

Human right to water and sanitation business guidelines checklist

IMPORTANT NOTICE: this document is a self-assessment for notice only, and does not engage its authors in any kind of liabilities. It has been designed for small scale organizations acting in the field of access to water only. Meeting the criteria does not replace a full human rights due diligence process, but only introduces a human rights-based approach to thinking. For a full human rights due diligence process, or for further information, please contact WaterLex.

OPERATION OF SERVICES

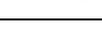
HUMAN RIGHT PRINCIPLES / CRITERIA		CHECKLIST FOR SMALL SCALE WATER ENTREPRENEUR
 <p>AVAILABILITY</p> <p>The Human Right to Water and Sanitation means that water must be available in sufficient quantities for personal and domestic uses (cooking, drinking, personal and household hygiene), with these uses being prioritised over water uses like agriculture and industry. Likewise, a sufficient number of sanitation facilities must be available.</p> <p>According to the World Health Organization (WHO), 50 to 100 litres per person per day is an adequate quantity of water to meet all health requirements.</p> <p>This includes (but is not limited to) safe drinking water.</p>	<p>● ● ●</p> <p>● ● ●</p> <p>● ● ●</p> <p>● ● ●</p>	<p>Do I have a mechanism in place to ensure continuity of supply in case of water shortage (due to external factors)?</p> <p>Am I ensuring steadiness in my service, including regular opening hours?</p> <p>Am I following national guidelines or regulations on the prioritising of water for domestic use?</p> <p>Am I aware of shortages in the availability of water supply for domestic use (at least minimum quantities i.e. 50 litres per person/day) of my clients? If yes, do I raise this issue with state/local authorities?</p>
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>		<ul style="list-style-type: none"> • Check if you meet the requirements of your country’s national regulations on WaterLex legal database: http://www.waterlex.org/waterlex-legal-database/ • Have the same opening hours every day that allow continues supply of water and inform clients about regular opening hours. • Have partnerships with local authorities, local NGOs and other providers. • Join a public water service development strategy and/or national pro-poor development strategy – contact the Ministry in charge of water affairs – to establish “low income household pricing scheme” • If there is no sufficient water to meet all the clients’ minimum quantities because of the production capacity or the raw water availability: <ul style="list-style-type: none"> ○ Further invest in service growth. ○ Increase water rights abstraction permit/reuse options.
 <p>QUALITY</p>	<p>● ● ●</p>	<p>Do I have measures in place for ensuring that the water delivered by the enterprise meets the national water quality standards and the national legislation?</p>

<p>Water must be safe for consumption and other uses and not threaten human health. Sanitation facilities must be hygienically and technically safe to use, which means that they must effectively prevent human, animal and insect contact with human excreta. To ensure hygiene, access to water for cleansing and hand-washing after use is essential.</p> <p>States enjoy a relative margin of discretion to establish quality standards while following WHO standards.</p>		Is my water tested regularly (per WHO or higher standards) to make sure that it is good quality?
		Am I certified on a recognised standard for the quality of the water I am delivering?
		<i>If appropriate</i> , is there any information offered to my clients how to safely use the household water treatment equipment for security and quality reasons?
		Is my staff sufficiently trained on quality checking? If not, do I provide training to staff to ensure quality?
		Am I using a water cleaning system that can remove all organic and inorganic pollutants and bacteria from the water I am providing to clients? Is the upstream source of water clean?
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> • Make sure the water source is protected well enough to avoid pollution from external sources. • Make sure that the equipment used for storage and delivery are always clean. Wash the water containers thoroughly on a regular basis. • Train your staff regularly on water quality checking, and compare your results regularly with WHO standards (or higher). • Contact external, independent laboratories for quality testing, if necessary. • Ensure regular monitoring and testing water quality in line with national and WHO quality standards. • Team-up with local doctors and NGOs if they are aware of water related sicknesses in the community, and compare with your client database to see if there is a correlation. 	

