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8 September 2011

Ms. Fe Crisilla M. Banluta

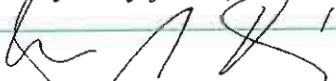
Project Manager/Outcome Officer
Water Supply and Sanitation Unit
Office of the Project and Development Services
Department of the Interior and Local Government
5/F AFGC II
EDSA corner Mapagmahal Street, Diliman, Quezon City
Philippines

Dear Ms. Banluta,

In full compliance with the terms of reference covering my engagement as *Consultant, Mainstreaming HRBA in Local Water Governance*, I am pleased to submit hard and electronic copies of the (a) **Report on Mainstreaming HRBA in Local Water Governance**; (b) **Human Rights Based Approach to Local Water Governance: Guidelines for Organizing a Human Rights Based BWSA**; and (c) **Human Rights Based Approach to Local Water Governance: Guidelines for Human Rights Based Localized Customer Service Code**.

May I request an **exit meeting** with you and the Joint Programme Staff and Partners at any time, place and date at your convenience? Please accept my deepest appreciation for your patience and understanding and for providing me with the opportunity to contribute to mainstreaming the human rights based approach in local water governance. Thank you.

Very truly yours,

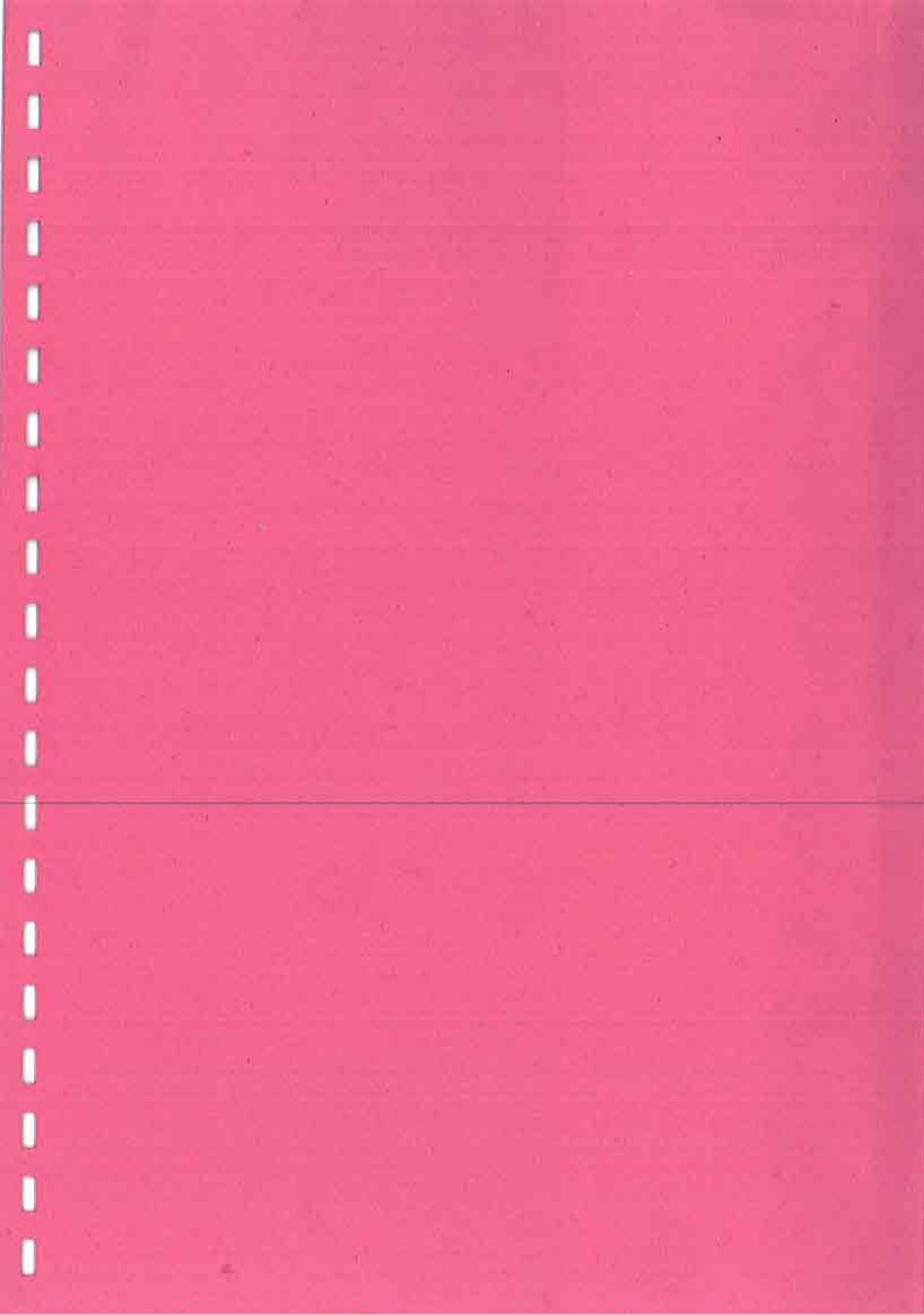


MARIA SOCORRO I. DIOKNO

Enclosures:

- (1) Hard Copy, **Report on Mainstreaming HRBA in Local Water Governance**;
- (2) Hard Copy, **Human Rights Based Approach to Local Water Governance: Guidelines for Organizing a Human Rights Based BWSA**;
- (3) Hard Copy, **Human Rights Based Approach to Local Water Governance: Guidelines for Human Rights Based Localized Customer Service Code**; and
- (4) Electronic Copy: (a) **Report on Mainstreaming HRBA in Local Water Governance**; (b) **Human Rights Based Approach to Local Water Governance: Guidelines for Organizing a Human Rights Based BWSA**; and (c) **Human Rights Based Approach to Local Water Governance: Guidelines for Human Rights Based Localized Customer Service Code**.

Copy Furnished: Dr. Emmanuel Buendia, UNDP



Report on Mainstreaming HRBA in Local Water Governance¹

This report is divided into two parts: the first part presents the activities undertaken by the HRBA Consultant during the period of her engagement as well as her recommendations; the second part assesses the **MDGF Joint Programme: Access to and Provision of Water Services with the Active Participation of the Poor** and submits some recommendations. This report augments the **Midterm Assessment Report** of 20 July 2011.

Report on Activities of HRBA Consultant

The HRBA Consultant was engaged under **PAS-IC-2011-030** to facilitate mainstreaming the human rights based approach (HRBA) in local water governance for the MDGF Joint Programme. The HRBA Consultant was expected to:

- (a) Develop a framework on local water governance;
- (b) Review and enhance existing guidelines and outputs on community organizing and Customer Service Code; and
- (c) Conduct HRBA training/orientation of programme team and partners and community organizing project teams.

The matrix below compares the Consultant's deliverables against the outputs she produced and submitted; as the matrix shows, the Consultant has met—and exceeded—her deliverables.

Deliverables under PAS-IC-2011-030	Outputs Produced		
	Title/Activity	Date Submitted	Submitted/Delivered Via
Training Design	• Training Design including Games and Exercises, Orientation Session	• 31 May 2011	• Electronic Mail
	• Orientation Session Conducted; Consultant acted as Resource Person/Facilitator (with power point presentation)	• 13 June 2011	• Personal Appearance
	• Training Needs Assessment Instrument, Trainers Training Workshop: Organizing a Rights Consistent BWSA	• 1 June 2011	• Electronic Mail
	• Preliminary Training Design, Trainers Training Workshop: Organizing a Rights Consistent BWSA	• 15 June 2011	• Electronic Mail
	• TNA Findings, Trainers Training Workshop: Organizing a Rights Consistent BWSA	• 2 July 2011	• Electronic Mail
	• Training Manual, Trainers Training Workshop: Organizing a Rights Consistent BWSA	• 4 July 2011	• Personal Service
	• Trainers Training Workshop: Organizing a Rights Consistent BWSA Conducted; Consultant acted as Lead Facilitator/Resource Person (with 9 power point presentations)	• 11 – 15 July 2011	• Personal Appearance

¹ Maria Socorro I. Diokno, 2011. Commissioned under **PAS-IC-2011-030**. 8 September 2011.

Dellverables under PAS-IC-2011-030	Outputs Produced		
	Title/Activity	Date Submitted	Submltted/ Delivered Via
Draft of HRBA CO Guidelines and Local Customer Service Code	• Draft HRBA CO Guidelines (Reference Sheets 1, 2, 3 and 8 in Training Manual, Trainers Training Workshop: Organizing a Rights Consistent BWSA)	• 4 July 2011	• Personal Service
	• Human Rights Based Approach to Local Water Governance: Guidelines for Organizing a Human Rights Based BWSA	• 8 Sept. 2011	• Personal Service
	• Draft Guidelines for Rights-Consistent Local Customer Service Code	• 20 July 2011	• Personal Service
	• Human Rights Based Approach to Local Water Governance: Guidelines for Human Rights Based Local Customer Service Code	• 8 Sept. 2011	• Personal Service
Final Draft of Local Water Governance Framework	• Peer-Reviewed Draft, Working Framework: Human Rights in Local Water Governance	• 7 June 2011	• Electronic Mail
	• Human Rights Guidelines for Local Water Governance	• 7 June 2011	• Electronic Mail
	• Final Draft Framework: Human Rights Based Approach to Local Water Governance	• 1 August 2011	• Personal Service
	• Final Version: Human Rights Based Approach to Local Water Governance (Diagrams and Text)	• 22 August 2011	• Electronic Mail
Training / Orientation Reports	• Mid-term Assessment Report	• 20 July 2011	• Personal Service
	• Report on Mainstreaming HRBA in Local Water Governance	• 8 Sept. 2011	• Personal Service

The entry of HRBA into the Joint Programme came barely one year before the Joint Programme was expected to wind up its activities. Nevertheless, mainstreaming human rights in general, and the right to water and sanitation in particular, in local water governance has far-reaching effects beyond the life of the Joint Programme, as the following activities illustrate.

Orientation Session: June 13, 2011, Astoria Plaza

An orientation session for Joint Programme staff and partners was held on 13 June 2011 at the Astoria Plaza, from 9:00 am to 7:30 pm. The orientation session provided Joint Programme staff and partners with the opportunity to arrive at a common understanding of human rights in general, and the right to water and sanitation, in particular, as these relate to local water governance.

Joint Programme staff and partners exhibited positive attitudes and were enthusiastic to learn about the human rights based approach to local water governance. Participants also exhibited extensive practical experience and technical knowledge on all aspects of water and sanitation. However, participants had a difficult time departing from the notion that "water is primarily an economic good;" participants encountered difficulties in accomplishing the session exercises and raised many interesting and critical questions, comments and concerns throughout the one-day session. Participants' difficulty, perhaps, may be traced to the fact that official Philippine policy treats water as an

economic good. To a certain extent, learning to treat water and sanitation as human rights, rather than merely as economic goods, is, perhaps the most notable achievement of the orientation session. This achievement has long lasting effects on local water governance.

