



**CHECKLIST ON HUMAN RIGHTS TO WATER AND
SANITATION FOR SMALL SCALE WATER PROVIDERS**

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► Introduction: What are the human rights to safe drinking water and sanitation?

In 2010, the UN General Assembly declared the right to drinking water and sanitation as essential to the full enjoyment of life and all human rights. In 2015, the UN General Assembly reaffirmed the right to water and the right to sanitation, recognising them as distinct rights, although related and both stemming from the right to an adequate standard of living. Human rights obligations related to access to water and sanitation are included in different human rights treaties. It is **States** that are primary responsible for the realisation of the human right to water and sanitation.

The human right to water entitles everyone to have access to **sufficient, safe, acceptable, physically accessible and affordable water** for personal and domestic use, while the right to sanitation entitles everyone to have **physical and affordable access to sanitation**, in all spheres of life, that is **safe, hygienic, secure**, and **socially and culturally acceptable** and that provides **privacy** and ensures **dignity**. Those rights shall be delivered in a **participatory, accountable and non-discriminatory manner**.

► Who has a human right to safe drinking water and sanitation?

Human rights are the inalienable fundamental rights to which each person is inherently entitled. Human rights are conceived as **universal** (applicable everywhere) and **egalitarian** (the same for everyone). They embody the basic standards without which people cannot realize their inherent human dignity. Recognising access to safe drinking water and sanitation as a human right therefore means that **everybody** is entitled to these rights.

► What are the human rights to water and sanitation principles and criteria?

Human rights **criteria** (availability, quality, acceptability, accessibility and affordability) and human rights **principles** (non-discrimination, access to information, participation, accountability and sustainability) shape the content and scope of the right and guide its implementation process. All these elements give meaning to the human rights to water and sanitation and must be taken into account for its implementation.

► Why do human rights matter to small scale water providers?

The United Nations Human Rights Council (2011) endorsed the Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework. These Guiding Principles apply to all States and to all business enterprises, NGOs and community-based organisations regardless of their size, sector, location, ownership and structure.

The Guiding Principles recognise that:
States have the obligation to respect, protect and fulfil human rights;
Business enterprises and other suppliers/operators are required to comply with all applicable laws and need to respect human rights. They should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved; and
Rights and obligations need to be matched by appropriate and effective remedies when breached.

This means small scale water operators have to comply with local laws and are responsible to respect human rights, including the rights to access to safe drinking water and sanitation.

► **Responsibilities of non-State service providers**

Non-State actors must comply with the laws and regulations of the country in terms of a general legal obligation: they have a basic responsibility to respect human rights. The distinctive responsibilities of companies in relation to human rights are summarised under the concept of ‘due diligence.’ Companies are required to exercise due diligence in relation to human rights while operating. ‘This concept describes the steps a company must take to become aware of, prevent and address adverse human rights impacts’¹.

► **Private enterprises in the water sector**

Private enterprises in the water sector will need to comply with the due diligence framework. At the same time, the provision of water and sanitation services is characterised by a special feature: the services relate directly to the fulfilment of human rights. Thus, while private enterprises may contribute to the realisation of the rights to water and sanitation, the activities of services providers may also potentially result in abuses of the right to water and sanitation. The following special challenges have been identified considering the human rights-based approach in the water sector²:

- Guaranteeing transparent and democratic decision-making
- Addressing power asymmetries in the bidding and negotiation process
- Reaching the poorest and the most marginalised
- Ensuring affordable services
- Avoiding disconnections in case of inability to pay
- Ensuring the quality of services
- Ensuring monitoring and follow up
- Ensuring effective complaint mechanisms
- Addressing corruption

► **Objective of this checklist**

The objective of this checklist is to provide a self-assessment tool based on human rights for informal providers or entrepreneurs delivering services in the water sectors (water trucks, standpipes, kiosk operators, small-scale water delivery services, household water treatments systems, and others). This checklist aims to assist these entrepreneurs to carry out their business activity in compliance with human rights.


By encouraging water suppliers to comply with the human right to water, their positive impact improves, including an increase of their economic and political power (integration in larger development frameworks, possibility to partner with larger institutions, and other benefits). It also provides social businesses with a tool to measure impact.

IMPORTANT NOTICE: this document is a self-assessment for notice only and does not engage its authors in any kind of liabilities. It has been designed for small scale organisations acting in the field of access to water only. Meeting the criteria does not replace a full human rights due diligence process, but only introduces a human rights-based approach to thinking. For a process including a full human rights due diligence process, or for further information, please contact WaterLex.

