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WATER AND SANITATION ARE HUMAN RIGHTS – SO WHAT?

Implications and actions needed
to put the rights into practice

Results from the 27th AGUASAN
workshop 20th to 24th June 2011,
Gwatt, Switzerland

Report, 15.12.2011



27th AGUASAN Workshop

- AGUASAN is an interdisciplinary Swiss Community of Practice (CoP) that since 1984 assembles a wide range of water and sanitation specialists and organizes regularly meetings (4 x/year) and one annual Workshop
- The 27th AGUASAN workshop in 2011 was dedicated to the Human Right to Water and Sanitation
- The workshop objectives were to:
 - Increase the knowledge and sensitivity of the participants regarding the human right to water and sanitation (HRWS) and create a common understanding of the issue
 - Outline a guidance tool (toolkit) for integrating human rights in water and sanitation programme and project interventions
 - Strengthen the participants' personal networks and contacts

Methodology

- Create common understanding via key inputs
 - Anna Russell: History & Implementation
 - Sarah House: Practical Approaches to Inclusion of Marginalized Groups
 - Helgard Muller: From Policy to Practical Implementation at the National Level
 - UN special rapporteur Catarina de Albuquerque (via Skype)
- Case studies – from practical experiences of participants to the need for tools
 - Accountability Nepal/Vietnam, Budget advocacy Nepal, Lebanon, Bolivia, Ukraine
- Shaping the toolkit
 - Defining users of the toolkit
 - Developing methodological approaches and structures
 - Defining chapters and topics

Result: need for a toolkit

- WASH practitioners think along the logic of the project cycle but often they are not familiar with structure and terminology of human rights discourse; they need practical guidance on how to implement HRWS at the different steps of the project cycle
- A toolkit is needed that provides tools and good practice examples for HRWS implementation at the different steps of the project cycle, using [clear criteria on good practices](#) as guiding principles

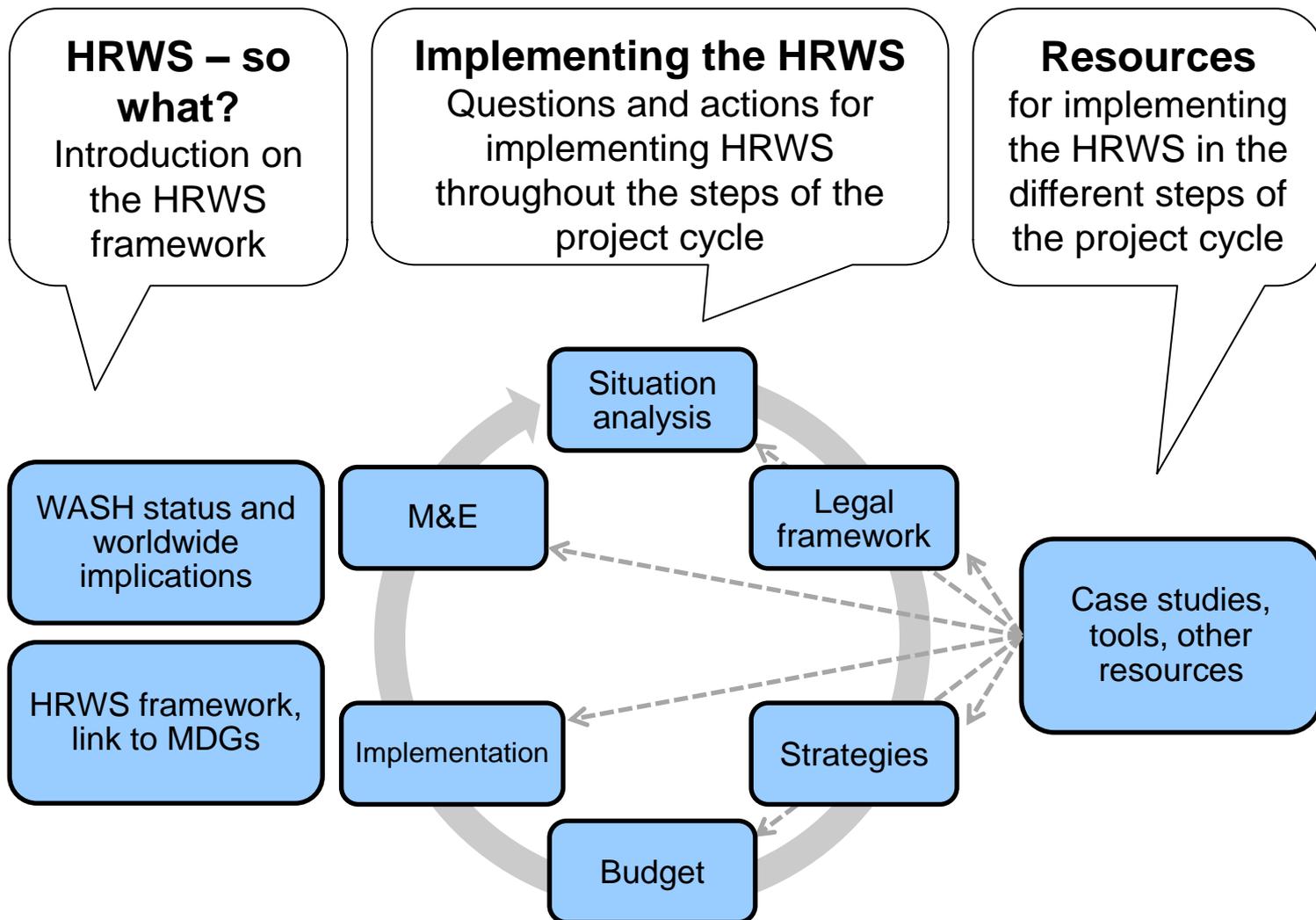
“human rights lens for the WASH project cycle”



