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UNITED STATES MISSION
TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

October 17, 2014

United Nations Office of the High Commissioner
for Human Rights (UNOHCHR)
Palais Wilson
1211 Geneva

To the attention of:

Ms. Leilani Farha
Special Rapporteur on adequate housing as a component of the right to an adequate
standard of living, and on the right to non-discrimination in this context

Ms. Catarina de Albuquerque
Special Rapporteur on the human right to safe drinking water and sanitation

Mr. Philip Alston
Special Rapporteur on extreme poverty and human rights

Dear Ms. Farha, Ms. Albuquerque, Mr. Alston,

Thank you for your letter to U.S. Ambassador Keith M. Harper dated June 24, 2014. We have also received your second letter dated September 12, 2014, to which we will respond separately. The United States fully supports the mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on extreme poverty and human rights and the Special Rapporteur on the human right to safe drinking water and sanitation. In your letter, you expressed concerns regarding the actions of the Detroit Water and Sewerage Department, including the potential effect on African Americans who live in the City of Detroit. We appreciate the opportunity to respond to this inquiry.

The United States takes allegations of discrimination very seriously, and there are domestic legal protections in place to prevent and rectify cases of discrimination in access to public services. However, we currently lack sufficient information to determine whether the circumstances described in your letter regarding access to water in Detroit fall within the jurisdiction of our federal laws. Although there is no justiciable right to water provided in the United States Constitution or federal law, various U.S. laws protect citizens from contaminated water and from discrimination in the provision of services. Additionally, as a matter of public policy, people within the United States have created a society in which there is a widespread expectation that all ought to have access

to safe drinking water and sanitation. Public authorities throughout the United States take significant measures to provide access to safe drinking water and sanitation. In particular, there are state and local programs designed to help eligible low-income residents with the cost of their utilities. These may be done through a one-time payment or paying a portion of the bill based on ability to pay. Utilities are often willing to negotiate payment plans with customers that will help them pay their balance over time. Although Federal agencies, in this case, the Environmental Protection Agency (EPA), does not have jurisdiction over the administration or finances of a public water system, the EPA does support, in certain limited circumstances, the states' drinking water programs and the infrastructure of water utilities and may have the authority to address discrimination in these programs.

In joining consensus on the Human Rights Council's 2013 resolution on the right to safe drinking water (A/HRC/RES/24/18), we noted that the human right to safe drinking water and sanitation is derived from the economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights and, as such, States Parties to that Covenant undertake to take steps with a view to achieving progressively its full realization. We made a similar statement in joining consensus on the resolution on the right to safe drinking water that the Human Rights Council adopted on September 25, 2014, and at the General Assembly's plenary meeting on the right to water on September 27, 2011. These U.S. statements are available at <https://geneva.usmission.gov/2013/09/27/eop-the-human-right-to-safe-drinking-water-and-sanitation/>, <https://geneva.usmission.gov/2014/09/25/explanation-of-position-the-human-right-to-safe-drinking-water-and-sanitation/>, and <http://usun.state.gov/briefing/statements/2011/169199.htm>, respectively. However, as noted in our 2013 and 2014 explanations of position at the Human Rights Council, U.S. law does not recognize justiciable rights to safe drinking water and sanitation. We have explained our support in similar terms for resolutions on the right to an adequate standard of living, including housing.

The United States also wishes to emphasize that it remains deeply committed to addressing the global challenges related to water, and to promoting access to water domestically without discrimination. We appreciate the work you have done to promote access to safe drinking water and sanitation and to adequate housing around the world.

Sincerely,



Peter F. Mulrean
Deputy Chief of Mission