¹ Protect, Respect and Remedy: a Framework for Business and Human Rights Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie A/HRC/8/5.

² Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque A/HRC/15/31


OPERATION OF SERVICES

HUMAN RIGHT PRINCIPLES / CRITERIA	CHECKLIST FOR SMALL SCALE WATER ENTREPRENEUR	
<p> AVAILABILITY</p> <p>The human right to water means that water must be available in sufficient quantities for personal and domestic uses (cooking, drinking, personal and household hygiene), with these uses being prioritised over water uses like agriculture and industry.</p> <p>According to the World Health Organization (“WHO”), 50 to 100 litres per person per day is an adequate quantity of water to meet all health requirements. This includes (but is not limited to) safe drinking water.</p>	Do I have a strategy to respond to water shortages due to external factors?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Do my facilities have regular opening hours?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Am I aware of shortages in the availability of water supply for domestic use of my clients?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, is there a governmental mechanism by which the issue may be raised?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> ▶ Check your country’s national regulations and ensure that you meet the requirements. ▶ Have the same opening hours every day that allows for a continuous supply of water and inform clients about regular opening hours. ▶ Have partnerships with local authorities, local NGOs and other providers. ▶ If there is insufficient water to meet all the clients’ minimum quantities: <ul style="list-style-type: none"> ○ advise authorities ○ explore opportunities to increase water supply. 	


 **QUALITY**


Water must be safe for consumption and other uses and not threaten human health.


States enjoy a relative margin of discretion to establish quality standards while following [WHO standards](#).


<p> QUALITY</p> <p>Water must be safe for consumption and other uses and not threaten human health.</p> <p>States enjoy a relative margin of discretion to establish quality standards while following WHO standards.</p>	<p>Do I carry out quality control within my company to ensure that the water delivered by my business meets the national water quality standards and the national legislation?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Are the staff able to conduct quality checks? Do I provide regular training to staff so that they know how to ensure quality?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Is the water I am providing to my clients tested on a regular basis according to WHO or higher standards, to make sure that it is safe and of good quality?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Is the water I am providing to my clients periodically tested by a qualified independent laboratory or expert?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Does my business have a modern and efficient maintenance system?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Does my business have a monitoring mechanism in place to rapidly detect contamination?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Does my business have a mechanism in place to swiftly react to contamination?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Is my business using a water cleaning system that can remove all organic and inorganic pollutants and bacteria from the water I am providing to clients?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Is my business certified on a recognised standard for the quality of the water I am delivering?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Is my business registered with the local authorities in charge of water management (e.g. ministry, municipality, water authority, etc.)?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No


<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> ▶ You are responsible at all times for the quality and safety of the water that you supply. The best way to achieve quality and safety is a combination of good operating practice, preventive maintenance, independent surveillance and quality control. Make sure the water source is protected well enough to avoid pollution from external sources. ▶ Make sure that equipment used for storage and delivery is always clean. Wash the water containers thoroughly on a regular basis. ▶ Train your staff regularly on water quality checking and compare your results regularly with WHO standards (or higher). ▶ Contact qualified, independent laboratories for quality testing. ▶ If possible or required by the applicable law, register your business with the competent local authority and share data and information.
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<p> ACCEPTABILITY</p> <p>Water and sanitation facilities and services must be culturally and socially acceptable. In addition to safety, water should also be of an acceptable colour, odour and taste.</p>	<p>Is the water I am providing well accepted by my clients (taste, odour, colour, etc.)?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>If I am using a system that modifies the colour, odour or taste of the water that I am selling (e.g. chlorine), do I enable feedback from clients as to their satisfaction with taste, colour, odour?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Do I discuss options and opportunities with local communities to make the business well accepted and integrated?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> ▶ Ask your clients and other community members to explore what is acceptable to them in terms of taste, colour, and odour of your water. ▶ Try different treatment systems to see which is preferred. ▶ Have participatory discussions with the community. 	


