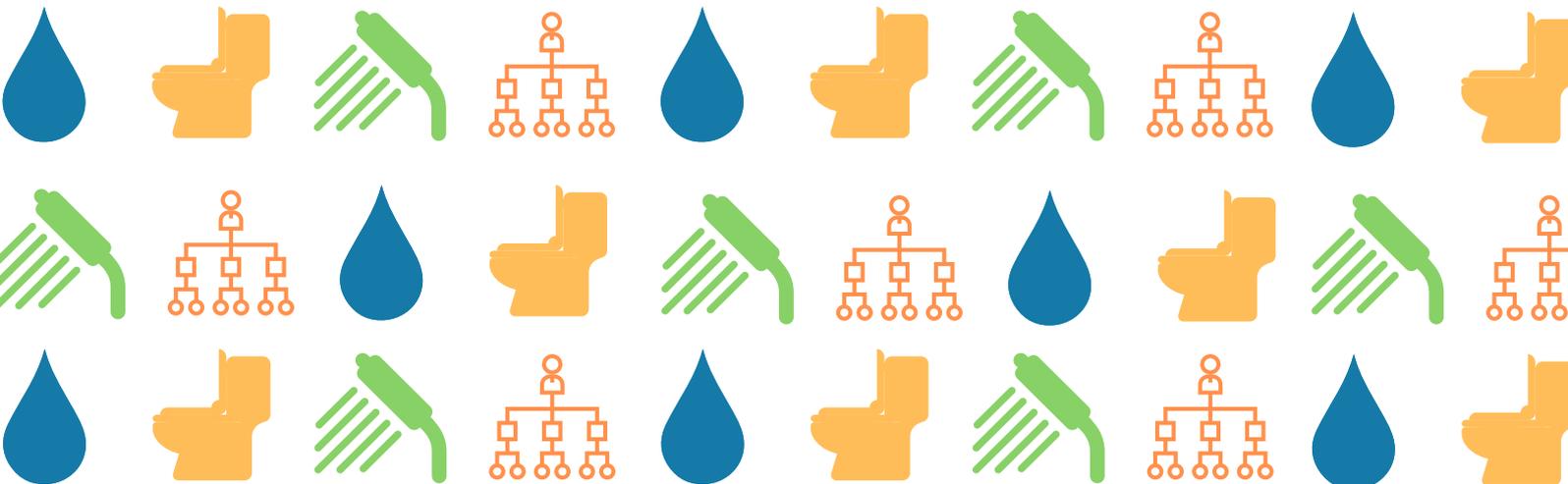




THE HUMAN RIGHTS TO WATER AND SANITATION

EXPLANATIONS AND GUIDING QUESTIONS

Mandate of the Special Rapporteur on the human rights to water and sanitation
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WATER



EXPLANATION AND GUIDING QUESTIONS

Availability

There must be a sufficient quantity of water available to fulfil the requirement of individuals and households for drinking, personal hygiene and other domestic uses, which includes cooking, preparation of food, laundry, and cleaning. The supply must be reliable and continuous so that individuals can collect water when they require.

- Do individuals and groups have access to sufficient water to cover their personal and domestic needs? If not, please explain. How much water do they have daily to cover personal and domestic needs?
- Can individuals and groups collect water anytime? Is there a specific time for collecting water?
- What are the sources of water available in the area?

Affordability

Affordable water does not mean that water services are provided free of charge. The tariffs charged should be reasonable and not compromise the exercise of other rights, such as health or food. When people cannot afford water and sanitation for reasons beyond their control, the State needs to find ways to ensure such access. Disconnection of water services due to the inability to pay constitutes a violation of human rights.

- What per cent of the household expenditure is spent on water? Is the income sufficient to pay for the services?
- Has there been any disconnection from water services due to incapacity to pay?
- Are water cuts being notified? If so, how long in advance?
- Are individuals and groups informed of any help or social water tariffs schemes?
- Is the cost of maintenance of the water well or pumping system affordable for the community?

Acceptability

Water must be of an acceptable colour, odour and taste.

- Is there any unpleasant or disturbing colour, odour or taste in the water?

Accessibility

Water services must be physically accessible for everyone within or in the immediate vicinity of all spheres of their lives, particularly at home, but also in educational institutions, the workplace, prisons, and public places. In those cases where water is not accessible on the premises, the route to fetch water and the facility itself must be safe for all users, and the method of extracting water must be usable by all.

