Situation analysis

BEFORE STARTING

Gaps and pitfalls in current practices
Key points about a human rights-based analysis
Compile the information you need

GET STARTED

Assessing the situation of the human right to water and sanitation
Developing a causal analysis
Developing a role and capacity-gap analysis

CHECK POINT

TOOLS

A human rights-based analysis identifies all situations that are impeding the realisation of the right to water and sanitation. For this, it identifies groups lacking effective right to water and sanitation and those responsible for respecting, protecting and fulfilling the right. It examines the structural causes of development problems and human rights challenges, including patterns of discrimination in the country. First, a causal analysis invites to correlate water and sanitation data with legal and institutional frameworks. It examines the structural causes of lack of access to water and sanitation, including patterns of discrimination in the country. Next, a role analysis is undertaken to identify the roles and responsibilities of stakeholders, as duty-bearers and rights-holders, in relation to the human rights challenges previously identified. Finally, a capacity gap analysis in legislation, institutions, policies and voice identifies the interventions needed to build rights-holders’ and duty-bearers’ capacities in order to guarantee the right to water and sanitation.

OBJECTIVES

At the end of the situation analysis, you must have identified:

- Who are the priority rights-holders, i.e. those in a more disadvantaged situation
- Who are the duty-bearsers
- What are the capacity gaps of rights-holders to exercise their right and duty bearers to guarantee it
- Who you will work with: dialogue and alliance partners are identified among the different stakeholders in the water and sanitation sector
Situation analysis – Before starting

1. Gaps and pitfalls in current practices
2. Key points about a human rights-based situation analysis
3. Compile the information you need

1. Gaps and pitfalls in current practices

The most distinct difference between a conventional and a human rights-based approach lies in the problem definition, understood in terms of development challenge. Since the outcome of a program is to a large extent a consequence of the way a problem is defined, using a human rights lens when analyzing the water and sanitation situation is a critical step in the project cycle management.

Regular situation analyses rarely use a level of disaggregation that lays bare, which particular groups have no or inadequate access to water and sanitation. Apart from differences between rural and urban areas, disparities among, for example, minorities, indigenous populations or groups living in different degrees of poverty or in institutional facilities (e.g. refugee centers, hospitals, prisons, etc.) are often not presented. In addition, an analysis of the causes of these inequities is frequently absent. A situation analysis that uses a human rights lens explicitly investigates disparities and their root causes, thereby changing the definition of the problem.

Analyses of water and sanitation projects usually consider aspects such as the quantity or quality of the services, but do not usually systematically address all components of the human right to water and sanitation, like acceptability, accessibility, affordability, access to information and accountability.

2. Key points about a human rights-based situation analysis

1.1. Addressing equity gaps and structural causes

The ultimate objective of the situation analysis with a human rights approach is to draw evidence-based conclusions with regard to the disparities in accessing water and sanitation, the unfulfilled obligations of various actors and to identify root causes that impede the realization of the HRWS and what to do about them.
1.2. Taking into account all components of the HRWS

A human rights based analysis evaluates the data of the analysis in the light of the criteria that define the human right to water and sanitation (availability, quality, accessibility, acceptability and affordability) and the human rights principles (equality and non-discrimination, attention to vulnerable groups, access to information, participation, accountability and sustainability).

1.3. Compile relevant human rights information

**Human rights protection mechanisms** are a source of essential and useful information on the situation of human rights in a given country, and in particular on the situation of the right to water and sanitation, identifying problems and recommendations.

1.4. Ensuring public participation

A human rights-based situation analysis is conducted in an active, free and meaningful **participatory manner, involving the most vulnerable and marginalized people**. Public participation of the different stakeholders in the water and sanitation sector is necessary as a condition to the **reliability of the situation analysis**, the **identification of strategic gaps and priorities**; and the subsequent adoption of **relevant and realistic targets**.

Public participation is equally a condition for the different stakeholders to be partners in the implementation of the project. The **ownership** of the process by local actors is necessary to ensure the **sustainability** of the initiative.

1.5. Water as a transversal issue: the interdependence of human rights

Water is a key factor for various human rights, like the right to food, the right to health and the right to an adequate standard of living. For instance improving access to safe water will have a key impact directly on the right to health and indirectly on the right to education in certain contexts where women are entrusted with water fetching. A situation analysis with a HRBA takes into account this interdependence, the impact that the lack of water and sanitation has on the realization of other human rights.

1.6. Securing a gender-based analysis

Based on the **principle of non-discrimination**, it is key to ensure that baseline information required to formulate water and sanitation services, programmes and projects is gender specific. In other words, every major demographic, socio-economic and cultural group data should be gathered, recorded and analyzed separately by sex. A gender focus is needed in every stage of the development process, to ensure that the interests, priorities and experiences of both men and women are taken into account, and assess how particular situations, activities, decisions or plans affect men and women differently.
1.7. Guaranteeing access to information and accountability

A good situation analysis offers a valuable source of information for all stakeholders. Any development practitioner should make the situation analysis widely and publicly available to all, starting with the host State and public authorities. This will allow complementary work and avoid duplication.

3. Compile the information you need

A human rights-based situation analysis requires compiling disaggregated data on the human right to water and sanitation components. Data is expected to be disaggregated mainly according to geographical, social and cultural, economic and gender.

Development partners must compile information with due diligence. This means that information made available at the international level by intergovernmental organizations, international financing mechanisms and human rights monitoring mechanisms must be compiled and analyzed. It also means that development partners must have a detailed understanding of access to water and sanitation that goes beyond reported information and is based on public consultation.

In many countries, the lack of consistent and/or disaggregated data may impede the completion of a human rights-based situation analysis, which may underscore the need for improvement and strengthening in institutions and statistics. Compiling the information you need may therefore mean undertaking data collection after compiling existing information. Furthermore, the use of multiple sources of information reduces possible biases and provides a more comprehensive picture of the human rights situation as well as the particular areas that are being addressed by a programme.

3.1. Compile existing information

- Identify Human Rights-Based sources of information

The human right to water and sanitation is at the interface between key “sectors” that overlap as presented in the diagram below. For each of these sectors, some monitoring mechanisms been long time consolidated, while others are of recent creation. A list of potential sources of quantitative and qualitative information about the water and sanitation situation in the country is provided in the Tools section (Tool 1 « Compile the information you need »). In addition to this information, development practitioners using a HRBA should seek for human rights information on the country, at the international, regional and national levels.
In this sense, human rights protection mechanisms are an essential source of information on the situation of human rights in the country, based on the legal obligations of states. Indeed, since the adoption of the Universal Declaration of Human Rights in 1948, the UN has developed a wide range of international human rights standards and mechanisms to promote and protect them. Among them:

- **The Human Rights Council:**
  The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the world. It has a number of procedures, mechanisms and structures to accomplish its goals, most notably the Universal Periodic Review (UPR), as well as the Special Procedures.

- **The Human Rights Council’s Universal Periodic Review:**
  The Universal Periodic Review (UPR) is a peer-review mechanism through which the UN Human Rights Council (composed of States) periodically reviews the fulfillment by each of the 193 UN Member States of their human rights obligations and commitments. The UPR takes place every four and a half years and is based on the information provided by the State being examined, by the United Nations and by other stakeholders, including NGOs.

- **The Human Rights Council’s Special Procedures:**
  The Special Procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. Amongst them, the UN Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, currently Ms Catarina de Albuquerque, carries out thematic research, collects good practices, issues country reports and works with relevant stakeholders on the implementation of the rights to water and sanitation.
• **Treaty Bodies:**

The right to water and sanitation is protected by a number of international treaties such as the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of Persons with Disabilities. Each treaty creates an international committee of independent experts in charge with monitoring international human rights treaties. In their “concluding observations/ comments”, they highlight human rights concerns and provide recommendations to States for the progressive implementation of the rights recognized in the respective treaty they monitor. In the Tools section you may access the International Legal Framework in Relation to the Human Right to Water and Sanitation, where human rights treaties and their provisions relating to water and sanitation are presented.

