



Checklists



REALISING THE HUMAN RIGHTS TO WATER AND SANITATION:
A HANDBOOK BY THE UN SPECIAL RAPPORTEUR
CATARINA DE ALBUQUERQUE

Checklists





Realising the human rights to water and sanitation:
A Handbook by the UN Special Rapporteur
Catarina de Albuquerque

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Entidade Reguladora dos Serviços de Águas e Resíduos
The Water and Waste Services Regulation Authority



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01.

Checklists

Legislative, regulatory and policy frameworks

State Actors

Constitution

	Yes	In progress	No
Does the Constitution guarantee water and sanitation as clearly defined human rights that can be claimed by all?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Does the Constitution guarantee that equality and non-discrimination have the status of overarching legal principles? Does the Constitution also include the concept of affirmative action?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is the right to a remedy and/or access to justice enshrined in the Constitution?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are independent oversight bodies established by the Constitution? Are these bodies competent to hear individual complaints?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Laws and/or regulations

Please note: The elements in the checklist may figure in laws and/or in regulations, depending on the constitutional or legal framework

Do laws and/or regulations define the human rights to water and sanitation, using the legal content of availability, accessibility, quality, affordability and acceptability, as guaranteed under international human rights law, as a basis to give substance to these rights?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are standards regularly reviewed, and do standards progressively improve over time?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Does standard-setting take account of the barriers facing particular individuals?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do standards take into account which type of service would be most efficient in the context of the local situation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are there building requirements and regulations in place that cover general standards for water and sanitation facilities; for example, toilets in rented accommodation, the provision of single-sex toilets in public places?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there an independent regulatory body in place that operates on the basis of human rights and is tasked to set standards based on the legal content of the human rights to water and sanitation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Has the State undertaken any measures to regulate water supply by informal vendors?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do the State and/or providers give access to formal water and sanitation services to households regardless of their tenure status?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Non-discrimination and equality

Are there laws and/or regulations in place that prohibit direct and indirect discrimination and promote equality in access to human rights?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Information	
	Yes In progress No
Are there laws and/or regulations in place to ensure that everyone, including people who live far from centres of information and people who cannot read, is able to access information relating to water and sanitation services, in relevant languages and formats?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Participation	
Are there laws and/or regulations in place that guarantee that full, free and meaningful participation takes place before any decision is finalised, including participation in the process of developing any laws, regulations or policy level documents?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do laws and/or regulations set out precise rules on participation in matters of infrastructure, service levels, tariffs, and the operation and maintenance of water and sanitation services?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Accountability	
Are there effective complaint mechanisms at the level of the service provider?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there quasi-judicial bodies available that can resolve conflicts?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Can individuals enforce their rights against both the State and private actors?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are remedies provided by law; for example, restitution, compensation, legally binding assurances of non-repetition, and corrective action?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do laws and/or regulations provide for mechanisms that ensure individual complaints are effectively heard, and processed in a timely way?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Availability	
Where people do not have access to a networked water supply system, do laws and/or regulations provide for the right of everyone to use natural resources for domestic and personal uses?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do laws and/or regulations prioritise water for personal and domestic uses over other uses?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Does the legal definition of sanitation include not only the instalment of the toilet, but also the collection, transport, treatment, disposal or reuse of human excreta, and associated hygiene? Do regulations include guidance on safe construction, regular cleaning, and emptying of pits or other places that collect human excreta?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do laws and/or regulations clearly spell out what "availability of water and sanitation" means in different settings where people spend significant amounts of time, including homes, workplaces, schools and kindergartens, hospitals and health care centres, places of detention and public places?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do laws and/or regulations specify that facilities allowing for hand-washing, and for women and girls to practice good menstrual hygiene, must be available in schools and other public institutions?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do standards include a minimum amount of water to be available, and a maximum permitted interruption of services?	<input type="radio"/> <input type="radio"/> <input type="radio"/>

