



GEN7M0004-8

VERBAL NOTE

The Permanent Mission of Finland to the United Nations and other international organizations in Geneva presents its compliments to the Secretariat of the United Nations (Office of the United Nations High Commissioner for Human Rights) and with reference to the letter and questionnaire from the Special Rapporteur on the human right to safe drinking water and sanitation, on 16 November 2015, has the honour to provide the following information:

HRBA TO WATER AND SANITATION

1. Questions on policy and overall adherence to human rights in development cooperation

What measures can be taken to ensure that development cooperation does not risk violating human rights? What safeguards can be put in place?

What role is there for human rights impact assessments in development cooperation programmes?

What measures can be used to ensure that human rights obligations are followed in the process of determining priorities and deciding which countries and programmes will receive financial and other support?

What measures can be used to ensure that human rights obligations are followed in the process of designing programmes and projects? What measures can be taken to ensure the sustainability of development cooperation in line with human rights principles?.

Human Rights are a central element to the Foreign and Security Policy of Finland. Finland has a human rights strategy that guides the mainstreaming of human rights into all areas of foreign affairs, including Development Policy and Development Cooperation.

Finland's development policy and development cooperation are explicitly human rights- based.

This implies that the human rights principles of non-discrimination & equality, participation & inclusion and transparency & accountability guide development cooperation related processes, such as programming, implementation, monitoring and evaluation of interventions. On the other hand, human rights standards are considered when setting the expected results and outcomes of the interventions. This policy has been elaborated upon in a general guideline from 2012 (see attachment 2) and in more detail in the Guidance note from 2015 (http://www.innocorp.fi/um/hrba_052015_oiko_4/).

As outlined in the 2015 Guidance note (see page 8), all interventions receiving MFA support should **as a minimum be human rights sensitive**. This implies that a **basic human rights assessment** is carried out to ensure that the intervention in question does not have negative effects on the enjoyment of human rights or contribute to upholding discriminatory structures, norms or practices. This assessment should ideally also take account of the reports and recommendations coming out of the human rights bodies of the United Nations, both the Human Rights Council mechanisms such as the UPR and the special procedures, as well as the findings and recommendation by the treaty bodies.

Human rights sensitivity also entails ensuring that the processes related to development cooperation are participatory, non-discriminative and promote accountability, although the ultimate objective and the expected results are not framed in terms of increased or strengthened respect, protection or

fulfilment of human rights. The aim is however that all interventions will be human rights progressive and transformative; that interventions would have expected results related to the furthering of respect, protection or fulfilment of human rights and even include capacity development and advocacy to attend to root causes in legislation, practices and customs hampering human rights enjoyment.

The Ministry of Foreign Affairs aims to ensure compliance with human rights standards and principles by reviewing compliance with the **HRBA as part of the overall quality assessment** of all interventions being considered for funding. The first review of a projects quality, including its adherence to the human rights based approach, is done by the geographically or thematically responsible unit within the Ministry. The intervention then proceeds to be reviewed by the Quality Assurance Group of the Ministry, where the assessment also encompasses an evaluation of the interventions level of compliance with the HRBA. **If a project is deemed to have negative impacts on human rights, it cannot receive funding from the Ministry for Foreign Affairs.**

The Ministry for Foreign Affairs has used the OECD/DAC evaluation norms and standards to guide its **evaluation function**. In 2013 when updating the Evaluation Manual that guides both appraisals and evaluations, the Ministry also introduced the approach developed by UNEG to integrate human rights and gender equality into evaluation. The Evaluation Manual guides the commissioners and managers of evaluations to reflect human rights norms and principles in the appraisal and evaluation processes and in assessing the achievement of objectives. An on-going meta-evaluation will assess how this guidance is implemented in practice.

To ensure adherence to and understanding of the human rights- based approach, the MFA has organized in depth **training** on human rights based approach to development. The basics of HRBA are also mainstreamed into the overall development policy and development cooperation related trainings, such as those on programming and evaluation, offered by the MFA. In addition, sector specific HRBA trainings have been organized, for example on water and sanitation, and these have been open to civil society and consultants working in the development field. The aim of these trainings has been to strengthen the knowledge on human rights related quality criteria (availability, accessibility, affordability, acceptability and quality) and their use in the design of development interventions.

In terms of programming and monitoring of the interventions there is also a small team of **advisors** on HRBA, which offers support to country teams and embassies on the implementation of the HRBA. To further the strengthening of the HRBA, a review has been conducted of all development cooperation **related guides and manuals**, to ensure that the approach is sufficiently covered in the guidance on programming and monitoring of the interventions. This review will be finalized in 2016. A **benchmark** on the levels of human rights consideration in development cooperation has also been developed for the electronic development intervention system. This will give the ministry a tool to track the level of adherence to HRBA in the development cooperation portfolio.

