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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque**

**Addendum\***

### **Handbook for realizing the human right to safe drinking water and sanitation**

#### *Summary*

In the present report, submitted to the Human Rights Council in accordance with its resolutions 16/2 and 24/18, the Special Rapporteur wishes to introduce the Handbook for realizing the human rights to safe drinking water and sanitation that she has developed as a culmination of her six years of work as a mandate holder. The complete handbook will be published in September 2014 before her term as a Special Rapporteur ends.

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\* Reproduced as received.



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## **I. Introduction**

1. Over the past six years, the Special Rapporteur on the human right to safe drinking water and sanitation has contributed to develop the normative description of the human rights to water and sanitation and has worked with different stakeholders to provide guidance on how to implement these rights in practice in particular at the national level. The Special Rapporteur has received many requests from States (national and local authorities), United Nations agencies, service providers, regulators, civil society organizations, and others to provide more concrete and comprehensive guidance and to clarify what the implications of these human rights are for their work and activities. The Human Rights Council, in its resolution 16/2, also encouraged the Special Rapporteur to “work on identifying challenges and obstacles to the full realization of the human right to safe drinking water and sanitation, as well as protection gaps thereto, and to continue to identify good practices and enabling factors in this regard”. In response to such requests, the Special Rapporteur has developed a handbook for realizing the human rights to water and sanitation as a culmination of her work on the mandate. The Handbook will be published in September 2014 and will be available in five languages (Arabic, English, French, Spanish and Portuguese). Hard copies of the Handbook will be shared with Member States and other stakeholders, and it will become available also online at websites of the Office of the High Commissioner for Human Rights and other partners.

## **II. Purposes of the Handbook**

2. The Handbook for realizing the human rights to water and sanitation has been developed:
- A. To clarify the meaning of the human rights to water and sanitation;
  - B. To explain the obligations that arise from these rights;
  - C. To provide guidance on implementing the human rights to water and sanitation;
  - D. To share some examples of good practice and show how these rights are being implemented;
  - E. To explore how States can be held to account for delivering on their obligations;
3. To provide its users with checklists so they can assess how far they are complying with the human rights to water and sanitation.
4. The target audiences for this Handbook are State authorities at all levels, donors and national regulatory bodies. The Handbook provides information that is useful to other stakeholders, including civil society and service providers.

## **III. Methodology**

5. The Special Rapporteur has developed this Handbook collaboratively, first identifying the key barriers, dilemmas, challenges and opportunities that stakeholders face in realizing the human rights to water and sanitation, and then testing and verifying the guidance, checklists and recommendations featured in the Handbook. The Special Rapporteur organized a series of consultations both online and in person, and held countless

discussions with interested parties. These consultations included an initial meeting with the Advisory Group for this Handbook in September 2012, and a brief survey to identify the main issues that key stakeholders wanted to see analysed, which received 850 responses from five continents. The Special Rapporteur then convened a strategy meeting in April 2013 to discuss the content of the Handbook in detail. In late 2013 and early 2014, she convened two regional consultations - a Latin-American and Caribbean consultation in Bolivia, about local authority responsibilities, and an Asian consultation in Nepal, covering financing and budgeting - as well as a shorter meeting in Kenya at which the specific concerns affecting the implementation of the human rights to water and sanitation in urban areas were discussed. In late 2013 the Special Rapporteur also sent a *note verbale* to all United Nations member States, requesting them to share any relevant information and experience in realizing the human rights to water and sanitation. She organized two e-discussions in collaboration with the Rural Water Supply Network and with HuriTalk, focussing on specific issues to be addressed in the Handbook, including non-discrimination, sustainability, and the roles and responsibilities of the different actors. The first draft of the Handbook was shared at the rights to water and sanitation website ([www.righttowater.info](http://www.righttowater.info)) hosted by several civil society organizations, and several comments were received.

## **IV. Contents of the Handbook**

6. The Handbook gives guidance on the implementation of the human rights to water and sanitation as defined by the international human rights legal framework, which provides a minimum universal standard. Given the range of different local, regional and national standards that exist around the world, it is unrealistic to give detailed and differentiated guidance for each country, but States can use these international standards to define how these rights can best be implemented nationally. States are encouraged ultimately to surpass the standards set by international human rights law, by preparing national legislation, regulations and policies that go beyond these minimum legal requirements.

