





## **KEWASNET**

The Kenya Water and Sanitation Civil Society Network is a non partisan network of WASH non-Governmental Organisations with a shared vision of Kenyans having access to affordable and safe water and sanitation in a sustainable context.

KEWASNET was founded in August 2007 to enable CSO's involved in the WASH sector to work in a coordinated manner. The membership is drawn from CSO's that are working to improve water resource management and increase efficiency in service delivery.

Broadly, KEWASNET provides a linkage between WASH



## **KEWASNET's vision and mission**

KEWASNET's vision is a society with access to safe water and sanitation

KEWASNET's mission is to promote good governance in the water and sanitation sector thereby increasing access to services

## About the Human Right to Water and Sanitation Training Manual

The training manual is developed to assist capacity builders in developing training and educational programmes on the Right To Water and Sanitation (RTWS) and how it can be promoted and worked with in more practical ways. The overall goal is to develop institutional capacities and prepare for change through increased knowledge and action on the Human Right to Water and Sanitation any country or region.

The primary objectives of the training are to provide:

1. Conceptual grounding in the area of the Human Right to Water and Sanitation its drivers and impacts on Water and Sanitation as well as on poverty reduction and sustainable development;
2. An overview of tools and methodologies to promote the Human Right to Water and Sanitation

The target groups are primarily capacity builders, rights advocates, civil society advocates and other water decision-makers to develop both their knowledge and skills to enable the realisation of the Right to Water and Sanitation in Kenya.

The Water Training Manual has been developed on the beliefs that it is important to:

- Focus on sustainable prevention measures and thus be pro-active rather than only re-active;
- Emphasise the development impacts of the RTWS: poor people are those who feel the effects of the most;
- Focus on the Human Rights Based Approach – but linking to water services and other water uses – since water integrity has been a missing element in integrated water resources management;
- Stress the need for action and application of particular tools and methodologies to promote the RTWS.

### The Manual consists of three parts:

1. Five training sessions that provide substance on a number of issues, such as the nuts and bolts of the RTWS, how the Right plays out in the WASH sector, what drives it and what can be done to promote it;
2. Facilitator's Guide that gives more detailed and practical information on the learning objectives and inter-active training methods of each module and how they can be implemented;
3. A number of appendices that provide hands-on guidance on facilitation skills, options for training exercises, concrete steps in organising training courses

# PART 1

## Session 1

### Introduction to the Right to Water and Sanitation

The international community recognised the human right to safe drinking water and sanitation in Resolution 64/292 of the General Assembly of UN in July 2010. Appointed member states at the Human Rights Council underlined this international commitment two months later in a resolution affirming that “the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity” (HRC 15/9). Reinforcing the interpretation of the Committee on Economic, Social and Cultural Rights (CESCR 2002), this resolution recognises that the human right to safe drinking water and sanitation is implicit in both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

As of 2013, 167 states are party to the first covenant and 160 to the second<sup>1</sup>. Although there is no international convention specifically designed for the human right to water, access to safe drinking water is explicitly mentioned in various international human rights conventions<sup>2</sup>.

For a long time, the scope and implications of the human right to safe drinking water have been subject to debate. This has been settled around core components: “the human right to safe drinking water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses” (CESCR General Comment 15, §2, 2002).

The recognition of safe drinking water as a human right means that states have to respect a number of principles inherent in all human rights, specifically: non-discrimination<sup>3</sup>, access to information, participation, accountability and sustainability.

Over the last decade, several countries including Kenya (article 43 1 (b) (d) COK 2010) have included and specified in their constitutions and water laws the right to water and sanitation, as recognised in international human rights law. A number of key features of the right to water and sanitation can make a significant contribution to current development efforts to improve universal access to water and sanitation:

### The Respect, Protect, and Fulfil Framework

As with other economic, social and cultural rights, the human right to safe drinking water and sanitation entails three types (or levels) of obligation, i.e. to respect, protect and fulfil.

The obligation to respect requires states not to take any measures that would result in preventing individuals from enjoying their right to safe drinking water and sanitation.

The obligation to protect requires measures by the state to ensure that third parties do not interfere with the enjoyment of the right to safe drinking water and sanitation.

The obligation to fulfil essentially requires states to adopt the necessary measures for the full realisation of the human right to safe drinking water and sanitation (CESCR, General Comment 15)

### Contributions

**Improved accountability:** The right to water and sanitation establishes access to water and sanitation as a legal entitlement, with a corresponding government obligation, rather than only a moral priority. This legal entitlement provides a basis for individuals and groups to hold governments and other actors to account. It also provides a basis for actors within government to hold each other accountable to the objective of realising the right. National mechanisms, such as courts and human rights commissions, and international human rights mechanisms, such as treaty monitoring bodies, can serve to identify and adjudicate on deficiencies in the implementation of water policies, and recommend or require improvements. Communities and other organisations can also use the right to raise the political profile of the importance of access to water and sanitation services. They can lobby the government and even the international community for improvements.

## Session 2

### The Legal and Policy Framework on Right to Water and Sanitation in Kenya

Focus on vulnerable and marginalised groups: The right to water and sanitation focuses on the need to prioritise access to basic water and sanitation services for all, using available resources, with special efforts to include those who are normally excluded. This is in contrast to current general practice where significant amounts of public resources continue to be used for the construction of infrastructure and provision of subsidies that benefit upper and middle-income groups to the exclusion of the poor. The right to water and sanitation focuses attention on vulnerable and marginalised groups, including those traditionally discriminated against or historically neglected (e.g. informal settlements).

Increased participation in decision-making: The right to water and sanitation provides for genuine consultation and participation of communities affected in service delivery and the conservation of water resources. Although participation is now acknowledged as a development best practice, centralised planning processes remain prevalent, and can neglect the input of various users. In part, this is because the need to develop government capacity to engage in participatory processes has been under-estimated and not clearly understood. The right to water and sanitation can therefore enable individuals and communities to take part legitimately in decision-making processes.

Individual and community empowerment: Beyond participation in decision-making processes, the right to water and sanitation can empower and organise individuals and communities who do not have access to water and sanitation. The right to water and sanitation can strengthen individual and community struggles for access to basic services.

The constitutional right to clean, safe and adequate water and reasonable standards of sanitation is explicitly recognised in Article 43 1 (b) (d) . In 2011 the Water Sector began the process of alignment to the provisions of COK 2010 . The alignment is to respond to the specific articles in the Constitution that reflect on water services and water resources management as well as the overall institutional organisation in the new dispensation. The main focus of the sector alignment has been the review of the National Water Policy and the Water Act 2002

In achieving this National government must work with the county governments to strengthen the capacity of the county governments to be able to play a pivotal role in provision of water services. This requires an understanding of several administrative and policy structures that affect provision of water services to the people. These include efficient and effective deployment of staff serving in the water sector and their competencies (provision of water services has since been devolved to the Constitution) and the requisite staff transferred to the counties. Human resource capacity mapping is a challenge that the devolved government needs to address with the support of the National government.

