

Spanish Agency for International Development Cooperation (AECID)

CHECKLIST

Guidelines on respect for the Human Right to Water and Sanitation in development projects



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Presentation

Spanish Cooperation is committed to the Human Rights-Based Approach (HRBA) in its development cooperation policy. Specifically, it **strongly supports implementation of the Human Right to Water and Sanitation (HRWS)** through specific policies and initiatives such as the **Cooperation Fund for Water and Sanitation**, Spanish Cooperation's main tool in this sector, which is the driving force behind programmes totalling €1.6 billion in 19 Latin American countries.

In this context, over the course of a year work has been carried out on a self-diagnosis tool for Fund managers: **Checklist for assessing inclusion of HRWS in development projects.**

The checklist is intended to be a tool enabling Fund managers to perform in-depth analysis of the content of cooperation projects as regards HRWS, in order to determine whether all of the HRWS criteria have been taken into account in projects of the Cooperation Fund for Water and Sanitation (FCAS).

This checklist addresses some of the cross-cutting principles that govern human rights (universality, non-discrimination, and equity; participation, access to information, and accountability; sustainability), the normative criteria concerning HRWS (availability, accessibility, quality/healthiness, acceptability, affordability), and a number of questions relating to duty-bearers, with a view to verifying whether duty-bearers are meeting their obligations in such projects, and whether the project is implementing actions that promote their responsibility.

With all this in mind, a set of questions has been prepared, to assist in the process of determining the degree to which HRWS are being implemented in a specific project, and, depending on the result, to identify possible improvement actions. If a question relates to several criteria, the relevant criteria are indicated. In addition, it is stipulated whether each question affects water and/or sanitation and urban and/or rural settings.

The tool includes specific spaces that allow project managers to record their assessment for each question, to establish corrective or improvement measures, and to performing monitoring while the project is being implemented. A project may be analysed at any point in its lifecycle, although it is recommended that the tool be applied from the design phase, to facilitate corrective actions.

Checklist structure

The checklist has been divided into different sections.

1. A number of **cross-cutting criteria** have been included, which generally determine access to human rights and their enjoyment. Not all of the cross-cutting criteria that govern human rights have been included. Only the following have been incorporated:

- **Non-discrimination and equity:** Basic water and sanitation services must be guaranteed for all people, with a special focus on the most vulnerable and marginalized sectors of the population.
- **The right to participation, information and accountability:** All people have the right to participate in preparing and planning water and sanitation projects and policies that affect the enjoyment of their rights. There is also a right to request, receive and disseminate information, and to transparency in management and investment processes. In addition, judicial resources or resources of another nature must be established to compensate victims of HRWS violations.
- **Sustainability:** Water and sanitation services must also be guaranteed for future generations.

2. The **normative criteria regarding HRWS** have also been incorporated:

- **Availability:** Of a provision or of a sufficient number of sanitation facilities.
- **Accessibility:** Supply and sanitation facilities must be continuously accessible for all members of households. Facilities must be accessible without putting people's safety at risk.
- **Quality:** Sufficient water quality; sanitation facilities must be technically safe and hygienic.
- **Acceptability:** Especially regarding sanitation facilities.
- **Affordability:** Facilities must be affordable without compromising users' living conditions.

3. A number of questions have been included regarding **duty-bearers**. The aim of these questions is to verify whether States, which are responsible for ensuring that rights are enjoyed by all, are fulfilling their duties in such projects, and whether the project being assessed is implementing actions that promote States' responsibility.

It is important to note that some questions apply to several criteria. A column has therefore been included to specify which other criteria may affect the question.

Furthermore, for each of the questions the following has been taken into account:

- The **setting** of the project, in order to take into account different questions depending on whether the project is in a rural or urban setting.
- The **type** of project, within the water-sanitation-hygiene sector, in a combined or separate manner.





How to use the Checklist

The Checklist table is available in printed or electronic format and it is useful to use a colour code (red, amber, green) to facilitate viewing of the results.

