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### **Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## **Right to education**

### **Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the right to education, Koumbou Boly Barry, in accordance with Human Rights Council resolutions 8/4 and [26/17](#). In her report, the Special Rapporteur focuses on the interrelations between the right to education and the rights to water and sanitation.

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\* [A/75/150](#).



## **Report of the Special Rapporteur on the right to education, Koumbou Boly Barry**

### *Summary*

The obligation of States to ensure that educational facilities within their jurisdictions meet human rights standards requires a clear understanding of the synergies between the right to education and other human rights, and ways of further promoting the integration of those rights into practices.

In the present report, the Special Rapporteur on the right to education focuses on the interrelations between the right to education and the rights to water and sanitation, including hygiene and menstrual health and hygiene. She explores situations in which the failure to respect, protect and fulfil the rights to water and sanitation in education institutions impedes the realization of the right to education. She underlines that, conversely, the rights to water and sanitation, like many other human rights, cannot be fully implemented without the realization of the right to education, which enables people's understanding, agency and autonomy in those areas.

The report contains guidelines for the provision of water and sanitation in educational settings, for the realization of the right to education. The final section of the report contains recommendations for stakeholders.

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## I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolutions 8/4 and 26/17. The Special Rapporteur on the right to education, Koumbou Boly Barry, examines the interrelations between the right to education and the rights to water and sanitation, including hygiene and menstrual health and hygiene.

2. As indicated in the 2020 Global Education Monitoring report on education and inclusion, education resources and opportunities continue to be distributed unequally. An estimated 258 million children, adolescents and youth, or 17 per cent of the global total, are not in school. The number of out-of-school children in sub-Saharan Africa is growing. Layers of discrimination deny students the right to be educated with their peers or to receive education of the same quality. All over the world, discrimination is based on gender, remoteness, wealth, disability, ethnicity, language, migration, displacement, incarceration, sexual orientation, gender identity and expression, religion and other beliefs and attitudes, while the coronavirus disease (COVID-19) crisis has added new layers of exclusion.<sup>1</sup>

3. It is difficult to assess the extent to which failure to implement the right to education is due to a failure to ensure access to water and sanitation in educational institutions. The available data, which are disparate across countries and regions, show that, while around 570 million children lack access to basic drinking water service in school, nearly 620 million schoolchildren lack access to basic sanitation and 900 million lack access to hand-washing services.<sup>2</sup> Menstrual health, education and hygiene services remain unassessed on a global scale. Information and surveys further indicate that a number of children, especially girls, do not go to school due to poor access to water, sanitation and hygiene in educational settings, while others suffer water and sanitation-related diseases impeding them to attend school.

4. As described previously by the Special Rapporteur, the COVID-19 crisis has demonstrated the extent to which human rights, including the right to education and the rights to water and sanitation, are interrelated and interdependent. It has shed light on the poor conditions in many schools throughout the world, conditions that include little or no access to water and sanitation, and a lack of information and training among learners and education workers in that respect (A/HRC/44/39, paras. 2, 31 and 56). The human rights of children and other learners and staff, including the rights to health, water and sanitation, should not be jeopardized at education institutions.

5. As States have reopened education institutions or plan to do so, water and sanitation are essential to ensuring the rights of learners and their families, and of staff members and the wider community, to education and health.

6. However, the scope of the present report is not limited to the current health crisis. The Special Rapporteur stresses that more generally, and on a long-term basis, States have a duty to ensure that their educational facilities and educational facilities run by non-State actors meet human rights standards. By promoting the right to education, States can simultaneously advance related human rights. Doing so requires

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<sup>1</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO), *Global Education Monitoring Report 2020: Inclusion and Education – All Means All*, (Paris, 2020), p. 4.

<sup>2</sup> United Nations Children's Fund (UNICEF) and World Health Organization (WHO), *Drinking Water, Sanitation and Hygiene in Schools: Global Baseline Report 2018* (New York, 2018), pp. 5–7. The report was produced through the Joint Monitoring Programme for Water Supply, Sanitation and Hygiene of UNICEF and WHO, the official United Nations mechanism for monitoring progress towards targets 6.1 and 6.2, on water supply, sanitation and hygiene, of the Sustainable Development Goals.

a clear understanding of the synergies between the right to education and other human rights.

7. The Special Rapporteur wishes to seize the momentum created by the tenth anniversary of the adoption, in 2010, of General Assembly resolution 64/292 and Human Rights Council resolution 15/9, which recognize the human rights to water and sanitation, to reiterate the interactions of those rights with the right to education. The present report provides guidelines and recommendations on simple, scalable and sustainable child-centred measures to implement the rights of children to water and sanitation; the measures include school facilities and services related to hygiene and menstrual health and hygiene. The guidelines and recommendations, which also address situations of crisis such as that caused by COVID-19, can be adapted where relevant to other education institutions generally.

8. In drafting the present report, the Special Rapporteur on the right to education benefited from the valuable collaboration of the Water Supply and Sanitation Collaborative Council, and the insights of the Special Rapporteur on the right to safe drinking water and sanitation. The Special Rapporteur on the right to education also held an online meeting of experts on 29 June 2020. She warmly thanks all who contributed, including the Office of the United Nations High Commissioner for Human Rights for its support.

## **II. Synergies between the right to education and the rights to water and sanitation, including hygiene and menstrual health and hygiene**

9. Education is critical for the safety and well-being of society, in times of crisis and stability alike. Experiences with environmental and health crises place beyond doubt the need for proper education as a tool for preparedness, prevention, effective management and response during crises. Furthermore, access to facilities and services alone does not guarantee good hygiene practices in the absence of appropriate hygiene education.<sup>3</sup>

10. Access to water, sanitation and hygiene education equips school-aged children with life-long skills with which they can integrate good hygiene practices in their daily lives and become change agents beyond the confines of their education institutions. Conversely, lack of access to water and sanitation, including hygiene, negatively affects the nutritional status of school-aged children, particularly through diarrhoea, soil-transmitted helminth infections and environmental enteropathy resulting from the chronic ingestion of pathogens.<sup>4</sup>

11. As a result of a lack of or inadequate toilets, learners and education workers may be discouraged from eating or drinking sufficiently. This can result in health complications, absenteeism or school drop-outs. A survey conducted in France showed that concerns about privacy or security and fear of stigmatization caused 14 per cent of students to be scared of using the toilets, while nearly half of the students experienced stomach ache from not going to the bathroom.<sup>5</sup>

12. The lack of appropriate menstrual hygiene materials, and of functional single-sex toilets equipped with facilities for washing and changing, poses a significant

<sup>3</sup> UNICEF and WHO, “Hygiene baselines pre-COVID-19: UNICEF Regional Office for South Asia”, 5 May 2020.

<sup>4</sup> WHO, *Improving Nutrition Outcomes with Better Water, Sanitation and Hygiene: Practical Solutions for Policies and Programmes* (Geneva, 2015), p. 8.