Article 21 of the Constitution requires the State to take legislative, policy and other measures including the setting of standards to achieve the progressive realisation of these rights. The national government is tasked with ensuring effective policy formulation, regulation and enforcement of standards and the management of water resources while the county government is to ensure actual provision of water and sanitation services. Seamless transition from the previous legislative framework requires a clear understanding of the respective roles of the national and county governments, and systematic attention to key aspects of the devolution framework and the process for implementing it. A distinct yet mutually interdependent approach is important to address a number of challenges in the water sector

The Constitution also assigns responsibility for county water supply and sanitation provision to the forty seven counties. It is also important to note the provisions of Article 2(6) of the



Constitution which stipulate that international treaties and conventions ratified by Kenya forms part and parcel of the laws of Kenya.

Various international instruments that Kenya has ratified recognize the right to water as a basic human right. These include the 1979 Convention on the Elimination of All Forms of Discrimination Against Women and the Convention of the Rights of the Child . In addition, the legal framework regulating the water sector will require a review to reflect the envisaged relationship between the national government and the county governments in the water sector and the regulation of the sector in total

## The Law

### **Water Resource Management**

Article 42: Every person has a right to a clean and healthy environment

Article 69 (a) : Ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources , and ensure the equitable sharing of the accruing benefits

Article 62 (g) (i) : Public land is...water catchment areas , all rivers , lakes and other water bodies defined by Act of Parliament

### **Water Supply and Sanitation Services**

Article 43 (b) (d): Access to reasonable standards of sanitation and to clean and safe water in adequate quantities

### **Devolution**

Article 186: respective functions and power of national and county governments

### **Consumer Engagement**

Article 46 : Consumer Rights

**4th Schedule:** Allocation of roles and responsibilities by the two levels of government

## Session 3

### Defining Terms and Concepts

General Comment No. 15 and the Sub-Commission Guidelines, taken together, explain that the right to water and sanitation includes the following:

#### Meaning of the Right to Water and Sanitation

##### **Sufficient**

The Water supply and sanitation facility for each person must be continuous and sufficient for personal and domestic uses. These uses ordinarily include drinking, personal sanitation, washing of clothes, food preparation and personal and house hold hygiene. According to WHO standards, between 50 and 100 liters of water per person per day are needed to ensure that most basic needs are met and few health concerns arise.

##### **Safe**

The water required for personal or domestic use must be safe, therefore free from micro – organisms, chemical substances and radiological hazards that constitute a threat to health. Measures of drinking-water safety are usually defined by national and or local standards. WHO's Guidelines for drinking water quality provide a basis for the development of national standards that, if properly implemented, will ensure the safety of drinking water. Everyone is entitled to safe and adequate sanitation. Facilities must be situated where physical security can be safeguarded. Ensuring safe sanitation also requires substantial hygiene education and promotion. This means toilets must be available for use at all times of the day or night and must be hygienic; wastewater and excreta safely disposed and toilets constructed to prevent collapse. Services must ensure privacy and water points should be positioned to enable use for personal hygiene, including menstrual hygiene

##### **Acceptable**

Water should be of an acceptable colour, odour and taste for personal and domestic use. All water and sanitation facilities and services must be culturally appropriate and sensitive to gender, lifecycle and privacy requirements. Sanitation should be culturally acceptable, ensured in a non-discriminatory manner and include vulnerable and

marginalized groups. This includes addressing public toilet construction issues such as separate female and male toilets to ensure privacy and dignity.

### ***Physically accessible***

Everyone has the right to water and sanitation services that are physically accessible within, or in the immediate vicinity of their household, workplace and educational or health institutions. Relatively small adjustments to water and sanitation services can ensure that the needs of the disabled, elderly, women and children are not overlooked, thus improving the dignity, health and overall quality for all. According to WHO, the water source has to be within 1,000 meters of the home and collection time should not exceed 30 minutes.

### ***Affordable***

Water and sanitation facilities and services must be available and affordable for everyone, even the poorest. The costs for water and sanitation services should not exceed 5% of a household's income, meaning services must not affect people's capacity to acquire other essential goods and services, including food, housing, health services and education.

There are some misconceptions on the right to water and sanitation which affect the willingness especially of Government to committing to the right to water and also the rights holders perceptions and expectation of the right to water.

### ***Progressive Realisation***

State governments are to take steps to progressively achieve the full realization the right to water and sanitation using their available resources. This gradual progressive realization does not mean government to act. Government has an obligation to move expeditiously and effectively as possible. State parties must strive to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances. Obligation to monitor the extent of the realization or non-realization of economic, social and economic rights and to devise strategies and programmes for the promotion are not eliminated because of resource constraints. A state which is unwilling to use the maximum the maximum of its available resources for the realization of the right to water is in violation of its obligation under the CESCRC Covenant.

## **Human Right to Water and Sanitation Common Misconceptions and Clarifications**

### ***The Right entitles people to free water....***

Water and sanitation services need to be affordable for all. People are expected to contribute financially or otherwise to the extent that they can do so.

### ***The Right allows for unlimited use of water...***

The Right entitles everyone to sufficient water for personal and domestic uses and is to be realized in a sustainable manner for present and future generations.

### ***The Right entitles everyone to a household connection...***

Water and sanitation facilities need to be within, or in the immediate vicinity of the household, and can comprise facilities such as wells and pit latrines.

### ***The Right to water entitles people to water resources in other countries...***

People cannot claim water from other countries. However, international customary law on trans-boundary water courses stipulates that such water courses should be shared in an equitable and reasonable manner, with priority given to vital human needs.

A country is in violation of the right if not all its people have access to water and sanitation

The right requires that a state takes steps to the maximum of available resources to progressively realise the right.

## **Minimum Obligations**

General comment 15 sets the following minimum obligations:

- To ensure access to the minimum essential amount of water, that is sufficient and safe for personal and domestic uses to prevent disease.
- To ensure that the right to water and water facilities and services on a non-discriminatory basis, especially for disadvantaged or marginalized groups.
- To ensure physical access to water facilities or services that provide sufficient, safe and regular water; that have a sufficient number of water outlets to avoid prohibitive waiting times and that are at a reasonable distance from

the household.

- To ensure personal security is not threatened when having to physically access water.
- To ensure equitable distribution of all available water facilities and services.
- Adopt and implement a national water strategy and plan of action addressing the whole population with right to water indicators and bench marks by which progress can be monitored.
- To monitor the extent of the realization, or the non-realization, of the right to water.
- To adopt relatively low-cost targeted water programmes to protect vulnerable and marginalized.
- To take measures to prevent, treat, and control diseases linked to water, in particular ensuring access to adequate sanitation.