Toolkit objectives, methodology

- **Target audience for the toolkit:** programme planners and managers of the AGUASAN community and their direct local partners (Civil Society Organisations and ODA organisations)
- **Objectives:** Make tools and good practice examples on implementation of the HRWS available to practitioners that are less familiar with the HR law background
- **Scope:** Use primarily for internal processes of the AGUASAN community members, but also for influencing other stakeholders' processes
- **Methodology:**
 - Using the criteria on good practices (cross-cutting criteria) as guiding principles at different stages in the programme/project cycle in order to put the HRWS into practice
 - Presenting tools, case studies and resources in a clear structure linked to the cross-cutting criteria and the project cycle steps

Toolkit outline



“HRWS - so what”?

- Overview on WASH status worldwide and its implication to human health and development
- Overview on the framework of human rights for water and sanitation and its link to the Millennium Development Goals

2010 July In **2010** the UN declared access to clean water and sanitation a Human Right

Millennium Development Goal **7** calls to “Halve, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation”

2.6 billion people lack access to basic sanitation (3)

884 million people in the world do not have access to safe drinking-water (3)

Between 50 and 100 liters of water per person per day are needed to ensure most basic needs (1)

The water source has to be within **1,000** meters from home (1)

Water cost should not exceed **3** per cent of household income (2)

Collection time should not exceed **30** minutes (1)

UN-Water Decade Programme on Advocacy and Communication (UNW-DPAC)



WASH status and worldwide implications

- 2.600.000.000 people have no access to improved sanitation
- 884.000.000 people have no access to improved sources of drinking-water
- The MDGs for water supply and especially for sanitation will not be reached in many countries
- Poor water supply and sanitation is a major cause of the global disease burden (1,8 Million deaths per year result from poor water supply and sanitation, mostly children)
- Vulnerable and marginalized groups are most concerned from lacking access to water supply and sanitation in most countries
- Poor water supply and sanitation is one of the most important obstacles to economic development worldwide



HRWS framework

- The HRWS was explicitly recognized by the UN assembly in 2010
- The HRWS is derived from the right to an adequate standard of living (Art. 11 of the International Covenant on Economic, Social and Cultural Rights and other HR treaties that are already recognized by most countries)
- Since 2010, international debate is shifting from “is there a right to water and sanitation?” to “how do we implement this right in practice?”

HRWS framework – normative criteria (target criteria)

For the full realisation of the HRWS, the following **normative criteria** have to be met:

- **Availability:** A sufficient number of sanitation facilities and sufficient water supply is available for each person for personal and domestic uses.
- **Accessibility:** Water and sanitation services are accessible for everyone in a household or its vicinity on a continuous basis, without threat to physical security when accessing facilities.
- **Quality/safety:** Water is safe for consumption, sanitation facilities are hygienically and technically safe to use, access to water for cleansing and hand washing is assured.
- **Affordability:** Costs for access to water and sanitation does not compromise the ability to pay for other essential necessities guaranteed by human rights (food, housing, health care, etc.).
- **Acceptability:** Sanitation facilities are culturally acceptable and ensure privacy and dignity (in particular for women).



HRWS framework – cross-cutting criteria (good practice criteria)

Good practices from a HR perspective have to meet all of the following **cross-cutting criteria** (to some degree at least):

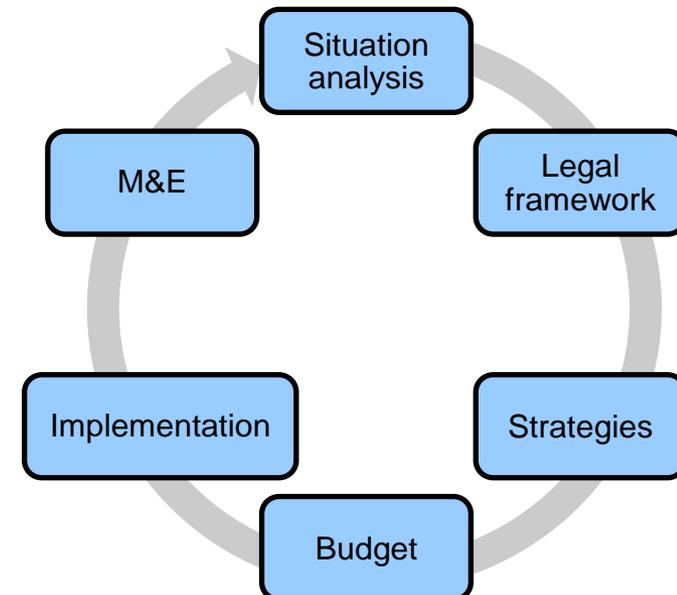
- **Non-discrimination:** No population groups, in particular vulnerable and marginalized groups (eg. women, children, rural populations, minorities, disabled persons) are discriminated regarding access to water and sanitation.
- **Participation:** All concerned individuals and groups have access to information and the opportunity to express demands and concerns and to influence decisions.
- **Accountability:** The state and other actors of the WASH sector have accountability mechanisms; communities participate in monitoring and evaluation; the state provides remedies to rights violations.
- **Impact:** Practices result in better enjoyment of HR, empowerment of right-holders and accountability of duty-bearers.
- **Sustainability:** Achieved impacts are continuous and long-lasting and do not adversely impact the enjoyment of other HR.

