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REALISING THE HUMAN RIGHTS TO WATER AND SANITATION:  
A HANDBOOK BY THE UN SPECIAL RAPPORTEUR  
CATARINA DE ALBUQUERQUE

## **Planning processes, service providers, service levels and settlements**

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Realising the human rights to water and sanitation:  
A Handbook by the UN Special Rapporteur  
Catarina de Albuquerque

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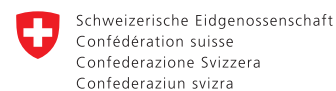
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## 01. Planning

The incorporation of human rights standards and principles into national and local planning processes is crucial to ensure the human rights to water and sanitation. This is ambitious but realistic, and provides States with tools to improve services and eliminate inequalities in access.

The strategy of starting by improving services in well-to-do areas, thereby increasing the amount of money that can be used later to deliver services to disadvantaged individuals or groups, has been shown again and again to be insufficient to eliminate inequalities in access to services. States should direct their efforts to creating the institutions and structures necessary for enabling environment that ensures everyone can exercise their rights, while prioritising direct assistance for the individuals and groups who face the greatest barriers to access to water and sanitation services.

Financial transfers from the State to service providers should be properly targeted, so as to benefit only the poor and disadvantaged individuals and groups, as opposed to the utility's customers in general.

Planning takes place at the national, as well as at regional and local levels, depending on the extent of decentralisation and how State functions are organised. A wide range of actors may be involved, from finance ministries and relevant line ministries to local authorities, service providers, national human rights institutions and regulatory bodies, civil society organisations, and the users of water and sanitation services themselves.



The planning process in cities and at the national level may be more complex than for a small town or village, but it will generally follow the same steps:

- assessment and analysis
- setting of targets and developing plans of action
- allocating roles and responsibilities to different actors
- implementation
- monitoring and evaluation ensuring accountability

Planning must be open and transparent, with opportunities for people to participate actively in decisions made relating to their access to water and sanitation.

States must devise strategies and set targets to address discrimination and eliminate inequalities in access to water and sanitation. This will require the development of tailored interventions for specific circumstances and careful monitoring of progress for disadvantaged individuals and groups. Without this focus, improvements in water and sanitation services tend primarily – or exclusively – to reach people who are better off, reinforcing existing inequalities.

## PLANNING MUST BE OPEN AND TRANSPARENT

### 1.1. Assessment and analysis

The first step of a comprehensive planning process is an assessment of the status quo. This should include examining the extent to which the human rights to water and sanitation have already been realised, as well as analysing existing institutional and policy frameworks. This process includes reviewing:

- laws, regulations and policies ([see Frameworks](#));
- financing and budgeting strategies ([see Financing](#));
- strategies and plans for water and sanitation;
- institutions and how they interact;
- data on access to water and sanitation, with a focus on disadvantaged areas and individuals ([see Monitoring](#));
- accountability processes ([see Justice](#));
- barriers to access.

Where any of the above do not meet human rights standards and principles they must be adapted or revised.

Data about access to water and sanitation may already be available, for example, from national statistic offices, Demographic and Health Surveys (DHS) or Multiple Indicator Cluster Surveys (MICS), or directly from service providers. These data generally provide a broad national outline and can assist in overall planning and the allocation of national budgets. For planning at the local level, however, feasibility studies and local data showing the existing access to water and sanitation in detail are essential. Any baseline study must pay particular attention to assessing the levels of access of disadvantaged individuals and groups, such as people living in rural areas or in informal settlements in urban areas. Studies should identify existing gaps, exclusions, barriers and constraints, in order to design adequate responses that address the root causes for lack of access. ([see Monitoring](#))





## Common barriers to access to water and sanitation

**Legal:** There are frequently legal barriers for people who, for example, do not have documents proving they have the right to live where they are living. People who live in 'informal' settlements are often directly or indirectly excluded from provision because they do not have security of tenure.

**Institutional:** Institutional responsibilities are often fragmented and poorly coordinated. This results in inconsistencies and contradictions in service provision and makes it difficult for people to know where to turn for help and whom to hold accountable for realising their human rights to water and sanitation.

**Administrative:** Complicated administrative procedures to get a connection to the water supply or sewerage system may disproportionately burden those who do not have the necessary documentation, or who have low levels of education or literacy.

**Physical:** Persons with disabilities, children, older persons, pregnant women and others often face physical barriers because of inappropriate design, such as limited space, facilities that require users to squat, small doors, or steps leading to the facility.

**Geographical:** People living in rural areas or in informal settlements in urban areas are often the last to gain access to services.

**Economic:** High construction costs, connection charges and tariffs can limit people's access to safe and affordable services.

**Linguistic:** People belonging to minority language groups may not be able to get information or participate in meetings; they may not be able to read and understand warnings, such as notices informing people of the need to treat their drinking water, or letters advising of disconnections or interruptions in water supply.

**Environmental:** Some people face increasing environmental challenges due to pollution, dropping water levels or changing weather patterns.

**Cultural:** Many individuals and groups experience deeply entrenched stigmatisation, for example, ethnic minorities, 'low' castes, or homeless people.

**Often, people are confronted with multiple barriers simultaneously. For example, people living in slums often face the cumulative challenges of abject poverty, population density, contaminated environments and a lack of formal land tenure, which all combine to limit their access to services.**

Existing tools for assessing barriers and constraints and improving planning can be used to identify blockages in implementing the rights to water and sanitation. One such instrument is UNICEF's Bottleneck Analysis Tool<sup>1</sup>, which helps States to identify barriers to access, and examines existing legislation, policies and budgets to identify changes that could be made to encourage a more 'enabling environment'.

Feasibility studies can be used to assess the social, financial, technical and legal challenges of delivering services to people living in informal settlements or in rural areas, and will help determine how services can best be provided.

Impact assessments that consider environmental, social and human rights concerns are also an important planning tool, highlighting barriers and potential risk factors.<sup>2</sup>

WaterLex, a Swiss NGO working on the human rights to water and sanitation, has created a planning toolkit, outlining what needs to be considered in planning for implementing the human rights to water and sanitation.<sup>3</sup>





## 1.2. Setting targets and developing plans of action

Once data and information on significant barriers and inequalities in access have been gathered, specific targets with a realistic timeframe can be developed to map progress to the ultimate goal of universal access to water and sanitation services. Progress towards the elimination of inequalities in access to water and sanitation should be included as an interim target.

When deciding on targets, States must take into account different economic scenarios, the long-term sustainability of infrastructure, of operation and maintenance systems and, critically, of the institutional and managerial structures.

## 1.3. Allocating roles and responsibilities to different actors

Building suitable institutions that can fulfil their responsibilities in realising the human rights to water and sanitation is key to an effective planning process.

There are many government institutions responsible for ensuring access to water and sanitation services. Every State will organise these responsibilities differently, but broadly, ministries, departments and agencies of water, sanitation, health, housing, infrastructure, environment, education, agriculture, tourism, industry and water resources, at national as well as at regional, municipal and local levels, will all have a role to play. Finance ministries must understand the value of water and sanitation for human development, as well as offering advice, for example, on conditions related to international loans. The ministry of social affairs may be responsible for managing social or pro-poor policies. Other entities may be involved in the monitoring and regulation of the water and sanitation sectors: the department of health and / or of environment may be responsible for regulation of water quality and monitoring water availability; responsibility for the regulation of tariffs may lie with the government or the regulator.

The clear allocation of responsibilities to different ministries and departments (horizontal coordination) and different levels of government (vertical coordination) is crucial.

Increasingly, States are developing decentralised structures, with one of the intentions of this being to increase the involvement of the users of services in decisions about issues such as service levels and technologies. This requires that more attention be paid to coordinating planning processes between national and local levels, and among local governments, to ensure that water and financial resources are shared fairly, both to address disparities in access to water and sanitation across regions, as well as to share common water resources fairly.

There may be conflicts of interest between different bodies, for example, in the allocation of scarce water resources for a range of uses. The creation, at the highest political level, of a body or lead agency with the mandate and funding to allocate resources, including water resources, is advisable in order to avoid or resolve potential conflicts.

The Colombo Declaration, adopted at the fourth South Asian Conference on Sanitation in April 2011,

calls on countries “to establish one national body with responsibility for coordinating sanitation and hygiene, involving all stakeholders, including, but not limited to, those responsible for finance, health, public health, environment, water, education, gender and local government at national, subnational and local levels”.<sup>4</sup>

To avoid a disjuncture between the different phases of planning, it is essential that the same institutions be involved throughout the planning cycle.

The decentralisation of functions does not reduce human rights obligations at the local level, as local governments are also bound by human rights law. The national government has an obligation to regulate the activities of local governments, and to monitor and control their performance to ensure that they comply with international human rights obligations<sup>5</sup>, as well as the relevant national legislation, regulations and policies.<sup>6</sup> Clear lines of responsibility at and between the different levels of government are crucial to avoid conflicts of competencies and inefficiency. States must ensure that local authorities have the financial, human and other resources necessary to discharge their duties effectively.

## 1.4. Implementation

States must continue to scrutinise the impact of the plans as they are implemented, to ensure that targets are being met. The human rights principles of non-discrimination and equality, access to information, participation and accountability must be respected in the implementation as in the planning phase. [\(see Services\)](#)

## 1.5. Monitoring and evaluation – ensuring accountability

Monitoring and evaluating the implementation of plans is essential to ensure that States are held accountable for progress (or lack thereof) in realising the human rights to water and sanitation. The monitoring of service provision by regulatory bodies should be an integral part of plans and strategies, if it is not already determined by existing legislation.

States must adopt indicators that reflect the legal content of the human rights to water and sanitation. These indicators should be designed not only to measure the outcome in terms of access figures, but also to capture the extent of government efforts and of progress made towards eliminating inequalities. States must develop mechanisms and remedies to hold actors to account for following the plan and achieving the targets, including measures to overcome obstacles in access to justice, such as high costs, language requirements, requirements for representation and the geographical location of the courts and other mechanisms. [\(see Monitoring, pp.9-21; Justice, pp. 41-45\)](#)

# 02. Setting national and local standards and targets

States must set national and local standards and targets that reflect the legal content of the human rights to water and sanitation. These are outlined below.

National standards for levels of service are often based on international guidelines, such as the World Health Organization's (WHO) guidelines for drinking water quality.<sup>7</sup> Standards must take into account existing service levels and local context, such as settlement types, and the availability of water resources. It may be necessary to set interim standards, with accompanying targets, before the best possible standard is achieved.

The process of setting standards and targets must follow human rights principles, in order to ensure that they are appropriate and relevant for all individuals and groups.

### Access to information

Information on the standards and targets set by national and local government must be available to the public, in accessible formats and language that is easy to understand. Where interim targets are set, information on when and how the full standard will be reached must be made publicly available.

Information should also be made available when standards are not reached, so that people can make informed decisions regarding, for example, their health and household budgets. [\(see Principles: Information, pp.37-49\)](#)

## Participation

The UN Sub-Commission Guidelines on the Promotion of the Realisation of the Right to Drinking Water and Sanitation state that “Communities have the right to determine what type of water and sanitation services they require and how those services should be managed and, where possible, to choose and manage their own services with assistance from the State.”<sup>8</sup>

National and local standards and targets should therefore be based on studies and consultations to ascertain what different individuals or groups, particularly those who are disadvantaged, consider to be the most essential aspects of their water and sanitation services, so as to ensure the relevance of the standards to the local context. (see [Principles: Participation, pp. 57-69](#))

**Minimum service level standards that reflect the legal content of the human rights to water and sanitation should be set nationally, but with some flexibility to be adapted to local realities.**

**People must be informed about standards and targets, and must be able to participate in the setting of standards and targets to ensure that are relevant and achievable.**



## 2.1. Addressing discrimination in standards and target setting

States must strive for universal access to water and sanitation services. However, setting a ‘universal’ goal without setting specific targets to address inequalities may perversely result in States prioritising those to whom it is easier to deliver services, in order to demonstrate rapid progress towards the goal of universal access. In this case, the most disadvantaged individuals and groups would be the last to be reached.

