

**Independent Expert on the issue of human rights obligations  
related to access to safe drinking water and sanitation**

**‘GOOD PRACTICES’ RELATED TO ACCESS TO  
SAFE DRINKING WATER AND SANITATION**



**Questionnaire**

**February, 2010  
Geneva**

## **Introduction**

The Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Ms. Catarina de Albuquerque, has been mandated by the Human Rights Council in 2008 to:

- Further clarify the content of human rights obligations related to access to safe drinking water and sanitation;
- Make recommendations that could help the realization of the Millennium Development Goals (MDG), and particularly of the Goal 7;
- Prepare a compendium of good practices related to access to safe drinking water and sanitation.

While the work of human rights bodies has often focused on the violations of human rights, the Independent Expert welcomes the opportunity to identify good practices that address the question of how human rights obligations related to sanitation and water can be implemented.

## **Methodology of the Good Practices consultation process**

In a first step, the Independent Expert undertook to determine criteria for identifying ‘good practices’. As ‘good’ is a subjective notion, it seemed critical to first elaborate criteria against which to judge a practice from a human rights perspective, and then apply the same criteria to all practices under consideration. Such criteria for the identification of good practices were discussed with various stakeholders at a workshop convened by the Independent Expert in Lisbon in October 2009. The outcome was the definition of 10 criteria, 5 of which are normative criteria (*availability, accessibility, quality/safety, affordability, acceptability*), and 5 are cross-cutting ones (*non-discrimination, participation, accountability, impact, sustainability*). The Independent Expert and the stakeholders started testing the criteria, but believe that the process of criteria testing is an ongoing one: the criteria should prove their relevance as stakeholders suggest examples of good practices.

After this consultation and the consolidation of the criteria, the Independent Expert wants to use these to identify good practices across all levels and sectors of society. To that end, she will organize stakeholder consultations with governments, civil society organisations, national human rights institutions, development cooperation agencies, the private sector, UN agencies, and perhaps others. By bringing people from the same sector together to talk about good practices related to human rights, water and sanitation, she hopes to facilitate exchange of these good practices. In order to prepare the consultations through the identification of potential good practices, the present questionnaire has been elaborated. The consultations will be held in 2010 and 2011. Based on the answers to this questionnaire, and the stakeholder consultations, the Independent Expert will prepare a report on good practices, to be presented to the Human Rights Council in 2011.

## **The Good Practices Questionnaire**

The questionnaire is structured following the normative and cross-cutting criteria, mentioned above; hence the Independent Expert is looking for good practices in the fields of sanitation and water **from a human rights perspective**. Therefore, the proposed practices do not only have to be judged ‘good’ in light of at least one normative criterion depending on their relevance to the practice in question (*availability, accessibility, quality/safety, affordability, acceptability*), but also in view of all the cross-cutting criteria (*non-discrimination,*

participation, accountability, impact, sustainability). At a minimum, the practice should not undermine or contradict any of the criteria.

**Explanatory note: Criteria**

**Criteria 1-5:** Normative criteria (availability, accessibility, quality/safety, affordability, acceptability). All these criteria have to be met for the full realization of the human rights to sanitation and water, but a good practice can be a specific measure focussing on one of the normative criterion, and not necessarily a comprehensive approach aiming at the full realization of the human rights. Hence, not all the criteria are always important for a given practice. E.g., a pro-poor tariff structure can be judged very good in terms of the affordability criterion, whilst the quality-criterion would be less relevant in the context of determining whether that measure should be considered a good practice.

**Criteria 6-10:** Cross-cutting criteria (non-discrimination, participation, accountability, impact, sustainability). In order to be a good practice from a human rights perspective, all of these five criteria have to be met to some degree, and at the very least, the practice must not undermine or contradict these criteria. E.g., a substantial effort to extend access to water to an entire population, but which perpetuates prohibited forms of discrimination by providing separate taps for the majority population and for a marginalized or excluded group, could not be considered a good practice from a human rights perspective.

