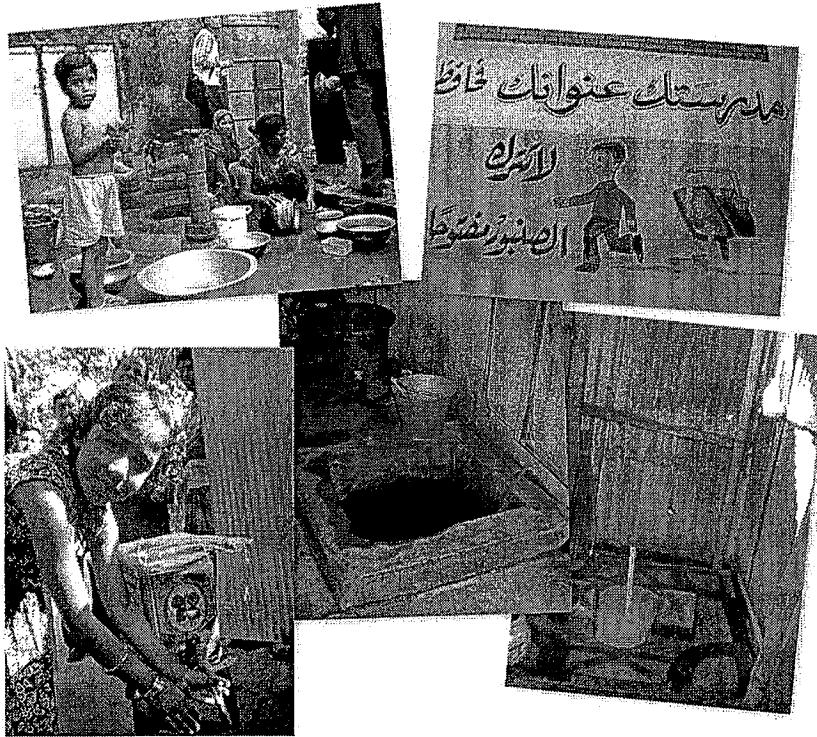


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Independent Expert on the issue of human rights obligations
related to access to safe drinking water and sanitation

**'GOOD PRACTICES' RELATED TO ACCESS TO
SAFE DRINKING WATER AND SANITATION**



Questionnaire

February, 2010
Geneva

Introduction

The Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Ms. Catarina de Albuquerque, has been mandated by the Human Rights Council in 2008 to:

- Further clarify the content of human rights obligations related to access to safe drinking water and sanitation;
- Make recommendations that could help the realization of the Millennium Development Goals (MDG), and particularly of the Goal 7;
- Prepare a compendium of good practices related to access to safe drinking water and sanitation.

While the work of human rights bodies has often focused on the violations of human rights, the Independent Expert welcomes the opportunity to identify good practices that address the question of how human rights obligations related to sanitation and water can be implemented.

Methodology of the Good Practices consultation process

In a first step, the Independent Expert undertook to determine criteria for identifying 'good practices'. As 'good' is a subjective notion, it seemed critical to first elaborate criteria against which to judge a practice from a human rights perspective, and then apply the same criteria to all practices under consideration. Such criteria for the identification of good practices were discussed with various stakeholders at a workshop convened by the Independent Expert in Lisbon in October 2009. The outcome was the definition of 10 criteria, 5 of which are normative criteria (*availability, accessibility, quality/safety, affordability, acceptability*), and 5 are cross-cutting ones (*non-discrimination, participation, accountability, impact, sustainability*). The Independent Expert and the stakeholders started testing the criteria, but believe that the process of criteria testing is an ongoing one: the criteria should prove their relevance as stakeholders suggest examples of good practices.

After this consultation and the consolidation of the criteria, the Independent Expert wants to use these to identify good practices across all levels and sectors of society. To that end, she will organize stakeholder consultations with governments, civil society organisations, national human rights institutions, development cooperation agencies, the private sector, UN agencies, and perhaps others. By bringing people from the same sector together to talk about good practices related to human rights, water and sanitation, she hopes to facilitate exchange of these good practices. In order to prepare the consultations through the identification of potential good practices, the present questionnaire has been elaborated. The consultations will be held in 2010 and 2011. Based on the answers to this questionnaire, and the stakeholder consultations, the Independent Expert will prepare a report on good practices, to be presented to the Human Rights Council in 2011.

