Photo by Rebecca Scott

ASSESSING THE IMPACT OF A RIGHT TO SANITATION ON IMPROVING LEVELS OF ACCESS AND QUALITY OF SERVICES ©

EXECUTIVE SUMMARY

DFID

United Kingdom

in association with

Coffey International Development

CR2 Social Development Ltd

WEDEC

April 2011

Photo by Rebecca Scott

Coffey International Development 1

Executive Summary DFID United Kingdom Assessing the Impact of a Right to Sanitation on Improving Levels of Access and Quality of Services

April 2011

ASSESSING THE IMPACT OF A RIGHT TO SANITATION ON IMPROVING LEVELS OF ACCESS AND QUALITY OF SERVICES: SUMMARY: APRIL 2011

1.1 Background

On 30 September 2010, the UN Human Rights Council affirmed that a human right to water and sanitation is legally binding. Some countries, such as Bangladesh and Kenya, domesticated a right to sanitation (RTS) at an earlier date. The focus of the study is the **policy issue:** what difference (if any) does recognition of a right to sanitation make, in developing countries, to levels of availability and access to quality, affordable and adaptable, sanitation services. The current study has contributed to understanding this difference and to identifying **why assessment of tangible impact of the difference is not yet possible.**

1.2 Purpose and Objectives

- Is formal recognition leading to accelerated provision of better quality sanitation services, including for the poorest and most marginalised people.

- Does it lead to changes in definitions of sanitation and in policy? Do these benefit poor and marginalised people?

- Does it increase accountability of all stakeholders and open up channels for civil society action to claim the right?

- Does it mean that States now work for **inclusive** sanitation which meets internationally accepted rights standards (the "**4As**" – **a**vailable, **a**ccessible and affordable, of **a**cceptable quality and **a**daptable)?

The overall **purpose of the research** was to explore the **hypothesis** that:

Fulfilment of a right to sanitation is strongly connected with a State's approach to Citizen-Service Engagement (CSE) processes and Voice and Accountability mechanisms (see below) which encourage people's participation in decision-making and co-management of services. Fulfilment has less to do with a State's formal recognition of the right to sanitation, or stated commitment to it.

Box 1: Voice, accountability and citizen-service engagement

Citizen-service engagement, voice and accountability are the basis of the research hypothesis. They are all terms which describe the relationship between citizens and the institutions which are designed to serve them. **Citizens' Voice** refers to the ways in which citizens, including the poorest and most marginalised, can express their opinions and concerns and put pressure on service providers and policy makers in demanding better services. It also refers to citizens' active participation in the decision-making which affects their lives, such the management of local services, and exposure of malpractice. **Accountability** is a two-way, *enforceable* process in which people are *answerable* to each other in the acknowledgment and assumption of responsibility for decisions and fulfilment of obligations. It describes both the rights and the responsibilities that exist between people and the institutions that affect their lives, such as government, civil society and market actors. Governments must be accountable to their citizens, and citizens must fulfil their responsibilities towards government and its institutions. **Citizen-Service Engagement** (CSE), and the encouragement of appropriate involvement of citizens in decision-making and management of services, are significant **drivers of change for service improvement.** Where Voice and Accountability are addressed together, in CSE, improvements in services are used, protected, maintained and sustained over time.

Coffey International Development   2

Executive Summary DFID United Kingdom Assessing the Impact of a Right to Sanitation on Improving Levels of Access and Quality of Services

April 2011

EXECUTIVE SUMMARY

1.3   The Research Approach

The study involved assessment against the **rights-principles** of: **participation and empowerment, inclusion and non-discrimination**, and **accountability, transparency and fulfilment of obligation**. It also focused strongly on whether improvement in services is working towards fulfilling the **rights standards** in relation to all aspects of service planning, provision, management, delivery, use and monitoring. It also means that improvements will be sustained over time and will lead to improved economic, health status and well-being of service users. The agreed human rights standards are based on the requirement that services must be:

Available and safe - the right sorts of sanitation services are equitably located within acceptable reach of all clients. Considerable reconsideration of investment is necessary to ensure that geographical disparities are addressed and that, previously neglected, isolated areas receive services or are reliably linked into them. Sanitation must effectively prevent human, animal and insect contact with excreta. Water must be available for good personal hygiene and facilities for safe wastewater disposal must be in place.