- Do individuals and groups have water taps at home?
- What is the distance between a household and the source of water? How do individuals and groups reach the drinking water source? How long do they walk to access a drinking water source?
- Has there been an incident where individuals and groups were prevented from fetching water from a lake, river or pond in a public area?
- Has anyone been denied access to water based on race, colour, gender, religion, political opinion, nationality or social origin?

Quality

Water used by households and individuals for domestic and personal uses must be of sufficient quality to protect their health. Pollution of water by any means, including by agriculture, industry and wastewater must be prevented.

- Has anyone been sick from drinking water? If so, please explain.
- Have you noticed any dead fish or animals in the surrounding of drinking water source? Is the source of water protected from animals or insects?
- Is the source of water used located nearby sanitation facilities or areas where people defecate in the open?
- Is the water treated before consumption? If so, how is this done?
- Has the quality of the water and the water source been tested and/or monitored? If so, by whom and how often? Do individuals and groups receive information about the quality of the water?

SANITATION



EXPLANATION AND GUIDING QUESTIONS

Availability

A sufficient number of sanitation facilities has to be available. The necessary structures have to be put in place to ensure the availability of services, such as sufficient personnel able to construct, maintain and manage the delivery.

- Are there toilets at home? If not, what is the alternative solution?
- Are there sufficient toilets available in the community or household? At the local school? At the hospital or other public places?

Affordability

Use of sanitation facilities and services must be available at a price that is affordable to all people. This must include all associated costs, ranging from regular tariffs to connection fees in the case of networked provision, to costs of on-site solutions such as the construction or maintenance of pit latrines and septic tanks.

- What per cent of the household expenditure is spent on sanitation facilities and services?
- Is there a fee to use the toilets?
- Is the cost of maintenance of the toilets or latrines affordable for the community?

Safety

Sanitation facilities must be hygienically safe to use and easy to clean and maintain. They must effectively prevent human and animal contact with human excreta to avert the spread of disease. Sanitation facilities must be technically safe to use, namely, the superstructure is stable and the pit are designed to reduce the risk of accidents.

- Is the foundation of the toilet stable? Have there been any accidents where toilets have collapsed?
- Is there a door, a lock and lights in the toilet?

Accessibility

Sanitation facilities and services must be physically accessible for everyone within or in the immediate vicinity of all spheres of their lives, particularly at home, but also in educational institutions, the workplace, prisons, and public places. Where sanitation facilities are shared, there be a sufficient number of sanitation facilities to ensure that waiting times are not unreasonably long. Sanitation facilities must be reliably accessible to satisfy all needs throughout day and night. Where the sanitation facility is not located on the premises, the path leading to it should be secure and convenient for all users. The risk of attack or assault from animals or people, particularly for women and children, must be minimized. Public or shared latrines in residential areas must be safely accessible in the night, as well as in the day. Sanitation facilities should be designed in a way that enables all users to physically access and use them, including, especially those with special access needs, such as children, persons with disabilities, elderly persons, pregnant women, parents accompanying children, chronically ill people and those accompanying them. Considering the needs of these individuals has implications for the entrance size, the interior space, handrails or other support mechanisms and the position of defecation, as well as other aspects.

- What is the distance between the household and the toilets? How long do individuals and groups walk to use a toilet?
- Are the toilets at the local school, hospital or other public places accessible for persons with disabilities?
- Are women and men toilets separated? Is there a gender neutral toilet?
- Has anyone reported that they felt in danger on the way to the toilets?
- Has anyone been denied access to a toilet based on race, colour, gender, religion, political opinion, nationality or social origin?

Acceptability

Sanitation facilities and services must be culturally acceptable. Cultural values must be taken into account regarding design, positioning and conditions for use of sanitation facilities.

- Is there a mechanism established to allow members of the community to express demands and concerns about the sanitation programme? And to be involved in the planning, designing and decision-making process?

HYGIENE

EXPLANATION AND GUIDING QUESTIONS



Availability

Facilities meeting hygiene requirements must be available wherever there are toilets or latrines, where water is stored and where food is prepared and served. These are required particularly for hand-washing, menstrual hygiene, the management of children's faeces and the preparation and consumption of food and drink.

- Are there soaps, other products for hygiene for handwashing, shower or laundry facility available at home?
- Are there soaps, other products for hygiene for handwashing, shower or laundry facility in your community? At the local school? At the hospital or other public places?
- Are there appropriate sanitary products for menstrual hygiene?