The Good Practices Questionnaire

The questionnaire is structured following the normative and cross-cutting criteria, mentioned above; hence the Independent Expert is looking for good practices in the fields of sanitation and water **from a human rights perspective**. Therefore, the proposed practices do not only have to be judged 'good' in light of at least one normative criterion depending on their relevance to the practice in question (*availability, accessibility, quality/safety, affordability, acceptability*), but also in view of all the cross-cutting criteria (*non-discrimination,*

participation, accountability, impact, sustainability). At a minimum, the practice should not undermine or contradict any of the criteria.

Explanatory note: Criteria

Criteria 1-5: Normative criteria (availability, accessibility, quality/safety, affordability, acceptability). All these criteria have to be met for the full realization of the human rights to sanitation and water, but a good practice can be a specific measure focussing on one of the normative criterion, and not necessarily a comprehensive approach aiming at the full realization of the human rights. Hence, not all the criteria are always important for a given practice. E.g., a pro-poor tariff structure can be judged very good in terms of the affordability criterion, whilst the quality-criterion would be less relevant in the context of determining whether that measure should be considered a good practice.

Criteria 6-10: Cross-cutting criteria (non-discrimination, participation, accountability, impact, sustainability). In order to be a good practice from a human rights perspective, all of these five criteria have to be met to some degree, and at the very least, the practice must not undermine or contradict these criteria. E.g., a substantial effort to extend access to water to an entire population, but which perpetuates prohibited forms of discrimination by providing separate taps for the majority population and for a marginalized or excluded group, could not be considered a good practice from a human rights perspective.

Actors

In order to compile the most critical and interesting examples of good practices in the field of sanitation and water from a human rights perspective, the Independent Expert would like to take into consideration practices carried out by a **wide field of actors**, such as *States, regional and municipal authorities, public and private providers, regulators, civil society organisations, the private sector, national human rights institutions, bilateral development agencies, and international organisations.*

Practices

The Independent Expert has a broad understanding of the term “practice”, encompassing both policy and implementation: Good practice can thus cover **diverse practices** as, e.g., *legislation (international, regional, national and sub-national), policies, objectives, strategies, institutional frameworks, projects, programmes, campaigns, planning and coordination procedures, forms of cooperation, subsidies, financing mechanisms, tariff structures, regulation, operators’ contracts, etc.* Any activity that enhances people’s enjoyment of human rights in the fields of sanitation and water or understanding of the rights and obligations (without compromising the basic human rights principles) can be considered a good practice.

The Independent Expert is interested to learn about practices which advance the realization of human rights as they relate to safe drinking water and sanitation. She has explicitly decided to focus on “good” practices rather than “best” practices, in order to appreciate the fact that ensuring full enjoyment of human rights can be a process of taking steps, always in a positive direction. The practices submitted in response to this questionnaire may not yet have reached their ideal goal of universal access to safe, affordable and acceptable sanitation and drinking water, but sharing the steps in the process towards various aspects of that goal is an important contribution to the Independent Expert’s work.

Please describe a good practice **from a human rights perspective** that you know well in the field of

- drinking water; and/or
- sanitation

Please relate the described practice to the ten defined criteria. An explanatory note is provided for each of the criteria.

Description of the practice:

Name of the practice:

Inserting Citizenship Culture to promote good use of water and mitigate climate change impact in the Real Neighborhoods Program (RNP) in La Paz, Bolivia

Aim of the practice:

Provide access to water and sanitation to poor neighbourhoods on a human-rights based approach with participation, equality and accountability, promoting good use of water and raising awareness about climate change impact.

Target group(s):

40.000 inhabitants in 42 poor neighbourhoods located in hillsides of La Paz city.

Partners involved:

- Municipality of La Paz
- UN Habitat
- IDB (Interamerican Development Bank)
- EPSAS (La Paz water public operator)
- FEJUVE La Paz (Neighbourhoods Association)
- Comités de Vigilancia (Neighbourhood Monitoring Committee)
- Public Schools authorities, teachers and students
- Club de Madres (Women's Committee)

Duration of practice:

Two years until May 2011

Financing (short/medium/long term):

The short- term investment for sanitary infrastructure was USD 2 million (IDB funds) and USD 100.000 counterpart contributions in works by the community.