Recommendations

The Consultant recommends **future capacity development interventions** for Joint Programme staff, partners, and other actors in the Philippine water sector that will: (a) build a common understanding by all actors in the Philippine water sector that water and sanitation are human rights that carry obligations of conduct and of result, and human rights duties and corporate responsibilities; and (b) deepen the understanding and application of the human rights based approach to local water governance.

The Consultant also recommends **policy reform** to formally recognize the right to water and sanitation, and thus depart from treating water and sanitation as economic goods.

Trainers Training Workshop: Organizing a Rights-Consistent BWSA, July 11-15, 2011, Astoria Plaza

This segment completes the Consultant's report on the Trainers Training Workshop: Organizing a Rights-Consistent BWSA, held from 11-15 July 2011 at Astoria Plaza, by presenting the participants' evaluation of the Trainers Training Workshop. (Note: The Consultant had previously submitted her assessment of the workshop; see Midterm Assessment Report dated 20 July 2011.) 24 participants submitted evaluation questionnaires.

Overall, on a scale of 1 to 5, with 5 representing the highest possible rating, participants gave the trainers training workshop a rating of **4.31**. As expected the lowest rating participants gave (**3.83**) related to time allotted for questions and discussions.

Evaluation Statement	Participants' Rating
I learned about human rights in general, and the right to water and sanitation, as these relate to community organizing.	4.63
I learned how to apply human rights standards and principles to community organizing.	4.38
I am better prepared to organize a Barangay Waterworks and Sanitation Association (BWSA) that promotes the right to water and sanitation and is accountable for the sustained operation and management of a water and sanitation facility.	4.24
I will be able to apply the knowledge and skills learned.	4.38
The training objectives for each session were identified and followed.	4.30
Session content was organized and easy to follow.	3.96
Materials distributed were pertinent and useful.	4.13
Facilitators were knowledgeable.	4.83
Quality of instruction was good.	4.29
Participation and interaction were encouraged.	4.50
The practical exercises were relevant.	4.26
Adequate time was provided for questions and discussion.	3.83
Overall Rating	4.31

Participants learned all about human rights from the workshop, including the right to water and sanitation, the PANTHER principles, and human rights obligations and corporate responsibilities, which they did not know before attending the workshop.

Learning	No. of Participants	Percent
HRBA to Community Organizing/human rights integrated in community organizing	8	20 %
PANTHER	5	12 %
Normative Content (5AQ)	5	12 %
Some laws on human rights, BWSA, WATSAN	3	7 %
Human rights	3	7 %
Human rights obligations	3	7 %
Corporate responsibilities (RPR)	3	7 %
Human rights terminology	2	5 %
Human rights violations	2	5 %
Right to water	2	5 %
Legal basis of right to water	1	5 %
All	1	5 %
No Answer	3	7 %

Slightly less than half of the participants identified the PANTHER principles and Modules 1 (Community Organizing in the Context of Human Rights) and 2 (Community Organizing for the Right to Water and Sanitation) as their most interesting sessions.

Most Interesting Sessions	No. of Participants	Percent
PANTHER	5	19 %
Modules 1 and 2	5	19 %
Module 3	4	15 %
Normative Content (5AQ)	3	12 %
All	1	4 %
Exercises	1	4 %
Exercise 10, 11 and 12	1	4 %
No Answer	6	23 %

A third of the participants identified all sessions as most useful, while another third found the session on the PANTHER principles and Module 3 (Organizing a Rights-Consistent BWSA) most useful.

Most Useful Sessions	No. of Participants	Percent
All	9	31 %
PANTHER	5	17 %
Module 3	5	17 %
Right to water and sanitation	3	10 %
Mainstreaming human rights in plans/planning	2	7 %
No Answer	5	17 %

Slightly less than half of the participants said **no** sessions should have been excluded, while one participant each said the session by NWRB and the synthesis session should not have been included.

Sessions that should NOT HAVE BEEN INCLUDED	No. of Participants	Percent
None	11	46 %
NWRB	1	4 %
Answering questions (quiz bee)	1	4 %
No Answer	11	46 %

Participants' suggestions to improve the workshop included adding more time, providing reference materials and more concrete examples, including more functional role-play exercises, etc.

Suggestions to Improve Workshop	No. of Participants	Percent
More time/slower pace	6	25 %
Provide reference materials (laws, treaties)	2	8 %
More concrete examples for each session	1	4 %
More functional role play	1	4 %
Clearer exercise template	1	4 %
Localized at level of participants	1	4 %
Time for workshop is too long	1	4 %
For Resource Persons: <i>"To be tough and quick in the question and answer portion is very important to challenge/push the participants to learn but humor/jokes may be incorporated to be more effective"</i>	1	4 %
None	2	8 %
No Answer	8	33 %

Suggested follow-up activities are essentially two-fold: the conduct of additional capacity development activities and the conduct of post training assessment.

Suggested Follow-Up Activities	No. of Participants	Percent
Another training/refresher session/further seminars on human rights/regional training involving WATSAN teams	6	25 %
Post training assessment/monitor actual implementation	3	13 %
Leadership activities	1	4 %
Leveling off expectations with WSSU/PDMU/NGO	1	4 %
No Answer	13	54 %

Other comments and suggestions offered by participants are listed below.

Other Comments/Suggestions	No. of Participants	Percent
Thanks to facilitators/staff	7	29 %
Like/highly appreciate	2	8 %
Systematized presentations - "output-input"	1	4 %
Training should have been conducted immediately after notice to proceed	1	4 %
Regarding the food - they always served oily dishes	1	4 %
Sessions must not be fast/quick	1	4 %
No Answer	11	46 %

Recommendations

The Consultant recommends **future capacity development interventions** for PDMU and community organizing project teams on the human rights based approach to local water governance and on human rights based community organizing.

The Consultant also recommends a **review of the project team selection process**, with a view towards engaging those organizations with advanced capabilities and extensive experience in community organizing.

The Consultant recommends **varying levels of project team monitoring, coupled with post training assessment**, utilizing the **most significant change technique**; this technique involves: (a) identifying broad domains of change in the process and substance of community organizing that are important and should be monitored and evaluated; (b) collecting experiences of community organizers as they apply the human rights based approach (brief descriptions of human rights based change); and (c) analyzing these experiences and identifying change events and lessons learned. It is important to note that, in this technique, the stories themselves are not the central focus; rather the deliberations and dialogue surrounding the analysis and identification of change events are of utmost importance. These deliberations must involve all project teams.

The Consultant also recommends the following **levels of project team monitoring**:

- (a) **Monitoring** for CBD (Region 5) and CESCOD (Region 9);
- (b) **Strict monitoring with guidance** for PRRM (Region 2);
- (c) **Strict monitoring with mentoring** on HRBA for XAES (Region 9) and PROPEGEMUS (Region 13); and
- (d) **Mentoring and additional capacity development** on community organizing and on HRBA for PFCC (Region 10).

Finally, given participants' difficulties with the English language, the Consultant recommends the **translation** of the **Training Manual** and the Human Rights Based Approach to Local Water Governance: **Guidelines for Organizing a Human Rights Based BWSA** into languages known to and used by project teams.

Assessment of MDGF Joint Programme

The Joint Programme *Access to and Provision of Water Services with the Active Participation of the Poor* targets 122,000 households in 36 waterless municipalities in Regions II (Cagayan Valley), V (Bicol), IX (Zamboanga Peninsula), X (Northern Mindanao) and XIII (Caraga). The Joint Program aims to improve the efficiency, accessibility, affordability and quality of potable water systems, "by filling in the 'soft' component gap of existing national programs."² The Joint Programme consists of two components: "local

² United Nations Development Programme, MDGF 1919: Programme Fact Sheet, <http://mdtf.undp.org/factsheet/project/00067204>.

investments to increase poor's access to water," and "local capacities for sustainable management of water utilities." The second component is expected to result in: (a) strengthened capacities at the local level with the participation of vulnerable groups, especially women; (b) improved sector plans and established monitoring mechanisms; (c) localized customer service codes; and (d) information, education and communication programs.³

The Joint Programme specifically seeks to contribute to the attainment of Millennium Development Goal (MDG) 7, i.e., to ensure environmental sustainability, by halving, by 2015, the proportion of Filipinos without sustainable access to safe drinking water and basic sanitation.

In support of MDG 7, the Joint Programme performs a multitude of roles and functions: it plans, administers, implements, monitors and evaluates water and sanitation "soft" (e.g., enhanced local capacities) projects. It also acts as a conduit for the resolution of water conflicts and water-related disputes, or particularly egregious situations, which may arise in the course of programme implementation. It also acts as a catalyst for positive and meaningful change in the larger political, economic, social and cultural landscape that enables all Filipinos to enjoy and responsibly exercise their right to water and sanitation.

For the Joint Programme to contribute to the attainment of MDG 7, it is important that the Joint Programme itself applies the human rights based approach to local water governance. This implies a **programmatic approach** towards the attainment of MDG-7, rather than the current **project-focused approach**.

A project-focused approach is output-oriented, determining impact by the achievement of project results. It often underestimates the inter-connections between and among the various projects within the programme, and projects often tend to exclude themselves from the programme. A project-focused approach is limited to the project circumstances.

The project-focused approach manifests itself in the Joint Programme's practice of engaging the services of a number of consultants to implement projects, which are then ~~undertaken as piece-meal activities~~. Yet, the consultants deal with the same critical issues, undertake similar functions and processes, and engage with the same partners. While the hiring of consultants is, in itself, not problematic, there is, however the danger of Joint Programme fragmentation, especially if the consultants do not regularly interact with each other. There is also a danger of lack of capacity or technology transfer from consultants to Joint Programme staff. These risks could then adversely affect the attainment of MDG-7.

To address these risks, the Joint Programme conducted a harmonization session on 3 August 2011; the Consultant notes that this effort will only be effective if the Joint Programme were to adopt a programmatic approach.

A programmatic approach is outcome focused, demonstrating the contribution of the programme to developmental change and determining impact by looking into the multiple causes, factors and actors within—and outside—the programme. It highlights the linkages and contributions of various programme components (or projects) and

³ Terms of Reference, Joint Programme: Enhancing Access to and Provision of Water Services with the Active Participation of the Poor.

addresses overlaps. It requires deeper knowledge of the political, social, economic and cultural landscape, as well as an understanding of the historical context, underlying power structures and vested interests as these impact on formal and non-formal water and sanitation policies, services and institutions. The programmatic approach displays a greater awareness of the importance of inclusion, nondiscrimination, equality, and cultural appropriateness in its substance and processes and exerts every effort to act in ways consistent with the PANTHER principles.