When the assessment for a given question is “in progress”, and especially when it is negative, reasons must be provided as to why the aspect has not been factored into the project and consideration must be given to its inclusion in subsequent phases, proposing the steps to be taken (activities and resources) as part of the project being assessed, or even as part of complementary projects. For this purpose, a final column has been included for such corrective measures.

Even if a proposed improvement is not within the reach of the project manager or is only partially achievable, consideration must still be given to any actions that may be implemented as part of the project or by the sponsoring institution, to move forward with the improvement.

The indicator refers to the areas of:

-  Duty-bearers
-  Responsibility-bearers
-  Rights-holders
-  Several holders

INDICATORS	Other criteria to which it applies	Rural/urban setting	Water/sanitation sector	Assessment	Comments / reasons	Corrective measures
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Universality, non-discrimination, and equity:
Water and sanitation services must be guaranteed for all people, with a special focus on the most vulnerable and marginalized sectors of the population

<p>1 If a legal framework exists (e.g. constitution, national strategies, action plans) that recognizes HRWS, duty-bearers and rights-holders, prioritizing supply of water for human use and sanitation over other uses (e.g. irrigation, energy resources), is the project aligned with said framework? If no such framework exists, does the project include any significant actions that are subject to normative frameworks, programme frameworks or budget frameworks, focused on guaranteeing HRWS?</p>	All criteria	Both	Both			
<p>2 If a national policy exists with specific time horizons to achieve the expansion of water and sanitation services, particularly prioritizing the poorest areas or rural settings, is the project aligned with said policy? If no such policy exists, have actions been included in the project to achieve this expansion?</p>	Universality/non-discrimination/equity	Both	Both			
<p>3 Does the project include rendering advisory services to the relevant organizations (municipal councils or other decentralized bodies) for capacity-building and development of instruments enabling them to fulfil their duties? <i>For example, inclusion of procedures enabling greater equity in budget allocation, prioritized use of water, creation of a regulatory framework concerning management of water resources, and other matters relating to HRWS.</i></p>	All criteria	Both	Both			
<p>4 If there is a plan at the local level that prioritizes the most vulnerable groups, is the project aligned with said plan? If no such plan exists, does the location of the project comply with a needs-based analysis, prioritizing locations where the vulnerable population is larger (according to levels of poverty and other social indicators)?</p>	Universality/non-discrimination/equity	Both	Both			
<p>5 Have actions been included that aim to establish the means to fully develop the institutions and initiatives of native peoples, and, if appropriate, to provide the resources required for this purpose, ensuring their effective representation in water and sanitation?</p>	Universality/non-discrimination/equity	Rural	Both			

INDICATORS	Other criteria to which it applies	Rural/urban setting	Water/sanitation sector	Assessment	Comments / reasons	Corrective measures
6 Are the operators managing water and sanitation in the community/municipality chosen through a public process involving men and women from the community/municipality?	Participation, information and accountability	Rural	Both			
7 Do women hold managerial positions on equal terms within the operators managing water and sanitation in the community/municipality?	Participation, information and accountability	Rural	Both			
8 Does the project include actions to promote equity in tariff payments? <i>For example, installation of micro-water meters, penalizations for those consuming large quantities or generating substantial wastewater, social tariffs</i>	Participation, information and accountability	Both	Both			
9 Have the native peoples from the area of action been taken into account in design and planning, ensuring that they have the same opportunities and rights as the rest of the target population, with a view to incorporating their needs and interests, and respecting their social and cultural identity, their customs, their traditions and their institutions? <i>For example, assessing the social, spiritual, cultural and environmental impact that planned project activities may have on native populations, to ensure universality, non-discrimination and equity.</i>	Sustainability	Rural	Both			
10 Are there guarantees that the project will not continue to increase existing inequalities between the populations of different neighbourhoods in the same municipality or between populations from different groups (e.g. ethnic or social groups)?	Participation, information and accountability	Both	Both			
11 Are actions included to promote equitable distribution of roles and domestic or productive tasks relating to water and sanitation?	Participation, information and accountability	Both	Both			

