

Call for the European Union to include the human right to safe drinking water and sanitation in the European Charter on Fundamental Rights

Brussels, 22 March 2013. AquaFed calls on the European institutions to amend the Charter of fundamental rights of the European Union¹ to include the recognition of the human right to safe drinking water and sanitation. This would contribute to making this right effective to all individuals across Europe and beyond.

This year World Water Day – 22 March – focuses on the need for cooperation to solve water challenges. One major global challenge is to make the human right to safe drinking water and sanitation effective for the billions of people who need better access to water and sanitation². This will only happen if all responsible authorities, public and private water operators, NGOs and other stakeholders cooperate to meet this objective. To make this important right a reality, they need to collaborate and work with those populations that need their right to be better satisfied.

AquaFed, the International Federation of Private Water Operators, has publicly and formally supported the right to drinking water and sanitation since 2006. AquaFed's members are companies that contribute daily to the implementation of this right for people as instructed by public authorities. It is their core business to do so.

A recent AquaFed brochure, "*Private operators delivering performance for water-users and public authorities*³", shows that private operators deliver significant progress on all the dimensions of the Right - availability, safety, accessibility, acceptability, affordability, equity, sustainability and extension of water services - when they are requested to do so by public authorities. Competitive tendering ensures that private operators use their professionalism to optimise costs to users and taxpayers as a whole. They can implement the social support mechanisms and subsidies that are designed by public authorities, and are therefore efficient tools for governments that want to ensure that safe drinking water and sanitation services are affordable to people, including the very poor.

In 2010, the UN recognised the human right to access to safe drinking water and sanitation. The UN Human Rights Council affirmed that this right is embedded in international law and is derived from the right to an adequate standard of living as recognised by the International Covenant on Economic, Social and Cultural Rights. In the same resolution it recognised the legitimacy of private water operators to contribute to the implementation of this right⁴.

In Europe, many national laws and practices contribute to making this right effective for most people. Although the 27 EU member states are parties to the International Covenant on Economic, Social and Cultural Rights, the European Union has yet to formally recognise the human right to safe drinking water and sanitation in EU law.

To make the human right to safe drinking water and sanitation more visible across the European Union, AquaFed calls on the European institutions to amend the Charter of fundamental rights of the European Union to include the human right to safe drinking water and sanitation specifically.

¹ See http://www.europarl.europa.eu/charter/pdf/text_en.pdf

² See <http://www.aquafed.org/page-5-106.html>

³ See www.aquafed.org/pages/fr/admin/UserFiles/pdf/AquaFed_Performance_PrivateWaterOperators_2012-03-14.pdf

⁴ UN HRC resolution HRC/RES/15/9 dated 6 Oct 2010 : 7. *Recognizes that States, in accordance with their laws, regulations and public policies, may opt to involve non-State actors in the provision of safe drinking water and sanitation services and, regardless of the form of provision, should ensure transparency, non-discrimination and accountability;*

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Article 36 of the Charter already recognises and respects access to services of general economic interest, which includes water and sanitation services. It should be more explicit and formally mention the right to safe drinking water and sanitation as derived from the right to an adequate standard of living and inextricably related to the right to a high level of human health protection defined in article 35.

In this “International year of Cooperation on Water”, improving regulations and identifying the respective roles of the different public authorities and all state and non-state water service operators in the delivery of the Right will enable all stakeholders to contribute to make this right effective to all individuals across Europe and beyond.

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AquaFed is the International Federation of Private Water Operators. Open to companies and associations of companies of all sizes and from all countries, it aims to contribute to solving water challenges by making Private Sector know-how and experience available to the international community. It brings together more than 300 water companies that serve hundreds of millions of people in 40 countries.

In Europe, AquaFed is present through its members in the majority of EU Member States, mostly by means of PPP (Public-Private Partnerships, including concession-type) contracts and through contracts with industrial water-users. The third of the European population benefits from water or wastewater services that are at least partially operated by private or public-private companies. The majority of these people is served by companies represented by our Federation.

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