**Read more: Go to Tool « International Human Rights Obligations »**

Recommended data sources that provide access to the recommendations of the human rights monitoring mechanisms:

- The website of the [UN Special Rapporteur on the human right to safe drinking water and sanitation](https://www.ohchr.org/EN/HRBodies/HRBodiesSR/water/pages/default.aspx) provides all thematic and country reports, as well as promotional material and a compilation of best practices of the mandate instrumental in the interpretation and monitoring of the human right to water and sanitation.

- The [OHCHR – country webpage](https://www.ohchr.org/EN/HRBodies/Treaties/Pages/default.aspx) provides information on the treaties that the country has ratified, and the recommendations of the [Treaty Bodies](https://www.ohchr.org/EN/HRBodies/Treaties/Pages/default.aspx) and the [Special Procedures](https://www.ohchr.org/EN/HRBodies/Special Procedures/Pages/default.aspx).

- The [Universal Human Rights Index](https://www.umd.edu/uhri) provides access to country-specific human rights information emanating from the Treaty Bodies, the Special Procedures, and the Universal Periodic Review (UPR). The Index is a database searchable by country, treaty body and key word.

- The [WaterLex legal database](https://www.waterlex.org) provides access to the international human rights treaties related to water and sanitation, national constitutions and national water and sanitation laws and policies. The database is searchable by country, world region, and human rights criteria and principles.

### 3.2 Compile new information

**Look for the best information available!**

Best information is encompassed in national legal and policy documents and monitoring reports (primary sources). Most of the documents are available at the country level, though more and more databases exist that compile national instruments in the different sectors. For instance, the WaterLex legal database gives direct access to national legislation and policies in the water and sanitation sector.

Often, additional information to that available will be necessary in order to count with significant data concerning the situation of the human right to water and sanitation data information. To gather this new information different methods may be employed, including:
Existing reports of NGOs
Inquiries
Qualitative studies based on vital records
Feedback from participants
Case studies
Participatory Learning and Action (PLA)

Often, existing information from censuses, demographic surveys and samples is not as detailed, targeted and disaggregated as would be required for a thorough assessment based on human rights.

From a HRBA is important that these processes searching for new information contrast official information through participatory processes and actively seek information that takes into account all elements of the human right to water and sanitation.

Efforts are taking place to ensure that human rights are integrated in data compilation processes. For instance, the Nicaraguan association, La Cuculmeca, the Spanish NGO ONGAWA, and the Polytechnic Universities of Madrid and Catalonia, Spain, have collaborated in Nicaragua, to gather relevant human rights-based information by:
- Further integrating the HRWS criteria and principles into household surveys in order to respond in particular to the lack of inclusion of human right principles in the home surveys conducted by the Nicaraguan public institutions; and
- Extending the actors surveyed to include not only right-holders but also duty-bearers: municipalities, Water and Sanitation Committees (CAPS) and public institutions related to water and sanitation. This way, information may be crossed by all actors.

Read more: Go to Tool « Compile all the information you need »

This tool provides a comparative analysis of the different data compilation techniques from a list of criteria complying with the human rights-based approach.

Read more: Go to « Good Practices: The Human Right to Water and Sanitation in Nicaragua from a Human Rights Based Approach »
Situation analysis – Get Started

Objectives:

1. Assessing the country situation of the human right to water and sanitation
2. Developing a causal analysis in order to identify the structural causes for the non-realization of the human right to water in the Country
3. Developing a role analysis to assess who does not have is not the right to water and sanitation guaranteed and who has the duty to respond
4. Undertaking a capacity gap analysis in order to understand what are the capacity gaps of rights holders to exercise their right and duty bearers to meet their obligations
5. Identify dialogue and alliance partners to work within the country along the principles of ownership, harmonization and alignment

Once the comprehensive reference material has been compiled, a human rights analysis documents the situation in the country by looking at root causes of current problems and who are the people un- or underserved (rights- holders) and people with legal responsibilities to ensure progressive realization of universal access to water and sanitation services (duty-bearers). The methodology presented below starts with the situation of the human right to water and sanitation before developing causal and role and capacity gap analyses.

**STEP 1. Situation of the HRWS**

What is happening, where and who is most affected?

An analysis of the situation of the human right to water and sanitation identifies the legal, policy and implementation level of the HRWS in the country.

**STEP 2. Causal Analysis**

Why is the human right to water and sanitation not guaranteed?

A causal analysis aims at documenting all causes and obstacles to universal access to safe water and sanitation. It questions the reasons of the current gaps in the realization of the right to water and sanitation for certain groups of peoples.

**STEP 3. Role Analysis**

Who has not be guaranteed the right to safe water and sanitation and who is responsible for guaranteeing it?

A role analysis questions which groups of people (right holders) are specifically deprived of the right to water and sanitation, and which entities (duty bearers) have the obligation to fulfill it.

**STEP 4. Capacity Gap Analysis**

What is needed to guarantee the human right to water and sanitation?

The capacity gap analysis questions what capacities are lacking among right holders to claim their rights and what capacities are lacking among the duty bearers to fulfill the right.
STEP 1. Situation of the Human Rights to Water and Sanitation

Objectives:

1. Identifying State’s human rights obligations related to water and sanitation at the international level
2. Determining the regulatory framework for water and sanitation at the national level
3. Assessing the implementation status of the human right to water and sanitation in the country

1. Identifying State’s human rights obligations related to water and sanitation at the international level

In order to identify the human rights obligations of the country, it is important to find out what human rights treaty the country is subject to. In addition to international human rights treaties, states are often also part of regional treaties or agreements, which can provide for additional provisions on some rights, which only apply to the countries of the region. As soon as the state ratifies the treaty it becomes bound by the provisions and has a legal obligation to respect, protect and fulfill the rights protected by this instrument.

Key questions read as follows:

- What international and regional human rights treaties is the country a party to? Which treaties have not been ratified?

Read more: Go to Tool « International Human Rights Obligations »
2. Identify the normative framework concerning the right to water and sanitation at the national level

The State has the obligation to identify the roles and responsibilities of the different stakeholders in the law. It is important to consider the legislative framework for the water and sanitation sector. The state is required to identify the roles and responsibilities of the different stakeholders in law.

Key questions read as follows:

- Is the human right to water and sanitation recognized in the national constitution and/or national legislation?
- Are water and sanitation seen as a national priority? Which are these priorities in the water and sanitation sector?
- What are the regulations, plans, strategies and activities in the water and sanitation and related sectors? Are they consistent? Do they consider water as a cross-cutting issue?
- Is there a national or sectoral action plan, which specifically contemplates human rights?
- Are there any budgetary measures to ensure that the State is committed to the maximum of available resources to the realization of the right to water and sanitation?
- Are there adequate institutional measures, including accountability mechanisms to ensure compliance with the law?

Read more: Go to Tool « Assessing the implementation status of the human right to water and sanitation: Nicaragua »

3. Evaluate the level of implementation of the right to water and sanitation in the country

Once we have clarity on the framework we want to know what is actually happening in practice. At this stage it is important to analyze which components of the right are not being guaranteed and who is being most affected. From there, we can identify the causes of the violations, and who are the responsible actors.

The following table may be useful to see which dimensions and principles of the HRWS are not being guaranteed.
<table>
<thead>
<tr>
<th>Dimension</th>
<th>Criteria</th>
<th>Are they guaranteed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Availability</td>
<td>Access to water for personal and domestic use is ensured on a continuous basis.</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Quality</td>
<td>Drinking water, without hazardous substances that may threaten the health, and whose odor and taste are acceptable</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Accessibility</td>
<td>In the household or its vicinity</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Affordability</td>
<td>It does not compromise the ability to pay other essential necessities.</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Non discrimination</td>
<td>The population has equal access to water and sanitation services, regardless of the basis of ethnicity, social background, income, housing type, or gender.</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Participation</td>
<td>Anyone can participate in decision-making and issues related to water and sanitation.</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Accountability</td>
<td>Transparency in public accounts related to investments in water and sanitation. There are disaggregated data available to the population</td>
<td>Yes / No</td>
</tr>
</tbody>
</table>

An example in the tools section summarizes the degree of implementation of the human right to water and sanitation in Nicaragua. It reflects the conclusions of the first report on the Human Right to Water and Sanitation in Nicaragua (2011), published by the Coalition of Organizations for the Right to Water.
Objectives:

A causal analysis from a human rights based approach, aims at identifying all the causes-immediate, underlying and structural causes, that trigger the violation or non-realisation of the right to water and sanitation. The human rights based analysis should seek a holistic understanding of the identified water-related problems including social, cultural and economic issues and issues of discrimination, exclusion and inaccessibility.