7. The international legal norms can be incorporated into national laws, regulations and policies, into national and sub-national budgets and into the planning processes for service delivery. These human rights can be provided for in complaints procedures administered either by service providers or by regulators or equivalent bodies, as well as by providing people access to justice or remedy for violations of their human rights to water and sanitation.

8. The Handbook also seeks to identify common challenges and obstacles and how these can be overcome, in order to respond to the practical problems that States face when realizing the human rights to water and sanitation.

9. The Handbook is organized into booklets relating to five main areas relevant to States in the realization of the human rights to water and sanitation.

### **A. National legal and policy framework**

10. In order to implement the human rights to water and sanitation, States must ensure existing legal, policy and regulatory frameworks incorporate human rights considerations, and reform them where this is not the case. These frameworks clarify the commitments of the State with respect to human rights principles in general and access to water and sanitation in particular. Without a clear legal framework, the State cannot be held accountable by the individuals, or rights-holders, who live within its jurisdiction.

## **B. Financing, budgeting and budget tracking for the realisation of the human rights to water and sanitation**

11. States must take their human rights obligations into account when developing financing strategies and budgets for water and sanitation. This assists States to ensure that those areas or populations that lack adequate access to water and sanitation receive targeted funds to address inequalities. Financing strategies and budgets must also be monitored to ensure that they have been developed and executed in compliance with the human rights to water and sanitation.

## **C. Services**

12. To comply with the human rights to water and sanitation, the delivery of water and sanitation services requires clear planning processes, institutions with a clear mandate, and the necessary financial and human resources. Different settlement types will require different approaches in terms of technology and management, but must still meet the necessary standards of the human rights to water and sanitation. States must set appropriate targets to ensure that services are sustainable, available, accessible, safe, affordable and culturally acceptable, without discrimination.

## **D. Monitoring**

13. Monitoring compliance with the human rights to water and sanitation is essential, not only to understand the extent to which the State has been successful in realizing these rights, but also to gather the necessary data for future planning and resource allocation. Monitoring includes collecting data on service levels (such as quality, accessibility and affordability) and on who has (or does not have) access to water and sanitation, in order to assess discriminatory practices and levels of inequality. With accurate data on who has access to water and sanitation, and at what level of service, States can prioritize the provision of services to the people who need them most.

## **E Access to justice**

14. States must ensure that people whose human rights are either not realized or being violated have access to justice. There is a wide range of different remedies available, from administrative processes such as complaints procedures, managed by service providers, to quasi-judicial and judicial procedures, potentially leading to court cases at the national, regional or international level.

## **V. Checklists**

15. Under each booklet, the Handbook also provides checklists for States and discusses the different roles of the various actors and the essential partnerships between them that are necessary to bring about the realization of the human rights to water and sanitation.

## **A. National legal and policy framework**

### **1. Constitution**

- Does the Constitution guarantee water and sanitation as clearly defined rights that can be claimed by all?
- Does the Constitution guarantee that equality and non-discrimination have the status of overriding legal principles? Does the Constitution also include the concept of affirmative action?
- Is the right to a remedy enshrined in the Constitution?
- Are independent oversight bodies established by the Constitution? Are these bodies competent to hear individual complaints?

### **2. Laws**

- Do laws define the human rights to water and sanitation, using the legal content of availability, affordability, quality, accessibility and acceptability as developed under international human rights law as a basis to give substance to these rights?
- Are there laws in place that prohibit direct and indirect discrimination and to promote equality in access to human rights?
- Are there laws available that ensure that users are able to obtain sufficient and relevant information in an easy and understandable manner?
- Are there laws in place that guarantee that full, free and meaningful participation takes place before any decision is finalised, including in the process of developing any laws, regulations or policy level documents?
- Are there effective complaint mechanisms available at the level of service provision?
- Are there quasi-judicial bodies available in the country that can resolve conflicts?
- Can individuals enforce their rights against both the State and private actors?
- Are remedies provided by law, for example, restitution, compensation, legally binding assurances of non-repetition, and corrective action?
- 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?
- Where people do not have access to a central water supply system, do laws provide for the right of everyone to use natural resources for domestic and personal use?
- Does the law prioritise water for personal and domestic uses over other uses?
- Do the State and/or providers give access to formal water and sanitation services to households regardless of their tenure status?
- Do laws spell out that water, sanitation and hygiene facilities must be available in all places where people spend significant amounts of time, including in all homes, workplaces, schools and kindergartens, hospitals and health care centres, places of detention and public places?
- Is there an independent regulatory body in place that operates on the basis of human rights and is tasked to determine the tariff setting?

