

The rights-based approach to water and sanitation: A framework for measuring governance

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Structure of presentation

- 1) An overview of the scope and content of the right to water and sanitation, and nature of a State's obligations
- 2) An overview of rights based indicators and how they can be used by governments and other actors to monitor progress in achieving the right to water and sanitation and enhance the quality of programmes in the water and sanitation sector

Legal Basis for the right to water and sanitation

- The International Covenant on Economic, Social and Cultural Rights (right to an adequate standard of living, right to health)
- The International Convention on the Elimination of All Forms of Discrimination Against Women
- The Convention on the Rights of the Child

Content of the right to water and sanitation: General Comment No. 15 (2002)

All people have the right to:

- Sufficient water
- Safe water and sanitation
- Accessible water and sanitation services and facilities
- Affordable water and sanitation services and facilities

Main principles of a rights based approach to water and sanitation

- Emphasis on participation
- Emphasis on non-discrimination
- Emphasis on accountability
- Emphasis on transparency and access to information

Types of State obligations

- Respect: States must refrain from interfering directly or indirectly with the enjoyment of the right to water and sanitation
- Protect: States must prevent third parties from interfering in any way with the enjoyment of the right to water and sanitation
- Fulfil: States must *facilitate, promote* and *provide* water and sanitation services for those who do not currently enjoy their right to water and sanitation

Actions to be taken by States include:

- Development of law and policy measures to entrench protection and facilitate realisation of the right to water and sanitation;
- Development and implementation of a national plan of action, which includes the delivery of services to the most vulnerable, without any form of discrimination;
- Participation of individuals and groups in the development of policies and programmes;
- Accountability and monitoring mechanisms, which allow for the participation of individuals and groups.

General Comment No.15: The Right to Water, on Indicators

- Right to water indicators should be identified in the national water strategies or plans of action to assist monitoring
- Indicators should address the different components of RTWS (sufficiency, safety, affordability, accessibility)
- Indicators should be disaggregated by prohibited grounds of discrimination

HR indicators useful for

- States, who wish to assess and improve the effectiveness and design of their policies
- National human rights institutions and international human rights treaty bodies which measure human rights performance
- International organisations, UN Agencies, NGOs to inform policy and focus their work
- National ministries, to measure local government progress, inform and improve policy
- Civil society and communities: lobbying, calling for an improvement in the delivery of services etc

Rights based indicators require the development of:

- Structural indicators: Non-quantifiable, legal and policy environment for delivery of human right to water and sanitation
- Process indicators: Quantifiable response, proportion of budget being spent on delivery of services/upgrading services for those who have limited access
- Outcome indicators: Same as many development indicators, which individuals and groups have access etc.

Benefits of rights based indicators

- Monitor actions of States and other actors
- Monitor both process and outcome - assess State's *efforts* to realize the right
- Strengthen human development indicators by focus on disaggregated data
- Prioritize use of scarce resources - guide policy development and implementation
- Broaden the scope of current development indicators

Difficulties may include:

- Capturing 'progressive realisation' - benchmarks
- Collecting disaggregated data requires significant human and financial resources
- Some minorities may not wish to be categorized separately

Thank you!



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