<p> ACCESSIBILITY</p> <p>Water and sanitation services must be accessible to everyone in the household or its vicinity on a continuous basis, as well as in schools, health-care facilities and other public institutions and places. Physical security must not be threatened during access to facilities.</p> <p>There is no physical access when you have to travel a distance of more than 1 km or when it takes more than 30 minutes return trip (WHO).</p>	<p>Is it physically easy to have access to the water I am selling (no physical barriers for people to collect the water)?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Am I including remote communities among my clients?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Do I have a system in place to reach out to groups with special needs, such as those with physical disabilities? How?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Do I have a system in place to ensure the waiting time of my clients does not exceed 30 min. in total? Explain:</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> ▶ Deliver the water to remote communities by truck (home delivery) or via decentralised kiosks. ▶ Establish priority lanes (e.g. for the elderly, pregnant women, people with disabilities etc.). ▶ Monitor any potential difficulties for users to access different selling points. ▶ If necessary, install specially designed facilities for people with particular needs (e.g. ramps, handrails etc.). 	


<p> AFFORDABILITY</p> <p>Access to water facilities and services must be done at a price that is affordable for all people. Access to water must not compromise the ability to pay for other essential necessities guaranteed by human rights, such as food, housing and health care. As a rule, the fact that water must be affordable does not mean that water should be free, but that no person can be deprived of the right to water for economic reasons.</p> <p>The United Nations Development Program (UNDP) proposes that household spending on water does not exceed 3% of family income.</p>	<p>In case I have a contract with authorities or with another supplier for service provision, does this contract specify pricing arrangements?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>In my opinion, is the water provided by my enterprise affordable for everyone (without exception)?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Do I set prices based on what families can afford (versus individuals)?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Am I able to offer water at reduced prices for the marginalised, poor and most vulnerable members of the communities where I supply (e.g. orphans, homeless, etc.)?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Have I checked with local authorities to see if there are any subsidies or grants available to help me to reduce costs for vulnerable people?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Do I have procedures in place in case my clients are not able to pay so that they are not left without water?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> ▶ While fixing your price, consult with the local community (with the help of local partners, NGOs...) and with your clients to be able to set an affordable price of the water (max 3% of income). ▶ Request subsidies (or other forms of financial incentives/exemptions) from the State to sell water at a more affordable price to the more marginalised and vulnerable communities. ▶ Join a public water service development strategy and/or national pro-poor development strategy, or contact the Ministry in charge of water affairs, to establish “low income household pricing scheme”. 	

<p> NON DISCRIMINATION</p> <p>Non-discrimination is central to human rights. Discrimination on prohibited grounds including race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status or any other civil, political, social or other status must be avoided, both in law and in practice. In order to address existing discrimination, positive targeted measures may have to be adopted. In this regard, priority must be given to the most marginalised and vulnerable to avoid exclusion and discrimination.</p>	<p>Do I provide services to the user without direct or indirect distinction (based on sex, race, colour, age, disability, etc.) to anybody?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Do I ensure that people with disabilities, marginalised people and people in need have access to the services I am distributing?</p> <p>How?</p> <p>Give examples:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Do I employ a range of people from different backgrounds in my organisation, including gender, race, colour, age, disability, etc.?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> ▶ Investigate (with the help of local NGOs or other community partners) whether any segments of the community are excluded from buying your services due to social origins, purchase power or marginalisation (such as women, poor, elderly, or disabled). ▶ Make sure that you don't ask any unrequired information that could be discriminatory (e.g. birth certificate, property title, former ownership of the land, working status, or other unnecessary questions). ▶ Employing people of different gender and backgrounds enables a more empathetic understanding of the customer needs, especially in sanitation and hygiene.

<p> ACCESS TO INFORMATION</p> <p>This includes the right to seek, receive and impart information concerning water issues. To reach people and actually provide multiple channels that consider access to information and cultural communication preferences. Moreover, capacity development and training may be required – because it is only when existing legislation and policies are understood, that they may be utilised, challenged or transformed.</p>	Am I communicating clearly and to all potential clients the quantity, quality, price of the water I am selling, and any other information that may be relevant to them?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Do my clients have the possibility to request further information about my business?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Do I provide adequate notice to my clients in case of changes in the schedule of water delivery that could affect the regularity of supply?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Do I provide clear information with respect to the opening hours of my facilities?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Do I advertise my business?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If so, do I include information about water quality test results in the advertising?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If I have relevant information that affects the quality or availability of water, do I provide this information to the authorities (municipality, river basin organisation, the institutions contracting my business)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Is water quality data for the water that I supply recorded in a registry held by a public authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> ▶ Provide an information board with essential information (quality, opening hours, price, grievance mechanism etc.) visible to everybody. ▶ Provide a phone or email notice service for updates. ▶ Adapt your communication to the capacities and special circumstances of clients (e.g. indigenous or minority languages); verbal or pictograms rather than written announcements in cases of illiteracy). ▶ If possible or required by the applicable law, register your business with the competent local authority and share data and information with it. 	