Recommendations

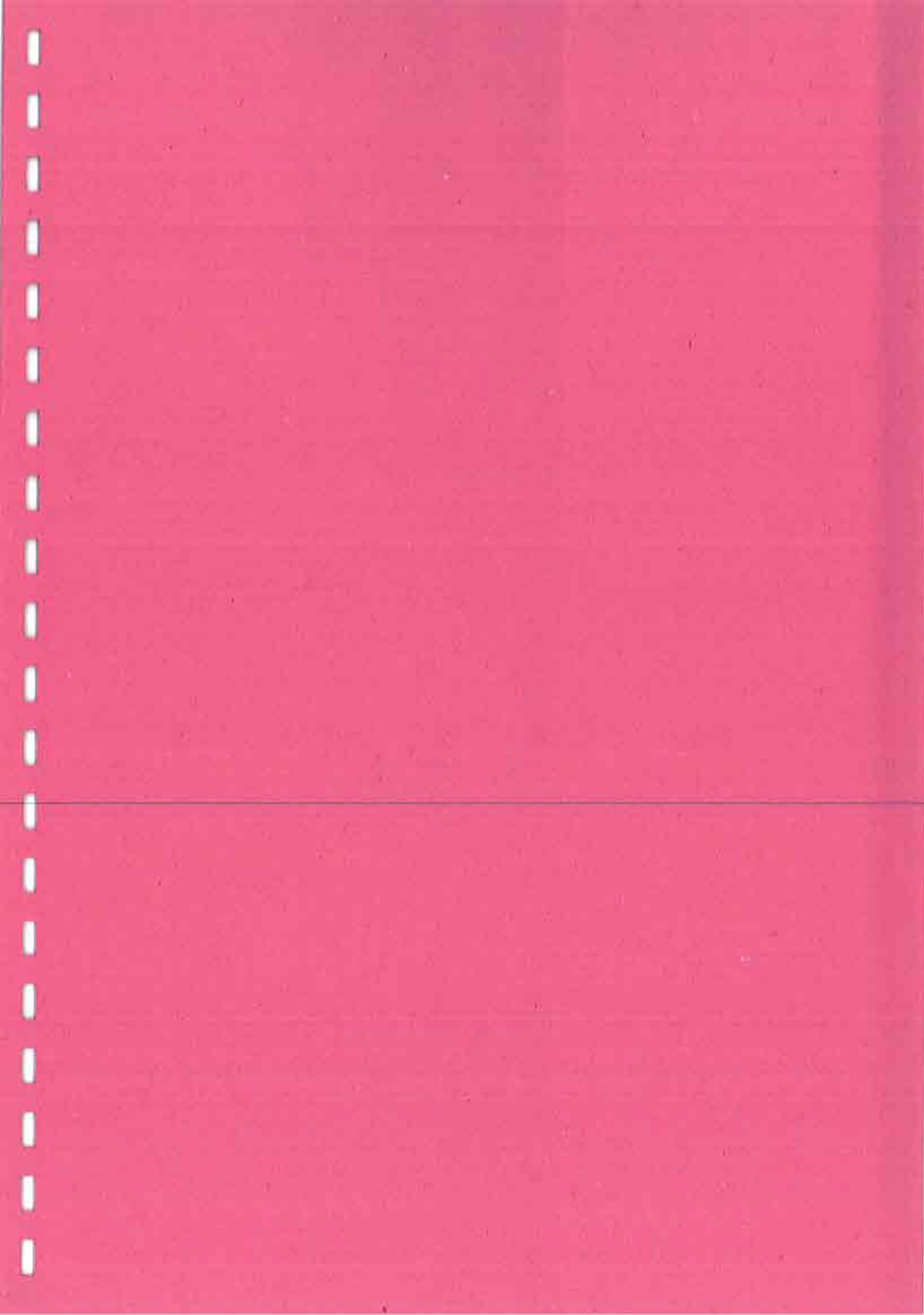
The Consultant recommends a systematic, honest and participatory **review of the Joint Programme's operational framework**, with a view to adopting a **human rights based programmatic approach** towards achieving MDG-7. Such an approach would result in: (a) clear lines of accountability accompanied by accountability measures; (b) mechanisms to harmonize and consolidate project outputs to ensure that these contribute to the achievement of MDG-7; and (c) a monitoring and evaluation framework that is part of a broader initiative to further develop human rights based local water governance and clarify how the Joint Programme facilitates the realization of the right to water and sanitation especially for those most vulnerable.

The Consultant also recommends **further capacity development interventions** for Joint Programme staff and partners in programming, management and administration (including monitoring and evaluation), as well as in applying the human rights based approach to local water governance to facilitate the Joint Programme's performance of its multiple—yet significant—roles in attaining MDG-7.

Quezon City, Philippines, 8 September 2011.



MARIA SOCORRO I. DIOKNO



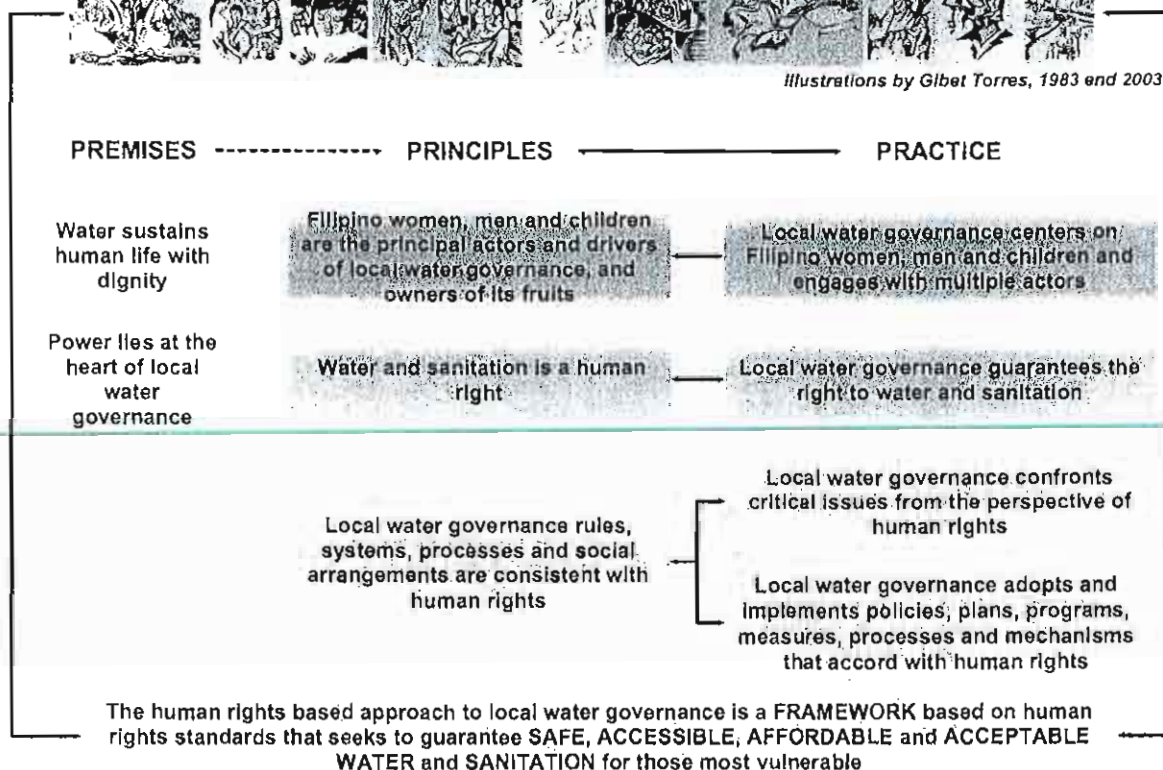
Human Rights Based Approach to Local Water Governance: Guidelines for Organizing a Human Rights Based BWSA¹

The following *Guidelines for Organizing a Human Rights Based Barangay Waterworks and Sanitation Association* are based on the *Framework: Human Rights Based Approach to Local Water Governance*; the *Guidelines* must be read and interpreted in conjunction with the framework.

Human Rights Based Approach to Local Water Governance

The human rights based approach to local water governance is a framework based on human rights standards that seeks to guarantee safe, accessible, affordable and acceptable water and sanitation for those most vulnerable.

Human Rights Based Approach to Local Water Governance



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The human rights based approach to local water governance recognizes that water sustains human life with dignity and that power lies at the heart of local water governance. Together these form the framework premises. From these premises arise three basic principles:

¹ Maria Socorro I. Diokno. Commissioned under PAS-IC-2011-030. 8 September 2011.

First, Filipino women, men and children are the principal actors and drivers of local water governance and owners of its fruits.

Second, water and sanitation is a human right.

Third, local water governance rules, systems, processes and social arrangements are consistent with human rights.

These principles guide local water governance in four dynamic ways:

- Local water governance centers on Filipino women, men and children and engages with multiple actors;
- Local water governance guarantees the right to water and sanitation;
- Local water governance confronts critical issues from the perspective of human rights; and
- Local water governance adopts and implements policies, plans, programs, measures, processes and mechanisms that accord with human rights.

Human Rights Based Approach to Local Water Governance: Organizing A Human Rights Based BWSA

Applying the framework principles to organizing human rights based Barangay Waterworks and Sanitation Associations (BWSA) humanizes and channels community organizing to:

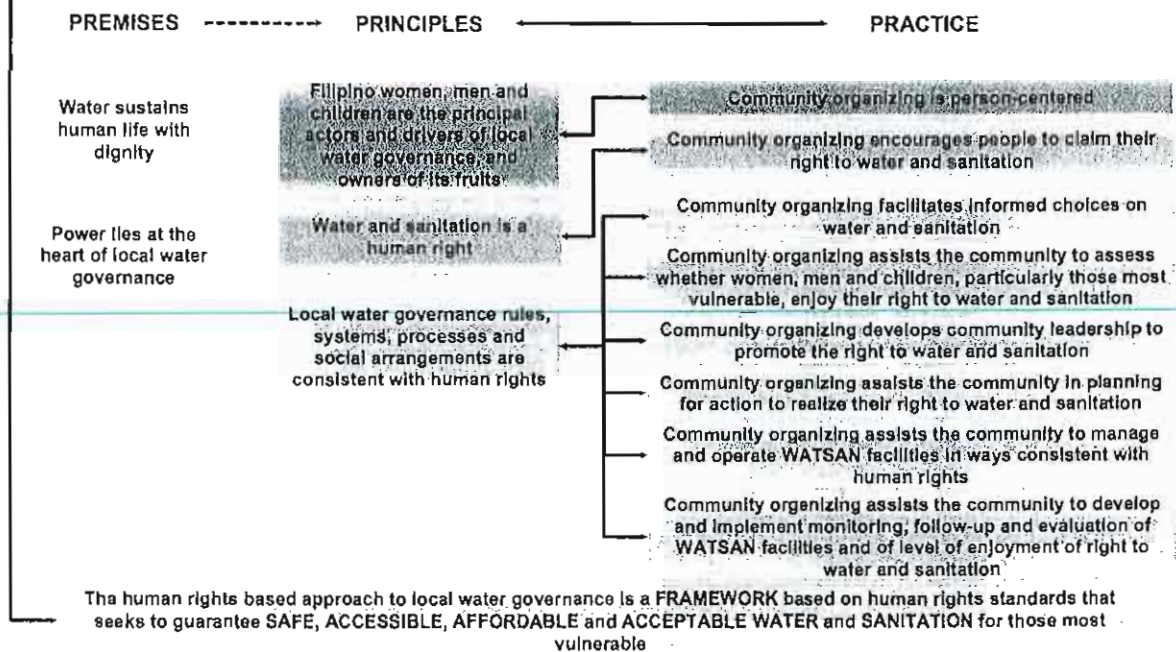
- Always focus on the human person, respecting her/him, recognizing her/him as an expert with innate and unique talents, challenging her/him to think for her/himself, helping her/him realize her/his own power to work collectively to change her/his situation, and encouraging her/him to identify her/his own problems, choose her/his own solutions, hold those responsible accountable, and work together to undertake change;
- Consciously and conscientiously encourage all human persons to claim their right to water and sanitation, recognizing the right as both freedom and entitlement, which belongs to everyone, everywhere, does not change over time and space, and is intertwined with all other human rights;
- Facilitate informed choices on water and sanitation, guaranteeing the right of all human persons to determine the level, type and management of water and sanitation facilities and services and consciously refraining from doing for the people what the people can—and should—do for themselves;
- Assist the assessment of whether and how well women, men and children, and those most vulnerable in the community enjoy their right to water and sanitation;

