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ICESCR Campaign welcomes the South African Human Rights Commission hearings on water and sanitation.

Media Statement issued on behalf of:

The Campaign for South Africa's Ratification of the ICESCR and its Optional Protocol

Community Law Centre

Black Sash

People's Health Movement South Africa

National Welfare, Social Service and Development Forum

Global Call to Action against Poverty South Africa

Socio-Economic Rights Institute of South Africa (SERI)

Studies in Poverty and Inequality Institute

The Campaign Group for South Africa's ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and its Optional Protocol (OP-ESCR) applauds the South African Human Rights Commission on its initiative to hold public hearings on the right to adequate water and sanitation in commemoration of Human Rights month. Recent events across the country including incidents in Makhaza (Khayelitsha, Cape Town) and Rammulotsi Township (Viljoenskroon, Free State) have emphasized the need for government to reassess its commitments towards the promotion and protection of socio-economic rights guaranteed under the Constitution. These incidents are a reminder that despite the constitutional provisions and rich jurisprudence in relation to socioeconomic rights, and the relative wealth of a minority, a significant number of South Africans continue to be denied access to the basic needs of life.

According to a recent presentation by the Presidency, 36% of the population still did not have access to basic sanitation services. The report revealed that 2.5 million households were using unventilated pit latrines; about 110, 000 were using the bucket system; and 727, 000 households had no toilet at all. Access to basic sanitation and potable water are fundamental to personal dignity and security, to

social and psychological well-being, healthy living, and to poverty reduction, economic development and sustainability. Poor sanitation also increases the risk of epidemics such as cholera, diarrhea and meningitis, and consequently constitutes a threat to life.

The South African government has positive obligations both under the Constitution and in international law to ensure that its citizens are provided with decent sanitation and potable water. At an international level, a United Nations General Assembly resolution affirms that access to safe, clean drinking water and sanitation is a human right that is essential for the full enjoyment of life and all other rights. Similarly, the UN Human Rights Council in 2010 reiterated this position in one of its resolutions.

During its hearing of the Beja case (in Makhaza, Khayelitsha), the South African Human Rights Commission found the government in violation of its obligations to respect and fulfil the right to sanitation. The Commission emphasized that failure on the part of the government to provide enclosed toilets to the community was a violation of their right to privacy and dignity. This position was affirmed by a recent decision of a Cape High Court which noted that the erection of open toilets for Makhaza residents is an indication of government's failure to uphold the Constitutional right to dignity of its citizens.

Our joint campaign to ratify the ICESCR hopes that the public dialogue tomorrow will provide an important albeit rare opportunity for the disadvantaged and marginalised in our society to be heard. Equally, it is hoped that the hearing will create the appropriate space for the individuals, communities, civil society groups and policy makers to engage in fruitful deliberations on improving access to safe drinking water and sanitation in the country.

Most importantly, this public hearing must serve as a wake-up call to the South African government to redouble its efforts to respect, protect and fulfill our socio-economic rights, including the rights to water and sanitation, as guaranteed under the Constitution. We again call on our government to join the international community and demonstrate their commitment to advancing socio-economic rights by ratifying the ICESCR and its Optional Protocol.

ENDS.

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