States must therefore devise specific strategies to reach the most disadvantaged individuals and groups and remove discriminatory practices. This requires setting targets to progressively eliminate inequalities in access. Without this focus, interventions in water and sanitation may reinforce existing inequalities.

It is not acceptable to set lower standards for poorer or disadvantaged households, and any lower interim targets must not become long-term solutions, but must be time-bound.

An overarching goal of universal access to water and sanitation must be complemented by progressive and focused targets to eliminate inequalities.

## 2.2. Availability standards

Water supply must be sufficient and continuous for personal and domestic uses. The human rights to water and sanitation do not define a fixed daily quantity of water, so States must assess local conditions and requirements and refer to relevant studies before setting standards for the availability of water and sanitation, which may include a specific number of litres of water to be available to each person or household per day.<sup>9</sup>

There are many competing demands for water use, but human rights oblige States to prioritise domestic and personal uses, as well as, where necessary, the commitment of sufficient water resources to realise the rights to food and health and other human rights. Any plans for river basin or water resources management must reflect the obligations stemming from the human rights to water and sanitation.

Climate change leading to extreme weather events, drought or flooding, and environmental factors including pollution from agriculture and industry, often have a negative impact on water resources. Planning for resilience to climate change is essential for the protection of water resources, and requires careful consideration of how water can safely be reused in domestic, agricultural and industrial contexts.

In areas where water is scarce, or where households do not have a safe water source on the premises, it is unlikely that householders will be able to collect the optimum amount of water. Interim local targets may be set to recognise this.

Where households are connected to a piped supply of water, standards and targets should specify that the provision of water be continuous. Frequent increases and decreases in pressure cause strain on pipes, leading



## FREQUENT INCREASES AND DECREASES IN PRESSURE CAUSE STRAIN ON PIPES

to increased leakage, burst pipes and contamination of the water supply through intrusion when the pipes are unpressurised.<sup>10</sup> Rationing of water through intermittent supply therefore is a false economy, as this invariably leads to increased losses.<sup>11</sup> Interruptions in water supply must not disproportionately affect disadvantaged or poor households or settlements.

Households using water-borne sanitation systems may require more water to ensure that these systems work effectively. This should not be a reason for allowing richer and urban households, which are more likely to be connected to a water-borne sewerage system, to monopolise water resources.

The availability of sanitation depends on the presence of a latrine, as well as, crucially, adequate systems for the collection, treatment, and disposal or reuse of wastes. States must therefore set standards for sanitation that reflect this, also taking into account the requirements in different environments, whether rural or urban, and informal or formal settlements. Setting standards relating to the construction and maintenance of a latrine alone, without consideration of collection, treatment and disposal or reuse of wastes does not ensure the availability of sanitation.

As with water availability, States may need to set interim targets for sanitation services, with a longer-term goal of reaching universal access to full sanitation services.

**States must clearly prioritise available water resources for personal and domestic uses and allocate water in a transparent and participatory way.**

**States should identify a minimum daily quantity of water necessary to realise the human rights to water and sanitation.**

**States must reflect their human rights obligations in river basin development or water resources management plans, and ensure the latter increase resilience to climate change and natural disasters.**

**States must set standards and targets for the collection, treatment and disposal or safe reuse of sewage and other faecal waste.**

## 2.3.

### Accessibility standards

The accessibility of water is directly related to availability, and will have an impact on how much water a household uses, affecting people's health, work, education and dignity. The longer it takes members of a household to get to a water source, the less water that household uses.<sup>12</sup> Standards for access to water should therefore reflect the fact that in order to gain the most benefits from the service, water should be available within or near the home.

Accessibility also refers to ease of access – water sources must be accessible to everyone, including people who face specific barriers to access, such as persons living with illness or disability, older persons and children. Standards for technology choices must consider the needs of the people who will be using the service, as well as addressing the barriers that people may face.

Similar requirements apply to sanitation, with the added assumption that access to sanitation within the home is essential for health, privacy, security (particularly for women and children) and dignity. Therefore while it is permissible for States to set interim targets for access to sanitation that include latrines shared between households, or in extreme cases public or community latrines, the preferred immediate standard should be for latrines within the home or yard.

Water and sanitation services must also be accessible to people when they are not at home, including at work, at school, in public places and in places of detention. (see p. 29)

**Standards for accessibility of water and sanitation services must:**

- reflect the different needs that people may have;
- take account of challenges presented by different types of settlement;
- apply to services within the home, as well as at work, school, health centres, in public places and in places of detention.

.....  
**WATER SHOULD BE AVAILABLE WITHIN OR NEAR THE HOME, AND LATRINES WITHIN THE HOME OR YARD**

## 2.4. Quality standards

### 2.4.1. Water quality standards

The WHO Guidelines for drinking-water quality define recommended limits for chemical and biological substances, and are set to maximise water safety for human beings.<sup>13</sup> In the long term, all States should aim for full compliance with these guidelines. However, there are many parts of the world where water is often unsafe to drink, and achieving lower interim standards would already result in significant health improvements. In contrast, the high level of investment required to achieve the best standards for piped water in countries where water supplies are currently intermittent, and where many people do not receive any public service at all, would provide additional health benefits to the few who have access to piped water, to the detriment of the many who don't. This would slow down the realisation of the human rights to water and sanitation.

The authorities responsible for public health commonly adopt achievable interim standards, and these are acceptable in countries with limited resources. In recognition of the incremental approach to improving water quality, the WHO Guidelines for drinking-water quality promote Water Safety Plans<sup>14</sup>, which encourage States to establish standards that are realistic in a concrete socio-economic context, with the ultimate goal of achieving the highest possible international standards.

The USA Safe Drinking Water Act of 1974 sets maximum levels for contaminants in drinking water and its sources, and requires regular testing for contaminants. These standards apply to every public water system in the United States. However the 1996 amendments to the Safe

Drinking Water Act permit variances allowing rural utilities (fewer than 10,000 connections) to provide lower quality water. Moreover, there are no federal standards regulating private wells, which are the primary source of drinking water in many rural areas putting many people at risk of using contaminated water.<sup>15</sup>

Where water is supplied through public standpipes or other public sources, access to the necessary equipment for storage, and awareness-raising about household water storage, are crucial to ensure that water remains safe for human consumption after collection.

**States must adopt national standards for water quality, where necessary setting interim targets.**

### 2.4.2. Standards for quality of sanitation

To realise the human right to sanitation, toilets must be hygienic to use and to maintain, and waste matter must be safely contained, transported, treated and disposed of or recycled. Water-borne sanitation is by no means the only acceptable solution – depending on the context, including the housing density and the availability of water, there are many other possible solutions.

To safeguard the health benefits of access to sanitation and to protect water resources, standards and targets for the full cycle of sanitation provision must be set, from collection to the transport, treatment and disposal or reuse of wastes.

As sanitation service provision involves the management of faecal wastes, in setting standards, States must ensure that workers are adequately protected in terms of health and dignity. (see p.51)

**States must adopt national standards for sanitation that ensure that latrines and toilets can be safely used, and that the transport, treatment and disposal or reuse of wastes is safely managed.**

.....  
TOILETS MUST BE  
HYGIENIC TO USE  
AND TO MAINTAIN



## 2.5. Affordability standards

Affordability standards and targets are essential to ensure that people are able to pay for their water and sanitation services, as well as afford access to other human rights, such as food and housing.

Generally, people are prepared to pay a high price for water because it is essential for so many aspects of a person's life, but this does not justify a high affordability threshold.

Affordability standards must be considered together with standards of minimum quantity of water or quality of sanitation to ensure that these are realistic and that people can afford to pay for the minimum standard of services. Where the minimum standard of service is not affordable, States must provide alternative financial resources, for example, subsidies or grants.

Brazil's Law on Water and Sanitation recognises that a household's water consumption is not related to the household's income.<sup>16</sup> In developing affordability standards, States must ensure that tariffs and other service charges do not result in higher payments for poorer households, as this would have the effect of subsidising "the consumption of water of those who do not need social protection while punishing the poor with a higher rate, due to the higher water consumption [because of] the larger number of residents in each household".<sup>17</sup>

In setting affordability standards for sanitation, States must consider both on-site and networked sanitation and consider the full costs of sanitation, including the collection, transport and disposal or reuse of human wastes.<sup>18</sup>

In many situations, and for those living on low incomes or in informal settlements where there is no sewerage or other wastewater management system, sanitation tends to be either affordable or safe, but is seldom both.

The State must therefore provide the necessary financial and technological support to improve the affordability and safety of sanitation services.

In settlements that are not connected to the sewerage system, households often rely on tankers and other informal service providers to empty their pit latrines and septic tanks. These costs are often forgotten in assessments of affordability. Further, as informal service providers tend to be unregulated, they charge prices determined by what the market will bear or by price-fixing between providers, rather than by considerations of affordability. For example, there may be extra charges for distance or difficult access.

In Brazil in some informal settlements people pay 10–20 % of their household income on water services.<sup>19</sup> Such unacceptable percentages exist because Brazil has not (yet) set a federal affordability standard.

Where regulation is inadequate, and quality and affordability are not safeguarded, this is a violation of the right to sanitation and must be addressed.

**States should develop affordability standards, while considering the full costs of delivering water and sanitation services.**

**Affordability standards must be considered together with other standards, particularly those for availability and quality, to ensure that people can afford to pay for the services that they are entitled to.**

## 2.6. Acceptability standards

The acceptability of services is important if these are to be used hygienically and sustainably, and if everyone is to be able to use the services without discrimination or stigma. Where services are not acceptable to the intended users, whether due to poor positioning or the wrong type of services, the service will not be used, or will be used inappropriately. Meaningful participation in decisions relating to service provision will help to ensure that the service is acceptable.

**States must set standards and targets that require that users of a planned service are able to participate in decisions about what technology will be used, as well as about the management of service provision, to ensure that services, particularly sanitation services, are acceptable to the people who are expected to use them.**

## 2.7. Sustainability

Water and sanitation must be provided in a way that respects the natural environment and the rights of future generations, and that ensures a balance among the different dimensions of financial, social and environmental sustainability.

The human rights framework demands that financial, social and environmental sustainability be understood as the direct counterpart to retrogression, or slippage, in access to water and sanitation services. States must develop standards and targets that take into account the operation, maintenance and rehabilitation of services, as well as the financial and human capacity to manage services, whether this is carried out by government, service providers or civil society actors.

In those countries or areas of countries where water is scarce or at risk of natural disasters such as earthquakes and flooding, States must consider resilience planning, to reduce the risk to water and sanitation facilities.

**States must define standards for ensuring that water and sanitation services are sustainable, including a percentage of available resources being committed to operation and maintenance, for the funding of subsidy or other mechanisms, to ensure affordability, for the setting up of institutions and management structures, and for training and capacity building.**

AFFORDABILITY  
STANDARDS MUST  
BE CONSIDERED  
TOGETHER WITH  
STANDARDS OF  
MINIMUM  
QUANTITY OF  
WATER AND QUALITY  
OF SANITATION

## Hygiene behaviour

To gain the full benefits in public health and dignity of improved access to water and sanitation services, people must practice good hygiene behaviour, particularly hand-washing at critical moments. States therefore have the responsibility for promoting good hygiene behaviour, and should include standards and targets for hygiene behaviour in policies and plans.

Worldwide, Global Hand-washing Day (15 October) is a campaign to motivate and mobilise people around the world to wash their hands with soap, as a key approach to disease prevention. A similar campaign is being built around International Menstrual Hygiene Day (28 May).<sup>20</sup>

Many countries have 'water mascots' or similar campaigns to help build awareness of good hygiene.<sup>21</sup> In Peru, 'La Gotita', an animated drop of water, passes on important messages about issues such as hand-washing and saving water.<sup>22</sup>

Other approaches include WASH in Schools. These are educational campaigns aimed at children, often included in the school curriculum, to teach children good hygiene behaviour. The intention can also be for children to bring these good practices home to their families.<sup>23</sup>

Good hygiene behaviour can also be promoted through community health workers. States should bear in mind that these messages are more easily reinforced where water, sanitation and soap are available in homes and public places.

