

The Availability, Accessibility, Acceptability and Quality (AAAQ) Toolbox

Realising social, economic and cultural rights through facts based planning, monitoring and dialogue

INTRODUCTION

Full realisation of Economic, Social and Cultural Rights (ESC rights) requires transparency, accountability mechanisms and public participation in all stages of prioritisation, planning, implementation and monitoring of public services. It also requires constructive dialogue between government actors, service providers and service users based on facts rather than perceptions about the state's human rights obligation to deliver public services to the population.

The ESC rights are set out in the International Covenant on Economic, Social and Cultural Rights (ICESCR) which is recognised as an integral part of the International Bill of Rights. The ICESCR establishes the right of everyone to water and sanitation, housing, food, health and education. General interpretations of the content and meaning of these rights are provided by the Committee on Economic, Social and Cultural Rights (CESCR) and the UN Special Procedures.

However, a number of problems arise when working with these rights in practice. Firstly, there is a lack of consensus with regards to the precise interpretation of the ESC rights and the degree to which they are justiciable. Secondly, the international human rights documents and institutions offer limited guidance for the operationalization these rights in terms of setting specific and measurable targets for service delivery. Consequently there is a need to further conceptualise the ESC rights and develop tools, which enable rights holders and duty bearers to measure the level of compliance with the international human rights standards.

As part of our research, conceptual and practical work with Human Rights Based Approach (HRBA) in relation to ESC rights, the Danish Institute for Human Rights (DIHR) is currently developing a Toolbox for working with ESC rights in practice. The core element in the Toolbox is an indicator framework based on the Availability, Accessibility, Acceptability and Quality (AAAQ) criteria for realisation of ESC rights. The AAAQ framework translates the international human rights obligations into specific, however generic, standards, indicators and benchmarks. This operationalization gives way for a second core element, namely a methodology for contextualising indicators for measuring the level of realisation of ESC rights. The AAAQ Toolbox will provide state institutions, private service providers, civil society and National Human Rights Institutions (NHRIs) with a context-specific indicator system and methodology, which can enable these actors to understand, analyse and assess public service delivery from a human rights perspective and engage in facts-based dialogue and joint action for full realisation of ESC rights for the entire population.

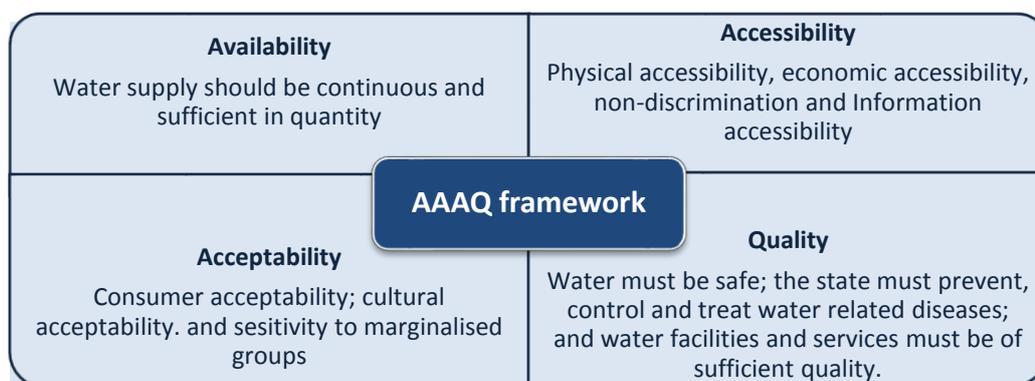
In 2013 DIHR initiated development of the AAAQ Toolbox in consultation with international human rights experts and practitioners and modules of the Toolbox have been piloted with civil society networks in Zimbabwe and Zambia. These pilots have yielded encouraging results, particularly in terms of capacitating

national actors to adapt international ESC standards to national contexts and challenges and play strong, constructive roles in monitoring national duty bearers and supporting UPR processes and Special Procedures in their work. Crucially, the AAAQ Toolbox can support these actors in preparing country assessments for reference of Special Rapporteurs visiting their countries.

In 2014, DIHR is launching new pilot projects to further develop and consolidate the AAAQ Toolbox for the right to water, promote the Toolbox at international policy level and initiate development of the Toolbox to cover other ESC rights.