Affordability

Use of hygiene facilities and services must be available at a price that is affordable to all people. The main costs, other than for installation, are associated with supplying water, soap and cleaning products for hand-washing, food hygiene, home hygiene and washing clothes, and for sanitary napkins or other products required for menstrual hygiene. Assistance should be provided to households or individuals who are unable to afford soap and cleaning products, or sanitary products for women and girls.

- What per cent of the household expenditure is spent on hygiene facilities and services? And hygiene products including those for menstrual hygiene?
- Is there a fee to use the soaps, other hygiene products, handwashing, showers or laundry facilities?

Accessibility

Hygiene facilities must be physically accessible for everyone within or in the immediate vicinity of each household, health or educational institution, public institutions and places, and the workplace. Ideally, they should be located adjacent to toilets. Hygiene facilities need to be accessible on a reliable and continuous basis, at home, work and school, and in public places, as to satisfy all needs throughout the day. Women, persons with disabilities, children and others may have particular hygiene requirements. Access to hygiene facilities should be secure and convenient for all users, including children, elderly persons, persons with disabilities, women, including pregnant women, and chronically ill people.

- What is the distance between the household and hygiene facilities? How long do individuals and groups walk to use a hygiene facility?
- Has anyone been denied access to soap, handwashing facilities and other products required for menstrual hygiene based on race, colour, gender, religion, political opinion, nationality or social origin?

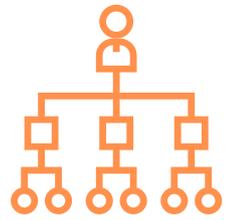
Safety

Hygiene facilities, such as hand-washing stations or disposal units for sanitary products, must be safe to use and easy to clean. Sanitation facilities must ensure access to safe water for hand washing, menstrual hygiene, and anal and genital cleansing. They must also include mechanisms for the hygienic disposal of menstrual products and nappies.

- Is there sufficient water for hand washing, menstrual hygiene, and anal and genital cleansing?
- Is there a disposal system for sanitary products for menstrual hygiene and nappies?

ACCOUNTABILITY

EXPLANATION AND GUIDING QUESTIONS



Roles, responsibility and performance standards

Adequate implementation of accountability requires a clear definition of who is accountable, who may hold actors accountable and what actors must be accountable for. Affected populations can hold States and other accountable actors to account for failing to adhere to predetermined performance standards or to comply with human rights obligations.

- Do individuals and groups know who to contact when you have problems with water and sanitation services? And problems with quality of water?
- Is there a clear institutional framework mapping who is accountable in the water and sanitation sector?
- Is the institutional framework of the responsible government entity and other entity transparent and clear to the affected population?
- Is there a clear allocation and attribution of human rights obligations and responsibilities to all stakeholders involved in the water and sanitation sector?

Compliance through enforcement

Enforceability is critical to ensure the accountability of actors by imposing sanctions and remedial actions for violations and abuses by those actors. This is preceded by a process whereby bodies and mechanisms oversee actors' compliance with performance standards that are in line with the normative content of the human rights to water and sanitation. At the national level, judicial and quasi-judicial mechanisms serve as a means for affected populations to hold States and other accountable actors to account. However, this needs to be complemented by an enabling environment that empowers the affected populations to lodge claims and that builds trust and effectiveness in the accountability mechanisms.

- Are individuals and groups able to bring a claim to the court when their rights to water and sanitation are violated?
- What mechanism (judicial or other remedies like courts, ombudspersons, etc) are available?
- Is legal aid or other assistance available?
- Are the human rights to water and sanitation explicitly mentioned in the national legislation? Are any of its elements mentioned in the legislation?

Providing explanation and justifications

The provision of explanations and justification requires, on the one hand, that States and other accountable actors be able to answer questions and provide the information requested by individuals, in particular, those marginalized and those in vulnerable situations who need to be empowered to request information and actively ask questions. On the other hand, States and other accountable actors should proactively and systematically provide information, in a transparent manner, as well as open spaces for interactions with affected populations. Both aspects rely on an effective and explicit human rights framework that upholds the right to information, participation, monitoring and reporting, in conjunction with advocating transparency and other principles to combat corruption.

- Do individuals and groups know whom to contact to request information about water and sanitation services?
- Do individuals and groups receive a bill for water services? If so, do they understand its content?
- Is the information available in the language that the individuals and groups speak? Is it easy to understand?
- Have you participated in any dialogue or participation process where you were able to assess the information provided to you and to voice your opinion and influence decisions?
- Have the economically disadvantaged and other population in vulnerable situations been involved in the decision-making process? If so, how?