By looking at root causes, the analysis looks beyond immediate causes and problems and towards underlying factors that shape people’s life such as policies, laws, norms, practices and knowledge.

Definition of the different kinds of causes

As a general rule, immediate, root and underlying causes are defined as follows:

- **Immediate causes** determine the current status of the problem.

- **Underlying causes** are often the consequence of policies, laws and availability of resources. They may reveal related complex issues and require interventions that take significant time, i.e. several years, in obtaining results. The legal and policy analysis carried out in the earlier stage of the situation assessment and analysis will be useful when thinking about underlying causes.

- **Root causes** reveal conditions that require long-term interventions in order to change societal attitudes and behavior at different levels, including those at the family, community and higher decision-making level, such as the acceptance, intent and commitment of the State. There are a number of root causes to poverty – and deprivation is seldom caused simply by lack of resources. Often it is the consequence of a lack of access to resources for reasons of race, caste, belief or place of origin, i.e. because of discrimination – and specific groups within society tend to suffer from such multiple deprivations of rights.

The objective of the analysis is to assess the immediate, underlying and structural causes that prevent the realization of the right. When working from a HRBA a holistic and integrated approach is key, to show the interplay of factors affecting a particular situation and preventing the enjoyment of the right. It is a very important step that provides elements to understand the different levels of causality and the links and relationships between different causes.
Tools for the identification of causes

There are several tools that we can use for this analysis. Some are not new, like the

Because of the hierarchy among the different levels of causes, a problem tree allows to clearly present immediate, underlying and root causes. It shows structural root causes of human rights problems (vertical level), and the interrelationships between rights (horizontally and vertically). This tool has not emerged under the HRBA, but it is familiar to development practitioners and can be useful to identify the main problems of discrimination, exclusion and other structural causes of development challenges. We will most certainly not be able to deal with all of them through our intervention and will usually choose a « chain of causes » of all those listed in the tree.

Example of a problem tree:

![Problem tree diagram]

Examples of causal analysis:

Example 1: Water supply in slums

- **Problem**: People living in slums do not have access to affordable and safe water supplies
- **Immediate cause**: There is no water supply infrastructure in the slums, water is being sold in jerry cans through an unregulated informal private sector.
- **Underlying causes**: The government does not provide water supply services to the slum population, nor does it regulate the private sector.
- **Root causes**: The government has not taken sufficient measures to realize the rights of the slum population.

Example 2: Open Defecation

- **Problem**: The large majority of the rural poor practice open defecation.
- **Immediate Cause**: The rural poor do not want to invest in sanitation.
- **Underlying causes**: The government does not promote and facilitate access to sanitation among the rural poor.
- **Root causes**: The government has not taken sufficient measures to guarantee the health of the poor rural population.
Example 3: Water for agriculture

- **Problem:** In the dry season downstream smallholder farmers cannot sustain their livelihoods because of a shortage of water.
- **Immediate Cause:** In times of low rainfall water supplies are being diverted to a hydro-dam.
- **Underlying causes:** Electricity generation receives priority over the livelihoods of smallholder farmers.
- **Root causes:** The government has not taken sufficient measures to guarantee the livelihoods of smallholder farmers then it is about the generation of electricity.

Example 4: Rural communities

- **Problem:** Rural communities do not have access to quality water, or sufficient availability.
- **Immediate Cause:** No resources for water supply are contemplated in these communities, leaving it to the field of international cooperation.
- **Underlying causes:** The rural area is not a priority for governmental policies related to water and sanitation. There are no programs to guarantee the right to water and sanitation for these populations.
- **Root causes:** There is a pattern of inequality amongst the population, which affects unevenly communities in rural areas. Lack of resources results in rural communities, especially the most vulnerable, not being prioritized when defining water and sanitation public policies.
STEPS 3 & 4. Developing a role and capacity gap analysis

Objectives:
A role and capacity gap analysis aims at:

1. **Identification of the right-holders and their capacity gaps to exercise the right to water and sanitation**
   - Who are the right holders?
   - What are their capacities?

2. **Identifying the duty bearers and their capacity gaps to ensure the right to water and sanitation**
   - Who are the duty-bearers?
   - What are their capacities?

3. **Identifying the dialogue and alliance partners**

A role and capacity gap analysis allows development partners to identify the right holders, the duty bearers and their needs for capacity development in order to realize the human right to water and sanitation. In addition, it assists in establishing a list of partners for the development and the implementation of their strategy in water and sanitation (in accordance with the Paris principles of ownership, alignment and harmonization). From a human rights perspective, capacity development is understood as strengthening the capability of rights-holders to know, claim and exercise the HRWS, as well as that of duty bearers to respect, promote and fulfill it, in line with their corresponding obligations. Empowerment is at the core of a human rights-based approach.
1. Identification of the rights-holders and their capacity gaps to exercise the right to water and sanitation

Who are the right-holders?

Right-holders are understood as:

- Persons with recognized rights
- Persons that are entitled to demand their rights
- Persons entitled to establishing liability of the obligation-holder
- Persons that have a responsibility to respect the rights of others

Identifying the list of populations un- or underserved

All human beings are entitled to the HRWS. Working with a HRBA means we will prioritize those people and groups in a more vulnerable situation. Several factors are at the origins of this vulnerability.

- **Geographical factors**
  The population living in rural and remote areas has usually a lower access to water and sanitation as the cost is usually higher. Furthermore, despite the current lack of related data, population living in peri-urban areas may face the major problems of access to safe drinking water.

- **Social and cultural factors**
  Disabilities, ethnic status, age and any factor for which groups of individuals are marginalized or find themselves in a vulnerable situation. That is the case of people with disabilities or HIV/AIDS that may experience difficulties in accessing water for technical or moral impediments. People in institutional facilities (prisons, refugee camps, hospitals, schools etc.) are in a vulnerable situation as they depend on the State for accessing water and sanitation.

- **Economic factors**
  People who are forced to choose between the water bill and the medical bill see jeopardized their human rights. An enabling environment must be provided by the State for each individual to fulfill his/her basic needs, notwithstanding his/her income.

- **The gender factor**
  This factor highlights direct as well as connected issues in relation to water and sanitation. Regarding sanitation, the fact that sanitation facilities are not gender- differentiated may have an impact on concrete use of the facilities by girls and women. Regarding water, the gender factor intervenes in the role dedicated to women to fetch water and the subsequent impact on their economic and social development.
Who these vulnerable groups are will indeed depend on the context. Instead of using average values to describe the degree of access to water and sanitation, information collected should, to the extent possible, provide specific details about the disparities among vulnerable or marginalized populations. The following list presents a checklist to assess whether the information compiled has taken into account the most vulnerable groups.