Accessibility	
	Yes In progress No
Do laws and/or regulations take into account the maximum distance and time it takes to reach a facility, as well as the location of the facility, in order to ensure the physical security of users; do these standards consider the barriers faced by particular individuals and groups?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are the State and/or service providers obliged to give access to formal water and sanitation services to households regardless of their tenure status?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Quality and safety	
Are there laws and/or regulations in place that protect the quality of water resources; for example, by prohibiting the dumping of sewage and waste and demanding the containment of any seepage of fertilizers, industrial effluents and other pollutants?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do regulations set standards on water quality and wastewater treatment, and are they relevant for both public and private service providers?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are water quality standards set according to the national and local contexts, considering contaminants that occur only in specific regions?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there regulations on householders' arrangements for waste collection and disposal?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Affordability	
Do regulations provide for mechanisms that ensure the affordability of services for all, while considering connection costs, operation and maintenance; do regulations establish subsidies, payment waivers and other mechanisms to ensure affordability?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do regulations provide opportunities for users to pay their arrears, or to receive services for free, when they are unable to pay?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Is there an independent regulatory body in place that operates on the basis of human rights and is tasked to determine the affordability of services, including the setting of tariffs?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Policies	
Is there a comprehensive water and sanitation policy in force that integrates the human rights to water and sanitation and their legal content?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Is the policy reviewed regularly to track discriminatory effects; if it is found to discriminate, is it repealed or amended?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are existing inequalities in accessing water and sanitation currently assessed? Are there plans and policies developed that use indicators and benchmarks to assess both the steps taken and the results achieved in the elimination of inequalities in water and sanitation service provision?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there enough public facilities in place and planned to ensure that people without domestic access to water and sanitation can use these as intermediate solutions?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Continued...	

Policies continued...	
	Yes In progress No
Does the State provide for measures raising awareness of the possibility of obtaining information; for example, information about water and sanitation services, management and infrastructure?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there programmes and policies in place that guarantee and encourage the participation of all stakeholders?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do policy-level documents plan for clear assessments of current accessibility standards?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there any mechanisms or programmes to train local authorities in how to manage budgets, tariffs and the operation and maintenance of facilities?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Is there a policy that outlines processes for ensuring water safety?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are the people who are least able to pay identified, and are there specific targeted programmes to ensure that water and sanitation services are made affordable for them?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there policy-level documents that outline methods and plans for raising awareness and changing behaviour, especially with regard to hygiene practices?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do policy-level-documents set clear targets and timelines for reaching a basic level of service for all?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do policy-level documents set clear targets and responsibilities for meeting general acceptability standards?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there policies in place that effectively organise awareness raising and education programmes to eliminate unacceptable practices; for example, manual scavenging, and the exclusion of women from daily life during menstruation?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there policies in place that plan to improve services continually over time?	<input type="radio"/> <input type="radio"/> <input type="radio"/>



02.

Checklists

Financing, budgeting and budget tracking

State Actors

National and sub-national Governments

	Yes	In progress	No
Is the national government allocating sufficient funding for water and sanitation, allowing the human rights to water and sanitation (including availability, accessibility, quality, affordability and acceptability) to be progressively realised on a non-discriminatory basis?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Where a State has insufficient resources to realise the human rights to water and sanitation, has the State actively sought international cooperation and assistance?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are the funds the national government is directing to sub-national governments sufficient to enhance equality in access to water and sanitation, and targeted particularly at those who are disadvantaged within different regions and population groups? Are there criteria for allocating funds to sub-national governments? What are these?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are national and sub-national governments collaborating to ensure that all funds directed from the national government to water, sanitation and hygiene projects and services reach sub-national governments promptly?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Has the State made water, sanitation and hygiene related budgets publicly accessible?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Has the State enabled meaningful participation by civil society in discussions about the formulation, implementation and monitoring of budgets?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Has the State set a fair affordability standard, taking into account all aspects of water, sanitation and related hygiene?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are people made aware of existing subsidies, grants and payment options?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Ministry of Finance (or Planning, or Central Bank)