<sup>5</sup> UNICEF and WHO, *Drinking Water, Sanitation and Hygiene in Schools: Global Baseline Report 2018*, p. 52.

infrastructural barrier to education among adolescent girls and female staff in education institutions. In 2016, 335 million girls around the world attended primary and secondary schools without adequate water and soap for hand-washing as part of their menstrual hygiene management.<sup>6</sup> That situation increases the likelihood of infection from the use of unsanitary materials during menstruation.

13. The Special Rapporteur believes that hygiene interventions in schools can significantly reduce absenteeism linked to diarrhoea and respiratory illness, among other things.<sup>7</sup> Similarly, separate toilets in schools for girls and access to appropriate menstrual hygiene products and facilities can reduce menstruation-related absenteeism among adolescent schoolgirls.<sup>8</sup>

14. Overall, a lack of water, sanitation and hygiene affects the health, well-being and performance of learners and education workers, and generates sanitation-related psychosocial stress. Learners and education workers may be forced to resort to open defecation and poor sanitary habits, which increase their risk of contracting related disease and their exposure to violence linked to open defecation, particularly in the case of females (A/HRC/33/49, paras. 26–31).

### III. Legal framework and normative content

15. Ensuring the right to education as a universal right, at all levels of education from early childhood to tertiary education, requires addressing the interlinkages with other human rights, on the basis of the indivisibility and interdependence of human rights. Similarly, the Sustainable Development Goals cannot be implemented in isolation, and efforts to implement Goal 4, on universal access to inclusive and equitable quality education and lifelong learning opportunities, need to be developed in conjunction with action to implement Goal 3, on good health and well-being, Goal 5, on gender equality and women’s empowerment, and Goal 6, on universal access to clean water, sanitation and hygiene services. That need was the subject of a key recommendation of the Special Rapporteur’s previous report, in which she emphasized that the response to the COVID-19 crisis must be multidimensional and multisectoral and that action must be taken across the full continuum of essential social services, including education, health, housing, food and employment (A/HRC/44/39, para. 84 (1)).

16. States have committed to implementing the right to education in numerous legally binding global and regional treaties, declarations and recommendations. Those instruments jointly form a very detailed legal expression of the obligations of States, in particular, to respect, protect and fulfil the right to education of everyone without discrimination, as synthesized in general comment No. 13 (1999) of the Committee on Economic, Social and Cultural Rights on the right to education (E/C.12/1999/10), and the Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education. Of particular relevance are article 26 of the Universal Declaration of Human Rights, articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, articles 28 and 29 of the Convention on the Rights of the Child, and the Convention against Discrimination in Education, adopted by the United Nations

<sup>6</sup> Ibid., p. 26.

<sup>7</sup> UNICEF, *Water, Sanitation and Hygiene (WASH) in Schools: A Companion to the Child Friendly Schools Manual* (New York, 2012), pp. 34–35.

<sup>8</sup> Anja Benshaul-Tolonen, Garazi Zulaika, Marni Sommer and Penelope A. Phillips-Howard, “Measuring menstruation-related absenteeism among adolescents in low-income countries”, in *The Palgrave Handbook of Critical Menstruation Studies*, Chris Bobel and others, eds. (Palgrave Macmillan, 2020).

Educational, Scientific and Cultural Organization in 1960. The Special Rapporteur recalls that States retain their obligations to respect, protect, and fulfil the right to education in all circumstances, including where private actors are involved in education; that the right to education must be guaranteed even in times of public emergency and armed conflict; and that States must ensure that all educational institutions, public and private, are inclusive and are at least of adequate quality. States must also provide free, public education of the highest attainable quality to everyone within their jurisdiction as effectively and expeditiously as possible, to the maximum of their available resources (Abidjan Principles, principles 11, 12, 13 and 29).

17. Although the right to water and sanitation is not expressly mentioned in the International Covenant on Economic, Social and Cultural Rights, it finds its legal basis in article 11 of that instrument, relating to the right of everyone to an adequate standard of living, and is inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity (Human Rights Council resolution [15/9](#), para. 3). Article 24 of the Convention on the Rights of the Child, relating to the right of children to the highest standard of attainable health, and article 14 of the Convention on the Elimination of All Forms of Discrimination against Women, relating to the right of women in rural areas to enjoy adequate living conditions, also support the right to water and sanitation for children and women, respectively. In 2002, the Committee on Economic, Social and Cultural Rights adopted its general comment No. 15, in which it outlined the criteria for the full realization of the right to water. The content of general comment No. 15 is also applied in connection with the right to sanitation. Furthermore, in 2010, the General Assembly, through its resolution [64/292](#) (para. 1), and the Human Rights Council, through its resolution [15/9](#) (para. 3), recognized 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.

18. The involvement of private actors in educational institutions or in the delivery of water and sanitation services in educational settings does not in any way impair or nullify States' obligations. On the contrary, such involvement should be strictly regulated and monitored. The Abidjan principles provide useful guidance in this respect. The Special Rapporteur also notes with satisfaction the recent adoption by the African Commission on Human and Peoples' Rights of the Guidelines on the Right to Water in Africa, which contain important recommendations on the involvement of private actors in the provision of water services.

19. The Committee on Economic, Social and Cultural rights, in [E/C.12/1999/10](#), para. 6, and the Special Rapporteur on the right to education, throughout her work (for example, [A/HRC/44/39](#), para. 14, and Abidjan Principles, principles 14 ff.), have underlined that education, in all its forms and at all levels, must exhibit the following interrelated and essential features: availability, accessibility, acceptability and adaptability. Each of these normative contents has a bearing on the infrastructure required for education institutions, including water, sanitation, and hygiene facilities and services.

20. The Committee generally uses this analysis framework in all the general comments in which it depicts the normative content of rights enshrined in the Covenant, including the right to water, with some exceptions, depending on the rights at stake. For example, its general comment No. 15 (2002) on the right to water ([E/C.12/2002/11](#)) does not contain a reference to acceptability per se, although acceptability appears as a component of other criteria and has been subsequently developed, in particular by the Special Rapporteur on the human rights to safe drinking water and sanitation. The framework constitutes a useful tool for States in

their processes for complying with their obligations regarding the rights to education, water and sanitation, including their minimum core obligations.

21. The developments below mirror the approach usually taken in relation to the right to education, while also integrating elements of general comment No. 15 and the work of the Special Rapporteur on the human rights to safe drinking water and sanitation. The two approaches (from the point of view of the right to education and of the rights to water and sanitation), when combined, show strong requirements to ensure the rights to water and sanitation, including hygiene and menstrual health and hygiene, within education institutions.

## **A. Availability**

22. Availability, in terms of the right to education, means the existence of sufficient numbers of functioning education institutions and programmes within the jurisdiction of States (E/C.12/1999/10, para. 6 (a)). The Special Rapporteur notes that, while the requirements for the functioning of those institutions and programmes vary in accordance with the factors prevailing in any given setting, the basic requirements include safe drinking water, gender-segregated and disability-friendly sanitation, and adequate hygiene services, including appropriate hygiene education.

23. In connection with the right to water, availability is understood to mean a sufficient quantity of water facilities and services for a range of personal and domestic uses (E/C.12/2002/11, para. 12). These uses could be expanded to include drinking, food preparation, personal sanitation and hygiene, cleaning, and amenities such as laboratories and gardens in school settings.

