



A GUIDE TO THE DEVELOPMENT OF HUMAN RIGHTS INDICATORS FOR WATER AND SANITATION

A Human Right 2 Water Policy Paper

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Abstract

This document is the first in a series of policy papers that will address human rights indicators for water and sanitation governance. Human rights indicators are a way to monitor progress towards the progressive realisation of the rights to water and sanitation, providing a tailored and localised system of tracking the indicators that are meaningful for human rights. This paper outlines methodology for the development of indicators on the human rights to water and sanitation (HRWS), and it is designed as a reference for local authorities, water and sanitation providers and development agencies working in this field.

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1. Background

The use of indicators in the field of human rights is part of a comprehensive and systematic process to implement, monitor and realise rights. Indicators are a specific and practical tool for promoting the fulfilment of human rights and measuring their implementation. The



Human Rights-Based Approach (HRBA) attaches importance not only to programme outcomes, but also to the process by which those outcomes are achieved. Because of this, the development of human rights-based indicators plays a key role, because it allows for the evaluation of human rights compliance throughout the whole programme, throughout the evaluation of both processes and outcomes.

The purpose of this paper is to introduce the process of developing human rights-based indicators for monitoring and evaluating interventions. It should be noted that we have drawn on the guidelines for human rights indicators from 2008 that were developed by the Office of the High Commissioner of Human Rights (OHCHR)ⁱ, and recognised as the original reference document on this topic.ⁱⁱ The present methodology developed by Human Right 2 Water (HR2W) is currently a work in progress, and it is being continuously improved by our team as we gain practical experience with projects being carried out in the field in different countries.

2. Introduction

Key aspects of the work include the following:

- i. Prior detailed research on the geographical area at stake
- ii. An analysis on the relevant legal frameworks of the chosen area (from national to local frameworks)
- iii. The identification of the different priority groups in order to properly disaggregate the data

It is also important to note that because the human rights to water and sanitation are separate and distinct rights, they should be monitored separately in order to take into account for the specific challenges of each. Treating them together does not allow for an adequate appreciation of the state of each of these rights, especially in the case of sanitation which is often subsumed in the analysis of the human right to water.

Relevant local authorities should define how often they will collect information, and how they will collect it. Some of the necessary information comes from government reports, national or international legal standards, and the official gazette (publication of standards). Additional information may be obtained through field surveys and their analysis, in addition to sourcing existing information from the databases of service providers.

It is therefore necessary to identify the official that should be responsible for the use and evaluation of the indicators by asking the following questions:

- i. Who generates the information?
- ii. Who collects the information?
- iii. How is the information collected?
- iv. Who analyses the information?
- v. Who reports/presents the information?

HR indicators provide valuable information to monitor, track and analyse the situation and how it can be improved. Each of these indicators targets the five criteria of the HRWSⁱⁱⁱ or one of the five cross-cutting human rights principles.^{iv} The results indicate whether or not the



fulfilment of that principle/criterion is adequate. If it is not adequate, efforts must be deployed to improve the situation by making the necessary legal and policy changes, which in turn indicates that the process for achieving compliance is under way.

Human rights indicators seek to measure the commitment of responsible entities to human rights standards (e.g., local governments, water and sanitation service providers, water and wastewater authorities). They also reflect the efforts undertaken by these actors to realise this commitment and the results of these efforts over time.

Three types of indicators should therefore be developed:

1. **Structural indicators**, which reflect the State's intention or its acceptance of human rights standards in taking steps towards the realisation of that human right.
2. **Process indicators**, which help to directly monitor the progressive realisation of the right or the process of protecting the right, and which reflect the efforts made by States parties or other relevant duty bearers to realise human rights.
3. **Outcome indicators**, which capture achievements, individual and collective, that reflect the status of the realisation of human rights in a specific context and at a given point in time.

These three types of indicators will be further defined below under Section 4.

From a human rights-based perspective, the development of indicators implies the following:

1. Human rights indicators should be based on international human rights instruments. According to the OHCHR,^v most of the commonly used indicators could be reconfigured and explicitly linked to human rights standards and obligations.

The ratification of a treaty is an example of a structural indicator.

The express recognition of the HRWS in the State's political constitution, or in its water law, is also a structural indicator.