Have the rights to water and sanitation been accorded due priority within the national budget?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Has the Ministry of Finance reviewed water and sanitation related budgets to determine if, taken together, the allocations contribute to the realisation of the rights to water and sanitation, as well as promoting non-discrimination, sustainability, accountability and participation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have any cuts been made in water, sanitation and hygiene related budgets in the past five years? If so, was an assessment made of the likely impact of these cuts on people's realisation of their rights to water and sanitation, particularly for disadvantaged individuals and groups?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Has the finance ministry, or, where appropriate, the competent line ministry allocated sufficient funds for subsidies for those unable to afford charges and costs relating to access to water and sanitation services?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have water, sanitation and hygiene related funds been released to line ministries and sub-national governments in full, and in a timely fashion?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Line ministries	
	Yes In progress No
Is the structure of tariffs and/or subsidies such as to ensure that disadvantaged individuals and groups have access to a necessary amount of water, and access to sanitation facilities, regardless of ability to pay? Does it also ensure affordability to the middle and lower-income households without representing more than a certain percentage of household income?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do water, sanitation and hygiene budgets appear to have reached an appropriate balance of infrastructure spending vs. operation/maintenance/repair spending, so as to ensure the sustainability of existing systems?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Have the line ministries produced sufficiently disaggregated budgets so that it is clear how much money they are directing to water, to sanitation and to hygiene, and for what purposes?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Donors	
Does donor or development agency support comply with human rights, in particular with the principles of non-discrimination, sustainability, accountability and participation?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Is donor or development agency support incorporated into, or reflected in, the national or subnational budget?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
If donor financing is not incorporated into or reflected in the national or subnational budgets, does it harmonise its support with the recipient government's policies and plans?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Has the donor or development agency considered giving a higher priority to support for the water and sanitation sectors? If it already provides such support, has it considered directing more of its contribution to operation, maintenance and capacity-building?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Does the donor or development agency make information about its water, sanitation and hygiene related support publicly available?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Does the donor or development agency provide advice on ensuring that the recipient State's water and sanitation budgets reflect human rights obligations?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Have water, sanitation and hygiene related funds been disbursed or spent in full, and in a timely fashion?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Supreme audit institutions	
Is there an independent supreme audit institution, and does it have sufficient human and financial resources to operate?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Does the supreme audit institution explicitly use a human rights framework in auditing government budgets?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
What is the follow up to and impact of the supreme audit institution's findings? What is the rate of the State's compliance with the supreme audit institution's recommendations?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Civil society	
Are there capacity-building strategies on budgeting and budget tracking for civil society?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do States make provision for budget monitoring by civil society, and take note of the results?	<input type="radio"/> <input type="radio"/> <input type="radio"/>



03.

Checklists

**Planning processes,
service providers, service levels
and settlements**

National and sub-national State actors	
Planning	
	Yes In progress No
Are national and local planning processes open, transparent and participatory? Can disadvantaged, marginalised and vulnerable individuals and groups participate fully in making decisions relating to their services?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are baseline and feasibility studies participatory and available for review? Do baseline studies identify the most disadvantaged individuals and groups?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do baseline and feasibility studies consider accessibility, affordability, adaptability and acceptability?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Is there accurate information on the levels of services in informal settlements, including the types of service providers?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are targets set through inclusive processes, with sufficient information made available to the targeted individuals and groups?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do the national and / or local plans of action include specific targets for disadvantaged groups?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do the targets cover planning and financing for on-going maintenance and operation, to ensure economic and environmental sustainability?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are the responsibilities of the various actors at each stage of the planning process clearly defined?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are current and future users included in the planning processes; can they influence outcomes, does this increase their understanding and use of services?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Capacity building	
Are there programmes in place to increase capacity in the operation and maintenance of infrastructure, including access to information about who is responsible for operation and maintenance?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Awareness raising	
Does the government tackle taboos relating to menstrual hygiene and sanitation? How?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there programmes in place to raise people's awareness of good hygiene behaviour?	<input type="radio"/> <input type="radio"/> <input type="radio"/>

Regulations	
	Yes In progress No
Does the regulatory framework include non-State service provision?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Does the regulatory framework include rules about how profits from water and sanitation services can be used?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are informal service providers, including civil society organisations, regulated?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Contracts	
Are contracts between States and service providers fully compliant with human rights standards?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are the human rights responsibilities of the service providers clearly defined in the contracts, along with the standards and targets required immediately and in the long term?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do contracts contain coverage targets to eliminate inequalities in access to water and sanitation?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Is there sufficient provision in the contracts for participation, access to information, capacity building and water quality standards?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Disconnections	
Are there clear and effective regulations on how disconnections undertaken by service providers can be carried out in compliance with the rights to water and sanitation?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there effective administrative and judiciary systems that allow people the opportunity to challenge disconnections and receive appropriate and timely remedies?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Anti-corruption	
Are there regulations and rules against corruption?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there measures in place, such as information about service provider responsibilities, available to the public?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Continued...	