INDICATORS	Other criteria to which it applies	Rural/urban setting	Water/sanitation sector	Assessment	Comments / reasons	Corrective measures
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Participation, access to information, and accountability:
 All people have the right to participate in drafting and planning water and sanitation policies, as a basic condition to exercise this right. There is a right to request, receive and disseminate information, and a right to transparency in management and investment processes. Moreover, judicial resources or resources of another nature must be established to compensate victims of violations of human rights

<p>12 If there is political will from public entities, does the project ensure their participation and involvement in implementation of the project? <i>For example: In the process of reviewing designs and tendering work, supervision of execution, work guarantees and post-investment.</i> If no such political will exists, does the project include actions to favour it?</p>	Participation, information and accountability	Both	Both			
<p>13 Are municipal strategic planning and investment planning concerning water and sanitation undertaken in a participatory manner? If not, does the project include facilitation of participatory spaces for drafting and monitoring?</p>	Participation, information and accountability	Both	Both			
<p>14 Are actions undertaken to improve information systems of municipal councils or other entities of decentralized government, as regards municipal water and sanitation? <i>For example: Consolidated information on investment in water and sanitation, disaggregated data on the unserved population by gender, ethnicity, location, age, religion, etc.</i></p>	Universality, equality and non-discrimination	Both	Both			
<p>15 Is participation by operators factored into the design, planning and sustainability planning for the project and in the spaces for relations with public institutions, to ensure that the system is sustainable?</p>	Sustainability	Both	Both			
<p>16 Is the active participation of the beneficiary population taken into account, with equality between men and women, and particularly the native peoples or other vulnerable groups through participatory methods, to ensure that their opinions are taken into account in the design and planning of project activities? <i>For example: Participation in design: technological solutions, location, tariff design, selection of the steering committee, community co-financing of systems.</i> <i>Participation in project planning: prior informational assemblies, activity timeline, assignment of remunerated tasks, execution of infrastructure.</i></p>	Universality, equality and non-discrimination	Rural	Both			

INDICATORS	Other criteria to which it applies	Rural/urban setting	Water/sanitation sector	Assessment	Comments / reasons	Corrective measures
17 If the local population is not organized or does not have the capacity to lay claim to their rights, does the project include actions to increase their impact or to coordinate with national or international social or environmental organizations that can support such processes?	Participation, information and accountability	Both	Both			
18 Does the project include strengthening of consensus-building spaces or regulated participation structures in the country to ensure that all stakeholders are involved in decisions regarding the enjoyment of HRWS?	Participation, information and accountability	Both	Both			
19 Is the participation of the beneficiary population taken into account as regards operation and maintenance of water and sanitation systems, with equality between men and women?	Sustainability	Both	Both			
20 Have control and accountability mechanisms been included to inform the beneficiary population and all stakeholders involved of progress with implementation of the project, including information concerning budget execution and progress in terms of the HRWS criteria? <i>For example, a social audit of the contractor or execution of the works.</i>	Participation, information and accountability	Both	Both			
21 Are there control and accountability mechanisms as regards the operators and other organizations with responsibilities in water resource management? If not, does the project undertake activities to promote such mechanisms? <i>For example: Social audit mechanisms, training activities, collaboration or advisory services for operators and/or regulators.</i>	Participation, information and accountability	Both	Both			

INDICATORS	Other criteria to which it applies	Rural/urban setting	Water/sanitation sector	Assessment	Comments / reasons	Corrective measures
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Sustainability:
The water and sanitation services must be reliable and operate continuously and be guaranteed for all users, including future generations

22 Has consideration been given to the hydrogeological capacities of the territories in which the project is being implemented?	Sustainability	Both	Both			
23 Is the territory effectively organized, especially protected areas, to prevent practices that negatively affect the sustainable availability and quality of water?	Sustainability	Both	Water			
24 Does the project include strengthening or creation of management bodies at the basin/micro-basin or sub-basin levels that ensure all stakeholders are involved?	Participation, information and accountability	Both	Both			
25 Is there institutional support that allows for the provision of technical support and the financing of extraordinary expenses that cannot be borne by the local population, relating to the operation, maintenance, and/or expansion of systems? <i>For example, undertaking major repairs, technical support, system expansions.</i>	Sustainability	Both	Both			
26 Does the urban tariff include environmental conservation expenses and contributions to rural areas of the same municipality?	Sustainability	Urban	Water			