HRWS and MDGs

- The MDGs and the HR laws have very distinctive histories and only now their linkage is increasingly being discussed
- MDGs contribute to realize the HRWS
- Inconsistencies exist between the 2 frameworks; MDG driven strategies may violate HR standards in some cases
 - MDGs aim at 50% reduction of people without coverage; HR aim at universal coverage (progressive realisation in country specific time frames)
 - MDG indicators measure the provision of facilities but not their availability, accessibility, quality, affordability and acceptability
 - MDGs do not differentiate regarding levels of vulnerability of beneficiaries; this leads to efforts targeting the „low hanging fruits“ while neglecting vulnerable and marginalized groups
- HR standards and criteria can (and should) provide guidance for the revision of MDG targets, indicators and monitoring mechanisms

Implementing the HRWS

- Programme planners or managers willing to implement the HR dimension in their WASH programme need orientation on
 - How to analyse the situation in the country
 - How to identify the needs for action and corresponding entry points
 - Tools and practical examples for actions throughout the different steps of the programme cycle
- The following section provides for each project cycle step questions and actions that need to be considered for implementing the HRWS and links to resources





Situation analysis

- Questions on service level
 - What is the coverage of the population with improved water supply and sanitation facilities?
 - How is the service level in respect to availability, accessibility, quality, affordability and acceptability?
 - What is the situation of the different population groups (e.g. who are the vulnerable and is there discrimination)?
- Questions on stakeholders
 - Who are the rights holders and duty bearers? What capacities do they have?
 - What understanding of the HRWS have governmental, donor and civil society actors? What are the capacities of governmental institutions and the human resources to develop strategies, define priorities, allocate budgets, implement participation and accountability mechanisms etc. to realise the HRWS?
 - What capacities have the right holders to access information, claim rights and participate in decisions?

Situation analysis

- **Actions**
 - Improve data basis for assessment of availability, accessibility, quality, affordability and acceptability of WASH access
 - Use and promote collection of disaggregated data on (vulnerable groups, gender, disabled, etc.)
- **Case studies**
 - National Information System for Water and Sanitation (SINAS) Mozambique
- **Tools**
 - Identifying existing platforms on WASH and HR
 - Stakeholder mapping
 - Surveys of understanding and perceptions of the population
- **Resources**
 - National data from household surveys, census, etc.
 - [JMP country files](#) / [Blue books](#)



Legal framework

- Questions
 - Which international covenants that recognize HRWS are signed by the country?
 - Are HRWS stipulated in the constitution or in sector strategies?
 - Are policies, norms and standards for WASH provision non-discriminatory, is participation possible, is accountability guaranteed, etc.?
- Actions
 - Advocate for constitutional recognition of the HR
 - Advocate for laws and standards to include provisions supporting HRWS (e.g. for priority allocation in case of scarcity, negotiation mechanisms for water allocation, accountability mechanisms, provisions for non-discrimination in service delivery)
 - Advocate for removing provisions in laws and standards that lead to violation of HRWS



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Legal framework

- Resources
 - [List of international standards recognizing the HRWS](#)
- Case studies
 - [HRWS in Bolivia](#)



Strategic orientation and priority setting

- Questions

- Do national and own WASH strategies include the target of universal coverage and support non-discrimination, participation and accountability in WASH provision?
- Are there effective platforms for coordination of government and donor strategies in place?

- Actions

- Adapt internal processes, e.g. by engaging right holders in strategy definition process
- Align internal processes to national strategies, eg. by setting strategy targets
- Promote dialogue around integration of HRWS into other stakeholders' strategic orientation, e.g. PRSPs or other donor strategies
- Advocacy, e.g. follow-up on recommendations from international HR bodies such as CESCRC

Strategic orientation and priority setting

- Resources
 - Country PRSPs, National WASH strategies and programmes, donor country strategies and programmes
- Case studies:
 - GOV-WADE - Governance Project in Municipal Water and Environmental Development, Bosnia and Herzegovina, SDC

