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WOMEN AS A MARGINALISED GROUP IN THE REALISATION OF THE RIGHT TO WATER - GENDER INEQUALITIES IN THE CONTEXT OF THE GLOBAL WATER CRISIS

Abstract:

The recognition of the right to water has become increasingly prominent in international human rights discourse over the past two decades. UN General Assembly Resolution 64/292 and UN Human Rights Council resolutions recognise access to water and adequate sanitation as indispensable for human dignity. However, the effective enjoyment of this right shows serious inequalities, especially for marginalised groups such as women and girls. The situation of women in the exercise of their right to water is not only a social issue, but also a fundamental legal one, which faces a number of legal, institutional and structural challenges.

This paper provides a legal analysis of how women's right to water is implemented in the light of international and regional human rights regimes. It focuses on key treaties like the ICESCR and CEDAW and examines institutional barriers, case law and soft law developments. The paper offers *de lege ferenda* proposals, including strengthening legal mechanisms and ensuring women's participation in water governance. Climate change, digitalisation and urbanisation are analysed as factors that exacerbate gender inequality in access to water. This paper aims to support a rights-based approach linking gender equality with the realisation of the right to water.

Keywords: *the right to water, gender inequality, marginalised groups, international human rights, de lege ferenda proposals*

1. THE LEGAL FOUNDATIONS OF THE RIGHT TO WATER

Water is a fundamental human right and essential for realizing all other human rights. Despite growing recognition in international law, access to water remains highly unequal, with women disproportionately affected by scarcity, inadequate infrastructure, and systemic discrimination. While the right to water has been increasingly codified in global legal frameworks, its gendered aspects are often neglected in both interpretation and practice.

The United Nations General Assembly explicitly recognized the right to safe and clean drinking water and sanitation in Resolution 64/292¹, affirming its vital role for

1 UNGA. (2010). Retrieved from Resolution 64/292: The human right to water and sanitation.: <https://>

human dignity and life. The Human Rights Council reinforced this in Resolution 15/9², highlighting state duties to respect, protect, and fulfil this right, especially for vulnerable groups like women and girls. Though not legally binding, these resolutions carry strong normative influence on state practices and human rights law interpretation.

Legal grounding also exists in the International Covenant on Economic, Social and Cultural Rights³, notably Articles 11 and 12, with General Comment No. 15⁴ clarifying that the right to water entails access to sufficient, safe, physically accessible, and affordable water for personal and domestic use. However, enforcement remains limited by the lack of binding mechanisms, fragmented national implementation, and weak gender integration. As a result, despite formal legal recognition, unequal enjoyment of the right to water persists, particularly for women facing systemic barriers worldwide.

1.1. The International Covenant on Economic, Social and Cultural Rights (ICESCR)

The International Covenant on Economic, Social and Cultural Rights (ICESCR) provides the foundational legal framework for the right to water, though it does not explicitly mention water⁵. General Comment No. 15 (2002) by the Committee on Economic, Social and Cultural Rights interprets Articles 11 and 12—guaranteeing an adequate standard of living and the highest attainable health—as encompassing the right to “sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.”⁶ This marked a key advancement by framing water as a justiciable right rather than merely a development goal.

The Comment outlines core state obligations, including non-discrimination, participation, and sustainable access. However, as a soft law instrument, it lacks binding legal force, limiting enforceability, especially where the ICESCR is not directly integrated into domestic law. Many states have been slow to implement these principles, and monitoring remains weak. Additionally, the Comment does not specifically address gendered vulnerabilities, reducing its effectiveness in tackling women’s particular challenges in water access.