**States should set out standards and targets for improving hygiene behaviour in water and sanitation policies and plans.**

## 03. The challenges of delivering services in different situations

General Comment No. 15 of the Committee on Economic, Social and Cultural Rights states, "[s]ufficient, safe and acceptable water must be accessible within, or in the immediate vicinity, of each household, educational institution and workplace."<sup>24</sup> This section considers the challenges implicit in reaching all people in all aspects of their lives, including people who have no control over their access, such as prisoners, detainees and people living in refugee camps.<sup>25</sup>



### 3.1. Services for the household

In rapidly expanding cities or in countries where significant numbers of people do not have access to water and sanitation services, it may not be possible or desirable to provide the same type of services to all settlements. Population densities, the size of settlements, land ownership and tenure security, the scarcity of available water resources, and local capacity to maintain and operate services are all relevant in determining the most appropriate technological options. Whatever technologies are chosen, the national and local standards and targets, including interim standards, must be met, with a view to making the necessary improvements to meet the full standard by a specific date.

For example, it may be acceptable in the short term to provide limited services on the edge of a settlement where there are problems with land ownership, tenure or settlement density, as long as medium- to longer-term planning includes strategies to remove these barriers and provide services that comply fully with national and local standards.

The WHO/UNICEF Joint Monitoring Programme is working on a clarification of acceptable technologies according to settlement type.<sup>26</sup> This might state, for example, that a pit latrine would be acceptable in a rural settlement, but inappropriate (due to the risk of groundwater contamination) for a densely populated urban environment. Likewise, the ideal standard for convenience and health benefits is to have water provided by pipes to each household in cities and densely populated settlements, but in rural areas, particularly those that are sparsely populated, this is not realistic, and a protected well within a limited distance may be appropriate. In countries

with nomadic populations, water supplied by tanker may be an acceptable solution for those populations.

In differentiating between areas, the relevant government body must create a clear policy that sets out the parameters used to determine which technologies are acceptable in any given area, as well as how these could be upgraded in future. This 'ladder' concept of progressive realisation helps plan upgrades over time.

eThekweni Water and Sanitation Services in Durban, South Africa, have defined the areas where it is possible to provide piped sewer reticulation and other areas where only on-site solutions are possible at present. They have also approved a policy that sets out how they will bring households from the current level of service to improved services.<sup>27</sup>

**States must set short and long term targets regarding access to water and sanitation services, and ensure that these work towards eliminating inequalities in access to water and sanitation services at home.**

### Community-Led Total Sanitation

Much can be learned from the approach known as Community-Led Total Sanitation, which relies on a community's capacity for collective action to put an end to open defecation and improve sanitation and hygiene behaviour. This approach challenges the dominance of 'expert' solutions and donor or State-provided subsidies, focusing instead on behaviour change through community mobilisation. It looks beyond individual households to attempt to create whole villages free of open defecation.

Facilitators engage community members in analysing the implications of open defecation, from disease to loss of dignity and the implications for women's personal security. This helps everyone in the village to understand that unless the whole village constructs and uses latrines, everyone suffers.<sup>28</sup> Eighteen governments have adopted Community Led Total Sanitation as part of their sanitation policies.<sup>29</sup>

### 3.1.1. Informal settlements

An informal settlement is usually defined by its lack of legal status or the irregular tenure of its inhabitants, and by high-density, low-quality housing, without formal streets, water supply or access to sanitation. The people living in informal settlements are often poor, with low social status. The residents may be employed in the informal labour market, have no formal education, and no documents (such as housing contracts, bank statements, or utility bills) that officials would accept as the 'proof of residence' required in order to be connected to formal water and sanitation services. In these settlements water and sanitation services, such as they are, are often provided by informal service providers that are generally unregulated and do not comply with human rights standards.

Realising the human rights to water and sanitation in informal settlements therefore requires the analysis and removal of the barriers created by the legal, physical, social, cultural and institutional status of the settlements.

As States have an obligation to ensure that all individuals and households have access to water and sanitation services, they must work towards removing these barriers. Appropriate measures by the State to facilitate provision include:

- steps to grant legal status to settlements;
- overcoming legal impediments to service provision in informal settlements;
- guarantees that people will not be forcibly evicted;
- engagement with residents on solutions;
- the provision of financial support; and, in some circumstances,
- resettlement to an alternative area, where this is agreed with the active, free and meaningful participation of the residents.

Where security of tenure has not yet been resolved, States must still ensure that service provision meets minimum human rights standards. This can be through informal service provision or with provisional services delivered by formal service providers, with a longer term, timebound plan to provide formal services.

In Dhaka, Bangladesh, the government has attempted to overcome the lack of legal status for slums by separating the provision of water and sanitation services from tenure status, allowing service providers (formal and informal) to deliver services to these settlements.<sup>30</sup>

In Brazil there are various innovative, low-cost provisional solutions to ensure access to water for people living in informal settlements. For example, in Porto Alegre the Water and Sanitation Department provides for the extension of public water networks to informal settlements through the use of provisional networks until the settlements are regularised or the communities resettled elsewhere.<sup>31</sup> However, in other states, the Public Prosecutor's Office claims that it is illegal to provide water and sanitation services to informal settlements, as this is deemed to constitute an improper use of public resources.<sup>32</sup> These legal impediments to bringing services to these areas have led some providers, and, in many cases, the State to dismiss the residents of these settlements as 'illegal' themselves, and therefore not eligible for services.

Where efforts are being made to deliver formal services to an informal settlement, it is crucial that the relevant government agencies and utilities understand the specific context and characteristics of a given settlement, and the efforts that are being made by informal service providers and the residents to improve the situation. States'

institutional capacity to deal with informal settlements can be increased through the creation of 'informal settlements units' within governmental departments and public utilities, which can work together with formal and informal service providers and the local communities to identify how best to deliver better services.

The Citywide Sanitation Project of the International Institute for Environment and Development and Shack/Slum Dwellers International is exploring pro-poor approaches to improving services in informal settlements in four cities in Africa, putting the residents of the settlements at the centre of the process. As a result of this work the Blantyre City Council has set up the Informal Settlement Unit to work directly with the residents of the informal settlements in the city.<sup>33</sup> This research has also shown that landlords in informal settlements are often a stumbling block to sanitation improvements, and lack incentives to ensure that their tenants have adequate sanitation services.<sup>34</sup>

In Kenya in 2008, the Nairobi City Water and Sewerage Company (NCWSC) established the Informal Settlements Department with a mandate to expand the water supply and sewerage system to serve more slums and their residents, and to identify illegal connections in order to control water theft and wastage. However, the department is small and its task large; an estimated 60% of Nairobi's population lives in informal settlements.<sup>35</sup>

In Mukuru (Lunga Lungu area), one of the largest slums in Nairobi, Practical Action, in partnership with the NCWSC, created a tri-sector partnership involving the NCWSC, local small-scale water enterprises, and the Mukuru community, with the NGO acting as a facilitator.

As a result, where once the relationship between the water company and the residents of Mukuru was confrontational, it is now built on understanding and trust. The NCWSC now works with the small water enterprises rather than against them, and this has improved both its understanding of the community and its ability to provide them with water and sanitation services.<sup>36</sup>

**States must repeal or amend any legal impediments to delivering water and sanitation services to informal settlements.**

**States are obliged to find short-term solutions to ensure access to water and sanitation in places where people do not have secure tenure, while planning for long-term solutions.**

**States should ensure that local authorities, service providers (formal and informal) and residents work together to find lasting solutions to water and sanitation services in informal settlements.**



### 3.1.2. Rural areas

People who live in rural areas have consistently worse access to water and sanitation than people living in urban settlements, both in terms of absolute numbers served and in terms of the percentage of the population without adequate water and sanitation services.<sup>37</sup> This discrepancy in access often derives from lower budget allocations for rural areas, with more investment devoted to large-scale infrastructure that provides services for formal urban settlements, where the elite live. Donor agencies from Switzerland<sup>38</sup> and Spain are counteracting this imbalance by targeting their funding towards rural areas.

Local governments often lack the institutional and financial capacity to support sustainable access to water and sanitation services. Because of this, donors and local governments have turned to community management approaches. These promote decision-making by communities, with the assumption that this will generally lead to better decisions about which technologies to use and where, and to better 'ownership' of services. It is then expected that communities will be better able to maintain and operate their own local services. Unfortunately, there continues to be a high rate of failure under community management, with an estimated thirty per cent of all water-points assumed to be out of action, due to lack of technical skills, management capacity, spare parts, or funds to pay for the necessary repairs.<sup>39</sup> Further, as people are understandably unwilling to pay for services that are unreliable, there is inadequate funding for repairs.

Institutional reform and increased financial and human resources are required if the human rights to water and sanitation are to be realised in rural areas.<sup>40</sup> Building communities' capacity through the establishment of community development associations and by providing training and information about their rights and how to enforce them is critical, but this must be supported by

external support, whether from local government or service providers.

Local Safe Water and Sanitation Committees, such as those in Nicaragua, when duly supported by local governments, ensure not only service provision to small, dispersed rural communities, but equally maintain and operate systems. By raising awareness among the local population that for access to water to be sustained in the future implies costs, they manage to collect tariffs as well as connection fees from users – which are reinvested in the system.<sup>41</sup>

One model explored by Oxford University (UK) and Rural Focus Ltd. (Kenya) has created a management service, which is informed of any breakdown by a mobile-enabled transmitter installed into hand-pumps. Working with a District Water Office in Kenya, the study examined whether reliable and timely information on how the hand-pumps were working could improve institutional, operational and financial performance. Initial results suggest that the improved data on breakdowns has led to a faster response and better service and a greater willingness by the users to pay for the service. As the payments for the maintenance service are based on actual use of the pump, better services mean an increase in funding for the service.<sup>42</sup>

**States must seek innovative solutions to overcome barriers to access, where necessary providing additional resources for building the capacity of local governments to provide better support to community water management processes.**

### 3.2. Services beyond the household

Standards must be set for access to water and sanitation services outside the household, for example, in schools, hospitals, health centres and places of detention, as well as in public places, such as markets. Standards should take into account not only the number of people using these services, but also who the users are likely to be. For example, the particular needs of older persons and pregnant women should be considered for health centres.<sup>43</sup> Refugee camps require service levels that reflect the potential health concerns for people living there.<sup>44</sup>

States must consider the needs of people going to market places or city centres where people congregate, and set standards to ensure that they are met. This is particularly important for cities or towns with a high homeless population. Water and sanitation services must also be accessible in the workplace, without hindrance, for all employees. This is best clarified in employment codes. (see [Frameworks, pp. 34, 45](#))

There is also a role for business to play in ensuring that water and sanitation are accessible and acceptable. The members of the World Business Council for Sustainable Development have developed a pledge to deliver access to safe water, sanitation and hygiene at the workplace for all employees in all premises under direct company control.<sup>45</sup> By implementing the pledge, companies are respecting the human rights to water and sanitation as specified in the UN Guiding Principles on Business and Human Rights.<sup>46</sup>

**States must ensure that standards and targets are set for ensuring access to water and sanitation services outside the home. This includes standards in building codes for schools, hospitals, the workplace, market places, places of detention and other public spaces.**

REFUGEE CAMPS  
REQUIRE SERVICE  
LEVELS THAT REFLECT  
POTENTIAL HEALTH  
CONCERNS

### 3.3. Stigma and taboos

The stigmatisation of particular individuals and groups is a deeply entrenched sociocultural phenomenon, and lies at the heart of discrimination. The attitudes, stereotypes and prejudices that arise from taboos and stigma and result in discrimination must be uncovered and challenged.

There is often stigma attached to menstruating women, due to the taboos relating to menstruation. Likewise, the stigma attached to sanitation workers comes from people's misplaced disgust at someone handling faecal matter. This taboo and the accompanying stigma is not limited to developing countries, but is also reflected in attitudes to sanitation workers in Germany, for example.<sup>47</sup>

Often, cultural prejudices develop at an early age. Schools should educate children to act as agents of change, developing tolerant behaviour towards others, encouraging dialogue and interaction on stigma and taboos.<sup>48</sup> Education should be inclusive, so sex education, including information about menstruation, should be provided for both girls and boys, in order to provide accurate information and to combat silence and stigma.<sup>49</sup>

The People living with HIV Stigma Index aims to address stigma relating to HIV while also identifying and raising awareness of the key barriers and issues perpetuating stigma. The data collected can be used to empower people and advocate for change.<sup>50</sup> This provides stigmatised people with an amplified voice to articulate their needs and rights.