24. In connection with the right to sanitation, availability means ensuring sufficient numbers of functional sanitation facilities and the arrangements necessary in order to construct, maintain and manage service delivery (A/70/203, para. 7). The lower the ratio of students to toilets, the lower the level of health and safety concerns.

25. The Special Rapporteur underlines the crucial importance of the availability of gender-segregated toilets in educational settings as a condition for ensuring accessibility to women and girls. The situation of trans or gender nonconforming learners and education workers, however, should be addressed, taking into account the fact that some may find it useful to have access to a gender-neutral facility while, in other communities, it may be acceptable for persons to simply use the toilet they feel most comfortable with (A/HRC/33/49, paras. 9, 48 and 58). Whatever the solution, it should be adopted with the participation of the persons concerned, and should never adversely affect women and girls' access to gender-segregated toilets.

26. In connection with hygiene, availability means that toilets, water storage and food preparation facilities must meet hygiene requirements (A/70/203, para. 21). The availability of hygiene in education institutions also means the existence of sufficient numbers of hygiene products, facilities and services, and of a regular cleaning and maintenance system.

## **B. Accessibility**

### **Non-discrimination**

27. All aspects of education institutions and programmes must be accessible to everyone, without any overt or latent discrimination on any grounds that are prohibited in international human rights law (E/C.12/1999/10, para. 6 (b)).



28. Such non-discrimination includes access to facilities and services related to water, sanitation and hygiene in educational settings, for everyone, particularly children, girls and women, gender-diverse and transgender persons, and persons with disabilities and other special circumstances. Individuals should be allowed to use toilets in a manner consistent with their chosen gender identity (A/HRC/33/49, paras. 9 and 48).

### **Physical accessibility**

29. Education needs to be offered within safe physical reach of all users, at neighbourhood schools or other reasonably convenient locations (E/C.12/1999/10, para. 6 (b)).

30. In the same vein, adequate water, sanitation and hygiene facilities and services must be provided at education institutions or within safe physical reach of all users. Water supply, sanitation and hygiene facilities and services must be reliably and continuously accessible (A/70/203, para. 16).

31. The time frame for going to the water source, collecting water and returning to studies should not be too long or inconvenient for users; the same applies to the time frame for going to and from sanitation and hygiene facilities. The facilities must also be safe for all users, including children, girls and women, and persons with disabilities and other special circumstances. Where facilities are not provided at education institutions, there should be no risk of physical harm from accessing the facilities and services in the immediate vicinity.

### **Economic accessibility**

32. States should commit their maximum available resources to providing free primary education and should progressively introduce free education at the secondary and higher levels. The Special Rapporteur on the right to education has always urged States to ensure free education by eliminating not only direct costs such as fees, but also hidden costs such as books, uniforms and transportation, especially at the primary and secondary levels of education.

33. Thus, particular attention must be paid to the direct and hidden costs of water and sanitation, including hygiene, for learners in education institutions at all levels. These could be costs related to construction, connection, tariffs, the maintenance and management of facilities, the storage and treatment of water, desludging, hygiene education and hygiene, including menstrual hygiene products (ibid., para. 18). It is important that such water, sanitation and hygiene products and services also be provided for free in informal schools, as the students in those schools are among the least able to afford them (A/HRC/33/49, para. 50).

34. A situation in which school-aged children are provided with free water, sanitation and hygiene facilities and services but spend long periods of the day in queues to access any of them cannot be regarded as being truly free or affordable.

35. The same is true where girls or children from minority ethnic groups, poor households or other groups in vulnerable or marginalized situations are discriminated against and forced to spend additional hours cleaning up toilets in schools.

### **Information accessibility**

36. Accessibility also includes the right to seek, receive and impart information concerning water and sanitation issues. This is linked to the right of individuals and groups to participate in decision-making processes that may affect their rights to water and sanitation; that right must be an integral part of any policy, programme or strategy concerning water and sanitation. Individuals and groups should be given full and

equal access to information concerning water, water services, sanitation and the environment, held by public authorities or third parties (E/C.12/2002/11, paras. 12 and 48). That approach is also valid in terms of the right to education (Abidjan Principles, principle 14 (b)).

37. In the context of the ongoing COVID-19 crisis, it is crucial that issues surrounding access to water and sanitation in education institutions, including the root causes of poor access and structural inequalities, be addressed, and that discussions on how to mitigate them be conducted in a participatory manner. The Special Rapporteur recalls in this respect that “academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction” (E/C.12/1999/10, para. 39). Both learners and education workers are therefore free to express their concerns regarding water, sanitation and hygiene in education institutions and to request better conditions, for example.

38. In order for the right to education to be upheld, awareness must be raised, as a component of that right, among learners, education workers and wider surrounding communities, regarding their human rights to water and sanitation, including hygiene and menstrual health and hygiene.

### C. Acceptability

39. States have a duty to establish minimum education standards that ensure that the form and substance of education programmes, including curricula and teaching methods, are relevant, culturally appropriate and of good quality, in order to be considered acceptable to students and, where appropriate, parents (ibid., para. 6 (c)).

40. In connection with the rights to water and sanitation, the concept of acceptability includes the requirements that water must be of an acceptable colour, odour and taste for personal or domestic uses (E/C.12/2002/11, para. 12), that all facilities and services be culturally appropriate, and that they meet standards of gender-sensitivity, privacy and life-cycle sustainability (A/70/203, paras. 13, 19 and 25).

41. The human rights framework entails a holistic understanding of the sustainability of water, sanitation and hygiene services in broad terms beyond functionality or reliability. Sustainability requires that services do not compromise social, economic and environmental sustainability or the ability of future generations to realize their rights to water and sanitation (ibid., para. 36).

42. The type of tools and technology used may affect acceptability. Education institutions located in settings where cultural and religious practices require the washing of intimate parts of the body with water as part of hygiene practices should ensure that they have appropriate tools and technology for that purpose, as should education institutions enrolling learners who belong to minorities following such practices. Technology that reduces contact with faeces is generally preferred. Unsurprisingly, students are more likely to use flush toilets than simple latrines or bucket latrines in schools. In Djibouti, 76 per cent of students in schools with flush toilets stated that they were likely to use the toilets, compared with 56 per cent in schools with simple or bucket latrines.<sup>9</sup>

<sup>9</sup> UNICEF and WHO, *Drinking Water, Sanitation and Hygiene in Schools: Global Baseline Report 2018*, p. 52.

43. Cultural and religious acceptability needs to be addressed with due regard for the available financial and environmental resources, the technical capacity for operation and maintenance, and the objective of sustainability. A holistic and inclusive approach embracing all human rights, including the cultural rights of all persons and the rights of people belonging to minorities, must be adopted.

44. In all circumstances, learners and education workers should be afforded the necessary support and opportunities to participate effectively in the decision-making process and the design of facilities. Access to information and the participation of all stakeholders, including the wider communities connected to the schools, are practical steps towards improving acceptability, ensuring proper use and maintenance, and addressing negative sociocultural practices and taboos related to sanitation.