**List of the populations at risk**

<table>
<thead>
<tr>
<th>Geographic Factor</th>
<th>Cultural and Social Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>People in remote rural areas</td>
<td>Minorities &amp; indigenous groups</td>
</tr>
<tr>
<td>People vulnerable to draughts, floods, typhoons, earthquakes or natural disasters</td>
<td>Religious and ethnic groups</td>
</tr>
<tr>
<td>Economic Factor</td>
<td>Children</td>
</tr>
<tr>
<td>Those living in extreme poverty</td>
<td>People without the right of tenure</td>
</tr>
<tr>
<td>People of the lowest wealth quintil</td>
<td>People living in slums</td>
</tr>
<tr>
<td>Cultural and Social Factors</td>
<td>People living with HIV</td>
</tr>
<tr>
<td>Minorities &amp; indigenous groups</td>
<td>Women and adolescent girls</td>
</tr>
<tr>
<td>Religious and ethnic groups</td>
<td>People living with disabilities</td>
</tr>
<tr>
<td>Children</td>
<td>Older people</td>
</tr>
<tr>
<td>People without the right of tenure</td>
<td>Refugees and internally-displaced persons</td>
</tr>
</tbody>
</table>

**What are their capacities?**

*Capacity* is understood as the « ability to effectively perform functions for setting and achieving objectives, and identifying and solving problems. In development terms, capacity is the sum of all factors that enable individuals, communities, institutions, organizations or governments to adequately perform their respective roles and responsibilities. » (UNFPA)

Under a human rights-based approach, the following components need to be taken into account:

- Do they have rights recognized by law?
- Are they aware of their rights?
- Do they know how and where to claim them?
- What are their assets and capabilities?
- How are they organized?
- How can they use and strengthen these capacities in order to obtain maximum empowerment?

**Read more: Go to Tool « Roles and Capacity Gap Analysis »**
2. Identification of the duty-bearers and their capacities

Who are the duty-bearers?

The State is the primary legal duty-bearer. The duty of the State extends to all its bodies such as government, parliament, local and national authorities, the legal and the educational system, police and many more. In case of decentralization, local authorities represent the State and are responsible as primary duty-bearers. In case of privatization of service provision, the State does not exempt itself from its human rights obligations by involving non-State actors. Irrespective of responsibilities of the latter, the State remains the primary duty-bearer for the realization of human rights. However non State service providers must comply with the laws and regulations of the State in terms of a general legal obligation: they have a general responsibility to respect human rights.

Civil society organizations, local leaders, and development partners are also bearers of responsibilities insofar as they affect other people’s lives and even though they may be regarded as rights-holders in other respects. It is also important to remember that rights-holders have specific responsibilities, too, like respecting the rights of others and taking responsibility for their own lives and actions.

Duty-bearers will be different for each problem and an important part of the analysis is to define who they are as precisely and specifically as possible.

List of stakeholders in water and sanitation

- Ministries
- Local Governments
- Water and Sanitation Providers
- Research Institutes/Academia
- Civil Society Organizations
- National Human Rights Commission
- Development Partners

What are their capacities?

From a human rights based approach the following components are essential for developing capacities:

« Authority »: This refers to the legitimacy of an action, when individuals or groups feel or know that they can take action. Laws, formal and informal norms and rules, tradition and culture largely determine what is or is not permissible. Accordingly, national laws and policies must be harmonized with international human rights treaty commitments and identify specific duties.
« Responsibility/motivation/commitment/leadership »: This refers to the characteristics that duty-bearers should recognize about their roles in order to carry out their obligations. Information, education and communication strategies help to promote a sense of responsibility for realizing human rights. Ensuring a pluralistic and free media, a vibrant civil society, effective oversight mechanisms and access to remedies (judicial, administrative and political level) for violations are equally vital.

« Access to and control over resources »: ‘Capacity’ must therefore also include the human resources (skills, knowledge, time, commitment, etc.), economic and organizational resources influencing whether a rights-holder or duty-bearer can take action. For example, women living in the most extreme poverty may be unable to claim their rights as individuals, and lack the capacity to be able to organize.

Key Questions:

- Who are the duty-bearers?
- Are they to be found at community level, national level, or international level?
- Do the duty-bearers have their role and responsibilities in the law?
- What are their obligations in relation to the concrete problem?
- Are they aware of them? Do they recognize them?
- Are they complying with their obligations? If not, why? What is their position regarding the problem?
- What are their resources and capacities?
- Are they interacting with right holders?

Read more: Go to Tool « Roles and Capacity Gap Analysis »

3. Identification of dialogue and alliance partners

Along the principles of ownership, alignment and harmonization coordinate and work in a coherent manner with the host State, local authorities and other development partners. The matrix of duty-bearers and the list of CSOs constitute a background mapping to determine those stakeholders that will constitute dialogue and alliance partners.

Read more: Go to Tool « Causal Analysis »
## Situation analysis – Checkpoint

<table>
<thead>
<tr>
<th>Situation Analysis</th>
<th>Yes / No</th>
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</thead>
<tbody>
<tr>
<td><strong>General</strong></td>
<td></td>
</tr>
<tr>
<td>The analysis has identified the problem based on relevant human rights data.</td>
<td></td>
</tr>
<tr>
<td>The analysis has analyzed the problem by defining the most vulnerable groups and the root causes.</td>
<td></td>
</tr>
<tr>
<td>The analysis has defining the stakeholders in terms of rights-holders and duty-bearers.</td>
<td></td>
</tr>
<tr>
<td><strong>The Most Vulnerable</strong></td>
<td></td>
</tr>
<tr>
<td>The analysis took the most vulnerable groups as the point of departure.</td>
<td></td>
</tr>
<tr>
<td><strong>The Root Causes</strong></td>
<td></td>
</tr>
<tr>
<td>The analysis has looked beyond immediate causes and problems and towards underlying factors that shape people’s lives such as policies, laws, norms, practices and knowledge.</td>
<td></td>
</tr>
<tr>
<td><strong>Rights-holders and Duty-bearers</strong></td>
<td></td>
</tr>
<tr>
<td>The analysis has identified rights-holders and duty-bearers and their capacities as specifically as possible.</td>
<td></td>
</tr>
<tr>
<td><strong>Participation</strong></td>
<td></td>
</tr>
<tr>
<td>The stakeholders are included in the drafting of the analysis and consulted on its conclusions and recommendations.</td>
<td></td>
</tr>
<tr>
<td><strong>Development Partner</strong></td>
<td></td>
</tr>
<tr>
<td>Will the results of the situation analysis be made public?</td>
<td></td>
</tr>
<tr>
<td>Are policies and strategies of the development partners itself consistent with the outcome of the situation analysis?</td>
<td></td>
</tr>
<tr>
<td>Has the development partner allocated enough resources to guarantee that the analysis really reflects the opinions of women and vulnerable groups?</td>
<td></td>
</tr>
</tbody>
</table>
Compilations of Tools

SITUATION ANALYSIS

- Compile the information you need
- International Legal Framework related to the human right to water and sanitation
- Assessing the implementation status of the human right to water and sanitation: Nicaragua
- Causal Analysis
- Roles and Capacity gap Analysis
Situation analysis Tool: Compile all the information you need

Objective:

In order to develop a country development strategy or projects, donors and NGOs must compile relevant information in order to identify gaps and needs in the country. The specific challenge consists in compiling relevant and updated information for an evidence-based situation analysis. This section proposes a selection of data and information sources that provide information and data available at hand to undertake a human rights-based country situation analysis in water and sanitation.

Process:

How much existing information is available?
Compile new information

1. How much existing information is available?

Data sources were selected on the basis of the following criteria:

- relevance of the information to document the development and the human rights status of the country
- authority and legitimacy attached to the data source.
- data-collecting process: Primary/secondary/tertiary source: means of verification used in the monitoring process, process for collecting data (household survey, questionnaires etc). Reliability of the data source will be inferred from a number of parameters, including the means of verification used in the monitoring process, the process for collecting data (household survey, questionnaires etc).
- allowing to make comparison in space (national, regional, global scale) and time; and
- easy handing and pedagogical, to find the information easily.