The NGO Forum for Urban Water and Sanitation, together with WaterAid Nepal, commissioned ten artists to create art relating to menstruation, with the aim of raising awareness of the harm done by menstruation taboos. This exhibition highlighted the harsh reality of the stigma attached to menstruation in the Nepali tradition.<sup>51</sup>

UNICEF Bangladesh, aiming to help develop better menstrual hygiene, trains community hygiene promoters, who target the 30 million people living in rural Bangladesh.<sup>52</sup>

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THE ATTITUDES,  
STEREOTYPES AND  
PREJUDICES THAT  
ARISE FROM TABOOS  
AND STIGMA MUST  
BE UNCOVERED AND  
CHALLENGED

### 3.4. Fragile States

About 1.5 billion people live in fragile environments around the world.<sup>53</sup> Although there is no internationally agreed definition of the term 'fragile States', most development agencies identify a fundamental failure of the State to perform functions necessary to meet individuals' basic needs and expectations. Most definitions refer to a lack of State capacity to provide stability or security to the residents because of weak institutions, poor governance, corruption and inefficient decision-making. This could be due to prolonged internal conflict, natural disasters or economic crises, which result in a poor or non-existent government.

The Covenant on Economic, Social and Cultural Rights has no derogation clause, meaning that it is applicable at all times, including in fragile States. Furthermore, "during armed conflicts, emergency situations and natural disasters, the right[s] to water [and sanitation] embrace[s] those obligations by which States parties are bound under international humanitarian law", which "includes protection of objects indispensable for survival of the civilian population, including drinking water installations and supplies [...] ensuring that civilians, internees and prisoners have access to adequate water [and sanitation]".<sup>54</sup>

In the event of armed conflicts, emergency situations and natural disasters, the human rights to water and sanitation include human rights obligations, as well as international humanitarian law obligations, by which States and other actors are bound. The Sphere Project provides minimum standards for water and sanitation installations in humanitarian responses to disaster and conflict.<sup>55</sup>

This section will discuss two types of fragility: first, that caused by emergency situations or natural disasters, and second that caused by armed conflicts.

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THE COVENANT ON  
ECONOMIC SOCIAL  
AND CULTURAL  
RIGHTS IS APPLICABLE  
AT ALL TIMES



## COUNTRIES THAT REGULARLY EXPERIENCE EXTREME WEATHER OR EARTHQUAKES OR ARE PRONE TO FLOODING MUST PLAN FOR THE RESILIENCE OF WATER AND SANITATION SERVICES

### 3.4.1. Emergencies and disasters.

States' obligations to realise the human rights to water and sanitation include planning for resilience. Countries that regularly experience extreme weather or earthquakes or are prone to flooding must plan for the resilience of water and sanitation services. This includes considering the siting and construction of water and sanitation installations and planning for water scarcity, so that any necessary rationing does not disproportionately affect disadvantaged individuals and groups and allows for a minimum quantity of water for personal and domestic uses.

The situation in Haiti demonstrates how crucial it is that fragile States vulnerable to natural disasters develop emergency preparedness plans and disaster risk reduction strategies in order to avoid a recurrent disruption of service delivery. In the period immediately after a natural disaster it is important that fragile States show leadership and political will in their immediate response (even if relying on the support of the international community), incorporate human rights principles fully in those endeavours and, at a later stage, in their reconstruction efforts.

Despite the fact that water and sanitation were identified as priority areas by both the Haitian Government's Action Plan for National Recovery and

Development and the Inter-American Development Bank (IDB) country strategy, the transition from donor-led emergency interventions to country-led sector development in these areas has been poor.<sup>56</sup>

There are no universal solutions for making the transition from emergency to development in relation to water and sanitation provision in fragile environments. A Water and Sanitation Program report proposes four opportunities to accelerate this transition.<sup>57</sup>

In order for emergency relief provided by international organisations to be effective, it must be closely coordinated with national and local relief organisations and governmental structures, including local authorities, which can better understand the local conditions.

When working in fragile environments, development planning must integrate the human rights to water and sanitation into the initial needs assessment, as well as into the identification, design, implementation and final evaluation of a specific project.<sup>58</sup> Given the complex and often sensitive situation in fragile States, it is essential that any development project working in these countries ensures the participation of all the actors involved in service delivery at national, local and community levels.

### 3.4.2. Conflict situations

Fragile States affected by conflict retain the core obligation to provide a minimum essential amount of water that is sufficient and safe for personal and domestic uses. This obligation cannot, in any circumstances, be subject to limitations, as these would be incompatible with the nature of the human right to water.<sup>59</sup>

In States where fragility is the result of conflict, its impact on the realisation of the human rights to water and sanitation depends on the type and level of conflict. Protracted internal conflicts associated with a total loss of territorial control often render States incapable of performing even the most basic governmental functions, and water is often one of the first services to be affected. In such situations humanitarian intervention may be required.<sup>60</sup>

Under international humanitarian law, specifically under the Third and Fourth Geneva Conventions of 1949, States have certain obligations in relation to water and sanitation, namely to ensure that prisoners of war and civilians/internees have access to sufficient drinking water; to provide sufficient water and soap for washing; to provide sanitary conveniences, day and night; and to provide separate sanitary conveniences for women prisoners of war and for women civilians/internees.

The customary rule prohibiting parties to an armed conflict from attacking, destroying, removing, or rendering useless objects indispensable to the survival of the civilian population also covers drinking water installations and supplies, and irrigation works.<sup>63</sup>

In the case *COHRE v. Sudan*, the African Commission on Human and Peoples' Rights considered that the right to health under the African Charter had been breached, given that "[...] the poisoning of water sources, such as wells, exposed victims to serious health risks".<sup>64</sup>

**The international community, notably bilateral agencies and international organisations, must prioritise water and sanitation services and incorporate the human rights to water and sanitation into their policies and plans in their assistance to fragile States.**

**All parties to armed conflicts must comply with their obligations under international humanitarian law to ensure that all protected persons have access to water and sanitation.**

**All parties to armed conflicts shall refrain from targeting water and sanitation as a method or means of combat where this is in contravention of international humanitarian law.**

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**STATES HAVE THE OBLIGATION TO ENSURE THAT PRISONERS OF WAR AND CIVILIANS/ INTERNEES HAVE ACCESS TO SUFFICIENT DRINKING WATER**



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## 04. Service providers

### 4.1. Introduction

All service providers must comply with the human rights to water and sanitation and should be monitored and regulated by independent State institutions.

To realise the human rights to water and sanitation, every service provider, whether formal or informal, publicly or privately owned, must therefore understand what is required of the service and change its procedures, approaches and rules accordingly.

There are many different forms of service delivery: from State-owned utilities that are publicly managed, through State-owned and independently managed utilities, utilities which are co-owned by the State and the private sector (but independently managed), to companies that are privately owned and managed. Co-operatives, owned by the community, but operating on a not-for-profit basis, may also be delegated by the State to provide services. The State has an obligation to ensure the delivery of services, whatever the structure of, and legal framework applicable to, the service provider.

Informal service providers often act independently of any State control, as do some not-for-profit service providers (such as community-based organisations or non-governmental organisations) and this must be addressed.

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## 4.2. Formal service provision – public, private and everything in between

Within a single country there may be many different contractual and ownership arrangements for formal service provision. States have an obligation to ensure that all instruments for delegating service provision, including contracts, are in line with human rights standards and principles, and contribute to the realisation of the human rights to water and sanitation.<sup>65</sup>

While strong regulation is important to ensure that service providers fulfil their responsibilities, in most cases a regulatory framework does not preclude the need for contractual arrangements between States and service providers, just as a contractual arrangement does not preclude the need for independent regulation. Where contracts were drawn up prior to the formal recognition of the human rights to water and sanitation in international or national legal frameworks, provisions for these rights should be added at their next review.



## CHECKLIST: Integrating human rights into contracts with service providers

This checklist outlines what States should include in contracts between the relevant State body (whether at national or local level) and service providers, to ensure that they comply with the human rights to water and sanitation.

	Yes	In progress	No
i. A clear definition of the service providers' human rights responsibilities with respect to realising the human rights to water and sanitation;	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
ii. Explicit integration of human rights standards, including: <ul style="list-style-type: none"> <li>a. Water quality standards and targets that protect human health<sup>66</sup>;</li> <li>b. Service level targets to be met, including affordability, accessibility, safety, acceptability, and sustainability;</li> </ul>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
iii. Performance targets that include delivering services to un-served and underserved areas and specify investment plans to address inequalities in access between different areas;	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
iv. Incentives to deliver services to disadvantaged areas or households;	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
v. Clarity about how tariffs or other charges are set. Clarity on pro-poor pricing arrangements, subsidies and alternative methods of payment, and protection for low-income households in times of economic or other crisis;	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
vi. Disconnections permissible only after full review of reasons for non-payment, with a ban on disconnections due to inability to pay;	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
vii. Relevant information about the service must be available to users, and transparency should not be undermined by commercial confidentiality;	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
viii. Meaningful participation of those for whom the services are intended in decisions that will affect their enjoyment of the human rights to water and sanitation;	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
ix. Clause obliging service providers to ensure training in the necessary skills and knowledge for municipalities and regulatory bodies to fulfil their regulatory roles;	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
x. Clarity about how profits for shareholders can be limited and are regulated;	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
xi. Clear monitoring and oversight mechanisms that scrutinise compliance with the established standards.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



### Challenges: Corruption in the water and sanitation sectors

Widely defined as 'the abuse of entrusted power for personal gain'<sup>67</sup>, corruption is both a cause and a result of the State's failure to realise the human rights to water and sanitation and leads to human rights violations. Corruption can take many forms, but common examples specific to the water sector include: falsified meter readings; bribery for new connections; favouritism in public procurement; and nepotism in the allocation of public offices. Monopolies in the water and sanitation sectors, large-scale construction projects, limited transparency and accountability systems, a high demand for water, and resource scarcity all increase the risk of corruption.<sup>68</sup>

In 2006 The World Bank estimated a loss of 20 billion US dollars in water financing over the following decade because of corruption.<sup>69</sup>

Decision-makers often neglect poorer areas when planning new water connections in favour of wealthier districts, due to corrupt practices such as nepotism and favouritism.<sup>70</sup> A lack of transparency in decisions about technology or the contracting of implementing agencies may also lead to more expensive or inappropriate choices. Corruption also affects prices directly when bribes have to be paid in order to pay bills, for repair work or for water and sanitation connection or reconnection. All of these corrupt practices disproportionately affect poor and disadvantaged individuals and groups who lack the resources to pay bribes, and the voice to oppose the vested interests of elites.<sup>71</sup> Corruption changes the rules of resource allocation, perpetuates exclusion and distorts accountability, leading to denials of human rights.<sup>72</sup>

Anti-corruption measures and the promotion of human rights are mutually reinforcing. A strong legal structure, that encompasses the human rights legal framework, can clarify anti-corruption regulations and rules, enhance transparency in procedures, provide systematic mechanisms to ensure accountability and render sanctions more effective.<sup>73</sup>

For example, in the *SERAP v Nigeria* case, the judgement found that the misappropriation of public funds can constitute a violation of the right to education when the government does not sufficiently promote the prosecution of corrupt officials, and that funds stolen have to be compensated for by the government to ensure that everyone's basic rights can be guaranteed.<sup>74</sup>

The UN Convention Against Corruption (UNCAC) underlines the importance of active participation in planning by individuals and groups that are outside the public sector, in order to address corruption.<sup>75</sup> Participation gives people a voice in decisions and leads to a more equal distribution of power and resources. Unequal power

.....  
CORRUPTION  
CHANGES THE  
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AND DISTORTS  
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relations facilitate corruption: public participation can help limit opportunities for corruption through social monitoring by civil society and independent institutions.<sup>76</sup>

The Phnom Penh Water Supply Authority, as part of successful efforts to increase access to water and sanitation for the poor, introduced measures to address corrupt practices; for example: establishing public offices for customers to settle their bills directly so as to avoid corrupt bill collectors; training; performance-related pay for employees; and the introduction of meters for all connections.<sup>77</sup>

The Water Integrity Network (WIN) has developed approaches for tackling corruption in the water sector, including a toolkit developed specifically for Kenya, to improve the financial and operational performance of water and sanitation service providers.<sup>78</sup>

Helvetas and WIN have also been working together to address corruption in rural water and sanitation in Nepal, Mozambique and Guatemala through their Local Water Integrity Programmes.<sup>79</sup>

**States can strengthen their approaches to identifying and tackling corrupt practices by promoting human rights, particularly the principles of access to information, participation and accountability.**





### Challenges: Disconnections

A disconnection is the interruption of the delivery of water (and sanitation, in the case of water-borne sanitation systems)<sup>80</sup>, and can be temporary or permanent. Disconnections may take place for a variety of reasons, including people moving out of the house, or householders deciding to use an alternative source of water (or a septic tank instead of a sewerage system). These are usually justifiable in human rights terms.