Budget allocation

- Questions
 - Do government and donors allocate maximum available resources to the progressive realisation of HRWS?
 - Are the budgeting processes transparent?
 - Does civil society has the possibility to participate in budget decisions?
- Actions
 - Advocate for national governments allocating maximum available resources for HR (considering the interrelatedness of HR, principle of non regression, etc.)
 - Donors align with national priorities, balance budgets with HR priorities
 - NGOs assure sufficient budget allocation to needs of most marginalized groups
 - Apply financial mechanisms in programmes supporting inclusion of vulnerable groups, e.g. social tariffs



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Budget allocation

- Case studies:
 - [Budget advocacy, Nepal](#)
 - Civil society budget monitoring



Programme implementation

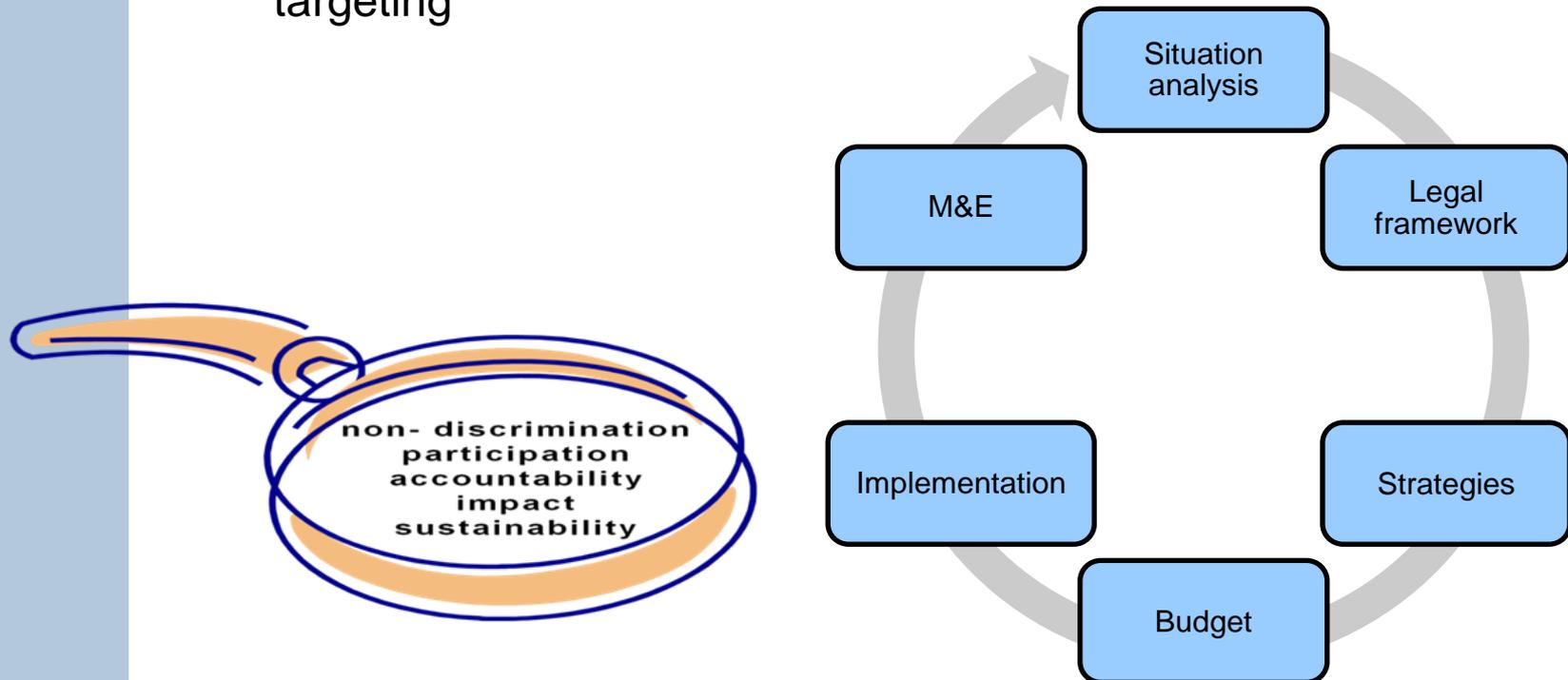
- **Actions**
 - Build capacities of implementers and partners
 - Raise awareness and build capacities of right holders
 - Include accountability mechanisms
 - Include actions specifically targeting vulnerable groups, make sure that the rights of the vulnerable remain in the centre
 - Provide transparent information on programme activities and involve right holders in decision-making on service options, establish meaningful dialogues between stakeholders
- **Case Studies**
 - [Service cooperative in Ukraine, DESPRO, SDC](#)
 - [Accountability, Nepal, Helvetas](#)
 - [Accountability, Vietnam, Helvetas](#)

Monitoring and evaluation

- Questions
 - What monitoring systems for WASH and HR do exist?
 - Do WASH indicators allow measuring availability, accessibility, quality, affordability and acceptability?
 - Is the quality of monitoring data sufficient?
 - Are national M&E systems harmonised with international frameworks?
- Actions
 - Use of indicators for programme monitoring and evaluation that allow measuring availability, accessibility, quality, affordability and acceptability
 - Involve right-holders in programme monitoring and evaluation
 - Ensure capitalisation of experiences and inclusion of lessons learnt in programme planning and implementation
- Case studies
 - Civil society budget monitoring

Case studies, tools, resources

- The following section describes case study, tools and resources and their links to
 - Good practice criteria they are particularly targeting
 - Different steps of the project cycle they are describing or targeting



Case studies, tools and other resources

Resources for implementing the HRWS

Good practice criteria the resource is particularly aiming

Step of the project cycle the resource describes or is targeting

Type

- Case study
- Tool
- Resource

Good practice criteria

- Non-discrimination
- Participation
- Accountability
- Impact
- Sustainability

Project cycle step

- Situation analysis
- Legal framework
- Strategies
- Budget
- Implementation
- M & E

Title

...