Accessible and affordable - the ease with which clients can reach services, and use them. It also refers to the removal of socio-cultural and economic barriers which prevent people from using sanitation facilities. Access to sanitation, including maintenance must be affordable, without reducing individual and household capacity to meet other basic needs, e.g. food and health.

Acceptable quality - sanitation – in households and in public places -- meets national and internationally agreed technical quality standards. For example, equipment meets regulations and is properly maintained etc.;

Adaptable and culturally sensitive - conforming to national standards, yet flexible to meet the needs of particular population groups in particular contexts.

When the rights standards are fulfilled, sanitation services will be fully **inclusive and equitable,** and there is greater chance that achievements will be sustainable over time.


1.4   Method

1) A global literature review covering a broad range of countries; 2) Four rapid country studies (Bangladesh, Nepal, Kenya and Rwanda), and 3) Tele-interviews with key stakeholders. The research was not a full assessment, or impact analysis, of work undertaken for sanitation improvement; but it has enabled important insights into the effects of formal recognition of an RTS.

Overarching Findings

- Where countries have recognised an RTS, trends towards accelerated progress can be noted. It is highly probable that **sanitation services, in countries which work towards fulfilment of an RTS, will be more equitable and inclusive** than in those countries which have no specific rights focus. However, attributing successes to a rights approach will be dependent on better M&E overall, and development of rights-sensitive M&E systems, and indicators.

- It is too early, and with current M&E systems impossible, to determine whether and/or how, a State's recognition of an RTS has had **tangible impacts** on MDG-related human security and well-being.

Coffey International Development   3

Executive Summary DFID United Kingdom Assessing the Impact of a Right to Sanitation on Improving Levels of Access and Quality of Services
April 2011

EXECUTIVE SUMMARY

Figure 1: Drivers Supporting the Fulfilment of a Right to Sanitation
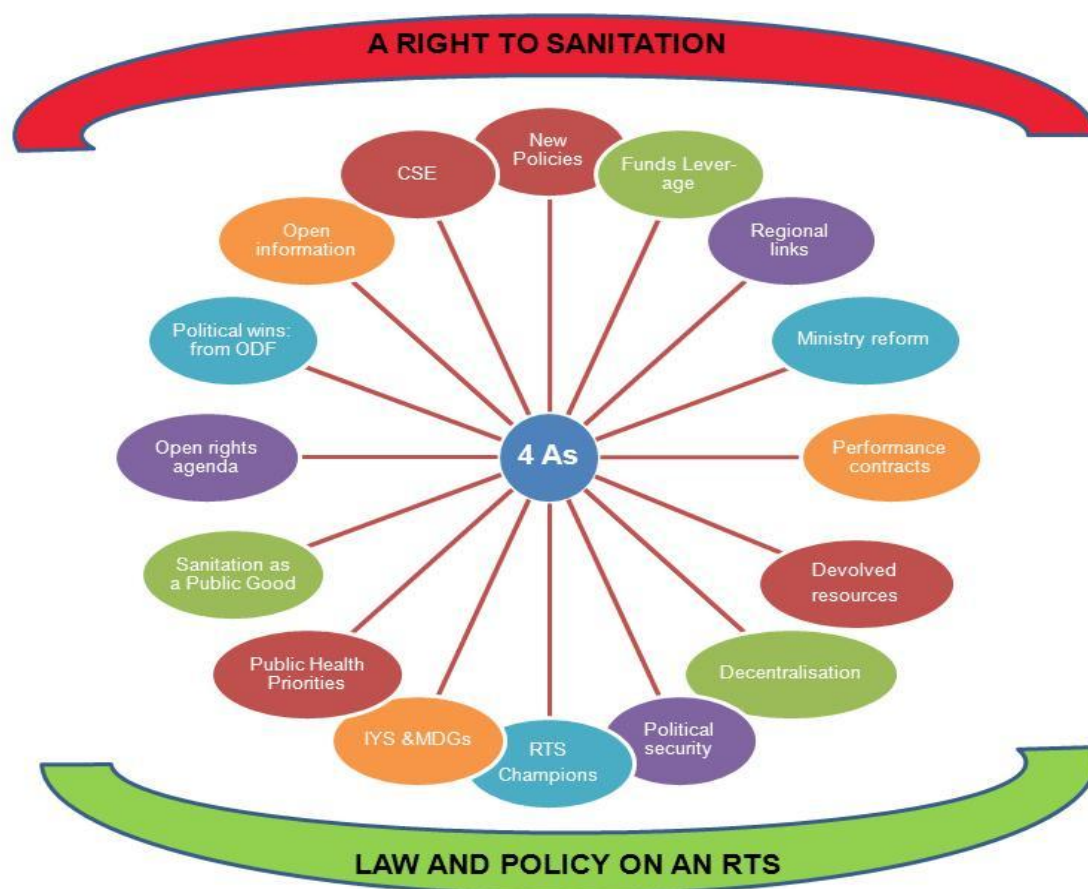
1.5 Key Policy Messages