However, disconnection of services due to inability to pay is unjustified, constitutes a violation of the human rights to water and sanitation, and is a retrogressive measure.<sup>81</sup> Disconnection due to non-payment is only permissible if it can be shown that the householder is able to pay but is not paying – in other words, that the tariff is affordable. Certain procedural safeguards (before, during and after disconnections) must be followed to ensure the rights of individuals have been effectively protected, for example by ensuring there is an alternative water source or toilet that will provide a basic minimum service. States must ensure they have effective administrative and judiciary systems that provide the opportunity to challenge disconnections and receive appropriate remedies.

States must bear in mind that a disconnection from water may simultaneously disconnect a household from sanitation, with negative consequences for public health. Disconnections, in extreme cases, have been used as a method of exerting power, with a view to evicting people from their homes.<sup>82</sup>

The affordability of water and sanitation services is an aspect of human rights, so service providers must assess whether the reason for any non-payment is a genuine inability to pay or an unwillingness to pay; they must examine the impact of any disconnections for non-payment, to make sure the action is necessary and proportionate.

Disconnection from water and sanitation services at the request of the household itself may also result from lack of affordability where poor households choose to rely on an alternative source of water.<sup>83</sup> This can have an impact on regulatory services, which will need to monitor the water quality of household-level services to ensure that the health of the disconnected household and broader public health are not jeopardised.

If water is disconnected due to non-payment and this has been proven to be due to an inability to pay, there is a core and immediate obligation to ensure that the individual or household is immediately reconnected, regardless of payment.

When water is scarce or the water service provider is carrying out maintenance or repair work<sup>84</sup>, temporary (but not permanent) disconnections may be justified, but the State has to ensure that its core obligations are fulfilled: it must continue to provide an essential amount of water; those affected must be informed of the timing and duration of any temporary disconnections.<sup>85</sup>

If it becomes necessary to ration water because of scarcity, it is crucial that the most vulnerable or marginalised people are not disproportionately affected. For example, water rationing must not occur predominantly in low-income neighbourhoods (as is often the case), but must be distributed equitably across the entire service area.

In 2013 in Ozd, Hungary, at a time of water scarcity, the municipality decided to disconnect public water-points, which were mostly used by the Roma population. This was ostensibly in order to save both water and money, but no information was provided to the people who would be affected.<sup>86</sup> The disconnection of public standpoints, particularly where these provide the only water for disadvantaged populations without an affordable alternative, is a violation of the human rights to water and sanitation.

The UK Water Industries Act 1991 recognises that disconnections may be carried out for the purpose of maintenance work, but if supply is cut off for longer than twenty-four hours, an emergency supply of water within a reasonable distance must be provided.<sup>87</sup>

The Act was amended in 1999, to ban disconnections from water and sewerage services for non-payment by domestic customers.<sup>88</sup> The government adopted the position that, “Where the water supply is disconnected, the maintenance of good health and hygiene can only be put at risk.”<sup>89</sup>

Detroit Water and Sewerage Department, on the other hand, has been disconnecting water services from households that have not paid bills for two months, with no consideration of whether people are unable to pay, leading the Special Rapporteur to state publicly that “when there is genuine inability to pay, human rights simply forbids disconnection” and to demand residents’ immediate reconnection.<sup>90</sup>

During the Special Rapporteur’s 2011 mission to the USA, she observed situations in which children were separated from parents and placed into custodial care because the household water supply was disconnected. The US authorities should therefore address the underlying causes of the inability to pay, and act in the best interest of the household and public health. In some states of the USA, legal protections are provided against some water disconnections; for example, to households with children under 12 months, persons over 65 years or persons with certain medical conditions. However, there is no federal affordability standard.<sup>91</sup>

In South Africa, procedures for the limitation or discontinuation of water services must provide reasonable notice of the intention to limit or discontinue water services, and provide an opportunity for the user to make

representations.<sup>92</sup> The 1997 Water Services Act, while not banning disconnections, clearly states that procedures for the limitation or discontinuation of water services must not result in a person being denied access to basic water services for non-payment, where that person proves, to the satisfaction of the relevant water services authority, that he or she is unable to pay for basic services.<sup>93</sup>

In a case heard at the High Court in Zimbabwe, it was found that because water is a human right, access to which can only be denied with “just cause”, service providers, in this case the city council, cannot disconnect water supplies without a court order.<sup>94</sup>

Some service providers, particularly in Africa, have introduced pre-paid water meters that only supply water when it has been paid for in advance.<sup>95</sup> As the human rights to water and sanitation also apply to the use of such pre-payment technology, the affordability and availability of water provision must be respected, and disconnections must always follow due process. In the case of prepaid meters, disconnections may occur every time a household does not have the money to put into the meter; these are effectively ‘silent disconnections’. This represents a retrogressive measure and does not comply with human rights obligations.

Plans to use pre-paid meters for essential services must be carefully examined before a decision is made to install them, particularly if they are intended for households that have no or low incomes, as such households must not be disconnected. Every household that uses this technology must be assessed for ability to pay for the necessary amount of water for all personal and domestic uses, and those that cannot afford to pay must receive water service at a reduced rate or free of charge. Some pre-paid water meters will allow for access to a limited quantity of water even where the individual or household has not paid. This

quantity of water would need to be carefully assessed for human rights compliance. The concern about ‘silent disconnections’ is especially serious for households that use water-borne sanitation, because disconnection from water results in disconnection from sanitation and can quickly become a public health issue.

An effective regulatory system must ensure that where water and sanitation services are unaffordable, they will not be disconnected. Service providers can also establish appropriate flexible payment schemes, such as phased payment, for people on low incomes. In some cases, flexible payment schemes are not sufficient to alleviate unaffordable tariffs.

**Laws and policies should outline the steps that service providers must follow before disconnecting households from water and sanitation services, and these must be in compliance with human rights obligations.**

Those affected must be:

- informed in advance, with reasonable notice, of the planned disconnection;
- informed of their options for recourse to legal remedies before the disconnection takes place, and
- informed of how to gain legal assistance to obtain remedies.<sup>96</sup>

Technologies such as pre-paid water meters must be assessed for human rights compliance, in particular with respect to affordability, to avoid ‘silent disconnections’.

AN EFFECTIVE REGULATORY SYSTEM MUST ENSURE THAT WHERE WATER AND SANITATION SERVICES ARE UNAFFORDABLE, THEY WILL NOT BE DISCONNECTED

#### 4.2.1. Concerns relating to non-State service provision

Non-State service provision refers to the involvement of those service providers that do not belong to any institution of the State, including: private companies, entrepreneurs, NGOs and community-based organisations as well as companies that are State-owned but not State-managed. It does not include direct state provision, for example municipalities acting as service providers, where no other actor than the State is involved. This involvement can differ according to the scale of operations, ownership of assets, responsibility for capital investments, allocation of risks, responsibility for operation and maintenance, and the duration of contracts.

Given this wide range of activities and different legal frameworks and contexts, this section will only outline some of the general elements and challenges that States should take into account in the process of deciding whether and how to involve non-State or private sector actors.

While the human rights framework does not dictate a particular form of service provision, the State retains its human rights obligations, continuing to bear the main duty to ensure access to water and sanitation, regardless of the type of provider chosen.<sup>97</sup> States must therefore ensure that the involvement of non-State actors does not result in human rights violations, for example because of disconnections or unaffordable tariffs.

Service provision can be delegated to private companies, to public companies or to State-owned companies that are completely or mostly owned by the State, but are legally distinct from the State itself and are therefore governed by commercial law.<sup>98</sup> However, from the perspective of human rights, the crucial similarity between State-owned, delegated service provision and private

actors is that in both cases, the State has passed the task of providing human rights compliant water and sanitation services to a third party.

The delegation of services that are directly related to the fulfilment of human rights, in this case the human rights to water and sanitation, might have legal and practical consequences that must be made clear to the public, and to the service providers in question.

The State must create an enabling environment, outline who is responsible for service provision and where, and plan for and provide resources for an independent regulator. Where a business enterprise is controlled by the State, or where its acts can be directly attributed to the State, an abuse of human rights by the business enterprise may entail a violation of the State’s own human rights obligations.<sup>99</sup>

**Where States delegate water and sanitation service provision to third parties, including the private sector, they still retain the obligation to ensure that the human rights to water and sanitation are realised, and must adopt the necessary safeguards to ensure that the human rights to water and sanitation are not threatened.**



### Participation and access to information in non-State service provision

States must comply with their international human rights obligations when making decisions and conducting their activities. Decisions must be made in a democratic, transparent and participatory way in line with the right to participation (article 25 ICCPR) and access to information (article 19 ICCPR). This is true whether the State provides services directly or delegates service provision to non-State actors. Article 25 of the ICCPR also provides for the right to participation through referendums on public issues.<sup>100</sup>

In Uruguay, in a referendum promoted by civil society organisations, the population voted for an amendment to the constitution regarding water and sanitation issues.<sup>101</sup>

In Berlin, a referendum in 2011 decided that the State must disclose relevant information on private sector participation and contracts relating to the Berlin water provider, Berliner Wasserbetriebe (BWB).<sup>102</sup>

In Scotland in 1994, Strathclyde Regional Council organised a local referendum to decide on their model of service provision, in the context of the privatisation of services in England and Wales.<sup>103</sup>

Once the fundamental decision to delegate service provision to non-State actors has been taken, access to information and participation should continue to be safeguarded in the subsequent process of tendering, bidding and contract negotiation. The terms of reference and the draft contract should be made available for public scrutiny and comment. Transparency and access to information are the best ways to ensure that decisions limit corruption and promote the public interest.

States must have strict rules in place that ensure that all documentation including tendering and contracting related to delegation of service provision is open and transparent, and that those who will be affected are able to participate fully in debates, before the decision is made to delegate service provision to non-State actors.

DECISIONS MUST  
BE MADE IN A  
DEMOCRATIC,  
TRANSPARENT AND  
PARTICIPATORY WAY

### Challenges: Loan conditions

The Guiding Principles on Foreign Debt and Human Rights state that creditors should not make loans or debt relief conditional on the implementation of policies such as private sector participation.<sup>104</sup> Donors who impose such conditions undermine democratic decision-making, limit the State's regulatory and policy options and ignore the capacity of national and subnational authorities to address and solve local problems.