- Are there laws 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, to protect the groundwater?

### 3. Regulations

- Are there regulations in place that manage the collection and distribution of information to all stakeholders?
- Is information provided in different languages, covering all languages spoken in a country?
- Can all stakeholders, including those who are hard to reach, access relevant information easily? This includes people who live far from centres of information and those who cannot read.
- Do regulations set out precise rules on participation in matters of infrastructure, service levels, tariffs, and the operation and maintenance of water and sanitation services?
- Do regulations provide for mechanisms that ensure individual complaints are effectively heard, and processed in a timely way?
- Has the State undertaken any measures to regulate water supply by informal vendors or replace it by a formalised supply?
- Are standards regularly reviewed, and do standards progressively improve over time minimum amount of water to be available, and a maximum permitted interruption of services?
- Does standard-setting take account of the barriers facing particular individuals?
- Do regulations clearly spell out what “availability of 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? Do regulations include guidance on safe construction, regular cleaning, and emptying of pits or other places that collect human excreta?
- Do regulations specify that facilities must be available in schools and other public institutions, which allow for hand-washing and for women and girls to practice good menstrual hygiene?
- Do regulations set minimum standards with regard to physical accessibility? Do they take into account the maximum distance and time it takes to reach a facility; the location of the facility in order to ensure physical security of users; and do these standards consider the barriers faced by particular individuals and groups?
- Can people living in informal settlements and without secure tenure gain access to formal water and sanitation service provision? Do the State and/or providers give access to formal water and sanitation services to households regardless of their tenure status?
- 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?
- Do regulations provide for mechanisms that ensure the affordability of services for all, while considering connection costs, operation and maintenance; as well as

establish subsidies, payment waivers and other mechanisms to ensure affordability?

- Are tariff systems developed and monitored for compliance with the affordability standard?
- Do regulations provide for opportunities for users to pay their arrears, or receive services for free, when they are unable to pay?
- Do regulations set standards on water quality and wastewater treatment, and are they relevant for both public and private service-providers? Are there regulations on householders' arrangements for waste collection and disposal?
- Are water quality standards set according to the national and local contexts, considering contaminants that occur only in specific regions?
- Do standards take into account which type of service would be most efficient in the context of the local situation?

#### **4. Policies**

- Is there a comprehensive water and sanitation policy in force that integrates the human rights to water and sanitation and its legal content?
- Is the policy reviewed regularly, to track discriminatory effects; if they are found to discriminate, are they repealed or amended?
- 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 discrimination in water and sanitation service provision?
- 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?
- Does the State provide for measures raising awareness of the possibility of obtaining information; for example, about water and sanitation services, management and infrastructure?
- Are there programs and policies in place that guarantee and encourage the participation of all stakeholders?
- Are there any mechanisms or programmes to train local authorities in how to manage budgets, tariffs and the operation and maintenance of facilities?
- 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?
- Are there policy-level documents that outline methods and plans for raising awareness and changing behaviour, especially with regard to hygiene practice?
- Do policy level-documents set clear targets and timelines for reaching a basis level of service for all?
- Do policy-level documents plan for clear assessments of current accessibility standards?
- Do policy-level documents set clear targets and responsibilities for meeting general acceptability standards?



- 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?
- Are there policies in place that plan to improve services continually over time?

## **B. Financing, budgeting and budget tracking for the realization of the human rights to water and sanitation**

### **1. National and sub-national Governments**

- Is the national government directing sufficient funds to sub-national governments to enable them to progressively realize the rights to water and sanitation (including availability, accessibility, quality, affordability and acceptability) to people in its area on a non-discriminatory basis? What are the criteria for allocating funds to sub-national governments?
- Are the funds the national government is directing to sub-national governments such as to enhance equality in access to clean water and sanitation targeted to those who are disadvantaged and among different regions of the country and different populations?
- Are the national and sub-national governments collaborating to ensure that all funds directed from the national government for water, sanitation and hygiene projects and services reach sub-national government in a timely fashion?
- Are people made aware of existing subsidies, grants and payment options?

