



Checklists



REALISING THE HUMAN RIGHTS TO WATER AND SANITATION:
A HANDBOOK BY THE UN SPECIAL RAPPORTEUR
CATARINA DE ALBUQUERQUE

Checklists





Realising the human rights to water and sanitation:

A Handbook by the UN Special Rapporteur

Catarina de Albuquerque

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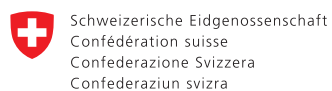
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Entidade Reguladora dos Serviços de Águas e Resíduos
The Water and Waste Services Regulation Authority



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01.

Checklists

Legislative, regulatory and policy frameworks

State Actors			
Constitution			
		Yes	In progress
		No	
Does the Constitution guarantee water and sanitation as clearly defined human rights that can be claimed by all?			
Does the Constitution guarantee that equality and non-discrimination have the status of overarching legal principles? Does the Constitution also include the concept of affirmative action?			
Is the right to a remedy and/or access to justice enshrined in the Constitution?			
Are independent oversight bodies established by the Constitution? Are these bodies competent to hear individual complaints?			
Laws and/or regulations			
Please note: The elements in the checklist may figure in laws and/or in regulations, depending on the constitutional or legal framework			
Do laws and/or regulations define the human rights to water and sanitation, using the legal content of availability, accessibility, quality, affordability and acceptability, as guaranteed under international human rights law, as a basis to give substance to these rights?			
Are standards regularly reviewed, and do standards progressively improve over time?			
Does standard-setting take account of the barriers facing particular individuals?			
Do standards take into account which type of service would be most efficient in the context of the local situation?			
Are there building requirements and regulations in place that cover general standards for water and sanitation facilities; for example, toilets in rented accommodation, the provision of single-sex toilets in public places?			
Is there an independent regulatory body in place that operates on the basis of human rights and is tasked to set standards based on the legal content of the human rights to water and sanitation?			
Has the State undertaken any measures to regulate water supply by informal vendors?			
Do the State and/or providers give access to formal water and sanitation services to households regardless of their tenure status?			
Non-discrimination and equality			
Are there laws and/or regulations in place that prohibit direct and indirect discrimination and promote equality in access to human rights?			

Information		
	Yes	In progress No
Are there laws and/or regulations in place to ensure that everyone, including people who live far from centres of information and people who cannot read, is able to access information relating to water and sanitation services, in relevant languages and formats?	<input checked="" type="radio"/>	<input type="radio"/>
Participation		
Are there laws and/or regulations in place that guarantee that full, free and meaningful participation takes place before any decision is finalised, including participation in the process of developing any laws, regulations or policy level documents?	<input checked="" type="radio"/>	<input type="radio"/>
Do laws and/or regulations set out precise rules on participation in matters of infrastructure, service levels, tariffs, and the operation and maintenance of water and sanitation services?	<input checked="" type="radio"/>	<input type="radio"/>
Accountability		
Are there effective complaint mechanisms at the level of the service provider?	<input checked="" type="radio"/>	<input type="radio"/>
Are there quasi-judicial bodies available that can resolve conflicts?	<input checked="" type="radio"/>	<input type="radio"/>
Can individuals enforce their rights against both the State and private actors?	<input checked="" type="radio"/>	<input type="radio"/>
Are remedies provided by law; for example, restitution, compensation, legally binding assurances of non-repetition, and corrective action?	<input checked="" type="radio"/>	<input type="radio"/>
Do laws and/or regulations provide for mechanisms that ensure individual complaints are effectively heard, and processed in a timely way?	<input checked="" type="radio"/>	<input type="radio"/>
Availability		
Where people do not have access to a networked water supply system, do laws and/or regulations provide for the right of everyone to use natural resources for domestic and personal uses?	<input checked="" type="radio"/>	<input type="radio"/>
Do laws and/or regulations prioritise water for personal and domestic uses over other uses?	<input checked="" type="radio"/>	<input type="radio"/>

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