One of the ideas behind these Guiding Principles is the protection of independent processes of national development, which must be "free from pressure, influence or interference from external actors, including other States and international financial institutions".<sup>105</sup>

The Committee on Economic, Social and Cultural Rights has urged borrower States to take into account their obligations under the Covenant in all aspects of their negotiations with international financial institutions, in order to ensure that economic, social and cultural rights, particularly those of the most vulnerable sectors of society, are not undermined.<sup>106</sup>

The Committee has also encouraged donor countries to do all they can to ensure that the policies and decisions of the international financial institutions of which they are members, in particular the International Monetary Fund (IMF) and the World Bank and regional development banks, conform with the obligations of States parties to the Covenant, particularly those provisions concerning international assistance and cooperation.<sup>107</sup> Both the World Bank and the IMF, as specialised agencies of the UN, have obligations arising from the UN Charter, including the implementation of the two international Covenants.<sup>108</sup> Recently, in a letter on austerity measures addressed to States parties to the ICESCR, the Committee underlined that when States parties are working within international financial institutions (such as the World

Bank, the IMF, and regional financial institutions) on issues of official development assistance, they should respect their obligations relating to economic, social and cultural rights.<sup>109</sup>

Financial institutions must include assessments of the impact of their proposed policies, projects and programmes on human rights, both while the policies are being formed and during and after their implementation. Such assessments should be public and participatory, and should focus in particular on disadvantaged and vulnerable groups.<sup>110</sup> (see [Justice](#), p.35)

Recently, however, the IMF, the European Commission and the European Central Bank have, in the Economic Adjustment Programmes for Greece, demanded private sector participation in the water and sanitation sector as a condition for receiving a loan. This private sector involvement was initiated by the Greek Government, with the reasoning that this would improve the sustainability of Greece's debt<sup>111</sup>, but little public debate of alternative solutions took place.<sup>112</sup> This requirement was overturned by the decision of the Greek Council of State in May 2014 with respect to the planned privatisation of the Athens Water Supply and Sewerage, arguing that public health could be put at risk due to uncertainty as to whether water and sanitation services will remain affordable and of high quality under private sector management.<sup>113</sup>

**States must ensure that conditions attached to the loans and grants that they receive do not result in violations of the human rights to water and sanitation.**

**Donors, including international finance institutions, must ensure that they do not impose conditions, particularly with respect to private sector participation, that might result in human rights violations.**

### Maximum available resources

The realisation of the human rights to water and sanitation requires an increase in investment in the water and sanitation sectors.<sup>114</sup> This is one of the reasons invoked by many States, in developing and developed countries alike, for turning to the private sector, both to deliver services efficiently and to increase the amount of capital coming into the sector. However, the motive for involvement by private sector companies in the water and sanitation sectors is profit, for the companies and for their shareholders.

Human rights law does not define a particular approach to profit-making. However, States must ensure that the compliance of service providers with water and sanitation standards is not compromised by a desire for excessive profits at the expense of constructing, upgrading or maintaining services.

When States provide services directly, they are bound by their legal obligation to take steps, to the maximum of their available resources, to progressively realise the rights.<sup>115</sup> Delegating service provision to the private sector does not diminish this obligation. Regulation must strike a balance between the level of profits, the performance standards achieved, incentives set, targets met, the affordability of tariffs, and investment needed, so as to make sure that the necessary resources for realising the human rights to water and sanitation are not excessively captured by public or private companies or individuals.

The pressure on public or private companies to satisfy shareholders might have the negative consequence of leading the service provider to focus on short term results and on more profitable operations while refraining from making the necessary investments in operation and maintenance and in extending and improving access to poorer or informal neighbourhoods.

**States should ensure that profits by non-State water and sanitation service providers are limited and independently regulated, so that the availability of sufficient funds for operation, maintenance and extension of services to all is safeguarded.**

THE REALISATION OF THE HUMAN RIGHTS TO WATER AND SANITATION REQUIRES AN INCREASE IN INVESTMENT IN THE WATER AND SANITATION SECTORS

### Regulatory framework

An effective regulatory system, based on human rights standards, is vital to ensuring the compliance of State and non-State actors with the human rights to water and sanitation.<sup>116</sup> (see Frameworks)

Where non-State actors are involved in delivering water and sanitation, the legislative, regulatory and policy frameworks must clearly designate the roles and responsibilities of the different actors involved (private or public companies, government and regulator). When involving non-State actors, States must use regulation as well as service contracts to clarify the service provider's responsibility to ensure affordable services, complementing the State's obligations. One of the critiques of non-State involvement in the water and sanitation sectors, particularly of transnational companies,

is that the private sector has far more experience in managing service delivery and, often more, economic power than either the State (particularly at the local government level) or a regulatory body. While price-setting, along with the setting of other national standards, such as quality, accessibility and service levels, will be managed by the regulatory body, there can be problems where the private actor is stronger than the body that is there to regulate it.

**States must ensure that there is a regulatory body with the mandate and capacity to regulate private sector participation in water and sanitation service provision effectively, including with control of issues such as tariff setting.**





### 4.3. Informal and small-scale service providers

In most developing countries, formal and informal service provision coexist, with informal provision responding to a need in areas not covered by formal provision. It has been estimated that up to 25% of the urban population of Latin America and almost 50% of the urban population in Africa relies on small-scale informal providers to some extent.<sup>117</sup>

Therefore, the role of informal and small-scale providers cannot be dismissed, despite the fact that they generally operate on their own terms, using technologies and approaches that are unregulated, and often compromising on standards such as affordability and quality. As small-scale providers, they can often overcome accessibility problems through flexible delivery systems, and might offer a lower rate to regular customers.

Non-governmental and community-based organisations tend to work locally (with some exceptions), with extensive community involvement in making decisions about the types of services provided as well as in the construction, operation and maintenance of services. While the motivation of non-governmental and community-based organisations may be charity rather than the profit that drives other informal service providers, many of the same challenges for regulation and accountability apply.

In Costa Rica, community association groups (ASADAS) are the main water providers (principally in rural areas) and many of these have delegation agreements with the State.<sup>118</sup>

**States have an obligation to ensure the human rights to water and sanitation in the context of informal and small-scale service provision, and must work towards improving the accountability of these service providers.**

.....

**THE ROLE OF  
INFORMAL AND  
SMALL-SCALE  
PROVIDERS CANNOT  
BE DISMISSED**

### **Challenge: Regulating informal service provision**

States' obligations to realise the human rights to water and sanitation apply equally to informal as to formal service providers. States are therefore required to ensure that these operators at the least do not interfere with the enjoyment of the human rights to water and to sanitation, and in the best cases that they contribute to the realisation of the rights. This is particularly relevant in the context of informal settlements, where residents tend to be disadvantaged and living in poverty, and are most in need of State support and protection. To date, far less attention has been paid to the regulation of informal, small-scale providers than to the regulation of utilities and large private companies.

Before informal service providers can be integrated into the regulatory framework or replaced with formal service provision, States must acknowledge and understand the activities of informal providers, creating the space for informal and small-scale service providers to develop and, where possible, plan for better services and improved regulation. In some countries, cities and settlements, informal provision is tolerated, and has been accepted and incorporated into service delivery.

States can protect the human rights to water and sanitation in different ways. In some cases, formalising informal providers and finding the right incentives to improve the quality and affordability of their services while retaining the flexibility of the informal market will be appropriate.

States may also encourage individual informal providers to become linked with formal water service providers and regulatory bodies, or offer incentives for the provision of improved services at affordable prices.

In many cases, informal provision has existed for decades, so there can be significant resistance from the providers and from the users when these services are phased out. States must ensure that the measures taken (for example, strict licensing requirements), do not worsen the situation and leave people without access to water or sanitation services.

Private water operators in Mozambique mainly invest in boreholes and independent mini-networks for water distribution. In the Maputo metropolitan area alone, there are 800 small-scale water providers serving 190,000 households, and about 180,000 connections provided by the formal utility. Informal service provision is tolerated and even encouraged in the short term, because it extends access to services. However, at a water sector stakeholders meeting in Maputo in 2012, broad consensus was reached about the need for a tailored licensing and regulatory framework for private operators.<sup>119</sup>

A recent assessment of user preferences and satisfaction in Maputo by the Mozambican Water Regulatory Council showed that people prefer the service obtained from small-scale operators to that of the utility, due to a mix of factors which includes more reliable supply, reduced travel and waiting times, and ease of payment.<sup>120</sup>

Legal instruments to regulate the informal water and sanitation sector must be adapted to the decentralised and localised nature of small-scale service provision. For example, septic tanks must be emptied, but there is no guarantee that the faecal sludge will be properly disposed of or treated. It is unlikely that a central agency can adequately oversee the activities of small-scale providers, so a different institutional set-up may be required, managed by local governments and setting incentives for service providers; for example, making payments to the provider only after the proper disposal of faecal sludge. This requires investment from the State or other actors to pay for the construction of adequate waste management and/or treatment plants.

In Kenya, in accordance with the 2002 Water Act, the regulatory framework does not apply to water providers who supply fewer than 20 households or less than 25 cubic meters of water per day for domestic use. Most of the unlicensed providers who fall into this category are mobile vendors who obtain water from a variety of sources, protected and unprotected, and set prices almost entirely at their own discretion. These providers are currently outside of the regulated tariff structure, and of the system of regular quality inspections.<sup>121</sup> The Government's position is that in the long term, informal service providers should be linked to the formal system, and should comply with official tariffs and quality standards.<sup>122</sup> In the short term, the Government is pragmatic and tolerates informal provision.

**States should recognise and understand the role and extent of informal provision of water and sanitation services, in all its different forms, in order to overcome the challenges of a lack of regulation, which often results in inadequate services.**

**State regulation of water and sanitation service delivery should also apply to informal provision and fully integrate all components of the human rights to water and sanitation.**

### **Challenge: Sanitation workers and manual scavengers**

All over the world, sanitation workers play a key role in realising the human right to sanitation, by emptying pit latrines or septic tanks, cleaning sewers and managing wastewater treatment plants. This involves working with human and animal waste, medical waste, industrial waste, sanitary napkins, and other solid wastes. All too often, working conditions are unsafe and unhygienic and have led to injury and death. This amounts to a violation of international norms and standards concerning safe working conditions, health and dignity.

There is often stigma attached to sanitation work, and people who do these jobs may be discriminated against. This stigmatisation is common all over the world, but is perhaps most pronounced in South Asia where sanitation work takes the form of 'manual scavenging'. Manual scavenging means that people have to remove human excrement from dry toilets by hand and carry it in open baskets to dumping sites. This must be distinguished from sanitation work in general because of the intrinsic link between the activity and one of the worst aspects of the caste system, untouchability.

Most of the people who do this job are women belonging to scheduled castes that have been and continue to be subject to discrimination in all areas of their lives.<sup>123</sup>

The practice of manual scavenging is a direct violation of the Constitution of India, and of a number of national Acts, as well as violating international conventions and covenants to which India is party.<sup>124</sup>

Despite existing legislation and even court cases finding against this practice, there are still hundreds of thousands of manual scavengers in India, including some employed by government agencies.

**States must not implement sanitation solutions that threaten the rights of sanitation workers and must safeguard the safety and security of sanitation workers to ensure that the essential work that they undertake does not have a negative impact on their health or dignity.**

**States must work to remove the stigmatisation associated with working in the sanitation sector through awareness-raising, as well as ensuring that inhuman and unhealthy practices are eliminated.**

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**ALL TOO  
 OFTEN, WORKING  
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 UNSAFE AND  
 AMOUNT TO A  
 VIOLATION OF  
 INTERNATIONAL  
 NORMS**



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## 05. Checklist

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National and sub-national State actors	
<b>Planning</b>	
	<div style="display: flex; justify-content: space-around; font-size: 0.8em;"> <span>Yes</span> <span>In progress</span> <span>No</span> </div>
Are national and local planning processes open, transparent and participatory? Can disadvantaged, marginalised and vulnerable individuals and groups participate fully in making decisions relating to their services?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Are baseline and feasibility studies participatory and available for review? Do baseline studies identify the most disadvantaged individuals and groups?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Do baseline and feasibility studies consider accessibility, affordability, adaptability and acceptability?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Is there accurate information on the levels of services in informal settlements, including the types of service providers?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Are targets set through inclusive processes, with sufficient information made available to the targeted individuals and groups?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Do the national and / or local plans of action include specific targets for disadvantaged groups?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Do the targets cover planning and financing for on-going maintenance and operation, to ensure economic and environmental sustainability?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Are the responsibilities of the various actors at each stage of the planning process clearly defined?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Are current and future users included in the planning processes; can they influence outcomes, does this increase their understanding and use of services?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
<b>Capacity building</b>	
Are there programmes in place to increase capacity in the operation and maintenance of infrastructure, including access to information about who is responsible for operation and maintenance?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
<b>Awareness raising</b>	
Does the government tackle taboos relating to menstrual hygiene and sanitation? How?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Are there programmes in place to raise people’s awareness of good hygiene behaviour?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>

Regulations	
	<div style="display: flex; justify-content: space-around; font-size: 0.8em;"> <span>Yes</span> <span>In progress</span> <span>No</span> </div>
Does the regulatory framework include non-State service provision?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Does the regulatory framework include rules about how profits from water and sanitation services can be used?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Are informal service providers, including civil society organisations, regulated?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
<b>Contracts</b>	
Are contracts between States and service providers fully compliant with human rights standards?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Are the human rights responsibilities of the service providers clearly defined in the contracts, along with the standards and targets required immediately and in the long term?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Do contracts contain coverage targets to eliminate inequalities in access to water and sanitation?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Is there sufficient provision in the contracts for participation, access to information, capacity building and water quality standards?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
<b>Disconnections</b>	
Are there clear and effective regulations on how disconnections undertaken by service providers can be carried out in compliance with the rights to water and sanitation?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Are there effective administrative and judiciary systems that allow people the opportunity to challenge disconnections and receive appropriate and timely remedies?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
<b>Anti-corruption</b>	
Are there regulations and rules against corruption?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Are there measures in place, such as information about service provider responsibilities, available to the public?	<span style="color: green;">●</span> <span style="color: orange;">●</span> <span style="color: red;">●</span>
Continued...	



