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 safeguarding 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.”

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.
Empirical analysis retrieved from service delivery constraint work conducted as part of WASH Poverty Diagnostics 2017 initiative

Case studies: DRC, Haiti, Mozambique and Niger

**Haiti**
- Children in the bottom 20% (household income group) have 2.4x the risk of contracting an enteric disease than children in the top 20%.

**Panama**
- Under a conditional cash transfer program, schools with better WASH services have lower dropout rates, esp. among girls.

**Guatemala**
- Only 33% of indigenous populations have access to improved sanitation, compared to 70% of non-indigenous populations.

**Ecuador**
- 42% of people in the bottom 40% lack access to improved sanitation, compared to only 17% of the top 60%.

**Niger**
- 90% of rural Nigerians defecate in the open; 51% don’t have access to improved water. But most donor funding for WASH goes to the urban areas.

**Tunisia**
- The bottom 20% receive only 11% of water & 10% of sanitation subsidies, whereas the top 20% receive nearly 27% of water and 50% of sanitation subsidies.

**India**
- 56% of the population in the top 20% (household income group) has access to piped water, compared to 35% of the poorest.

**West Bank & Gaza**
- Despite near universal access to piped water, access to non-contaminated improved sources of water averages only 10% in Gaza.

**Bangladesh**
- 41% of improved water is contaminated with E. Coli at the source.

**Pakistan**
- District WASH budgets are not correlated to residents’ need and poverty level.

**Yemen, Rep.**
- 63% of the population in the top 20% (household income group) has access to piped water, compared to 35% of the poorest.

**Tajikistan**
- Households in the Sughd region have piped water only 1 day per week.

**Tanzania**
- Within the first year of construction, 40% of water points were reportedly not working.

**Indonesia**
- During the first 1,000 days of life, children are 11 percentage points more likely to be stunted if living in communities with higher levels of open defecation.

**Nigeria**
- Access to piped water in urban areas declined from 32% in 1990 to 7% in 2015.

**Congo, Dem. Rep.**
- Improved access to water in cities towers at 81%, compared to only 31% in rural areas.

**Mozambique**
- 90% of underweight mothers only have access to unimproved sanitation.

**Ethiopia**
- Wealthier households in urban areas are 4 times more likely to have piped water on premises than poorer households.
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 liked 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

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<tr>
<th>Dimension</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Availability</td>
<td>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.</td>
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<tr>
<td>Accessibility</td>
<td>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.</td>
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<tr>
<td>Quality and safety</td>
<td>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.</td>
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<tr>
<td>Acceptability</td>
<td>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.</td>
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<tr>
<td>Affordability</td>
<td>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.</td>
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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
### Recommendations for Adopting a HRBA to WASH

<table>
<thead>
<tr>
<th>Equality and Non-Discrimination</th>
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| In the search for universalization of WASH services: | Voice: Encourage active and meaningful participation of those populations whose rights to water and sanitation remain unfulfilled. | **Accountability:**  
• Have adequate monitoring and evaluation infrastructure  
• Guarantee mechanisms for complaints or grievance.  
**Transparency**  
• Access to information should be made available to all  
**Sustainability**  
• Increase and better streamline service delivery, to guarantee role of State in securing WASH. |
| • Analyze discrimination in existing policies and practices  
• Prioritize marginalized groups and compensate disadvantaged groups for prejudiced practices. | | |

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

Sources: United Nations Special Rapporteur, 2012, Chen and Altschuller 2010
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.

Sources:
Colombo Declaration (2019)