 <p>ACCEPTABILITY</p> <p>Water and sanitation facilities and services must be culturally and socially acceptable. Depending on the culture, acceptability can often require privacy, as well as separate facilities for women and men in public places, and for girls and boys in schools. Facilities will need to accommodate common hygiene practices in specific cultures, such as for anal and genital cleansing. Also women's toilets need to accommodate menstruation needs.</p> <p>In addition to safety, water should also be of an acceptable colour, odour and taste.</p>		Is the water I am providing well accepted by my clients (taste, odour, colour, etc.)?
		Do I have a system in place to measure clients' cultural acceptability of my business in general (means of distribution, consultation, annual surveys)?
		Do I have a system in place to measure clients' cultural acceptability of the water that I am selling (taste, odour, colour, etc.)?
		If I am using a system that modifies the colour, odour or taste of the water that I am selling (e.g. chlorine), do I have a mechanism in place to ensure its acceptability among clients?
		Do I have a system in place to discuss with communities options and opportunities to make the business well accepted and integrated?
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> • Ask your clients and other community members to explore what is acceptable to them in terms of taste, colour, and odour of your water. 	

	<ul style="list-style-type: none"> • Try different treatment systems. • If necessary, design your facilities differently, so that the community accepts it. • Have participatory discussions with different stakeholders in the community.
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 ACCESSIBILITY <p>Water and sanitation services must be accessible to everyone in the household or its vicinity on a continuous basis, as well as in schools, health-care facilities and other public institutions and places. Physical security must not be threatened during access to facilities.</p> <p>There is no physical access when you have to travel a distance of more than 1 km or when it takes more than 30 minutes return trip. (WHO)</p>		Is it physically easy to have an access to the water I am selling (no danger on the way, no hard physical effort to get the water)?
		Am I including remote communities in my clients?
		Do I have a system in place to reach out to groups with special needs, such as those with physical disabilities?
		Do I have a system in place to ensure that travel distance of my clients (incl. waiting time) does not exceed 30min. in total?
		Am I aware of any safety problems in accessing my facilities, do I have a system in place to monitor safety of access?
EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION	<ul style="list-style-type: none"> • Deliver the water to remote communities by truck (home delivery) or via decentralised kiosks. • Establish zones/areas, with priority lanes (e.g. for the elderly, pregnant women, people with disabilities etc.). • Monitor the potential difficulties of the users to get access to the different selling points. • Install specially-designed facilities for people of particular needs (e.g. ramps, handrails etc.). 	

 AFFORDABILITY <p>Access to sanitation and water facilities and services must be done at a price that is affordable for all people. Access to sanitation and water must not compromise the ability to pay other essential necessities guaranteed by human rights, such as food, housing and health care.</p> <p>That water must be affordable does not mean that water should be free as a rule, but that no person can be deprived of the right to water for economic reasons.</p> <p>UNDP proposes that household spending on water does not exceed 3% of family income.</p>		In case I have a contract with authorities for service provision, does this contract specify pricing arrangements?
		Do I consider that the water provided by my enterprise is affordable for everyone (without exception)?
		Do I have a system in place to measure the financial capacity of my clients? Am I considering household financial capacity when setting my prices (vs. individual customers)?
		Do my clients have to spend less than 3% of their household income to buy water?
		The purchase of water does not prevent my clients from accessing other basic services such as health (e.g. paying for medication); food (paying for sufficient staple food); or education (e.g. paying for tuition fees)?
		Do I have any provisions for subsidizing water/applying different pricing schemes for the marginalised, the poor and most vulnerable members of the communities where I supply (e.g. orphans, homeless, etc.)?

		<p>Do I have procedures in place in case my clients are not able to pay? Can my clients still have an access to other sources of safe water?</p>
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> • Fix your pricing in a way that allows your costumers to dispose income for other basic services (e.g. medications etc.), • While fixing your price, consult with the local community (with the help of local partners, NGOs...) and with your clients to be able to set an affordable price of the water (max 3% of income) • Establish a partnership with the responsible Ministry (e.g. Social Affairs) to establish “low income household pricing scheme” • Request subsidies (or other forms of financial incentives/exemptions) from the State to sell water cheaper to the most marginalized and vulnerable communities 	