Author and source

...

Summary

Project background
Approach used
Achievements
...

Community Service Cooperatives in Ukraine



- DESPRO project Ukraine, SDC
- The project aims at setting up efficient decentralized models of services provision for the population. Community Service Cooperatives were developed as a way to implement the HRWS for Rural Population in Ukraine
- The Community Service Cooperatives, mobilize community and resources, ensure participatory decision making process, represent interests of community members including vulnerable groups, influence the tariff setting process, bear responsibility for stable O&M of the water supply system and adequately represent community members interests.

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Budget Advocacy in Nepal

- Wateraid, Nepal
- Budget advocacy is a systematic but simple method of demystifying budget process
- Tools at national level: Lobby meetings, use of parliament, national media, donor meetings, sector finance analysis
- Tools at local level: budget analysis, benchmarking, generating credible evidence from grass roots, mass campaigns, public hearings, joint monitoring, citizens action



Type

Case study

Tool

Resource

Good practice criteria

Non-discrimination

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Impact

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Project cycle step

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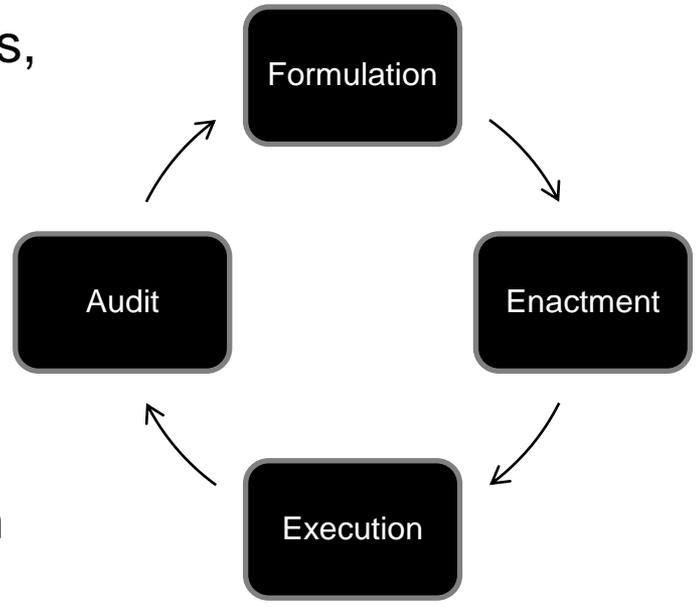
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Budget

Implementation

M & E

Budget cycle



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Accountability in Nepal

- WARM-P, Helvetas, Nepal
- Within a programme on improving access to water and sanitation through community managed water resources and strengthening capacities of local service providers and organisations, Public Audit Practice (PAP) was implemented.
- PAP consists of public hearings (initial information), public review (midterm review) and public audit (final evaluation).
- The main achievements were: empowerment of right holders, provide platform for participation of marginalized people, increase awareness on HRWS, responsibilities and accountability of duty bearer and right holders in the programme are clarified and established, programme performance was increased through better performance.



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Accountability in Vietnam

- Project on Improved Livelihood of Ethnic Minorities and Strengthening Local NGO in Cao Bang, Vietnam, Helvetas
- Accountability of the programme is enforced using a 5-step approach (Public hearings for (1) planning and (2) project proposal, (3) public review of implementation, (4) public audit and (5) village meetings for organising O+M.
- The main achievements were the increase of people's ownership, awareness for duties to contribute local resources & payment of water fees, platforms for participation of marginalized people, increased access to water for marginalized people, awareness of duty bearers of their duties to provide adequate information, to realize Watsan's projects/ activities, simple procedures allowing better accountability towards local people



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Discrimination of Palestine refugees in Lebanon

- United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)
- The case study describes the example of a state not fulfilling its human rights obligation: discrimination and exclusion of a vulnerable population group
 - Since 60 years: unsolved legal status of Palestinian refugees in Lebanon
 - Lebanese government does not provide water supply and sanitation services to refugee settlements
 - Services are provided by the UN agency instead



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HRWS in Bolivia

- New constitution (2009)
 - includes „universal and equitable access to water and sanitation“ as fundamental human rights
 - Prioritises water use for domestic purpose (HR)
 - Stipulates state ownership of water resources and state responsibility for sustainable WR management
- Huge challenges remain to make the constitutional guarantee operational



