

Foundations of Global Health & Human Rights

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The Emergence of “New” Health-Related Human Rights

Recognizing the Human Rights to Water and Sanitation

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Given the pressing global health implications of water, sanitation, and hygiene—with billions of people lacking access to services that underlie a wide array of communicable and non-communicable health threats—advocates have looked to human rights as a means to address these pervasive public health threats. As human rights have developed in scope and influence, water and sanitation have come to be seen as distinct human rights. The United Nations (UN) General Assembly and Human Rights Council (HRC) have recently adopted a series of resolutions that reflect rapidly expanding international political recognition of the scope and content of these human rights as foundational to advancing global health.

The human rights to water and sanitation present an example of the ways in which concerted advocacy in response to evolving health threats can lead to the recognition of “new” human rights. In the evolution of human rights, the human rights to water and sanitation have developed dramatically in recent decades—transitioning from implicit obligations to distinct rights. Flowing from a concern for public health, the right to water has long been linked to the right to health, sharing a common history and interdependent evolution. Through normative developments within the UN human rights system, the human rights to water and sanitation have come to find authoritative clarification, political consensus, and legal obligations. Beyond viewing water and sanitation as basic and pressing needs, these human rights now implicate specific policy reforms, framing state accountability to realize access to water, sanitation, and hygiene for all.

This chapter examines the recognition of “new” health-related human rights, focusing on the emergence of the human rights to water and sanitation, analyzing the implementation of these rights through national policy and programming, and exploring various mechanisms to ensure accountability for human rights realization. Part I explores the international legal development of these rights, beginning with the first conceptualization of a distinct human right to water through General Comment 15 by the Committee on Economic, Social and Cultural Rights (CESCR) and culminating in the UN General Assembly’s 2010 Resolution on the Human Right to Water and Sanitation. Providing a framework to ensure access to water, sanitation, and hygiene, Part II examines how the human rights to water and sanitation have been implemented at different levels of governance, analyzing the implementation of these rights through national policy, budgetary measures, and service provision as well as addressing the role of international

organizations. Part III explores various mechanisms for ensuring accountability in water, sanitation, and hygiene outcomes, including through advocacy, litigation, and monitoring under the Sustainable Development Goals (SDGs). This chapter concludes that human rights can evolve to reflect new health challenges, giving rise to “new” health-related human rights, yet the legitimacy of these normative advancements relies on their implementation in meeting the needs of the most marginalized.

I. Establishing the Human Rights to Water and Sanitation

As human rights have evolved in scope and influence, water and sanitation—both instrumental to the realization of a wide range of human rights—have come to be seen as distinct human rights through their conceptualization under established rights, definition through the CESCR, and recognition by the UN General Assembly.

A. Conceptualizing a Human Right

While water has long been the subject of international agreements and policies, there was little appreciation of the basic importance of water, sanitation, and hygiene in the early evolution of human rights. Neither the 1948 Universal Declaration of Human Rights (UDHR) nor the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) explicitly mention these essential determinants of health. Yet, as scholars, policymakers, and advocates came to recognize environmental determinants of health in the late 1960s and early 1970s, environmental health advocates pressed human rights claims, seeking water regulation as a means to ensure public health (McNeill 2010). Acknowledging the importance that water holds to nearly all aspects of life, a right to water was recognized explicitly for the first time, as seen in Figure 12.1, at the 1977 UN Water Conference in Mar del Plata. With delegates addressing issues of clean water resources, the Mar del Plata Action Plan proposed what would become the UN’s first International Drinking Water Supply and Sanitation Decade (1981–1990), concluding that “all peoples, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantities and of a quality equal to their basic needs” (UN 1977, preamble). While the proclamation of this right would not be binding on states, this initial commitment to meet “basic needs” began to build agreement around norms (for both access to and quality of water) that would come to be codified as a human right under international law.

As human rights law developed over the next decade, the UN General Assembly adopted international human rights treaties that extended this explicit recognition of water in the context of:

- The human right to an adequate standard of living, with the 1979 Convention on the Elimination of All Forms of Discrimination Against Women stipulating a state obligation to “ensure to [rural] women the right . . . to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply” (UN General Assembly 1979, art. 14(2)); and



Figure 12.1. UN Water Conference in Mar del Plata (Photo: UN Archives).

- The human right to health, with the 1989 Convention on the Rights of the Child linking health with water and sanitation to reinforce state obligations to “combat disease and malnutrition . . . through the provision of adequate nutritious food and clean drinking-water” and to ensure that individuals are “informed, have access to education and are supported in the basic knowledge of . . . hygiene and environmental sanitation” (UN General Assembly 1989, art. 24).

During the 1990s, however, recognition of water as a human right was seen to be in tension with approaches that stressed economic development. Progress on the development of water as a human right was stymied by clashes over the conceptualization of water as an economic good—rather than a public good. Amidst debates on the privatization of water utility management, advocates called for the explicit international legal codification of a human right to water (Gleick 1998).¹ Given increasing inequalities in access to water, limitations of national water policies, and conflicts surrounding privatization of water utilities, advocates turned to the human right to water as a means to reframe water as a public good and a government obligation.

B. Defining a Human Right

Examining these obligations through the human rights system, the CESCR defined a distinct human right to water under the ICESCR. In 2002, the CESCR held in General

¹ While the human rights framework does not rule out private sector provision of determinants of health, as first detailed in Chapter 3, many advocates stressed the negative impact of privatization on water quality and affordability, entrenching inequalities in water access in localities across the world.

Comment 15 that “the human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights” (CESCR 2002, para. 1). Although water is not mentioned in the text of the ICESCR, the CESCR interpreted the right to water into the treaty based upon existing provisions, finding it to be normatively situated under the umbrella of the human right to an adequate standard of living and the human right to health.

General Comment 15 expounded the normative content of this right, delineated the respective state obligations, and outlined a policy roadmap for states to progressively realize access to water. The CESCR reasoned that “an adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements” (CESCR 2002, para. 2). General Comment 15 specified that governments should ensure the progressive realization of the right to water—and in a later statement, as outlined below, the right to sanitation—by looking to attributes of availability, accessibility, affordability, acceptability, and quality:

- Availability refers to the quantity of water, sanitation, and hygiene facilities sufficient to meet personal and domestic needs on a continuous basis.
- Accessibility requires that water and sanitation facilities are genuinely accessible in the immediate vicinity at all times (without physical, informational, linguistic, legal, or other barriers).
- Affordability requires that any payment for water and sanitation does not compromise the realization of other human rights such as food, housing, or health.
- Acceptability requires that water, sanitation, and hygiene services meet the social and cultural standards of the communities they serve, which implies ensuring privacy in many cultures.
- Quality refers to the safety of water for consumption and ensuring that water, sanitation, and hygiene services prevent human excreta from contaminating water supplies and harming public health (CESCR 2002).