 <p>NON DISCRIMINATION</p> <p>Non-discrimination is central to human rights. Discrimination on prohibited grounds including race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status or any other civil, political, social or other status must be avoided, both in law and in practice. In order to address existing discrimination, positive targeted measures may have to be adopted. In this regard, priority must be given to the most marginalised and vulnerable to exclusion and discrimination.</p> <p>Services must also be technically safe and take into account the safety needs of people with disabilities, as well as of children.</p>		<p>Do I distribute water to the end user without direct or indirect distinction (based on sex, race, colour, disability, etc.) to anybody?</p>
		<p>Do I have a system in place to ensure people with disabilities, marginalized people and people in need to have an access to the water I am distributing?</p>
		<p>Do I have a system in place to identify groups that may be discriminated (even excluded) locally from my services (based on any grounds, including ethnicity, religion, age, or disability)?</p>
		<p>Do I have a system in place to ensure the provision of safe drinking water in hard to reach and operate areas? Do I succeed in doing so?</p>
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> • Investigate in the local community (with the help of local NGOs or other partners.) if certain parts of the community are excluded from buying your services (e.g. .due to social origins, or if purchase power or access is limited to groups such as women, poor, elderly, or disabled..). • Make sure that you don't ask any unrequired information that could be discriminatory (e.g. birth certificate, property title, former ownership of the land, working status, or other questions that are not needed..) 	

 <p>ACCES TO INFORMATION</p>		<p>Am I communicating clearly and to all potential clients on the quantity, quality, price fixing of the water I am selling, and any other</p>
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<p>This includes the right to seek, receive and impart information concerning water issues. To reach people and actually provide accessible information, multiple channels of information, that consider cultural communication preferences, have to be used.</p> <p>Moreover, capacity development and training may be required – because only when existing legislation and policies are understood, can they be utilised, challenged or transformed.</p>		circumstances that may be of an interest to them?
		Do I have mechanisms in place for my clients to inquire further information?
		Do I communicate with my clients about price setting or changes in the tariffs beforehand?
		Do I provide adequate notice to my clients in case of changes in the schedule of delivery water that could affect the regularity of supply?
		Do I provide information to relevant authorities (e.g. municipality, river basin organisation, the institutions contracting my business) regarding issues that affect water resources (e.g. water abstraction permit, quality of water, other influences)?
		In cases where I have metered water, do I provide adequate notice in advance and discuss payment options before disconnection for non-payment?
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> • Have an information board with essential information (quality, quantity, opening hours, price, grievance mechanism etc.) visible to everybody. • Provide a phone or email notice service for updates. • Adapt your communication to the capacities and special circumstances of my clients (e.g. language in case of indigenous peoples who don't speak the national language; verbal or pictograms rather than written announcements in cases of illiteracy). 	

 PARTICIPATION <p>Processes related to planning, design, construction, maintenance and monitoring of sanitation and water services should be participatory. This requires a genuine opportunity to freely express demands and concerns and influence decisions. Also, it is crucial to include representatives of all concerned individuals, groups and communities in participatory processes. Poor people and members of marginalized groups are frequently excluded from decision-making regarding water and sanitation, and hence their needs are seldom prioritized.</p> <p>Community participation in the planning and design of water and sanitation programmes is also essential to ensure that water and sanitation services are relevant and appropriate, and thus ultimately sustainable.</p>		Are my clients involved in decisions related to planning, design, construction, maintenance and monitoring of sanitation and water services?
		Are my clients involved in decisions at community/regional level that seek to improve the quality of water?
		Do my clients participate in decisions that affect their access to safe water at community/river basin level?
		Is the participation possible also for marginalized and vulnerable people (e.g. people with disabilities, appropriate language used if meetings, location accessible, etc.)?
		Do my clients have a say in the price design (and the % of the tariff allocated to reinvest in the further improvement or growth of the service)?
		Do my clients have a say in the design of the grid extension?
	<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> • Have a suggestion box available for your clients. • Participate in mechanisms (together and with the help of local authorities and communities, NGOs) to