## Service providers

	Yes	In progress	No
Is official information on existing coverage of water and sanitation services available to the public?			
Are existing gaps in service provision, and the corresponding requirements for extending access to services, assessed?			
Have the regions, settlements and sectors of the population that require specific assistance been identified?			

## Donors

Do international financial institutions undertake human rights impact assessments of their policies, projects and programmes, both during the process of policy and project formulation and after a period of implementation?			
Are these assessments public and participatory; do they focus in particular on disadvantaged and vulnerable groups?			
Do loans or debt relief avoid attaching conditions requiring the implementation of privatisation policies?			

# 06.

## Image credits and references

### Image Credits:

**Page 4** A WaterAid mobile latrine, Beltola slum, Dhaka, Bangladesh, 2011. WaterAid/GMB Akash/Panos.

**Page 7** Buckets wait in a line as women and children wait to collect clean water from the pump in the village of Fayama, Sierra Leone, May 2013. WaterAid/Anna Kari.

**Page 9** Camp for internally displaced persons (IDPs) in Lodwar, Turkana, Kenya, 2014. Madoka Saji.

**Page 14** Kallaya Tate, Zemacha Shalle and Gallo Genama making cement to close of part of the pipeline, at the reserve tank, Lahyte, Konso, Ethiopia, 2013. WaterAid/Mustafah Abdulaziz.

**Page 34** Open drainage channel, Bairro Urbanizasao, Maputo, Mozambique. WaterAid/ Eva-Lotta Jansson.

**Page 36** A jumble of illegal water connections, Karail slum, Gulshan thana, Dhaka, Bangladesh, 2011. WaterAid/GMB Akash/Panos.

**Page 39** Washing clothes in Haiti. UNICEF/Haiti/2014/Logan Abassi.

**Page 47** Leyda, 12, and Caleb, 11, carry water home from a nearby pond, in the flooded village of Sachojere in the Amazonian department of Beni in Bolivia. Residents use the pond water for their household needs. UNICEF/NYHQ2008-0388/Abramson.

**Page 52** Iye Demby washes yams in clean water collected from the pump, in the village of Nyeama, Sierra Leone, May 2013 WaterAid/Anna Kari.

### References:

**1** UNICEF, Water, Sanitation and Hygiene Bottleneck Analysis Tool (WASH-BAT) – Methodology Description Software User Manual, (2013).

**2** See International Association for Impact Assessment, Impact assessment is the tool. Environmental quality and social equity are the results: <http://www.iaia.org>.

**3** WaterLex, Toolkit – Integrating the human rights to water and sanitation in development practice: <http://www.waterlex.org/waterlex-toolkit/>.

**4** Fourth South Asian Conference on Sanitation, Colombo Declaration: Sanitation enhances quality of life (2011), para. V: [http://www.unicef.org/srilanka/Colombo\\_declaration\\_%284\\_pages%29.pdf](http://www.unicef.org/srilanka/Colombo_declaration_%284_pages%29.pdf).

**5** Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 15: The right to water (E/C.12/2002/11), para. 51.

**6** International Council on Human Rights Policy, Local government and human rights: Doing good service (2005), pp. 20 and 24.

**7** G. Howard and J. Bartram, Domestic water quantity, service level and health (WHO, 2003).

**8** UN Sub-Commission on the Promotion and Protection of Human Rights, Promotion of the realization of the right to drinking water and sanitation (E/CN.4/Sub.2/2005/25), para. 8.2.

**9** See supra note 7.

**10** Waterloss Project, Water Board of Nicosia, in *Water Loss Newsletter* No. 2: Management of water losses in a drinking water supply system (2011), p. 2.

**11** Water and Sanitation Programme, The Karnataka Urban Water Sector Improvement Project – 24/7 water supply is achievable, *Field Note* (2010).

**12** G. Howard and J. Bartram, Domestic water quantity, service level and health (WHO, 2003).

**13** WHO, Guidelines for drinking-water quality (2011).

**14** Ibid., chapter 4.

**15** UN Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, Mission to the United States of America, 2011 (A/HRC/18/33/Add.4), para. 44.

**16** Brazil, Law on Water and Sanitation, Law No. 11.445, 2007, article 29: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2007-2010/2007/lei/l11445.htm](http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2007/lei/l11445.htm).

**17** Brazil, National Plan on Water and Sanitation (Plansab), 2013, p.104: <http://www.migalhas.com.br/arquivos/2014/1/art20140106-02.pdf>.

**18** CESCR, Statement on the right to sanitation (E/C.12/2010/1), para 8.

**19** Special Rapporteur on the human rights to water and sanitation, Mission to Brazil, 2013 (A/HRC/27/55/Add.1), para. 68.

**20** See <http://menstrualhygieneday.org/>.

**21** Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, Human rights obligations related to access to sanitation, 2009 (A/HRC/12/24), para. 74.

**22** Peru, Programa Nacional de Agua y Saneamiento Rural (PRONASAR): <http://www.vivienda.gob.pe/pronasar/>.

**23** UNICEF, WASH in schools – About water, sanitation and hygiene education in schools: <http://www.unicef.org/wash/schools/>; WASH United, WASH in schools: <http://www.wash-united.org/wash-in-schools>.

**24** CESCR, General Comment No. 15 (E/C.12/2002/11), para. 12 (c) (i).

**25** Ibid., para. 16.

**26** See WHO/UNICEF Joint Monitoring Programme (JMP) for Water Supply and Sanitation: [www.wssinfo.org](http://www.wssinfo.org).

**27** EThekwini Municipality, Draft Water Services Development Plan – Volume 2 for the EThekwini Municipality (2004), p. 39: <http://www.durban.gov.za/Documents/CityServices/WaterSanitation/MainDoc.pdf> and EThekwini Municipality, Water Services Development Plan (2012), pp. 77-93: [http://www.durban.gov.za/City\\_Services/water\\_sanitation/Policies\\_Plans\\_Guidelines/Documents/WSDP2012\\_Approved.pdf](http://www.durban.gov.za/City_Services/water_sanitation/Policies_Plans_Guidelines/Documents/WSDP2012_Approved.pdf).

**28** See Institute of Development Studies, Community-Led Total Sanitation: <http://www.communityledtotalsanitation.org/>.

**29** See also Plan International, Annual report: Trigger (2012): [http://www.communityledtotalsanitation.org/sites/communityledtotalsanitation.org/files/Trigger\\_2012.pdf](http://www.communityledtotalsanitation.org/sites/communityledtotalsanitation.org/files/Trigger_2012.pdf).

**30** WaterAid, Land tenure (2001): [http://www.ucl.ac.uk/dpu-projects/drivers\\_urb\\_change/urb\\_infrastructure/pdf\\_land%20tenure/WaterAid\\_Land\\_Tenure.pdf](http://www.ucl.ac.uk/dpu-projects/drivers_urb_change/urb_infrastructure/pdf_land%20tenure/WaterAid_Land_Tenure.pdf).

**31** A. Ramalho do Canto and W. L. Rodrigues Cantes, A difícil decisão de como abastecer áreas irregulares (Instituto Brasileiro de Gestão de Negócios, 2008), pp. 50-55.

**32** Special Rapporteur on the human rights to water and sanitation, Mission to Brazil, 2014 (A/HRC/27/55/Add.1), para. 55.

**33** See Share – Sanitation and Hygiene Applied Research for Equity: <http://www.sharesearch.org>.

**34** See Shack/Slum Dwellers International, Citywide sanitation projects in Malawi, Zambia, Zimbabwe & Tanzania report on successes of first year (2014): <http://www.sdinet.org/blog/2014/05/15/citywide-sanitation-projects-report-successes-firs/>.

**35** D. Hailu, S. Rendtorff-Smith and R. Tsukada, Small-scale water providers in Kenya: pioneers or predators? (UNDP, 2011), p. 28: <http://www.undp.org>.

**36** A. J. Peal and B. Evans, Breaking barriers in water and sanitation service delivery to informal settlements – Case study of the Mukuru model (Practical Action, 2010), p. iv: <http://practicalaction.org/docs/Breaking-barriers-in-water-and-sanitation-service-delivery-to-informal-settlements-Mukuru-Model-Summary.pdf>.

**37** See WHO/UNICEF JMP for Water Supply and Sanitation, Data estimates – tables: <http://www.wssinfo.org/data-estimates/tables/>.

**38** WHO, UN-Water Global Analysis and Assessment of Sanitation and Drinking-Water (GLAAS) highlights (2014): <http://sanitationandwaterforall.org/priority-areas/politicalprioritization/2014-hlm/statementsand-evidence>.

**39** T. Slaymaker and C. Fonseca, Framing paper JMP post-2015 working group on water (2012): <http://www.wssinfo.org/ImproveInternational>; Global water point failure rates, <http://improveinternational.wordpress.com/2014/05/30/global-water-point-failure-rates/>.

**40** See Organisation for Economic Co-operation and Development/Development Co-operation Directorate Secretariat and World Water Council, Donor profiles on aid to water supply (2008).

**41** Comités de Agua Potable y Saneamiento de Nicaragua: <http://capsnicaragua.blogspot.pt>.

**42** R. Hope et al., From rights to results in rural water services – Evidence from Kyuso, Kenya (University of Oxford, 2014).

**43** J. Adams, J. Batram and Y. Chartier, Essential environmental health standards in health care (WHO, 2008): [http://www.who.int/water\\_sanitation\\_health/hygiene/settings/ehs\\_health\\_care.pdf.pdf](http://www.who.int/water_sanitation_health/hygiene/settings/ehs_health_care.pdf.pdf).

**44** See Sphere Project: <http://www.spherehandbook.org/en/how-to-use-this-chapter-1/>.

**45** World Business Council for Sustainable Development, Safe Water, Sanitation and Hygiene at the Workplace: [www.wbcscd.org/work-program/sector-projects/water/WASHatworkplace.aspx](http://www.wbcscd.org/work-program/sector-projects/water/WASHatworkplace.aspx).

**46** See UN Special Representative of the Secretary-General on the issue of human rights and transnational corporations, John Ruggie, Guiding principles on business and human rights: Implementing the United Nations’ “protect, respect and remedy” framework, 2011 (A/HRC/17/31).

**47** WASH United, Submission for the UN Special Rapporteur’s report on stigma (2012): <http://www.ohchr.org/Documents/Issues/Water/ContributionsStigma/CSociety/Inputconsultationstigmatization.pdf>.

**48** UNICEF, Equity in school water and sanitation – overcoming exclusion and discrimination in South Asia – A regional perspective (2009), pp. 23-25. See also article 29(1), Convention on the Rights of the Child.

**49** Special Rapporteur on the human rights to water and sanitation, Stigma, 2012 (A/HRC/21/42), paras. 64 – 69.

**50** The People living with HIV Stigma Index: [www.stigmaindex.org](http://www.stigmaindex.org).

**51** NGO Forum for Urban Water and Sanitation, The art of menstruation: [http://www.ngoforum.net/index.php?option=com\\_content&task=view&id=11614&Itemid=6](http://www.ngoforum.net/index.php?option=com_content&task=view&id=11614&Itemid=6).

