

Annex I – Cross cutting principles of the rights to water and sanitation

Non- discrimination and Equality	<ul style="list-style-type: none"> - Individuals belonging to certain groups must be protected against discrimination. This requires, with the help of different actors, identifying who they are and why they suffer discrimination in their access to water and sanitation services (disaggregated data). People may be exposed to discrimination directly or indirectly, through laws and/or social behavior. Once the discriminated groups have been identified, concrete measures can be taken to eliminate discrimination and enable them to enjoy services normally. - Monitoring and evaluation methods that measure the fulfillment of these human rights should reflect the existence of gaps between different groups and how inequalities between discriminated groups and the general population are reduced in their access to these services (also including geographical areas, such as rural/urban; formal urban/informal urban). Therefore, adequate indicators and funding should be adopted to fulfill with this responsibility and in alignment with the SDG 2030 Agenda.
Access to information and Transparency	<ul style="list-style-type: none"> - Right-holders will only be able to participate efficiently in the processes and issues that concern them in the WASH sector as long as they have information about them sufficiently in advance. It is equally important that the format is understandable and accessible to all people, even those who cannot read. Furthermore, they must know the content and implications of these rights and know how to demand them. - To ensure transparency, information must be publicly accessible on the own initiative of those responsible, and not through a request or complaint. Likewise, the formats must be appropriate for everyone. The information must be complete and not omit any important issue. - The following processes in the sector are identified for which access to information and transparency must be guaranteed (non-exhaustive list): <ol style="list-style-type: none"> 1. the processes of elaboration and/or review of specific laws, policies or regulations, 2. budget development processes, finances, and calculation/fixing of tariffs and subsidies, 3. the processes of provision and/or delegation of water and sanitation services; information related to bidding, bids and contracts, and similar, 4. the processes that seek to promote large-scale projects for other uses than other than personal and domestic (industrial, agricultural, livestock, tourist), 5. the processes of interruption of water services, especially those derived from the lack of payment capacity, 6. the monitoring and evaluation processes for the fulfillment of the human rights to water and sanitation, and those who, without being exclusively of human rights, are related to them.
Participation	<ul style="list-style-type: none"> - Mere informative consultation does not comply with this principle. Rights holders are involved in all processes and issues that concern them in relation with the human rights to water and sanitation. They can even encourage processes to recognize these rights in national legislation. - In order for their participation to be active, free and meaningful, the following issues should be taken into account: <ol style="list-style-type: none"> 1) ensuring that the contributions of right-holders can inform the content of the participation standards, such as, the specification of appropriate places to meet, the channels of convocation and diffusion, and the most convenient schedules to ensure the participation of all vulnerable groups

	<p>2) ensuring that the processes are inclusive by incorporating codes of conduct and prevent them from being monopolized by interest groups, coercion, or any type of influence; promoting meetings by groups when necessary, and ensure that they are inclusive,</p> <p>3) adopting measures to enable people to be prepared and able to influence the final outcome,</p> <p>4) taking measures to ensure that the responsible authorities are prepared to guarantee participatory processes adequately. They should respect the issue of time so that the process is genuine. Also, they should explain the reasons when some of the population's contributions are not taken into account, and</p> <p>5) ensuring the financing of the costs of participation. This includes the processes themselves and the associated measures identified.</p>
<p>Accountability</p>	<ul style="list-style-type: none"> - One of the great attributes is the right of people to demand that those responsible effectively guarantee them. To do this, laws and policies must clearly define them and their responsibilities (who is responsible, and for what part: quality, affordability, etc.). - People should be able to monitor how rights are being realized (monitoring and evaluation processes, and at different levels of decentralization). This will be possible when people are able to monitor the work carried out by the supervisory/control bodies, and to monitor their own performance. This will be possible when people become aware of the work carried out by the supervisory/control bodies, and with their express participation. The most common in the sector are the national statistics institutions (updating data) and the regulatory and/or control bodies (monitoring the performance of providers and institutional regulations). - In those countries where national human rights institutions exist, they usually coordinate with regulatory and/or oversight bodies in monitoring how the government complies with its human rights obligations, including following up on specific complaints and ensuring redress. When State institutions and/or service providers fail to comply with their duties, oversight and/or control agencies should have the authority to enforce compliance through the courts. At the same time, when people observe that their rights are not being respected or have been violated, they may resort to justice, through informal (complaint mechanisms) and/or formal (courts) channels, as this is a basic obligation of these rights. The effectiveness of grievance mechanisms may well avoid the formal judicial route. The international route may also be used, although in any case, domestic primacy applies. All justice mechanisms should be accessible, affordable, timely and effective. <p>In order to measure the progressive reduction of the inequalities of persons discriminated against with respect to the rest of the general population, it is necessary that disaggregated data (see principle of non-discrimination and equality) be cross-referenced with those concerning the level of service in terms of human rights (normative criteria). The role of national statistical institutions, or another independent body identified at the national level, could ensure this issue with the close collaboration of the actors involved in the sector. This would form a database to inform the adoption of measures in the realization of these rights for all of them.</p>
<p>Sustainability</p>	<ul style="list-style-type: none"> - Services must be available to present and future generations. Their provision in the present should in no way compromise the ability of future generations to realize their own human rights. To this end, it is important to

respect **environmental sustainability**, avoiding water pollution, over-abstraction, and taking into account the effects of natural disasters and **climate change** (resilience and climate change adaptation plans). The same applies to the behavior of individuals, who must also adopt responsible conduct at all times: proper use of facilities, rational use of water, protection of water sources, cleanliness of facilities, connection to services, payment for services, and other measures aimed at guaranteeing these rights over time.

- While it is true that the first priority is to ensure that the entire population has access to these services, interventions must also be directed at their **operation and maintenance** (management of physical assets), since otherwise we will be allowing people who have these services to stop enjoying them (retrogression) or to do so in conditions below the minimum requirements. Therefore, it is very important to develop **progressive implementation plans that include all the objectives** (and their respective measures) to be met in the short, medium and long term, with clear indicators to measure them, and with measures to ensure their financing, all in line with the criteria and principles of the HRTWS.
- In any case, measures must also be adopted to ensure the **provider's financial sufficiency in the long term**, and therefore have an efficient and cost-recovery vision, while respecting the affordability criterion, as indicated above.
- Likewise, the use of **appropriate technology** is key in this process, taking into account the costs and the very different contexts of the different areas