## Session 4

### Implementing the Right to Water and Sanitation

#### The Role of Key Actors

This session surveys the role that each actor can play to ensure the implementation of the right to water and sanitation, focusing on the role of governments in implementing the right, and in monitoring, regulating, coordinating and assisting other actors to implement it. National governments have ultimate responsibility for ensuring the right to water and sanitation, including by assisting other levels of government to implement the right and ensuring that other actors respect the right. Also covered in this session are the roles of individuals and communities, civil society organisations, independent service providers, international organisations, and other water users. There is also an obligation for all actors to ensure that they do not interfere with the right of others to water and sanitation.

#### The main actors involved in the realisation of the right to water and sanitation are:

- Right to water and sanitation holders – all individuals: man, woman or child, whatever their residential status.
- Policy makers, regulators and allocators of resources – including national and local legislative and administrative authorities, catchment management bodies and officials who are responsible not only for water and sanitation provision but also for related services, such as social, health, development, information gathering and statistics, and budget issues.
- Water and sanitation services providers – ranging from public, private or cooperative large-scale network providers to small-scale water or sanitation providers composed of private, civil society or community efforts.
- Public institutions that promote, monitor and enforce human rights and those which are responsible for monitoring and regulating delivery of water and sanitation services – including human rights institutions, ombudsmen, judicial courts and regulators.
- Civil society organisations, such as non-governmental organisations, academic institutions, the media and professional bodies.
- Industrial and agricultural water users.
- International organisations.

#### How different stakeholders can act to implement the right to water and sanitation

National, regional and local governments (both the executive/administrative branch of government and legislative branches/municipal councils) are the key actors in setting up the conditions to ensure the right to water and sanitation services. Achieving this objective involves actions by governments at national, regional and local levels, in the roles of policy making, resource allocation, and service provision regulation.

These roles can be further described as follows:



## Government as a policy maker, regulator and allocator of resources

- Prioritizing water and sanitation services within their budgeting and political processes.
- Revising legislation and policies in order to recognize and implement the right to water and sanitation
- Developing a plan of action to implement the right, including developing standards and targets, and clarifying the division of responsibilities between stakeholders.
- Ensuring coordination between relevant ministries and departments (including water, health, environment, finance, agriculture, land, housing, energy and industry), including between central, regional and local government.
- Ensuring that all levels of government responsible for water and sanitation services have sufficient resources, authority and capacity to discharge these duties and ensure extension of service to those without access.
- Protecting and promoting the right of individuals and groups to access information and participate in decision-making relating to water and sanitation.
- Collecting and disseminating accurate information on access to water and sanitation services, including disaggregated information on levels of access by vulnerable and marginalized groups.
- Minimizing contamination of water resources.
- Paying charges incurred for water and sanitation services.
- Integrating the right to water and sanitation into their international co-operation processes relating to development, finance, trade, investment and environment.
- Introducing measures to prevent corruption in government bodies.
- Ensuring that water and sanitation service providers (public and private) comply with service delivery standards and that there are independent monitoring, penalties for non-compliance and genuine participation in decision-making by users

## Government as service provider

Governments, in most case local authorities or public companies, operate the vast majority of water and sanitation utility services although some services are managed by public water companies or contracted out to private operators. In many developing countries, small-scale facilities such as kiosks, standpipes and wells and public toilets are operated by entrepreneurs, and community groups are responsible for a significant proportion of service provision. Often, basic sanitation and hygiene promotion is considered a responsibility of public health services, although some responsibilities are borne by water and education agencies. In addition to complying with relevant legislation and policies, water, sanitation and health service providers have the following roles:

- In the case of utilities, extending water and sewerage services to schools, health centers and other public centers where these are needed (with separate facilities for males and females) and to households, including those occupied by marginalized and vulnerable groups.
- Improving affordability of water and sanitation services through increased efficiency and flexibility of services.
- For government bodies, carrying out sanitation and hygiene promotion and training and providing financial assistance to small scale providers and households that rely on small scale facilities.

## Private Service Providers

Private Service providers include utilities managed by corporations and small-scale services managed by private entrepreneurs, civil society organisations and by communities of users. They have the following roles:

- In the case of private corporations managing utilities, carrying out the roles of public service providers, as listed in the section above
- In the case of small-scale providers (private, civil society or community-based providers), providing services of adequate quality at an affordable cost.

## Independent public monitoring bodies

An effective complaints mechanism is a key component of the right to water and sanitation and a useful tool to ensure effective implementation of service delivery standards and targets. Such mechanisms may be provided by a regulator. However, whether or not a regulator has established such a mechanism, accountability can be enhanced if an independent branch of government – a human rights commission, an ombudsperson institution or the judiciary – monitors the performance of public institutions. Independent public monitoring bodies can support implementation of the right by:

- Reviewing legislation, policy and programmes to ensure that they are consistent with the right to water and sanitation.
- Investigating complaints by users and ensuring adequate redress for genuine complaints.
- Monitoring compliance with national legislation on water and sanitation by government bodies and private parties.

Each of these types of bodies has distinct roles. Human rights commissions and ombudsperson institutions can carry out detailed and long-term reviews of government policy and can respond to complaints quickly, flexibly and cheaply. The judiciary operates in a slower fashion, and can generally only examine a particular factual scenario rather than a long-term series of actions. However, the judiciary can require public institutions to revise their programmes and actions and can impose criminal and civil penalties on public officials and private persons.

## Civil society organisations (CSOs)

CSOs include non-governmental development and advocacy organisations, social movements, faith-based organisations, research and academic institutions, the media, professional bodies and other similar organisations. (While community-based organisations are part of civil society, the Manual addresses their roles under 'communities'. CSOs have a variety of roles to play in implementing and/or promoting the right to water and sanitation, which can include, depending on their area of specialisation:

## Industrial and agricultural water users

Industrial and agricultural bodies (including both private corporations and government-owned industries) are often major consumers of water. They therefore have a social responsibility to ensure that their use of water does not curtail essential domestic uses of water (as well as essential uses of water for other purposes), either through over-abstraction or pollution of water sources. In addition to complying with national legislation, they have the following roles in ensuring the right to water and sanitation:

- Minimising water use and promoting effective water conservation methods.
- Minimising contamination of water resources.
- Supporting the work of governments and communities by providing information, facilitating community organisation and assisting communities with their advocacy processes.
- Building community and government capacity and knowledge on water and sanitation issues, including on rights and responsibilities, management and technical information.
- Striving to ensure that their activities are coordinated and that their work supports and does not duplicate work done by government, other civil society organisations or international organisations.
- Monitoring government actions on water and sanitation and that of third parties.
- Educating students and the broader public about the right to water and sanitation
- Carrying out research on ways to implement the right to water and sanitation, and sharing research outcomes with all stakeholders.
- For international civil society organisations, supporting the development and growth of local and national civil society organisations and community-based organisations.