- Develop community leadership and form a core group to promote the right to water and sanitation, recognizing that leaders know how to work together and how to be effective to realize the right to water and sanitation, deal with conflict and confrontation, mobilize the community, solicit community members' contributions, engage their support, and build a community that is democratically controlled by the members of the community;
- Assist the community in planning for action to realize and fully enjoy their right to water and sanitation;
- Assist the community to manage and operate a water and sanitation facility in ways that comply with human rights; and
- Assists the community to develop and implement monitoring, follow-up and evaluation of the operations of water and sanitation facilities and the level of enjoyment of the right to water and sanitation.

Human Rights Based Approach to Local Water Governance: Organizing a Human Rights Based BWSA



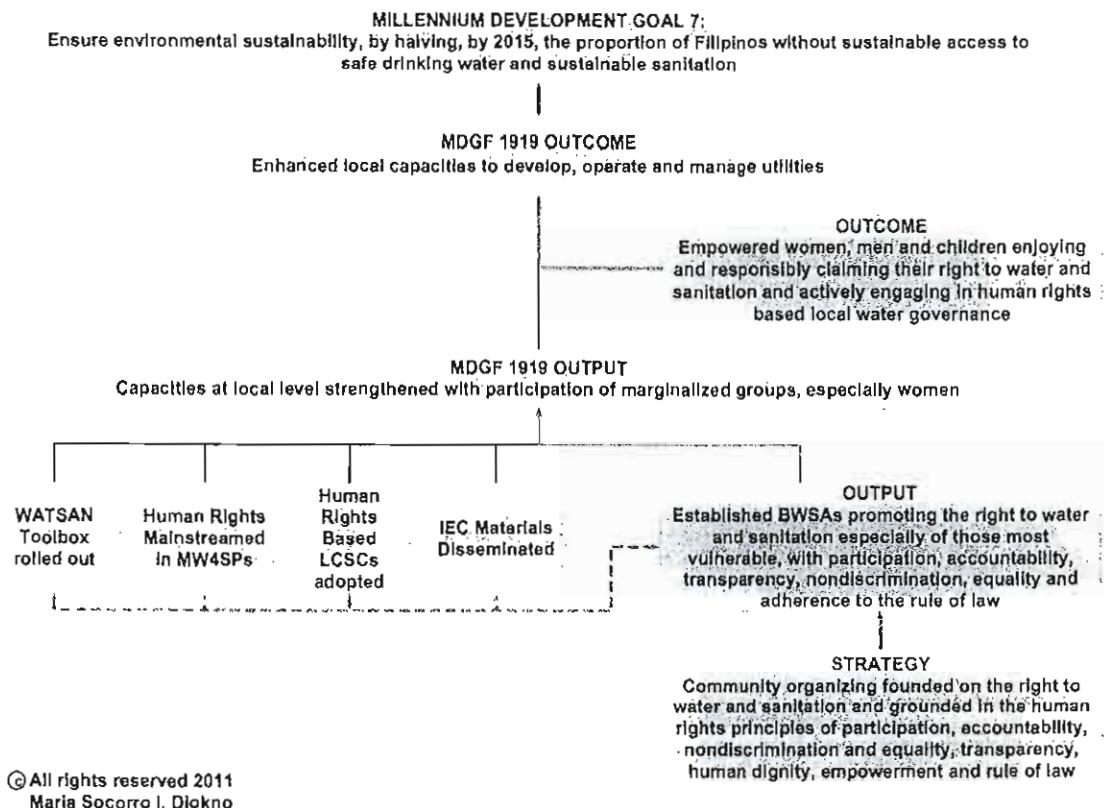
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Applying the framework also means locating human rights based community organizing within the larger context of the Joint Programme Access to and Provision of Water Services with the Active Participation of the Poor (MDGF-1919).

Human Rights Based Approach to Local Water Governance: Locating Human Rights Based Community Organizing Within MDGF 1919



MDGF 1919 seeks to contribute to the attainment of Millennium Development Goal (MDG) 7, i.e., to ensure environmental sustainability, by halving, by 2015, the proportion of Filipinos without sustainable access to safe drinking water and basic sanitation.

MDG 7 represents the one, unifying long-term vision that is inextricably linked to the right to water and sanitation. To attain that vision, ***empowered Filipino women, men and children must enjoy and responsibly claim their right to water and sanitation and actively engage in human rights based local water governance.*** To help bring about ***empowered Filipino women, men and children enjoying and claiming their right to water and sanitation, BWSAs promoting the right to water and sanitation especially of those most vulnerable and acting with participation, accountability, transparency, nondiscrimination, equality and the rule of law must be established.*** To establish human rights based BWSAs, ***community organizing must be founded on the right to water and sanitation and grounded in the human rights principles of participation, accountability, nondiscrimination and equality, transparency, human dignity, empowerment and rule of law.***

The Conduct of the Community Organizer in the Context of the Human Rights Based Approach to Local Water Governance

Human rights require from community organizers specific standards of conduct and behavior:

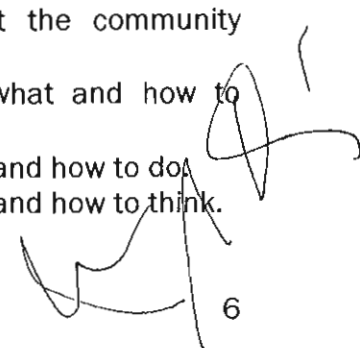
- A community organizer responsibly exercises her/his human rights.
 - A community organizer treats all persons humanely, fairly and with respect.
 - A community organizer respects the community's right to determine the level, type and management of water and sanitation facilities and services.
 - A community organizer refrains from doing anything that may harm or threaten another person's human rights.

- A community organizer promotes human rights, particularly the right to water and sanitation.
 - A community organizer encourages responsible exercise of the right to water and sanitation.
 - A community organizer fosters attention to the normative elements of the right to water and sanitation.
 - A community organizer highlights the obligations related to, and arising from, the right to water and sanitation.
 - A community organizer emphasizes the human rights duties and corporate responsibilities of other actors, including private and cooperative water service providers.

- A community organizer acts in ways consistent with universal human rights principles, in particular the PANTHER principles.
 - **Participation:** A community organizer is an active listener, who creates a conversational environment where the community freely, voluntarily, meaningfully and actively participates in community meetings and is involved in local water governance.
 - A community organizer knows fully the community and understands how they think, what is most valuable to them, and what will motivate community members to participate in community meetings and to be involved in local water governance. A community organizer understands the political, social and cultural context of the community.
 - A community organizer recognizes and addresses the barriers to participation.
 - A community organizer ensures that women participate actively in local water governance and takes every effort to ensure that neither of the sexes constitute less than 40 percent of total participants.²
 - A community organizer encourages the active involvement of the most vulnerable community members including women, children, indigenous peoples, persons with disabilities, older persons, persons living with HIV, and persons living in poverty as well as persons or groups whose culture and/or interests may differ from those of the majority in the community.
 - **Accountability:** A community organizer is accountable to the community s/he is organizing.
 - A community organizer at all times exhibits principled and ethical behavior.

² General Recommendation 23, "Political and public life," adopted by the United Nations Committee on Discrimination against Women at its sixteenth session, 1997, U N Doc. A/52/38.

- A community organizer takes full responsibility for the impact on the environment of the processes and results of community organizing.
 - A community organizer addresses barriers to accountability.
 - A community organizer encourages the community to engage in action-reflection (e.g., learning from one's actions).
- **Nondiscrimination:** A community organizer recognizes that among the community, there are those who are most vulnerable, most at risk of suffering exclusion, and who therefore require special attention.
 - A community organizer does not discriminate against anyone.
 - A community organizer recognizes that anyone can be a leader.
 - A community organizer designs, adopts and implements special measures to assist those disadvantaged and/or most vulnerable to exercise their right to water and sanitation.
 - A community organizer is aware of—and addresses—the prejudices and other negative practices attributed to custom and tradition that prevent members of the community, especially those most vulnerable, from enjoying their human rights, in particular their right to water and sanitation.
- **Transparency:** A community organizer creates an open, respectful and comfortable organizing environment.
 - A community organizer discloses credible, complete and balanced information and does not engage in mis-information or dis-information.
 - A community organizer uses language known to and commonly used by the community.
 - A community organizer provides timely information and acts quickly and deliberately.
 - A community organizer understands and addresses the barriers to transparency.
 - A community organizer promotes anti-corruption and supports the community's efforts to address corruption.
-
- **Human Dignity:** A community organizer respects community wisdom, and draws out community insights and experiences.
 - A community organizer pays special attention to those most vulnerable (women, children, indigenous peoples, minorities, persons with disabilities, older persons, persons living with HIV, and persons living in poverty), especially those without access to water and sanitation.
 - A community organizer carefully assesses the human rights consequences of community organizing and identifies and addresses potential risks, harm or threats that may arise.
 - A community organizer encourages the community to address climate change.
- **Empowerment:** A community organizer ensures that the community controls the pace and process of community organizing.
 - A community organizer refrains from telling people what and how to choose.
 - A community organizer refrains from telling people what and how to do.
 - A community organizer refrains from telling people what and how to think.



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- A community organizer does not do for the community what the community can do for itself.
- A community organizer addresses the power imbalances in the supply and provision of water and sanitation services and facilities.
- **Rule of Law:** A community organizer incorporates fair and formal mechanisms that the community may use to hold the community organizer accountable.
 - A community organizer assists members of the community to claim their right of reparation.
 - A community organizer is aware of issues that can create tensions or disagreements.
 - A community organizer resolves tensions and disagreements through peaceful means.