Formal recognition of an RTS can be an important accelerator if it is combined with a range of political drivers which build an enabling environment and support inclusive implementation towards rights fulfilment.

- **Acombination of drivers** is needed for work towards realisation to be successful (as is true for all other rights). Through the case studies in the four countries, the above drivers, all of which relate to the "4As" of the rights standards, were recognised as important (Figure 1).

- **Strong legal and regulatory structures and systems** are needed to underpin these drivers. These include laws and bye-laws, at all levels, on technical issues (e.g. modes of provision, tariffs etc.) and also on social ones (e.g.inclusion of the poorest and most marginalised people, participation etc.) They also include systems for legitimate claim and redress.

- **Data collection**, **monitoring and evaluation on sanitation is weak**. Globally, current indicators are almost always quantitative. They do *not* capture the processes and achievements of Voice, Accountability and CSE mechanisms which are crucial to rights fulfilment. **Indicators are needed on *all* aspects of the rights principles** (participation, inclusion and non-discrimination, accountability and fulfilment of obligation) and on **the rights standards** (the "4As": available and safe; accessible and affordable, acceptable quality, and adaptable). M&E systems need to be based on disaggregated data so that outcomes and impacts towards equity and inclusion can be tracked.

Coffey International Development

4

Executive Summary DFID United Kingdom Assessing the Impact of a Right to Sanitation on Improving Levels of Access and Quality of Services

April 2011

EXECUTIVE SUMMARY

- **Citizen-state engagement is key:** The state's approach to citizen-state engagement is as important as formal recognition of an RTS. It is *how* working to fulfil rights is interpreted that makes formal recognition of the right meaningful. The possibilities for success, in working for respect, protection and fulfillment of an RTS,are dependent on a number of inter-related factors.Formal recognition of an RTS both creates opportunities for these factors to develop, and arises from them. As well as fulfilling their own roles in establishing, using, and protecting quality services, citizens need to be full participants in monitoring accountability in service provision and improvement. Systems for CSE could usefully be expanded with the establishment of a formalised mechanism such as, for example, a "Standards Board" through which government and sector stakeholders can assess which models/systems or technical adaptations it would be useful to adopt.

- **Claim and redress mechanisms**, set up by government or quasi-government institutions or by large-scale businesses, are usually poorly understood and used by poor and marginalised people. Mechanisms need to operate at all levels and considerable resources will be needed to ensure that people know about them, use them and grow to trust it. Greater involvement of citizens in mechanisms and processes for CSE could lead to the development of more transparent and effective means of making claims and seeking redress. There are effective models of citizen-service engagement (CSE) in the water and sanitation sector from a number of countries and opportunities to build on these CSE models. There would be benefit in strengthening mechanisms and processes which can ensure that what CSOs are doing fits closely with national, and local, policies and plans, *without* reducing CSOs added value in piloting and modelling innovative approaches, especially at community level.

Country-specific standards, relating to the 4As, need to be set and implemented. Combined with greater investment in innovation these standards will accelerate provision of appropriate and quality services to un- and under-served populations, at-scale.