<table>
<thead>
<tr>
<th>List of Reference Material</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development focused</td>
</tr>
<tr>
<td>□ National Development Strategy</td>
</tr>
<tr>
<td>Situaton analysis Tool: Compile all the information you need...</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
</tr>
<tr>
<td>National Poverty Reduction Strategy Paper (NPRSP) and monitoring report on the follow up of the NPRSP</td>
</tr>
<tr>
<td>National Monitoring Report for the Implementation of the MDGs, chapter on MDG 7 on water and sanitation</td>
</tr>
<tr>
<td>UN Development Assistance Framework (UNDAF)-Country Strategy</td>
</tr>
<tr>
<td><strong>WASH-focused</strong></td>
</tr>
<tr>
<td>National water and sanitation statistics (Ministry in charge with water)</td>
</tr>
<tr>
<td>Laws, policies, national strategies, plan of action for the water and sanitation sector</td>
</tr>
<tr>
<td>National budget dedicated to the water and sanitation sector</td>
</tr>
<tr>
<td>National monitoring reports for the water and sanitation sector issued by:</td>
</tr>
<tr>
<td>The Ministry in charge with water and sanitation</td>
</tr>
<tr>
<td>Water regulator</td>
</tr>
<tr>
<td>National Human Rights Institutions</td>
</tr>
<tr>
<td>Civil Society Networks/organizations</td>
</tr>
<tr>
<td>Development agencies (bilateral/multilateral; incl. European Union) monitoring reports for the WASH Sector</td>
</tr>
<tr>
<td>Joint Sector review by Technical and Financing Partners</td>
</tr>
<tr>
<td>Joint Monitoring Programme (JMP) Country Report</td>
</tr>
<tr>
<td>UN-Water Global Analysis and Assessment of Sanitation and Drinking (GLAAS) Country report</td>
</tr>
<tr>
<td>Country Water Partnership (GWP), Country Report</td>
</tr>
<tr>
<td>Multiple Indicator Cluster Surveys (MICS)</td>
</tr>
<tr>
<td>UNDAF (United Nations Development Assistance Framework (UNDAF)) /CAS</td>
</tr>
<tr>
<td>Global Environment Monitoring System (GEMS)</td>
</tr>
<tr>
<td>Country Status Overview (CSOs) (Africa)</td>
</tr>
<tr>
<td>WASHWatch</td>
</tr>
<tr>
<td><strong>Human Rights- Focused</strong></td>
</tr>
<tr>
<td>WaterLex Legal Database</td>
</tr>
<tr>
<td>Universal Human Rights Index</td>
</tr>
</tbody>
</table>
2. Compile new information

In order to compile new information a number of methods exist that meet to a greater or lesser extent with human rights principles.

<table>
<thead>
<tr>
<th>Method Criteria</th>
<th>Surveys</th>
<th>Life History based Qualitative Work</th>
<th>Participant Observation</th>
<th>Case Studies</th>
<th>Participatory Learning and Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coverage (scale of applicability)</td>
<td>High</td>
<td>Low</td>
<td>Low</td>
<td>Low</td>
<td>Medium</td>
</tr>
<tr>
<td>Representative-ness</td>
<td>High</td>
<td>Low</td>
<td>Low</td>
<td>Low</td>
<td>Medium</td>
</tr>
<tr>
<td>Ease of data standardisation, aggregation, and synthesis</td>
<td>High</td>
<td>Low</td>
<td>Medium to Low</td>
<td>Low</td>
<td>Medium to Low</td>
</tr>
<tr>
<td>Ability to isolate and measure non-intervention causes of change (root causes)</td>
<td>High</td>
<td>High</td>
<td>Low</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Ability to cope with attribution</td>
<td>High</td>
<td>Medium</td>
<td>Medium</td>
<td>Medium</td>
<td>Medium</td>
</tr>
<tr>
<td>Ability to capture qualitative information about poverty reduction</td>
<td>Low</td>
<td>High</td>
<td>High</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Ability to capture causal processes of poverty and vulnerability (root causes)</td>
<td>Low</td>
<td>High</td>
<td>High</td>
<td>Medium</td>
<td>High</td>
</tr>
<tr>
<td>Ability to capture diversity of perceptions about poverty (participation)</td>
<td>Low</td>
<td>High</td>
<td>High</td>
<td>Medium</td>
<td>High</td>
</tr>
<tr>
<td>Ability to elicit the views of women, minorities and other disadvantaged groups about poverty (non discrimination)</td>
<td>Low</td>
<td>High</td>
<td>High</td>
<td>High—if targeted</td>
<td>Medium?</td>
</tr>
<tr>
<td>Ability to capture unexpected negative impacts on “the poor” (non discrimination)</td>
<td>Low</td>
<td>High</td>
<td>Very High</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Ability to identify and articulate felt needs (demand based approach)</td>
<td>Low</td>
<td>High</td>
<td>High</td>
<td>Medium to Low</td>
<td>High</td>
</tr>
<tr>
<td>Degree of participation of “the poor” encouraged by the method</td>
<td>Low</td>
<td>Medium</td>
<td>Medium</td>
<td>Medium</td>
<td>Very high</td>
</tr>
<tr>
<td></td>
<td>Low</td>
<td>Medium</td>
<td>Low</td>
<td>Medium to Low</td>
<td>Very High</td>
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<tr>
<td><strong>Potential to contribute to</strong></td>
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<tr>
<td><strong>building capacity of</strong></td>
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<td><strong>stakeholders with respect to</strong></td>
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<tr>
<td><strong>poverty analysis</strong></td>
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<tr>
<td><strong>(participation)</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>Probability of enhancing</strong></td>
<td>Low</td>
<td>Medium</td>
<td>Medium</td>
<td>Medium</td>
<td>High</td>
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<tr>
<td><strong>downwards accountability to</strong></td>
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<tr>
<td><strong>poor groups and communities</strong></td>
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<tr>
<td><strong>(accountability)</strong></td>
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</tr>
<tr>
<td><strong>Ability to capture</strong></td>
<td>Low</td>
<td>High</td>
<td>High</td>
<td>Medium</td>
<td>Very High</td>
</tr>
<tr>
<td><strong>the multidimensionality</strong></td>
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<tr>
<td><strong>of poverty</strong></td>
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<tr>
<td><strong>(interdependence of human</strong></td>
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<tr>
<td><strong>rights)</strong></td>
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<td></td>
</tr>
<tr>
<td><strong>Ability to capture poverty</strong></td>
<td>Low</td>
<td>High</td>
<td>High</td>
<td>Low</td>
<td>High</td>
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<tr>
<td><strong>impact at different levels</strong></td>
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<tr>
<td><strong>- individual, household,</strong></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td><strong>community</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>Human resource</strong></td>
<td>Specialist</td>
<td>High-skilled</td>
<td>Mid-skilled</td>
<td>Mid-skilled</td>
<td>High-skilled</td>
</tr>
<tr>
<td><strong>requirements</strong></td>
<td>supervision,</td>
<td>practitioners.</td>
<td>practitioners.</td>
<td>practitioners.</td>
<td>practitioners</td>
</tr>
<tr>
<td></td>
<td>large numbers</td>
<td>who are able</td>
<td>Long time</td>
<td>Need good supervision.</td>
<td>Need good supervision.</td>
</tr>
</tbody>
</table>
Situation analysis Tool: IHRL Obligations

Objective:
The present checklist of international conventions aims at providing development partners with the international legal provisions, especially international human rights provisions, related to water and sanitation.

Process:
The current status of ratification of human rights treaties by your country can be found:

- On the country webpage of the Office of the High Commissioner for Human Rights, accessible for each country from the OHCHR Country webpage
- From the WaterLex Legal Database that provides direct access to the specific legal provisions related to water and sanitation

The international human rights obligations related to water and sanitation

<table>
<thead>
<tr>
<th>Year</th>
<th>Human Rights Instrument</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>International Covenant on Civil and Political Rights (ICCPR)</td>
</tr>
<tr>
<td>1966</td>
<td>International Covenant on Economic, Social and Cultural Rights (ICESCR)</td>
</tr>
<tr>
<td>1979</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</td>
</tr>
<tr>
<td>1985</td>
<td>Convention No. 161 of 1985 on Occupational Health Services</td>
</tr>
<tr>
<td>1989</td>
<td>Convention on the Rights of the Child (CRC)</td>
</tr>
<tr>
<td>2007</td>
<td>Convention on the Rights of Persons with Disabilities (CRPD)</td>
</tr>
<tr>
<td>1992</td>
<td>United Nations Framework Convention of Climate Change (UNFCCC)</td>
</tr>
<tr>
<td>1994</td>
<td>Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (UNCCD)</td>
</tr>
<tr>
<td>1949</td>
<td>Geneva Convention (III) relative to the Treatment of Prisoners of War</td>
</tr>
<tr>
<td>Year</td>
<td>Treaty</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1949</td>
<td>Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War</td>
</tr>
<tr>
<td>1977</td>
<td>Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)</td>
</tr>
<tr>
<td>1977</td>
<td>Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)</td>
</tr>
<tr>
<td>1949</td>
<td>Geneva Convention (III) relative to the Treatment of Prisoners of War</td>
</tr>
</tbody>
</table>

Tick the treaty your country has ratified!