**52** UNICEF, Bloody secrets: Teaching menstrual hygiene, *UNICEF Bangladesh* No. 8 (2007), p. 12.

**53** World Bank, Helping fragile environments deliver water and sanitation services: <http://water.worldbank.org/node/84028>.

**54** See CESCR, General Comment No. 15 (E/C.12/2002/11), para. 2, and articles 85, 89 and 127, Geneva Convention Relative to the Protection of Civilian Persons in Time of War; article 54, Additional Protocol I (1977); and article 14, Additional Protocol II (1977); article 8, Rome Statute of the International Criminal Court.

**55** Sphere Project: <http://www.spherehandbook.org/en/how-to-use-this-chapter-1/>.

**56** See Inter-American Development Bank, Country Strategy with Haiti 2011-2015, p. 8: <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=36600159>.

**57** See World Bank, Helping fragile environments deliver water and sanitation services: <http://water.worldbank.org/node/84028>.

**58** See CESCR, General Comment No. 2: International technical assistance measures (E/1990/23), para. 8.

**59** CESCR, General Comment No. 15 (E/C.12/2002/11), para. 40.

**60** UN Secretary-General, Implementing the responsibility to protect, 2009 (A/63/677), para. 13.

**61** See articles 20, 26, 29 and 46, Geneva Convention Relative to the Treatment of Prisoners of War.

**62** See articles 85, 89 and 127, Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

**63** Rule 54 of the list of customary rules of international humanitarian law.

**64** *Sudan Human Rights Organisation (SHRO)/Centre on Housing Rights and Evictions (COHRE) v. Sudan*, African Commission on Human and Peoples’ Rights, Communications 279/03-296/05, 27 May 2009, para. 212.

**65** Independent Expert on human rights obligations related to water and sanitation, Non-State service provision, 2010 (A/HRC/15/31), para. 63f.

**66** CESCR, General Comment No. 15 (E/C.12/2002/11), para. 12b; and WHO, Guidelines for drinking-water quality (2011): [http://www.who.int/water\\_sanitation\\_health/publications/2011/dwq\\_guidelines/en/](http://www.who.int/water_sanitation_health/publications/2011/dwq_guidelines/en/).

**67** D. Zinnbauer and R. Dobson, Global corruption report 2008: Corruption in the water sector (Transparency International, 2008), p. 6: [http://www.transparency.org/whatwedo/pub/global\\_corruption\\_report\\_2008\\_corruption\\_in\\_the\\_water\\_sector](http://www.transparency.org/whatwedo/pub/global_corruption_report_2008_corruption_in_the_water_sector).

**68** Water Integrity Network, Policy Brief: Preventing corruption in the water sector (2012), p. 1: [http://www.waterintegritynetwork.net/images/stories/WIN\\_Briefs/policy\\_brief\\_integrity\\_print.pdf](http://www.waterintegritynetwork.net/images/stories/WIN_Briefs/policy_brief_integrity_print.pdf).

**69** P. Stalgren, Corruption in the water sector: Causes, consequences and potential reform, *Swedish Water House Policy Brief* No. 4 (Stockholm International Water Institute, 2006), p. 3.

**70** International Council on Human Rights Policy and Transparency International, Integrating human rights in the anti-corruption agenda: Challenges, possibilities and opportunities (2010), pp. 7-8: [http://www.ichrp.org/files/reports/58/131b\\_report.pdf](http://www.ichrp.org/files/reports/58/131b_report.pdf).

**71** See supra note 67, p. 44.

**72** See supra note 70, p. 53.

**73** See supra note 67, p. 13.

**74** *SERAP v. Nigeria*, Community Court of Justice – Economic Community of West African States (ECOWAS), ECW/CCJ/APP/12/07; ECW/CCJ/JUD/07/10, 30 November 2010, paras. 21, 28.

**75** Article 13, UN Convention Against Corruption.

**76** See supra note 70, p. 4.

**77** See supra note 67, p. 48.

**78** Water Integrity Network, Water Integrity Management Toolbox (2013).

**79** See Water Integrity Network and Helvetas, Multi-country water integrity initiative (MCWII) (2014): [http://www.waterintegritynetwork.net/images/201404\\_win\\_helvetas\\_newsletter\\_april2014.pdf](http://www.waterintegritynetwork.net/images/201404_win_helvetas_newsletter_april2014.pdf).

**80** Office of the High Commissioner for Human Rights (OHCHR), UN-Habitat and WHO, Fact Sheet No. 35: The right to water (2010), p.34.

**81** See CESCR, General Comment No. 15 (E/C.12/2002/11), para. 44a.

**82** See supra note 80, p.34.

**83** European Trade Union Committee for Education, Featuring Portugal in the economic crisis: [http://etu.ce.homestead.com/Crisis/country\\_features/Featuring\\_model\\_Portugal.pdf](http://etu.ce.homestead.com/Crisis/country_features/Featuring_model_Portugal.pdf).

**84** See Drinking Water Inspectorate, Private water supplies – case study (2011/12): <http://dwi.defra.gov.uk/stakeholders/private-water-supplies/case-studies/2011-12.pdf>.

**85** See supra note 81, para. 41.

**86** European Roma Rights Centre, Hungary: Local authority disconnects public water supplies in high temperatures, blames Roma for ‘misuse’ (2013): <http://www.errc.org/article/hungary-local-authority-disconnects-public-water-supplies-in-high-temperatures-blames-roma-for-misuse/4178>.

**87** United Kingdom, Water Industries Act, 1991 (revised version after 2002), Part III, Chapter II (60) (4) (b): <http://www.legislation.gov.uk/ukpga/1991/56/part/III/chapter/II/crossheading/disconnections>.

**88** *Ibid.*, Part III, Chapter II (61) (1) (a).

**89** House of Commons of the United Kingdom, Research Paper 98/117: Water Industry Bill (1998): <http://www.parliament.uk/briefing-papers/RP98-117/water-industrybill-bill-1-199899>.

**90** Detroit: Disconnecting water from people who cannot pay – an affront to human rights, say UN experts, *OHCHR*, 25 June 2014: <http://www.ohchr.org/En/newsEvents/Pages/Displaynews.aspx?newsID=14777>.

**91** Special Rapporteur on the human rights to water and sanitation, Mission to the United States of America, 2011 (A/HRC/18/33/Add.4), paras. 51-52.

**92** South Africa, Water Services Act, No. 18522, 1997, article 4 (3)(b): <http://www.dwaf.gov.za/Documents/Legislature/a108-97.pdf>.

**93** *Ibid.*, article 4 (3)(c).

**94** *Farai Mushoriwa v. City of Harare*, High Court of Zimbabwe, 1 HH HC 4266/13, 30 April 2014.

**95** Coalition Against Water Privatisation, The struggle against silent disconnections – Prepaid meters and the struggle for life in Phiri, Soweto (2004), pp. 4-5: [http://apf.org.za/IMG/pdf/phiri\\_report.pdf](http://apf.org.za/IMG/pdf/phiri_report.pdf).

**96** See CESCR, General Comment No. 15 (E/C.12/2002/11), para. 56.

**97** Human Rights Council (HRC), Resolution: Human rights and access to safe drinking water and sanitation, 2010 (A/HRC/RES/15/9), paras. 6 and 7.

**98** UN Special Representative of the Secretary-General on the issue of human rights and transnational corporations, John Ruggie, Guiding principles on business and human rights: further steps towards the operationalization of the “protect, respect and remedy” framework, 2011 (A/HRC/14/27), paras. 26-27.

**99** UN Special Representative of the Secretary-General on the issue of human rights and transnational corporations, John Ruggie, Guiding principles on business and human rights: Implementing the United Nations’ “protect, respect and remedy” framework, 2011 (A/HRC/17/31), p.7.

**100** Human Rights Committee, General Comment No. 25: Participation in public affairs and the right to vote, 1996 (CCPR/C/21/Rev.1/Add.7), para. 6.

**101** Right to Water Programme – Centre on Housing Rights and Evictions, Legal resources for the right to water and sanitation – International and national standards (2008), p. 8.

**102** Berliner Wassertisch, Wasser gehört in Bürgerhand – Schluss mit den Geheimverträgen: <http://berliner-wassertisch.net>.

**103** E. Lobina and P. Terhorst, Edinburgh case study (WaterTime, 2005): [http://www.watertime.net/wt\\_cs\\_cit\\_ncr.html#UK](http://www.watertime.net/wt_cs_cit_ncr.html#UK).

**104** Independent Expert on the effects of foreign debt, Cephas Lumina, Guiding principles on foreign debt and human rights, 2011 (A/HRC/20/23), para. 77.

**105** *Ibid.*, para. 25 of the Annex.

**106** CESCR, General Comment No. 15 (E/C.12/2002/11), para. 60; Concluding Observations: Belgium, 2000 (E/C.12/1/Add.54), para. 31; Italy, 2000 (E/C.12/1/Add.43), para. 20; Germany, 2001 (E/C.12/1/Add.68), para. 31; Sweden, 2001 (E/C.12/1/Add.70), para. 24; France, 2001 (E/C.12/1/Add.72), para. 32; Ireland, 2002 (E/C.12/1/Add.77), para. 37.

**107** Independent Expert on the effects of foreign debt, Cephas Lumina, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, 2009 (A/HRC/11/10), para. 35.

**108** *Ibid.*, para. 72.

**109** A. G. Pillay, Letter dated 16 May 2012 addressed by the Chairperson of the CESCR to States parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR), para. 8: <http://www.converge.org.nz/pma/cescr0512.pdf>.

**110** High Commissioner for Human Rights, Analytical Study on the fundamental principle of participation and its application in the context of globalization (E/CN.4/2005/41), para. 50.

**111** European Commission, Economic and Financial Affairs, Financial assistance to Greece: [http://ec.europa.eu/economy\\_finance/assistance\\_eu\\_ms/greek\\_loan\\_facility/index\\_en.htm](http://ec.europa.eu/economy_finance/assistance_eu_ms/greek_loan_facility/index_en.htm).

**112** O. Petitjean, Forced privatizations in Greece: Suez eyes taking over the water services of Athens and Thessaloniki, *Multinationals Observatory*, 28 March 2014: <http://multinationals.org/Forced-Privatizations-in-Greece>.

**113** Decision of the Council of State, No. 1906/2014, 28 May 2014: [www.ste.gr/portal/page/portal/STe/ProsfalesApofaseis](http://www.ste.gr/portal/page/portal/STe/ProsfalesApofaseis).

**114** High Commissioner for Human Rights, Human rights, trade and investment, 2003 (E/Cn.4/Sub.2/2003/9), para. 45.

**115** Article 2, ICESCR.

**116** OECD, Private sector participation in water infrastructure (2009), p.25.

**117** L. Sima and M. Elimelech, The informal small-scale water services in developing countries: The business of water for those without formal municipal connections, in *Water and sanitation-related diseases and the environment: Challenges, interventions, and preventive measures*, J. M. H. Selendy (ed.) (New Haven: Wiley-Blackwell, 2011), p. 231.

**118** Independent Expert on human rights obligations related to water and sanitation, Mission to Costa Rica, 2009 (A/HRC/12/24/Add.1), para. 41b).



**119** USAID; In Mozambique, a new commitment to regulation of private water operators: <http://usaid-suwasa.org/index.php/component/k2/item/141-in-mozambique-a-new-commitment-to-regulation-of-private-water-operators>, and Conselho de Regulação de Águas: [http://www.cra.org.mz/?\\_\\_target\\_\\_=cadeia](http://www.cra.org.mz/?__target__=cadeia).

**120** Water and Sanitation Program, An AMCOW country status overview – Water supply and sanitation in Mozambique: Turning finance into services for 2015 and beyond (2011), p. 27.

**121** D. Hailu, S. Rendtorff-Smith and R. Tsukada, Small-scale water providers in Kenya: Pioneers or predators? (UNDP, 2011), p. 29.

**122** Ibid., p.28.

**123** B. Singh, Unseen: The truth about India's manual scavengers (India: Penguin Books, 2014).

**124** For example, article 2(1)(C), Convention on the Elimination of All Forms of Racial Discrimination, and article 5(a), Convention on the Elimination of All Forms of Discrimination against Women.