	<p>allow your clients to express their demands and concerns on decisions related to water supply (type of water supply, management of water supply etc.)</p> <ul style="list-style-type: none"> • Involve members of the local community in monitoring access to water and sanitation
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 ACCOUNTABILITY <p>The realization of human rights requires responsive and accountable institutions, a clear designation of responsibilities and coordination between different entities involved. States should be held accountable for meeting these obligations and ensuring that non-State actors respect them.</p> <p>Persons or groups denied their HRWS should have access to effective judicial or other appropriate remedies, like courts, national ombudspersons or human right commissions.</p>	● ● ●	Do I have a complaint system in place for my clients (e.g. quality of water, regularity of supply etc.)?
	● ● ●	Do my clients have access to an affordable, additional complaint mechanism in cases of alleged violations (E.g. denial of access to water etc.)?
	● ● ●	Is the complaint mechanism handled locally (taking into account capacity of clients – ref. illiteracy, language barriers)?
	● ● ●	Can the complaint mechanism enforce decisions unto my business?
	● ● ●	Are you aware of corruption in the complaint mechanisms or judiciary system that could prevent access to effective remedies? If yes do you have mechanisms in place to report these cases?
	● ● ●	Do I have to report on compliance with respect to regulations and human rights compliance at local and/or national levels?
EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION		<ul style="list-style-type: none"> • Establish grievance mechanism (have a responsible for that in your team) that allows your clients to complain (quality of water etc.) and you to respond to these complaints and concerns of your costumers. • Make sure that this complaint mechanism is accessible for your clients (not to expensive etc.). • Inform your clients of the possibility of complaint (e.g. information board etc.). • Inform your clients on the possibility to turn to external grievance mechanisms (court, regulatory authority, National Human Rights Institution, or other group.). • Make sure that the responsible in your team for complaint does not hinder in practice your clients access to additional complaint mechanisms.

 SUSTAINABILITY <p>The human rights obligations related to water and sanitation have to be met in a sustainable manner. This means practices have to be economically, environmentally and socially sustainable so that future generations can enjoy the right too.</p>	● ● ●	<p>Have I undertaken a sustainability assessment of my business, including identification of possible internal and external threats in terms of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Economic components <input type="checkbox"/> Social components <input type="checkbox"/> Environmental components
	● ● ●	Am I actively implicating the local community in the development of my business?
	● ● ●	Am I empowering local people and contributing to the local economy?

The achieved impact must be continuous and long-lasting.		Do I have a mechanism in place to ensure the sustainability of the infrastructure or technology used?
		Is water supply dependent on external financial support?
		Do I have a mechanism in place to ensure the sustainability of the source of water for abstraction?
EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION	<ul style="list-style-type: none"> • Make sure that you avoid water source contamination and source over-abstraction (environmental sustainability). • Consider local circumstances (e.g. changing water availability and variability) when providing services. • Decisions on your business (planning, expansion etc.) should take into account the costs of ongoing operation, management and investment to ensure continued functioning (economic sustainability). • Work together with local communities to source skilled labour for your business and train your staff. • Work together with local communities and groups (with the help of local NGOs) to guarantee social ownership. 	

DECISION MAKING

The responsibility to respect not only requires service providers to ensure that their own action does not result in human rights abuses, but also includes the avoidance of complicity, which means that they must avoid being indirectly involved in human rights abuses committed by other actors, including the State.

This basic human rights due diligence should include the following:

- **Policies:** Companies need to adopt a human rights policy.
- **Impact assessments:** Companies must take proactive steps to understand how existing and proposed activities may affect human rights.
- **Integration:** Human rights policies need to be integrated throughout a company.
- **Tracking performance:** Companies are expected to regularly update their human rights impact and performance by monitoring and audit.
- **Remedy:** Companies should identify and address grievances.

1. Human rights policy

		Evaluation
<p>In addition to compliance with national laws, the baseline responsibility of companies is to respect human rights.</p> <p>To this end, companies need to adopt a human rights policy. Broad aspirational language may be used to describe respect for human rights, but more detailed guidance in specific functional areas is necessary to give those commitments meaning.</p>	<p>Does the company have a corporate social responsibility (CSR) policy, a code of conduct or a charter of ethics that it applies to all its commercial relations and all geographical areas? If yes, is this policy public?</p>	
	<p>Which human rights are especially mentioned in this policy? See below list.</p>	
	Human right to water and sanitation	
	Human right to food	
	Labour rights	
	Human right to a healthy environment	
	<p>Does the policy apply for all commercial relations?</p>	
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> • Establish a code of conduct or a charter of ethics that clearly mentions that your business respects human rights and expects your business partners to do so. • Include the respect for the human right to water and sanitation. 	