**Actors**

In order to compile the most critical and interesting examples of good practices in the field of sanitation and water from a human rights perspective, the Independent Expert would like to take into consideration practices carried out by a **wide field of actors**, such as *States, regional and municipal authorities, public and private providers, regulators, civil society organisations, the private sector, national human rights institutions, bilateral development agencies, and international organisations.*

**Practices**

The Independent Expert has a broad understanding of the term “practice”, encompassing both policy and implementation: Good practice can thus cover **diverse practices** as, e.g., *legislation ( international, regional, national and sub-national ), policies, objectives, strategies, institutional frameworks, projects, programmes, campaigns, planning and coordination procedures, forms of cooperation, subsidies, financing mechanisms, tariff structures, regulation, operators’ contracts, etc.* Any activity that enhances people’s enjoyment of human rights in the fields of sanitation and water or understanding of the rights and obligations (without compromising the basic human rights principles) can be considered a good practice.

The Independent Expert is interested to learn about practices which advance the realization of human rights as they relate to safe drinking water and sanitation. She has explicitly decided to focus on “good” practices rather than “best” practices, in order to appreciate the fact that ensuring full enjoyment of human rights can be a process of taking steps, always in a positive direction. The practices submitted in response to this questionnaire may not yet have reached their ideal goal of universal access to safe, affordable and acceptable drinking sanitation and water, but sharing the steps in the process towards various aspects of that goal is an important contribution to the Independent Expert’s work.

Please describe a good practice **from a human rights perspective** that you know well in the field of

- drinking water; and/or
- sanitation

Please relate the described practice to the ten defined criteria. An explanatory note is provided for each of the criteria.

**Description of the practice:**

**Name of the practice:**

Water Provision for the Poor Program

Sub-programs: 'Tubig Para Sa Barangay' (TPSB) or Water for Low-Income Communities, 'Lingap' or Water Supply and Sanitation Improvement Programs for Public Institutions, and 'Kabuhayan Para Sa Barangay' (KPSB) or Cooperative Livelihood and Development Program.

**Aim of the practice:**

The practice aims to provide the poor with access to a 24/7 supply of potable water.

**Target group(s):**

Urban Poor communities and public institutions within Metro Manila's East Zone (Manila Water's Concession Area)

**Partners involved:**

World Bank (for TPSB-Global Partnership for Output-Based Aid projects), Department of Education (DepEd), Department of Health (DOH) and other government and local government units.

**Duration of practice:**

Ongoing since 1997

**Financing (short/medium/long term):**

World Bank – IFC \$ 1.05 M through the GPOBA for TPSB Programs

**Brief outline of the practice:**

Instead of casting off low-income communities and informal settlers as a non-priority market with low profitability, Manila Water shows bias towards serving the urban poor as part of its Corporate Social Responsibility. In 1998, the Company started implementing TPSB to tackle the most basic water problems of the urban poor.

## 1. How does the practice meet the criterion of availability?

### **Explanatory note: Availability**

Availability refers to sufficient quantities, reliability and the continuity of supply. Water must be continuously available in a sufficient quantity for meeting personal and domestic requirements of drinking and personal hygiene as well as further personal and domestic uses such as cooking and food preparation, dish and laundry washing and cleaning. Individual requirements for water consumption vary, for instance due to level of activity, personal and health conditions or climatic and geographic conditions. There must also exist sufficient number of sanitation facilities (with associated services) within, or in the immediate vicinity, of each household, health or educational institution, public institution and place, and the workplace. There must be a sufficient number of sanitation facilities to ensure that waiting times are not unreasonably long.

### **Answer:**

Manila Water is mandated by its Concession Agreement to provide a 24/7 potable water supply to the East Zone of Metro Manila. Understanding that the urban poor are laden with problems that are attributed to the lack of access to water, Manila Water started implementing TPSB to help augment their problems.

The TPSB model has evolved over the years to address the changing socio-economic profile of marginalized communities in the East Zone. Where feasible, Manila Water installs individual connections for low-income families. In cases where the road network in the community makes it impossible to connect the residents individually, the Company adopts a clustered or street metering approach.

Meanwhile, in a move to ascertain that the urban poor receive potable water even outside their homes, the Company continued to improve water supply and sanitation facilities in public service institutions through the 'Lingap' program. Under this program, Manila Water rehabilitates their existing piping systems which are usually old and rusted, and installs drinking fountains and wash facilities to promote good hygiene and proper handwashing practices.