<table>
<thead>
<tr>
<th>International Treaty</th>
<th>Water and Sanitation-related provisions</th>
</tr>
</thead>
</table>
| 1966 International Covenant on Civil and Political Rights (ICCPR) | • Article 6  
Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.  
• Article 2  
Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.  
• Article 26  
All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. |
| 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) | • Article 12  
All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its |
own means of subsistence.

- **Article 2**

  1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

  2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

- **Article 11**

  The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

- **Article 12**

  1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

  2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
     a) The provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child.
     b) The improvement of all aspects of environmental and industrial hygiene.

<table>
<thead>
<tr>
<th>1979 Convention on the Elimination of All Forms of Discrimination against Women</th>
<th>• <strong>Article 12(2)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>States parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular shall ensure to women the</td>
<td></td>
</tr>
<tr>
<td>Convention</td>
<td>Article</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
</tr>
</tbody>
</table>
| ILO Convention No. 161 of 1985 on Occupational Health Services | Article 5 | Without prejudice to the responsibility of each employer for the health and safety of the workers in his employment, occupational health services shall have such of the following functions:
- Surveillance of the factors in the working environment and working practice which may affect workers’ health, including sanitary installations, … |
| 1989 Convention on the Rights of the Child (CRC) | Article 24 | 1. States parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health …
2. States parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
- To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, … the provision of adequate nutritious foods and clean drinking water (…)|
| 2007 Convention on the Rights of Persons with Disabilities (CRPD) | Article 28: Adequate standard of living and social protection | 2. States parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:
- To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs. |
| 1992 United Nations Framework Convention of Climate Change (UNFCCC) | Article 4: Commitments | 1. All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall:
…
- Cooperate in preparing for adaptation to the impacts of climate … |
change; develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, and for the protection and rehabilitation of areas, particularly in Africa, affected by drought and desertification, as well as floods

1994 Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (UNCCD)

- **Article 2: Objective**

  1. The objective of this Convention is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas.

  2. Achieving this objective will involve long-term integrated strategies that focus simultaneously, in affected areas, on improved productivity of land, and the rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions, in particular at the community level.

- **Article 10: National Action Programmes**

  2. National action programmes shall specify the respective roles of government, local communities and land users and the resources available and needed. They shall, inter alia:

     a) incorporate long-term strategies to combat desertification and mitigate the effects of drought

     e) promote policies and strengthen institutional frameworks which develop cooperation and coordination between the donor community, governments at all levels, local populations and community groups, and facilitate access by local populations to appropriate information and technology

     f) provide for effective participation at the local, national and regional levels of nongovernmental organizations and local populations, both women and men, particularly resource users, including farmers and pastoralists and their representative organizations, in policy planning, decision-making, and implementation and review of national action programmes


- **Article 5: Equitable and reasonable utilization and participation**

  1. Watercourse States shall in their respective territories utilize an international watercourse in an equitable and reasonable manner. In particular, an international watercourse shall be used and
<table>
<thead>
<tr>
<th>Watercourses</th>
<th>developed by watercourse States with a view to attaining optimal and sustainable utilization thereof and benefits there from, taking into account the interests of the watercourse States concerned, consistent with adequate protection of the watercourse.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Article 6: Factors relevant to equitable and reasonable utilization</strong></td>
<td></td>
</tr>
</tbody>
</table>
1. Utilization of an international watercourse in an equitable and reasonable manner within the meaning of Article 5 requires taking into account all relevant factors and circumstances, including:  
a) Geographic, hydrographic, hydrological, climatic, ecological and other factors of a natural character  
b) The social and economic needs of the watercourse States concerned  
c) The population dependent on the watercourse in each watercourse State  
d) The effects of the use or uses of the watercourses in one watercourse State on other watercourse States  
e) Existing and potential uses of the watercourse  
f) Conservation, protection, development and economy of use of the water resources of the watercourse and the costs of measures taken to that effect  
g) The availability of alternatives, of comparable value, to a particular planned or existing use.  
2. In the application of Article 5 or paragraph 1 of this Article, watercourse States concerned shall, when the need arises, enter into consultations in a spirit of cooperation.  
3. The weight to be given to each factor is to be determined by its importance in comparison with that of other relevant factors. In determining what is a reasonable and equitable use, all relevant factors are to be considered together and a conclusion reached on the basis of the whole. [...] |
| 1949 Geneva Convention (III) | **Article 20** |
The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention.

- **Article 26**

The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. […] Sufficient drinking water shall be supplied to prisoners of war […]

- **Article 29**

The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics. Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them. Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

- **Article 46**

[…] The Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health, likewise with the necessary clothing, shelter and medical attention.
Departures permitted under the foregoing Article [All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interests of the State] shall be carried out in satisfactory conditions as regards safety, hygiene, sanitation and food.

- **Article 49**

[...] The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated [...]

- **Article 55**

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate. The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. [â€¦] The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.

- **Article 59**

If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal. Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing. All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

- **Article 62**

Subject to imperative reasons of security, protected persons in occupied territories shall be permitted to receive the individual relief consignments
sent to them.

- **Article 76**

Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.

- **Article 81**

Parties to the conflict who intern protected persons shall be bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health.

- **Article 85**

The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas or in districts the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is in an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit. […] Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning. Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory.

- **Article 89**

Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the
development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees. Sufficient drinking water shall be supplied to internees. Internees who work shall receive additional rations in proportion to the kind of labour which they perform. Expectant and nursing mothers and children under fifteen years of age, shall be given additional food, in proportion to their physiological needs.

- **Article 91**

Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as an appropriate diet.

- **Article 127**

[...]
The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, and also with the necessary clothing, adequate shelter and the necessary medical attention.

<table>
<thead>
<tr>
<th>1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)</th>
<th><strong>Article 54: Protection of objects indispensable to the survival of the civilian population</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Starvation of civilians as a method of warfare is prohibited.</td>
</tr>
<tr>
<td></td>
<td>2. It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive.</td>
</tr>
<tr>
<td></td>
<td>3. The prohibitions in paragraph 2 shall not apply to such of the objects covered by it as are used by an adverse Party: a) as sustenance solely for the members of its armed forces b) if not as sustenance, then in direct support of military action, provided, however, that in no event shall actions against these objects be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement.</td>
</tr>
<tr>
<td></td>
<td>4. These objects shall not be made the object of reprisals.</td>
</tr>
<tr>
<td></td>
<td><strong>Article 55: Protection of the natural environment</strong></td>
</tr>
<tr>
<td>1.</td>
<td>Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>2.</td>
<td>Attacks against the natural environment by way of reprisals are prohibited.</td>
</tr>
<tr>
<td><strong>Article 69: Basic needs in occupied territories</strong></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>In addition to the duties specified in Article 55 of the Fourth Convention concerning food and medical supplies, the Occupying Power shall, to the fullest extent of the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.</td>
</tr>
<tr>
<td><strong>Article 70: Relief actions</strong></td>
<td></td>
</tr>
<tr>
<td>[...] 2. The Parties to the conflict and each High Contracting Party shall allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel provided in accordance with this Section, even if such assistance is destined for the civilian population of the adverse Party.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)</th>
<th><strong>Article 14 Protection of objects indispensable to the survival of the civilian population</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless for that purpose, objects indispensable to the survival of the civilian population such as food-stuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works.</td>
<td></td>
</tr>
<tr>
<td><strong>Article 18 Relief societies and relief actions</strong></td>
<td></td>
</tr>
<tr>
<td>[...] 2. If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.</td>
<td></td>
</tr>
</tbody>
</table>
**1949 Geneva Convention (III) relative to the Treatment of Prisoners of War**

- **Article 20**
  The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention.