While General Comment No. 15 has been influential in advocacy and judicial interpretation, its full impact depends on stronger binding mechanisms and gender-sensitive application⁷.

undocs.org/A/RES/64/292

2 UN General Assembly. (2010). *United Nations Digital Library*. Forrás: Appointments to fill vacancies in subsidiary organs and other appointments : appointment of members of the Committee on Contributions : report of the 5th Committee : General Assembly, 65th session: <https://digitallibrary.un.org/record/693515?v=pdf>

3 *United Nations Human Rights*. (1966). Forrás: International Covenant on Economic, Social and Cultural Rights: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

4 De Souza, M. (2002). *United Nations Digital Library*. Forrás: General comment no. 15 (2002), The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights): <https://digitallibrary.un.org/record/486454?v=pdf>

5 *United Nations Human Rights*. (1966). Forrás: International Covenant on Economic, Social and Cultural Rights: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

6 De Souza, M., 2002.

7 De Souza, M., 2002.

1.2. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) plays a key role in addressing gender inequality in water access, especially for rural women. Article 14(2)(h) explicitly recognizes their right to adequate living conditions, including water supply, linking water access to broader standards of living. Article 15 guarantees women equality before the law and rights related to contracts and property, crucial for empowering women in water and land resource management, where discrimination persists⁸.

However, enforcement is limited: state reports often lack gender-disaggregated data on water and sanitation, hindering effective monitoring and policy development. The Optional Protocol allows individual complaints but remains underutilized due to resource and legal barriers. The CEDAW Committee's General Recommendations, especially No. 34 on rural women's rights, clarify state obligations but are soft law instruments dependent on political will⁹. To better realize women's right to water under CEDAW, stronger accountability, improved gender-specific data collection, and greater inclusion of rural women in water governance are essential.

2. STRUCTURAL AND INSTITUTIONAL BARRIERS TO WOMEN'S ACCESS TO WATER

While international human rights instruments recognise the right to water and related gender equality principles, the realisation of these rights is significantly hindered by persistent structural and institutional barriers¹⁰. These barriers are especially pronounced in developing regions and rural settings, where women's access to water is obstructed by deeply rooted social norms, legal discrimination, and institutional shortcomings.

2.1. Time Poverty and Labour Inequality

Time poverty—the lack of sufficient time for rest, education, or income-generating activities due to unpaid labor—is a major, often invisible, consequence of gender inequality in water access¹¹. Women and girls in the Global South spend an estimated 200 million hours daily collecting water¹². In areas with poor infrastructure, especially in Sub-Saharan Africa and South Asia, water collection trips can take over 30 minutes each and occur multiple times a day. This unpaid labor drastically reduces time for education, employment,

8 UN Women. (2016). Forrás: Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for Youth: <https://www.unwomen.org/en/digital-library/publications/2016/12/cedaw-for-youth>

9 UN Women, 2016.

10 Acevedo-Guerrero, T., Bossenbroek, L., Kulk, S., Leonardelli, I., & Zwarteven, M. (2024). *Routledge Handbook of Gender and Water Governance*. London: Routledge. doi:10.4324/9781003100379

11 Acevedo-Guerrero, T., Bossenbroek, L., Kulk, S., Leonardelli, I., & Zwarteven, M., 2024.

12 World Health Organization. (2021. 09 13). Forrás: Progress on household drinking water, sanitation and hygiene 2000–2020: Five years into the SDGs: <https://www.who.int/publications/i/item/9789240030848>

political participation, and leisure, reinforcing cycles of poverty and gender inequality.

Time poverty particularly harms girls' education, as many are withdrawn from school to assist with water fetching, perpetuating systemic disadvantage and intergenerational poverty. Health risks include injuries, exhaustion, and greater exposure to violence, especially in conflict or remote regions. Because this labor is unpaid and private, it is largely invisible in official statistics and policymaking. Ignoring the gendered burden of water collection perpetuates structural discrimination, undermining rights to health, education, and public participation¹³. Addressing this requires infrastructure investments like community taps, alongside legal and policy reforms recognizing women's hidden labor. Mainstreaming gender in water governance and adopting a rights-based approach to time use are essential for advancing equality¹⁴.