## International organisations

International organisations, including UN agencies, the World Bank, International Monetary Fund and other such organisations have the following roles in supporting the implementation of the right to water and sanitation:

- Providing financial and/or technical assistance to governments, civil society organisations and communities.
- Reviewing and revising their co-operation policies, operating procedures and policy advice to ensure that these are consistent with the right to water and sanitation.
- Ensuring co-ordination and coherence as far as possible, in relation to government activities and amongst themselves.

## Non-discrimination and attention to marginalised and vulnerable groups

Many of those who develop, influence and implement law and policy consider certain groups to be less valued members of society. Consequently, members of these groups lack access to basic entitlements. It is therefore necessary that water and sanitation policies prevent and remedy discriminatory political decisions and practices.

Human rights principles highlight the need to actively design water and sanitation policy that prioritises and addresses the needs of vulnerable and marginalised groups, rather than treating all persons as facing identical challenges in accessing safe water and improved sanitation. It is important for policy-makers and implementers to dedicate time and resources to reviewing whether vulnerable and marginalised groups are being included, and that their needs are being taken into account.

Vulnerable groups are those, such as children and the disabled, who require special attention due to their developmental or physical limitations. Marginalised groups, such as women and ethnic minorities, require special attention due to their historical and cultural discrimination, as well as from their general under-representation in political

decision-making, which has led to the neglect of their needs in policy making.

Everybody, including the most vulnerable and marginalised, is entitled to have access to water and sanitation without discrimination. The principle of non-discrimination is a fundamental human right in itself and is included in all international human rights treaties. It prohibits any distinction, exclusion, restriction or preference, which is based on any ground - such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status - that differentiates without any legitimate reason.

It should be clarified that all people have the right to water and sanitation, regardless of whether or not they are a member of a vulnerable or marginalised group. Attention to the needs of vulnerable and marginalised groups is only a means to ensure that all persons have the right to water and sanitation

## Human Rights Based Approaches

A rights-based approach to development includes: **putting people at the centre of development; ensuring free, active and meaningful participation; securing non-discrimination; fair distribution of development benefits; and respecting self-determination and sovereignty over natural resources;** and All in a process that advances other civil, political, economic, social and cultural rights.

Human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and principles and operationally directed to promoting human rights.

Under a human rights-based approach, the plans, policies and processes of development are anchored in a system of rights and corresponding obligations established by international law, including all civil, cultural, economic, political and social rights, labour rights and the right to development.

A human rights-based approach to programming facilitates a sharp focus on results, in line with the international human rights treaties and other internationally agreed goals, targets, norms and standards. It assists countries in translating such goals and standards into time-bound and achievable national results, and promotes participatory and inclusive processes of development.

## Vulnerable and Marginalised Groups

The terms vulnerable and marginalised are not interchangeable. Children are intrinsically vulnerable, but they are not always marginalised, while women (particularly women living in poverty) are often marginalised but seldom vulnerable. Some people, such as those belonging to particular ethnic groups, can be marginalised through social or cultural definition. Certain groups, such as people under custody, are both vulnerable and marginalised.

## How to prevent discrimination and exclusion of vulnerable and marginalised groups

- Ensuring that a comprehensive anti-discrimination law is in place, with an institution to investigate and provide remedies for discrimination against individuals or groups.
- Revising existing water and sanitation laws, regulations, policies and operating procedures to ensure that they refrain from discrimination.
- Reviewing public water and sanitation budgets to ensure that they address the needs of vulnerable and marginalised groups, including those living in informal settlements and arid and semi-arid areas.
- Collecting data on access to water and sanitation that takes into account ethnicity, age, disability, gender, religion, income and other related grounds so as to identify discrepancies and set priorities for government assistance.
- Establishing requirements for water and sanitation institutions to ensure that representatives of

vulnerable and marginalised groups effectively participate in and have a genuine influence on decision making processes.

- Ensuring that institutions utilised by vulnerable and marginalised groups are adequately addressed in policies relating to issues such as extension of services, tariffs and subsidy plans. Such institutions include schools, hospitals, prisons and refugee camps.
- Reviewing all laws, regulation, policies and operating procedures to ensure that they adequately address the specific requirements for vulnerable and marginalised groups.

*Whereas the right to water applies to everyone, States parties should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right...3 ( General Comment 15)*

## Checklist for non-discrimination and attention to marginalised and vulnerable groups

- Does national or regional legislation explicitly prohibit discrimination? Is there an institution in place to investigate and provide remedies for discrimination?
- Do water and sanitation related laws, regulations, policies and operating procedures include any discriminatory provisions?
- What proportion of public water and sanitation budgets is allocated to vulnerable and marginalised groups, including those living in informal settlements and arid and semi-arid areas?
- Is data on access to water and sanitation disaggregated to examine levels of access by vulnerable and marginalised groups?
- Are institutions such as schools, hospitals, prisons and refugee camps given priority in access to water and sanitation (including extension of services, tariffs and subsidy plans)? What percentage of schools, hospitals, prisons and refugee camps have water and sanitation facilities, including hand-washing facilities and separate toilets for males and females? Are there targets for ensuring water

supply and segregated sanitation facilities to such institutions?

- Are specific national policies in place to address the water and sanitation needs of women; children; inhabitants of rural and urban deprived areas; water-scarce regions; indigenous peoples; older persons; people with disabilities; and people with serious or chronic illnesses?
- Is the right of nomads and travellers to traditional water sources recognised and protected?
- Is the right of prisoners and detainees to water and sanitation guaranteed? Are refugees, asylum seekers, internally displaced persons and returnees able to enjoy their rights to water and sanitation and is this right protected?

## Participation and access to information

Everyone has a responsibility to participate in the realisation of the right to water and sanitation. However, as members of vulnerable or marginalised groups are frequently excluded from decision-making regarding water and sanitation, their needs are seldom prioritised, resulting in inequitable access to water and sanitation facilities and services. Where services and facilities are provided, the lack of adequate participation can lead to inappropriate technical solutions, prohibitive financial costs or unrealistic payment options.

Ensuring effective participation and access to information is not straightforward; poverty can impair people's capacity to access information.

Illiteracy is another barrier to information access and some vulnerable or marginalised groups may also face physical or cultural restrictions to accessing information and actively participating in decision-making.

The right to water and sanitation, in common with all human rights, provides for all persons to be given a genuine opportunity to influence and enhance policy formulation and improvements in the water and sanitation sector. It also provides tools for both individuals and communities to advocate for necessary changes, and for governments to implement them, ensuring the realisation of the right to water and sanitation. As human rights focus on entitlements, rather than charity, this empowers individuals to hold governments, and other actors, to account for lack of access

or for discriminatory policies. It also emphasises the need for transparent information sharing, and the involvement of all stakeholders in decision-making processes, monitoring and reporting.