- **Article 26**
  The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. […]
  Sufficient drinking water shall be supplied to prisoners of war […]

- **Article 29**
  The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics. Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them. Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

- **Article 46**
  […] The Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health, likewise with the necessary clothing, shelter and medical attention.

You may access the printable versions, which include, respectively, the African and European Regional Frameworks. The Latin American Regional Framework is available in the Spanish Toolkit for the >Realization of the Human Right to Water and Sanitation.
Situation Analysis Tool: Assessing the implementation status of the human right to water and sanitation: Nicaragua

Objective:

This tool presents a summary of the implementation status of the human right to water and sanitation in Nicaragua, to be used as a reference for similar assessments in other countries. It reflects the conclusions of the first report on the Human Right to Water and Sanitation in Nicaragua (2011), published by the Coalition of Organizations for the Right to Water.

Availability

1. 27% of the interviewed households use public water points or springs, streams or rivers, so a reliable source of water is not guaranteed. Another 4% of families present an extremely vulnerable situation since they have to buy the water, turn to neighbours for it or, when possible, collect rainwater.

2. Only 56% of households have a piped system in the house or in the yard. However, if the other elements that define availability, such as the frequency and continuity of the supply are taken into account, only 67% of these households receive water every day, 16.5% every other day and 8% every two or three days. This is important because the availability of water as defined by international standards would not be guaranteed for that 24.5% of households. By this we mean that although 56% of households have a piped system, if we cross this data with the indicators of frequency and continuity, we would be talking about only 37.52% of households with piped water on a daily basis. Furthermore, it cannot be stated that when water is received daily, or every two or three days, it is received continuously. The data shows that 49% of households can only take advantage of the supply for 3 or 6 hours. This has important implications, since those hours are often not the hours of daily activity and in many cases take place overnight. Therefore, from the survey data we can say that from the 1350 interviewed households only 289 (21.4%) have a daily water service through a piped system but only 52% of these (i.e., 150 families, representing 1% of the sample) have a continuity of supply guaranteed for more than 12 hours.

3. Access to piped water reflects high levels of inequality, depending on the geographical distribution, being the access to these water sources higher in the Pacific, lower in the North Central area and much lower in the Atlantic.

4. 33% of households consume less than 1 barrel of water daily and 40% use between 1 and 2 barrels. This means that 73% of households have less than 2 barrels. The World Health Organisation suggests a daily minimum of 20 litres per person.

5. The analysed variables related to availability (frequency, continuity, quantity, proximity …) ratify major social inequalities in access to water, both geographically and within communities.
Quality

1. The highest water quality assessments are concentrated in households with piped water inside the house or with private wells.
2. The worst quality is registered in households whose sources are public water points, water wells or rivers.
3. Seven out of 10 households assess water quality based on its physical appearance and its smell and taste. Only 22% have received some information from local authorities regarding water quality.
4. Among the causes of pollution prevails the perception that both human and animal faeces are the element of highest pollution. Agrochemicals are also mentioned.
5. Some homes also point out the presence of arsenic (in the municipalities of Jinotega, Muy Muy and San Dionisio)
6. Main quality control measures include the weekly or monthly chlorination and the cleaning of piles and storage tanks. The Ministry of Health is the main institution responsible for conducting such controls; in several communities in the municipalities from the North and Siuna, responsibility falls on the Drinking water and Sanitation Committees (CAPS).
7. Several communities do not apply any water control measures.
8. When complaints about poor water quality are made, Town Halls present the higher percentage of non-replied claims. Amongst the municipalities that show a higher level of unattended claims are Siuna, Condega and Niquinomo.
9. Less than half of the surveyed households received some training on water treatment and improvement of sanitary conditions. The rest (685 cases) have not received any information on the subject.
10. The presence of CAPS in training and awareness-raising processes in this area is weak and barely visible and NGOs appear as the main actors.
11. 37% of families do not apply any treatment or take measures to tackle the problem of water pollution.
12. The quality of domestic water and sanitation systems is one of the main factors contributing to the propagation of infectious diseases. However, many households are not aware of the direct relationship between water quality and household and community health.
13. Those who admit the presence of diseases caused by water quality mention essentially intestinal infections (diarrhoea). The most affected household members are children. 21% of the interviewed households have had children with diarrhoea problems.
14. Children, together with the elderly, are the most affected by parasitic diseases.
Accessibility

1. 40% of all families with piped system at home or in the patio, is forced to fetch water from other places due to the discontinuity of service.
2. 20% of the cases report on unsafe road conditions due to solitude and poor state. Most households emphasise the difficulties that fetching water entails in order to do domestic tasks, especially for people who are responsible for this, mainly women and children.

Affordability

1. Highest costs of water acquisition are recorded in those places where the Nicaraguan Water and Sewerage public utility (ENACAL) is not present and there are no CAPS. This means that households MUST buy the water.
2. The communities served by ENACAL pay very different rates (from 25 to 200 cordobas). The lowest rates are the ones served by the CAPS.
3. A third of the households consider the monthly fee high.
4. 53% say they have had or currently have some kind of difficulty paying the monthly water fees. This is important because such payment may jeopardise the amount of money families spend on food, health or education.

Non-discrimination/Attention to vulnerable groups

1. From the previous results it can be seen that in each of the categories the most vulnerable people from each community are the ones being most affected.
2. This is something that also the interviewees express when asked about the most affected people by water issues.
3. Most cases refer to children as the ones who suffer the most from the lack of water, especially in relation to health risks, lack of personal hygiene or school dropout (some of them because they have to fetch water, others because they are not able to clean themselves to go to school).
4. Also, a large percentage of households point to women as the most affected because they are the ones responsible for the domestic tasks and are also in charge of fetching water.
5. Water fetching, as pointed out, affects mainly women and children, and it is a great investment of time and delay in domestic and school tasks. It also exposes them to situations of vulnerability since the roads are not safe.
6. Water scarcity also affects specific community groups unevenly, either because they live in areas where there is no supply, either because they are the most vulnerable families (environmental conditions are linked, like socio-political and economic).
7. The conditions of isolation in which the most vulnerable families live involves scattered houses, lack of wells, large distance to water stations, and this describes the poverty of many families, a situation exacerbated by ecological degradation (pollution, decreased water flow), and damaged and inadequate infrastructure (polluted wells, public water points in bad condition…)

Sanitation Systems and Waste Disposal

1. 88% of the surveyed households state they have latrine. 4% report having a toilet, but some claim that it discharges directly into the river.
2. Households without toilet facilities are concentrated in the North and in the municipalities of the Autonomous Regions.
3. 37% of households have been the target of some type of action or latrine improvement project.
4. However, the households point out that given the limited coverage of public policies and the projects of non-governmental organisations, most families are the ones carrying out the tasks of improvement or reconstruction of latrines. The second player in this regard would be local government, followed by FISE.
5. 5% of households with latrine share it with other families.
6. Interviews with CAPS indicate a practically complete absence of sewage treatment measures.
7. Households essentially eliminate waste by burning it and throwing it to vacant lots. Also, 16% of households bury garbage.

Information and Participation

1. A significant number of households do not know who administers water or who is in charge of its management and maintenance. Together with those who do not answer, the total amounts to 147 cases.
2. Barely 2, 6% of respondents have directly participated in some form of action to exercise and claim their right to water.
3. Most of the recognised activities are the meetings held in the community. The presence of CAPS and cooperatives represent a very important role as 75% of the people are aware of these meetings through direct invitation.
4. The participation rate is higher in communities organised by CAPS and cooperatives.
5. 3 out of 10 households considered women be the most actively involved in activities related to water organisation and management (especially in training, demonstrations, project development and management with local governments).
6. However, the role that women play in the community is not reflected on the role women play within the CAPS (in most cases, functions of secretary, health and treasury). There are only 7 women in positions of vice presidency.
7. Activities with more community participation include reforestation, cleaning around the water sources and the maintenance of systems.