Website of the UN special rapporteur on HRWS

- <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/SRWaterIndex.aspx>
- The mandate of the Special Rapporteur on the human right to safe drinking water and sanitation (SRWater) was established by the UN Human Rights Council in 2008. The SRWater, Ms. Catarina de Albuquerque, undertakes country missions, collects good practices, and works with development practitioners on the implementation of the rights to water and sanitation.
- The website makes available the SRWater's reports to the UN, UN resolutions related to HRWS, International Standards referring to the HRWS.
- The website will increasingly make available information aimed at the practical implementation of HRWS, such as good practices worldwide

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The Rights to Water and Sanitation website

- www.righttowater.info
- The rights to water and sanitation website is a joint initiative between WaterAid, Bread for the World, Freshwater Action Network and Rights and Humanity
- It provides brief information, facts and links to further reading on background of HRWS, ways to influence, progress so far and possible ways to contribute



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Good practice criteria

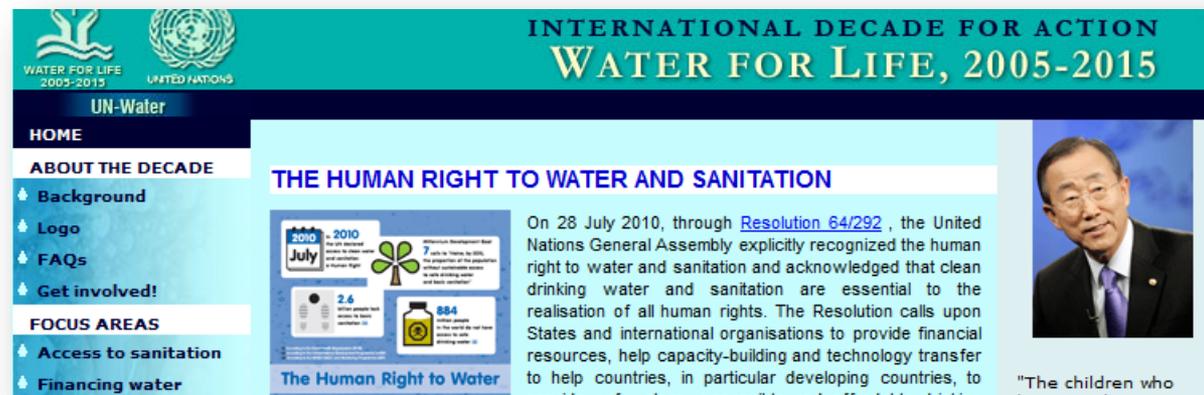
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Website of the UN “Water for Life” Decade

- http://www.un.org/waterforlifedecade/human_right_to_water.shtml
- The goal of the 'Water for Life' Decade is to promote efforts to fulfill international commitments made on water and water-related issues by 2015. One of 9 focus areas of the decade is the HRWS
- The website provides condensed information on the HRWS and links to several publications, e.g. a [leaflet/poster with eight short facts on the HRWS](#)



INTERNATIONAL DECADE FOR ACTION
WATER FOR LIFE, 2005-2015

UN-Water

HOME

ABOUT THE DECADE

- Background
- Logo
- FAQs
- Get involved!

FOCUS AREAS

- Access to sanitation
- Financing water

THE HUMAN RIGHT TO WATER AND SANITATION

2010 - 2010
July

2.6

684

On 28 July 2010, through [Resolution 64/292](#), the United Nations General Assembly explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realisation of all human rights. The Resolution calls upon States and international organisations to provide financial resources, help capacity-building and technology transfer to help countries, in particular developing countries, to provide safe, clean, accessible and affordable drinking water for all.

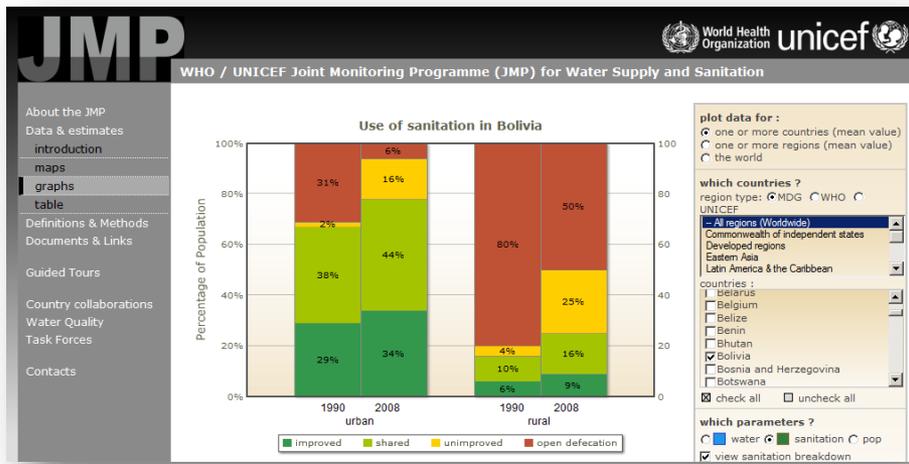
"The children who

WHO/UNICEF Joint Monitoring Programme (JMP)

- <http://www.wssinfo.org>
- The WHO/UNICEF JMP for Water Supply and Sanitation is the official United Nations mechanism tasked with monitoring progress towards the MDGs
- This website is a resource about the status of water supply and sanitation coverage detailed statistics about the use of water and sanitation facilities at different scales (global, regional and country-level).