Service providers

	Yes	In progress	No
Is official information on existing coverage of water and sanitation services available to the public?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are existing gaps in service provision, and the corresponding requirements for extending access to services, assessed?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have the regions, settlements and sectors of the population that require specific assistance been identified?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Donors

Do international financial institutions undertake human rights impact assessments of their policies, projects and programmes, both during the process of policy and project formulation and after a period of implementation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are these assessments public and participatory; do they focus in particular on disadvantaged and vulnerable groups?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do loans or debt relief avoid attaching conditions requiring the implementation of privatisation policies?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



04.

Checklists

Monitoring compliance with the human rights to water and sanitation

General			
	Yes	In progress	No
Has the State established indicators to monitor the human rights to water and sanitation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there an institution that monitors the availability of water and sanitation at the national and local levels?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there an institution that monitors the accessibility of water and sanitation facilities, including accessibility for people who may face barriers in access, such as marginalised or excluded individuals and groups, persons with disabilities, the young, and older persons?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there an institution that monitors access to water and sanitation outside the home: at workplaces, schools, health institutions and public spaces, as well as for people who live in places where they have no control over their own access, such as in detention centres?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there an institution that monitors access to services at the level of the household? Does monitoring of access within the household consider people suffering from stigmatised chronic illnesses such as HIV/AIDS?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there an institution that monitors water quality?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there an institution that monitors the quality of sanitation provision?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Does monitoring include the availability of water and sanitation services?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there an institution that monitors the affordability of water and sanitation services?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there an institution that monitors the acceptability of water and sanitation facilities? Are participatory approaches to monitoring put in place?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there an institution that monitors the sustainability of new water and sanitation facilities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there an institution that monitors inequalities? Have the most disadvantaged and excluded individuals and / or groups been identified? Is disaggregated data available?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there an institution that monitors inequalities? Have the most disadvantaged and excluded individuals and / or groups been identified? Is disaggregated data available?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are the data for the worst-off populations compared with those for the better-off populations, to establish the disparities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is the rate of progress necessary to meet the target determined for both the worst-off and better-off groups?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Specific

State actors

	Yes	In progress	No
Has the government accepted recommendations on the human rights to water and sanitation in the context of the treaty bodies review and the Universal Periodic Review? Has it taken steps to implement them?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there an independent regulator that supports the monitoring of the human rights to water and sanitation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there an independent national human rights institution that supports the monitoring of the human rights to water and sanitation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Donors

Do donors monitor their own projects for compliance with the human rights to water and sanitation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do donors monitor recipient States' policies and plans for compliance with the human rights to water and sanitation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Before investing in constructing water and sanitation facilities, are the costs of operating and maintaining such facilities fully considered?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

National human rights institutions

Does the national human rights institution monitor the human rights to water and sanitation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Does the national human rights institution play a role in raising awareness and strengthening understanding of the human rights to water and sanitation within the population?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Does the national human rights institution promote the human rights to water and sanitation to government at local and national levels, and does it strengthen accountability systems?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Service providers

Do service providers monitor whether they are in compliance with the human rights to water and sanitation? (see general questions)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is the quality of sanitation infrastructure and services monitored?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are any informal service providers supported by the authorities / State to perform their monitoring functions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Where Local Water Committees exist, do they undertake monitoring? How are they supported by the State in this?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Civil Society

Does civil society monitor inequalities? Has it identified the most disadvantaged and excluded individuals and / or groups? Does it collect disaggregated data?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Does civil society monitor the human rights to water and sanitation in informal settlements?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



05.