The Roles of the Community Organizer in the Context of the Human Rights Based Approach to Local Water Governance

In the context of human rights, a community organizer performs the following key roles:

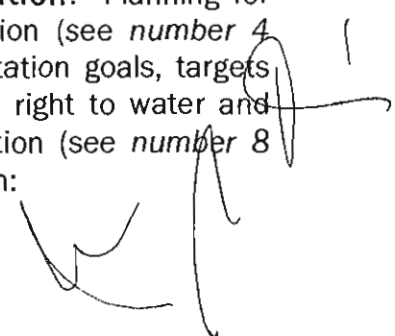
- 1 **A community organizer encourages the community to claim their right to water and sanitation.** Claiming rights requires a full understanding of what the right means, what freedoms come with the right, what one is entitled to because of the right, and how to exercise the right responsibly. Claiming rights also means knowing what to demand from government and other duty bearers and from water service providers and other actors.
- 2 **A community organizer encourages the community to adopt and implement human rights based “Rules of Engagement” guiding all community and Barangay Waterworks and Sanitation Association (BWSA) meetings and activities.** Human rights based “rules of engagement” are those that incorporate the human rights PANTHER principles.
- 3 **A community organizer facilitates informed choices on water and sanitation.** The community has the right to determine the level, type and management of water and sanitation facilities and services and so makes informed choices on:
 - a. The level of water services (e.g., Level I or point source, Level II or communal faucets, or Level III or individual housing connection) and sanitation services and facilities;
 - b. The management of water and sanitation services and facilities, including water tariffs, disconnections, access by non-BWSA members, members’ benefits, incentives, subsidies, etc.;
 - c. Water quality issues;
 - d. How to address water pollution;
 - e. Safe handling of water for domestic uses;
 - f. Adequate sewerage and maintenance; and
 - g. Promoting good hygiene.

4 A community organizer assists the community to assess whether and how well women, men and children in the community enjoy or do not enjoy their right to water and sanitation. Assessment includes understanding the community's history, demographics, geography, political leadership, power dynamics and relations, prejudices, customary and socialization practices and beliefs, what is going right in the community, the skills and talents members of the community are willing to share, etc. It is important for community organizers to encourage the community to assess its situation using a human rights lens; this may be done by asking the community to look at:

- a. Whether women are affected by the situation in the same way as men, paying close attention to the disproportionate burden women carry in relation to water and sanitation, women's disadvantages, any forms of discrimination, exclusion and violence women may suffer, gender relations and gender dimensions of the situation;
- b. Whether children are affected by the situation in the same way as adults, paying close attention to the disproportionate burden children carry in water and sanitation, children's disadvantages, and any forms of discrimination, exclusion and violence children may suffer;
- c. Whether within the community there are those who are *more affected* than others, paying close attention to their disadvantages, and any forms of discrimination, exclusion and violence they may suffer;
- d. Whether local government units and other duty bearers comply with the obligations related to, and arising from, the right to water and sanitation;
- e. Whether local government units and other duty bearers address the situation with the *participation* of the community, with *accountability*, *without discrimination*, with *transparency*, by respecting the community's *human dignity*, *empowering* them and adhering to the *rule of law*; and
- f. Whether private and/or cooperative water service providers and other actors comply with their human rights duties and corporate responsibilities and act in ways consistent with the human rights PANTHER principles.

5 A community organizer develops community leadership and forms a core group to promote the right to water and sanitation. Leadership development is a central concern of community organizing. Leaders know how to work together and how to be effective to realize the right to water and sanitation of the community. Leaders know how to deal with conflict and confrontation, how to mobilize the community, solicit community members' contributions and engage their support. Leaders build a community that is democratically controlled by the members of the community. Human rights recognize that every individual is an expert in her/his own way, has special talents and is a potential leader.

6 A community organizer assists the community in planning for action to realize and fully enjoy their right to water and sanitation. Planning for action is based on the community's assessment of its situation (see *number 4 above*); when planning, the community sets its water and sanitation goals, targets and indicators, chooses and develops strategies to realize the right to water and sanitation, and lays the framework for monitoring and evaluation (see *number 8 below*). A plan of action to realize the right to water and sanitation:



- a. Addresses all normative elements of the right to water and sanitation and highlights corresponding obligations and duties;
- b. Recognizes and addresses, as far as practicable, challenges that may impact on the realization of the right to water and sanitation;
- c. Complies with the Philippine human rights and legal framework, national regulatory processes and national water and sanitation policies, plans and roadmaps;
- d. Clarifies the division of responsibilities between and among all water and sanitation actors, and establishes effective coordination with national agencies and bodies and other local government units, to ensure holistic, harmonized and integrated water and sanitation services;
- e. Defines specific, measurable, attainable and realistic objectives consistent with the right to water and sanitation;
- f. Establishes accountability mechanisms to ensure implementation; and
- g. Identifies needed resources.

7 A community organizer assists the community to manage and operate a water and sanitation facility in ways that comply with human rights. Managing and operating water and sanitation facilities to promote the right to water and sanitation:

- a. Ensures that everyone has access to water and sanitation services and that these services are equitably distributed;
- b. Provides adequate quality of water and sanitation services at an affordable cost;
- c. Protects indigenous people's traditional water sources against appropriation by non-indigenous entities and does not arbitrarily interfere with customary or traditional arrangements for water allocation;
- d. Takes into account women's and girls' uses of water and sanitation;
- e. Considers the differential water and sanitation requirements of children, older persons, those chronically ill, and of persons with disabilities;
- f. Ensures the safety and physical security of members of the community when they access water and sanitation facilities and services;
- g. Controls pollution of water resources;
- h. Incorporates disaster risk reduction measures; and
- i. Addresses corruption.

8 A community organizer assists the community to develop and implement monitoring, follow-up and evaluation of the operations of water and sanitation facilities and the level of enjoyment of the right to water and sanitation. Monitoring, tracks the performance of water and sanitation services and facilities against human rights standards and principles and allows changes or adjustments to be made, while evaluation looks into the impact of the operations of water and sanitation facilities and services on the quality of life of members of community and influences future operations of water and sanitation services and facilities. When monitoring, following-up and evaluating, the community:

- a. Decides what is to be monitored, followed-up and evaluated,
- b. Identifies needed data and information and where and how to get the needed data and information,
- c. Identifies who should be involved and defines mechanisms to make the processes more participatory, empowering, transparent and accountable,

- d. Chooses appropriate monitoring and evaluation tools,
- e. Sets the time frame, and
- f. Decides on how the findings should be used, and by whom.

The Activities of the Community Organizer in the Context of the Human Rights Based Approach to Local Water Governance

In the human rights based approach to local water governance, a community organizer undertakes organizing activities in ways consistent with human rights norms, standards and principles.

The Department of Interior and Local Government, one of the national coordinating authorities responsible for MDGF 1919's implementation, has prescribed four phases of community organizing activities:³ the pre-organization phase, the organizing phase, the organization development phases, and the localization/sustenance (pull-out) phase.

The following matrix lists the human rights standards, norms and principles that underpin the human rights based approach to organizing a community to realize the right to water and sanitation:

Phases	Activities	Guiding Human Rights Standards, Norms and Principles
Pre-Organization Phase	Data Review	<ul style="list-style-type: none"> • Normative Content of the Right to Water and Sanitation • Obligations of Conduct and of Result Related to, and Arising from, the Right to Water and Sanitation • Human Rights Duties and Corporate Responsibilities
	Courtesy Calls and Social Investigation	<ul style="list-style-type: none"> • Normative Content of the Right to Water and Sanitation • Obligations of Conduct and of Result Related to, and Arising from, the Right to Water and Sanitation • Human Rights Duties and Corporate Responsibilities • Human Rights Principles of Participation, Accountability, Nondiscrimination and Equality, Transparency, Human Dignity
	Barangay Entry and Integration	<ul style="list-style-type: none"> • Normative Content of the Right to Water and Sanitation • Human Rights Principles of Participation, Accountability, Nondiscrimination and Equality, Transparency, Human Dignity, Empowerment and Rule of Law
Organizing Phase	Leadership Development and Core Group Formation	<ul style="list-style-type: none"> • Human Rights Duties and Corporate Responsibilities • Human Rights Principles of Participation, Accountability, Nondiscrimination and Equality, Transparency, Human Dignity, Empowerment and Rule of Law

³ Department of Interior and Local Government, Community Organizing Process Guidebook, November 2001; see also Verda Imperial Saw, Module 3, Session 2: Organizing a Barangay/Community Water Users' Association, power point presentation of 14 July 2011.

Phases	Activities	Guiding Human Rights Standards, Norms and Principles
Organizing Phase	Barangay Action Planning	<ul style="list-style-type: none"> • Normative Content of the Right to Water and Sanitation • Obligations of Conduct and of Result Related to, and Arising from, the Right to Water and Sanitation • Human Rights Duties and Corporate Responsibilities • Human Rights Principles of Participation, Accountability, Nondiscrimination and Equality, Transparency, Human Dignity, Empowerment and Rule of Law
	Formalization of BWSA	<ul style="list-style-type: none"> • Normative Content of the Right to Water and Sanitation • Obligations of Conduct and of Result Related to, and Arising from, the Right to Water and Sanitation • Human Rights Duties and Corporate Responsibilities • Human Rights Principles of Participation, Accountability, Nondiscrimination and Equality, Transparency, Human Dignity, Empowerment and Rule of Law
	Pre-Construction Conference	<ul style="list-style-type: none"> • Normative Content of the Right to Water and Sanitation • Human Rights Principles of Participation, Accountability, Nondiscrimination and Equality, Transparency, Empowerment
	Construction and Implementation of BWSA Action Plan	<ul style="list-style-type: none"> • Normative Content of the Right to Water and Sanitation • Obligations of Conduct and of Result Related to, and Arising from, the Right to Water and Sanitation • Human Rights Duties and Corporate Responsibilities • Human Rights Principles of Participation, Accountability, Nondiscrimination and Equality, Transparency, Human Dignity, Empowerment and Rule of Law
	Organization of BWSA Operations and Management Team	<ul style="list-style-type: none"> • Normative Content of the Right to Water and Sanitation • Human Rights Duties and Corporate Responsibilities • Human Rights Principles of Participation, Accountability, Nondiscrimination and Equality, Transparency, Human Dignity, Empowerment and Rule of Law
Organization Development	Test Run/Adjustment of Facilities	<ul style="list-style-type: none"> • Normative Elements of the Right to Water and Sanitation: Quality, Physical Accessibility, Acceptability • Human Rights Principles of Empowerment, Participation, and Accountability

