

Introducing a framework for analyzing weaknesses in institutional service delivery and the human rights to water and sanitation; case studies from The Democratic Republic of Congo, Haiti, Mozambique and Niger

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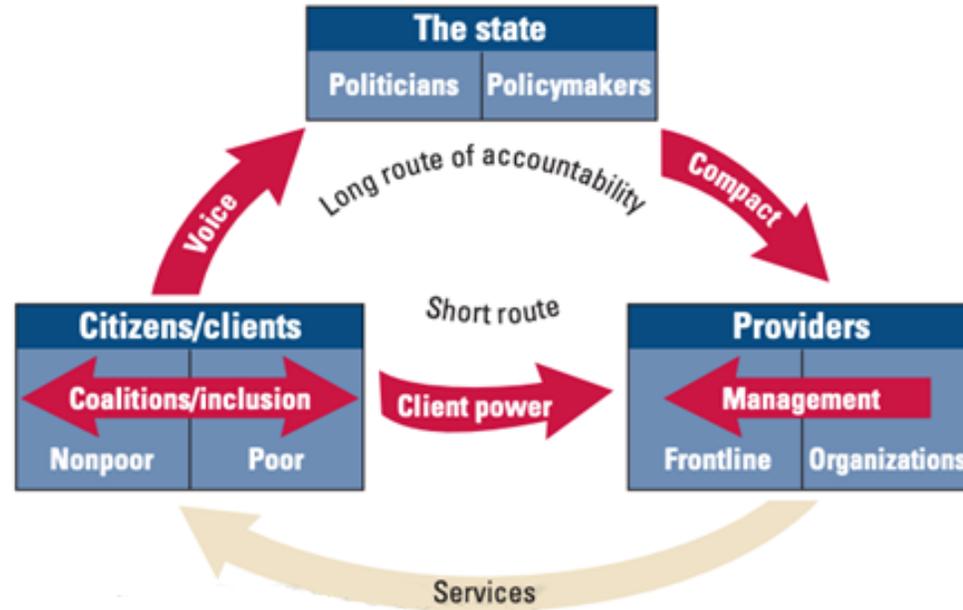


Motivated by HR law which assigns the State responsibility over safeguard ing access to WASH

- In line with the human right obligation of governments to **respect, protect and fulfill**, on access to WASH, the 2003 UN Committee on Economic, Social and Cultural Rights (CESCR) Commentary 15 states:
 - **Respect:** Governments should not interfere, directly or indirectly, with the enjoyment of rights.
 - **Protect:** Governments should prevent third parties from interfering in any way with the enjoyment of rights.
 - **Fulfill:** Government should take active steps to put in place laws, policies, institutions and procedures, including the allocation of resources, to enable people to enjoy their rights.
- 2011 United Nations General Assembly (UNGA) resolution 18/33 states:
 - “[..] States have the primary responsibility to ensure the full realization of all human rights and to endeavor to take steps, individually through international assistance and cooperation.... with a view to progressively achieving the full realization of the rights to safe drinking water and sanitation by all appropriate.”