Framed by obligations to respect (not interfere), protect (from third-party interference), and fulfill (take positive steps to facilitate, promote, and provide) the right to water—alongside cross-cutting principles to ensure non-discrimination and achieve substantive equality—General Comment 15 articulates discrete state obligations to protect public health, including:

- to “ensure access to the minimum essential amount of water that is sufficient and safe for personal and domestic uses to prevent diseases”; and
- “to take measures to prevent, treat, and control diseases linked to water, in particular ensuring access to adequate sanitation” (Ibid., 37).

By invoking the right to water as a means to realize public health, General Comment 15 outlines a series of government obligations to frame national water strategies and plans of action (Riedel 2006). In doing so, General Comment 15 introduces sanitation as important for protecting the quality of water and recognizes that states have an obligation

to extend sanitation services. However, it did not address sanitation comprehensively and fell short of recognizing a distinct right to sanitation (Winkler 2016).

C. Recognizing the Human Rights

Drawing from this initial treaty body interpretation, advocacy shifted to pressing for international political recognition of the human rights to water and sanitation. The UN Human Rights Council mandated in 2007 that the UN High Commissioner for Human Rights examine the scope and content of human rights obligations related to equitable access to safe drinking water and sanitation. Based upon this examination, the High Commissioner concluded that “it is now time to consider access to safe drinking water and sanitation as a human right” (OHCHR 2007, para. 66). The Human Rights Council thereafter created the position of Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, and this Independent Expert considered advocating for the explicit recognition of the human rights to water and sanitation as a key component of her mandate. To this end, Independent Expert devoted her first report to the previously neglected sanitation obligations necessary to ensure dignity (de Albuquerque 2009).

Case Study: Sanitation and Hygiene—Central to Dignity, Neglected by Human Rights

The link between dignity and human rights lies at the center of the discussion surrounding sanitation and hygiene. Living with dignity goes beyond basic human survival needs and links to personal agency and autonomy. Sanitation and hygiene implicate issues of privacy, autonomy, and dignity. For many, discontinuing practices like open defecation and shifting toward more private sanitation practices reinforces feelings of self-worth and equality essential to the dignity inherent in human rights. However, explicit recognition of sanitation as a human right has only recently materialized. The first Independent Expert on the human rights to water and sanitation, Catarina de Albuquerque, found that sanitation was treated as the “poor cousin” of water, neglected in international law, policymaking, and programming. Advocating for the recognition of a right to sanitation, she concluded that “lack of access to sanitation constitutes de-meaning living conditions; it is an affront to the intrinsic worth of the human being and should not be tolerated in any society.” As the human rights community has moved to accept the right to sanitation and has broadened the debate to include hygiene, attention has focused on menstrual hygiene, with the water, sanitation, and hygiene (WASH) sector serving as an entry point to begin addressing issues related to menstrual health. Using the technically oriented WASH sector as an entry point has allowed for focusing on tangible and concrete measures that put menstruation on the policy agenda. Yet, in moving forward, it will be necessary to pay greater attention to the implications of menstrual health for a wide range of human rights, including health, education, safe and healthy working conditions, and gender equality in the context of human dignity.

Building upon the evolving formal and informal standards that preceded it, and following years of advocacy in the WASH sector, the UN General Assembly recognized safe and clean drinking water and sanitation to be a human right under international law. The General Assembly's 2010 Resolution on "The Human Right to Water and Sanitation"² reflects international political recognition of the scope and content of this distinct right (Meier et al. 2013). Acknowledging the dynamic nature of human rights, the evolution of rights-based norms, and the health harms stemming from a lack of water and sanitation, the resolution: "*Recognizes* the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights" (UN General Assembly 2010, para. 1). The resolution was adopted with 122 votes in favor, none against, and 41 abstentions. While the resolution raised procedural concerns due to its rapid negotiation in the General Assembly—and substantive concerns questioning whether the resolution fully reflected the state of international negotiations—the resolution was approved with no formal objections, as states chose to abstain from this vote rather than vote publicly in opposition to a politically popular consensus (Crook 2010).

The political recognition of the right to water and sanitation by the UN General Assembly represented a milestone in the development of human rights, memorializing international consensus on the substantive content of the human rights to water and sanitation and the corresponding obligations of governments to respect, protect, and fulfill these rights on the basis of equality. This resolution has proven a wellspring for future efforts to substantiate these rights, with states repeatedly reaffirming it through a series of resolutions in both the UN General Assembly and Human Rights Council.³ In 2015, the UN General Assembly adopted a resolution that recognizes water and sanitation as two distinct human rights—which are closely related but have unique characteristics that require distinct measures in their implementation (Winkler 2016). These resolutions across the UN have given explicit political recognition to the establishment of human rights to water and sanitation, supporting the reasoning of General Comment 15 and creating an international imperative to implement these rights to ensure access to water, sanitation, and hygiene (Winkler 2012).

II. Implementing "New" Human Rights for Public Health

As national governments, international organizations, and civil society advocates have moved to implement the human rights to water and sanitation, there are opportunities to improve global health through rights-based water, sanitation, and hygiene policy. Transitioning from human rights development to policy implementation, the UN

² While the UN General Assembly initially referred to a singular "human right to water and sanitation" in its 2010 Resolution, the UN human rights system—following the lead of the CESCR and the Special Rapporteur—has since come to address water and sanitation as interconnected but distinct rights (UN General Assembly 2015a). Except in the specific context of the 2010 Resolution, this chapter refers to these rights in the plural: "human rights to water and sanitation."

³ Later that year, the CESCR took a first step in addressing the normative contours of the right to sanitation by issuing an official statement recognizing sanitation as a right under the ICESCR (CESCR 2010).

