

## TC Document

### I. Basic Information for TC

▪ Country/Region:	REGIONAL
▪ TC Name:	Addressing the Inequalities in Water and Sanitation Services through a Human Rights Approach
▪ TC Number:	RG-T3549
▪ Team Leader/Members:	Navia Diaz, Maria Del Rosario (INE/WSA) Team Leader; Machado, Kleber B. (INE/WSA) Alternate Team Leader; Bedoya Del Olmo, Celia (INE/WSA); Gonzalez Medina, Francisco De Asis (INE/WSA); Larrea Castelo, Sisi Alexandra (INE/INE); Lopez, Liliana M. (INE/WSA); Negret Garrido, Cesar Andres (LEG/SGO); Nunez Zelaya, Anamaria (KIC/DCC)
▪ Taxonomy:	Research and Dissemination
▪ Operation Supported by the TC:	.
▪ Date of TC Abstract authorization:	22 Aug 2019.
▪ Beneficiary:	Member Countries of Latin America and the Caribbean (sector entities of LAC and partner organizations.
▪ Executing Agency and contact name:	Inter-American Development Bank
▪ Donors providing funding:	Multidonor AquaFund(MAF)
▪ IDB Funding Requested:	US\$475,500.00
▪ Local counterpart funding, if any:	US\$0
▪ Disbursement period (which includes Execution period):	30 months for execution 36 months for disbursements
▪ Required start date:	November 1st, 2019
▪ Types of consultants:	Firms, Individuals and non-consultancy services
▪ Prepared by Unit:	INE/WSA-Water & Sanitation
▪ Unit of Disbursement Responsibility:	INE-Infrastructure and Energy Sector
▪ TC included in Country Strategy (y/n):	N/A
▪ TC included in CPD (y/n):	N/A
▪ Alignment to the Update to the Institutional Strategy 2010-2020:	Social inclusion and equality; Institutional capacity and rule of law; Gender equality

### II. Objectives and Justification

- II.1 Following intense negotiations, 122 countries formally acknowledged "the Human Right to Water and Sanitation" in General Assembly Resolution 64/292 on 28 July 2010. This resolution recognized the right of every human being to have access to enough water for personal and domestic uses, which must be safe, acceptable and affordable, and physically accessible. The United Nations General Assembly declared that clean drinking water is "essential to the full enjoyment of life and all other human rights". In September 2010, the UN Human Rights Council adopted a resolution recognizing that the human right to water and sanitation forms part of the right to an adequate standard of living.
- II.2 The mandate of Catarina de Albuquerque as "Independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation" was extended and renamed as "Special Rapporteur on the human right to safe drinking water and sanitation" after the resolutions in 2010. Through her reports to the Human Rights Council and the UN General Assembly, she continued clarifying the scope and content of the human right to water and sanitation. As Special Rapporteur, she addressed issues such as: Human Rights Obligations Related to Non-State Service

Provision in Water and Sanitation (2010); Financing for the Realization of the Rights to Water and Sanitation (2011); Wastewater management in the realization of the rights to water and sanitation (2013); and Sustainability and non-retrogression in the realization of the rights to water and sanitation (2013).

- II.3 The most recent General Assembly Resolution 7/169 of 2015 has been called a declaration of "The Human Rights to Safe Drinking Water and Sanitation. It recognized the distinction between the right to water and the right to sanitation. This decision was made due to concern about the right to sanitation being overlooked when compared to the right to water.
- II.4 In addition, the regulatory framework in the region has developed remarkably during this century so that the human right to water is explicitly recognized in the Constitutions of Bolivia, Ecuador, Honduras, Mexico, Nicaragua, Peru, Dominican Republic and Uruguay. The recognition in the legislation and policies has also taken place in Guatemala (National Policy of the Drinking Water and Sanitation Sector, 2013), Panama (National Plan for Integrated Management of Water Resources, 2010), Paraguay (Water Resources Law No. 3239 of 2007) and Venezuela (Water Law, 2007). In Chile and Brazil, although there is no explicit recognition of the human rights to water and sanitation in their respective laws, the criteria related to accessibility and affordability in their tariff policies are partially developed, in the case of Chile; and in Brazil, with participation, equity, sustainability and universality as basic principles of the National Basic Sanitation Plan.
- II.5 In 2015, the 2030 agenda and its water and sanitation goal (SDG6) builds on the human rights to water and sanitation (HRWS) approach. In September 2016, United Nations Member States committed themselves to ensuring access to safe drinking water and to sanitation in Goal 6 of the 2030 Agenda for Sustainable Development (SDG 6). They explicitly reaffirmed their commitment to the human right to water and sanitation in paragraph 7 of the Agenda's declaration.
- II.6 Léo Heller was appointed in 2014 to be the second Special Rapporteur on the human rights to safe drinking water and sanitation. His work has had a focus on the implementation of the human rights approach and has focused his assignment on the issues of private sector participation; public spaces; mega-projects; forcibly displaced persons; accountability; service regulation; gender equality; development cooperation; service levels and affordability.
- II.7 The Bank has been promoting a line of work to support governments and sector entities in the region committed to the progressive realization of SDG6 and its human rights approach. Through previous work with the TC RG-T2642 "Water and Sanitation as a Human Right, practical application in LAC", the Bank has developed an introductory manual to clarify the HRWS approach and demystify the myths surrounding the approach, such as the obligation for water to be free or provided by the state, which are not included in the HRWS. With funding from this TC, a second manual has been produced identifying good practices in the LAC region to advance the principles and criteria of the HRWS – accessibility, availability, quality, acceptability, dignity and privacy, and affordability jointly with the more general principles common to all human rights of nondiscrimination and equity, access to information and transparency, participation, accountability and sustainability. This second manual describes around 50 practices in LAC advancing one or several of these principles. The audience of this manual are technical staff of sector entities