<p> PARTICIPATION</p> <p>Processes related to planning, design, construction, maintenance and monitoring of sanitation and water services should be participatory. This requires a genuine opportunity to freely express needs and concerns and influence decisions. Also, it is crucial to include representatives of all concerned individuals, groups and communities in participatory processes. Poor people and members of marginalized groups are frequently excluded from decision-making regarding water and sanitation, and hence their needs are seldom prioritized. Community participation in the planning and design of water and sanitation programmes is also essential to ensure that water and sanitation services are relevant and appropriate, and thus ultimately sustainable.</p>	<p>Does the local community have a role in the development of my business?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Do I share with my clients the results of the tests carried out on my water?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Are my clients regularly involved in decisions at community/regional level that seek to improve the quality of water? How often?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Do my clients participate in decisions that affect their access to safe water at community/river basin level? How?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Is participation also possible for marginalised and vulnerable people (including people with disabilities, use of appropriate language at meetings, and location accessibility)? How?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> ▶ Have a suggestion box available for your clients, local authorities, communities and NGOs. ▶ Participate in mechanisms (together and with the help of local authorities, communities and NGOs) to allow your clients to express their needs and concerns on decisions related to water supply (type of water supply, management of water supply etc.). ▶ Involve members of the local community in monitoring access to water and sanitation. 	

<p> ACCOUNTABILITY</p> <p>The realization of human rights requires responsive and accountable institutions, a clear designation of responsibilities and coordination between different entities involved. States should be held accountable for meeting these obligations and ensuring that non-State actors respect them.</p> <p>Persons or groups denied their HRWS should have access to effective judicial or other appropriate remedies, like tribunals, national ombudspersons or human right commissions and non jurisdictional mechanisms such as mediation and conciliation.</p>	<p>Do my clients have the possibility to file complaints about my business? e.g. quality of water, regularity of supply, quality of the service?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Do I make the complaint mechanism easy to use for those with incapacities such as illiteracy, language barriers, disabilities? How?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Are my complaint mechanisms available for the public and easy to access? How?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Can such complaint mechanisms enforce changes in the way that I do my business?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Am I required to report to public authorities on how I comply with local and/or national laws and regulations?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> ▶ Establish grievance mechanisms that allow your clients to complain (quality of water, quality of the service, etc.) such that you can respond to the complaints and concerns of your costumers. ▶ Make sure that this complaint mechanism is accessible for your clients (e.g. that it is free, easy to find). ▶ Inform your clients about the possibility to file a complaint (e.g. information board etc.). ▶ Inform your clients about the possibility to resort to external grievance mechanisms (judicial tribunals, regulatory authority, National Human Rights Institution or similar entities). 	

<p> SUSTAINABILITY</p> <p>The human rights obligations related to water and sanitation have to be met in a sustainable manner. This means practices have to be financial, environmentally and socially sustainable so that future generations can enjoy the right too.</p> <p>The achieved impact must be continuous and long-lasting.</p>	<p>Have I assessed the sustainability of my business, including identification of possible internal and external risks in the following areas?</p> <ul style="list-style-type: none"> ▶ Economic ▶ Social ▶ Environmental 	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Do I have a mechanism to ensure effective maintenance of the infrastructure or technology used?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Is my water supply dependent on external financial support?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Do I budget in advance for next year?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Have I explored all possibilities to obtain funding from public authorities / organisations?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Do I have any processes or checks in place to make sure that I don't run out of water supply?</p>	<input type="checkbox"/> <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> ▶ Make sure that you avoid water source contamination and source over-abstraction (environmental sustainability). ▶ Consider local circumstances (e.g. changing water availability and variability) when providing services. ▶ Business decisions (planning, expansion etc.) should take into account the costs of ongoing operation, management and investment to ensure continued functioning (financial sustainability). ▶ Work together with local communities to source skilled labour for your business and train your staff. ▶ Work together with local communities and groups (with the help of local NGOs) to guarantee social ownership. ▶ Explore and assess all the possibilities to obtain public funding from local and national authorities and from supranational institutions (e.g. European Union). 	