2.2. Legal Pluralism and Gender Bias

Legal pluralism—the coexistence of multiple legal systems within one jurisdiction—creates significant challenges for women's right to water. Customary and religious laws often operate alongside formal statutory law, reflecting cultural diversity but frequently producing conflicting norms that reinforce gender discrimination, especially regarding land tenure and natural resource access¹⁵. In many patrilineal societies, customary norms restrict women's land ownership, making their water rights dependent on male relatives. Even where statutory law guarantees equality, customary practices and community pressure often undermine enforcement. Courts may hesitate to challenge traditional authorities, and women may avoid legal action due to social backlash, causing a gap between formal rights and actual access.

This dual legal system entrenches structural inequality, particularly in rural areas governed by customary institutions. Addressing these issues requires harmonizing statutory and customary laws with international human rights standards, including CEDAW and its General Recommendation No. 34 on rural women's rights¹⁶. Empowering women through legal awareness, aid services, and inclusive land registration is crucial to bridge the gap between legal norms and lived realities.

2.3, Exclusion from Water Governance

Despite women's crucial role in household and community water management, they remain severely underrepresented in formal water governance, occupying less than 10% of leadership roles globally¹⁷. This underrepresentation reflects broader gender exclusion in environmental governance, where male-dominated institutions often marginalize women's

13 OECD. (2022. 04 29). Forrás: Women's leadership in environmental action: https://www.oecd.org/en/publications/women-s-leadership-in-environmental-action_f0038d22-en.html

14 Winkler, I. (2012). *The Human Right to Water: Significance, Legal Status and Implications for Water Allocation*. Hart Publishing

15 UNDP. (2004). Retrieved from Water Governance for: https://www.undp.org/sites/g/files/zskgke326/files/publications/UNDP_Water%20Governance%20for%20Poverty%20Reduction.pdf

16 UN Women. (2010). Retrieved from CEDAW & Women's Human Rights: <https://asiapacific.unwomen.org/en/focus-areas/cedaw-human-rights>

17 UNESCO. (2019). Retrieved from The United Nations world water development report 2019: leaving no one behind: <https://unesdoc.unesco.org/ark:/48223/pf0000367306>

perspectives. As a result, water policies frequently overlook women's specific needs, favoring commercial or industrial interests instead. Even when women are included in water committees or consultations, their participation is often tokenistic, hindered by cultural norms, limited literacy, time constraints, and lack of institutional support¹⁸. Women's voices may be dismissed, reinforcing patriarchal governance and obstructing meaningful reform.

International frameworks like Agenda 21, the Dublin Statement, and the SDG 6+ Gender Joint Programme stress inclusive governance, but implementation remains inconsistent, with gender mainstreaming underfunded and poorly institutionalized¹⁹. To achieve gender-equitable water governance, structural reforms are essential—such as gender quotas, leadership training for women, and gender impact assessments—to ensure women not only participate but lead decision-making, dismantling persistent gender bias in water governance.

3. SOFT LAW DEVELOPMENTS AND CASE LAW

While **binding treaties** such as the ICESCR and CEDAW form the legal backbone of the right to water and gender equality, **soft law instruments** and **judicial decisions** play a critical role in shaping interpretations, filling normative gaps, and influencing national policies²⁰. These non-binding but authoritative tools help address the **evolving dimensions** of gender inequality in water access, particularly where formal legal provisions are vague, outdated, or silent²¹.

3.1. UN Resolutions and Reports

United Nations resolutions and special procedures have played a pivotal role in advancing the normative framework of the right to water through a gender perspective. Since 2008, UN Special Rapporteurs on the human rights to safe drinking water and sanitation have documented how water insecurity disproportionately affects women and girls, advocating for gender mainstreaming in laws, policies, and programs²². Their reports emphasize the inseparability of the right to water from health, education, and gender equality, highlighting the inadequate water and sanitation access faced by women—especially in rural and informal urban areas—which perpetuates gender inequality and social exclusion.

18 Agarwal, B. (2001). Participatory Exclusions, Community Forestry, and Gender: An Analysis for South Asia and a Conceptual Framework. *World Development*, 29(10), 1623-1648. doi:10.1016/S0305-750X(01)00066-3

19 Van Houweling, E. (2016). "A Good Wife Brings Her Husband Bath Water": Gender Roles and Water Practices in Nampula, Mozambique. *Society & Natural Resources*, 29(9), 1065-1078. doi:10.1080/08941920.2015.1095377

20 Winkler, I. (2012). *The Human Right to Water: Significance, Legal Status and Implications for Water Allocation*. Hart Publishing.