Phases	Activities	Guiding Human Rights Standards, Norms and Principles
Organization Development	Capacity Development and Skills Training	<ul style="list-style-type: none"> • Normative Content of the Right to Water and Sanitation • Obligations of Conduct and of Result Related to, and Arising from, the Right to Water and Sanitation • Human Rights Duties and Corporate Responsibilities • Human Rights Principles of Participation, Accountability, Nondiscrimination and Equality, Transparency, Human Dignity, Empowerment and Rule of Law
	Turn Over of Facilities	<ul style="list-style-type: none"> • Normative Content of the Right to Water and Sanitation • Human Rights Duties and Corporate Responsibilities • Human Rights Principles of Empowerment, Accountability, Nondiscrimination and Equality, Transparency, and Rule of Law
	Management of Water System	<ul style="list-style-type: none"> • Normative Content of the Right to Water and Sanitation • Human Rights Duties and Corporate Responsibilities • Human Rights Principles of Participation, Accountability, Nondiscrimination and Equality, Transparency, Human Dignity, Empowerment and Rule of Law
Localization, Sustenance and Pull-Out Activities	Formal Linkages, Networking, Advocacy	<ul style="list-style-type: none"> • Obligations of Conduct and of Result Related to, and Arising from, the Right to Water and Sanitation • Human Rights Duties and Corporate Responsibilities • Human Rights Principles of Participation, Accountability, Nondiscrimination and Equality, Transparency, Human Dignity, Empowerment and Rule of Law
	Community Management	<ul style="list-style-type: none"> • Normative Content of the Right to Water and Sanitation • Obligations of Conduct and of Result Related to, and Arising from, the Right to Water and Sanitation • Human Rights Duties and Corporate Responsibilities • Human Rights Principles of Participation, Accountability, Nondiscrimination and Equality, Transparency, Human Dignity, Empowerment and Rule of Law

Human Rights Based BWSAs

Human rights require community organizers to form and create BWSAs that promote the realization of the right to water and sanitation, and are consistent with human rights norms, standards and principles.

Republic Act 6716, *An Act Providing for the Construction of Water Wells, Rainwater Collectors, Development of Springs and Rehabilitation of Existing Water Wells in all*

Barangays in the Philippines requires the formation and organization of a BWSA in every barangay to operate and maintain the water facilities that should be constructed by the Department of Public Works and Highways (DPWH). The law "promote(s) the quality of life of every Filipino through the provision of adequate social service including, but not limited to, the provision of adequate potable water supply made conveniently available to every barangay in the country."⁴ The law requires DPWH to construct water wells and rainwater collectors, develop springs and rehabilitate all existing water wells in all barangays of the country in order to ensure that "each barangay in the country shall have at least one additional potable water source."

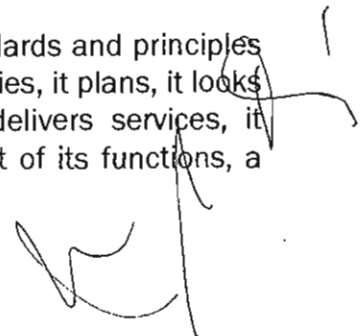
Under the law, a BWSA must be composed of member-consumers and must be registered with the corresponding municipal or city council. The law, however, makes it clear that residents who are not members of BWSA may use the water facility under the same terms and conditions as BWSA member-consumers. The law authorizes the BWSA to administer, operate and maintain the water facility, and to impose **necessary minimal charges** to maintain the water facility and cover normal repairs.

A human rights based BWSA treats water and sanitation as a human right, not merely as economic goods. It consciously integrates the normative elements of the right to water and sanitation (availability, physical accessibility, economic accessibility, information accessibility, quality and acceptability). It highlights obligations related to—and arising from—the right to water and sanitation, paying special attention to the nature of obligations of conduct and result (obligations to respect, protect, fulfill-facilitate, fulfill-promote and fulfill-provide) and to the levels of obligations (core obligations, obligation of progressive realization, nondiscrimination and equality).

A human rights based BWSA pays special attention to those most vulnerable, especially those without access to water and sanitation, taking into account their socio-economic and other status and vulnerability to water and sanitation related disease. It respects the rights of indigenous peoples to their lands, territories and resources (including traditional water sources), to conserve and protect the environment, to the productive capacity of their lands, territories and resources, to determine and develop priorities and strategies for the development or use of their lands, territories and resources and customary and indigenous systems of water use, access, control and management.

A human rights based BWSA address power imbalances in water supply, provision and access; it addresses climate change, prevents and addresses corruption, and always acts in ways consistent with the human rights PANTHER principles.

A human rights based BWSA is guided by human rights norms, standards and principles as it performs its many functions: it formulates and implements policies, it plans, it looks for and manages financial resources (including investments), it delivers services, it disseminates information and it monitors and follows-up. In pursuit of its functions, a human rights based BWSA may be guided by the following:



⁴ Section 1, RA 6716.

Provide incentives to member-consumers to assist them to realize their right to water and sanitation.

Design, adopt and implement targeted transparent subsidies and social assistance schemes (e.g., *paluwagan*) to assist those most vulnerable among member-consumers, and within the community, to enjoy their right to water and sanitation.

Adopt a disconnection policy that ensures that no one is deprived of the minimum essential amount of water or of minimum access to basic sanitation services:

- Distinguish between inability and unwillingness to pay.
- Provide procedural protections (notice, reminder, hearing, consultation, etc.).
- Incorporate flexible payment plans and set grace periods for payment, including accepting late payments without additional penalties.

B. Planning To Realize the Right to Water and Sanitation

Develop the plan with the active involvement of claimholders, especially those most vulnerable (e.g., those deprived of water), and in accordance with the human rights PANTHER principles.

Base the plan on participatory gender assessment/assess implications on women and men, recognizing that women and men do not always have the same access to and control over resources, and the benefits, disadvantages and impacts may vary across the sexes.

Make sure that the plan:

- Promotes the realization of the right to water and sanitation by addressing all normative elements of the right to water and highlighting corresponding obligations and duties;
- Recognizes and addresses, as far as practicable, challenges that may impact on the realization of the right to water and sanitation;
- Complies with the existing Philippine human rights and legal framework, national regulatory processes and national water policies, plans and roadmaps;
- Clarifies the division of responsibilities between and among all actors and establishes effective coordination with national agencies and bodies, and other local government units, to ensure holistic, harmonized and integrated water and sanitation services;
- Defines specific, measurable, attainable and realistic objectives consistent with the right to water;
- Establishes accountability mechanisms to ensure implementation; and
- Identifies needed resources.

- ☑ Establish specific, measurable, and time-bound targets.
 - Set short, medium and long-term targets to address each normative element of the right to water.
 - Set short, medium and long-term targets to extend/expand water and sanitation services.
 - Set short, medium and long-term targets to eliminate pollutants with most significant health effects.

- ☑ Use accurate and timely quantitative and qualitative indicators in planning.
 - Collect disaggregated and up-to-date data on access to water and sanitation, quantity and quality of available water resources, and competing demands for water, and base plans, policies, programs and actions on disaggregated and up-to-date data.
 - Undertake thorough and participatory assessment of disaggregated data and information; compare the situations of individuals and groups against those similarly situated.
 - Use disaggregated and up-to-date data to identify causes of lack of access to water and sanitation and to measure the extent of enjoyment or non-enjoyment of the right to water and sanitation and compliance or non-compliance with obligations related to, and arising from, the right to water and sanitation.
 - Build disaggregated data collection capabilities.
 - Develop quantitative and qualitative indicators on the right to water and sanitation (for example, water physical accessibility may be measured in terms of water collection times).

- ☑ Recognize and address the impact of climate change on the availability of, and accessibility to, water.
 - Conduct risk assessments and prepare for extreme weather events and related humanitarian and relief operations.
 - Recognize that certain individuals and groups are disproportionately affected by climate change.
 - Develop and implement special measures to alleviate the disproportionate impact of climate change on individuals and groups.
 - In times of disaster, drought and/or water scarcity, distribute adequate and safe water supplies equitably and without discrimination.
 - In times of disaster, drought and/or water scarcity, ensure gender and cultural sensitivity and responsiveness in disaster relief and humanitarian activities.
 - In times of drought and/or water scarcity, consider and adopt temporary restrictions on the non-essential use of water beyond an acceptable threshold.
 - In times of emergencies and natural disasters, incorporate the provision of basic water and sanitation services, construct emergency water supply facilities, and provide adequate separate sanitation facilities for women and men in locales housing those affected by the emergency or disaster.

C. Human Rights Based Water and Sanitation Investment Programming, Revenue Administration, Budgeting and Expenditure Management

- Integrate the right to water and sanitation in investment policies.
 - Invest in services that give priority to those without basic access to water and sanitation/Invest in water systems and technology that ensure access to water for all.
 - Ensure that investments in water and sanitation do not disproportionately favor expensive water supply services and facilities accessible only to a small, privileged group.

- Prioritize water and sanitation in budgeting.
 - Carefully consider allocations of resources to ensure that sanitation receives as much priority as water.
 - When setting budget priorities, remember: *no human right may be prioritized over another on the ground of intrinsic merit; but human rights can be given priority at different stages of progressive realization on practical grounds, and, no human right can be deliberately allowed to suffer an absolute decline in its level of realization; it must maintain at least an initial level of realization.*⁹
 - Identify areas at greatest risk of contracting water related diseases and direct resources to those areas.
 - Prioritize allocations to provide and expand access to those without or with limited access to water and sanitation/Prioritize allocations towards the construction and maintenance of water and sanitation infrastructure and facilities for families living in poverty/Support the construction and start-up costs of small-scale water and sanitation facilities.
 - Dedicate adequate proportion of public resources and capacity to maintain and improve water and sanitation facilities/Incorporate cost and feasibility of repairing damaged water and sanitation infrastructure in the budget.

- Design, adopt and implement measures to prevent corruption in the provision of water and sanitation services, construction of water and sanitation facilities, bids, negotiations, contracts, service operation, etc. (*“different measures will be necessary for the various circumstances, where services may be operated by a public body, private company or community-based entity”*¹⁰).

D. Human Rights Based Water and Sanitation Service Delivery

- Deliver adequate quality of water and sanitation services at affordable cost and in ways that are consistent with human rights:
 - Do not deny anyone access to water and sanitation because of any of the prohibited grounds of discrimination.
 - Respect indigenous people's traditional water sources.

⁹ United Nations Office of the High Commissioner for Human Rights, Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies, 2002.

¹⁰ Centre on Housing Rights and Evictions, Manual on the Right to Water and Sanitation, 2008.

Monitor and follow-up:

- Service delivery performance and efficiency,
- Water extraction activities,
- Water quality,
- Wastewater and solid waste treatment and disposal,
- Water wastage, and
- Water pollution.

Support intra-household and intra-community water re-use/recycling.

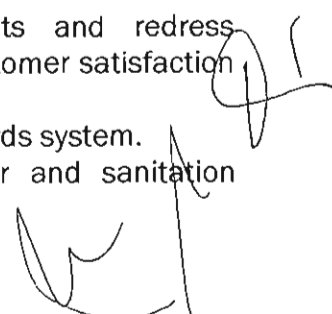
Conduct periodic water sampling and tests from water collected in households randomly selected.