The MFA has also supported the strengthening of a human rights based approach by other partners, particularly Finnish NGOs, by organizing joint discussions and trainings, a very concrete example also being the financing Unicef- Finlands HRBA manual.

2. Human rights based approach and strengthening of the principles on non-discrimination, participation and accountability

What measures can be used to ensure that development cooperation promotes equality and tackles discrimination?

What mechanisms can be used to ensure that development cooperation promotes transparency and access to information?

What measures can be used to ensure that development cooperation programmes and projects are based on participatory processes?

What monitoring mechanisms can be put in place to assess development cooperation programmes and projects with respect to human rights obligations?

What accountability mechanisms can be put in place so that people affected by development cooperation programmes or projects can effectively have complaints addressed?

In line with the MFA policy on HRBA, the human rights principles of non-discrimination, participation and accountability should guide the programming, implementation, monitoring and evaluation of interventions receiving MFAF funding. For example in the case of WASH-programming in Nepal a separate HRBA manual has been developed.

As regards ensuring **equality and tackling non-discrimination**, the first step usually taken together with partners is making an analysis of the regions and their populations, with view of establishing who has been left behind in access to water and sanitation services. **Equality considerations guide the selection of the project area**; the interventions funded by Finland are usually programmed for regions and areas with low development index and high numbers of poverty, which in many cases also correlates with high number of minority populations.

Actual project/programme planning involves a thorough **stakeholder analysis** which aims at identifying the specific challenges related to gender equality and inclusion. A measure that promotes inclusion is the consultation and involvement of civil society actors, especially representative groups of persons with disabilities and minorities, during the planning phase. Based on the findings of the analysis, GESI objectives are defined and actions planned. The basic principle of planning is to mainstream gender and inclusion to WASH development (e.g. separate facilities for girls and boys, ensuring access for persons with disabilities), but also targeted actions are usually included (e.g. addressing menstrual hygiene). Key indicators are subject to disaggregated monitoring. For example, the membership of management committees is typically disaggregated by gender, and when relevant, by ethnicity.

In the case of our WASH- programmes in Nepal, a completely separate manual for HRBA and gender mainstreaming was also developed together with partners and the local ministry with view of promoting adherence to the HRBA and gender mainstreaming in the Nepalese water sector in general: http://media.wix.com/ugd/b4f988_be31d962d5894862891222898c1af997.pdf

Targeted training on water and sanitation services, maintenance and management is offered to women and representatives of minority communities, to empower them to **participate** in the decision-making processes related to the interventions and the actual WASH- management.

Local ownership and empowerment is important in Finnish Wash- interventions. We have positive experiences from **community led projects**, where it is the community members themselves who take responsibility over the services and their management. Finland has in several rural WASH projects applied the concept of community managed projects (CMP), where the communities are capacitated to manage their WASH developments, including financial management and procurement. Typically, project implementation and O&M is managed by water committees or other beneficiary organizations. Selection of gender (and ethnicity) balanced management committees is a standard practice in Finnish-supported projects. This increases participation and local ownership of the interventions and therefore promotes sustainability in the long run, as the community members themselves take part in the design of the services and later act as providers and managers of the services.

As the community members themselves form the management bodies, they have direct access to the information related to the interventions. On the other hand, training is offered to the community at large. These trainings include overall awareness raising components to ensure everyone has information on hygiene and health related questions linked to water and sanitation, operation and maintenance training and information on the decision-making processes and ways to influence the water management committees. The local water management mechanism also provides a low threshold mechanism to complain or share concerns, as the council members are selected from within the community. As previously mentioned, non-discrimination and equality is promoted in the council composition, by ensuring sufficient representation by men and women as well as majority and minority representatives in the councils.

Duty bearer responsibility and accountability is strengthened by ensuring that the regional authorities are responsible for the technical support to the local water councils and the management of the services. Finland supports the capacity building of these duty bearers in order for them to be able to comply with their responsibilities towards the rights holders.

GENDER SPECIFIC QUESTIONS

1. *What are the particular issues to be addressed to achieve gender equality with respect to water, sanitation and hygiene, and **what measures are being taken to address these?***
2. *What measures can be taken to accommodate and embrace biological differences (such as menstruation)? What measures can be taken to accommodate (assumed) different priorities in the use of water, sanitation and hygiene services?*
3. *What measures can be taken to combat stereotypes, change harmful practices and challenge socio-cultural norms and prescriptions that disadvantage women and girls with respect to access to sanitation and water?*
4. *What role can men and boys play in ensuring gender equality in the context of sanitation and*
5. *What measures can be taken to combat gender-based violence in the context of sanitation and water?*
6. *What measures can be taken to redress existing disadvantage based on entrenched discrimination in the context of sanitation and water?*
7. *What role does legislation play in ensuring gender equality in access to water, sanitation and hygiene? What can water, sanitation and hygiene policies and strategies achieve? What is the role of institutions in promoting better representation of women?*
8. *How can financing and budgeting in the WASH sector be gender-responsive?*
9. *What measures can be taken to ensure meaningful and inclusive participatory processes at all levels of decision-making? How can an increased role for women and girls translate into actual influence in decision-making?*
10. *How can monitoring in the sanitation and water sectors be improved to capture gender inequalities in intra-household and extra-household settings?*
11. *How can measures to ensure gender equality adequately reflect an intersectional analysis that acknowledges the heterogeneous backgrounds, living conditions and challenges women and girls face?*