### **2. Ministry of Finance (or Planning, or Central Bank)**

- Has the Ministry of Finance reviewed water and sanitation related budgets to determine if, when taken together, the allocations seek to realize the rights to water and sanitation, as well as promoting non-discrimination, sustainability, accountability and participation? When the budgets from the different line ministries are taken together, have the rights to water and sanitation been accorded due priority?
- Have any cuts been made in water and sanitation related budgets? If so, was an assessment done of the likely impact of these cuts on people's realization of their rights to water and sanitation?
- Has the Government made water and sanitation related budgets publicly available and accessible?
- Has it enabled participation by civil society in discussions around the formulation of these budgets?
- Has the Finance, or where appropriate, the line ministry allocated sufficient funds for subsidies for those unable to afford tariffs as well as for the hardest to reach?
- Has it enabled participation by civil society in discussions around the formulation of its budget?
- Have water and sanitation related funds been released to line ministries and sub-national governments in full and in a timely fashion?

### **3. Line Ministries**

- Is the structure of tariffs and/or subsidies such as to ensure that people living in poverty will 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, but not representing more than a certain percentage of the household income?
- Do water and sanitation budgets appear to have reached an appropriate balance of infrastructure vs. operation/maintenance/repair so as to ensure sustainability of existing systems?
- Have the line ministries produced sufficiently disaggregated budgets so that it is clear how much they are directing to water and to sanitation , and for what purposes?

### **4. Donors**

- Has the donor or development agency considered giving a higher priority to support for the water and sanitation area? If it already provides such support, has it considered directing more of its contribution to operation and maintenance?
- Does the donor or development agency provide its water and sanitation related support on-budget?
- If it provides off-budget support in the water and sanitation area, does it harmonize its support with the government's policies and plans?
- Does the donor or development agency make information about its water and sanitation related support publicly available?
- If it provides on-budget support, has it discussed with government the need for its macroeconomic policies to be in line with its economic, social and cultural rights obligations and for it to accord due priority to the rights to water and sanitation in its budget?
- If it provides on-budget support, has it discussed with government the need for making sure that funding for water and sanitation are aimed at promoting the rights to water and sanitation, particular the human rights principles of non-discrimination, sustainability, accountability and participation?
- If the donor or development agency provides water and sanitation sectoral budget support, has it determined that the relevant line ministries have developed their budgets in line with human rights considerations?
- Has information been made publicly available about funds disbursed to advance the rights to water and sanitation?
- Have water and sanitation related funds been disbursed or spent in full and in a timely fashion?

### **5. Supreme audit institutions**

- Is the Supreme Audit Institution independent and does it have sufficient – human and financial – resources to operate?
- Does the Supreme Audit Institution use a human rights framework in auditing government budgets?

- What is the follow up to and impact of the Supreme Audit Institution's findings? What is the rate of Government's compliance with the Supreme Audit Institution's recommendations?

## **6. Civil society**

- Are there capacity-building strategies on budgeting and budget tracking for civil society?

## **C. Services**

### **1. National and sub-national governments**

#### *Planning Process*

- Are national and local planning processes open, transparent and participatory and do decision-making processes fully and explicitly include disadvantaged, marginalised and vulnerable individuals and groups?
- Are assessments participatory and available for review? Do baseline studies identify the most disadvantaged individuals and groups?
- Do assessments consider accessibility, affordability, adaptability and acceptability?
- Are targets set through inclusive processes, with sufficient information available for targeted individuals and groups?
- Do the national and / or local plans of action include specific targets for disadvantaged groups?
- Do the targets include planning and financing for maintenance and operation to ensure sustainability?
- Are the responsibilities of the various actors at each stage of the planning process clearly defined?
- Do the available financing and budget priorities reflect the targets set?
- Are current and future users included in the planning processes to influence outcomes, increase understanding and use of services?
- Do monitoring systems include the identification of disadvantaged individuals and groups?
- Is monitoring participatory and transparent and does it include indicators for sustainability?
- Are service levels monitored, including the criteria of quality, affordability and accessibility and is the data disaggregated according to population groups?
- Is budget spending assessed?
- Is there accurate information on levels of services enjoyed by informal settlements, including the types of service provider supplying services?
- Capacity building
- Are there capacity building programmes on operation and maintenance of the infrastructure, including access to information on who is responsible for operation and maintenance?
- Awareness raising

- How does the government tackle taboos on menstrual hygiene and sanitation?