Human rights standards require levels of commitment, information sharing and participation that can not always be immediately realised, given the lack of financial and institutional capacity of many governments of developing countries. Therefore it is important to note that the ICESCR envisages progressive realisation and it is not expected that all countries will be able to fulfil the most resource-intensive obligations immediately.

It is important that plans to implement participatory processes take account of the financial and administrative resources required to fulfil them. Investing resources in participatory processes is an important aspect of ensuring effective development.

## How governments can ensure access to information and public participation

- Introducing mechanisms to facilitate public access to water and sanitation sector information for policy and decision-making, including use of communications media used by the poor such as radio.
- Ensuring public access to essential water quality, and to environmental health data.
- Carrying out participatory processes in the development of water and sanitation policies and plans that ensure the genuine participation of representatives of marginalised and vulnerable groups (including by assisting them to acquire necessary information and expertise); aim to mitigate power imbalances between stakeholders; and are not time consuming.
- Making provision for and enabling community development and management of small-scale water and sanitation facilities and services in appropriate circumstances.
- Ensuring that users are able to participate in the regulation and monitoring of service providers.



### Checklist for participation and access to information

- Are there mechanisms in place to provide information on existing and planned government policies and programmes in the water and sanitation sector? Does such information reach all sectors of society?
- Is there a legal requirement to make essential data on water quality and environmental health available to the public?
- Are participatory processes required for the development of water and sanitation policies? Are there mechanisms and programmes to ensure that representatives of vulnerable and marginalised groups genuinely influence such processes?
- Are there legal or policy provisions that permit community development and management of small-scale water and sanitation services in appropriate situations?
- Are users able to participate in the monitoring and regulation of their water and sanitation service providers?

## Session 5

### Practical Challenges to implementing the Right to Water and Sanitation

Many people deprived of their human right to water do in fact have some kind of access to water. Their access may be inequitable, ineffective, unsustainable or restricted to insufficient or unsafe water, as the result of a number of circumstances. This section will provide an overview of such circumstances, with the aim of highlighting the variety of obstacles that may need to be dealt with for the full implementation of the right to water. The lesson to be learnt is that access to water depends on a range of economic, political, technical, cultural, financial, organizational, social and managerial issues. Because of the multi-faceted nature of the problem a holistic view on water service is imperative.

- Lack of access to sufficient water can be due to both to non-availability of water and to non-coverage of services. Water scarcity caused by seasonal fluctuations, with natural shortages in dry seasons, may be further exacerbated by climate change as predicated by the

intergovernmental panel on Climate Change (IPCC). However, the main problem of water access is not the physical lack of water resources. As the UNDP points out in 2006 Human Development Report: **“There is more than enough water in the world for domestic use, agriculture and for industry. The problem is that some people –notably the poor – are systematically excluded from access by their poverty, by their limited legal rights or by public policies that limit access to the infrastructures that provide water for lives for livelihoods.”** (UNDP, 2006b, p 11) Flawed water management policies exacerbate scarcity. In some areas access to sufficient drinking water is currently hampered by an overexploitation of groundwater resources for other uses, such as irrigation and industry. Also, **illegal connections and unrestricted use may leave less water for those at the “end of the pipe”.**

- **Corruption affects all aspects of the water sector with direct and profound effects on the lives and livelihoods of billions of people** (Transparency International, 2008). Non-Coverage of services can be due to corruption, lack of resources or in some cases, the exclusion of marginalized groups from the jurisdiction of public utilities. **Non-existent tariff regulation can also lead to inequitable access, as has been the case in many countries where the poor are charged higher water prices than the rich**(see section of finance below).
- Lack of access to safe water can be due to problems of water quality. The primary health risk is from pathogenic organisms, which can normally be eliminated quite simply (COHRE,2007, P 92).but in a number of areas large populations are now exposed to the risks of consuming groundwater with high levels of naturally-occurring contaminants, posing considerable health risks. For example, in India alone as many as 77 million are at risk of either fluorosis or arsenicosis caused by high levels of fluoride and arsenic in groundwater (Meinzen-Dick & Rosegrant, eds., 2001; World Bank/WSP, 2005). **Also, in many areas surface water is becoming increasingly polluted by discharges of untreated sewage, agricultural and industrial effluents.** While it is imperative to safeguard future water quality, it is important to note that water for basic needs constitutes

less than 10% of overall water consumption and so causes a very small part of the total wastewater produced.

- Inequitable access can be due to social features of a society such as discriminatory practices and the consequent exclusion of vulnerable and marginalized groups from shared safe water sources (Singh et al., 2005). Culturally assigned gender roles also determine access to water and sanitation. Women and girls face particularly severe obstacles to their human development and dignity as a consequence of the lack of improved sanitation facilities. **However, many times, programmes and strategies to address the lack of water and sanitation do not consider the particular knowledge and experience of women derived from their central role as domestic water managers in many countries.** It is urgent to address this inadequacy.
- **Ineffective access can be due to cultural beliefs. Culturally defined attributes of “good-quality” water can determine the water-fetching behavior of women in local communities, even when the water in fact is not safe.** Consequently, they may not use water from improved sources for drinking and cooking (Singh, 2006). Therefore excluding women from programme design and implementation may increase the risk of continued use of unsafe water even after improved water sources have been installed. Water not only needs to be safe, it needs to be regarded as such.
- Unsustainable access can be due to mismanagement leading to breakdowns. Ensuring sustained access to water requires institutional, financial and technical capacities and a good coordination between them. **Experience has also shown unless water services are demanded and supported by the end-users, they are not likely to function in long run. Strengthening water governance by clarifying the roles of government, civil society and the private sector and their responsibilities regarding ownership, management and administration of water resources and services is crucial to ensure sustained and equitable access to water.**

- Universal access to water and sanitation. The MDG target on access to water and sanitation aims for a fifty percent reduction in the lack of access to improved water sources and improved sanitation facilities by 2015. Achieving these targets would undoubtedly represent a great success but would still leave 672 million people without access to “improved” water sources and 1.7 billion people without access to sanitation in 2015. International human rights obligations do not stop at a fifty percent reduction or any other arbitrary benchmark.
- Participation and empowerment. The lack of adequate participation has been a troubling feature of many MDG – based planning processes for water and sanitation. **The aim of participation should be to help empower people to challenge existing inequities and to transform power relations, thereby bringing about real and sustainable changes, with strengthened accountability particularly towards those most marginalized.** Some countries have made important inroads towards introducing participation in the water and sanitation sectors at the national level.

## Tracking progress - Monitoring Right to Water and Sanitation Implementation

Monitoring the Human rights including the right to water is a challenge in most countries. This is carried out by different institutions at different levels.

At the international level, the UN Human Rights Council and its advisory bodies is the primary inter-governmental institution on human rights. It sets norms related to human rights reviews country performance and can adopt resolutions on such topics. The council’s decisions are not legally binding but influential politically and morally.