#### **D. Adaptability**

45. States have a duty to ensure that education institutions and programmes are flexible and adapt to the needs of students in their diverse social and cultural settings, and to the changing needs of societies and communities (E/C.12/1999/10, para. 6 (d)).

46. In the wake of the gradual reopening of education institutions closed during the COVID-19 pandemic, it is essential for those institutions to adapt their programmes, including curricula and teaching methods, classroom seating arrangements and other infrastructure, for example by improving access to water and hygiene products, in order to ensure safety. For instance, hand- and foot-activated water, sanitation and hygiene facilities can also be adapted for use, where appropriate.

### **IV. Interrelated violations of the rights to education, water and sanitation as a result of failure to comply with human rights standards**

#### **A. Lack of legislation and policy incoherence**

47. When States fail to enact legislation and policies for the implementation of the rights to water, sanitation and hygiene in public and private education settings, they do not abide by their obligation to ensure the right to education. A lack of coherence in laws and policies on the right to education, on the one hand, and the rights to water and sanitation, on the other,<sup>10</sup> can also lead to situations where rights are not upheld.

48. In many countries, the responsibility for water, sanitation and hygiene is shared among different (national and subnational) levels of government and various government ministries, agencies or departments (A/73/162, para. 19). While the Ministry of Education is generally responsible for administering national education policy and programming, water, sanitation and hygiene often fall within the mandate of one or more independent ministries in charge of health, water resources and sanitation, agriculture, trade and economic development, women and youth affairs, among others, depending on the administrative arrangement in each country.

49. The resulting plurality of roles, actors and policy instruments complicates water, sanitation and hygiene governance and results in accountability gaps, often to the detriment of individuals and groups in vulnerable or marginalized situations.

<sup>10</sup> Pedi Obani and Joyeeta Gupta, “Legal pluralism in the area of human rights: water and sanitation”, in *Current Opinion in Environmental Sustainability*, vol. 11 (December 2014), pp. 63–70.

50. Similarly, where there are no clear legal provisions on the obligations of State and non-State actors in connection with water and sanitation, including hygiene and menstrual health and hygiene in education institutions, or where such provisions are not available to the public, it becomes difficult to pursue enforcement and accountability. National courts, which can advance the right to education on the basis of international human rights instruments and relevant constitutional provisions, as, for example, the Supreme Court of India has done, should be open to adjudicating cases in which violations occur.<sup>11</sup>

## **B. Insufficient and poorly targeted resources**

51. Many States fail to commit their maximum available resources to ensuring the progressive realization of the rights to education, water and sanitation. The resources required for water and sanitation, including hygiene and menstrual health and hygiene, include both finance and other resources, such as technology, human capital, land and water.

52. In the 2020 UN-Water Global Analysis and Assessment of Sanitation and Drinking-Water, only 4 per cent of countries confirmed that they had sufficient financial resources to achieve their national hygiene targets, and hygiene comprised only 4 per cent of government water, sanitation and hygiene budgets.<sup>12</sup> Data on the life-cycle costs of, and the amount of resources currently committed to, water and sanitation in education institutions at various levels are sparse.

53. Schools in some countries have a special tariff for water, sanitation and hygiene services, compared with commercial entities. Also, the Ministry of Education in some countries provides subsidies for water, sanitation and hygiene services to schools that do not have sufficient funding.

54. Again, part of the challenge is the lack of coherence in the budget allocation for water, sanitation and hygiene in schools, among the various relevant governmental and local entities. In addition, the central Government often does not account, in its budgetary allocations, for water, sanitation and hygiene in education institutions.

55. The Special Rapporteur is also concerned that, in too many instances, States have not established strong mechanisms for monitoring the release and expenditure of funds for water, sanitation and hygiene in education institutions in order to prevent financial misappropriations and enhance accountability.

56. In many developing countries, private schools, especially schools that serve groups in vulnerable or marginalized situations, do not have proper water or sanitation, including hygiene and menstrual health and hygiene services.

## **C. Non-prioritization during crises**

57. The right to education is not to be abandoned during crises such as the COVID-19 pandemic (see [A/HRC/44/39](#)). It is anticipated that the wider impacts of COVID-19 will affect government revenues and spending on social services, such as education, and will also hamper the demand for education, as families will be faced

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<sup>11</sup> N. L. Narasimha Reddy and R. Murali, *Conducting Integrity Assessments of WASH in Schools: Pilot Project Using the AWIS Methodology in Andhra Pradesh, India* (Berlin, Water Integrity Network Association, 2015).

<sup>12</sup> WHO, *Hygiene: UN-Water Global Analysis and Assessment of Sanitation and Drinking-Water Findings on National Policies, Plans, Targets and Finance* (Geneva, 2020), p. 6.

with competing demands on their resources and inadequate social safety nets.<sup>13</sup> Insufficient water, sanitation and hygiene facilities and services increase the risk of transmission of COVID-19, just as the pandemic increases existing vulnerabilities in the area.

58. Some of the emerging vulnerabilities related to COVID-19 are also linked to menstruation and period poverty,<sup>14</sup> as a result of increased demand for water and soap for hand-washing, which may affect the quantity of water available to meet menstrual hygiene needs in education institutions experiencing water scarcity. The policy and programmatic focus is likely to centre on direct measures for curbing the spread of COVID-19, developing vaccines and managing positive cases. Such a focus may lead to the prioritization of only providing access to water and hygiene in schools and the sidelining of equally important sanitation and menstrual hygiene issues, unless deliberate policy efforts are made to mainstream those issues in development planning and policy during and after the pandemic.

59. When schools do not have their own water, sanitation and hygiene systems, they sometimes have to rely on those available in the surrounding towns and villages. When water is scarce, learners and education workers sometimes excluded from accessing the available water resources as a means of rationing and conservation, putting them at risk.

#### **D. Insufficient monitoring**

60. There is a significant gap in the data on water, sanitation and hygiene in public settings such as schools. The available data are mainly disaggregated on the basis of spatial factors, for example, whether they relate to urban or rural areas, not accounting for any additional intrapersonal inequities affecting individuals and groups in vulnerable or marginalized situations.

61. National education management information systems monitor water, sanitation and hygiene facilities and services in education institutions.<sup>15</sup> Generally, such systems monitor five parameters for water (functionality, proximity, quantity, quality and accessibility); five parameters for sanitation (functionality, quantity, quality, accessibility and gender); and three parameters for hygiene (functionality, the use of soap or ash, and hygiene education). In practice, quality is the most monitored water parameter but the least monitored sanitation parameter. The functionality of school hand-washing facilities is the most commonly monitored hygiene parameter.<sup>16</sup> Acceptability is not captured in the parameters.

62. There are also disparities in the definitions of indicators used in national monitoring systems. For example, in a study conducted by the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) through the Joint Monitoring Programme for Water Supply, Sanitation and Hygiene, India reported that 29 per cent of schools had a toilet accessible to children with special needs, but only 14 per cent had a toilet with at least a ramp and a handrail, and only 6 per cent had a toilet with a wide door for wheelchair entry and a support structure inside. Peru, on the other hand, defined an accessible toilet as one with a support bar

<sup>13</sup> UNESCO, "Anticipated impact of COVID-19 on public expenditures on education and implication for UNESCO work", COVID-19 Education Response, Education Sector issue note No. 7.2 (Paris, April 2020).