What programmes are in place to raise awareness of good hygiene behaviour?

*Regulations*

- Does the regulatory framework include rules for private sector engagement, including profit-making and clarifications on private sector investment?
- Are civil society organisations in their role as service providers regulated to be accountable and provide consistent standards for the quality of services?

*Contracts*

- Are contracts between States and service providers compliant with human rights standards?
- Are the human rights responsibilities of the service providers clearly defined in the contract, together with standards required immediately and over time?
- Do contracts contain coverage targets to eliminate inequalities in access to water and sanitation?
- Are there sufficient provisions on participation, access to information, capacity building and water quality standards in the contracts?

*Disconnections*

- Do service providers have effective regulations on how disconnections can be carried out in compliance with the human rights to water and sanitation?
- Are there effective administrative and judiciary systems that allow the opportunity to challenge disconnections and receive appropriate remedies?

*Anti-corruption*

- Are there anti-corruption regulations and rules?
- Is information accessible and transparent? Does it strengthen the participation of stakeholders in the sector of water and sanitation?

**2. Service providers**

- Is information on existing coverage of water and sanitation services available to the public?
- Are existing gaps in service provision, and the corresponding requirements to extend access to services assessed?
- Have the regions, settlements and sectors of the population / areas which require specific assistance been identified?
- Are there monitoring mechanisms to assess the service providers' own performance, and is this freely available to the public in a comprehensible format?
- Is feedback to the service users provided?
- Are adequate complaint mechanisms available?
- Before disconnections are made is the potential impact and proportionality assessed?

### 3. Donors

- Do international financial institutions undertake human rights impact assessments of their policies, projects and programmes, during the process of policy and project formulation and after a period of implementation?
- Are these assessments public and participatory and focus in particular on disadvantaged and vulnerable groups?
- Do loans or debt relief avoid conditionality on the implementation of privatization policies?

## D. Monitoring

### *General*

- Are indicators established to monitor the human rights to water and sanitation?
- Is availability of water and sanitation services monitored?
- Is accessibility to water and sanitation facilities monitored, including those who may face barriers in access – such as marginalised or excluded individuals and groups, persons with disabilities, the young and older persons?
- Is access to water and sanitation also monitored outside the home – at work, school, health institutions, public spaces, as well as for those people who live in places where they have no control over their own access, such as in detention centres?
- Is access to services at the level of the household monitored? Does monitoring on intra-household access consider people suffering from stigmatized chronic illnesses such as HIV/AIDS?
- Is water quality monitored?
- Is the quality of sanitation provision monitored?
- Does monitoring include the availability of water and sanitation services?
- Is affordability of water and sanitation services monitored?
- Is acceptability of water and sanitation facilities monitored? Are participatory approaches to monitoring put in place?
- Is sustainability of new water and sanitation facilities monitored?
- Are inequalities monitored? Have the most disadvantaged and excluded individuals and/or groups been identified? Is disaggregated data available?
- Is the percentage of the worst-off population with the better-off population compared to establish the disparity?
- Is the necessary rate of progress determined for both worst-off and better-off groups in order to meet the target?

### *Governments*

- Has the government accepted recommendations on the human rights to water and sanitation in the context of the Universal Periodic Review?
- Are the maximum available resources spent on realizing the human rights to water and sanitation?

- Before constructing new water and sanitation facilities, are the costs of operating and maintain the facilities fully considered?
- Is there an independent regulator that supports the monitoring of the human rights to water and sanitation?

*Donors*

- Before investing in constructing water and sanitation facilities, are the costs of operating and maintaining such facilities fully considered?

*Service providers*

- Do service providers monitor water quality?
- Is the quality of sanitation infrastructure and services monitored?

*Civil society*

- Does civil society monitor inequalities? Has it identified the most disadvantaged and excluded individuals and/or groups? Does it collect disaggregated data?
- Does it monitor the human rights to water and sanitation in informal settlements in order to lobby the State to allocate resources and remove social, legal and financial barriers to improving access for these individuals and groups?