8. There are many CAPS who recognise the absence of policies and systematic actions oriented towards sustainability.

9. More than half of the population thinks that the activities carried out are not sufficient to ensure the sustainability of water sources.

10. 34% of households declare that they are never consulted on matters relating to supply, water quality, payments …

11. 3 out of 5 households are unaware of the Water Act and in 77% of the municipalities surveyed the percentage of those who do not know reached almost 80%.

12. The perception of the respondents on the needs of community empowerment refers primarily to increased participation in the search of solutions, greater communication between leaders and getting the authorities to listen (the latter linked to the leadership factor).

13. Most CAPS believe that the main challenge is to improve the organisation to ensure the involvement of the people in the defence of the right to water and to strengthen the management capacity and dialogue with national and local actors.

14. Another aspect mentioned refers to the need to raise awareness on sustainability (preservation of sources and maintenance of systems).

Organization and Management

1. The CAPS predominate in the management and maintenance of the drinking water service. 57% of surveyed households recognise a communally organised water management.

2. Around 2 out of 10 households recognise that the tasks of the CAPS go beyond the maintenance and management of drinking water, emphasising its role in community organisation and community leadership.

3. However, the role of CAPS out of the community (at a municipal and national stage) is not very visible. This means that somehow its political role goes largely unnoticed.
Situation Analysis Tool: Causal Analysis

Objective:

A causal analysis aims at documenting all relevant causes that impede the realization of the human right to water and sanitation.

Why is the right to water and sanitation not guaranteed?

- Immediate causes determine the current status of the problem.
  *Ex. “The entire water supply system depends on groundwater, which does not fulfill drinking water standards”.*
- Underlying causes are often the consequence of policies, laws and unavailability of resources. They may reveal related complex issues and require interventions that take significant time to obtain results (at least five years).
  *Ex. “Municipalities don’t have enough budget to solve the problem”.*
- Root/structural causes reveal conditions that require long-term interventions in order to change societal attitudes and behaviour at different levels, including those at the family, community and higher decision-making level.
  *Ex. Awareness is needed both at citizen and government level.*

FIGURE 1: Causal Analysis
The following guiding questions may be useful in this identification process.

**Availability**
Is there a minimum essential amount of water supplied for personal and domestic uses per person per day?
Are there many days of disruption on water supply?
Why?

**Quality**
Is drinking water quality below the national standards?
Why?

**Acceptability**
Are the physical designs for water points and toilets appropriate to number and needs of users (women and men?)
Why not?

**Accessibility**
Does time/distance between household and water and sanitation services allow everybody to access them?
Why not?

**Affordability**
Is there population with no economical access to safe drinking water and sanitation in the rural and/or peri-urban areas?
Why?

**Access to information**
Is relevant data on water and sanitation available to all?
Why not?

**Participation**
Is there a lack of participation of population in the development, implementation and monitoring of the water and sanitation programs?
Why?

**Accountability**
Are there penalties and disincentives for pollution of water resources to ensure drinking water quality for water utilities?
Is there a national/local regulatory/advisory body for water and sanitation services and monitoring?
Why not?
Situation Analysis Tool: Roles and Capacity gap Analysis

Objective:
The exercise allows to identify on the one hand the right-holders, prioritizing those in a more disadvantaged or vulnerable situation, and analyze their roles in relation to the human right to water and sanitation. Next their capacity gaps are identified, that is, which capacities right holders need in order to claim and exercise their right. Similarly, the exercise seeks to identify the duty-bearers, which are their assigned roles in relation to the HRWS, and what capacities are missing for them to effectively perform their duties.

Process:
1. Identification of the right-holders, their roles and capacity gaps
2. Identification of the duty-bearers, their roles and capacity gaps

1. Identification of the right-holders, their roles and capacity gaps

TABLE 1: Right-holders guiding questions

- Who are the right-holders?
- Which are the groups who have less access to water and sanitation?
- Are women in the same position as men?
- Are they aware of their rights?
- Do they know who has to ensure their enjoyment?
- Do they know how and where to claim them?
- How are they organized?
- Are there mechanisms for participation at the institutional and governmental level?
- What are their assets and capabilities?
- How can they use and strengthen these capacities in order to obtain maximum empowerment?
- What are the main barriers for them to see this right realized?
- What would they need to make it effective?
  - Information on human rights
  - Training on the human right to water and sanitation
  - Understand the national system
  - Opportunities to participate in decision making processes
  - Techniques and skills
  - Language and Literacy
  - Resources
The list below can be used to guide a participatory discussion on who the most vulnerable people and groups are in a specific context.

### List of the populations at risk

<table>
<thead>
<tr>
<th>Geographic Factor</th>
<th>Cultural and Social Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>People in remote rural areas</td>
<td>Minorities &amp; indigenous groups</td>
</tr>
<tr>
<td>People vulnerable to draughts, floods, typhoons, earthquakes or natural disasters</td>
<td>Religious and ethnic groups</td>
</tr>
<tr>
<td></td>
<td>Children</td>
</tr>
<tr>
<td></td>
<td>People without the right of tenure</td>
</tr>
<tr>
<td></td>
<td>People living in slums</td>
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<tr>
<td></td>
<td>People living with HIV</td>
</tr>
<tr>
<td></td>
<td>Women and adolescent girls</td>
</tr>
<tr>
<td></td>
<td>People living with disabilities</td>
</tr>
<tr>
<td></td>
<td>Disadvantaged adolescent and youth</td>
</tr>
<tr>
<td></td>
<td>Older people</td>
</tr>
<tr>
<td></td>
<td>Refugees and internally-displaced persons</td>
</tr>
<tr>
<td></td>
<td>Prisoners</td>
</tr>
<tr>
<td></td>
<td>People in hospital</td>
</tr>
</tbody>
</table>

Those living in extreme poverty
People of the lowest wealth quintile

The table below can be used to complete the assessment.

### TABLE 3: Right-holders, their roles and capacity gaps for the realization of the human right to water and sanitation.

<table>
<thead>
<tr>
<th>Right-holders Prioritized people and groups</th>
<th>Roles they play in relation to the</th>
<th>Capacity gaps</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Information</td>
<td>Knowledge and training</td>
</tr>
<tr>
<td>HRWS</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

|                                            |                                     |                         |              |                                             |       |
2. Identification of the duty-bearers, their roles and capacity gaps

This step must determine who the relevant duty-bearers are, what are the roles in relation to the HRWS and if they are able to meet their obligations and undertake actions to further the realization of the right. The list below provides some questions that can guide us in this assessment.

**TABLE 4. Duty-bearers: guiding questions**

- Who are the duty-bearers?
- What are their obligations in relation to the HRWS?
- Are they aware of them? Do they recognize them?
- Are they aware of the corresponding international and national framework?
- What is their position regarding the specific problems?
- What are their characteristics in terms of resources and capacity?
- Do they interact with rights-holders?
- Do they meet their obligations?
- What factors are preventing them from fulfilling their responsibilities?
  - Knowledge of rights and responsibilities
  - Authority
  - Responsibility
  - Coordination with other levels and sectors
  - Access to rights holders
  - Resources
  - Corruption
The table below can be used to complete the assessment.

**TABLE 5: Duty-bearers, their roles and capacity gaps for the realization of the human right to water and sanitation.**

<table>
<thead>
<tr>
<th>Duty-bearers</th>
<th>Roles Responsibilities defined by law, policy, action plan or contract</th>
<th>Capacity gaps</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Authority</td>
<td>Responsibility</td>
</tr>
<tr>
<td>Ministries</td>
<td></td>
<td>Awareness, motivation, commitment, leadership</td>
</tr>
<tr>
<td>Local Governments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water and Sanitation Providers</td>
<td></td>
<td></td>
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<tr>
<td>National Human Rights Commission</td>
<td></td>
<td></td>
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<tr>
<td>Civil Society Organizations</td>
<td></td>
<td></td>
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<tr>
<td>Development Partners</td>
<td></td>
<td></td>
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<tr>
<td>Others</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>