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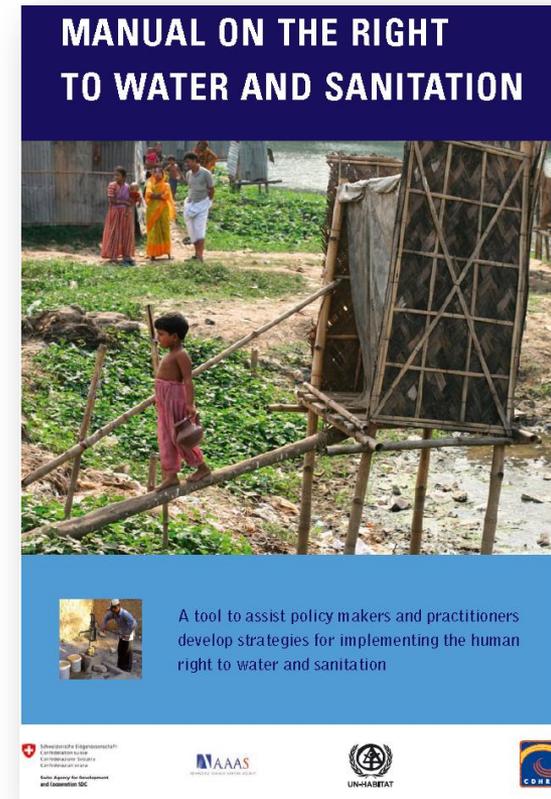
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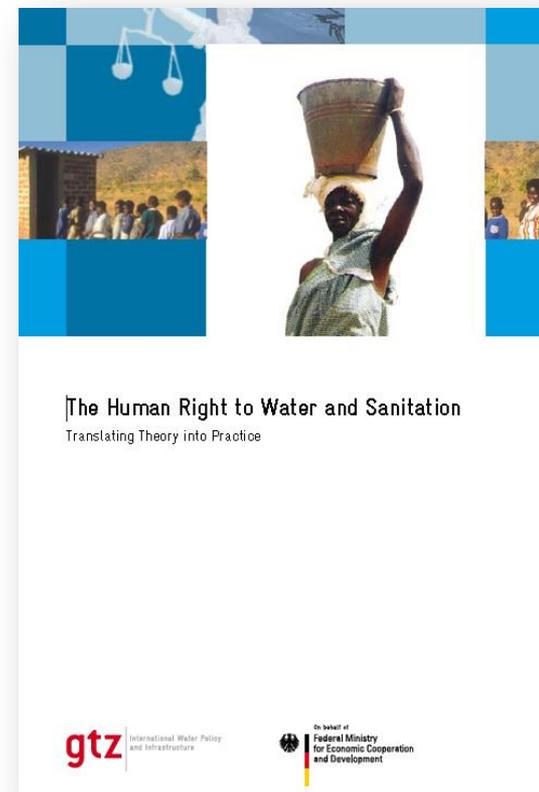
Manual on the Right to Water and Sanitation

- COHRE, AAAS, SDC and UN-HABITAT Manual on the Right to Water and Sanitation, 2008 (English, French and Spanish)
- http://www.cohre.org/sites/default/files/manual_on_the_right_to_water_and_sanitation_2008.pdf
- Comprehensive manual, conceived as a tool to assist policy makers and practitioners developing strategies for implementing the human right to water and sanitation
- Contains sections on foundations, framework for implementation and policies for implementation



The Human Right to Water and Sanitation - Translating Theory into Practice

- GTZ, The Human Right to Water and Sanitation - Translating Theory into Practice, 2009
- <http://www.gtz.de/en/dokumente/gtz-2009-human-right-to-water-and-sanitation.pdf>
- The publication gives an introduction on HRWS and discusses ways to translate the right into practice.
- The case of Kenya is analysed throughout the publication and used to illustrate the translation from theory to practice



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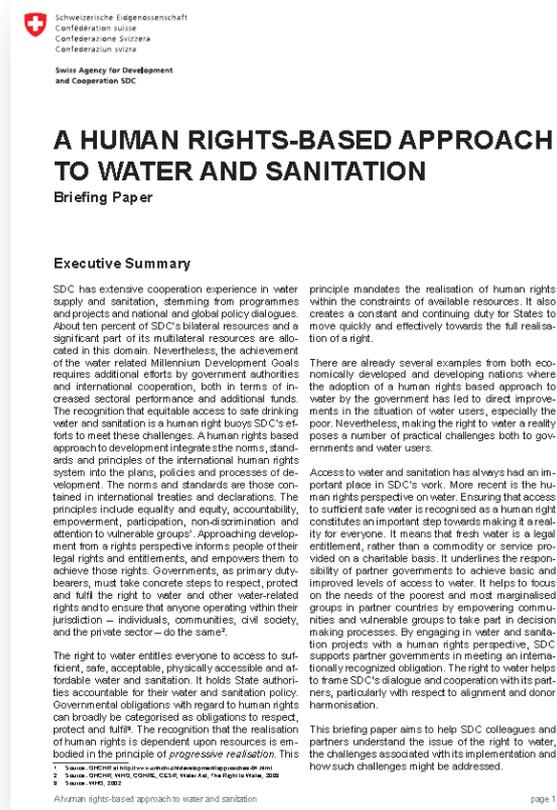
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Briefing Paper - A Human Rights Based Approach to Water and Sanitation