2. Democratic, participatory and transparent processes

	Process of negotiation, bidding and tendering	Evaluation
Any instrument delegating service provision to private enterprises must meet human rights standards. The tendering, bidding and contract negotiations must be transparent, democratic. Service providers are expected to exercise due diligence in this regard.	If you concluded an agreement with the State (state authority, local authorities, state owned company) on delegating the provision of services, would you qualify the process as	
	Democratic?	
	Transparent?	
	Participatory?	
	During the negotiation process, did you receive adequate and sufficient information concerning the process, your obligations and the requirements to meet the obligations in the contract?	
	Would you qualify the process of tendering, bidding and contract negotiation as transparent?	
	Are the terms of reference of service delegation available to the public?	
	Did the tendering and the bidding process allow a wide participation, including the participation of civil society representatives?	
EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION	<ul style="list-style-type: none"> Team up with local NGOs and check if the decision on service provision meets human rights standards. Team up with local NGOs and ask local community members if the bidding, tendering and contract negotiation process was transparent and if they could participate in the process. In case you are aware of any human rights violations, proactively engage with relevant authorities to address human rights concerns. 	

3. Content of the contract on delegating service provision

		Evaluation
Private enterprises must exercise due diligence, to become aware of, prevent and address adverse impacts on human rights. Service providers shall ensure that the water they sell is safe quality, ensure regularity of supply, not discriminate in their operations, adopt fair and transparent procedures etc.	If you concluded a contract between the State (state authority, local authorities, state owned company) on delegating service provision, does the contract	
	Define the responsibilities?	
	Allocate risks?	
	Set delivery targets?	
	Set coverage targets?	
	Does this contract specify process in case of non-compliance?	
	Do you benefit from subsidies or any other similar instruments to ensure cost recovery?	
	Do you have the possibility to set the geographical coverage of your service provision according to the contract?	
	Does the contract confer exclusivity in service provision in terms of certain geographical coverage or certain parts of the community?	
	Does the contract require you to provide services to previously unserved or underserved areas?	
	Does the contract prevent you from providing services to slums or to other similar places with lack of security of tenure?	
	Is there an obligation to prioritize certain neighborhoods according to the contract in the provision of services?	

<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> Consider the human rights implications of your contract of service provision and engage proactively with the State authorities to ensure that you are not contributing indirectly to human rights abuses (e.g. make suggestions on how to ensure that services are affordable also to the poorest, offer flexible payment schemes to adapt to the need of the poor etc.)
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4. Human rights impact assessment

		Evaluation
<p>Companies must take proactive steps to understand how existing and proposed activities may affect human rights. The scale of human rights impact assessments will depend on the industry and national and local context.</p> <p>Companies must also integrate human rights policies throughout their operations, in addition to monitoring and auditing processes to track ongoing developments.</p>	Are you aware of any potential negative impact of this contract on the human rights of the local community?	● ● ●
	Does your company demand the respect for human rights from its suppliers and other commercial relations by making them sign a code of conduct that includes human rights or by including human rights provisions into the contracts?	● ● ●
	Does your company analyse and identify its most salient human rights issues?	● ● ●
	If you identify and analyse the impact of your services on human rights, would you qualify the process to this end as:	
	Participatory?	● ● ●
	Non-discriminatory?	● ● ●
	Transparent?	● ● ●
	Gender balanced?	● ● ●
	Does your company analyse the human rights risks of a business partner before entering into a commercial relation with it?	● ● ●
	Does your company conduct human rights impact assessments and/or fact-finding missions in collaboration with potentially affected groups and/or their representatives (independent NGOs, labour unions or other representatives of affected communities)?	● ● ●
	Are you aware of any potentially negative impact of your service provision on marginalised and vulnerable communities, such as:	
	Poor?	● ● ●
	Elderly?	● ● ●
	Women?	● ● ●
	Children?	● ● ●

<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none">• The assessment of the human right impacts of your activities does not need to be very formal. You may integrate it into your social and environmental impact assessment.• Make sure that during the assessment, you do not exclude the impacts on vulnerable and marginalised populations.• The process of assessing of the human right impacts needs to be transparent and participatory, and based on gender equality.• Use the opportunity to train your staff.• Team up with local NGOs and ask members of the local community who can provide information on the impact of your activities.
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