Independent Expert argued that “we have an even greater responsibility to concentrate all our efforts in the implementation and full realization of this essential right” (de Albuquerque 2010, para. 8).⁴ Yet, the implementation of the human rights to water and sanitation has been marred by regulatory limitations, financial constraints, service provision gaps, and global governance weaknesses. With the lack of political will impacting access to water, sanitation, and hygiene—intertwined with discrimination and marginalization of select population groups—it is necessary to examine the process by which human rights guide national policy implementation and global health governance.

A. National Implementation of Policies on Water, Sanitation, and Hygiene

National policy, programming, and practice serve as the principal means of realizing the human rights to water and sanitation. With international law providing states with definitions, standards, and obligations, these human rights can guide national implementation, in accordance with national resources, to ensure the progressive realization of human rights through legislative, policy, and regulatory frameworks; financing and budgeting; and service provision.

1. Legislative, Policy, and Regulatory Frameworks

Given that many national policy frameworks for water, sanitation, and hygiene do not draw from international human rights frameworks (Cullet 2011), implementation of the rights to water and sanitation is supported most directly through incorporation into national law—whether enshrined in a national constitution, drafted into implementing legislation, or extrapolated from other rights. The rights to water and sanitation have been included in an array of modern constitutions—including those of South Africa, Kenya, and Ecuador—and such constitutional recognition has expanded in the wake of the UN General Assembly resolutions.⁵

Beyond constitutional law, states have sought to realize the rights to water and sanitation through rights-based laws to advance access to water, sanitation, and hygiene. Such implementing legislation, as described in Chapter 5, provides a framework for managing scarce natural resources, ensuring service provision, and redressing inequalities in access. For example, the 2003 Honduran Law for the Drinking Water and Sanitation Sector prioritizes the extension of water and sanitation coverage to economically deprived areas, seeking to secure access for marginalized groups (de Albuquerque 2014). Working to realize the human rights to water and sanitation, national governments should seek to progressively expand water, sanitation, and hygiene availability, accessibility, acceptability, affordability, and quality.

⁴ Shortly after the 2010 UN General Assembly recognition of the right to water and sanitation, the Independent Expert was appointed to be the first Special Rapporteur on the human rights to safe drinking water and sanitation (Winkler and de Albuquerque 2017).

⁵ Beyond explicit constitutional codification, states have sought to interpret water and sanitation obligations from other constitutional rights, as seen where Indian judges have derived a right to water from the constitutional right to life (Chowdhury et al. 2011).

Apart from developing legal provisions that progressively ensure the implementation of the human rights to water and sanitation, it is also essential that states scrutinize existing legislation and policies that create barriers to access to water and sanitation for all, ensuring non-discrimination and equality in access to water, sanitation, and hygiene. In many cases, non-discrimination necessitates eliminating obstacles that require security of land tenure, which have created significant barriers in water and sanitation access for people residing in informal settlements (Ibid.). Similarly, municipalities must stop criminalizing open defecation and urination, which has a disproportionate effect on homeless populations, and ensure adequate access to public sanitation facilities. Where states identify such discriminatory laws and policies, they must initiate law reforms to revise them in line with human rights principles.

2. Financing and Budgeting

The implementation of the human rights to water and sanitation also requires resources to support the development of water, sanitation, and hygiene infrastructures, institutions, and processes. The principle of progressive realization, first introduced in Chapter 2, requires using the maximum available resources toward water, sanitation, and hygiene, steadily increasing resources and moving as expeditiously and effectively as possible toward the full realization of the human rights to water and sanitation. In progressively realizing rights, it is difficult to determine what constitutes the “maximum” available resources, with progressive realization providing a flexible standard that is tailored to a state’s resources and financial capacity. However, human rights scholars have developed tools for making such assessments, in particular based on comparisons over time and place (Fukuda-Parr, Lawson-Remer, and Randolph 2015). In framing financial expenditures over time, international and regional agreements can provide guidance on the required level of national resources, as seen in the 2008 eThekweni Declaration, in which more than thirty African governments committed to spending at least 0.5 percent of their GDP on sanitation (AMCOW 2008). Another way to assess whether governments are using the maximum available resources is through comparisons with similarly situated countries, examining the maximum water, sanitation, and hygiene outcomes achieved by states at specific levels of economic development (Meier et al. 2017).

Yet, despite these efforts, funding levels in many countries continue to be grossly inadequate, with funding allocations leaving water, sanitation, and hygiene unaffordable to the most disadvantaged. All too often, people living in poverty pay higher prices for lower quality services than more politically and economically powerful households (de Albuquerque 2014). Many states, supported by international assistance and cooperation where necessary, could progressively realize the human rights to water and sanitation through a redistribution of existing funding to target disadvantaged individuals and groups, assuring that water, sanitation, and hygiene are affordable to all (Winkler 2016). Yet, the political failure to assure water and sanitation affordability remains an unsettling reality for many, such as people living in informal settlements within cities as well as for many households in marginalized communities in the United States and other countries in the Global North (ACRE et al. 2019).

Case Study: Advocating for the Affordability of Water and Sanitation in the United States

When Catarina de Albuquerque took up her mandate on the human rights to water and sanitation, many expected her to focus her efforts on regions such as Southern Africa and South Asia, but she made a deliberate decision to also cover countries in the Global North. In 2011, she conducted an official visit to the United States. In her country report, she concluded that “[m]ore concerted efforts are required to ensure targeting of policies and programmes to reach the hidden and poorest segments of the population. Problems of discrimination in the United States water and sanitation services may intensify in the coming years.” Indeed, civil society groups in the United States have been drawing attention to enormous inequalities in access to water and sanitation in a country that is generally perceived as having universal water and sanitation coverage. Advocates have strategically collaborated with the Special Rapporteur on water and sanitation and other international and regional human rights mechanisms—for example, inviting the Special Rapporteur to Detroit in 2014 for a follow-up visit to her country mission in the wake of water shutoffs and participating in hearings at the Inter-American Commission on Human Rights. Beyond Detroit, communities across the United States face similar struggles in water and sanitation financing—Latinx communities in California’s Central Valley, indigenous peoples of the Navajo Nation, and rural residents in Alabama all struggle with water and sanitation affordability and quality. While some water crises such as the one in Flint, Michigan have made national headlines, struggles over access to sanitation and wastewater services all too often remain invisible. What these crises have in common is a neglect and disregard for the basic needs of the most marginalized populations. The United States—as one of the wealthiest countries in the world—has the resources, the capacity, and the means to address this crisis, but it lacks the political will to assure water and sanitation financing for all.