<sup>14</sup> Period poverty means both the inability to afford the required menstrual hygiene materials and poor understanding of menstruation and related hygiene and health matters.

<sup>15</sup> UNESCO, "Why we need effective education management information systems", 10 April 2018.

<sup>16</sup> UNICEF, *Advancing WASH in Schools Monitoring* (New York, 2015).

and obstacle-free space for a wheelchair to turn around, while, under the definition of Tajikistan, a separate toilet facility was required for students with disabilities.<sup>17</sup>

63. There is often a lack of clear guidelines and mechanisms for learners and education staff to channel their complaints about water, sanitation and hygiene in education institutions. The mechanism for resolving dissatisfaction with water and sanitation, including complaints in education institutions at various levels regarding services related to hygiene and menstrual health and hygiene, is also a grey area.

## **E. Inappropriate design, location and maintenance of facilities**

64. When the process of technology selection and design related to water, sanitation and hygiene facilities and services for education institutions excludes participation by people in vulnerable or marginalized situations, who are either unserved or underserved, the conditions of availability, accessibility, acceptability and adaptability for implementing the right to education will most probably not be respected.

65. If local capacity for maintenance is poor or lacking, facilities are quickly damaged and abandoned, causing contamination for users. The Special Rapporteur is also concerned about cases in which functional facilities are locked up in order to prevent them from becoming dirty or damaged, and cannot be used as a result. She also stresses that the denial of fair remuneration, employment protections and access to appropriate materials for sanitation workers constitutes a breach of the obligations of States to ensure the right to work and the right to just and favourable working conditions, as enshrined in articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights.

66. In some developing countries, a limited number of water, sanitation and hygiene facilities and services are shared by education institutions and the wider community. Such sharing exposes both the students and the facilities to various risks, for example, in some rural settings where unfenced school premises are used in public meetings and festivities, or where members of the community enter the school premises to use the available water, sanitation and hygiene facilities and services because none are provided in nearby public places, such as markets and parks.

67. Subnational governments in parts of Nigeria have outlawed the use of public school premises for social events by the wider community, as a way of safeguarding the schools' infrastructure. The Special Rapporteur, however, underlines the need for a more inclusive approach, taking into consideration the rights to water, sanitation and hygiene of the wider community.

68. The Special Rapporteur is also concerned about cases in which the existing facilities and services are located in places that cannot be accessed without risking personal safety, that are too remote and therefore discourage use, or that cannot be safely accessed by persons with disabilities. In the report produced through the Joint Monitoring Programme, UNICEF and WHO indicate that, in 11 of 18 countries that had data on the accessibility of sanitation facilities in schools, less than 25 per cent of schools had accessible toilets.<sup>18</sup> In Ethiopia in 2016, only 1 in 10 schools had hand-washing facilities accessible to young children and, although 9 out of 10 primary schools had toilets, less than half of those toilets were accessible to young children.<sup>19</sup>

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<sup>17</sup> UNICEF and WHO, *Drinking Water, Sanitation and Hygiene in Schools: Global Baseline Report 2018*, pp. 44–45.

<sup>18</sup> *Ibid.*, p. 44.

<sup>19</sup> *Ibid.*, p. 45.

69. Overall, project design, location and maintenance should address full-cycle sustainability concerns.<sup>20</sup>

## **F. Discrimination against groups in situations of vulnerability or marginalization**

70. Lack of water and sanitation, including hygiene and menstrual health and hygiene facilities and services, often intersects with and exacerbates multiple forms of inequality related to poverty, ethnicity, gender identity, age, disability, level of education or geographical location.

71. Students in developing regions generally have less access than their peers in developed regions to water, sanitation and hygiene facilities and services while in school. In many poor countries, most primary schools lack basic water, sanitation and hygiene facilities.<sup>21</sup> In low-income countries, approximately 45 per cent of schools have a basic water supply, while, in lower-middle-income countries, 78 per cent have a basic water supply, 81 per cent have sanitation facilities and 69 per cent have basic hand-washing facilities.<sup>22</sup> In comparison, 100 per cent of primary schools in Europe have basic drinking water, basic single-sex sanitation or toilets, and basic hand-washing facilities, and 100 per cent of primary schools in Northern America have basic hand-washing facilities.<sup>23</sup>

72. In addition, rural schools have lower coverage in terms of basic drinking water services than urban schools.<sup>24</sup> In Liberia, significant disparities in terms of access to menstrual hygiene management facilities exist among counties and between public and private schools and schools in rural and urban areas.<sup>25</sup>

73. Access to water, sanitation and hygiene facilities and services in pre-primary and primary schools is generally worse than in secondary schools,<sup>26</sup> whereas diseases related to water, sanitation and hygiene are a major cause of mortality in infants under 5 years of age in developing countries.

74. Most education institutions in developing countries do not make provisions for learners and education workers with disabilities in the design of classrooms and of water, sanitation and hygiene facilities and services.

75. Another major concern is the singling-out of girls or children from minority ethnic groups, poor households or other groups in vulnerable or marginalized situations to fetch water or clean and maintain the facilities, including by managing faecal sludge, in education institutions. Many girls are also made to fetch water or water small animals before going to school, to the detriment of their right to education.

76. Gender-based inequalities arise in connection with the lack of appropriate sanitation and hygiene facilities for gender-diverse users. In particular, girls and women are disproportionately affected by the use of shared sanitation facilities, with

<sup>20</sup> Jeske Verhoeven, Erma Uijtewaal and Ton Schouten, *Experiences with Sustainability Instruments: Clauses, Checks and Compacts for Ensuring WASH Services* (The Hague, International Reference Centre on Community Water Supply, 2015), p. 12.

<sup>21</sup> UNESCO, *Global Education Monitoring Report 2020: Inclusion and Education – All Means All* (see footnote 1), p. 285.

<sup>22</sup> *Ibid.*, p. 284.

<sup>23</sup> *Ibid.*, p. 391.

<sup>24</sup> UNICEF and WHO, *Drinking Water, Sanitation and Hygiene in Schools: Global Baseline Report 2018*, p. 34.

<sup>25</sup> *Ibid.*, p. 51.

<sup>26</sup> *Ibid.*, p. 32.

no separation for males and females. The failure to provide water, sanitation and hygiene services to support menstrual health and hygiene is a source of great concern. The Special Rapporteur underlines the importance of ensuring that women and girls can attend school during menstruation and still enjoy safety, dignity and privacy.

77. Girls in vulnerable or marginalized situations in both developed and developing countries have been shown to suffer from various deficiencies in knowledge about menstruation, a lack of affordability of menstrual hygiene materials, and embarrassment and absenteeism from school activities during menstruation. In a survey of women aged between 14 and 21 in the United Kingdom, 49 per cent reported that they had missed an entire day of school owing to menstruation, with 59 per cent of those women inventing a lie to account for their absences; 14 per cent of the respondents admitted that they had not understood what was happening at the start of their first period, 26 per cent reported that they had not known what to do when their period had started and 10 per cent reported that they had been unable to afford sanitary wear.<sup>27</sup>

78. Many cultural practices stigmatize menstruation and other physiological processes linked to sanitation and hygiene or target gender-diverse and transgender children or adults. Too often, such stigmatization results in assault, bullying or humiliation by other students, and confusion over which facilities to use for transgender or intersex children.

