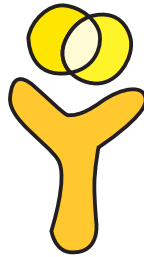


Frameworks



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

Legislative, regulatory and policy frameworks





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

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Entidade Reguladora dos Serviços de Águas e Resíduos
The Water and Waste Services Regulation Authority



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01.

The definition of the human rights to water and sanitation

This Handbook uses the definitions of the human rights to water and sanitation set out in the boxed text below. The interpretation of the norms and definitions that give substance to the legal content of the human right to water has been developed in General Comment No. 15¹ of the UN Committee on Economic, Social and Cultural Rights (CESCR).

The Committee also confirmed the status and legal content of sanitation as a human right, and defined the norms that apply to this right in its Statement on Sanitation², based on a 2009 report on human rights obligations related to sanitation, written by the then Independent Expert (now the Special Rapporteur on the human right to safe drinking water and sanitation).³

02.

The relationship between international human rights law and national legal frameworks

International human rights law demands that States work towards achieving universal access to water and sanitation, being guided by human rights principles and the standards of the human rights to water and sanitation.

In monist States international law and national law constitute a single legal system. Therefore, rules of international law constitute an integral part of domestic law and produce direct legal effects without any further law being enacted within a country. In dualist States, however, international law and national law are two separate and independent legal systems. In such States, therefore, for international law to be applied, it is necessary for the State to transpose international legal norms into the national legal system through the adoption of a national law.

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