States can adopt different approaches to ensure affordability. For example, direct subsidies can be used to implement on-site sanitation solutions; cross-subsidies can be used to charge higher prices to high-volume users to make basic services more affordable for disadvantaged populations; or user fee structures can provide minimum essential services free of charge (de Albuquerque 2014). Whatever approaches governments adopt, they need to ensure that these measures actually reach the intended beneficiaries rather than being captured by elites. In some countries, subsidies are only provided in the context of networked supply, to which many disadvantaged people are not connected. In other countries, applications for financial assistance are very cumbersome or are made public, which creates unnecessary burdens and can stigmatize people. As a result, fewer people apply for assistance, which has discriminatory effects. Ensuring affordability for all and making sure that financial measures reach the most disadvantaged will be essential for the realization of the rights to water and sanitation.

3. Service Provision

Beyond policy and financing mechanisms for human rights implementation, obstacles remain in service provision—with local system operators, utilities, and management boards often unaffected by the changing global landscape for human rights realization. With many states pursuing decentralization of their water and sanitation systems, local providers are facing greater service demands from users (Bakker 2007). The provision of services requires costly infrastructure, and the discussion of water and sanitation services has largely been dominated by the question of whether municipalities can or should rely on private sector participation. The anti-privatization movement was instrumental in the political recognition of the right to water, and privatization is receiving renewed criticism today, recognizing that many instances of privatization have systematically undermined human rights protections (Alston 2018). Yet, human rights challenges exist with all types of service provision, and the focus on this private-public dichotomy leaves out many forms of water and sanitation provision, including informal providers, *de facto* private provision, and community-managed services (de Albuquerque and Winkler 2010). As a result, debates on the relative merits of privatization are giving way to discourses on the conditions under which water, sanitation, and hygiene services from any provider can be provided safely, sufficiently, affordably, and sustainably in accordance with human rights standards (Baer 2017).

In regulating service provision, ensuring quality and affordability and avoiding unjustified disconnections, rights-based policies must be translated by system operators into local terms, situated within specific contexts, and addressed toward marginalized populations. However, many governments have not sufficiently defined national standards for local practice, supported capacity building in human rights, or developed locally relevant targets to translate human rights norms into service provision (Meier et al. 2014). Where additional support from national governments is necessary to subsidize the up-front capital investments—for both water (developing and expanding water systems) and sanitation (sustaining transportation systems for collecting, treating, and disposing or reusing wastewater)⁶—international organizations and other global actors can play a key role in supporting national efforts through global governance and development cooperation based on human rights standards and principles.

B. International Organizations in Global Water Governance

Supporting governments in the implementation of rights-based water, sanitation, and hygiene efforts, international organizations now have an expanded normative framework by which to frame cooperation and assistance. Institutions of global governance, as first introduced in Chapter 9, provide a basis by which global norms are set and consensus is built, thereby guiding national policies, budgetary allocations, and service provision. Founded upon a rich history of inter-organizational water governance

⁶ In integrating these frameworks throughout national and local practice, providers, utilities, and management boards must shift beyond an examination limited to existing users, adding government incentives to expand the reach of water and sanitation systems to marginalized communities that are not served by the local utility (including those living on informally occupied land in unplanned areas).

efforts—from the 1977 Action Plan of Mar del Plata to the 2015 Agenda for Sustainable Development—cooperation across international organizations has provided an institutional basis to implement the human rights to water and sanitation. However, the global governance landscape for water is fragmented, with international organizations competing for scarce resources and attention, leading at times to redundancy, weakness, and ineffectiveness (Cooley et al. 2014). In this fragmented global governance landscape, the human rights to water and sanitation can provide a normative foundation for building more effective partnerships and establishing shared global goals across organizations. General Comment 15 first delineated the global governance responsibilities of these multi-sectoral actors:

United Nations agencies and other international organizations concerned with water, such as WHO, FAO, UNICEF, UNEP, UN-Habitat, ILO, UNDP, the International Fund for Agricultural Development (IFAD), as well as international organizations concerned with trade such as the World Trade Organization (WTO), should cooperate effectively with state parties, building on their respective expertise, in relation to the implementation of the right to water at the national level. The international financial institutions, notably the International Monetary Fund and the World Bank, should take into account the right to water in their lending policies, credit agreements, structural adjustment programmes and other development projects . . . so that the enjoyment of the right to water is promoted (CESCR 2002, para. 60).

Although many international organizations long neglected human rights in their water and sanitation programming and partnerships (Russell 2010), UN resolutions have provided political direction to work across organizations in developing a rights-based approach to water, sanitation, and hygiene governance. In solidifying shared norms to structure global partnerships, the UN General Assembly called specifically on “international organizations to provide financial resources, capacity-building and technology transfer, through international assistance and cooperation, in particular to developing countries, in order to scale up efforts to provide safe, clean, accessible and affordable drinking water and sanitation for all” (UN General Assembly 2010, para. 2). While significant gaps remain in integrating a human rights framework in development cooperation for water and sanitation (Heller 2017), international organizations have begun to form new partnerships to eliminate inequalities in access to water, sanitation, and hygiene (UN-Water 2015).

The UN has sought to coordinate global water governance through UN-Water, established in 2002 and working to galvanize a more unified global effort to manage water, sanitation, and hygiene policies and programs and provide recommendations to UN member states (Baumgartner and Pahl-Wostl 2013). In aligning the efforts of global governance actors—including WHO, UNICEF, the World Bank, the Special Rapporteur, the Global Water Partnership, and numerous other UN and water-related agencies—UN-Water informs policies by coordinating UN data collection and creating international observances to promote international awareness and action (e.g., releasing the “World Water Development Report” each year on World Water Day).