(utilities, regulators, etc.) that are responsible for implementing the HRWS approach as endorsed in its countries and in line with the SDG agenda.

- II.8 In addition, a network with key organizations such as the International Water Association, the Stockholm Water Institute, the Spanish Development Agency and the Swiss Government, has been created around this HRWS work, and dissemination of the work has taken place in regional and global events such as LatinoSan or the World Water Week. This group of organizations have formed part of the peer review of the manuals produced by the Bank funded by the TC RG-T2642. In addition, there are synergies with these entities for complementing the work, such as:
  - II.8.1 With the Spanish Agency for Development and Cooperation (AECID), as one of the main partners of the Bank's Water and Sanitation Division, through the Spanish Water and Sanitation Fund (FCASALC). The FCASALC has as one of its objectives helping to advance the HRWS. AECID has developed several tools to assess if programs have a HRWS approach. The manuals produced can provide the context needed for executors to understand the HRWS and be inspired on how they can integrate the approach in their programs.
  - II.8.2 The International Water Association (IWA) has developed a manual on the implementation of the HRWS approach for utilities, that complements the manuals produced by the Bank. In addition, work to clarify the roles and responsibilities of regulators to advance a HRWS has also been advanced by IWA, which will be an input for the Bank's work on regulation and human rights.
- II.9 Based on the manuals and work developed under RG-T2642, this background guidelines developed to clarify and inspire governments and sector entities in LAC for advancing the implementation of the HRWS, and on the network of key actors developed by this previous work, the Bank has identified key issues to develop further for which the Bank will provide more added value. These strategic lines are aligned with the key issues identified by the Special Rapporteur. In addition, they have a focus on decreasing the inequalities on access to services in LAC. The Bank has identified the following strategic issues to be developed further conceptually and through pilot implementation: sanitation in public spaces; HRWS indicators to increase accountability and monitor inequities; service regulation; affordability with a focus on sustainability of utilities; gender equality through hygiene. All these lines are key issues identified by the Rapporteur. In addition, the Bank intends to work on capacity development integrating a rational use of water and in accessibility for the most vulnerable, such as people with disabilities and the eldest.
- II.10 The work done with funding of the TC RG-T2642 had a focus on elaborating manuals to clarify the HRWS approach to those governments that have endorsed it in their normative and want to advance it as part of their responsibilities towards the new 2030 agenda. With these manuals finalized, the Bank will provide concrete input and guidelines in selected key issues that help advance some of the criteria and principles of the HRWS approach, facilitating its implementation. For doing so, the Bank will develop a mix of case studies and pilots which will result on guidelines for each of the key specific issues selected. With support of the previous TC RG-T2642, a deeper analysis and research have been done in the key issues of sanitation in public spaces, service regulation and affordability, identifying partners for developing these key issues and defining pilots. The TC RG-T2642 will end during 2019, and additional work is needed to complete some of the started research in selected key issues, open the new identified lines and implement the remaining pilots. The final objective of all these

key issues is to elaborate guidelines in each of them so that they can serve the governments of LAC to decrease the inequalities in access to water and sanitation services, through a HRWS approach and achieving the SDGs.