- SDC, A Human Rights Based Approach to Water and Sanitation, Briefing Paper, 2008
- http://www.sdc.admin.ch/ressources/resource_en_170500.pdf
- The publication looks at practical aspects of the implementation of the human right to water and lessons learned from SDC's experience, as well as at the significance for SDC of the human rights based approach to water management.



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Helvetas, Human Rights Based Approach

- http://www.helvetas.ch/wEnglish/competencies/documented_experiences/C_S_Human_Rights_based_approach_A4.pdf
- The brief publication outlines the Human Rights Based Approach and how it is used as basis for development programmes
- Steps to apply the approach and key questions which need to be answered are listed.



HUMAN RIGHTS BASED APPROACH

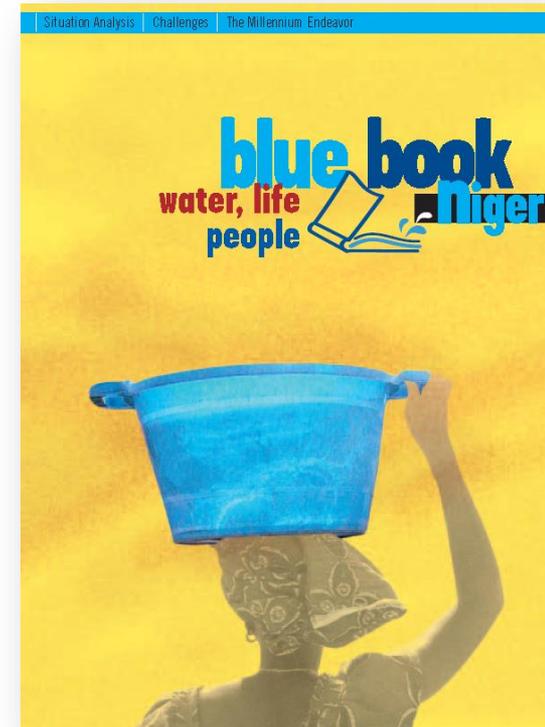
Orienting development efforts towards human rights

Poverty and inequality are not simply development issues. Working to alleviate poverty and reduce inequality is directly linked to fundamental rights set out in the Universal Declaration of Human Rights of the UN and subsequent international human rights law. Human rights and development both promote well-being and freedom, based on the inherent dignity and equality of all human beings. Integrating both of them means anchoring development policies and strategies in the human rights framework.

The Human Rights Based Approach (HRBA) does not discard previous development approaches, but builds upon them, with the aim of empowering the right holders to claim their rights and strengthening the duty bearers to fulfil their obligations. Helvetas is aligned with these goals and has incorporated the values and principles of the HRBA into its programmes and projects.

Blue books

- <http://www.sie-isw.org/en/lobbying-tools/blue-books>
- Blue books are available for Burkina Faso, Mali, Niger, Benin and Senegal
- The Blue Books are developed by all partners of a country and provide an independent assessment of the achievement of the MDGs. They evaluate policies and strategies and provide a platform for action, in order to ensure equitable and sustainable access to water supply and sanitation for all citizens.



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Next steps

- SDC will finance and steer the development of a tool based on the structure proposed by the AGUASAN workshop
- The objective is a tool for practitioners, complementing the tools directed at governments currently being developed by the Special Rapporteur for HRWS and other actors
- Planned schedule:
 - From December 2011: Elaborating the tool under the lead of Water Lex (financed by SDC)
 - February 2012: peer review of a draft version with selected Aguasan members
 - March 2012: Presentation of final draft and discussion with a wider range of HRWS stakeholders at the 6th World Water Forum in Marseilles
 - April 2012: Finalization of the tool for field testing
 - 2012 / 2013: Field testing
 - End of 2013: Review of tool and final product

Acronyms

- HRWS: Human Right to Water and Sanitation
- HR: Human Rights
- AGUASAN: Swiss community of practice on water supply, sanitation and hygiene in developing countries.
- MDG: Millennium Development Goals
- WASH: water supply, sanitation, hygiene
- ODA: Official Development Assistance
- PRSP: Poverty Reduction Strategy Paper
- M&E: Monitoring and Evaluation
- SDC: Swiss Agency for Development and Cooperation
- SRWater: UN Special Rapporteur on HRWS (C. de Albuquerque)
- Normative criteria: Criteria defined by the SRWater that have to be met for the full realisation of the HRWS (availability, accessibility, quality, affordability, acceptability)
- Cross-cutting criteria: Criteria defined by the SRWater that have to be met by good practices for implementing the HRWS



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