In the context of development, this global governance has come to be structured under the 2015 Agenda for Sustainable Development, first introduced in Chapter 4,

which proclaims “a world where we reaffirm our commitments regarding the human right to safe drinking water and sanitation and where there is improved hygiene” (UN General Assembly 2015b, para. 7). Leading to a new global goal on water, sanitation, and hygiene, SDG 6 seeks to “ensure access to water and sanitation for all” through targets that reflect select human rights norms and principles:

6.1 By 2030, achieve universal and equitable access to safe and affordable drinking water for all

6.2 By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations (Ibid., goal 6).

In setting standards and developing guidance, WHO works with other international organizations across the global water landscape to implement the rights to water and sanitation, exercising its constitutional mandate, institutional authority, and public health legitimacy to take a leadership role in providing support for water, sanitation, and hygiene. With WHO viewing this mandate through the lens of human rights, it has explored multi-sectoral partnerships for water and sanitation systems through, among other things:

- World Health Assembly support for an integrated WHO strategy for water, sanitation, and health, with states requesting that WHO strengthen collaboration with all relevant UN-Water members and partners to promote access to safe drinking water, sanitation, and hygiene services;
- The establishment of a Water, Sanitation, Hygiene and Health Unit, which has elaborated water and sanitation guidelines, provided technical support to low- and middle-income countries, and supported international water and sanitation conferences; and
- The WHO/UNICEF Joint Monitoring Program (JMP), reporting state progress on water and sanitation measures, assessing progress first toward the Millennium Development Goals (MDGs) and now the SDGs, and providing data to guide policymaking (Flores Baquero, de Palencia, and Pérez Foguet 2016).

As the SDGs have provided an enhanced political basis for this cooperation, international organizations have sought to structure global health partnerships to implement the international standards of the rights to water and sanitation (WHO and UNICEF 2015).

III. Accountability for Water, Sanitation, and Hygiene

Global and national efforts have created a basis by which implementation of the rights to water and sanitation can guide systems to promote public health, but for these rights to be realized, mechanisms must be in place to ensure accountability for improving water, sanitation, and hygiene outcomes. Such accountability for obligations to realize

the human rights to water and sanitation can be facilitated through advocacy, litigation, and monitoring.

A. Human Rights Advocacy

Human rights can frame advocacy for social justice in the water, sanitation, and hygiene sector. Nongovernmental organizations (NGOs) have begun engaging with human rights, as discussed in Chapter 6, as a means of holding states accountable for the realization of the human rights to water and sanitation. In such rights-based advocacy, the human rights to water and sanitation have been advanced to address, among other things, the contamination of water supplies, the affordability of water use, the infrastructure for sanitation, and the education necessary for menstrual health and hygiene (Winkler and Roaf 2014). This advocacy can take many different forms, including informational, symbolic, power-based, legal, and cooperative strategies, providing a means to assure accountability for the implementation of the human rights to water and sanitation (Haglund and Stryker 2015). Depending on the circumstances and the strategic assessment by human rights advocates, such strategies can employ different techniques—ranging from confrontational to more collaborative approaches—to identify points of leverage for reforms, whether through public shaming, information sharing, or collaborative engagement.

Traditional approaches to advocacy often begin with “naming and shaming” strategies. Human Rights Watch’s reporting to draw attention to water contamination affecting First Nation populations in Canada identified that “drinking water advisories . . . are indicative of the broader systemic crisis that leaves many First Nations persons facing daily challenges just to access safe water for drinking and hygiene—a fundamental human right easily enjoyed by most Canadians” (HRW 2016, 4). The Human Rights Watch report, which generated significant media attention, has sought to shame the Canadian government by pointing out Canada’s national wealth and its rich water resources as well as comparing water access for indigenous peoples with the rest of the population.

These advocacy efforts point to the importance of information sharing as a crucial means of accountability. Using social audits and budget analysis to reveal injustices, the South African Social Justice Coalition recognized the power of information in its work to reveal inequalities in access to sanitation in informal settlements in Khayelitsha. Members began with an audit of chemical toilets, presenting their findings at a public hearing. The Coalition followed up on this by requesting access to the City’s budget, finding that capital investment in informal settlements was extremely low, pointing to entrenched injustices in sanitation funding. Calling for reforms in financing structures and budget allocations, this campaign recognized that evidence is powerful where it can provide leverage in confronting injustice through political advocacy (Kramer 2017).

Rather than confronting injustice, other organizations choose more collaborative engagement with government authorities as a means of advancing human rights. WASH United and WaterAid have been working with local governments in various countries to implement the human rights to water and sanitation through their “Making Rights

Real” initiative. This initiative takes a supportive approach to reform by pointing out the benefits of developing human rights-based policies, programs, and services; identifying government champions; and focusing on the process of implementing human rights (WASH United and WaterAid 2016). Such a strategy engages influential actors to convince policymakers, thus pointing to the utility of power-based strategies, which have also been employed in reaching out to the UN to facilitate international accountability for the human rights to water and sanitation in national policies and programming.⁷ As seen in these and other cases, NGOs and civil society organizations often combine different advocacy strategies, either concurrently or sequentially, providing public claims for accountability that, where necessary, can support legal claims through litigation.

B. National Litigation

Even where human rights are implemented through national laws and policies, accountability for the realization of human rights may entail litigation as a means of enforcement. When other accountability strategies fail, individuals may seek out impartial adjudication from national, regional, or international courts, or other formal institutions with remediation authority. Access to justice is fundamental to ensuring accountability, providing remedies where an individual’s rights have been violated. In interpreting and enforcing the human rights to water and sanitation, litigation has the potential, as examined in Chapter 8, to play an essential role in progressively realizing human rights through national policy, pressing governments continuously to improve efforts to meet their obligations under the human rights to water and sanitation. Driving national policy forward, litigation can empower individuals to raise human rights claims, seek impartial adjudication, and demand rights-based remedies, with courts standing as a last resort in advancing access to water, sanitation, and hygiene.

Litigation becomes particularly salient when advancing the human rights to water and sanitation in the face of recalcitrant governments. Courts have often proven crucial in redressing government violations, as seen in cases of unjustified disconnections of water services in South Africa, decisions to privatize water services in Greece and Indonesia, and contamination of water supplies in India and Ecuador. Addressing discrimination in the United States, courts have found racial discrimination in access to the water system where all-white neighborhoods were connected to the system whereas an African American neighborhood had been systemically excluded. In many instances, obligations to respect, obligations to protect, and clear cases of discrimination have been easier to address in courts than violations of the obligations to fulfill or obligations to achieve substantive equality (de Albuquerque 2014).

⁷ These efforts to press policymakers can also seek to alter international organizations. For example, the Institute for Justice and Democracy in Haiti reached out to the UN Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation (and subsequently a larger group of special rapporteurs) in seeking to hold the UN accountable for the introduction of cholera in Haiti. Working with mandate holders who are affiliated with the UN, but independent of it, this advocacy proved effective in pressing the UN to recognize its responsibilities and apologize for the public health harms it created (Lindstrom forthcoming).