Checklists

Access to justice for violations of the human rights to water

State actors	
	Yes In progress No
Are judicial remedies available for violations of economic, social and cultural rights?	● ● ●
Is information about the existence of legal rights, and the options for enforcing them, available? Does the government proactively inform the public about the enforceability of the human rights to water and sanitation?	● ● ●
Does the government ensure that remedies are financially accessible? Is financial assistance for legal counsel available? Do governments allocate adequate human and financial resources to legal services, so as to guarantee their quality?	● ● ●
Does the government ensure that no illegal fees or bribes are demanded or paid before access to remedies is possible?	● ● ●
Does the government provide legal assistance that guides people through the procedures and deadlines?	● ● ●
Does the government take special measures to ensure that migrants who are unfamiliar with the host country's legal system, and who may be fearful of deportation, have meaningful access to courts and other procedures to enforce their rights?	● ● ●
Do State actors provide training on international legal standards regarding economic, social and cultural rights; is international human rights law on the curriculum at law schools?	● ● ●
Do State actors, including governments, ensure that courts and administrators are aware of the legal decisions of international mechanisms? Do they promote the application of international human rights law in domestic court proceedings? Do they encourage review by regional or international human rights bodies?	● ● ●
Has the State ratified the relevant international conventions establishing regional or international complaint mechanisms?	● ● ●
Are remedies available for extraterritorial claims?	● ● ●
Do State actors make people aware of complaints procedures and other ways of accessing justice with respect to access to water and sanitation? Are measures taken by the State to strengthen its capacity to hold providers of water and sanitation services accountable?	● ● ●
Legislators	
Do laws and regulations fully integrate human rights principles and the legal content of the human rights to water and sanitation?	● ● ●
Are there mechanisms to hold service providers accountable? Do these mechanisms involve the use of external resources or are they wholly financed by the service provider?	● ● ●
Are the mechanisms for ensuring that service providers are accountable planned and administered with the participation of the people who use the services and may need access to remedies?	● ● ●

Administrative bodies

	Yes	In progress	No
Are administrative bodies impartial and independent?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is the oversight and accountability of all administrative actors properly informed by the human rights to water and sanitation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Courts

Do the courts proceed on cases regarding the obligations to respect, protect and fulfil the human rights to water and sanitation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do the courts critically and proactively evaluate budget allocation policies, in order to fulfil the human rights to water and sanitation for underserved and un-served individuals and communities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do the courts address systemic violations of the human rights to water and sanitation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Can people take their complaint to a court when administrative bodies fail properly to consider and apply the human rights to water and sanitation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do judges serve as impartial arbiters in disputes about rights and obligations? Do they impose enforceable remedies, and do they sometimes fulfil a monitoring and corrective role?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do courts settle complaints promptly, expeditiously, effectively, impartially and independently? Are courts transparent and accountable? Are judicial remedies timely and / or prompt?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are proceedings understandable? Is information also available in local languages, including minority and indigenous languages?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do courts provide a full explanation of their decisions on the merits of the claim? Do they indicate the consequences and applicable reparations?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are remedies effective, just and enforceable? Are remedies then properly enforced?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is domestic law interpreted in line with international law?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are courts and tribunals aware of the nature and implications of the International Covenant on Economic, Social and Cultural Rights? Does judicial training take full account of the justiciability of the Covenant?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do courts base their decisions on the recommendations of national human rights institutions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are mechanisms that provide people with a remedy for violations of their rights equally accessible to all, without distinction on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (including socio-economic status) ensured? Are all parties in any proceedings treated without discrimination?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Continued...

Courts continued...

	Yes	In progress	No
Are the courts physically accessible to all?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are remedial bodies sensitive to social and cultural barriers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do remedial systems empower women?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do courts protect the privacy and anonymity of claimants who face barriers in accessing courts because they fear reprisals, discrimination or stigmatisation within or outside their communities or society?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do courts allow groups to speak on behalf of affected individuals in order to ensure that rights claimants are not subjected to further stigmatisation or reprisals?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do courts set up monitoring processes to ensure the full enforcement of their decisions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

National human rights institutions

Is there an independent national human rights institution?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is the national human rights institution authorised to receive and adjudicate complaints of violations of economic, social and cultural rights?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Does the mandate of the national human rights institution cover the entire human rights framework, including economic, social and cultural rights?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do national human rights institutions address systemic violations?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do national human rights institutions monitor the implementation of legal remedies?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Non-governmental organisations

Do States support NGOs' contributions to monitoring the effective implementation of legal remedies?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do States support NGOs' contributions to overcoming the barriers that prevent people from accessing remedies?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