As of 2009, over 1.6 million urban poor have access to a 24/7 water supply through the TPSB while more than 300 institutions have improved water and sanitation facilities through 'Lingap.'

## 2. How does the practice meet the criterion of accessibility?

### **Explanatory note: Accessibility**

Sanitation and water facilities must be physically accessible for everyone within, or in the immediate vicinity, of each household, health or educational institution, public institution and the workplace. The distance to the water source has been found to have a strong impact on the quantity of water collected. The amount of water collected will vary depending on the terrain, the capacity of the person collecting the water (children, older people, and persons with disabilities may take longer), and other factors. There must be a sufficient number of sanitation and water facilities with associated services to ensure that collection and waiting times are not unreasonably long. Physical accessibility to sanitation facilities must be reliable at day and night, ideally within the home, including for people with special needs. The location of public sanitation and water facilities must ensure minimal risks to the physical security of users.

### **Answer:**

To date, Manila Water's 24/7 supply of potable water has already covered 99% of the whole East Concession Area. The customers enjoy this service from the faucets right from their own homes.

Before Manila Water took over the management of the water industry in the East Zone, the customers especially the urban poor experienced long hours of waiting time and enduring the heat while on queue just to get a considerable amount of water they need whether from peddlers or from deep wells.

### 3. How does the practice meet the criterion of affordability?

**Explanatory note: Affordability**

Access to sanitation and water facilities and services must be accessible at a price that is affordable for all people. Paying for services, including construction, cleaning, emptying and maintenance of facilities, as well as treatment and disposal of faecal matter, must not limit people's capacity to acquire other basic goods and services, including food, housing, health and education guaranteed by other human rights. Accordingly, affordability can be estimated by considering the financial means that have to be reserved for the fulfilment of other basic needs and purposes and the means that are available to pay for water and sanitation services.

Charges for services can vary according to type of connection and household income as long as they are affordable. Only for those who are genuinely unable to pay for sanitation and water through their own means, the State is obliged to ensure the provision of services free of charge (e.g. through social tariffs or cross-subsidies). When water disconnections due to inability to pay are carried out, it must be ensured that individuals still have at least access to minimum essential levels of water. Likewise, when water-borne sanitation is used, water disconnections must not result in denying access to sanitation.

**Answer:**

Manila Water has offered easier and more flexible payment options to TPSB beneficiaries, thus minimizing their cash outlay. The Company also made use of the World Bank's GPOBA grant facility to subsidize connection charges which is often an impediment to the implementation of TPSB projects. The Company also adopted a policy wherein it shoulders two-thirds of the connection cost, while the customers pay for one-third of the cost over a period of up to 24 months.

At the same time, Manila Water offers more affordable tariffs for urban poor families whose typical monthly consumption is 10 cubic meters and below.

### 4. How does the practice meet the criterion of quality/safety?

**Explanatory note: Quality/Safety**

Sanitation facilities must be hygienically safe to use, which means that they must effectively prevent human, animal and insect contact with human excreta. They must also be technically safe and take into account the safety needs of peoples with disabilities, as well as of children. Sanitation facilities must further ensure access to safe water and soap for hand-washing. They must allow for anal and genital cleansing as well as menstrual hygiene, and provide mechanisms for the hygienic disposal of sanitary towels, tampons and other menstrual products. Regular maintenance and cleaning (such as emptying of pits or other places that collect human excreta) are essential for ensuring the sustainability of sanitation facilities and continued access. Manual emptying of pit latrines is considered to be unsafe and should be avoided.

Water must be of such a quality that it does not pose a threat to human health. Transmission of water-borne diseases via contaminated water must be avoided.

**Answer:**

Since its inception, Manila Water has consistently complied with the Philippine National Standards for Drinking Water (PNSDW) legislated by the Department of Health (DOH). Consequently, the Company has never had a major water contamination outbreak in its service area.