DECISION MAKING

The responsibility to respect not only requires service providers to ensure that their own action does not result in human rights abuses, but also includes the avoidance of complicity, which means that they must avoid being indirectly involved in human rights abuses committed by other actors, including the State.

1. Human rights policy

Inclusion in policy		Evaluation
<p>In addition to compliance with national laws, the baseline responsibility of companies is to respect human rights.</p> <p>To this end, companies should adopt a human rights policy.</p>	<p>Does the company have a corporate social responsibility (CSR) policy, a code of conduct that it applies to all its commercial relations and all geographical areas? If yes, is this policy public?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>If the answer to the first question is yes, which human rights are especially mentioned in this policy? See below list.</p>	
	Human rights to water and sanitation	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Human right to food	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Labour rights	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Human right to a healthy environment	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Does the policy apply to all commercial relations?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> ▶ Establish a code of conduct that mentions that your business respects human rights and expects your business partners to do so. ▶ Include the respect for the human rights to water and sanitation. ▶ CSR is mainly addressed to large corporations. However, it could benefit your business as it may be a way to compete against bigger commercial entities. Showing that you give back to your community may help you to foster the relationship with your customers and to retain them. 	

2. Democratic, participatory and transparent processes

Process of negotiation, bidding and tendering	Evaluation	
<p>Any instrument delegating service provision to private enterprises must meet human rights standards. The tendering, bidding and contract negotiations must be transparent, democratic. Service providers are expected to exercise due diligence in this regard.</p>	<p>If you concluded an agreement with the State (state authority, local authorities, state owned company) on delegating the provision of services, would you qualify the process as</p>	
	<p>Democratic?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Transparent?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Participatory?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>During the negotiation process, did you receive adequate and sufficient information concerning the process, your obligations and the requirements to meet the obligations in the contract?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are the terms of reference of service delegation available to the public?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<p>► Team up with local NGOs and ask local community members if the contract negotiation process was transparent and if they could participate in the process.</p>	

3. Delegation of Services from the State

Content of the contract on delegating service provision	Evaluation	
<p>Private enterprises must exercise due diligence, to become aware of, prevent and address adverse impacts on human rights.</p> <p>Service providers shall ensure that the water they sell is safe quality, ensure regularity of supply, not discriminate in their operations, adopt fair and transparent procedures etc.</p>	<p>If you concluded a contract with the State (national authority, local authorities, state owned company) on delegating services, does the contract:</p>	
	<p>Define the responsibilities?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Allocate risks?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Set delivery targets?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Set coverage targets?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Does this contract specify process in case of non-compliance?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Do you benefit from subsidies or any other similar instruments to ensure cost recovery?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Do you have the possibility to set the geographical coverage of your service provision according to the contract?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Does the contract confer exclusivity in service provision in terms of certain geographical coverage or certain parts of the community?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Does the contract require you to provide services to previously unserved or underserved areas?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Does the contract prevent you from providing services to slums or to other similar places?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Does the contract set forth an obligation to prioritise certain neighbourhoods in the provision of services?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> ▶ Consider the human rights implications of your contract of service provision and engage proactively with the State authorities to ensure that you are not contributing indirectly to human rights abuses (e.g. make suggestions on how to ensure that services are affordable also to the poorest, offer flexible payment schemes to adapt to the need of the poor etc.). ▶ In case you are aware of any human rights violations, proactively engage with relevant authorities to address human rights concerns. 	

4. Human rights impact assessment

What is it?		Evaluation
<p>Companies must take proactive steps to understand how existing and proposed activities may affect human rights. The scale of human rights impact assessments will depend on the industry and national and local context.</p>	<p>Are you aware of any potential negative impact of your business on the human rights of the local community?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Does your company engage with local communities and/or with public authorities to analyse the potential human rights implications of your business?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Does your company consider the human rights risks of a business partner before entering into a commercial relation with it?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Are you aware of any potentially negative impact of your service provision on marginalised and vulnerable communities, such as:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Poor?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Elderly?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Women?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>Children?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>EXAMPLES AND ADVICE FOR IMPROVEMENT IN IMPLEMENTATION</p>	<ul style="list-style-type: none"> ▶ Engage with the local communities to verify the human rights risks and impacts of your business. ▶ Make sure that during the assessment, you do not exclude the impacts on vulnerable and marginalised populations. ▶ Use the opportunity to train your staff. ▶ Team up with local NGOs and ask members of the local community who can provide information on the impact of your activities. 	