2. Indicators should reflect the obligations of the responsible entity to respect, protect and fulfil human rights.

These obligations can be measured, for example, through the governmental budget allocated to water and sanitation provision; the inclusion of vulnerable groups in water programmes; or the number complaints that are received and adequately resolved (process indicators).

3. The selection of indicators and assessment should reflect the criteria and principles of the HRWS and the cross-cutting human rights-based approach.

These indicators reflect principles such as non-discrimination (e.g., the number of women or indigenous peoples included in water committees), and criteria such as acceptability (e.g. do people feel that water or sanitation facilities are culturally acceptable?).

4. Indicators should be reliable, simple and few in number. If they are too complicated, they will be confusing, too difficult to collect or analyse, and will make the process unrealistic.



5. They should be based on transparent and verifiable methods. All information sharing should be available in a transparent way, so that data is credible and easily verified.
6. Indicators should be developed with local participation. Local community participation is important when developing indicators so that the rights of vulnerable people can be included and feedback from the local community can be introduced, either to improve how the indicator is expressed or how it is collected. The community should also be made aware of the indicators selected before they are finalised, so that they can feed their ideas and thoughts into the process.
7. Disaggregated data should be collected to avoid discrimination against vulnerable groups. By disaggregation, we mean differentiating by area, gender, race, culture, age, wealth and status wherever possible – it is not simply a classification of urban or rural.

3. Step-by-Step Methodology for the situation analysis

The starting point is to establish which areas and populations are going to be covered, the relevant legal and policy framework applicable, and an assessment of the current situation of the relevant (or priority) populations that are affected. The collection of this data will provide a comprehensive understanding to enable the development of indicators that will be tailored to the specific situation.

I. Geographical area

First, it is necessary to identify the geographical area in which the indicators will be developed, since each area has its own characteristics, needs, priority groups, strengths, and other elements to make it unique.

Note that it is also necessary to identify who are the duty-bearers and rights-holders in the area identified. This will establish whether the use of indicators is needed and/or feasible in a given region. The following elements can therefore be taken into account:

- The particular areas of vulnerability in a region, such as areas with water scarcity, poor infrastructure, water pollution, political uncertainty, transient populations etc.
- The capacities of institutions to collect, analyse and disseminate data.
- The fact that a region may have characteristics that are similar to other regions in order to be able to apply these indicators to other contexts.

This study should be carried out locally and by actors who are familiar with the realities of the relevant river basin, state/county, or municipality.

II. Legal mapping

Once the relevant geographical area has been identified and selected, the next step is to conduct a legal mapping^{vi}. It is necessary to understand that there is a connection between international human rights law and practice.

The mapping begins at the international level by identifying the international treaties and conventions applicable to the chosen area. In theory they should be specified in the obligations of the national legal framework.



The mapping should be conducted in descending order, working down from the river basin level to state/county and municipalities, always taking into account the applicable national legal framework. The analysis should also include the applicable public policies and/or plans that support the fulfilment of the HRWS.

It is through legal mapping that each of the guiding criteria of the HRWS^{vii} and the cross-cutting principles^{viii} can be analysed to see how they are integrated into the national legislation. It refers to all legislation directly or indirectly related to water and sanitation, for example, legislation related to vulnerable populations such as children and adolescents, women, the elderly, indigenous populations, people with disabilities, and finally, legislation related to financial or infrastructure issues.

Legal mapping can be used as a systematic method to identify gaps in the legislation. It is worth noting that HR2W bases its research on a range of tools that have been developed to this effect.^{ix}

III. Priority populations

The next step to follow is the clear identification of vulnerable populations. As noted above, the OHCHR recommendation is to collect disaggregated data, shifting away from the traditional and simplistic division between rural and urban contexts.^x In order to achieve this disaggregation, it is necessary to identify, on the one hand, which are the vulnerable populations in the area and, on the other hand, their level of inclusion in legislation, according to the guiding criteria and principles of the HRBA. This exercise can, among other methods, be carried out using the "LNOB tool",^{xi} which ensures that we "Leave No One Behind".