21 IACHR. (2020, 02 06). Retrieved from CASE OF THE INDIGENOUS COMMUNITIES OF THE LHAKA HONHAT (OUR: https://www.corteidh.or.cr/docs/casos/articulos/seriec_400_ing.pdf)

22 De Albuquerque, C. (2012). *World Water Council*. Retrieved from On the Right Track - Good Practices in realising the rights to water and sanitation: <https://www.worldwatercouncil.org/en/publications/right-track-good-practices-realising-rights-water-and-sanitation>

The 2022 report to the Human Rights Council, “Gender equality in the realization of the human rights to water and sanitation,” calls for gender-sensitive monitoring, increased funding for gender-targeted programs, and enhanced women’s representation in water governance. It stresses combating structural discrimination and promoting women’s participation as rights-holders and decision-makers. Though not legally binding, these reports carry significant moral authority, influencing legislation and development strategies worldwide, and underline the intersectionality of gender with poverty, disability, and Indigenous status²³.

The Special Rapporteurs have also criticized the lack of sex- and age-disaggregated data in water policies, urging improved gender-responsive planning—a call echoed by UN-Water and the SDG 6+ Gender Joint Programme. By promoting transformative, participatory, and accountable water governance, these UN bodies place women’s empowerment at the center of realizing the right to water²⁴.

3.2. Regional Courts

Regional human rights courts have increasingly recognized the intersection of gender, poverty, and access to natural resources, including water. Although explicit rulings focused solely on women’s right to water remain scarce, landmark cases before the African Court on Human and Peoples’ Rights and the Inter-American Court of Human Rights demonstrate growing judicial awareness of intersectional discrimination and collective rights of marginalized groups.

In **Endorois Welfare Council v. Kenya**²⁵, the African Commission found that the forced removal of the Endorois people from ancestral lands containing vital water sources violated their rights to property, natural resources, and culture under the African Charter²⁶. While not exclusively about women, the case highlighted how displacement disproportionately harms women’s livelihoods and access to water.

Similarly, in **Indigenous Communities of the Lhaka Honhat Association v. Argentina**²⁷, the Inter-American Court ruled that Argentina violated Indigenous communities’ economic, social, and cultural rights, including access to clean water and a healthy environment. The Court emphasized structural discrimination and the particular vulnerability of women and children, setting a precedent for gender-sensitive interpretation of socio-economic rights.

Though these rulings do not yet constitute a fully developed gender-specific jurisprudence on water rights, they reflect an evolving regional approach that links gender with ethnicity, landlessness, and environmental justice. Both courts have also begun

23 Langford, M. (2005). The United Nations Concept of Water as a Human Right: A New Paradigm for Old Problems? *International Journal of Water Resources Development*, 21(2). doi:10.1080/07900620500035887

24 Sultana, F. (2018). Water justice: why it matters and how to achieve it. *Water International*, 43(4). doi: 10.1080/02508060.2018.1458272

25 *African Commission on Human Rights and Peoples’ Rights*. (2009, 11 25). Retrieved from Centre for Minority Rights Development (Kenya) and Minority Rights Group (on behalf of Endorois Welfare Council) / Kenya - 276/03: <https://achpr.au.int/en/decisions-communications/centre-minority-rights-development-kenya-and-minority-rights-group-27603>

26 IACHR, 2020.

27 IACHR, 2020.

incorporating soft law instruments like CEDAW and UN General Comments, bridging the divide between binding and non-binding norms²⁸. These decisions provide strategic pathways for advancing women's water rights through litigation, especially where national courts face political or institutional constraints. They also warn states that failing to ensure inclusive water access risks violating not only environmental or property rights but also equality and non-discrimination obligations under regional human rights frameworks²⁹.