- **Technical and social standards based on disaggregated assessment of needs, are needed.** Technical standards include: latrine types, cleanliness and maintenance procedures, adaptation for disability etc.. Social ones include: night-time safety, public facility opening hours in areas where there are many shift workers, attention to particular cultural requirements etc..**.** Attention to *all* aspects of service quality and equity in service provision is essential, from the outset, to secure sustainability of gains made. Currently, even in countries where rights principles and standards are considered, there is little/no elaboration of country-specific standards which can be used in planning and implementation, and in systems for accountability. Setting standardson the 4As will help to link quality, equity and sustainability.

- **Transparent and enacted rewards for inclusive approaches and sanctions against lack of compliance are necessary.** Measures to reward progress, and enforceable sanction, at all levels of service provision, are needed. Rewards and sanctions need to be fully publicised and understood by all actors, and linked to systems for claim and redress at all levels.Claim and redress mechanisms, set up by government or quasi-government institutions, or by large-scale businesses, are usually poorly understood and used by poor and marginalised people. Greater involvement of citizens in mechanisms and processes for CSE can lead to more transparent and effective means of making legitimate claims and seeking redress.

- **Information flows need to be open and accessible to all, including the poorest and most disadvantaged people.** In the short term, learning from innovations and pilots specifically in relation to communication strategies, and then setting guidelines and standards for effective communication channels with excluded and disadvantaged groups, will be of great benefit. In the long term, these practices need to be institutionalised and become part of normal practice.

- **Mechanisms for taking successful models to scale** need to be developed and implemented. There is a gap between implementation of successful models, and whether/how these models are brought to scale. There are few, institutional, mechanisms for

EXECUTIVE SUMMARY

early assessment of models so that plans can be put in place to bring successful models them to scale. Sustainability is compromised. Bringing work to scale also requires good planning for continuing availability of affordable technology, through functioning market chains which do not exclude the poorest and most vulnerable people. .

- **In all countries, government, service providers and the private sector face the challenge of establishing and institutionalising effective networks and coalitions to bring inclusive and equitable sanitation services to scale.** In many countries, governments and civil society organisations are now working more closely together than before. Where they exist, CSO umbrella organisations and government-CSO consultation fora can offer increasing opportunities for government to be more able to regulate CSO activity in a way which respects the rights of CSOs to operate freely in service of their constituents. However, there is need to ensure that adequate mechanisms and processes exist to establish mutual accountability, between government and civil society.

- **Rapidly-growing, densely-populated informal urban settlements may be a brake on governments' ability to fulfil an RTS, even when commitment to fulfilment is high.** Governments' recognition of informal, urban settlements, obliges them to address an RTS for all informal settlement inhabitants. The challenge is to bring to scale sustainable sanitation solutions which meet the 4As in these rapidly growing, densely populated areas, is huge. It is also very different from challenges faced in rural areas.

- **Incentives – positive rewards or, as a last resort, sanctions –are needed if un- and under-served people are to be included**. Incentives can encourage at-scale work in hard-to-reach areas – both in wide-scale areas – such as isolated regions or urban settlements – and with hard-to-reach people, such as those living with disabilities. Few targets, or strategies, have been elaborated on how to reach the hardest-to-reach populations and areas.

There is a difficult balance, or choice, between working *at-scale* and reaching the widest number of people, versus working *towards full scale* and being sure to include everyone, even the poorest and most marginalised people.

Different kinds of investment are needed if governments are going to reach 100% coverage with improved sanitation which is equitable and inclusive. Investments that are worth taking: the economic, social and political benefits that an equity approach can bring are beginning to be demonstrated. For example, the UNICEF models on maternal health have shown that working to achieve equity gives better results and returns on investment than a "business as usual" approach. All countries buying into an RTS must be doing so in the realisation/belief/hope that this is true. Heavy investment (time, resources and money – especially front-loaded) is required to work for equitable and inclusive sanitation for all people, including the poorest and most marginalised. Reaching MDG targets may well be easier if the hardest-to-reach people are ignored. But, when an RTS has been formally recognised, working for fulfilment for all, is a legal obligation and also an economic imperative and a moral one. Equity approaches bring with them other, highly important, potential advantages: for example, the possibility for increased security and avoidance of local, and wider, conflict (see, The Arab Spring), and (possibly the only) chance of real sustainability over time.

Coffey International Development

6

Executive Summary DFID United Kingdom Assessing the Impact of a Right to Sanitation on Improving Levels of Access and Quality of Services

April 2011