4. Development of indicators

When developing indicators, the first question to be asked is "what needs to be measured?". The answer is that we need to measure the enjoyment of the human rights to water and sanitation by the rights holders, capturing a small number of outcomes that can be related to the status of the effective realisation of the HRWS. At the same time, progress made by the duty bearer, i.e., the state, in fulfilling its obligations, must be assessed.

In this way, indicators should be defined and elaborated based on the guiding criteria of availability, accessibility, quality, affordability and acceptability, and on the cross-cutting human rights principles of non-discrimination, public participation, access to information, transparency, accountability and sustainability. HR2W translates the meaning of these elements into a limited number of characteristic attributes that facilitate the determination of appropriate indicators to monitor their effectiveness.

It is desirable to have a structured approach to reading the normative content of the standard, and it is equally important to define the attributes to advance the implementation of human rights standards.

I. Types of indicators

Three types of indicators are established: structural, process and outcome indicators.



A. Structural Indicators

Structural indicators reflect the ratification or adoption of legal instruments and the existence of the basic institutional mechanisms deemed necessary to facilitate the realisation of the human right in question. They cover the intention of the State or its acceptance of human rights standards in taking steps towards the realisation of that human right. Structural indicators need to focus primarily on the nature of domestic laws related to the right in question, i.e., whether they include international standards, and the institutional mechanisms that promote and protect the standards. Structural indicators should also examine the policy framework and strategies that are relevant to the HRWS.

Examples of structural indicators:

- *Ratification/adoption of international legal instruments*
- *Express recognition of the HRWS in the Constitution; Water law; National Plan; Policy Statements etc.*

B. Process Indicators

Process indicators relate State policy instruments to milestones that become outcome indicators, which in turn can be related more directly to the fulfilment of human rights. State policy instruments cover all measures, including public programmes and specific interventions, that a State is willing to take in order to give effect to its intent/commitments to attain outcomes identified with the realisation of the HRWS. By defining process indicators in terms of a concrete causal relationship, the accountability of the state to its obligations can be better assessed. At the same time these indicators help to directly monitor the progressive realisation of the relevant right or the process of protecting these rights. Process indicators are more sensitive to change than outcome indicators and are therefore better at measuring the progressive realisation of the right or reflecting the efforts of States parties to protect rights.

There are two main considerations for the selection and formulation of process indicators:

Firstly, ensure that the articulation of these indicators reflects a causal relationship with the relevant structural as well as outcome indicator. Using example indicators:

- i. Structural indicator: laws regulating water quality in schools
- ii. Process indicator: proportion of children educated on hygiene and sanitation issues
- iii. Outcome indicator: proportion of children with water-borne diseases

Secondly, ensure that process indicators provide some measure of an effort being undertaken by the duty-holder in implementing its obligation, for example, the proportion of the population that was extended access to improved sanitation in each reporting period.

C. Outcome Indicators

Outcome indicators reflect achievements, individual and collective, that indicate the state of realisation of a human right in a given context. They are a more direct measurement of the realisation of the human right. Since it consolidates the effects of various underlying



processes over time (which may be measured by one or more process indicators), an outcome indicator is usually less likely to reflect momentary changes than a process indicator.

Note that,

- More than one process may be responsible for the same result

For example, whether women feel safe when fetching water may depend on the distance they must travel to collect water, but also on the money invested in awareness-raising campaigns against gender-based violence.

- The same process can affect more than one outcome

For example, the fact that public consultations are held on water and sanitation issues may have several positive outcomes in terms of acceptability, participation, sustainability, etc.

- Sometimes a process indicator for one human right can be an outcome indicator in the context of another right.

For example, the fact that there is an adequate number of public toilets in the community is an outcome indicator for the criterion of availability of the right to sanitation. However, this indicator can be a process indicator for the acceptability criterion, which notably requires that these public toilets are culturally accepted by the community (for example, that they are gender-sensitive).

As with the previous types of indicators, the vulnerable populations in the area should be identified beforehand. The geographic characteristics of the area should also be considered (i.e., urban, rural or peri-urban) as the needs will be different for different contexts.