Analytical Framework

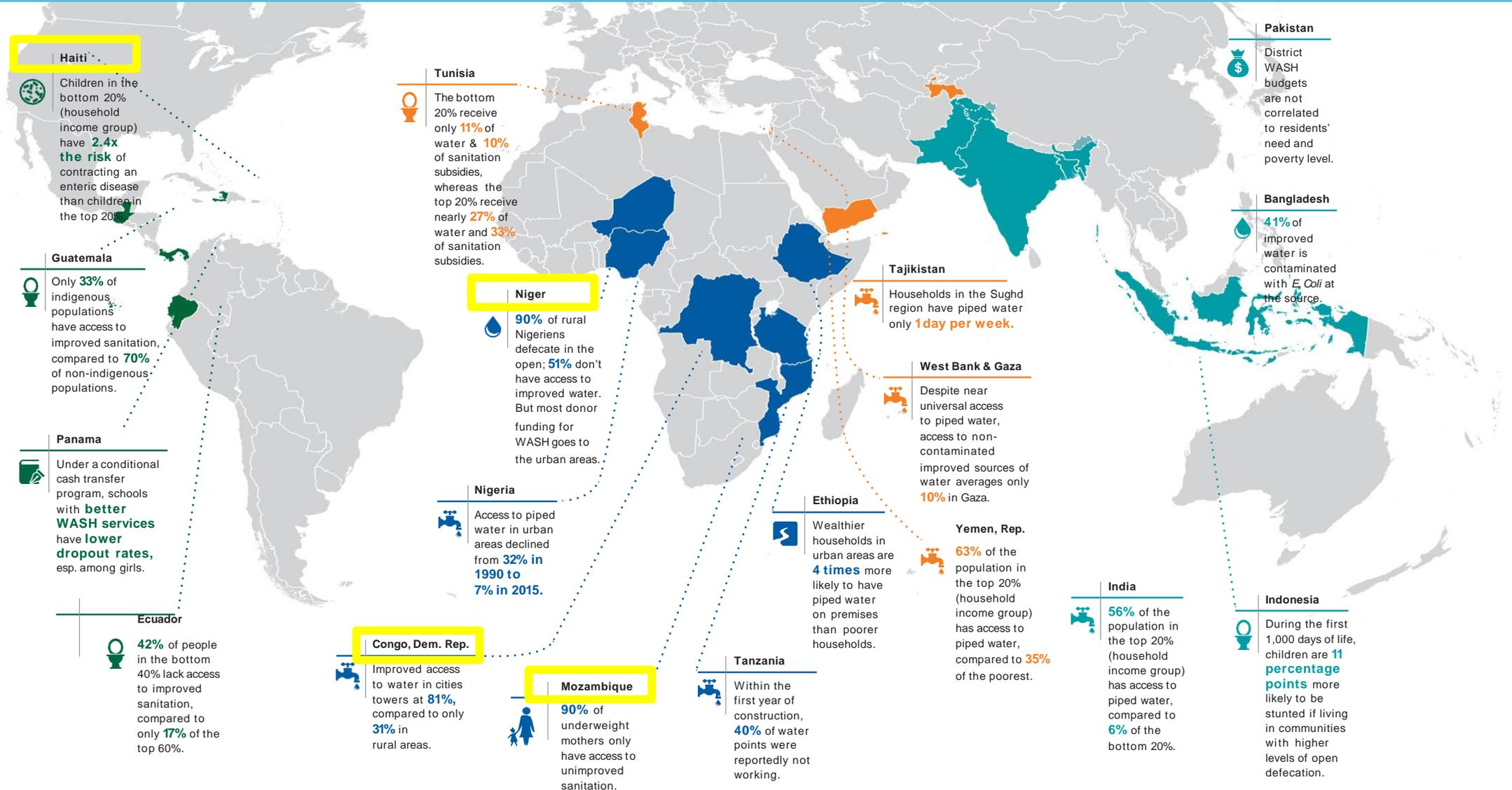
Key relationships of power and accountability, as introduced in the WDR 2004 report. Source: World Bank, WDR. 2004.



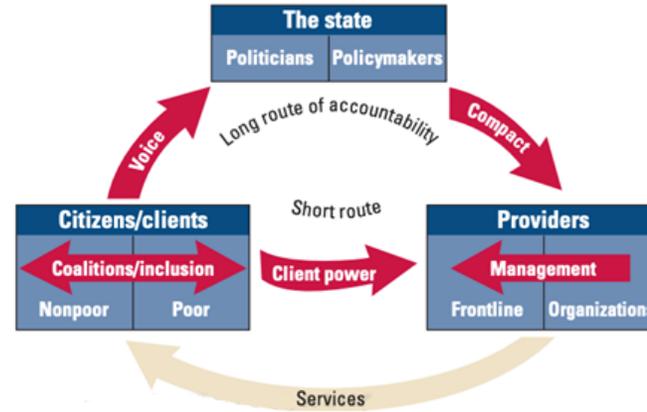
Actors in the model applied to the WASH sector:

- *Citizens/clients:* water consumers/clients
- *Politicians/policymakers:* those in charge of administering laws in the WASH sector, water and sanitation government departments, health departments.
- *Organizational/Frontline providers:* water and sanitation utility staff, frontline sanitation workers.