To ensure that it delivers potable water to Metro Manila's East Zone residents, Manila Water collects some 917 samples from strategically located points across the distribution network every month, and more than 300 samples from water treatment facilities and reservoirs daily and weekly, respectively. These samples are then tested in the Company's ISO 17025:2005 accredited Laboratory Services Department against more than 50 physical, chemical and bacteriological parameters.

Manila Water reports, on a monthly basis, the water quality testing results to the Drinking Water Quality Committees of Metro Manila and Rizal, which in turn, publish the results in major broadsheets in the area. This way, customers are assured that they are getting the best quality drinking water from their taps.

## 5. How does the practice meet the criterion of acceptability?

### **Explanatory note: Acceptability**

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. And women's toilets need to accommodate menstruation needs.

In regard to water, apart from safety, water should also be of an acceptable colour, odour and taste. These features indirectly link to water safety as they encourage the consumption from safe sources instead of sources that might provide water that is of a more acceptable taste or colour, but of unsafe quality.

### **Answer:**

Manila Water is consistent with implementing its mandate to provide clean water that meets the PNSDW standards to all its customers – regardless if they are regular customers or Water for the Community (TPSB or Lingap) beneficiaries.

## 6. How does the practice ensure non-discrimination?

### **Explanatory note: Non-discrimination**

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, human rights require a focus on the most marginalized and vulnerable to exclusion and discrimination. Individuals and groups that have been identified as potentially vulnerable or marginalized include: women, children, inhabitants of (remote) rural and deprived urban areas as well as other people living in poverty, refugees and IDPs, minority groups, indigenous groups, nomadic and traveller communities, elderly people, persons living with disabilities, persons living with HIV/AIDS or affected by other health conditions, people living in water scarce-regions and sanitation workers amongst others.

### **Answer:**

Manila Water believes that water access is a universal right. Hence, it ensures that the urban poor are not discriminated against by ensuring the availability and affordability of water access without compromising the acceptability and quality of the water and sanitation services of the Company.

## 7. How does the practice ensure active, free and meaningful participation?

### **Explanatory note: Participation**

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.

To allow for participation in that sense, transparency and access to information is essential. To reach people and actually provide accessible information, multiple channels of information have to be used. Moreover, capacity development and training may be required – because only when existing legislation and policies are understood, can they be utilised, challenged or transformed.

### **Answer:**

It is a standard practice of the Company to implement various stakeholder engagement activities all throughout the planning and implementation of its projects. In a TPSB program for instance, before such commences in a certain area, Public Consultations are held to be able to have the communities informed and for them to be aware of the project to be done in their area. The TPSB process flow includes:

1. Area Identification
2. Walk the Line/ Area Survey
3. LGU and Community Coordination
4. Public Consultation
5. Business Case Preparation and Approval
6. Project Implementation and Water Service Applications Acceptance
7. Project Completion
8. Public Consultation and Inauguration
9. Monitoring of completed project/billing/collection

## 8. How does the practice ensure accountability?

### **Explanatory note: Accountability**

The realization of human rights requires responsive and accountable institutions, a clear designation of responsibilities and coordination between different entities involved. As for the participation of rights-holders, capacity development and training is essential for institutions. Furthermore, while the State has the primary obligation to guarantee human rights, the numerous other actors in the water and sanitation sector also should have accountability mechanisms. In addition to participation and access to information mentioned above, communities should be able to participate in monitoring and evaluation as part of ensuring accountability.

In cases of violations – be it by States or non-State actors –, States have to provide accessible and effective judicial or other appropriate remedies at both national and international levels. Victims of violations should be entitled to adequate reparation, including restitution, compensation, satisfaction and/or guarantees of non-repetition.

Human rights also serve as a valuable advocacy tool in using more informal accountability mechanisms, be it lobbying, advocacy, public campaigns and political mobilization, also by using the press and other media.

### **Answer:**

Manila Water operates in a highly regulated environment: the DENR which acts as a regulator for pollution control standards, DOH for drinking water quality, and MWSS for prices and service standards.

The Company ensures that its obligations of providing its service obligations on water supply, sewerage and sanitation and customer service are met without sacrificing quality, as mandated by the Company's Concession Agreement with the MWSS. In line with this, constant reviews are made with respect to the Company's Key Performance Indicators (KPI) and Business Efficiency Measures (BEM) commitments. These business goals are all aligned with the KPIs and BEMs that the Company and the MWSS Regulatory Office has agreed upon to serve as standards of the Company's service to customers.