II. Interconnectivity of indicators

All three types of indicators are related to each other, and during their development/adaptation they should be interconnected, with outcome indicators following on from process indicators, and both derived from structural indicators. Depending on the objective assigned to them, there should be a clear pathway, as seen in the following example for accessibility:

ACCESSIBILITY

Structural indicator	Are there any local regulations that guarantee access to sanitation services for vulnerable populations? ^{xii}
Process Indicator	Is there an institution that monitors access to sanitation services for vulnerable populations?
Outcome indicator	What is the percentage of the identified vulnerable population ^{xiii} that has access to sanitation services?

5. Summary and practicalities

The final set of indicators will result in a set of tables that includes one or two structural indicators per each of the ten criteria and principles of the HRWS. For each structural indicator



there should be at least one process indicator that helps to track the realisation of this criteria or principle. And for each process indicator there can be one or more outcome indicators to capture the achievement of this goal and ensure that all the identified priority groups are able to progressively realise these outcomes.

Once the relevant indicators have been identified for the region or area there needs to be a system to ensure that the selected indicators can be accurately measured and monitored over time. Ideally, the indicators should be those that are already being measured in existing systems, and then there needs to be a system of collation, tracking and reporting. At this point it is critical to involve the local community and authorities in a participative process to discuss how the indicators can best be measured and reported. Involvement of the community will also serve to create ownership over the results and help to build sustainability of the process for the long term. Transparent and easily accessible reporting will help to encourage compliance and support from the general population.

And a final note on the vulnerable populations that are identified in the situation analysis. While many of the human rights indicators can be similar or the same from one county to another, the vulnerable populations that are at risk will change from one area to another. It is therefore beholden on the authorities to conduct a thorough situation analysis to establish which are the priority groups that need to be monitored, and to ensure that the indicators include reference to them. It is also worth noting that it can and will be different vulnerable groups that have their HRWS violated under different indicators, and therefore, each indicator should specify the priority groups that need to be monitored.

6. Conclusion and Recommendations

Developing effective human rights indicators can be a turning point in improving the monitoring and evaluation process, by shedding light on marginalised people and problems that could have been overlooked. Quality indicators will assist in diagnosing and identifying the issues that affect vulnerable groups, allowing stakeholders to provide effective solutions. Well-designed process indicators are key to establishing sustainable programmes for the progressive realisation of the rights.

This policy paper provides guidance and a starting point for developing human rights indicators, especially those related to the human rights to water and sanitation.

Key recommendations from this policy paper:

- There should be separate indicators for water and sanitation.
- Indicators should be linked to the human rights commitments made by the responsible entities to human rights standards.
- Indicators need to be tailored to specific situations, preferably at county or municipal level.
- Geographical analysis involves more than establishing a geographical area, but also identifying vulnerable groups.
- Collecting disaggregated data is essential to developing effective indicators.
- Outcome indicators should follow and be interlinked with process indicators, which in turn should be derived from structural indicators.



Policy Paper No.2 on this topic will discuss practical examples of draft indicators developed from existing country programmes.



Abbreviations

HR2W	Human Right 2 Water
OHCHR	Office of High Commissioner of Human Rights
HRWS	Human Rights to Water and Sanitation
HRBA	Human Rights-Based Approach
LNOB	Leave No One Behind

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References

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- ⁱ Office of the High Commissioner of Human Rights
 - ⁱⁱ OHCHR, 'Report on Indicators for Promoting and Monitoring the Implementation of Human Rights' (6 June 2008) UN Doc HRI/MC/2008/3
 - ⁱⁱⁱ Availability, accessibility, quality, affordability, and acceptability
 - ^{iv} Non-Discrimination, public participation, access to information/transparency, accountability, and sustainability
 - ^v OHCHR (n 1)
 - ^{vi}
 - ^{vii} Availability, accessibility, quality, affordability, and acceptability
 - ^{viii} Non-Discrimination, public participation, access to information/transparency, accountability, and sustainability
 - ^{ix} See website: <http://humanright2water.org/country-legal-mapping/>
 - ^x OHCHR (n 1)
 - ^{xi} See website: <http://humanright2water.org/leaving-no-one-behind/>
 - ^{xii} The individuals/groups that are considered "vulnerable" will depend on the context, but they must be specified when drafting the indicators
 - ^{xiii} The indicator will need to address the same "vulnerable" groups identified for the previous indicators