- II.11 In addition, dissemination and capacity building to expand the outreach of the elaborated manuals previously developed and briefs elaborated by this TC is required.
- II.12 The objective of this TC is to advance the human rights to water and sanitation agenda, with a focus on decreasing inequalities in access to water and sanitation services in Latin America and the Caribbean to the most vulnerable populations.
- II.13 The TC is consistent with the Update to the Institutional Strategy (UIS) 2020-2023 (AB-3190-2) since this TC seeks to decrease the inequality in access to water and sanitation services and performs research and implement pilots in key issues for unequal services and with a focus on the most vulnerable, such as population working in the streets of urban areas, women, the elderly and population living with disabilities, and so on. It aligns with the priorities institutional capacity and rule of law and social inclusion and equality by (i) piloting actions that promote universal and sustainable access to water and sanitation services, with strong emphasis for vulnerable populations and (ii) by promoting knowledge exchange on innovative practices. Furthermore, the TC aligns with the cross-cutting areas of gender equality, diversity and inclusion, by integrating gender in all the actions considered, and directing specific research on gender inequality with a focus on hygiene.
- II.14 In addition, the TC is aligned with the strategy "Sustainable Infrastructure for Competitiveness and Inclusive Growth" in the priority areas for action of "Promote access to infrastructure services," "Promote continuous improvements in infrastructure governance," and "Support the construction and maintenance of infrastructure environmentally and socially sustainable."
- II.15 Additionally, this operation, financed with resources from the Multidonor AquaFund (MAF, GN-2487), is aligned with the document GN-2487 Proposal for the establishment of the AquaFund, specifically, with section VII X by Support for the development of innovative approaches, methodologies and practices that have a potential for replication or scaling-up in a country or sub-region. The HRWS is also a priority for key partners of the MAF, including the Spanish Agency for Development and Cooperation (AECID) and the Swiss Agency for International Development (SDC).

### **III. Description of activities/components and budget**

- III.1 **Component 1: Advancing strategic lines for the implementation of the HRWS approach (US\$194,500).** This component will finance a series of activities to document and assess a set of strategic lines defined as priority areas for the Bank, to support governments in advancing the principles and criteria of the HRWS and achieving the SDGs, by decreasing the inequalities in service provision and ensuring services are affordable to all and eliminate open defecation, in line with the 2030 agenda<sup>1</sup>. The identified strategic lines to dig deeper are:
  - III.1.1 Public spaces and water and sanitation services beyond the household. With a focus on the provision of public toilets in cities for those most vulnerable, such as homeless population and people working in the streets. This issue is

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<sup>1</sup>Intellectual property rights of all products developed under this TC and specifically under this component will be the property of the Bank.

under study in coordination with the Stockholm Environment Institute (SIWI) and will comprise the elaboration of case studies in a country with programs for public toilets in cities, and the documentation of the sanitation services used by people in transit in a city of LAC, in order to understand better the challenges and impact on vulnerable populations of the lack of public toilets. During the first phase financed by the TC RG-T2642, the framework for the case studies and the identification of good practices in two cities of Europe has been completed. Through this TC, field work will be done in a selected city of LAC to assess the sanitation services used by population in transit in cities. The criteria for selection of the city will include the socio-economic status, sanitation coverage, availability of information regarding sanitation policies and interest from sector entities in the selected issue.

- III.1.2 How a minimum of water to cover the most basic water needs can be ensured to all by water utilities. With a special focus on the poorest and most vulnerable populations without hindering the sustainability of providers, several water utilities in LAC provide an amount of water for free to the most vulnerable populations. Through this TC, research will be done in documenting and analyzing experiences from utilities, local and national governments in which a subsidy of this nature has been put into place, with the aim of providing a guideline to other utilities or governments that may be interested in implementing such an action to make water affordable to those most in need.
- III.1.3 Strengthening regulatory aspects for including the HRWS approach. Regulators are key and have a central role in ensuring the achievement of the SDGs and the HRWS. The HRWS is commonly included at a high level in the constitution of the countries or in any other high-level legal document. However, there is a need to develop normative to ensure the fulfilment of this right at a technical level. Through this TC, an exploratory study will be done on the engagement of regulators in the HRWS in the region. This work started with support of the previous TC RG-T2642, in collaboration with the International Water Association (IWA), and through this TC it will be continued to identify key actions a regulator can do and its role when talking about HRWS and the SDG agenda.
- III.1.4 The definition of indicators in national plans to include the HRWS approach. Monitoring progress towards the SDGs is a daunting task for LAC governments. The 2030 agenda also acknowledges the HRWS. Governments, when developing their national investment plans, can include indicators to monitor progress against the criteria and principles included in the HRWS, most of them included in the SDG Goal 6. This TC will support the conceptualization of this work, which will be put forward directly by supporting a government of the region in including indicators in its national plans, as one of the pilots to be designed by this TC. The country will be selected based on interest shown during the development of the work, through a survey.
- III.1.5 Accessibility of water and sanitation facilities for those most vulnerable, such as people living with disabilities, the elderly and children. In many cases, and mostly related to sanitation, systems can be designed so that access to the facilities by people with disabilities, the eldest and children, is impaired. This is the case of onsite sanitation for areas prone to flooding, where systems are usually elevated. Through this TC, technical studies will be done to provide guidelines on how to adapt and ensure facilities are designed so that access for the disabled, the elderly and children is ensured.