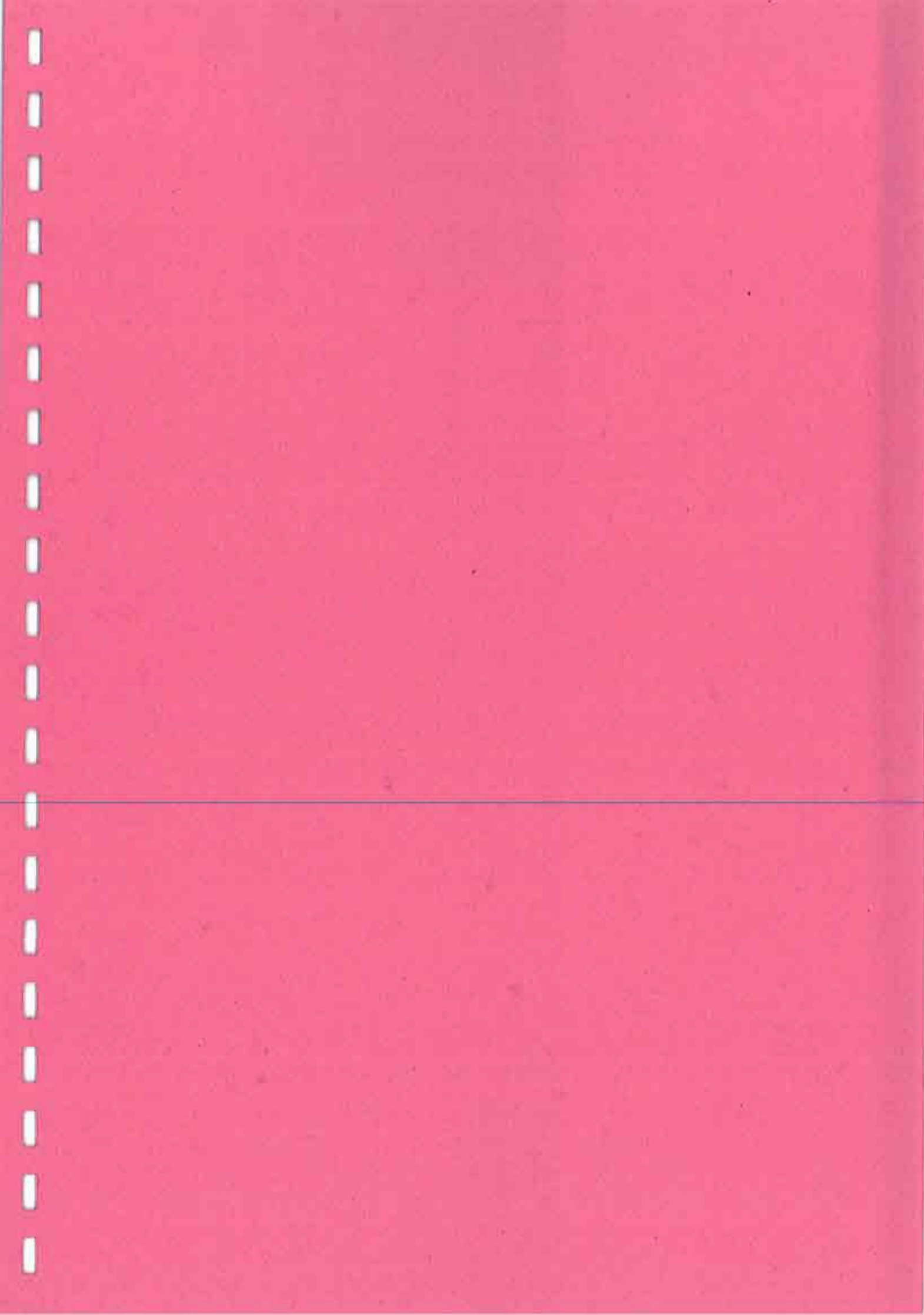
Minimize contamination of water resources.

Reduce water wastage/Place appropriate and necessary restrictions on water use beyond an acceptable consumption threshold.

Resolve all water-related conflicts with fairness and justice.

- Incorporate appropriate, accessible and fair complaints and redress mechanisms (e.g., provide complaints boxes, undertake customer satisfaction surveys, hold regular dialogues, etc.).
- Incorporate penalties (including fines for pollution) and rewards system.
- Incorporate mechanisms for continuing training of water and sanitation professionals.





Human Rights Based Approach to Local Water Governance: Guidelines for Human Rights Based Localized Customer Service Code¹

The *Guidelines for Human Rights Based Localized Customer Service Code* are based on the *Framework: Human Rights Based Approach to Local Water Governance*; the *Guidelines* must be read and interpreted in conjunction with the framework.

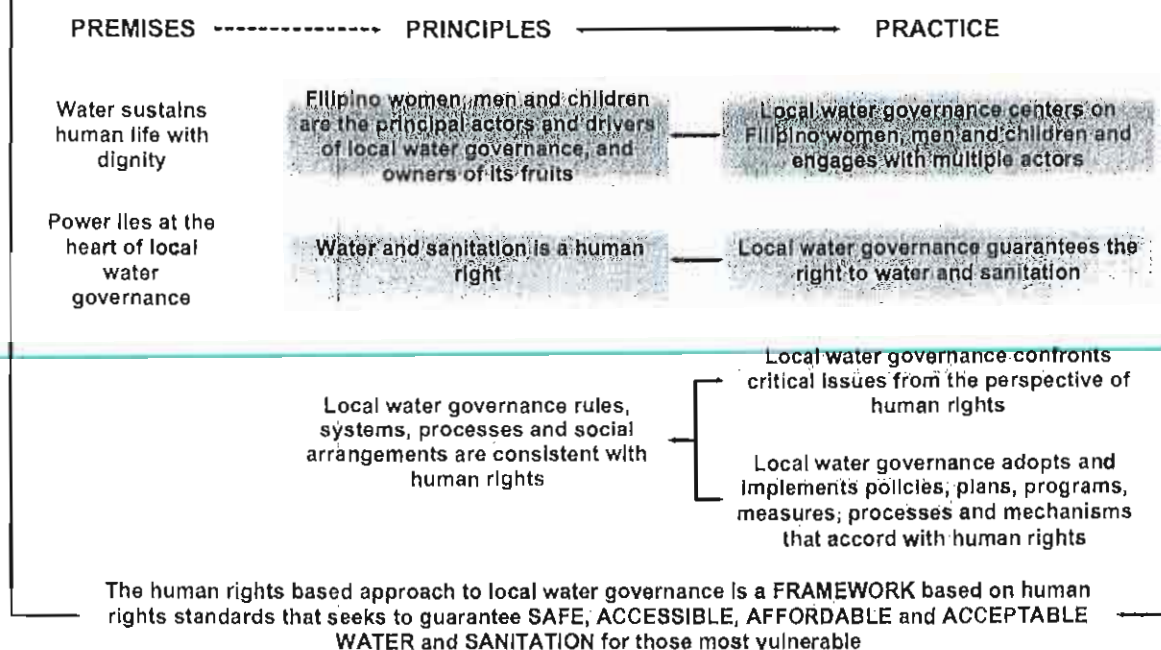
Human Rights Based Approach to Local Water Governance

The human rights based approach to local water governance is a framework based on human rights standards that seeks to guarantee safe, accessible, affordable and acceptable water and sanitation for those most vulnerable.

Human Rights Based Approach to Local Water Governance



Illustrations by Gibet Torres, 1983 and 2003



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Marla Socorro I. Diokno

The human rights based approach to local water governance recognizes that water sustains human life with dignity and that power lies at the heart of local water governance. Together these form the framework premises. From these premises arise three basic principles:

¹ Maria Socorro I. Diokno, 2011. Commissioned under PAS-IC-2011-030. 8 September 2011.

First, Filipino women, men and children are the principal actors and drivers of local water governance and owners of its fruits.

Second, water and sanitation is a human right.

Third, local water governance rules, systems, processes and social arrangements are consistent with human rights.

These principles guide local water governance in four dynamic ways:

- Local water governance centers on Filipino women, men and children and engages with multiple actors;
- Local water governance guarantees the right to water and sanitation;
- Local water governance confronts critical issues from the perspective of human rights; and
- Local water governance adopts and implements policies, plans, programs, measures, processes and mechanisms that accord with human rights.

Human Rights Based Localized Customer Service Code

The Localized Customer Service Code is a social contract among water users residing in a particular barangay/community. Its primary purpose is to promote the realization of the right of water user-members to water and sanitation by addressing the normative content of the right to water and sanitation, and by emphasizing the human rights responsibilities of water user-members and the human rights duties and corporate responsibilities of the barangay/community water users association.

As a social contract, the Localized Customer Service Code incorporates the human rights PANTHER principles in the **processes** by which it is formulated and developed and in its **contents**:

- ⇒ It incorporates the community's consensus arrived at through the active and meaningful involvement of water-user members themselves (*participation*);
- ⇒ It represents the responsibilities and commitments water user-members willingly undertake (*accountability*);
- ⇒ It applies to all water-user members regardless of sex, age, political opinion or belief, disability, and other prohibited grounds of discrimination (*nondiscrimination*);
- ⇒ It is written in simple language clearly understood and used by water-user members and includes measures that prevent and address corruption (*transparency*);
- ⇒ It respects the human rights of all, pays special attention to those most vulnerable especially those without access to water and sanitation, includes incentives and

special assistance measures for those most vulnerable, and addresses climate change (*human dignity*);

- ⇒ It is developed, written, owned and ratified by water user-members themselves and addresses power imbalances in water supply, provision and access (*empowerment*); and
- ⇒ It provides for fair and effective redress/complaints mechanisms and conflict resolution (*rule of law*).

Guidelines for Human Rights Based Localized Customer Service Code

These *Guidelines* apply human rights norms, standards and principles to the following sections of the Localized Customer Service Code: (a) vision, mission and goals/objectives; (b) membership; (c) service delivery; and (d) remedies.

I. **Vision, Mission and Goals/Objectives:** The vision, mission and goals/objectives are formulated and articulated by community/barangay water user-members themselves.

- 1.1. The *vision* is directly linked to the full realization of the right to water and sanitation, and is only achieved when all water user-members actually enjoy the right;
- 1.2. The *mission* represents the ways by which (a) water user-members responsibly exercise their right to water and sanitation and (b) the association itself, as a water service provider, exercises its human rights duties and corporate responsibilities;
- 1.3. The *objectives/goals* address the normative content of the right to water and sanitation.

II. **Membership:** Membership is open to all residents of the barangay; no resident should be denied membership on the basis of the prohibited grounds of discrimination.