Total budget for executing practice is USD 300,000 which is shared by UN-HABITAT and Municipality of La Paz as follows:

UN-HABITAT : USD 150,000

Municipality of La Paz: USD 150,000

Operation and maintenance of physical infrastructure will be covered with the water tariffs in long term..

Brief outline of the practice:

The new Constitution approved in Bolivia recognises access to water services as a human right. . However, is still harder for poor neighbourhoods to claim their right to water. In 2007, the poverty map showed that 34.72% of the urban population in La Paz is poor. Even if they have a place to live there are no habitability conditions in terms of quality, habitability and water services (Municipal Development Plan 2007).

The Municipality of La Paz within the framework of the Municipal Development Plan JAYMA 2007-2011 established a "Real Neighborhoods Program"(Barrios de Verdad) to upgrade the poorest peri-urban zones in the hillsides of the city, through actions addressed to integrate them to the urban space with equity, providing water and sanitation services on a human-rights based approach, promoting well being, improving life quality for the inhabitants, lowering the risks that make them vulnerable and giving them the possibility of truly exercising their citizenship through a responsible and democratic participation in the neighborhood public management.

The impact of the RNP is highly positive, since 42 neighbourhoods were provided with sanitary infrastructure in each household. Nevertheless, some ecological risks have been identified such as the increase of the domestic water losses due to the implementation of new sanitary modules in poor peri-urban zones.

In addition, there is a lack of consciousness about citizen duties to maintain the public infrastructure that shows depreciations and damages representing around a million-bolivianos to be paid by the Municipality each year (USD 150.000 aprox.). This situation is a result of a low sense of ownership and self-identification with the improved neighborhood.

The Municipality of La Paz aims to promote a citizenship culture for a better use of water and to raise awareness of the climate change impact in the benefited neighborhoods. The new sanitary modules installed within the RNP originated new patterns in water consumption increasing water demand and therefore water stress in the city.

In this context and considering that the benefited inhabitants of the RNP must create awareness for a responsible management of water resources, acquire conscience about the climate change impact and be involved with a responsible maintenance of the infrastructure, the project will help to apply in the neighborhood's daily life the knowledge and skills acquired in the social component in a strict sense of ownership and self recognition with their territory, affectivity reinforced by the Strategy of a Citizenship Culture so that under the principles of territoriality and inter-culturally, the benefited population acquires the desired competences using innovative methodologies that link social processes to educational processes.

1. How does the practice meet the criterion of availability?

Explanatory note: Availability

Availability refers to sufficient quantities, reliability and the continuity of supply. Water must be continuously available in a sufficient quantity for meeting personal and domestic requirements of drinking and personal hygiene as well as further personal and domestic uses such as cooking and food preparation, dish and laundry washing and cleaning. Individual requirements for water consumption vary, for instance due to level of activity, personal and health conditions or climatic and geographic conditions. There must also exist sufficient number of sanitation facilities (with associated services) within, or in the immediate vicinity, of each household, health or educational institution, public institution and place, and the workplace. There must be a sufficient number of sanitation facilities to ensure that waiting times are not unreasonably long.

Answer:

A 2005 Regulation Report showed that only 71 % of the population had access to a water connection in urban areas in La Paz, whereas in sanitation these number drops to 59 % . According to a MDG report (UNDP 2008) water coverage increased to 81,9 % with the RNP. More than 1800 new sanitary modules were built in poor peri-urban zones increasing access to sanitation services. EPSAS (water public operator) provides a 24-hour supply in these neighbourhoods.

2. How does the practice meet the criterion of accessibility?

Explanatory note: Accessibility

Sanitation and water facilities must be physically accessible for everyone within, or in the immediate vicinity, of each household, health or educational institution, public institution and the workplace. The distance to the water source has been found to have a strong impact on the quantity of water collected. The amount of water collected will vary depending on the terrain, the capacity of the person collecting the water (children, older people, and persons with disabilities may take longer), and other factors. There must be a sufficient number of sanitation and water facilities with associated services to ensure that collection and waiting times are not unreasonably long. Physical accessibility to sanitation facilities must be reliable at day and night, ideally within the home, including for people with special needs. The location of public sanitation and water facilities must ensure minimal risks to the physical security of users.