06. Checklists

**Principles:
Non-discrimination and equality**

Legislative, policy and regulatory frameworks	
	Yes In progress No
Does the Constitution or legislative framework specifically provide for non-discrimination and equality?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Does the Constitution require affirmative action or temporary special measures to achieve substantive equality?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there laws providing complaint mechanisms, to ensure that discriminatory practices are addressed?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do policies specifically target people who don't have adequate access to water and sanitation?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Financing and budgeting	
Are the regions and population groups that lack access to services prioritised in budgets?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do financial reports reveal an enhanced financial effort on the part of the government to ensure that the most marginalised and hardest-to-reach communities are able to realise their human rights to water and sanitation?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are tariffs set in a way that ensures affordability for all individual users?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there progressive tax regimes in place to raise the revenue for water and sanitation services in a way that does not overly burden people living in poverty?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Planning	
Do strategies and plans prioritise basic access, and focus on the progressive realisation of safe and sustainable water, sanitation and hygiene for all, while eliminating inequalities?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do strategies and plans address spatial inequalities, such as those experienced by communities in rural areas and informal settlements or slums?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Target setting	
Have disadvantaged individuals and groups been identified?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Has the process of identifying disadvantaged individuals and groups been inclusive and participatory?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are the barriers and reasons for lack of access understood and addressed?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Have specific targets been set for disadvantaged groups?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Have targets been set to eliminate inequalities in access?	<input type="radio"/> <input type="radio"/> <input type="radio"/>

Monitoring

	Yes	In progress	No
Is data disaggregated according to prohibited grounds of discrimination?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are targets for specific population groups monitored?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are the efforts to reduce inequalities measured, including the targeting of resources?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is the increase or decrease in inequalities being monitored?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Awareness raising

Are there awareness raising and advocacy campaigns to uncover and address discrimination, stigma and stereotypes, including campaigns aimed at local authorities, ministries, the judiciary, regulatory bodies and civil society?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are the people who experience discrimination, stigmatisation and stereotyping able to participate in the design of measures to address these?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is human rights education, with a focus on non-discrimination and equality, part of the school curriculum?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



07.

Checklists

Principles:

Access to information

State actors	
	Yes In progress No
Is there a constitutional provision or national law on the right to information?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Does such a provision or instrument include the following features:	<input type="radio"/> <input type="radio"/> <input type="radio"/>
The right to present information requests without having to show a legal interest in the information;	<input type="radio"/> <input type="radio"/> <input type="radio"/>
The duty of bodies to reply, including the obligation to set procedures and deadlines for handling information requests;	<input type="radio"/> <input type="radio"/> <input type="radio"/>
A limited set of exemptions that allow for the withholding of certain categories of information, as long as the overriding public interest does not require disclosure;	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Internal appeal mechanisms;	<input type="radio"/> <input type="radio"/> <input type="radio"/>
External independent review mechanisms and / or	<input type="radio"/> <input type="radio"/> <input type="radio"/>
A requirement for public bodies to proactively publish some types of relevant information?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are all individuals able to request all information held by a public body, including the executive, legislative and judicial branches of the state, as well as public corporations and publicly-funded bodies?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are public bodies legally obliged to publish and disseminate information, as well as to respond to requests?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there incentives and penalties for those responsible for facilitating access?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Is the general public made aware of their rights and how to exercise them?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are the costs associated with requests for information affordable?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are meetings of public bodies open to the public?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Have laws that are inconsistent with the principle of maximum disclosure been amended or repealed?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are individuals who release information on wrongdoing (whistleblowers) protected against any legal, administrative or employment-related sanction?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Continued...	

State actors continued...

	Yes	In progress	No
Is information on the state of the environment and/or human health issues, and on policies and measures, made public? Is it disseminated immediately and without delay to members of the public who may be affected?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are the people aware of the existence and the potential uses of access to information frameworks and of the provision of data on water and sanitation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there training within public administration to foster a culture of openness and transparency?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are promotional materials, including manuals, guidelines, and information campaigns in partnerships with the media and civil society organisations developed with the aim of informing individuals about the access to information framework?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is information spread through the main channels and via alternative community broadcasters? Is the information user-zfriendly and culturally sensitive and translated into all relevant languages and dialects?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Non-State actors that perform public functions or receive public funds

Does the national legal framework enable everyone to request information held by private entities that perform public functions or receive public funds?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Does the national legal framework entitle everyone to request information on water and sanitation that is held by service providers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Business actors

Does the national legal framework require business enterprises whose operations or operating contexts pose risks to human rights to provide information on the potential impact on human rights?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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08.