2.1. *Rights of Members:* Members have the following rights guaranteed in accordance with the principles of equality and nondiscrimination:

2.1.1. **Right to Water and Sanitation²** is the right to sufficient, safe, acceptable, physically accessible and affordable water, water facilities and services for personal and domestic use, and includes adequate sanitation. The right to water and sanitation includes the:

² Articles 3 and 25, Universal Declaration of Human Rights; Articles 1.2, 11.1 and 12.1, International Covenant on Economic, Social and Cultural Rights; General Comment No. 15, "The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)," adopted by the United Nations Committee on Economic, Social and Cultural Rights at its twenty-ninth session, 2002, U N Doc. HRI/GEN/1/Rev.9 (Vol. I), 27 May 2008; Article 6, International Covenant on Civil and Political Rights; Article 14.2h, Convention on the Elimination of All Forms of Discrimination Against Women; Article 24.2c Convention on the Rights of the Child; Article 28, Convention on the Rights of Persons with Disabilities; Articles 20, 26, 29 and 46, Geneva Convention relative to the Treatment of Prisoners of War (1949); Articles 85, 89 and 127, Geneva Convention relative to the Treatment of Civilian Persons in Time of War (1949); Articles 54 and 55, Additional Protocol I to Geneva Conventions (1977); Articles 5 and 14, Additional Protocol II to Geneva Conventions (1977).

- 2.1.1.1. **Right “to determine what type of water and sanitation services they require and how those services should be managed and, where possible, to choose and manage their own services with assistance from the State;”³** and
- 2.1.1.2. **Right to information** or the right to seek, receive and impart information on water and sanitation issues.
- 2.1.2. **Right to Participate** is the right to take part in the conduct of public affairs⁴ as well as the right to take part in cultural life.⁵
- 2.1.3. **Right to Equal Access to Public Service⁶** is both the right to *opportunities to serve in public office* and the right to *access services provided by government*, without discrimination. The right to access services provided by government without discrimination ensures equal access and the same standard of public service to all. The right to equal access to public service is closely allied to the:
- 2.1.3.1. **Right to self-determination⁷** or the right to freely determine political status and freely pursue economic, social and cultural development, which recognizes the principle that people’s interests are paramount, and includes the obligations to take into account people’s aspirations, develop independent public institutions, promote people’s well-being and advancement and promote human rights for all; and
- 2.1.3.2. **Right to nationality**, which prohibits the denial or deprivation of nationality as a means to deny or deprive anyone of her/his human rights.
- 2.1.4. **Freedom of Opinion and Expression⁸** is the right to hold opinions without interference and the right to seek, receive and impart information

³ El Hadji Guissé, Realization of the right to drinking water and sanitation: Report of the Special Rapporteur, El Hadji Guissé, UN Doc. E/CN.4/Sub.2/2005/25, 11 July 2005.

⁴ Article 21, UDHR; Article 25, ICCPR; Articles 7(b), 7(c), 14(2)(a), Article 14(2)(f), CEDAW; Article 5(c), CERD; Articles 3(c), 26 and 29, CPD; Articles 41(1) and 42(2) CMW; Articles 1, 2(3) and 8(2), Declaration on the Right to Development; Articles 5, 15 and 18, Declaration on the Rights of Indigenous Peoples; Paragraphs 7 and 8, Draft Guiding Principles “Extreme poverty and human rights: the rights of the poor.”

⁵ Article 27, para. 1, UDHR; Article 8, Declaration on the Right to Development; Articles 17, 18, 19, 21 and 22, ICCPR; Article 15, ICESCR; General Comment No. 21, “Right of Everyone to Take Part in Cultural Life (art. 15, para. 1(a) of the International Covenant on Economic, Social and Cultural Rights),” adopted by the United Nations Committee on Economic, Social and Cultural Rights at its forty-third session, 2009, U N Doc. E/C.12/GC/21; Article 5 (e) (vi), CERD; Article 13 (c), CEDAW; Article 31, para. 2, CRC; Article 30, para. 1, CPD; Articles 43, para. 1(g), CMW.

⁶ Article 21, UDHR; Article 8, Declaration on the Right to Development; Article 25, ICCPR; Article 6, 7, 9, 10, 11, 12, and 13, ICESCR; Article 5 (c), CERD; Article 7, 8, 10, 11, 12, 13, and 14 CEDAW; Articles 23, 24, 26, 27, and 28, CRC; Articles 5, 6, 7, 9, 19, 20, 21, 24, 25, 25, 27, 28, 29 and 30 CPD; Articles 43 and 45, CMW.

⁷ Common Article 1, ICESCR and ICCPR; Article 1(2), Declaration on the Right to Development.

⁸ Article 19, Universal Declaration of Human Rights; Article 19, International Covenant on Civil and Political Rights; Article 6.1, Declaration on the Right to Development; Article 5d.viii, International Convention on the Elimination of All Forms of Racial Discrimination; Article 3, Convention on the Elimination of All Forms of

and ideas through any media, either orally, in writing or in print, in the form of art, or through any media.

2.1.5. **Right to Peaceful Assembly and Association** is the right to engage in concerted and peaceful actions and the right to get together with others for a common cause, without interference. The right to association includes the right to form and join organizations and associations concerned with political, social, economic, cultural and public affairs. The right to peaceful assembly and association is not absolute; it may be restricted or limited by law under certain reasonable conditions to protect national security, public safety, public order, public health, public morals or the rights and freedoms of others.

2.1.6. **Right of Reparation** is the right to seek redress for a violation of a right.

2.2. *Responsibilities of Members:* Members exercise their rights responsibly, by, among others:

2.2.1. Paying, in cash or in kind, for water and sanitation services, subject to equitable and affordable rates and charges;

2.2.2. Conserving water;

2.2.3. Protecting water resources;

2.2.4. Assisting individuals and families living in poverty to secure water and sanitation;

2.2.5. Monitoring the supply and provision of water and sanitation services;

2.2.6. Constructing household toilets that comply with health and sanitation standards;

2.2.7. Actively engaging in the management and operation of water and sanitation services and facilities; and

2.2.8. Using public water and toilet facilities responsibly and hygienically.

III. **Service Delivery:** Water and sanitation services are delivered in ways consistent with the right to water and sanitation and in a socially responsible manner.

3.1. *Provision, Level, Type and Coverage of Water Supply Services:* Sufficient, continuous, safe, acceptable, and physically accessible water is supplied at an affordable cost to each person in the barangay without discrimination, for her/his personal and domestic use.

Discrimination Against Women; Articles 12 and 13, Convention on the Rights of the Child; Article 13, International Convention on the Rights of All Migrant Workers and Members of their Families, and Article 21, Convention on the Rights of Persons with Disabilities.

- 3.1.1. Service delivery standards are set and complied with and all applicable water and sanitation policies, regulations, targets and benchmarks are strictly followed.
- 3.1.2. Security and safety concerns along the path to and fro water supply and sanitation facilities are addressed.
- 3.1.3. Pollution of water resources is controlled.
- 3.1.4. Water user-members and residents are immediately informed of any significant risks to the water supply.
- 3.1.5. Environmentally sound waste disposal is assured, proper connections for the disposal of solid waste are constructed, and wastewater and solid waste are transported to locations away from where residents live.
- 3.1.6. Water conservation measures are incorporated and implemented.
- 3.1.7. Any damage to water and sanitation facilities is immediately repaired and leakages are immediately identified and fixed.
- 3.2. *Water Tariff:* Necessary minimal charges⁹ or water tariffs are fair and affordable and ensure that the price of water and sanitation does not reduce a person's ability to buy other essential goods implicit in human rights.
 - 3.2.1. Water tariffs integrate an individual's/household's ability to pay as well as direct and indirect costs of water and sanitation.
 - 3.2.2. Water tariffs include other forms of payment and flexible payment terms.
- 3.3. *Incentives and Subsidies:* Transparent, targeted, responsive and effective Incentives and subsidies or social assistance schemes are provided to assist water user-members, especially those most vulnerable, to realize their right to water and sanitation.
- 3.4. *Disconnection:* The disconnection policy ensures that no one is deprived of the minimum essential amount of water or of minimum access to basic sanitation services.
 - 3.4.1. The disconnection policy distinguishes inability from unwillingness to pay.
 - 3.4.2. The disconnection policy includes procedural protections (notice, reminder, hearing, consultation, etc.).
 - 3.4.3. The disconnection policy incorporates flexible payment plans, sets grace periods for payment, and includes mechanisms accepting late payments without additional penalties.

⁹ Republic Act 6716, *An Act Providing for the Construction of Water Wells, Rainwater Collectors, Development of Springs and Rehabilitation of Existing Water Wells in all Barangays*, allows the setting of water charges or tariffs that are "necessary" and "minimal."

3.5. *Financial Management/Billing and Collection*: The management of the barangay water users association's finances is transparent and includes effective measures to prevent corruption.

3.5.1. Strict financial controls are in place.

3.5.2. Responsibilities and accountabilities of financial officers are clearly identified.

3.5.3. Water user-members exercise effective oversight functions.

3.6. *Information Dissemination*: Full and transparent information on human rights, the right to water and sanitation, and on water, sanitation and the environment is widely shared to all water user-members and residents to enable them to claim and responsibly exercise their rights.

3.6.1. Information emphasizes the benefits derived from water from high-quality sources and from adequate sanitation facilities.

3.6.2. Information stresses the need to conserve water, avoid water wastage and protect water resources from pollution.

3.6.3. Good hygiene is promoted.

IV. **Remedies**: Appropriate, accessible and fair complaints and redress mechanisms are put into place.

4.1. *Complaints, Dispute Settlement and Resolution*: All water-related conflicts are resolved with fairness and justice.

4.1.1. A penalty (including fines for pollution) and rewards system is adopted and incorporated.

4.2. *Monitoring and Follow-up*: Transparent, participatory and accountable monitoring mechanisms are incorporated to monitor and follow-up:

4.2.1. The level of enjoyment by water user-members and residents of their right to water and sanitation;

4.2.2. Service delivery performance and efficiency,

4.2.3. Water extraction activities, to avoid over-extraction or water extraction conducted in environmentally unsustainable ways,

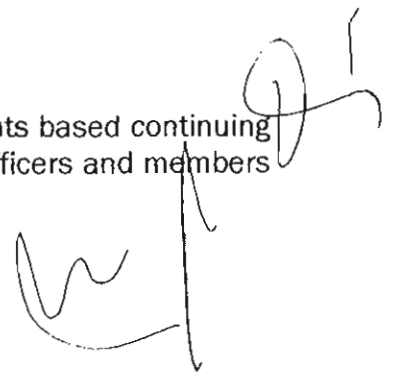
4.2.4. Water quality, including the conduct of periodic water sampling and testing,

4.2.5. Wastewater and solid waste treatment and disposal,

4.2.6. Water wastage, including support for intra-household and intra-community water re-use/recycling, and

4.2.7. Water pollution.

4.3. *Continuing Capacity Development:* Mechanisms for human rights based continuing capacity development of water and sanitation professionals, officers and members of the barangay water users association are included.

Handwritten signature or initials in black ink, consisting of a large, stylized 'W' and 'S' followed by a vertical line and a flourish.