THE AAAQ FRAMEWORK

The Availability, Accessibility, Acceptability and Quality (AAAQ) framework translates the general provisions of international human rights instruments into specific indicators and benchmarks for realising ESC rights. In line with the interpretation of the rights set out in the General Comments to the ICESCR the AAAQ framework breaks down the state’s human rights obligation into four criteria. The table below illustrates how the Framework may be applied to the right to water:



Availability identifies whether there is a sufficient amount of water available within a given geographical area (e.g. a country, a district or a village) and whether there is a regular supply of water over time. Thereby the availability criterion takes into account seasonal changes in water supply according to weather patterns as well as the regularity of supply on a daily basis. Availability is viewed from a supply perspective in terms of ensuring enough water is available at any given time in a specific location. It is an objective criterion, which can be measured through quantitative data (e.g. amounts of water and duration of water cuts) and it represents a low level of complexity.

Accessibility concerns the level of access and identifies who has access and thereby encompasses the human rights principles of non-discrimination, participation and accountability. There might be an abundance of water within a country or a district, but there are a variety of factors that influence rights holders’ ability to access water. Accessibility is divided into four sub-criteria to help identify the barriers for accessing water.

- *Physical accessibility* means that water must be within physical reach and that it can be accessed without physical threats.
- *Economic accessibility* refers to the cost of accessing water and attention is given to whether the cost of water threatens the realisation of other rights; e.g. if a family is forced to prioritise between water for the family and school fees for the children.
- *Non-discrimination* is a specific element of accessibility as well as an overarching human rights principle for all AAAQ criteria. In its simplest form the non-discrimination criterion can be addressed through

disaggregating data on the other AAAQ indicators based on prohibited grounds of discrimination. An in-depth analysis of marginalised groups and equal access to water requires a range of measurements based on the types of discriminatory practises (e.g. refusing migrant workers access to a borehole) for each of the marginalised and vulnerable groups in the country (e.g. women, people living with HIV/AIDS or disabilities or elderly persons).

- *Information accessibility* concerns the accessibility of information on water related issues and should consider e.g. the frequency, medium, form and language of the information. In a broader perspective, information accessibility also relates to the openness and responsiveness of public institutions to the requests and needs for information about water governance institutions and processes. This includes provision of information about how and when rights holders can participate in policy and decision-making processes as well as establishment of mechanisms for feedback and complaints.

In summary, the accessibility criterion is highly complex and a comprehensive analysis of accessibility should ideally include a high level of user participation to identify relevant indicators for each of the sub-categories as well as a combination of qualitative and quantitative data.

Acceptability concerns subjective assessments of the rights holders' perceptions about water and the delivery of water. A distinction is made between consumer and cultural acceptability. *Consumer acceptability* includes the characteristics of the water (e.g. smell, taste and colour) as well as procedural considerations (e.g. the behaviour of water suppliers). *Cultural acceptability* refers to subjective perceptions based on the culture of individuals, minority groups and communities. For instance some groups might find it inappropriate to drink water from a tap rather than from a river while others might refuse to drink water that has been chemically treated or drink water from a borehole close to a graveyard. The high degree of subjectivity makes it very difficult to identify relevant generic indicators at international and national level and a comprehensive assessment of the acceptability criterion should ideally be carried out through a dialogue-based qualitative assessment at local level. Attention should be given to identification and engagement with marginalised and minority groups in local communities.

Quality concerns the quality of water in objective, scientific terms and it is closely tied to international quality standards. Assessing the quality of water is highly complex and requires technical expertise on micro-organisms and chemicals that might pose a health risk. WHO and UNICEF are leaders in the field of water quality and have defined a set of core parameters for water quality (microbial quality, physical parameters and chemical parameters). When measuring water quality efforts should be made to either make use of quality assessments from WHO and UNICEF or engage technical expertise on water quality.

The AAAQ framework establishes a clear and traceable link between the individual rights holder, the national legislation and policies and the international human rights standards. The comprehensive nature of the AAAQ framework furthermore enables various stakeholders to move away from addressing issues in isolation, towards a comprehensive analysis of all aspects of the right in question. It is practically applicable by relevant actors, in particular states, private sector actors, civil society, and it establishes a common understanding of the content and interpretation of the human rights obligations. Furthermore it contributes to the global efforts to improve the mechanisms for making the ESC rights justiciable.

DIHR'S AAAQ TOOLBOX

The AAAQ Toolbox, which is currently being developed by DIHR, addresses the conceptualisation of ESC rights and the practical application of the AAAQ framework in national contexts. The Toolbox is a compilation of resource materials and guidelines, which will assist the users in applying a human rights

based approach and principles of accountability, participation and non-discrimination in their work with the AAAQ framework.