79. A recent study on menstrual hygiene management in the Niger<sup>28</sup> showed that, during menstruation, women and girls experience a number of restrictions relating to religious practices, nutrition and sexual activities, while men and boys show little concern and do not offer assistance. Such experiences reinforce the need to take a gender-inclusive approach, targeting all genders, in designing and implementing sanitation and hygiene interventions in education institutions.

80. In situations of insufficient quantity or quality of water services in education institutions, most students are forced to bring drinking water from home, where possible. The proportion of students who bring drinking water to school from home is 89 per cent in the Solomon Islands and 31 per cent in Palestine.<sup>29</sup>

81. While bringing water from home may be possible for day students who have access to safe drinking water at home, and is recommended as a progressive measure for improving access to water, it remains the duty of education institutions to ensure access to adequate, safe drinking water for students all day while they are in school. In the case of sanitation and hygiene, students must rely primarily on on-site facilities and cannot be expected to go home whenever they want to use the toilet during school hours.

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<sup>27</sup> Plan International (United Kingdom), “Plan International UK’s research on period poverty and stigma”, 20 December 2017.

<sup>28</sup> United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and Water Supply and Sanitation Collaborative Council, *Menstrual Hygiene Management: The Experience of Nomadic and Sedentary Populations in Niger* (2017). Available at [https://www.communityledtotalsanitation.org/sites/communityledtotalsanitation.org/files/MHM\\_Niger.pdf](https://www.communityledtotalsanitation.org/sites/communityledtotalsanitation.org/files/MHM_Niger.pdf).

<sup>29</sup> UNICEF and WHO, *Drinking Water, Sanitation and Hygiene in Schools: Global Baseline Report 2018*, p. 19.



## V. Guidelines

82. National and international standards and guidelines have been developed by key actors, including WHO,<sup>30</sup> UNICEF,<sup>31</sup> and central and local governments. They provide useful guidance.

83. The Special Rapporteur underlines the fact that the human rights framework itself provides a different and complementary approach, as it is not prescriptive – it does not, for example, indicate the number of litres of water necessary per person – but rather emphasizes the need for a contextualized approach, taking into account the special circumstances of individual rights holders and the prevailing social, economic, cultural and environmental conditions.

84. The human rights framework also contains minimum core obligations for States to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights outlined in the International Covenant on Economic, Social and Cultural Rights.<sup>32</sup> The obligations are of immediate effect, and States must demonstrate that every effort has been made to use their maximum available resources in an effort to satisfy them as a matter of priority.<sup>33</sup>

85. The Committee on Economic, Social and Cultural Rights indicates, in paragraph 57 of its general comment No. 13 (1999) on the right to education ([E/C.12/1999/10](#)), a number of minimum core obligations, in particular to adopt and implement a national educational strategy, which, in the view of the Special Rapporteur, must include plans related to water, sanitation and hygiene in education settings. In paragraphs 37 and 38 of its general comment No. 15 (2002) on the right to water ([E/C.12/2002/11](#)), the Committee outlines nine core obligations. Although the Committee makes no explicit reference to sanitation and hygiene, the evolution of those rights has been similar to that of the right to water, and they can be regarded as imposing similar core legal obligations on States.

86. The Special Rapporteur underlines the need to take into account the minimum core obligations and the conditions of availability, accessibility, acceptability and adaptability, and to take a contextualized approach in formulating both national and international guidelines related to water, sanitation and hygiene in education institutions. Such guidelines should apply both to public and private educational institutions.

### A. Water quality

87. With regard to quality, water for drinking, food preparation, personal hygiene and cleaning must be safe for the intended use. It is important to treat drinking water and to ensure that water is free from tastes, odours or colours that would hamper consumption ([E/C.12/2002/11](#), para. 12).

88. From a human rights perspective, it is also important to consider the local context and any special circumstances of learners and education workers, and the ways in which they affect personal requirements in terms of water quality standards.

<sup>30</sup> John Adams and others, eds., *Water, Sanitation and Hygiene Standards for Schools in Low-cost Settings* (Geneva, WHO, 2009).

<sup>31</sup> UNICEF, *Water, Sanitation and Hygiene in Schools: Guidelines for Lebanon – Setting Standards Ensuring Children’s Health* (2011); and *Guidance on Menstrual Health and Hygiene* (New York, 2019).

<sup>32</sup> Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990) on the nature of States parties’ obligations ([E/1991/23](#), annex III, para. 10).

<sup>33</sup> *Ibid.*, paras. 1 and 10.

## **B. Water quantity**

89. Sufficient water should be reliably and continuously available for drinking, food preparation, personal hygiene, cleaning and the operation of the amenities required for learning. Existing guidelines<sup>34</sup> stipulate basic and additional water quantities for various personal and domestic uses in schools.

90. In determining guidelines on water quantity in education institutions, it is once again important to take into consideration the local context and any special circumstances of learners and education workers, and the ways in which they affect personal requirements in terms of water quantity. It is also important to take into consideration the quantity of water required to effectively operate the necessary amenities and conduct lessons. For instance, laboratories and practical sessions for subjects such as food and nutrition, agricultural science, physics, chemistry, biology, and fine and applied arts may require varying additional water quantities.

91. Education institutions without sufficient access to water, sanitation and hygiene need to be prioritized for service provision. The human rights framework requires progressive improvement in service levels<sup>35</sup> and continued efforts to suppress inequalities in access to services between different population groups. The increased need for hand-washing and other hygiene practices to prevent the transmission of diseases also needs to be taken into consideration in determining the minimum water quantity for a safe learning environment.

## **C. Water facilities and access**

92. Sufficient water-collection points and water-use facilities should be available in education institutions to allow convenient access to, and use of, water for drinking, food preparation, personal hygiene, cleaning and amenities.

93. Facilities need to be properly constructed, taking into account the local context and users' needs and preferences. Facilities should also be sufficient for and safely accessible to all users, including those in vulnerable situations as a result of age, gender, disability or other special circumstances. Taking into consideration the fact that States must progressively realize their obligations to provide free, public education at all levels as effectively and expeditiously as possible, the Special Rapporteur stresses that access to water, sanitation and hygiene facilities should be freely available in all education institutions.

94. Furthermore, the facilities need to be clearly marked with signs in order to improve visibility, and safely and regularly maintained in order to ensure reliable and continuous services.

## **D. Toilets**

95. Sufficient, accessible, private, secure, clean, age- and gender-appropriate, and culturally appropriate toilets should be reliably and continuously accessible to all learners and education workers.

96. The access of women and girls to gender-segregated toilets should always be ensured. The situation of trans or gender nonconforming learners and education

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<sup>34</sup> See Adams and others, eds., *Water, Sanitation and Hygiene Standards for Schools in Low-cost Settings*, p. 18, and UNICEF, *Water, Sanitation and Hygiene in Schools: Guidelines for Lebanon – Setting Standards Ensuring Children's Health*, p. 25.

