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**Re: Failures of public authorities to secure access to water and sanitation for
Roma**

Dear Mr. Ivan Korčok,

The European Roma Rights Centre (ERRC) is a Roma-led international public interest law organization, which monitors the human rights of Roma in Europe and tackles cases of human rights violations through strategic litigation.

We would like to express our appreciation that the Programme of the Slovak Presidency of the Council of the European Union 1 July - 31 December 2016 lists the issue of the

efficient use of water as a natural resource as a priority, with a view to having Council Conclusions adapted “to ensure and protect sustainable water resources.”

However, water scarcity is only mentioned in the context of droughts and climate change. Since 2014 the ERRC has been conducting research on access to safe and affordable drinking water and sanitation in Romani neighbourhoods in seven countries, both EU Member States and Accession Countries (Albania, France, Hungary, Macedonia, Moldova, Montenegro, and Slovakia). The research focused on analysing problems with accessibility, affordability, and quality of drinking water resources, as well as with sanitation in Romani neighbourhoods and settlements.

The research shows that across Europe, significant numbers of Roma suffer disproportionately from the failures of public authorities to secure access to water and sanitation. Roma, especially those living on the outskirts of towns or in completely segregated settlements, are often treated differently by local authorities when it comes to the provision of these public utilities.

Their water sources are often far from home, with the burden to secure water falling disproportionately on women and girls. These sources are frequently not tested to ensure their safety and are exposed to a wide range of contaminants, including dry toilets (pit latrines), insects, and wild animals. Roma often cannot afford public water-service pipes and water charges, even if they were otherwise available. Many Roma communities only enjoy access to water as a result of the interventions of private donors.

The United Nations (UN), the Council of Europe (CoE) and the European Union (EU) have all recognised the human right to water and sanitation as fundamental and essential to the realisation of all human rights. The jurisprudence of Council of Europe bodies has derived the right to safe drinking water from other human rights, such as the rights to adequate housing, health or life.

While the focus of the European Parliament Resolution in 2008 was on water scarcity and droughts (2008)¹, it did stipulate that “water is essential to life and a common good which should not be reduced to a mere commodity; whereas ensuring fair access to water for all, including future generations, should guide all water policy.”²

In September 2015, the European Parliament passed a Resolution in direct response to the European Citizenship’s Initiative Right2Water which attracted more than 1.8 million signatures.³ This resolution recognised that a growing number of EU citizens experience difficulties in accessing drinking water and urged the EU drinking water framework to align with the UN by adopting the right to water legislature. The European Commission

¹ European Parliament resolution of 9 October 2008 on addressing the challenge of water scarcity and droughts in the European Union (2008/2074(INI)), available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0473+0+DOC+XML+V0//EN>.

² Ibid. para. B

³ European Parliament resolution of 8 September 2015 on the follow-up to the European Citizens’ Initiative Right2Water (2014/2239(INI)), available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2015-0294+0+DOC+PDF+V0//EN>

responded to the Right2Water initiative with policies to ensure water is not treated as a market commodity, but has yet to provide any concrete measures to ensure that everybody can realise their fundamental right to water.

Some idea of the gravity of the problem can be garnered from the ERRC research which found that in 75 (81%) of the sites investigated, the Romani neighbourhoods or settlements were not connected to the water mains; and in 63 (68%) locations, none of the Romani households in the neighbourhood or settlement were supplied with tap water and a functioning sewerage system.

One clear finding from the research is that water scarcity in Roma communities is not due to droughts or other acts of nature, but a direct consequence of policy processes and decision-making by local authorities. The result is that hugely disproportionate numbers of Roma in 21st Century Europe are denied access to clean drinking water and sanitation.

The United Nations Development Programme (UNDP) Regional Roma Survey (2011) found that there are 38 % of Romani households in Slovakia still not connected to a piped, public water supply and remained dependent on water whose quality was not tested by the competent public authorities.

The Atlas of Romani Communities (2013) is a comprehensive survey of Romani neighbourhoods and settlements in Slovakia, commissioned by the Interior Ministry, and conducted by UNDP and the University of Prešov. According to this survey, there were more than 150 Roma neighbourhoods and settlements in Slovakia where not one house was connected to a public water supply, and more than 370 were without sewerage systems in place. Apart from those totally segregated settlements without connection to public utilities, there were 65 Roma neighbourhoods with no households connected to the municipality's water system, while the non-Roma households in the area were fully connected. There is no public sewage system in 453 Roma neighbourhoods (56.41%) and about 33% of these neighbourhoods do not even have a private sewage facility, meaning the houses discharge the sewage (a mix of waste water and excrement) to nearby surroundings.

The European Commission's analysis of progress in the EU Framework for National Roma Integration Strategies up to 2020, and the Council Recommendation adopted in 2013, have specified positive measures to be adopted by Member States for effective Roma inclusion.⁴ It is clear from the reports that on the priority areas of housing and health, little tangible progress has been made since the Framework was launched in 2011. Denial of access to clean water and sanitation cannot be reconciled with the ambition of the Framework to break the vicious cycle of poverty, end discrimination against Roma and ensure they have equal access to all fundamental rights as enshrined in the EU Charter of Fundamental Rights.

⁴ http://ec.europa.eu/justice/discrimination/files/roma_implementation_strategies2014_en.pdf

We call on the Slovak Presidency in its endeavours to have Council Conclusions adapted “to ensure and protect sustainable water resources,” to directly address the issue of deliberate denial of access to clean water and sanitation to socially excluded Romani communities. As the UN CESCR has stated “The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights”.⁵ We would very much appreciate if the following recommendations for national and local authorities be borne in mind to give concrete substance to the realisation of this fundamental human right.

RECOMMENDATIONS

- Adopt laws explicitly recognising the human right to water and sanitation and ensure that all people in the country enjoy access to safe drinking water and sanitation
- Make sure that conditions of housing informality do not prevent people from enjoying the right to safe drinking water and sanitation
- Adopt policies and allocate budgets for connecting Roma settlements to public drinking water and sewage systems
- Ensure that adequate number of safe drinking water and sanitation facilities is available in Roma neighbourhoods and settlements
- Ensure that the quality of all alternative water resources, which serve as a drinking water supply, are periodically checked and the quality of water is guaranteed

We look forward to your response via e-mail to atanas.zahariev@errc.org or by post to the European Roma Rights Centre, Wesselényi utca 16, H-1077 Budapest, Hungary and would like to avail ourselves to you for further information if required.

Sincerely,

Dorđe Jovanović
President

⁵ UN CESCR, *General Comment No. 15. The Right to Water*, 2002, Art 1.