Answer:

With implementation of the RNP, water is available within the premises of the house. Household sanitation facilities were provided with IDB funds and the municipal government budget. The new sanitary infrastructure contributed to eliminate the practice of open defecation in the poor neighbourhoods promoting better hygiene practices and well being of children, older people and other vulnerable groups. Installations in each household also had an impact improving safety in the neighbourhoods specially for women.

3. How does the practice meet the criterion of affordability?

Explanatory note: Affordability

Access to sanitation and water facilities and services must be accessible at a price that is affordable for all people. Paying for services, including construction, cleaning, emptying and maintenance of facilities, as well as treatment and disposal of faecal matter, must not limit people's capacity to acquire other basic goods and services, including food, housing, health and education guaranteed by other human rights. Accordingly, affordability can be estimated by considering the financial means that have to be reserved for the fulfilment of other basic needs and purposes and the means that are available to pay for water and sanitation services. Charges for services can vary according to type of connection and household income as long as they are affordable. Only for those who are genuinely unable to pay for sanitation and water through their own means, the State is obliged to ensure the provision of services free of charge (e.g. through social tariffs or cross-subsidies). When water disconnections due to inability to pay are carried out, it must be ensured that individuals still have at least access to minimum essential levels of water. Likewise, when water-borne sanitation is used, water disconnections must not result in denying access to sanitation.

Answer:

From 1997 to 2007, water services in La Paz were supplied under a Concession Contract with Aguas del Illiman (Suez-owned private company). Even if the water networks were expanded, poor neighbourhoods in the hillsides of the city were left out in the concession expansion goals when the regulator increased the water connection fee from US \$190 to US \$400 in the 2001 tariff review. Poor families were not able to connect to the water networks or to finance household sanitary facilities..

In 2008, the Government retake control over the water services administration in La Paz with EPSAS (public water operator). Special attention was given to poor neighbourhoods in the hillsides since inhabitants were deprived of enough water to satisfy their basic needs.

The provision of sanitary infrastructure free of charge benefited poor families in the marginalised neighbourhoods under the RNP. The RNP also helped to review regulatory decisions with approval reduced connection costs to USD 140 in La Paz facilitating access to poor families.

4. How does the practice meet the criterion of quality/safety?

Explanatory note: Quality/Safety

Sanitation facilities must be hygienically safe to use, which means that they must effectively prevent human, animal and insect contact with human excreta. They must also be technically safe and take into account the safety needs of peoples with disabilities, as well as of children. Sanitation facilities must further ensure access to safe water and soap for hand-washing. They must allow for anal and genital cleansing as well as menstrual hygiene, and provide mechanisms for the hygienic disposal of sanitary towels, tampons and other menstrual products. Regular maintenance and cleaning (such as emptying of pits or other places that collect human excreta) are essential for ensuring the sustainability of sanitation facilities and continued access. Manual emptying of pit latrines is considered to be unsafe and should be avoided.

Water must be of such a quality that it does not pose a threat to human health. Transmission of water-borne diseases via contaminated water must be avoided.

Answer:

The sanitary modules implemented in the RNP provide a safe facility in each household.

One of the project objectives is that inhabitants understand the operation of the water and sanitation systems so that they are able to manage its maintenance, preserve its infrastructure and are conscious about a responsible use of water.

Human values- based water, hygiene and education (HVWSHE) programs will be implemented in local schools and at community level to improve hygiene habits and adequate wastes disposal.

Regarding water quality, EPSAS supplies potable water to RNP neighbourhoods in compliance of quality standards established in the Bolivian Water Quality Norm (NB 512).

5. How does the practice meet the criterion of acceptability?

Explanatory note: Acceptability

Water and sanitation facilities and services must be culturally and socially acceptable. Depending on the culture, acceptability can often require privacy, as well as separate facilities for women and men in public places, and for girls and boys in schools. Facilities will need to accommodate common hygiene practices in specific cultures, such as for anal and genital cleansing. And women's toilets need to accommodate menstruation needs.