*National human rights institutions*

- Does the national human rights institution monitor the different aspects of realizing the human rights to water and sanitation?
- 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?
- Does the national human rights institution promote the human rights to water and sanitation with government at local and national levels and does it strengthen accountability systems?

## **E. Access to justice**

*State institutions*

- Are there judicial remedies available for economic, social and cultural rights?
- Is information on the existence of legal rights and possibilities to enforce 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 for legal services to guarantee their quality?
- Does the government ensure that no illegal fees or bribes are imposed to access remedies?
- Does the government provide legal assistance that guide 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 may be fearful of deportation have meaningful access to courts and other procedures to enforce their rights?

- Do State institutions provide training on international legal standards regarding economic, social and cultural rights, including by making human rights part of law school curricula?
- Do State institutions, including the government, ensure that courts and administrators are exposed to legal decisions of international mechanisms? Do they promote the application of international human rights law in domestic courts proceedings? Do they encourage review by regional or international human rights bodies?
- Has the State ratified relevant international conventions that establish regional or international complaints mechanisms?
- Are remedies available for extraterritorial claims?
- Do State institutions make people aware of complaints procedures and other ways to access justice with respect to access to water and sanitation?
- Are measures taken by the State to strengthen its capacity to hold water and sanitation service providers accountable?

#### *Legislator*

- Does the applicable framework of rules and regulations fully integrate human rights principles and the normative content of the human rights to water and sanitation?

#### *Service Providers*

- Do service providers make an accountability mechanism available? Does such mechanism involve the use of external resources or is it wholly external?
- Are accountability mechanisms at the level of service providers planned and administered together with those who may need access to it?

#### *Administrative bodies*

- Are oversight and accountability of all administrative actors properly informed by the human rights to water and sanitation?
- Are adjudicatory bodies of administrative nature impartial and independent?

#### *Courts*

- Do courts proceed on cases regarding the obligations to respect, to protect and to fulfil the human rights to water and sanitation?
- Do courts evaluate critically policies on budget allocation to proactively fulfil the human rights to water and sanitation for underserved and unserved individuals and communities?
- Do courts address systemic violations to the realisation of the human rights to water and sanitation?
- Is recourse to judicial review from administrative procedures possible when State institutions fail to properly consider and apply the human rights to water and sanitation?
- 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?

- Do courts adjudicate complaints promptly, expeditiously, effectively, impartially and independently? Are courts transparent and accountable? Are judicial remedies timely or prompt?
- Are proceedings understandable and is information also available in local languages, including minority and indigenous languages?
- Do decisions include a reasoned basis? Do they indicate the consequences and applicable reparations? Do decisions include a full explanation of the decision on the merits of the claim?
- Are remedies effective, just and enforceable? Are remedies properly enforced?
- Is domestic law interpreted in line with international law?
- 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?
- Do courts rely on recommendations of national human rights institutions?
- Is equal accessibility to remedial mechanisms ensured 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)? Are all parties in proceedings treated without any discrimination?
- Are courts physically accessible?
- Are remedial systems sensitive to social and cultural barriers?
- Do remedial systems empower women?
- Do courts provide protection of privacy and anonymity of claimants that face barriers in accessing courts because they fear reprisals, discrimination or stigmatisation within or outside their communities or society? Do courts allow groups to speak on behalf of affected individuals in order to ensure that rights claimants are not subjected to further stigmatization or reprisals?
- Do courts set up monitoring processes to ensure enforcement of decisions?

*National human rights institutions*

- Does a national human rights institution independent of the government exist? Is the national human rights institution authorised to receive and adjudicate complaints of violations of economic, social and cultural rights?
- If a national human rights institution exists, does its mandate cover the entire human rights framework, including economic, social and cultural rights?
- Do national human rights institutions play an important role in monitoring the realization of the human rights to water and sanitation, including in addressing systemic violations?
- Do national human rights institutions monitor implementation of remedies?



*NGOs*

- Do NGOs play an important role in monitoring the realisation of the human rights to water and sanitation, including in addressing systemic violations?
  - Do NGOs play a role in ensuring effective implementation of remedies?
  - Do NGOs contribute to overcome barriers in accessing remedies?
-