INDICATORS	Other criteria to which it applies	Rural/urban setting	Water/sanitation sector	Assessment	Comments / reasons	Corrective measures
27 If there is an organization responsible for managing water and sanitation in the communities where the project is working, are actions being undertaken to strengthen the organization? <i>For example: Defining tariffs, guaranteeing quality of services.</i> If no such organizations exist, are activities being carried out to create these organizations?	Sustainability	Both	Both			
28 Are actions included to train/support operators as regards management and maintenance of the systems built during the project cycle?	Sustainability	Both	Both			
29 Have technical and financial sustainability been analysed (taking into account tariffs, subsidies and other sources of funding) with a view to sustainable operation and maintenance (e.g. accessible spare parts, large purchases, available technical capabilities, energy cost), whilst respecting the affordability criterion?	Affordability	Both	Both			
30 Does the project have an operation and maintenance plan adapted to the capabilities of the operator, and a guaranteed budget, incorporating elements that ensure sustainability?	Affordability	Both	Both			
31 Are actions planned to ensure that the beneficiary population understands the importance of charging for the services and commits to the corresponding affordable payment instalments? <i>For example: Assemblies and other awareness activities</i>	Affordability	Both	Both			
32 Does the project include environmental awareness activities for local stakeholders, including the population?	Sustainability	Both	Both			

INDICATORS	Other criteria to which it applies	Rural/urban setting	Water/sanitation sector	Assessment	Comments / reasons	Corrective measures
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33 Are training actions included for all stakeholders (users, municipal councils, community operators, service providers, technicians and community developers) to be aware of and commit to their roles, rights and duties as regards the project's goals, using a HRVS-based approach?

Sustainability	Both	Both			
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**Availability of water and sanitation:
Services must include a sufficient capacity and number of facilities**

34 If ownership, protection and use of water resources are not regulated, does the project include activities to protect these resources?
For example: Identification and protection of recharge zones, land management plans, efficient irrigation.

Sustainability	Both	Water			
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35 Have the conflicts concerning water use been analysed, to ensure that other interests do not interfere with the enjoyment of the human right to water?

Availability	Both	Water			
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36 If there are cut-offs due to non-payment, or frequent interruption of supply due to breakdowns, does the operator have the means to ensure that the people whose supply is cut off enjoy their rights, whatever the reason for being cut off (non-payment or breakdown)?

Universality /non-discrimination /equity	Both	Water			
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37 Have the needs of the community been assessed, based on their situation and taking into account the characteristics of individual groups, to ensure that the amount of water (litres per person per day) is sufficient for the beneficiary population?
An amount is considered sufficient when it meets the personal and domestic needs that the right guarantees, such as water for drinking, sanitation, washing, food preparation, and personal and domestic hygiene.

Availability	Both	Water			
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INDICATORS	Other criteria to which it applies	Rural/urban setting	Water/sanitation sector	Assessment	Comments / reasons	Corrective measures
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38 Does the project include measures to ensure continuous, non-seasonal supply of water, taking into account population growth forecasts? <i>These measures must ensure that the beneficiary population has daily access to a sufficient minimum amount.</i>	Availability	Both	Both			
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39 Have the sanitation needs of the community been assessed (households, schools, health centres, work centres) based on their situation, taking into account the characteristics of individual groups, to ensure that there are sufficient facilities? <i>There must be enough facilities to ensure that the waiting time is not too long.</i>	Availability	Both	Sanitation			
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40 Does the project include activities to facilitate guaranteeing other human rights related to water and sanitation, such as schools, health centres, public institutions and work centres having a daily supply of sufficient water, and the number of sanitation facilities being sufficient, or families having enough water for their right to food not to be restricted?	Availability	Both	Both			
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Access to water and sanitation:
 Supply and sanitation facilities must be continuously accessible for all members of households. Facilities must be accessible without putting people's safety at risk