- III.1.6 Gender. Gender is at the core of the HRWS. Though this TC specific studies on how to mainstream gender in hygiene will be performed, to ensure the criteria of privacy and safety of services included in the HRWS.
- III.2 Each strategic line will be advanced by analyzing case studies happening in the region providing inputs to governments, water utilities and sector entities interested in applying similar actions.
- III.3 **Component 2: Implementation of pilot projects (US\$160,000).** This component includes activities for conducting pilot projects in selected countries to put into place initiatives in the previous defined strategic lines<sup>2</sup>. The pilot projects would consist of technical assistance to the governments, water utilities and sector entities demanding them to put into place actions to advance some of the key issues identified and described in 3.1.
- III.4 Out of the six key issues developed, it is foreseen at least four pilots can be designed. For doing so, demand will be identified among governments and sector entities, when the working papers of the key issues are presented and disseminated through the network of key organizations mentioned in 2.8 and workshops mentioned in 3.9. The criteria for selection will depend on the specific issue to be tested. As an example, for public toilets, the criteria is being defined as the socio economic status of the country and the selected city; the coverage on sanitation; the presence of policies regarding public toilets; the interest of the sector entities involved in public toilets; the availability of information and the potential access to key informants and focus groups.
- III.5 This component includes the design and implementation of the pilots. Pilots will consist on providing technical assistance to the governments or authorities responsible for the key issue, in order to put into place actions that can advance, improve or start the selected key issue. For example, supporting a city that wants to develop public policy and a program for public toilets through technical assistance; providing expert consultants to a water utility that wants to put into place a subsidy for providing water for free to some of its clients; or helping through advisory services to a government to define indicators on HRWS to be included in its national plans. .
- III.6 An evaluation of all pilots will be done jointly in order to assess how the pilots contributed to advance the principles and criteria of the HRWS approach and helped the countries achieve the SDGs.
- III.7 **Component 3: Public policy and Outreach (US\$121,000).** There are many myths around the HRWS. The two first manuals published by the Bank aim at clarifying the approach, providing guidelines to sector entities on how to implement the HRWS approach if their countries endorsed it in their constitutions, or any other normative document. Continuing this effort of providing tools to the public and private sector entities which want to advance some of the criteria or principle of the HRWS to achieve the SDG goals, the Bank will perform capacity building activities and dissemination actions of the manuals and working papers developed.
- III.8 This component includes activities for developing a Massive Open Online Course (MOOC) for capacity development. The MOOC is integrated into a Water Resources Management graduate program launched by INE/WSA in collaboration with the Bank's

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<sup>2</sup> Letters of request/non-objection from the official liaison entities of the Bank in the participating country will be obtained

Learning and Knowledge Management Unit (KIC/KLD) The program of the MOOC will be defined jointly with key partners such as AECID and SDC, and it will be directed to technical staff of utilities, regulators and other sector entities, so that the HRWS approach can be clarified.

- III.9 In addition, workshops directed to governments and sector entities to present the results on the topics, identify pilots and present the results of the pilots will be done.

#### IV. Budget

- IV.1 This TC will be financed by the Multi-donor AquaFund (MAF) with US\$475,500 to perform the activities included before.