Figure 12.2. An Unenclosed Toilet in the Western Cape of South Africa.

Through domestic courts, regional bodies, or international tribunals,⁸ legal claims allow individuals to contest government policy to realize the human rights to water and sanitation and thereby clarify national implementation, enforce government obligations, and provide remedies for violations. For example, the Supreme Court of India has addressed a lack of even basic sanitation in informal settlements, and examples from other areas of social and economic rights show that courts have developed sophisticated standards to assess whether governments are meeting their obligations to develop policies and allocate resources in line with human rights standards (Winkler 2016). In South Africa, the Western Cape High Court addressed violations of rights associated with the provision of unenclosed toilets to communities living in poverty, as seen in Figure 12.2, finding rights violations in the lack of participation and meaningful engagement before the toilets were installed (Robins 2014). As claims based on the human rights to water and sanitation continue to resonate in transnational social movements, with advocates seeking to extend judicial precedents across countries, further jurisprudence is likely to be developed in various judicial forums. However, overreliance on litigation as a means of holding governments accountable and realizing the human rights to water and sanitation also poses risks. Where the most marginalized populations face the most significant barriers to accessing courts, combined with the difficulty of adjudicating individual cases involving systemic inequalities, communities

⁸ Regional bodies have played an important role in enforcing the human rights to water and sanitation, with both the Inter-American Commission and the African Commission addressing a series of cases involving indigenous peoples' rights to water.

may find that other forms of accountability yield more immediate results for access to water, sanitation, and hygiene.

C. Monitoring Water and Sanitation Outcomes

Finally, monitoring mechanisms have provided a means of holding governments accountable for realizing the rights to water and sanitation through the development of indicators. Such quantitative and qualitative indicators allow for reviews across countries and over time, with the potential to monitor disaggregated data that reflect inequalities. Many national statistical offices as well as UN agencies—including UNICEF, WHO, and the Office of the High Commissioner on Human Rights (OHCHR)—are leading multi-sectoral efforts to develop water, sanitation, and hygiene indicators as a basis for the systematic collection of data and monitoring of outcomes.

Indicators are increasingly seen to be critical to monitoring progress toward the human rights to water and sanitation and to structuring state reports around comparable data. To assure assessment of the progressive realization of rights, enlisting the monitoring and review mechanisms first introduced in Chapter 7, the CESCR first advocated for the development of indicators in national water strategies or plans of action, finding in General Comment 15 that:

The indicators should be designed to monitor, at the national and international levels, the State party's obligations . . . [and] should address the different components of adequate water (such as sufficiency, safety and acceptability, affordability and physical accessibility), be disaggregated by the prohibited grounds of discrimination, and cover all persons residing in the State party's territorial jurisdiction or under their control (CESCR 2002, para. 53).

In response to the CESCR and other calls for identifying appropriate indicators, the OHCHR developed an indicator framework for the rights to water and sanitation that encompasses structure, process, and outcome indicators. However, while mechanisms for international monitoring of the rights to water and sanitation exist, as seen most prominently in state periodic reporting to the CESCR, states have not consistently reported water and sanitation data to international human rights treaty bodies, undercutting efforts to monitor the progressive realization of rights over time (Meier and Kim 2015).

The SDGs provide a new impetus to collect more comprehensive data to monitor indicators related to the rights to water and sanitation. SDG targets play an essential role in quantitative assessments because they determine what data will be gathered and thus shape knowledge and understanding of progress toward sustainable development (Winkler 2018). Whereas the MDGs were heavily criticized for failing to address inequalities in access to water, sanitation, and hygiene, the SDGs seek to be more responsive to rights-based concerns, with targets, benchmarks, and timelines that reflect human rights to a larger extent (Winkler and Satterthwaite 2017). Yet, the accompanying indicators only encompass some elements of the human rights to water and sanitation and largely fail to capture inequalities in access (Winkler 2018). Still,

the SDG framework and the data generated through monitoring efforts may serve policymakers, planners, and donors in their decision-making processes, assessing progress in the realization of the rights to water and sanitation and framing the maximization of available resources through policy reforms and national budgeting. In focusing national resources in accordance with the human rights to water and sanitation, these SDG targets can be employed to facilitate consistent monitoring of state obligations to progressively realize water, sanitation, and hygiene outcomes.

Case Study: Monitoring through the JMP

The UNICEF/WHO JMP is charged with compiling data under SDG 6, with the JMP examining the proportion of people using safely managed drinking water and sanitation services to monitor the achievement of universal and equitable access to safe and affordable drinking water and sanitation for all. The water and sanitation targets specifically focus on equitable access, and the sanitation target calls for “special attention to the needs of women and girls and those in vulnerable situations.” Other targets call for eliminating open defecation and universal access to basic drinking water, sanitation, and hygiene. Yet, while the JMP targets reflect a concern for equity, the SDG indicators used for the water and sanitation targets are characterized by a disregard for inequalities, not requiring any of the compiled data to be disaggregated. The JMP is now looking beyond the strict SDG monitoring requirements to address some of these gaps. Addressing inequalities, the JMP monitors urban-rural disparities, disparities related to economic status (based on an analysis of wealth quintiles), as well as disparities between subnational regions. In addition, the JMP has begun to monitor progress specifically for indigenous populations in some contexts, and it has advocated for the collection of data on menstrual hygiene in multiple instruments. While these steps cannot make up for the human rights shortcomings of the SDG indicators, the JMP has the potential to contribute to monitoring the progressive realization of the rights to water and sanitation on the basis of equality.

When monitored with the intention of advancing the human rights to water and sanitation, quantitative data can provide a method for measuring the progressive realization of rights, facilitating accountability for state obligations to realize the rights to water and sanitation.

Conclusion

The recognition of the human rights to water and sanitation has provided an evolving international consensus for implementing human rights in water, sanitation, and hygiene policies, programs, and practices. Enabled through expert and civil society advocacy, international legal efforts have sought to conceptualize, interpret, and recognize water and sanitation as human rights. These human rights now rest upon a solid legal

foundation, with the evolution of these rights drawing from existing health-related human rights to provide a basis to address newly understood threats to global health.