DIHR’s AAAQ Toolbox consists of the following elements:

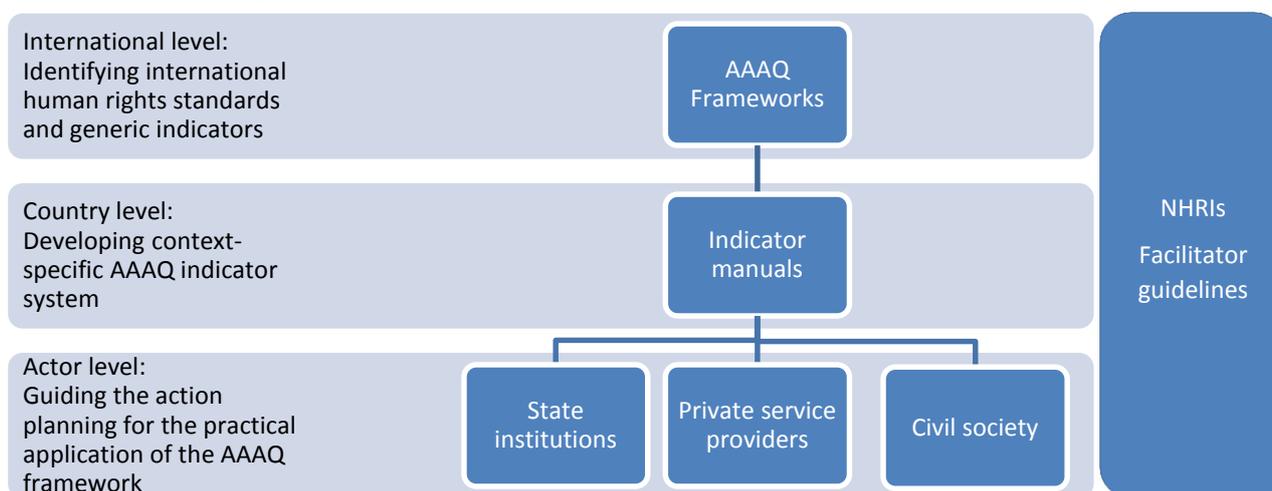
AAAQ framework for each right outlining the underlying methodology and rationale behind the AAAQ framework and defines a set of generic human rights standards and indicators.

AAAQ indicator manuals with guidance for the development of context-specific AAAQ indicators and monitoring tools in a partnership between the state, civil society and private service providers.

AAAQ action planning guidelines for states, private service providers, and civil society providing step-by-step guidelines and advice on the practical application of the AAAQ framework in national contexts.

AAAQ facilitators’ guidelines with resource and training material for facilitators of in-country processes to implement the AAAQ framework.

Levels of the AAAQ Toolbox



The AAAQ framework establishes a common understanding of the content and interpretation of the international human rights standards and principles, thereby establishing a reference for all stakeholders. DIHR’s AAAQ Toolbox guides the different stakeholders through a process of analysing legal and policy obligations and translating these into human rights indicators for service delivery. In addition to providing specific information about the targets for service delivery, the Toolbox also assist the stakeholders in applying HRBA principles to service delivery by identifying specific indicators for crosscutting human rights principles of participation, accountability and non-discrimination in the planning, delivery and evaluation of service delivery.

For the state, as the primary duty bearer, the AAAQ framework can inform the setting of standards and targets for service delivery and with a view to integrate human rights obligations in the planning and prioritisation of budgets, development projects and service delivery. The AAAQ framework can be integrated into sector specific policy making as well broader policy processes, such as decentralisation, Public Service Charters and national budgeting. Where there is no clear legal framework for solving disputes related to service delivery, the AAAQ framework can aid and inform various complaints handling and informal justice mechanisms in the management and resolution of conflicts.

In many countries the state outsources service delivery to the private sector thereby delegating a secondary duty bearer responsibility. NGOs and other non-state actors are often involved in service delivery, e.g. in instances where the state is unable to deliver adequate services. The AAAQ framework contributes to unpacking the responsibility of private companies and other non-state actors to respect, protect and fulfil ESC rights. Furthermore, it provides guidance on the application of HRBA principles of participation, accountability and non-discrimination in the planning, implementation and monitoring of service delivery.

As representatives of the rights holders, civil society can monitor the state's fulfilment of ESC rights by collecting and summarising data on the AAAQ indicators. National summary reports can feed into advocacy efforts and dialogue with the state and private service providers to agree on the long and short term objectives and strategies for providing services to the population. At an individual level, rights holders can use the AAAQ framework to monitor the performance of the state and private service providers compared to their legal obligations.

NHRIs will also be key beneficiaries of the AAAQ Toolbox as they will often be able to take the role as facilitators of the in-country processes. The facilitator's guidelines will therefore be a key product of interest for NHRIs.