41 If a regulatory body exists that establishes the conditions for physically and financially appropriate access to water and sanitation, does the project include strengthening said body? If such a body does not exist, does the project include actions to create one?	Affordability	Both	Both			
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42 In international basins, do laws, treaties, or policies exist that prevent or preclude neighbouring countries from employing resources used for supply or that contain emergency plans for sharing water resources with regions that have supply shortfalls? If not, does the project undertake actions aimed at promoting such legislation or policies? <i>For example, promoting the organization of specific forums with competent entities in countries.</i>	Universality/ non-discrimination/ equity	Rural	Both			
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INDICATORS	Other criteria to which it applies	Rural/urban setting	Water/sanitation sector	Assessment	Comments / reasons	Corrective measures
43 Are actions included to ensure that there is a domestic running water connection or another improved source (public taps, protected wells, protected springs, or rainwater harvesting) near the home, at a distance of less than 1 km, as well as at health centres, schools, government institutions and workplaces?	Access to water and sanitation	Both	Water			
44 Are actions included to ensure that there is a connection to the sewer network at the home or near the home, health centre, school, government institution or workplace?	Access to water and sanitation	Urban	Sanitation			
45 Are actions included to ensure that the time required to collect water, including travel to and from the source to the home and any waiting time, is no more than 30 minutes?	Access to water and sanitation	Both	Water			
46 Has consideration been given to whether the location of the sanitation facility is appropriate for all members of the family unit, including access at all times of the day and night?	Cultural acceptability, universality/non-discrimination /equity	Rural	Sanitation			
47 Has security and safety on the routes to the water and sanitation infrastructure been taken into account?	Access to water and sanitation	Both	Both			
48 Have those people from the beneficiary population with special access requirements been taken into account, such as children, people with disabilities, the elderly, pregnant women, and the chronically ill? Have viable alternatives been included in the planning of the systems and infrastructure?	Universality/non-discrimination/ equity	Both	Both			

INDICATORS	Other criteria to which it applies	Rural/urban setting	Water/sanitation sector	Assessment	Comments / reasons	Corrective measures
49 Does the project include actions to promote connecting homes to the municipal sewer system?	Access to water and sanitation	Urban	Sanitation			
50 Does the project provide for easy access to connections for new families? <i>The project must ensure that new families can be included in the future (more than those included in the project design).</i>	Universality/ non-discrimination/ equity	Both	Both			
Quality of water and sanitation systems: The water supplied must be drinkable and uncontaminated. The sanitation facilities must be safe and secure						
51 Does the project include actions to clarify the roles of the different government institutions and operators responsible for the quality of the water at sources and at the point of consumption, and to facilitate their coordination?	Quality	Both	Water			
52 Does the project include advisory services or training for the institutions or operators responsible for controlling the quality of water, as regards applicable legislation or management plans?	Participation, information and accountability sustainability	Both	Water			
53 If there are no national/local plans regarding hygiene promotion, are advisory services included in the project for institutions to implement such actions for the beneficiary population, with a gender and intercultural approach?	Acceptability	Both	Both			

