nations Disability Inclusion Strategy: Consulting Persons with Disabilities ([EN](#))

There are several ways to implement a human rights-based approach to water resilience including ensuring that national policies recognize water as a human right, facilitating meaningful participation, and raising awareness among stakeholders.

### 1. Technical assistance on policy implementation

- Provide expert analysis and advice to governments to integrate human rights into legal and policy on water resilience at the national level including the transformation of EU policy on water.
- Develop country-specific materials to serve as guidelines for States to respect, protection and fulfilment of the human rights in the context of water resilience.
- Facilitate knowledge-sharing sessions and provide an evaluation framework to local governments to assist them in their implementation of recommendations by the UN Human Rights Council mechanisms.

### 2. Facilitating participation

- Assist in identifying relevant stakeholders, including people in vulnerable situations and marginalized peoples and facilitate pre-consultation workshops to ensure that those people have a clear understanding of the consultation topics, enabling them to meaningfully participate.
- Facilitate pre-consultation workshops to local governments and related stakeholders to inform them of the human rights to water, sanitation, a healthy environment and share good practices on the ways to have constructive dialogue with stakeholders during consultation.
- Facilitate dialogues and other consultation processes between local government and the impacted population, gathering inputs and feedback to inform decision-making and ensure that the voices of the affected communities are considered.

### 3. Training, capacity building and raising awareness

- Provide training and capacity-building sessions for policymakers, local government representatives, and water service providers to ensure the integration and application of human rights to water, sanitation and a healthy environment in water provision projects and its implementation.
- Provide capacity building sessions for civil society organizations to enhance their ability to monitor the implementation of the human rights to water, sanitation and a healthy environment.
- Conduct advocacy campaigns to address business-related adverse impact on the human rights to water, sanitation and healthy environment and address inequalities in water governance.

## V. Conclusion: why a human rights-based approach?

Water is an interconnected system where all components are intricately interlinked and impact one another. Human and human activities are both integral to the water system and also depend on such a system. At the same time, the health of the water ecosystem also relies on a broader environmental context, including soil quality, vegetation, biodiversity as well as human activities such as pollution and contamination from agriculture and industry. Building water resilience therefore involves a wide range of components that are at the interconnection between water, environment and society.

***A human rights-based approach offers a holistic approach to water resilience by integrating human rights principles into the governance of water resources and its distribution.***

From a human rights perspective, water resilience is not only about accessibility and availability of water but also about ensuring that water resources are sustainably managed so that people enjoy their right to a healthy environment, including future generations to rely on water resources. By focusing on the interdependence between people and the environment, a human rights-based approach addresses the needs of people including future generations and the environment, when addressing water resource management to strengthen water resilience.

***A human rights-based approach calls for a phased approach to progressive improvements in managing wastewater and controlling pollution, with a focus on improving the lives of the most disadvantaged, who are often hardest hit by contamination.***

The human rights framework also provides practical guidance in managing wastewater and controlling water pollution. They offer a flexible framework that demands that States prioritize addressing the most urgent and serious impacts on human rights, whether they stem from domestic, industrial or agricultural water contamination.

***A human rights-based approach emphasizes that access to clean water is essential for health, education, and livelihoods, highlighting the need for policy and action that prioritize groups in vulnerable situations.***

Access to clean water is essential for a healthy life, as it is a key determinant of health and a critical factor in human well-being. Polluted water from unsafe sources leads to dehydration and waterborne diseases, which disproportionately affect older adults due to age-related physiological changes and children due to their body composition. Additionally, clean water supports better education, especially for girls. In regions where water access is limited, girls often spend hours fetching water, time that could otherwise be used for studying or attending school. Furthermore, affordable access to clean water improves livelihoods, as many low-income households are forced to choose between purchasing water or buying other necessities like clothing or sanitary products. Ensuring affordable and sufficient water access for these households can significantly improve their standard of living.