

**Report of the Special Rapporteur on the human right to safe drinking water,  
A/HRC/21/42, 2 July 2012**

*II. UNDERSTANDING STIGMA AND ITS DRIVERS*

12. Stigma relates closely to power and inequality, and those with power can deploy it at will. Stigma can broadly be understood as a process of dehumanizing, degrading, discrediting and devaluing people in certain population groups, often based on a feeling of disgust. Put differently, there is a perception that the person with the stigma is not quite human. Stigma attaches itself to an attribute, quality or identity that is regarded as "inferior" or "abnormal". Stigma is based on a socially constructed "us" and "them" serving to confirm the "normalcy" of the majority through the devaluation of the "other".

13. What is considered "abnormal" changes over time and place, while the targets of stigma are always those who do not fit the social norm. In some instances, stigma is attached to a person's social identity, especially in relation to one's gender or gender identity, sexual orientation, caste or race. Many ethnic groups experience very pronounced stigma. Stigma is also a common reaction to health conditions such as HIV/AIDS and some forms of disabilities. The Committee on Economic, Social and Cultural Rights explicitly calls on States to "adopt measures to address widespread stigmatization of persons on the basis of their health status, such as mental illness, diseases such as leprosy and women who have suffered obstetric fistula". Indeed, stigma is often closely linked to the body as a site of the "normal" and the "different" and as a vehicle of contagion, especially in terms of sexuality and disease. Furthermore, stigma is frequently attached to activities that are considered "immoral", "detrimental to society" or "dirty", affecting, for instance, sex workers, sanitation workers, prisoners and homeless people.

20. Stigma also has its drivers at the societal level with, for instance, the media contributing to spreading prejudices and stereotypes. It is also driven by deeply entrenched cultural beliefs relating, for instance, to gender, sexuality, health and descent. Caste systems are striking examples of systems that lead to the stigmatization of large parts of the population, potentially amounting to violations of human rights.

*IV. MANIFESTATIONS OF STIGMA*

E. Threats to privacy and security

40. A report of the United Nations High Commissioner for Human Rights on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity has highlighted that homophobic and transphobic violence may be physical or psychological, and that those attacks "constitute a form of gender-based violence, driven by a desire to punish those seen as defying gender norms" (A/HRC/19/41, para. 20). While the human rights concerns are much broader, in relation to water and sanitation specifically, the use of public bathrooms, which are often sex-segregated, has been associated with exclusion, denial of access, verbal harassment, physical abuse and sometimes even the arrest of transgender and intersex individuals. More broadly, they are at risk of exposure, violence and harassment in

seeking access to services such as water and sanitation when those are in common areas, or where privacy is unavailable or compromised.

#### F. Criminalization

41. Stigma often finds its way into legislative and policy frameworks mirroring societal attitudes and prejudices. In many countries, stigmatization is reflected in the criminalization of work-related activities and practices or the lack of legal protection. For instance, the lack of protection creates a climate of impunity, invisibility and silence and violence against sex workers. They are often forced to work in unsafe environments, including in the outskirts of cities, with no access to services.

### *V. SITUATING STIGMA IN THE HUMAN RIGHTS FRAMEWORK*

#### C. Non-discrimination and equality

48. The right to be free from discrimination in the exercise of human rights, including the rights to water and sanitation, is paramount and cross-cutting under international human rights law. Non-discrimination and equality are central to all core international human rights treaties. They include extensive provisions to protect against discrimination and ensure equality, covering in particular racial discrimination, as well as the situation of children, women, and persons with disabilities.

49. Discrimination is defined as constituting “any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights”.

50. In terms of prohibited grounds of discrimination, the International Covenants on Human Rights list race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The term “other status” indicates that these lists are not exhaustive. The treaty bodies have sought to elucidate the term, finding that it encompasses, inter alia, disability, age, sexual orientation and gender identity, health status, place of residence, and economic and social situation. These grounds show a significant overlap with groups experiencing stigmatization, highlighting again that stigma often lies at the root of discrimination. Conversely, this relationship also allows for the use of stigma as a marker and for the consideration of groups who experience stigmatization when interpreting the term “other status”. While it may already be implicit in the treaty bodies’ reasoning, this would, for instance, require the recognition of homelessness as a prohibited ground of discrimination.

51. States have an immediate obligation to guarantee non-discrimination in the exercise of the rights to water and sanitation. They must ensure that laws, policies, programmes and other measures are not discriminatory. When deeply engrained, discrimination is intractable—as is often the case where stigma lies at the root of discriminatory action—and temporary special measures may be required to ensure the redistribution of power and resources. Finally, to address discrimination based on stigma as a deeply entrenched

societal phenomenon, States must adopt measures to ensure that private actors do not discriminate on prohibited grounds.

#### E. Right to privacy

55. According to article 17 of the International Covenant on Civil and Political Rights, “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation”. It guarantees the respect for the individual existence and autonomy of the human being. The right to privacy includes the right to be different. Human rights law awards the same protection to the honour and reputation of, for example, homeless people, sex workers or prisoners as to that of any other member of society.

57. Article 17 of the International Covenant on Civil and Political Rights goes on to guarantee that “everyone has the right to the protection of the law against such interference or attacks”, thus including an explicit guarantee of protection against interference by private parties. This results in a positive obligation of States parties to protect privacy against interference and attacks by others, which has been found to be of particular relevance, for instance, in relation to persons deprived of personal liberty, older persons, persons with disabilities or transgendered persons. This provision is of enormous significance in the context of combatting stigma. It clearly demonstrates that States’ obligations reach into the private sphere. They cannot dismiss stigma as a social phenomenon over which States have no influence. Instead, they have positive obligations that extend into this realm, requiring States, for instance, to take measures that enable women and girls to manage their menstrual hygiene needs in a manner that protects their privacy and dignity.

### *VI. IDENTIFYING APPROPRIATE STRATEGIES FOR PREVENTION AND RESPONSE*

#### A. Participation and empowerment

60. Meaningful participation of stigmatized individuals in crafting measures to combat stigma in relation to water and sanitation is absolutely essential. In order to ensure meaningful participation States must guarantee access to information in relevant languages and formats and targeted to different ages and population groups. For example, since stigma relating to some diseases is often reinforced by a lack of scientific information on ways to prevent, treat or transmit diseases, a critical aspect is to run public health campaigns and ensure that all individuals can seek and receive accurate and trustworthy information. Empowerment should be the key strategy, with those experiencing stigma having space to combat prejudices and discrimination.

#### B. Awareness-raising to break taboos and challenge stereotypes

64. Silence is a major component of stigma. The first step is to speak openly about what seems “unpleasant” or “unmentionable” or deviates from dominant public opinion, and to recognize the stigma attached—be it obstetric fistula, homelessness, intersexuality, menstrual hygiene or another issue. Stigma is often based on ignorance, fears and misconceptions that can be tackled through awareness-raising. The voice of the

stigmatized must be amplified, and their space must be broadened to clearly articulate their needs and rights.

65. Probably the greatest challenge in combatting stigma is the fact that it is deeply entrenched in sociocultural norms and attitudes. Tackling it requires raising awareness of stigmatizing practices that are pursued under the umbrella of culture, religion and tradition. The interpretations of culture on which such practices are based are neither immutable nor homogenous and must therefore be challenged, including by questioning the legitimacy of those who perpetuate stigmatizing practices in the name of culture and uncovering the underlying power dynamics (E/CN.4/2006/61, para. 85).