



# INTERNATIONAL COMMISSION OF JURISTS

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*" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "*

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## ICJ Oral Statement in the Interactive Dialogue on the Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Ms Catarina de Albuquerque (A/HRC/21/42)

12 September 2012

*Not delivered*

Distinguished Special Rapporteur,

The International Commission of Jurists (ICJ) welcomes your latest report to the Human Rights Council. The complex nature of the root causes and implications that underlie and impact upon the right to water and sanitation, as well as upon the enjoyment of human rights generally, make it imperative that States take specific legal, political and practical action so as to comply with their obligations under international human rights law. Your report is a much needed contribution to the discussion on the necessity of a comprehensive and holistic approach to examining linkages between the challenge of stigma and violations of human rights.

The ICJ shares your view, and that of the Committee on Economic, Social and Cultural Rights, that legislation is fundamental to effectively combat discrimination, stigma and inequality. As effective as legislation can be, we would emphasise that legislation is by no means sufficient to achieve the ultimate goal, namely protection from discrimination and the provision of remedies and reparations. States must create legislation that explicitly addresses root causes and instances of discrimination and inequality, and must ensure that this is accompanied by other concrete measures that can achieve changes in institutions and practices.

The ICJ further emphasizes that ensuring the enjoyment of all human rights without discrimination calls for formal and substantial equality. Combating both *de jure* and *de facto* discrimination and inequality requires States to take positive and special measures in favour of those suffering discrimination and stigmatisation. Your report provides several illustrative examples of the way in which the combination of legal and practical measures can assist in this way.

The ICJ urges the Human Rights Council and all States to:

- Implement the recommendations of the Special Rapporteur in her report and, in particular, strengthen legal and institutional frameworks to guarantee non-discrimination and equality through *inter alia* a clear constitutional and/or legislative enshrining of equality provisions with corresponding monitoring and adjudicative mechanisms; and
- In accordance with the ICESCR, take all necessary measures to prevent, punish, and redress direct and indirect discrimination concerning the enjoyment of all rights, including the rights to water and sanitation.

Finally, the ICJ would like to ask you, Madam Special Rapporteur, what priorities you envisage for the next years of your mandate, especially in the light of the findings and main issues you have identified in your present report on stigma. We would also like to hear your

opinion concerning the main challenges that will have to be addressed by the international community as a whole and thus through international cooperation and assistance.

I thank you.

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