There are also UN Treaty Monitoring Bodies which are elected by states that ratified a specific treaty composed of independent experts – Committee of Expert. The treaty monitoring committee engages in dialogue with representatives of states, take account of input from non-governmental organizations, and issue Concluding Observations evaluating the extent to which the country is implementing its obligations under the respective human rights treaty. The treaty bodies release General comments

and recommendations which are not legally binding, provide an authoritative interpretation of the relevant treaty and carry the authority of the UN.

At the regional level, there are committees which monitor implementation of regional level treaties which member countries have ratified. In Africa there is the African Commission on Human and People's rights and the African Court on Human and People's Rights.

At national level, there are various mechanisms and legislation as well as institutions that monitor Human rights. In Kenya the constitution is the supreme law and is overseen by the Parliament and the (judiciary) constitutional court and other courts. There is also the Human Rights Commission that is mandated by the law. There are also other actors like the civil society organization.

In monitoring and evaluating right to water and sanitation implementation we need to bear in mind the actions mentioned in section five above. So our monitoring will focus on the answers to the following questions.

The reports of your monitoring and evaluation will have greater impact if they can be presented to mandated institutions; the UN Human Rights Council and its advisory bodies is the primary inter-governmental institution on human rights. It sets norms related to human rights reviews country performance and can adopt resolutions on such topics which although not legally binding but are influential politically and morally. At the national level, they should be presented to the sector, the Human rights commission and the parliament. These can ensure the rights are protected and enforced.

### **Why do we monitor and evaluate issues related to right to water and sanitation? We monitor issues related to right to water to determine:**

- Effectiveness in line with the various aspects of right to water and sanitation – achievement of agreed objectives.
- Sustainability – of the achievements and network existence
- Need to account for the achievements by the duty bearers such as government to; rights holders like the citizens and mandated institutions like UN.
- The relevancy, achievements and impact of the interventions.
- Existence of healthy relationships among the rights holders and the duty bearers

### **In evaluating right to water and sanitation, you need to consider the following key issues:**

- Identify, describe and analyse sector change
- Compare against the legal framework, mandates and obligations of different parties.
- Compare against advocacy messages and activities you are working on.
- Identify other influences, changes to context and what changes need to be considered.
- Narrative discussion of attribution to your advocacy (e.g. Advocacy Audit Trails)
- Review advocacy processes, products and achievements
- Describe impact of changes and good practices
- Estimate number of beneficiaries benefiting from changes

## PART 2

### Facilitators

#### Session 1 & 2 (4 Hours)

**Rationale :** It is important that learners have a sound understanding of the main elements of the Right to Water and Sanitation and its institutional framework in the water sector. The introduction to the Right to Water and Sanitation sets the scene for exploring concepts of governance and the institutional framework for water.

DURATION: 4 hours

#### Learning objectives

By the end of this Module, learners will:

- Be familiar with the key tenets of RTWS
- Understand the concept and elements of RTWS
- Have a working knowledge of the roles and functions of water resources and water services institutions in their counties
- Have a working knowledge of the factors that enable the RTWS

#### Learning methods

##### Session 1

#### Introduction to the Right to Water and Sanitation (2 hours)

Introduce the rationale and learning objectives of this Session .

**Step 1:** Ask learners' to capture how they understand the 'RTWS ' in one sentence on a card. Place the cards visibly on a wall and use their ideas as a basis for an introduction to 'what is the RTWS ' using the content from Session 1

**Step 2:** Given the definition and key concepts of RTWS , ask learners to work in pairs or threes to identify one example of 'RTWS' from their experience. During their feedback to plenary, capture the key elements of each example, and use it to illustrate the 'RTWS ' definition in the Training manual, Part 1 .

**Step 3:** Use the Training manual, Part 1 to summarise RTWS and facilitate a plenary brainstorm

**Step 4:** Based on the insights into RTWS so far, ask the learners to work in small groups to identify five factors or principles that they feel would enable good water governance. Add to their feedback with the Training manual, Part 1

**Step 5:** Summarise the session by facilitating a plenary discussion on the ways in which governance, equity and accountability are linked, with reference to their examples from step 2 as appropriate.

##### Session 2:

Institutional frameworks for water resources and WASH services (2 hours)

**Step 1:** Recap the components of RTWS from session 2, namely (i) the policy and legislative framework, (ii) institutions from Module 2 and (iii) decision-making and regulatory mechanisms.

**Step 2:** Ask the learners to work in groups as appropriate and to draft a list of (i) the names of the main pieces of legislation and policy that govern water resources and water services, (ii) the main water resources and water services institutions in and (iii) the main tools and mechanisms used for water-related decision-making and regulation. Once they have presented this back to each other move to step 3.

**Step 3:** In the same groups, ask the learners to revisit the list of water institutions, and to draw an organogram/ picture of how they all fit together and interact.

**Step 4:** Following feedback from the groups, facilitate a plenary reflection on what learners notice from looking at these pictures/ organograms. The learners may notice that institutional frameworks have weak links to users; that there are stronger and weaker linkages between the various institutions; that water resources and water services institutions are often separate and distinct, and so on. Summarise with input for this session in the Training manual, Module 1.

**Step 5:** Based on these observations, ask the learners to work in the same groups to identify the potential governance and institutional weaknesses and gaps, and generate ideas for ways in which these gaps could be addressed and RTWS could be strengthened. For example (through capacity building, awareness raising, better systems and tools, or legal or policy reforms.)

**Step 6:** Summarise this session with reference to feedback from the groups, making links to additional strategies and approaches to strengthen the RTWS that will be covered in the modules to follow.

**Step 7:** For homework, in order to prepare for Session 3, ask the learners to:

- Ask the learners to prepare an example of the RTWS using a news cutting, a story, a role-play, photographs, a map, or any other way to share with the rest of the group.

### Session 3 Defining Terms and Concepts ( 2 Hours)

**RATIONALE:** The purpose of this Module is to strengthen learners' working knowledge of the defining terms and concepts of the RTWS. This knowledge is essential to properly identify RTWS risks and to plan and implement strategies and actions to promote the RTWS.

#### Learning objectives

By the end of this Module, learners will:

- Have a working knowledge of key terms and concepts in the RTWS
- Have increased insight into the Water and Sanitation within a human rights framework

#### Learning methods

**Step 1:** Introduce the rationale and learning objectives of this Module. As the aim of this exercise is to strengthen our working knowledge of RTWS, it is important to stress that we will be working with real examples and will adopt an experiential learning approach.

**Step 2:** At the end of Session 2, learners were asked to prepare to present an example of RTWS using a news cutting, a story, a role-play, photographs, a map, or any other way to share their example.

In small groups, the learners will share their examples. Each participant should come up with a short title for their presentation and speak for 4–5 minutes. Each group is then asked to agree on one example to share in plenary.