4. CLIMATE CHANGE, DIGITALISATION AND URBANISATION: EMERGING CHALLENGES

The realisation of women's right to water is increasingly shaped by 21st-century global transformations, particularly climate change, digitalisation, and urbanisation. These interconnected trends have introduced new layers of inequality and institutional challenges that disproportionately affect women—especially those in rural areas, informal settlements, or marginalised communities³⁰. While these challenges are global in nature, their gendered impacts are often under-analysed in policy and legal frameworks, leading to inadequate responses³¹.

4.1. Climate Change and Water Scarcity

Climate change poses one of the most urgent threats to the realization of the human right to water, impacting the availability, quality, and reliability of water resources in ways that disproportionately affect women—especially those in rural, Indigenous, and impoverished communities³². Increasing droughts, floods, and erratic rainfall patterns force women to travel longer distances to collect water, often through unsafe or isolated areas. This heightened spatial and temporal burden exacerbates gender-specific vulnerabilities, including risks of physical injury, sexual violence, and lost educational and economic opportunities. Since water collection duties predominantly fall on women and girls, climate-induced water scarcity further intensifies their unpaid labor³³.

Despite these clear gendered impacts, climate resilience and adaptation plans frequently neglect to incorporate gender perspectives or meaningfully consult affected women during the planning process³⁴. Climate finance mechanisms often prioritize large-scale infrastructure and technological projects without adequately integrating local

28 *United Nations Human Rights*. (1979). Retrieved from Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

29 Gilbert, J. (2006). *Indigenous Peoples' Land Rights under International Law: From Victims to Actors*. Transnational Publishers. doi:10.1163/ej.9781571053695.1-352

30 *IPCC Sixth Assessment Report*. (2022). Retrieved from Climate Change 2022: Impacts, Adaptation and Vulnerability: <https://www.ipcc.ch/report/ar6/wg2/>

31 Sultana, F., 2018.

32 *IPCC Sixth Assessment Report*, 2022.

33 Sultana, F. (2022). The unbearable heaviness of climate coloniality. *Political Geography*, 99, november. doi:10.1016/j.polgeo.2022.102638

34 *Global Water Partnership*. (2017, august). Retrieved from Gender equality and inclusion in water resources management: <https://www.gwp.org/globalassets/global/about-gwp/publications/gender/gender-action-piece.pdf>

women's knowledge, needs, and rights. This oversight reflects a broader structural challenge in environmental governance: the persistent marginalization of women in decision-making and resource distribution.

International frameworks such as the UNFCCC Gender Action Plan and Sustainable Development Goal 13 (Climate Action) emphasize the critical importance of gender-responsive adaptation strategies. However, implementation is uneven and reporting on gender-sensitive indicators remains inconsistent. To ensure climate policies advance gender equality, states must center women's experiences, promote their leadership in adaptation planning, and guarantee that resilience efforts enhance—rather than restrict—women's access to water. Legal reforms should mandate gender impact assessments for all climate-related infrastructure projects. Without these measures, climate policy risks perpetuating and deepening existing inequalities instead of alleviating them³⁵.

4.2. Digital Divide

The digitalisation of water governance has introduced a range of technologies—such as smart water meters, online billing systems, mobile payment platforms, and remote monitoring tools—designed to improve efficiency, transparency, and service accessibility. While these innovations offer notable benefits, they have also unintentionally widened existing inequalities, particularly for women in rural, low-income, and technologically underserved areas³⁶. In these contexts, women often face systemic barriers to digital inclusion, including limited internet access, low levels of digital literacy, restricted ownership of mobile devices, and constrained financial autonomy. As a result, digital tools that rely on smartphone use, online registration, or electronic transactions frequently exclude women from full participation in water service delivery and governance processes. This “digital divide” constitutes a new layer of structural exclusion, reinforcing pre-existing disparities linked to gender, geography, and socioeconomic status³⁷.