<sup>35</sup> Key sanitation, water and hygiene services are assessed through a human rights lens in [A/70/203](#).

workers should be addressed by ensuring that they have access to a gender-neutral facility and/or ensuring that the rights of individuals to use toilets in a manner consistent with their chosen gender identity are upheld.

97. Factors such as age, gender, and disability, which impose specific functional requirements, should also be captured in deciding the appropriate student-to-toilet ratios.

98. Toilets should also be hygienic to use and easy to clean, and should be routinely cleaned after each use and not only during routine breaks. Additional cleaning tasks, for instance during health crises such as the COVID-19 pandemic, may require that more staff be employed and designated to clean the toilets, depending on the population size and the frequency with which the facilities are used.

99. In the absence of sufficient water, sanitation and hygiene services, communal living arrangements in boarding school settings significantly heighten the risk of transmission of water- and sanitation-related diseases and viral infections, and should be addressed with particular care.

## **E. Hygiene**

100. The correct use and maintenance of water and sanitation facilities and the destigmatization of menstrual health and hygiene should be encouraged through sustained hygiene education and promotion. In a sense, water and sanitation facilities are used as resources for improved hygiene behaviours, just as hygiene education and promotion could foster the proper use of water and sanitation facilities.

101. Access to information is of great importance. Hygiene education and promotion offers an avenue for ensuring that rights holders have such access. Hygiene knowledge materials – including signs indicating the location of water, sanitation and hygiene facilities, and posters illustrating toilet etiquette, tips for preventing the transmission of diseases such as COVID-19, menstrual health education and hygiene matters, and the support that everyone can offer to those menstruating – should be strategically located in classrooms, toilets and leisure areas. The materials must be produced in various languages and formats, including simple illustrations, audio and Braille, to ensure accessibility for all, including persons with disabilities.

102. Options for hygiene education should be explored beyond the introduction of hygiene etiquette; such options could include water conservation and other means of providing hygiene education, including as a stand-alone subject or with a focus only on girls. For instance, hygiene education matters could be integrated into other taught subjects for each class and into extracurricular activities for learners.

103. In the context of health crises, such as the COVID-19 pandemic, recommended hygiene behaviours, including the regular washing of hands and cleaning of surfaces, the observance of physical distance rules prescribed by health guidelines, the safe disposal of hygiene waste, and the correct use and maintenance of facilities, should be systematically promoted among learners and education workers before education institutions reopen and during learning sessions.

## **F. Menstrual health and hygiene**

104. Sufficient, accessible, private, secure, clean, absorbent and culturally appropriate menstrual hygiene materials and facilities should be provided and accessible to learners and education workers at all times.

105. Menstrual health education and hygiene matters and related physiological changes that occur in the bodies of adolescents should be addressed in the curriculum, and school health councillors should be trained to provide timely and accurate guidance to schoolchildren and young learners especially. Learning activities and workshops led by learners should be organized to contribute to the destigmatization of menstrual health and hygiene in educational settings.

106. Free or subsidized menstrual hygiene materials should be provided to groups in vulnerable or marginalized situations in order to prevent period poverty. Trained professionals should be available to provide health services and support to learners and education workers experiencing difficulties with menstruation.

## **G. Cleaning, drainage and waste disposal**

107. The learning environment, including classrooms and laboratories, as well as other parts of the education institution, such as kitchens, offices and recreational areas, should be kept clean and safe. Sanitation includes not only the provision of facilities but also the safe treatment and disposal of excreta and wastewater from the facilities, which is also necessary for water quality (A/68/264, para. 27).

108. Where education institutions lack flowing pipe-borne water, and buckets and bowls are used for setting up hand-washing stations, arrangements should be made to ensure that the wastewater is quickly and safely disposed of and does not increase the risk of disease transmission.

## **H. Food preparation and storage**

109. Where food is cooked or served in education institutions, it is important to ensure safe storage and preparation to minimize the risk of disease transmission to learners and education workers. The quality of food ingredients and the water used for preparation should be safe.

110. Additional considerations and hygiene promotion are needed to prevent the contamination of food, both during preparation and at mealtimes. For instance, the sharing of utensils should be avoided.

## **I. Accountability**

111. Learners and education workers, and parents and communities, including groups in vulnerable or marginalized situations, should be fully involved in decision-making. They should be given full and equal access to information about water, sanitation and hygiene, including menstrual health and hygiene issues affecting them. The involvement of learners in extracurricular water, sanitation and hygiene-related activities should be age-appropriate, should not expose them to any harm and should not cause stress or interfere with regular learning activities.

112. The level of access to water, sanitation and hygiene, including menstrual health and hygiene facilities and services, should be monitored closely, and data should be disaggregated to highlight various forms and impacts of vulnerability to lack of water, sanitation and hygiene in education institutions. Similar indicators and definitions should be adopted at all levels to promote the comparison of data and learning across institutions.

113. Clear and effective mechanisms for complaints and remedies should be provided to learners and education workers who allege a violation of their right to education,

or their rights to water and sanitation in education institutions. Their freedom to express concern about the institution or system in which they work, without discrimination or fear of reprisal by the State or any private actor, should be respected. Easy, free access to national strategies and plans, including targets and budgetary allocations, related to the realization of the rights to water and sanitation in education institutions, should also be ensured.<sup>36</sup>

## VI. Recommendations

114. The Special Rapporteur makes the following recommendations, stressing that all stakeholders, who may vary from one context to another, be identified and participate in the process of guaranteeing access to water, sanitation and hygiene in education institutions.

115. While actors that usually work on educational matters need to fully consider the importance of the rights to water and sanitation in educational institutions, actors that usually provide water, sanitation and hygiene services need to be conscious of the severe impact that the lack of proper access to water, sanitation and hygiene in education institutions has on the right to education, especially for groups in vulnerable or marginalized situations.

### A. States

116. States should formally recognize the right to education and the rights to water and sanitation, including hygiene and menstrual health and hygiene, in their domestic legal framework, including through processes for genuine public participation, independent monitoring and the regulation of compliance by both States and non-State actors.

117. No one should be deprived of access to basic water and sanitation, including hygiene and menstrual health and hygiene services in education institutions, even in informal settlements. In particular, the disconnection of water, sanitation and hygiene services for education institutions owing to failure to pay for those services should be prohibited by law.

118. States should eliminate all structural or legislative barriers to the realization of the right to education and the rights to water and sanitation, including through legislative interventions and the clarification of the roles and responsibilities of the ministries, agencies and departments involved at the various levels of government.

119. States should conduct a comprehensive assessment of water, sanitation and hygiene in education institutions at all levels. They should adopt a national water, sanitation and hygiene strategy and plan of action to ensure that all educational institutions are equipped with water, sanitation and hygiene facilities. Where such facilities do not exist, their progressive implementation to ensure full coverage across the country should be considered as a priority. States should also adopt policies prohibiting the building of schools without water, sanitation and hygiene facilities.