Human rights must evolve to meet new global health threats. Contemporary understandings of human rights have long recognized the necessity of evolution in human rights for health—based upon a changing understanding of the “highest attainable standard” of health. It is necessary to conceptualize how best to respond to the emergence of new threats to human dignity and well-being—to recognize when new threats warrant a re-envisioning of international obligations for health-related human rights. In doing so, it is crucial that human rights not be declared too casually, where the endless proliferation of “new” human rights would diminish the importance of those entitlements that have risen to the level of inclusion among human rights. The emergence of new rights must proceed with international legal deliberation—as seen with advocacy for the rights to water and sanitation, which developed iteratively and gathered support through their codification in the UN human rights system, the UN General Assembly, and most recently the SDG framework.

While there remain obstacles to the implementation of the rights to water and sanitation as a foundation for global health—with the COVID-19 pandemic exposing the ways in which diseases flourish where water, sanitation, and hygiene are not realized—the evolution of international law and the ensuing political momentum have created new opportunities to enhance global efforts to realize access to water, sanitation, and hygiene for all. Advocates should take advantage of such opportunities to facilitate accountability for the implementation of these rights in law, policy, and practice, bringing about positive change in underlying determinants of health and in the lives of the most marginalized communities.

Questions for Consideration

1. Why were water and sanitation initially neglected in the formulation of human rights in the UDHR and ICESCR? What health harms led to the conceptualization of a right to water?
2. How did General Comment 15 justify the interpretation of a human right to water under the ICESCR?
3. Given the elaboration of human rights in General Comment 15, why was it necessary to develop a separate UN General Assembly resolution on “The Human Right to Water and Sanitation”?
4. How does the right to sanitation provide an entry point for addressing menstrual health? What are the limitations of addressing menstrual health and hygiene through the water, sanitation, and hygiene sector?
5. Why is affordability a central attribute of the rights to water and sanitation? How can governments implement this attribute through public policy, budgeting, financing, and subsidies?
6. What human rights violations can result from private sector control of water and sanitation service provision? How can these violations be alleviated to protect public health?

7. How have the rights to water and sanitation provided a normative foundation for global governance to address water, sanitation, and hygiene?
8. What advocacy strategies can civil society use to hold governments accountable for their human rights obligations? How can the human rights to water and sanitation frame that advocacy?
9. In what contexts has litigation proven successful in facilitating accountability for realizing the human rights to water and sanitation?
10. How can water, sanitation, and hygiene data collected under the SDGs be employed in monitoring the human rights to water and sanitation?

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References

- ACRE (Alabama Center for Rural Enterprise), the Columbia Law School Human Rights Clinic, and the Institute for the Study of Human Rights at Columbia University. 2019. “Flushed and Forgotten: Sanitation and Wastewater in Rural Communities in the United States.”
- Alston, Philip. 2018. “Report of the Special Rapporteur on Extreme Poverty and Human Rights.” 26 September. UN Doc. A/ 73/396.
- AMCOW (African Ministers’ Council on Water and Sanitation). 2008. “The eThekweni Declaration.” 18–20 February.
- Baer, Madeline. 2017. *Stemming the Tide: Human Rights and Water Policy in a Neoliberal World*. New York: Oxford University Press.
- Bakker, Karen. 2007. “The ‘Commons’ Versus the ‘Commodity’: Alter-Globalization, Anti-Privatization and the Human Right to Water in the Global South.” *Antipode* 39(3): 430–455.
- Baumgartner, Thomas and Claudia Pahl-Wostl. 2013. “UN-Water and Its Role in Global Water Governance.” *Ecology and Society* 18(3): 3.
- Bluemel, Erik B. 2004. “The Implications of Formulating a Human Right to Water.” *Ecology Law Quarterly* 31(4): 957–1006.
- CESCR (Committee on Economic, Social and Cultural Rights). 2002. “General Comment 15: The Right to Water (Art. 11 and 12 of the Covenant).” UN Doc. E/C.12/2002/11.
- CESCR. 2010. “Statement on the Right to Sanitation.” UN Doc. E/C.12/2010/1.
- Chowdhury, Nobonita, Basak Mustu, Haley St. Dennis, and Melanie Yap. 2011. *The Human Right to Water and the Responsibilities of Businesses: An Analysis of Legal Issues*. London: School of Oriental & African Studies (SOAS) International Human Rights Clinic for the Institute for Human Rights and Business.
- Cooley, Heather, Newsha Ajami, Mai-Lan Ha, Veena Srinivasan, Jason Morrison, Kristina Donnelly, and Juliet Christian-Smith. 2014. “Global Water Governance in the Twenty-First Century.” In *The World’s Water Volume 8: The Biennial Report on Freshwater Resources*, edited by Peter H. Gleick, 1–18. Washington, DC: Island Press.
- Crook, John R. 2010. “United States Abstains on General Assembly Resolution Proclaiming Human Right to Water and Sanitation.” *American Journal of International Law* 104: 672–673.