In many rural and peri-urban areas, even where digitalised water systems are technically available, women may be unable to access or manage their user accounts, pay water bills electronically, or report service failures through digital complaint mechanisms³⁸. This exclusion not only undermines individual and household water security but also compromises broader goals of inclusive and equitable water governance. The risks are further magnified as public and private utilities increasingly transition to digital-only service models, disproportionately affecting elderly women, Indigenous women, and those with limited literacy or language access³⁹.

Moreover, digitalisation introduces significant data and design biases. Many digital water platforms are built without incorporating gender-disaggregated data or considering

35 *United Nations Climate Change*. (2025). Retrieved from The Gender Action Plan: <https://unfccc.int/topics/gender/workstreams/the-gender-action-plan>

36 *International Telecommunication Union*. (2024). Retrieved from Measuring digital development: Facts and Figures 2024: <https://www.itu.int/en/ITU-D/Statistics/Pages/facts/default.aspx>

37 Leterme, C. (2022). Digital Justice is a Matter of Environmental Justice. Or at least, it Should be. *CETRI's articles*. Retrieved from <https://www.cetri.be/Digital-Justice-is-a-Matter-of?lang=fr>

38 *UNDP*, 2004.

39 *GSMA*. (2024). Retrieved from The Mobile Gender Gap Report 2025: <https://www.gsma.com/r/gender-gap/>

the specific usage patterns, priorities, and constraints of women. Algorithmic tools and digital dashboards used for resource allocation or infrastructure planning often fail to capture or reflect the lived realities of women and girls, leading to governance outcomes that are blind to their needs and perspectives⁴⁰. To address these challenges, it is essential to embed gender equality principles into the design, implementation, and monitoring of digital water governance systems. This includes the adoption of **digital inclusion policies**, provision of **affordable and accessible mobile technologies**, and **capacity-building initiatives** tailored to the needs of women in rural and marginalised communities. Gender audits of digital water platforms and services should also be institutionalised to ensure that technological innovation supports—rather than obstructs—the realisation of the human right to water for all⁴¹.

4.3. Urbanisation and Informal Settlements

Rapid urbanisation in many developing regions has led to the proliferation of informal settlements—densely populated areas often characterized by a lack of formal infrastructure, including inadequate access to safe and reliable water sources. These settlements frequently exist outside the reach of municipal water systems, resulting in residents relying on unsafe, intermittent, or costly water supplies. Within this context, women disproportionately bear the responsibility for securing water for their households. The burden of collecting and managing scarce water resources falls heavily on them, exposing them to numerous risks. Women and girls often travel long distances to access water, facing physical dangers such as harassment, violence, and accidents⁴². Furthermore, the unsanitary conditions common in informal settlements exacerbate health risks associated with inadequate water supply, including waterborne diseases⁴³.

The intersection of gender, poverty, and inadequate infrastructure thus compounds the vulnerability of women in informal urban settlements. This dynamic not only impacts their health and safety but also limits their opportunities for education, employment, and social participation, perpetuating cycles of inequality⁴⁴. Addressing water access in informal settlements requires gender-sensitive policies that recognize and alleviate the unique challenges women face in managing water scarcity in rapidly urbanising environments.

40 Bertram, Z., Carty, T., & Kowalzig, J. (2020, october 20). OXFAM. doi:10.21201/2020.6621

41 United Nations. (2024). Retrieved from Our Common Agenda: <https://www.un.org/en/common-agenda>

42 Mulawa, Z., Pommells, M., Schuster-Wallace, C., & Watt, S. (2018). Gender Violence as a Water, Sanitation, and Hygiene Risk: Uncovering Violence Against Women and Girls as It Pertains to Poor WaSH Access. *Violence Against Women*, 24(15), 1851 - 1862. doi:10.1177/1077801218754410

43 ALNAP. (2008, May 31). Retrieved from Women, Slums and Urbanisation: Examining the Causes and Consequences: <https://reliefweb.int/report/world/women-slums-and-urbanisation-examining-causes-and-consequences>

44 Amnesty International. (2010, July 7). Retrieved from Kenya: Insecurity and indignity: Women's experiences in the slums of Nairobi, Kenya: <https://www.amnesty.org/en/documents/afr32/002/2010/en/>

