WASH Indicators

Measuring progress in the realisation of the human right to water and sanitation
Public participation
to ensure access to water & sanitation for all –
Building on the Aarhus Convention & the
Protocol on Water and Health

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United Nations Economic Commission for Europe
Introduction

Regarding the role of the public, the Protocol on Water and Health is inspired by Aarhus Convention’s three pillars:

- Access to information
- Public participation
- Access to justice

Structure of the presentation

1. Using Aarhus rights for water and sanitation
2. The Protocol on Water and Health and the HRWS: focus on public participation
3. Assessing progress towards the realization of the HRWS: role of public participation
Using Aarhus rights for water and sanitation

Brief introduction:
- Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters
- Entered force October 2001, to date 47 Parties from UNECE region
- Open globally

Rights based approach:
- Article 1: “In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.”
Using Aarhus rights for water and sanitation

- **Water and human health expressly addressed in text of Convention**

- **Access to environmental information**
  - Information upon request
  - Obligation to actively collect and disseminate environmental information

- **Public participation in decision-making on environmental matters**
  - Decisions to permit specific activities (note thresholds)
  - Preparation of plans, programmes, programmes, legislation

- **Access to justice in environmental matters**
  - To challenge inadequate response to information requests
  - To challenge failure to ensure effective public participation
  - To challenge contravention of national law regarding the environment
Public participation: the Aarhus step-by-step model

1. Early public participation when all options are open
2. Adequate notice
3. Reasonable time-frames
4. All relevant information
5. Public entitled to comment/be heard
6. Due account taken of public participation
7. Prompt notice of decision
8. If updating, repeat as appropriate
Useful Aarhus tools:

- Maastricht Recommendations on Promoting Effective Public Participation in Decision-making on Environmental Matters (June 2014)
- Quick guide to the Aarhus Convention “The Power is in your hands” (2014)
  - [www.unece.org/env/pp/publications/the_power_is_in_your_hands.html](http://www.unece.org/env/pp/publications/the_power_is_in_your_hands.html)
The Protocol on Water and Health

Objective

Protect human health and well-being by better management of water resources with the aims of:

(a) Access to drinking water for everyone
(b) Provision of sanitation for everyone

Health outcome

Drinking water quality

Environmental quality

Legal framework

Review and assess progress

Set targets, target dates & indicators

Develop programme of measures
The Protocol aims to guarantee access to water that is available (access for all), safe (quality requirements), acceptable and affordable for all without discrimination (focus on “equitable access”).

Implementing the Protocol on Water and Health - a human right based approach:

• **Transparency and access to information**: adequate, relevant, accessible and timely sources of information to be available to the public
• **Participation**: many rights entitled to the public in target setting, action planning and reporting on progress
• **Accountability**: communication from the public to the Compliance Committee
Recommendations for effective public participation

Ensure public participation when setting targets and measuring progress (reporting) by

- Establishing stable and enabling legal, admin. and economic framework for public participation
- Identifying stakeholders: balanced approach and equal opportunities
- Notifying and informing stakeholders on how to participate
- Making information available and setting time frames in a flexible way
- Consulting and taking into due account outcomes of public participation process

Measuring progress in ensuring access for all

Inequalities to be fought on 3 fronts: reduce geographical disparities, ensure access for vulnerable and marginalized groups and keep water and sanitation affordable for all

Need to steer governance framework to deliver equitable access

The Equitable Access Score-card: a self-evaluation analytical tool...

... that can be used by governments & other stakeholders in establishing a baseline & tracking progress ...

... in order to support the implementation of policies and practices to uphold the HRWS

www.unece.org/env/water/pwh_work/equitable_access.html
### Equitable access Score-card

<table>
<thead>
<tr>
<th>Section</th>
<th>Area of action</th>
<th>Score</th>
<th>Reliability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steering governance frameworks to deliver equitable access to safe drinking water and sanitation</td>
<td>1.1 Strategic framework for achieving equitable access</td>
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<td>1.2 Sector financial policies</td>
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<td>1.3 Rights and duties of users and right-holders</td>
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<tr>
<td>Reducing geographical disparities</td>
<td>2.1 Public policies to reduce access disparities between geographical areas</td>
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<td>2.2 Public policies to reduce price disparities between geographical areas</td>
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<td>2.3 Geographical allocation of external support</td>
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<tr>
<td>Ensuring access for vulnerable and marginalized groups</td>
<td>3.1 Public policies to address the needs of vulnerable and marginalized groups</td>
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<td>3.2 Persons with special physical needs</td>
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<td>3.3 Users of health facilities</td>
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<td>3.4 Users of educational facilities</td>
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<td>3.5 Users of retirement homes</td>
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<td>3.6 Prisoners</td>
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<td>3.7 Refugees living in refugee camps and centres</td>
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<td>3.8 Homeless people</td>
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<td>3.9 Travellers and nomadic communities</td>
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<td>3.10 Persons living in housing without water and sanitation</td>
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<td></td>
<td>3.11 Persons without access to safe drinking water and sanitation in their workplaces</td>
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<tr>
<td>Keeping water and sanitation affordable for all</td>
<td>4.1 Public policies to ensure affordability</td>
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<td>4.2 Tariff measures</td>
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<td>4.3 Social protection measures</td>
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### AREA 1.3 RIGHTS AND DUTIES OF USERS AND OTHER RIGHT-HOLDERS

**Rationale:** Water and sanitation users and right-holders should not be considered merely the beneﬁciaries of access to water and sanitation. They have roles to play in demanding, shaping and maintaining equitable access to water and sanitation.

<table>
<thead>
<tr>
<th>Yes</th>
<th>To a large extent</th>
<th>To a limited extent</th>
<th>No</th>
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<tbody>
<tr>
<td>1.3.1 There are mechanisms in place to ensure that right-holders know their rights and obligations as well as how to access relevant information</td>
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<td>Score justiﬁcations (explain brieﬂy and/or give examples that justify the answer)</td>
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<tr>
<td>Means of veriﬁcation used (e.g., ofﬁcial documents, multi-stakeholder consultation, expert opinion)</td>
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<td>Reliability of the response (high, medium, or low)</td>
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<td>1.3.2 There are mechanisms in place to allow right-holders to participate in the decision-making process concerning the level and quality of access that they receive</td>
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<td>1.3.3 There are mechanisms in place to allow right-holders to seek redress and enforce remedial actions</td>
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<td>1.3.4 There are mechanisms in place to allow right-holders to keep responsible authorities accountable</td>
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Please calculate the score for Area 1.3

And the points obtained (Yes = 3, To a large extent = 2, To a limited extent = 1, No = 0) ________

Divide the number of total points by 4 ________

Please estimate the average reliability of the responses for this area (please mark one option)

High ________ Medium ________ Low ________
Thank you

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www.unece.org/env/water/
www.unece.org/env/pp/welcome.html