## 9. What is the impact of the practice?

### Explanatory note: Impact

Good practices – e.g. laws, policies, programmes, campaigns and/or subsidies - should demonstrate a positive and tangible impact. It is therefore relevant to examine the degree to which practices result in better enjoyment of human rights, empowerment of rights-holders and accountability of duty bearers. This criterion aims at capturing the impact of practices and the progress achieved in the fulfilment of human rights obligations related to sanitation and water.

### Answer:

Since inception of the TPSB program, more than 1.6M poor people enjoyed 24-hour potable water supply, financial savings, and the improvement of their health and sanitation conditions. On the other hand, the Lingap programs, having 300 beneficiary public institutions to date, improved the water supply and sanitation of schools, hospitals, marketplaces, orphanages and city jails. Through the KPSB livelihood programs, Manila Water has given out close to P25M worth of Job Orders to the 8 existing cooperatives composed of 850 families by the end of 2009. The effectiveness of the program is shown through the growing assets and business expansions of the cooperatives to cater not just the supply chain of Manila Water but as well as to other clients.

## 10. Is the practice sustainable?

### Explanatory note: Sustainability

The human rights obligations related to water and sanitation have to be met in a sustainable manner. This means good practices have to be economically, environmentally and socially sustainable. The achieved impact must be continuous and long-lasting. For instance, accessibility has to be ensured on a continuous basis by adequate maintenance of facilities. Likewise, financing has to be sustainable. In particular, when third parties such as NGOs or development agencies provide funding for initial investments, ongoing financing needs for operation and maintenance have to be met for instance by communities or local governments. Furthermore, it is important to take into account the impact of interventions on the enjoyment of other human rights. Moreover, water quality and availability have to be ensured in a sustainable manner by avoiding water contamination and over-abstraction of water resources. Adaptability may be key to ensure that policies, legislation and implementation withstand the impacts of climate change and changing water availability.

### Answer:

Sustainability is at the heart of Manila Water's business.

Starting with its vision of becoming a leader in the provision of water, wastewater and other environmental services that will empower people, protect the environment and enhance sustainable development, the Company ensures that all decisions and activities across the organization meet its triple bottomline objectives. This practice consistently aligns social and environmental objectives with business goals, maximizing impact in the areas and communities it serves. Its key strategy is to align social and environmental goals with business goals such that CSR programs are focused in areas where the most significant impact can be created.

Manila Water ensures environmental sustainability for the future generations primarily through protecting the watersheds by restoring forest cover like in Ipo Watershed through the Adopt-A-Watershed Program. Anticipating the increase in demand through population and economic growth, instead of developing new water sources, the company continued reducing water losses and improving efficiency of its operations. Manila Water has also been participating to the Annual Coastal cleanup like in Manila Bay to raise public awareness on importance of all water bodies and resources. Metro Manila being considered as a critical area in terms of Groundwater over abstraction, the company actively takes its part in protecting the groundwater reserves by ensuring that there is enough surface water-sourced supply of potable water in its service area. To be able to consistently uphold the environmental standards, Manila Water's thrust to improve and expand wastewater services in the East Zone are aligned with the Clean Water Act and the Philippine Sanitation Code.

### **Final remarks, challenges, lessons learnt**

### **Submissions**

In order to enable the Independent Expert to consider submissions for discussion in the stakeholder consultations foreseen in 2010 and 2011, all stakeholders are encouraged to submit the answers to the questionnaire at their earliest convenience and no later than 30<sup>th</sup> of June 2010.

Questionnaires can be transmitted electronically to [iewater@ohchr.org](mailto:iewater@ohchr.org) (encouraged) or be addressed to

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Please include in your submissions the name of the organization submitting the practice, as well as contact details in case follow up information is sought.

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**The Independent Expert would like to thank you for your efforts!**

For more information on the mandate of the Independent Expert, please visit  
<http://www2.ohchr.org/english/issues/water/lexpert/index.htm>