When WASH projects and programs are planned, gender equality is considered in broad terms. Women often face harassment or violence when they have to travel long distances to fetch water, use shared toilets, or practice open defecation. When water and sanitation services are not available in households, women and girls will seek privacy after dark to defecate outside of their homes, exposing them to a greater risk of harassment and sexual assault. WASH policies and programs must therefore prioritize safety and privacy for women and girls, and actions aimed at reducing violence against women must highlight the importance of access to safe water and sanitation.

Furthermore water and sanitation services are closely linked to women's gender roles in households. Women usually are responsible for the household water management and unpaid care work, including cooking, cleaning, and washing. Poor accessibility or availability of the services often increases the time used and distances covered by women in these chores, limiting their economic and political agency and increasing burden on their wellbeing. In case of poor sanitation and unsafe water supply, women are burdened further by looking after the sick family members, and therefore unable to take part in productive or political activities. Responsibilities related to water, sanitation and carework affect strongly also girls and their school attendance, as they often act as an extension to their mother's work. Where involved in the development of the water and sanitation sector, **Finland seeks to actively contribute to the national policy making with view of ensuring that the above mentioned issues are considered** throughout planning and provision of water and sanitation related services. All public facilities constructed with Finnish support have, for example, separate sanitation facilities as a standard. The exposure to violence and the burden of domestic work are on the other hand reduced by the creation of household and/or community based WASH- services.

In many cases the challenge is not the drafting of new comprehensive and gender sensitive strategies, but rather of ensuring their effective implementation throughout the country. **Technical assistance, including guideline development, at national, regional and local level can be a way of supporting gender sensitive and participatory water and sanitation management.**

At intervention level, it's also important to ensure gender equality in **the management of water resources, investments and trainings** to be able to challenge some of the gender stereotypes surrounding water and sanitation that lead to gender discrimination. For example, in the case of Nepal, there is a strong stigma around menstruation, excluding women from the community and productive and political activities during their period. Finland has had positive experiences in involving men and boys in trainings where the issue of menstruation has been discussed, breaking the taboo through men's stronger awareness about the issue and that way increasing women's space to participate despite their menstruation. The active involvement of women in the actual construction and management of water and sanitation services supports their empowerment on one hand, and also ensures that women's views and opinions are considered in the decision-making processes.

In interventions supported by Finland, **gender equality in decision-making and management bodies** is a standard requirement. For example in the water committees in Nepal women are represented in equal numbers. The formal gender quota requirement might, however, not be enough to ensure that the women present fully engage in the strategic decision making of the committees. The active engagement of women throughout the interventions promote their leadership qualities and confidence. The empowerment implies that women can be encouraged to take on more strategic positions in water management and thus translate their participation into strong leadership. In Nepal for instance, there has been good experiences from nominating women as the committee treasurers. Inclusion of women's organizations such as women's unions in the management of WASH activities can also enhance the realization of gender equality in the sector. In Vietnam for example the Communist Party's Women's Union has been selected to manage a sanitation revolving fund that provides loan facilities for household water and sanitation investments and renovations. Women are the main recipients of the loans for their households.

The participatory approach of the water and sanitation interventions, which ensures an active role for women both in the technical work as well as the decision-making, has proven to have a positive effect on gender equality in the communities at large.

Many women facing multiple disadvantages are unable to use water and sanitation services due to physical barriers to access, institutional barriers, attitudinal barriers such as stigmatization, or because they are unable to pay for services. It is vital to focus on reaching the most marginalized populations, providing adequate, affordable and accessible WASH services, and challenging discriminatory legal frameworks, policies, practices and beliefs that prevent some people from using facilities. As mentioned in the previous chapter on HRBA to water and sanitation, inclusion is a programmatic element in the Finnish water and sanitation. Inequalities in water and sanitation can also be addressed if those that are marginalized have been identified before the design and programming. A previous human rights assessment that encompasses a broad stakeholder analysis is key to be able to addressing vulnerability and exclusion in development cooperation.

The Permanent Mission of Finland to the United Nations and other international organizations avails itself of this opportunity to renew to the Secretariat of the United Nations (Office of the United Nations High Commissioner for Human Rights) the assurance of its highest consideration.

22 February 2016



Attachment (1): Implementing the human rights-based approach in Finland's development policy

Secretariat of the United Nations
Office of the United Nations High Commissioner for Human Rights