5. DE LEGE FERENDA PROPOSALS

To address existing gaps in the realization of the right to water, it is essential to strengthen legal frameworks by supplementing international treaties with optional protocols that explicitly recognize the gender dimension of water rights, while aligning domestic laws with these obligations to include enforceable gender equality provisions⁴⁵. Moreover, international monitoring bodies should be empowered with effective sanction mechanisms—such as naming-and-shaming or conditional funding—to hold states accountable for non-compliance⁴⁶. Crucially, women's meaningful participation must be ensured at all decision-making levels, from local water committees to global governance platforms, with gender quotas and capacity-building initiatives implemented to overcome barriers and promote equitable representation.

6. CONCLUSION

The full realization of the human right to water is intrinsically linked to dismantling systemic gender inequalities that continue to impede women's and girls' access to this essential resource. This study has examined how gender-based disparities manifest across multiple dimensions of water governance—ranging from international legal standards and regional human rights jurisprudence to climate adaptation strategies, digital transformation, and urban water access in informal settlements. Although international human rights law increasingly acknowledges the right to water—most notably through UN resolutions, Special Rapporteurs, and soft law instruments—implementation remains fragmented, under-enforced, and often symbolic. Moreover, gender is frequently sidelined in both normative development and practical application.

A truly effective, gender-sensitive, rights-based approach to water governance must therefore go beyond formal legal recognition. It must entail comprehensive legal reforms that enshrine gender equality in water-related policies, institutional transformations that mainstream gender into decision-making processes, and inclusive governance mechanisms that ensure the active participation of women—particularly those from marginalised groups such as Indigenous, rural, and low-income communities. Integrating gender-disaggregated data, ensuring equitable digital access, and applying intersectional frameworks in climate and infrastructure planning are critical to addressing the multilayered barriers women face. Only through these combined efforts—across legal, institutional, technological, and societal levels—can the universal promise of safe, sufficient, affordable, and equitable water access become a lived reality for all, and especially for women and girls who have long borne the brunt of water injustice.

45 Langford, M., 2005.

46 Winkler, I., 2012.



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ŽENE KAO MARGINALIZOVANA GRUPA U OSTVARIVANJU PRAVA NA VODU - RODNE NEJEDNAKOSTI U KONTEKSTU GLOBALNE VODNE KRIZE

Apstrakt:

Priznavanje prava na vodu postalo je sve istaknutije u međunarodnom diskursu o ljudskim pravima tokom poslednje dve decenije. Rezolucija Generalne skupštine UN 64/292 i rezolucije Saveta za ljudska prava UN priznaju pristup vodi i adekvatnoj sanitarnoj infrastrukturi kao neophodne za ljudsko dostojanstvo. Međutim, efektivno uživanje u ovom pravu pokazuje ozbiljne nejednakosti, posebno za marginalizovane grupe kao što su žene i devojke. Situacija žena u ostvarivanju njihovog prava na vodu nije samo socijalno pitanje, već i osnovno pravno pitanje, koje se suočava sa nizom pravnih, institucionalnih i strukturnih izazova.

Ovaj rad pruža pravnu analizu načina na koji se pravo žena na vodu sprovodi u svetlu međunarodnih i regionalnih režima ljudskih prava. Fokusira se na ključne sporazume kao što su ICESKR i CEDAV i ispituje institucionalne barijere, sudsku praksu i razvoj mekih zakona. Rad nudi predloge de lege ferenda, uključujući jačanje pravnih mehanizama i obezbeđivanje učešća žena u upravljanju vodama. Klimatske promene, digitalizacija i urbanizacija analiziraju se kao faktori koji pogoršavaju rodnu nejednakost u pristupu vodi. Ovaj rad ima za cilj da podrži pristup zasnovan na pravima koji povezuje rodnu ravnopravnost sa ostvarivanjem prava na vodu.

Ključne reči: *pravo na vodu, rodna nejednakost, marginalizovane grupe, međunarodna ljudska prava, de lege ferenda predlozi*

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