INDICATORS	Other criteria to which it applies	Rural/urban setting	Water/sanitation sector	Assessment	Comments / reasons	Corrective measures
54 Have actions been planned to ensure that the water consumed by the population from all supply sources is of high quality and does not represent a significant health risk? <i>For example: protect sources, purify drinking water, establish periodic quality control processes, reduce contaminants in water that may be caused by poor domestic habits such as improper disposal of domestic or business waste, improper management of livestock (faeces), poor management of coffee wastewater or mining waste.</i>	Quality	Both	Water			
55 If water treatment or purification systems exist or are planned (individual or treatment plant), does the project include the actions necessary to ensure that the capabilities and means exist for quality controls to be sustainable over time?	Sustainability	Both	Water			
56 Have resources been allocated to ensure that the sanitation facilities are hygienically safe to use, i.e. do they prevent human, animal, and insect contact with human waste?	Quality	Rural	Sanitation			
57 Have resources been allocated to ensure that the facilities have access to safe water for washing hands and for menstrual hygiene, including hygienic disposal of sanitary products and washing of the body after using sanitation facilities?	Acceptability	Both	Both			
58 Are training activities included for the beneficiary population, on subjects such as: <ul style="list-style-type: none"> - maintenance of individual water storage systems - water treatment in the home - cleaning and emptying of wells and maintenance of sanitation services to ensure they are sustainable and continuously accessible - health implications of poor quality water - promoting hygiene, including menstrual hygiene? 	Sustainability	Both	Both			

INDICATORS	Other criteria to which it applies	Rural/urban setting	Water/sanitation sector	Assessment	Comments / reasons	Corrective measures
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Affordability of water and sanitation systems:
The supply of water must be affordable for personal and domestic uses, without compromising access to other essential goods and services

<p>59 Is there legislation that obliges operators to guarantee a minimum capacity, with a social tariff to ensure universal access to water and sanitation? If not, are actions included regarding the determination of a progressive social tariff?</p>	Universality/ non-discrimination/ equity availability	Both	Both			
<p>60 Are actions included to guarantee that the tariff that the beneficiary population pays for water is affordable for all, and particularly for the poorest sections of society, such as an equitable tariff regulation or measures aimed at preventing wilful non-payment (rather than non-payment due to inability to pay)?</p> <p>For this purpose, the tariff should not exceed 3% of the average household income and must not limit families' capacity to acquire other goods and services that are guaranteed human rights, such as food, housing and basic health and education services.</p> <p><i>Examples of actions:</i></p> <ul style="list-style-type: none"> - Grants from municipal councils - Preferential tariffs based on users' financial means - Compensation through community work on the water and sanitation system: conservation of resources, reforestation, cleaning days, etc. - Reduced instalments if labour or material are contributed 	Universality/ non-discrimination/ equity	Both	Both			
<p>61 Are actions included to ensure that access to sanitation facilities and services, including emptying and maintaining facilities, and treatment and disposal of faecal matter is affordable for all? <i>For this to be affordable, no limit must be placed on the capacity to acquire basic goods and services that are guaranteed human rights, including water, food, housing, healthcare, and education.</i></p>	Universality/ non-discrimination/ equity	Both	Sanitation			
<p>62 Are consultations with the beneficiary population included? <i>For example: reviewing their income, to determine whether they consider the water tariff fair and affordable (operation, maintenance and repayment), as well as their collaboration on financing of infrastructure construction.</i></p>	Universality/ non-discrimination/ equity	Both	Both			

INDICATORS	Other criteria to which it applies	Rural/urban setting	Water/sanitation sector	Assessment	Comments / reasons	Corrective measures
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Acceptability of water and sanitation systems:
The characteristics of the water and sanitation facilities must be appropriate, especially in cultural terms

63 Does the project ensure that the design, location, and usage conditions of water facilities are accepted by the population in social, spiritual and cultural terms?	Participation, information and accountability	Both	Water			
64 Are activities included to confirm that the chosen treatment system is culturally and socially acceptable to the beneficiary population (including the native peoples) in terms of the colour, smell, and taste of the water?	Acceptability	Both	Water			
65 Has the beneficiary population been taken into account in the design, location, and usage conditions of the sanitation facilities, to ensure that they are socially and culturally acceptable (also to the native people)? <i>The privacy of the facilities is particularly important.</i>	Universality/non-discrimination/equity. Participation, information and accountability	Both	Sanitation			
66 Are separate sanitation facilities planned for men and women in public locations, and for girls and boys in schools?	Universality/non-discrimination/equity	Both	Sanitation			
67 Has consideration been given to facilities allowing for culturally acceptable hygienic practices, such as hand washing and body washing?	Acceptability	Rural	Both			