##### Indicative Budget

Activity/Component	Description	IDB/Fund Funding (US\$)	Counterpart Funding	Total Funding (US\$)
<b>Component 1</b>	Advancing Strategic Lines	195,500	0	194,500
<b>Component 2</b>	Execution of pilots	160,000	0	160,000
<b>Component 3</b>	Public Policy and Outreach	121,000	0	121,000
<b>Total</b>		<b>475,500</b>	<b>0</b>	<b>475,500</b>

#### V. Executing Agency and execution structure

- V.1 Given that the IDB has developed knowledge and expertise in HRWQS issues, and that the work has a regional scope and involves liaison with some of the most important partners of the Bank in the water sector, and in accordance with one of the exclusive justifications set out in paragraph d) of Appendix 10 of OP-1155 and/or paragraph d) of Annex 10 of GN-2629, this TC will be executed by the IDB, through INE/WSA. Maria del Rosario Navia (mnavia@iadb.org) will supervise the execution of this TC.
- V.2 The Bank will contract individual consultants, consulting firms and non-consulting services in accordance with current Bank procurement policies and procedures. The execution and disbursement period are 30 and 36 months respectively. The activities to be financed with this TC operation are included in the Procurement Plan and will be executed in accordance with the bidding methods and terms established following Bank policies: (i) contracting of individual consultants, as established in norms AM-650; (ii) Contracting of consulting firms for services associated with intellectual matters according to GN-2765-1 and its operational guidelines (OP-1155-4); and (iii) Contracting of logistical services and other services that are different from consulting services in accordance with Policy GN-2303-20.
- V.3 Through the actions funded by the TC RG-T2642, contracts were signed with the Stockholm International Water Institute (SIWI) and the International Water Association (IWA), and follow-up contracts will be signed under this TC using single source selection method. This method will be used in accordance with GN 2765-1 paragraph 4.1-3.
- V.4 SIWI is a water institute that focuses on a variety of water research and development issues, with water governance being one of its priority areas. By working for improved governance, the Institute has developed top-level experience in areas such as

accountability and transparency, for which the Institute is an important partner for the Bank. SIWI has published extensively in HRWS through its UNDP-SIWI water governance facility and has produced training manuals (for example, human resources-based approach to IWRM: Training Manual and Facilitator's Guide). Currently, SIWI jointly with the United Nations has done joint work on the Human Rights to Safe Drinking Water and Sanitation: they are editors of a special edition of a journal focusing on Water and HRWS. Therefore, SIWI is a unique organization with a presence in Latin America and the Caribbean that brings experience in the HRWS approach and in governance of sanitation services, which is key to develop the key issue of sanitation in public spaces.

- V.5 In September 2012, in Busan, Korea, operators and regulators amongst other practitioners gathered at the Governing Assembly of IWA and responded to this and several other international developments with the adoption of a Resolution on Rio + 20 follow-up by the International Water Association: Effective Contribution of Water Professionals to the Realization of Commitments made by Governments at the International Level. In follow-up to this Resolution, IWA established a Task Force with the remit of producing the IWA "Manual on the Human Rights to Safe Drinking Water and Sanitation for Practitioners" (IWA, 2015) and it engaged in a collaborative arrangement to support this activity, notably in close consultation with the team of the UN Special Rapporteur on the Human Right to Water and Sanitation. Furthermore, in November 2018, IWA and the Association of Regulators of Water and Sanitation of the Americas (ADERASA) signed a Memorandum of Understanding (MOU) supporting the implementation of the 2030 Agenda with its Sustainable Development Goals (SDGs) to form a joint and tailored source of leading-edge water knowledge in the region and to better connect practices to policy. The MoU identifies areas of strategic convergence, with an emphasis on promoting a holistic approach to policy reform, institutional arrangements and regulations. This aims to lead to operational improvement and commercial efficiency of water utilities in the region and strengthen the Latin American and the Caribbean water sector through professional and capacity development. More specifically, with this MoU IWA and ADERASA seek ways to promote the universalization of water and sanitation services and the proper link between cities and their basins; to integrate innovation and new technologies in the sector. This is a focused contribution to the enabling environment by increasing and supporting the capacity development of regulators and water professionals. Due to all this, IWA is uniquely positioned to support the work on regulation and HRWS. IWA was previously contracted with funds of the RG-T2642, and it is expected a new contract will be developed with them with funding from this TC.

## **VI. Project Risks and issues**

- VI.1 Although the risks identified for this TC are minor, there is a potential risk of countries not demanding pilots. Although the risk is minor as most of the LAC countries are supporting the SDGs and HRWS agendas, the operation will mitigate this risk by actively engaging government officials at an early stage, and developing materials that can be easily understood and engaging in the different topics analyzed.

## **VII. Environmental and Social Strategy**

- VII.1 Following ESG's project classification process ([Safeguard Policy Filter](#) and [Safeguard Screening Filter](#)) requirements, it has been determined that this project falls under



Category C. No environmental assessment studies or consultations are required for Category "C" operations.

**Required Annexes:**

[Results Matrix - RG-T3549](#)

[Terms of Reference - RG-T3549](#)

[Procurement Plan - RG-T3549](#)