The plenary report back should include a short description of the example, why they chose it, and note anything in particular they learnt from hearing and sharing the examples. At the end when each group reports back, the short title for the example should be written on a card.

**Step 3:** Augment your input with the content provided in the Training manual, Session 3 Part 1 .

**Step 4:** Facilitate a plenary discussion to link learners' examples from step 2 with the concepts of the RTWS.

**Step 5:** Place the example cards out of sight (e.g.behind a screen) and designate two coloured cards, one colour for 'yes, this is RTWS issue ', and one colour for 'no, this is a RTWS issue .

Then explain that even when we have defined and agreed on what constitutes the RTWS , in our private thoughts we may wonder whether a practice that is perhaps so common and widespread is actually RTWS ?

Learners then get an opportunity to vote in secret whether they think each example is really the RTWS or not. You can then share the overall result and reflect in plenary on what these votes indicate about our understanding of the RTWS. Explain that this issue will be revisited at the end of the Session.

### Session 4 Implementing the Right to Water and Sanitation ( 5.5 Hours)

**RATIONALE:** The learning objective is to strengthen learners' knowledge of political and administrative accountability in the water sector, and how to improve the RTWS through the use of different tools and approaches.

#### Learning objectives

By the end of this Module, learners will:

- Understand the respective roles of the state, service providers and citizens to ensure the RTWS
- Have explored case examples of actions to strengthen the RTWS.

#### Learning methods ( 2 Hours)

The Role of Key Actors and How Different Stakeholders can act to Implement the Right To Water and Sanitation

**Step 1:** Introduce the learning objectives for this module and ask the learners to work in groups of 3 to define the actors and how different stakeholders can act to implement the RTWS.



**Step 2:** Based on their feedback, fill in any gaps on the key concepts in the RTWS. Draw your input from the content in this module to supplement

**Step 3:** In session 2 Part learners developed specific maps/ organograms of key water sector institutions, and developed these further. In this session, using these maps, ask the learners' to work in the same groups to plot the lines of accountability in regards to RTWS between the various key actors.

**Step 4:** Once the groups have depicted the accountability/ RTWS lines, ask them to discuss the opportunities and constraints of each of the types of actors from the perspective of water user groups.

**Step 5:** Using the feedback from the groups, summarise the identified opportunities and constraints to the group. Facilitate a plenary discussion on the similarities and differences between accountability issues in WASH institutions and water resources institutions vis a vis the RTWS . One of the key points to note is that there are more contractual accountability relationships in water services provision, and more voice-related accountability relationships in water resources management. This has implications for the approaches and tools needed to strengthen the RTWS within and between these sectors.

**Step 6 :** With reference to inputs from the learners, present the section on ""How different stakeholders can implement the RTWS "" of Part 1 using the content for this session on tools and actions to strengthen accountability in the water sector.

**Step 7:** Using the opportunities and constraints identified in, discuss the content on promoting the RTWS using the content in this Module.

**Step 8:** Using their institutional maps, ask the learners' to select two key stakeholders and discuss what practical actions these institutions can take to promote the RTWS. For example:

- Government as a policy maker, regulator and allocator of resources have the ultimate mandate They can promote accountability by supporting water users' monitoring and feedback on the performance of water utilities,

water associations and other water sector institutions on the RTWS .

- Regulators can also ensure that standards and by-laws are in place; consistent with national level policies and plans, and that these by-laws and standards are adhered to in contracts with service providers.
- Water user associations / CSOs can ensure that all water user groups in their areas are adequately represented and that their voices are heard in planning and decision-making on the allocation of water resources to various user groups.
- National ministries and county departments can ensure that legal and policy frameworks enable and promote the RTWS within and between decentralised water sector institutions and water users.
- Water users can engage with political representatives and mobilise access to the information they need to effectively monitor and give feedback on water resources and services activities that affect them.

**Step 9:** Ask the learners to select actions they think would be the most useful to strengthen accountability between their water sector intuitions. In groups, ask them to discuss how they would go about implementing the selected action within the context of their counties specific reality.

**Step 10:** Facilitate plenary feedback from the exercise and summarise with key learning points.

## Learning methods ( 2 Hours)

### Non-discrimination and attention to marginalised and vulnerable groups

**Step 1:** Divide the learners' into two groups: One group will represent civil society organisations and the other will play the role of water sector institutions, such as utilities and regulators.

**Step 2:** Both groups will create a scenario in which they aim to improve inclusion of marginalised and vulnerable groups within a specific water-related activity in their area. This activity could be the construction of a multipurpose dam, the implementation of new water supply infrastructure or services , the extension or upgrading of existing infrastructure, the establishment of a river basin organisation, etc.

Ask the civil society group to plan how they would go about setting up water watch/ user groups. What are the aims and objectives of the user groups? What do they want to monitor and why? Who would they partner with?

How would they select the representatives in the user groups? What information do they need and from which institutions?

Ask the water sector institution group to list the actions they would take to improve inclusivity in the implementation of the RTWS . For example, they could support the establishment of a user platform or forum, they could make their plans and budgets publicly accessible, they could create a help desk, or a call centre, or they could strengthen stakeholder consultation processes.

The checklist will provide some useful ideas.

**Step 3:** Based on the plenary feedback from both groups, facilitate a discussion on the actions and tools that strengthen accountability in the water sector and water-related activities, summarise useful learning points, and close the session.

## Learning methods ( 1.5 Hours)

### *Participation and Access to Information*

#### Learning objectives

By the end of this Module, learners will:

- Understand the role of participation and access to information in promoting the RTWS
- Have identified the types of information needed to promote the RTWS through WASH development and service provision processes and procedures.
- Have a working knowledge of a range of tools and activities to strengthen access to information
- Have identified early warning signs and actions to improve participation using examples within the national context of their counties.

#### Learning methods

**Step 1:** Divide the learners into two groups. The two groups should simulate a meeting between the NGO and the water services board where the NGO tries to access information from the board based on the checklist

**Step 2:** While the role-plays are enacted, write up key points for discussion on the measures taken, the constraints to access to information and creative ways to address these constraints.

Make sure to include the impacts of accessible information, both from the perspective of the provider and NGOs.

**Steps 3:** Debrief all participants on the outcomes of the role play and document the key lessons regarding Access to Information and its practical application.

## *Session 5 ( 3 Hours )*

### Practical Challenges to implementing the Right to Water and Sanitation

**RATIONALE:** This Session will: (i) identify different types of challenges (iii) discuss actions to mitigate these challenges. The session culminates in the development of action plans for learners to implement in their own organizations after the course

#### Learning objectives

By the end of this Module, learners will:

- Understand the strengths, weaknesses, opportunities and threats related to the RTWS.
- Have reviewed the tools and actions covered through the course to develop action plans to strengthen the RTWS in their county contexts.