- Cullet, Philippe. 2011. "Water Law in a Globalised World: The Need for a New Conceptual Framework." *Journal of Environmental Law* 23(2): 233–254.
- de Albuquerque, Catarina. 2009. "Report of the Independent Expert on the Issue of Human Rights Obligations Related to Access to Safe Drinking Water and Sanitation." 1 July. UN Doc. A/ HRC/12/2.
- de Albuquerque, Catarina. 2010. Statement by Catarina de Albuquerque, Independent Expert on the Issue of Human Rights Obligations Related to Access to Safe Drinking Water and Sanitation. United Nations: 65th Session of the General Assembly, Third Committee, Item 69(b). 25 October.
- de Albuquerque, Catarina. 2014. "Realising the Human Rights to Water and Sanitation: A Handbook by the UN Special Rapporteur Catarina de Albuquerque." [http:// unhabitat.org/series/realizing-the-human-rights-to-water-and-sanitation/](http://unhabitat.org/series/realizing-the-human-rights-to-water-and-sanitation/).
- de Albuquerque, Catarina and Inga T. Winkler. 2010. "Neither Friend nor Foe: Why the Commercialization of Water and Sanitation Services is Not the Main Issue in Realization of Human Rights." *Brown Journal of World Affairs*. 17(1): 167–179.
- Flores Baquero, O., A. Jiménez Fdez. de Palencia, and A. Pérez Foguet. 2016. "Measuring Disparities in Access to Water Based on the Normative Content of the Human Right." *Social Indicators Research* 127: 741–759.
- Fukuda-Parr, Sakiko, Terra Lawson-Remer, and Susan Randolph. 2015. *Fulfilling Social and Economic Rights*. New York: Oxford University Press.
- Gleick, Peter H. 1998 "The Human Right to Water." *Water Policy* 1(5): 487–503.
- Haglund, LaDawn and Robin Stryker. 2015. *Closing the Rights Gap: From Human Rights to Social Transformation*. Berkeley: University of California Press.
- Heller, Leo. 2017. "Report of the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation." 13 July. UN Doc. A/72/127.
- Human Rights Watch. 2016. *Make It Safe: Canada's Obligation to End the First Nations Water Crisis*. New York: Human Rights Watch.
- Kramer, Dustin. 2017. *Building Power, Demanding Justice: The Story of Budget Work in the Social Justice Coalition's Campaign for Decent Sanitation*. Available at: <https://www.internationalbudget.org/wp-content/uploads/budget-work-in-social-justice-coalition-campaign-for-sanitation-cape-town-south-africa-2017.pdf>.
- Lindstrom, Beatrice. Forthcoming. "Legal Losses, Moral Wins: How Advocates Forced UN Accountability for Cholera." In *Privileges & Impunity: Accountability and Crisis in Global Health*, edited by Salmaan Keshavjee and Aaron Shako.
- McNeill, John Robert. 2010. "The Environment, Environmentalism and International Society in the Long 1970s." In *The Shock of the Global: The 1970s in Perspective*, edited by Niall Ferguson et al. Cambridge, MA: Belknap Press of Harvard University Press.
- Meier, Benjamin Mason, Georgia Lyn Kayser, Urooj Quezon Amjad, and Jamie Bartram. 2013. "Implementing an Evolving Human Right through Water and Sanitation Policy." *Water Policy* 15: 116–133.
- Meier, Benjamin Mason, Georgia Lyn Kayser, Jocelyn Getgen Kestenbaum, Urooj Quezon Amjad, Fernanda Dalcanale, and Jamie Bartram. 2014. "Translating the Human Right to Water and Sanitation into Public Policy Reform." *Science and Engineering Ethics* 20: 833–848.
- Meier, Benjamin Mason, Ryan Cronk, Jeanne Luh, Catarina de Albuquerque, and Jamie Bartram. 2017. "Monitoring the Progressive Realization of Human Rights to Water and Sanitation: Frontier Analysis as a Basis for Human Rights Accountability." In *Oxford Handbook of Water Politics and Policy*, edited by Ken Conca and Erika Weinthal, 100–119. New York: Oxford University Press.
- Meier, Benjamin Mason and Yuna Kim. 2015. "Human Rights Accountability through Treaty Bodies: Examining Human Rights Treaty Monitoring for Water and Sanitation." *Duke Journal of International and Comparative Law* 26: 139–228.
- Riedel, Eibe. 2006. "The Human Right to Water and General Comment No. 15 of the Committee on Economic, Social and Cultural Rights." In *The Human Right to Water*, edited by Eibe Riedel and Peter Rothen, 19–36. Berlin: Berliner Wissenschafts-Verlag.

- Robins, Steven. 2014. "The 2011 Toilet Wars in South Africa: Justice and Transition between the Exceptional and the Everyday after Apartheid." *Development and Change* 45(3): 479–501.
- Russell, Anna. 2010. "International Organizations and Human Rights: Realizing, Resisting or Repackaging the Right to Water." *Journal of Human Rights* 9: 1–23.
- UN (United Nations). 1977. "Report of the United Nations Water Conference, Mar del Plata, 14–25 March 1977." UN Pub. EE77 II A 12. <http://www.ielrc.org/content/e7701.pdf>.
- UN General Assembly. 1979. "Convention on the Elimination of All Forms of Discrimination Against Women." 18 December. UN Doc. 1249 U.N.T.S. 13.
- UN General Assembly. 1989. "Convention on the Rights of the Child." 20 November. UN Doc. 1577 U.N.T.S. 3.
- UN General Assembly. 2010 "The Human Right to Water and Sanitation." 28 July. A/RES/64/292.
- UN General Assembly. 2015a. "The Human Rights to Safe Drinking Water and Sanitation." 17 December. A/RES/70/169.
- UN General Assembly. 2015b. "Transforming Our World: The 2030 Agenda for Sustainable Development." 25 September. GA Res. 70/1.
- UN Human Rights Council. 2007. "Rep. of the United Nations High Commissioner for Human Rights on the Scope and Content of the Relevant Human Rights Obligations Related to Equitable Access to Safe Drinking Water and Sanitation Under International Human Rights Instruments." 16 August. U. Doc. A/HRC/6/3.
- UN-Water. 2015. *Eliminating Discrimination and Inequalities in Access to Water and Sanitation*. Geneva: UN-Water.
- WASH United and WaterAid, et al. 2016. *Making Rights Real*.
- WHO and UNICEF. 2015. *Progress on Sanitation and Drinking Water: 2015 Update and MDG Assessment*. New York: UNICEF.
- WHO/UNICEF Joint Monitoring Programme (JMP) for Water Supply and Sanitation. 2011. *Report of the First Consultation on Post-2015 Monitoring of Drinking Water and Sanitation*. Berlin: WHO and UNICEF.
- Winkler, Inga T. 2012. *The Human Right to Water: Significance, Legal Status and Implications for Water Allocation*. Oxford: Hart.
- Winkler, Inga T. 2016. "The Human Right to Sanitation." *University of Pennsylvania Journal of International Law* 37(4): 1331–1406.
- Winkler, Inga T. 2018. "Glass Half-Full or Glass Half-Empty?: A Human Rights Assessment of the WASH Targets in the SDGs." *Social Alternatives* 37: 25–33.
- Winkler, Inga T. and Catarina de Albuquerque. 2017. "Doing It All and Doing It Well? A Mandate's Challenges in Terms of Cooperation, Fundraising and Maintaining Independence." In *The United Nations Special Procedures System*, edited by Aoife Nolan, Rosa Freedman, and Thérèse Murphy, 188–222. Leiden: Brill Nijhoff.
- Winkler, Inga T. and Virginia Roaf. 2014. "Taking the Bloody Linen Out of the Closet: Menstrual Hygiene as a Priority for Achieving Gender Equality." *Cardozo Journal of Law and Gender* 21(1): 21–58.
- Winkler, Inga T. and Margaret L. Satterthwaite. 2017. "Leaving No One Behind? - Persistent Inequalities in the SDGs." *International Journal of Human Rights* 21(8): 1073–1097.