Case studies: DRC, Haiti, Mozambique and Niger



Key findings: applied to DRC, Haiti, Mozambique and Niger



Key Findings:

- Weaknesses in service provision can be mostly attributed to disruptions in the accountability (*compact*) association between the State and local WASH providers
- Common issues linked to breakdowns in *compact* associations include:
 - Overlapping agendas among different ministries,
 - Incomplete/improper decentralization processes
 - Bottlenecks in the distribution and assignation of funding.



Minimum standards of services and cross-cutting principles for a HRBA to water and sanitation

Minimum Standards of Services

Dimension	Definition
Availability	The supply of water shall be sufficient and continuous for personal and domestic uses, including quality adequacy for drinking and food preparation, personal hygiene, washing of clothes, cleaning, and other aspects of domestic hygiene.
Accessibility	Water and sanitation facilities must be located or constructed in a way that they are accessible to all at all times. Accessibility to sanitation entails facilities that reduce safety risks for all users, especially women and girls.
Quality and safety	Water delivered shall meet quality standards for human consumption and for personal and domestic hygiene. This implies that water must be free from microorganisms, chemical substances, and radiological hazards that constitute a threat to a person's health over a lifetime of consumption. Sanitation facilities shall be also safe to use and prevent contact between people and human excreta.
Acceptability	Water and sanitation facilities must meet social or cultural norms from a user's perspective, for example, regarding the odor or color of drinking water, or the privacy of sanitation facilities. In most cultures, gender-specific sanitation facilities will be required in public spaces and institutions.
Affordability	Individual and household expenditure on water and sanitation services, as well as associated hygiene, must be affordable for people without forcing them to resort to other, unsafe alternatives and/or limiting their capacity to acquire other basic goods and services (such as food, housing, or education) guaranteed by other human rights.

Cross-Cutting Human Rights Principles

- Equality and non-discrimination
- Participation
- Accountability, transparency and sustainability



Sources:

Danish Institute for Human Rights, 2014
2002 ESCR General Comment No. 15
United Nations Special Rapporteur, 2012,
Chen and Altschuller 2010

Cross-Cutting HRBA principles, case-studies, and WASH

Recommendations for Adopting a HRBA to WASH

Equality and Non-Discrimination	Participation	Accountability, Transparency and Sustainability
<p>In the search for universalization of WASH services:</p> <ul style="list-style-type: none"> Analyze discrimination in existing policies and practices Prioritize marginalized groups and compensate disadvantaged groups for prejudiced practices. 	<p><i>Voice:</i> Encourage active and meaningful participation of those populations whose rights to water and sanitation remain unfulfilled.</p>	<p><i>Accountability:</i></p> <ul style="list-style-type: none"> Have adequate monitoring and evaluation infrastructure Guarantee mechanisms for complaints or grievance. <p><i>Transparency</i></p> <ul style="list-style-type: none"> Access to information should be made available to all <p><i>Sustainability</i></p> <ul style="list-style-type: none"> Increase and better streamline service delivery, to guarantee role of State in securing WASH.



Improving Service Delivery using a HRBA lens to WASH

Recommendations for Improving Service Delivery

- **Encouraging Greater Coordination and a Fairer Distribution of Resources**
 - Clear allocation of responsibilities among different ministries, especially in contexts of decentralization.
- **Promoting Decentralization and Strengthening of Local Capacity**
 - National government who has responsibility to monitor rights, ensure their realization, and set minimum standards.
- **Ensuring Progressive Realization and Maximum Available Resources**
 - Improve intragovernmental coordination to:
 - Increase prioritization of sector within budget cycles
 - Bolster greater government oversight and reporting.
 - Improve financial and operational performance of WASH services.
 - HR Principle of maximum available resources:
 - Requires States to adopt fair and redistributive taxation and tariff policies and to increase overall revenue pool.