In regard to water, apart from safety, water should also be of an acceptable colour, odour and taste. These features indirectly link to water safety as they encourage the consumption from safe sources instead of sources that might provide water that is of a more acceptable taste or colour, but of unsafe quality.

Answer:

The practice considers that neighbourhoods' physical transformation must be reinforced by creating a conscience about the climate change impact and the responsible use of water. The neighbours benefited greatly with new sanitary modules and improved their living conditions and hygiene habits. These results reinforced acceptability by the community.

The Strategy of Citizenship Culture with its principles of territoriality and interculturality plus the application of a environment didactic methodology is expected to guarantee a positive change of habits in the benefited communities. At the same time, the strategy aims to maintain cultural patterns that are environmental friendly given that the native culture has a vision of the world that includes an ecological way of life (Andean vision of the world). For the Andean culture water is much more than an hydric resource . Water is a living being , the provider of life and animation and also is conceived as a divine being. This vision of water helps to its preservation by local communities.

6. How does the practice ensure non-discrimination?

Explanatory note: Non-discrimination

Non-discrimination is central to human rights. Discrimination on prohibited grounds including race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status or any other civil, political, social or other status must be avoided, both in law and in practice.

In order to address existing discrimination, positive targeted measures may have to be adopted. In this regard, human rights require a focus on the most marginalized and vulnerable to exclusion and discrimination. Individuals and groups that have been identified as potentially vulnerable or marginalized include: women, children, inhabitants of (remote) rural and deprived urban areas as well as other people living in poverty, refugees and IDPs, minority groups, indigenous groups, nomadic and traveller communities, elderly people, persons living with disabilities, persons living with HIV/AIDS or affected by other health conditions, people living in water scarce-regions and sanitation workers amongst others.

Answer:

The RNP aims to integrate groups most marginalised in regard to access to water services (women, migrants and indigenous population). The sanitary modules were built with the same technology and quality to provide family needs and special needs in the local schools.

The community is organized into a legal entity called FEJUVE having adequate representation of women through Club de Madres (Women's Committee) to carry out the responsibilities of planning, design, implementation, operation and maintenance in the project.

Follow up activities in the project will support initiatives from the group of youngsters neighbourhood guides to replicate environmental education regarding climate change with groups of different ages (school children and elderly) and background (indigenous and migrants from rural areas).

7. How does the practice ensure active, free and meaningful participation?

Explanatory note: Participation

Processes related to planning, design, construction, maintenance and monitoring of sanitation and water services should be participatory. This requires a genuine opportunity to freely express demands and concerns and influence decisions. Also, it is crucial to include representatives of all concerned individuals, groups and communities in participatory processes.

To allow for participation in that sense, transparency and access to information is essential. To reach people and actually provide accessible information, multiple channels of information have to be used. Moreover, capacity development and training may be required – because only when existing legislation and policies are understood, can they be utilised, challenged or transformed.

Answer:

Following actions ensure active, free and meaningful participation in this practice:

1. The planning information is made available in accesible format for minority languages(aymara)
2. The Real Neighbourhoods benefited with new sanitary infrastructure were selected after series of stakeholder consultation and within a public contest. The results of the contest and selection requirements were made available to the public.
3. Participatory assessments are conducted in the neighbourhoods through surveys and data collection workshops in the following issues: water network, sewerage sytems, oral memory and neighbourhood characters.
4. Participatory workshops will be organized to elaborate a neighbourhood icon to include sense of ownership, symbolic representations of climate change and responsible use of water.

8. How does the practice ensure accountability?

Explanatory note: Accountability

The realization of human rights requires responsive and accountable institutions, a clear designation of responsibilities and coordination between different entities involved. As for the participation of rights-holders, capacity development and training is essential for institutions. Furthermore, while the State has the primary obligation to guarantee human rights, the numerous other actors in the water and sanitation sector also should have accountability mechanisms. In addition to participation and access to information mentioned above, communities should be able to participate in monitoring and evaluation as part of ensuring accountability.

In cases of violations – be it by States or non-State actors –, States have to provide accessible and effective judicial or other appropriate remedies at both national and international levels. Victims of violations should be entitled to adequate reparation, including restitution, compensation, satisfaction and/or guarantees of non-repetition.