120. The national strategy and plan of action should also:

(a) Contain specific targets, indicators and timelines, and the resources required for implementation; the minimum standards and resources required for

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<sup>36</sup> [A/73/162](#) contains further information on roles, responsibilities and standards of accountability relating to the rights to safe water and sanitation.

water, sanitation and hygiene should be reflected in the regulatory framework and guidelines for the operation of all education institutions, public and private;

(b) Be developed with the involvement of groups in vulnerable or marginalized situation, prioritizing their equal access;

(c) Be periodically reviewed and closely monitored;

(d) Include targets that are specific, relevant, easy to measure and achievable, stated in clear language that can be understood by everyone, regardless of whether they have technical knowledge in the field, and publicly available to all stakeholders;

(e) Account for sustainability throughout the value chain of water, sanitation and hygiene. That requirement should be considered at all times, during economic growth and during crises, as a way of improving crisis preparedness. Other important considerations include the need to source technology and materials locally and ensure that facilities are water- and energy-efficient, and resilient to climate change and other environmental shocks;

(f) Contain budgetary allocations covering not only the acquisition or construction of new facilities and the extension of services but also the proper operation, maintenance, and continued improvement of existing facilities.

121. States should prevent discrimination by public or private organizations involved in the provision of education and required water and sanitation services, including hygiene facilities and services in education institutions within their jurisdiction. Girls and children from minority ethnic groups, poor households and other groups in vulnerable or marginalized situations should not be singled out to fetch water or to clean and maintain the water and sanitation facilities, including by managing faecal sludge in education institutions.

122. States should take steps, individually and through international assistance and cooperation, especially economic and technical cooperation, towards the full realization of the right to education, as recommended by the Committee on Economic, Social and Cultural Rights. Financial and technical assistance provided to other countries to ensure the realization of the right to education should include assistance related to access to water, sanitation and hygiene in education institutions.

## **B. International and development partners, including donor agencies**

123. International and development partners, including donor agencies, should ensure that those of their policies and projects that are either directly focused on or related to education prioritize groups in vulnerable or marginalized situations, and communities, regions and countries having the highest numbers of people without access to education or basic infrastructure.

124. The design and implementation of projects should be adapted to local contexts and needs, and should ensure participation and full and equal access to information for all stakeholders, and transparency and accountability for the beneficiaries. Projects should ensure sustainability in all its dimensions, including the improvement of water, sanitation and hygiene services in the wider community.

125. Interventions should consist of the provision of both “hardware” (facilities and supplies) and “software” (awareness-raising) components. Overall, the full cycle of projects, from design to implementation, should be monitored in terms of availability, accessibility, acceptability and adaptability. The outcome of the monitoring process should be integrated into operational guidelines to ensure that future projects have the greatest possible impact on the realization of the right to education, in addition to

the rights to water and sanitation, including hygiene and menstrual health and hygiene in education institutions.

### **C. Teachers and education associations**

126. Teachers should deliver accurate, timely and relevant information about water and sanitation, including hygiene and menstrual health and hygiene, to schoolchildren in their care, through both planned class lessons and extracurricular activities. Teachers should incorporate into their lesson plans short breaks for drinking water and the observance of hygiene practices, to instil hygiene etiquette in schoolchildren.

127. Education associations should focus on strengthening the capacity of members to be non-judgmental in delivering inclusive, comprehensive and age-appropriate sexual and reproductive health education. They should also mainstream water, sanitation and hygiene issues into their advocacy of and collective agreements on safe working conditions.

### **D. School administrators and managers**

128. School administrators and managers should prioritize the provision of access to water and sanitation, including hygiene and menstrual health and hygiene facilities and services for groups in vulnerable or marginalized situations, establish a system for the participatory design of facilities and service models, monitor the level of access to and functionality of available facilities, and ensure the timely transmission of performance data and other relevant information about water, sanitation and hygiene in their institutions to the relevant actors, as required. Emphasis should be placed on water and energy efficiency and technologies that promote recharging, retention and reuse.

129. Resources should be earmarked for the operation and maintenance of facilities, the building of capacity and the provision of incentives related to positive sanitation and hygiene behaviour among learners and education workers. It is important to recruit and equip qualified workers for the construction, periodic maintenance and repair of facilities, and to recruit staff responsible for the regular and correct cleaning and maintenance of water, sanitation and hygiene facilities. Everyone in the education institution should be well informed about the important role of cleaning and maintenance staff for the safety of the learning environment. In addition, staff should be provided with the necessary materials and support and adequately motivated to perform their duties efficiently.

### **E. Water, sanitation and hygiene sector workers**

130. Professionals working in the water, sanitation and hygiene sector should familiarize themselves with the guidelines on availability, accessibility, acceptability and adaptability, and should comply with them in the design, construction, maintenance and repair of water and sanitation facilities, including hygiene and menstrual health and hygiene facilities for education institutions.

131. Emphasis should be placed on the use of local materials and capacity for maintenance, the durability of materials, ease of replacement of parts, and local practices that are relevant to water and sanitation, including hygiene and menstrual health and hygiene. Professionals should also educate administrators, staff and schoolchildren in education institutions, and the public, about measures for the proper operation, maintenance and repair of the facilities, to ensure safety and sustainability.

## **F. Civil society and international research organizations**

132. Civil society organizations should develop awareness-raising campaigns and training activities to address negative practices, stigmas and taboos in the area of water, sanitation and hygiene, especially in relation to groups in vulnerable or marginalized situations. They should also monitor and report on the spending, projects and activities of key public- and private-sector actors that affect the realization of the rights to education, water and sanitation, including hygiene and menstrual health and hygiene.

133. Research organizations should support human rights advocacy and governance efforts by conducting comprehensive empirical research in areas where knowledge gaps exist, such as the impact of lack of access to water, sanitation and hygiene services on the right to education and scalable, sustainable options for ensuring free access to facilities and services in education settings.

## **G. Health-care authorities and workers**

134. Health-care authorities and workers should offer relevant guidance, training and advice to education authorities and the general public on the need to prioritize hygiene awareness, guidance and materials for improving the safety of water, sanitation and hygiene facilities and services, immunization services, the treatment of diseases related to water, sanitation and hygiene in education institutions, and monitoring, particularly in relation to groups in vulnerable or marginalized situations.

135. Health-care workers should engage with groups in vulnerable or marginalized situations, especially girls and women, to correctly diagnose, treat and manage health problems that are associated with water and sanitation, including hygiene and menstrual health and hygiene, such as dysmenorrhoea, incontinence, and infections resulting from the use of contaminated toilets or sanitary materials. They should also offer guidance on proper sanitation and hygiene, including the management of menstrual health and hygiene. That guidance should be based not on a view of menstruation as primarily a pathological condition, but on an understanding of the complexity of the sociocultural meanings and personal values that underpin practices and experiences relating to menstruation.

## **H. Learners, parents and communities**

136. Learners, parents and communities should be committed to learning and disseminating relevant, timely and accurate information about sanitation, hygiene, and menstrual health and hygiene. They should also advocate for and support improvements in education infrastructure, promote the elimination of negative cultural practices, stigma and taboos related to sanitation, including hygiene and menstrual health and hygiene, and support the dissemination of hygiene information and the maintenance of related facilities.

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