**Step 1:** In small groups, ask the learners to discuss and capture the strengths, weaknesses, opportunities and threats (SWOT analysis) to the implementation of the RTWS  
Module 7  
Facilitator's

**Step 2 Option 1:** Create a scenario in which the learners imagine they are water sector RTWS experts engaged as part of a multi-disciplinary team tasked to oversee and address the challenges in Session 5 Part 1 and strengthen RTWS

measures in a water related activity , in small groups, they should discuss:

- (i) What are the challenges
- (ii) Identify the main constraints and/or resistance factors
- (iii) Identify a strategy for overcome these constraints.

**Step 3:** Use the content section on session 5 to supplement the group’s feedback. Facilitate plenary discussion on the application of these strategies.

**Step 4 :** Based on the proposed measures to address challenges identified in the previous sessions, ask the learners to reflect on (i) what the key challenges are within their water related activities (ii) select one or two actions they can implement in their own organisation and how they will monitor them . Next, ask learners to identify: Detailed activities, responsible, timeframe and resources required (Module 3).

The actions should be implemented using existing human financial resources in their organisations and should therefore not be ambitious or complicated.

**Step 5:** The learners should present their action plans in plenary and provide input on the feasibility of each other’s action plans.

## PART 3

### Appendix I

#### Effective Facilitation Skills

Effective facilitation builds good working relationships with and within groups of learners. Here are a few skills and items to keep in mind that can help you become a more effective facilitator.

#### Interpersonal facilitation skills

**Clarifying** – Checking whether you have correctly understood what the learner has said and probing for more information. For example, “it sounds like you’re saying...?” Clarifying always has an implicit question mark (?) at the end of the sentence. Leading through asking questions rather than giving facts creates understanding and gives learners an opportunity to discover things for themselves. Questions are more useful if they open up participation and discussion. It is therefore best to ask open questions that stimulate participation rather than closed questions that close participation down. For example, closed questions ask for ‘yes’ or ‘no’ type answers, while open questions ask for further information – “could you tell me more about...?”

**Consensus testing** – Checking with the learners to see how much agreement has been reached or how near they are to a conclusion. For example, “I think we have reached agreement on this. How do others feel?”

**Encouraging** – Being warm, friendly and responsive to learners and their contributions, showing regard for them by giving them an opportunity for recognition. Acknowledge and appreciate the inputs and contributions from all learners and really listen to what they are saying.

**Expressing group feelings** – Sensing feelings, moods, and relationships in the group and sharing your perceptions with them. For example, “It looks like we all need a short break.”

**Gate keeping** – Attempting to keep communication channels open; facilitating the participation of as many people as possible. For example, “Sipho has been trying to say something for quite a while. Let’s listen to him”. This

skill is also referred to as ‘blocking’ and ‘opening’, where the facilitator gently blocks more dominant learners and opens the way for less talkative learners. This ensures that all learners are given an opportunity to contribute and learn and ask questions.

Gate keeping is also a useful skill for off-the-topic questions or points. Capture the point and refer it to an appropriate place or resource, or suggest that the participant discuss it with an appropriate person during a break. Gate keeping is a bit like being a referee.

**Giving information** – Communicating facts, information or clarification. Giving information is most effective when there is a demand for it from the learners.

**Harmonising** – Attempting to reconcile disagreements; reducing tension; and getting people to explore differences constructively. For example “maybe it would be a good idea to talk one at a time and give everybody a chance to say what they think.”

**Opening up** – Facilitators do not need to know all the answers to all the questions that may be raised – use your team of resource people and the learners to contribute their ideas and knowledge to the questions raised.

**Opinion seeking** – Asking for suggestions or ideas. For example “Tebogo has suggested that we come back to this later, what do others think?”

**Relieving tension** – By bringing the tension out into the open, putting a problem in a wider context, or using appropriate humour. This is also important for energising the group.

**Summarising** – Pulling together related ideas; concluding a section; pulling together the important elements of a discussion.

**Use of language** – Use simple, accessible language that is appropriate to the group of learners. If there is a need for translation, then translate.

## Technical facilitation skills

**Time management** – It is the facilitator’s responsibility to ensure that the time available for each activity or session is used well and for the benefit of the whole group. This implies the need to gauge the learners’ needs and manage limits.

**Writing up/ capturing skills (e.g. using the flipchart or board, etc)** – Facilitators are often best placed to do this as it shows the learners that their point has been heard, plus it is a useful tool for managing discussion, keep it on track and prevent repetition of the same point. If you want support, ask one of the team members to note ideas on the flipchart.

**Giving clear instructions** – Where there are instructions or specific questions for discussion, it may be useful to write these up for all to see. It is important that they are clear. Give thought to how you will break a large group into smaller groups before it comes to breakaway sessions, as this saves time and ensures clarity.

**Positioning the environment** – Both the seating arrangements and positioning of equipment in the room is an important part of facilitating participation. Always make sure that all the learners in the room can see audiovisual projections, flipcharts, and so on.

**Preparing or using appropriate and effective materials** – This is crucial for ensuring meaningful participation and for achieving the objectives of sessions.



## Further Reading and Source Material

1. The UN Committee on Economic, Social and Cultural Rights General comment No. 15, of 2002; General comment No. 4 of 1991 and General Comment No. 14 of 2000.
2. The UN Human Rights Council Resolution 16/2.
3. The World Health Organization's Guidelines for Drinking Water Quality.
4. The International Covenant on Economic, Social and Cultural Rights, 1996.
5. International Bill of Human Rights
6. The UN Committee on Economic, Social and Cultural Rights General comment No. 15, of 2002; General comment No. 4 of 1991 and General Comment No. 14 of 2000.
7. The UN Human Rights Council Resolution 16/2.
8. The World Health Organization's Guidelines for Drinking Water Quality.
9. The International Covenant on Economic, Social and Cultural Rights, 1996.
10. The Convention on the Elimination of All forms of Discrimination against Women, 1979
11. The Convention on the Rights of the Child, 1989
12. The African Charter on the Rights and Welfare of the Child (AFCRC), 1990
13. The African Charter of Human and People's Rights, 1981
14. The Constitution of Kenya 2010
15. The National Water Policy
16. Water Bill 2014
17. The UN-HABITAT, COHRE, AAAS, SDC. Manual on the Right to Water and Sanitation, 2007
18. On the Right Track: Good Practices in realizing the rights to water and sanitation, Catarina de Albuquerque and Virginia Roaf, 2012
19. The United Nations Human Rights- Office of the Commissioner: Embrace diversity end discrimination.



**Kenya Water and Sanitation CSOs Network**

P.O. Box 46163 -00100. Tel: +254 20 2656281

Mobile: +254 705530499

Apartment C6, Wood Avenue Towers, Wood Avenue, Nairobi

<http://www.facebook.com/pages/Kenya-Water-and-Sanitation-cso-Network-KEWASNET/421827647881522>

Twitter @kewasnet

[www.kewasnet.org](http://www.kewasnet.org)