Checklists

Principles:

Right to participation

State actors	
Institutionalising participation	
	Yes In progress No
Is active, free and meaningful participation recognised as a human right in national legislation and ensured at all levels of decision-making, including in the development of laws, policies, programming, budgeting, service provision and monitoring of water and sanitation? Is this justiciable?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Is the State party to international and regional instruments that guarantee the human right to participation, as well as their respective complaint mechanisms?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are people who are likely to be affected by any plans or investments able to participate meaningfully in planning?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are the costs for participatory processes incorporated in the initial design of any measures?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Ensuring inclusive processes	
Are marginalised people and groups identified and included in the participation process?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there measures to overcome existing barriers to participation by all?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there safe spaces for deliberation among marginalised groups?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are the individuals and groups who are invited to consultations identified in a transparent, accurate and sensitive way?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Ensuring active, free and meaningful participation	
Do people have access to information about participatory processes, and are they able to determine the terms of their participation, the scope of the issues to be addressed and the rules of procedure?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Have concrete measures been put in place to ensure that participation is free from direct or indirect coercion, inducement, manipulation or intimidation?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do participatory processes give people real opportunities to influence decisions? Have concrete measures been put in place to achieve this?	<input type="radio"/> <input type="radio"/> <input type="radio"/>

Service providers

	Yes	In progress	No
Is the service provider obliged to engage in active, free and meaningful participatory processes on the types of service delivered?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are these processes inclusive?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is there oversight of these processes?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

International organisations, multilateral and bilateral donors

Do international organisations, multilateral and bilateral donors include participation as a mandatory requirement for projects / interventions in recipient countries?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do they ensure that any conditions imposed on recipient countries do not circumvent participatory processes?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



09.

Checklists

Principles:

Sustainability and non-retrogression

State actors	
	Yes In progress No
Is planning coordinated and integrated between different ministries, departments and agencies, and aiming for sustained, universal coverage?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are the necessary financial and institutional resources committed to operation and maintenance?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
During periods of economic growth, is there planning for resilience at times of crisis?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
When adopting austerity measures, is there adequate protection of human rights, with a particular focus on disadvantaged individuals and groups?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Do contracts for private sector participation take account of long-term requirements for operation and maintenance? Are profits reinvested in maintaining and extending service provision?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are water and sanitation services affordable for all people, including those living in poverty; are revenues sufficient for maintaining, improving and expanding systems?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are technology choices appropriate?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Are there monitoring and accountability mechanisms in place to deal with unsustainable and retrogressive practices?	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Donors	
Does international cooperation for water and sanitation service delivery include strategies for sustainability, including operation and maintenance strategies?	<input type="radio"/> <input type="radio"/> <input type="radio"/>

Image Credits:

Page 4 A man washes himself in clean water from a hand pump, TT para slum, Dhaka, Bangladesh, 2011. WaterAid/GMB Akash/Panos.

Page 10 Esther Lucius, harvesting paprika from her garden, Wilson village, Machinga District, Malawi. WaterAid/Layton Thompson.

Page 14 Schoolgirl Lasmi Tarami drinking clean water from a water point installed by WaterAid in Lamidamar, Surkhet, Nepal, January 2012. WaterAid/GMB Akash.

Page 20 A man enters a latrine, in Adone Village in Ta Oi District in Lao People's Democratic Republic 2012. UNICEF/NYHQ2012-1880/.

Page 24 A woman who runs a tea room prepares tea for people in the village, Kaniche village, Malawi, March 2012. WaterAid/ Kate Holt.

Page 30 A girl wrings out a hand towel at an outdoor tap at Ban Pho Preschool in Bac Han District in remote Lao Cai Province in Vietnam 2009. UNICEF/NYHQ2009-0237.

Page 34 Children's toothbrushes and toothpaste hang in an early childhood development centre in the Minero community in the eastern department of Santa Cruz, Bolivia. UNICEF/NYHQ2008-1602/.

Page 38 Water sampling for the post implementation water quality test at one of the 12 wells in Akondromena, Miandrivazo district, Menabe region, Madagascar. February 2014. WaterAid/ Ernest Randriarimalala.

Page 42 A woman pours water to jerry can to collect water at the water spring at the village of Maru, in the island of Pura, Alor district, East Nusa Tenggara Indonesia on November 21, 2007. UNICEF/IDSA2010-00528/.



Introduction



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