Human rights also serve as a valuable advocacy tool in using more informal accountability mechanisms, be it lobbying, advocacy, public campaigns and political mobilization, also by using the press and other media.

Answer:

The Municipality of La Paz has established a specific unit to RNP implementation. The human resources in this unit are young professionals who are permanently trained in urban issues.

This unit is implementing a benchmarking indicators system to draw a basis to measure impact and good practices in the RNP. Joint community and monitoring of rights conditions are performed by the community through the Comités de Vigilancia (Neighbourhoods Monitoring Committee) providing a basis for dialogue and empowerment.

9. What is the impact of the practice?

Explanatory note: Impact

Good practices – e.g. laws, policies, programmes, campaigns and/or subsidies - should demonstrate a positive and tangible impact. It is therefore relevant to examine the degree to which practices result in better enjoyment of human rights, empowerment of rights-holders and accountability of duty bearers. This criterion aims at capturing the impact of practices and the progress achieved in the fulfilment of human rights obligations related to sanitation and water.

Answer:

The RNP encourages inhabitants from poor neighbourhoods to establish individual and collective duties and commitments towards the common infrastructure like sanitary modules and water networks, guaranteeing the responsible use of water. The awareness process contributes to raise ownership and reduce O&M costs for the local municipality.

The practice is also helping to understand that the neighbourhood is part of La Paz urban network inserted in a global context facing global problems like climate change impact and the preservation of water resources, having a proactive attitude towards these issues.

Inhabitants in the neighbourhoods become pioneers in the incorporation of climate change mitigating measures and responsible use of water within a sustainable citizenship culture strategy.

10. Is the practice sustainable?

Explanatory note: Sustainability

The human rights obligations related to water and sanitation have to be met in a sustainable manner. This means good practices have to be economically, environmentally and socially sustainable. The achieved impact must be continuous and long-lasting. For instance, accessibility has to be ensured on a continuous basis by adequate maintenance of facilities. Likewise, financing has to be sustainable. In particular, when third parties such as NGOs or development agencies provide funding for initial investments, ongoing financing needs for operation and maintenance have to be met for instance by communities or local governments. Furthermore, it is important to take into account the impact of interventions on the enjoyment of other human rights. Moreover, water quality and availability have to be ensured in a sustainable manner by avoiding water contamination and over-abstraction of water resources. Adaptability may be key to ensure that policies, legislation and implementation withstand the impacts of climate change and changing water availability.

Answer: This practice is aimed to insert a Citizenship culture in the RNP to promote sustainability in maintenance of the sanitary modules and increase water availability for future generations. There are four strategic lines in the project: institutional development, economic and financial development, human and cultural development and land-use planning and the environment. The municipality has the responsibility to engage in actions to increase access to water and sanitation services by implementing solutions that are cost-effective and environmentally sustainable. The Municipality engages in the articulation of projects and partnership with UN Habitat for a better use of water and to raise awareness of the climate change impact in the poor periurban neighbourhoods benefited within the project.

Final remarks, challenges, lessons learnt

The municipality as a duty-bearer should lead insertion of its marginal population through high impact integral municipal policies like the Real Neighbourhood Programme implemented in La Paz, Bolivia. At the same time, communities as right-holders should create ownership of the new facilities.

The insertion of Citizenship culture in the RNP is a response to empower communities in claiming their rights to water. It also contributes to strengthen the conscience of the inhabitants to facilitate management, preservation and maintenance of the water and sewerage systems.

Water services provision in poor neighbourhoods address the issue of denial of human rights that existed due to the lack of services. When exercising their human right to water, communities need to apprehend the responsible use of water and have awareness of the climate change impact in their daily life.

Submissions

In order to enable the Independent Expert to consider submissions for discussion in the stakeholder consultations foreseen in 2010 and 2011, all stakeholders are encouraged to submit the answers to the questionnaire at their earliest convenience and no later than 30th of June 2010.

Questionnaires can be transmitted electronically to iewater@ohchr.org (encouraged) or be addressed to

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Please include in your submissions the name of the organization submitting the practice, as well as contact details in case follow up information is sought.

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The Independent Expert would like to thank you for your efforts!

For more information on the mandate of the Independent Expert, please visit
<http://www2.ohchr.org/english/issues/water/lexpert/index.htm>