

# THIRSTING FOR JUSTICE

A REPORT BY THE EUROPEAN ROMA RIGHTS CENTRE



## Europe's Roma Denied Access to Clean Water and Sanitation

MARCH 2017

CHALLENGING DISCRIMINATION PROMOTING EQUALITY



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## Foreword

The world we want, need, and are entitled to is one in which access to safe drinking water, sanitation and hygiene (WASH) services is adequately available for all, without discrimination based on any grounds. This is central not only to living a healthy life, but to guaranteeing dignity and human rights. Yet billions of people still do not enjoy these fundamental rights.

The human rights to water and sanitation require that these services be available, accessible, safe, acceptable, and affordable for all. Moreover, they require sanitary services that provide individuals with sufficient privacy and dignity. These rights also entail an explicit focus on the most disadvantaged and marginalized, as well as an emphasis on participation, empowerment, accountability and transparency.

Whereas the Millennium Development Goals (MDGs) did not possess a clear human rights approach, the 2030 Development Agenda and its 17 Sustainable Development Goals (SDGs) are now unequivocally anchored in respect for human rights. A dedicated goal – SDG 6 – calls for universal and equitable access to safe and affordable drinking water, sanitation and hygiene facilities for all by 2030. This Goal has tight synergy with other SDGs, such as those aiming to reduce inequalities (SDG10) and attain gender equality (SDG5), meaning that either the successes or shortcomings in accomplishing Goal 6 will necessarily influence the capacity to achieve other goals.

Indeed, in some world regions, disproportionate levels of access are observed between disadvantaged groups (e.g. women, persons with disabilities, persons with HIV, ethnic groups, persons living in informal settlements) vs. the “general” population. I have personally testified to the realities lived by some Roma communities. During an official mission to Portugal in late 2016 in my capacity as Special Rapporteur, I found their living conditions, including their access to water and sanitation, disconcerting and certainly comparable to the worst of situations I have seen thus far in previous missions to much less developed countries in Central Asia, Southern Africa and Central America.

This unique report by the European Roma Rights Centre provides compelling evidence that, throughout several States and regions where safe water supply and sanitation services are available to almost every household, Roma populations are systemically disadvantaged in their access to these services. Evidences gathered from Albania to France reveal shocking disparities of the conditions endured by Roma as compared to the rest of the population. In this respect, the report’s conclusions highlight a concerning situation of widespread, deeply rooted social exclusion and ethnic discrimination regarding Roma’s access to these essential services.

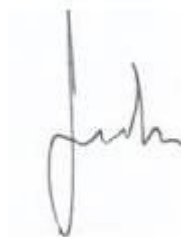
The human rights to water and sanitation, recognized by the United Nations General Assembly and the Human Rights Council, require that States explicitly focus on the most disadvantaged

and marginalized. The evidence that large segments of this ethnic minority continue to be grossly unserved or underserved in their access to safe drinking water and sanitation suggests that some European States have been failing to meet their well-established human rights obligations.

The report's methodology is structured with careful consideration for the multiple components of the human rights to safe drinking water and sanitation. The research examined the WASH services used by Roma peoples in terms of their physical accessibility, affordability, quality, safety, and privacy. It further identified the extra burden felt by women and girls among this already disadvantaged ethnic group, who are disproportionately responsible for their families' WASH-related needs. Indeed, the results give substance to the argument that I advanced in my recent report (A/HRC/33/39) on gender equality in the realisation of the human rights to water and sanitation. Tackling inequalities in access to improved WASH services can be an entry point to addressing other fundamental inequalities, such as those with grounds in gender and ethnicity.

The report's conclusions and recommendations are clear and in keeping with the requirements of international human rights law. In the current challenging context of mass migration to much of Europe, the human rights of many individuals and minority groups may also be acutely placed at risk. While many states shall turn their attention to guaranteeing the rights of new migrants, it is quintessential that they restore a sense of dignity to the long-marginalized Romani communities, who usually live in highly vulnerable situations.

By providing compelling substantiation that potentially millions of Romani individuals and families have been deprived of the basic human rights to clean water and sanitation for decades, this report calls to be widely read and duly considered in discussions related to the accomplishment of the 2030 Development Agenda in Europe – mainly the goals and targets focusing on ending inequalities. No excuse stands up to the countless commitments that States have made, starting with the more than 70-year old Universal Declaration of Human Rights and the two International Covenants, to realise the right to life, right of everyone to an adequate standard of living, ensure freedom from inhuman or degrading treatment, and to guarantee equality and non-discrimination. The human rights to water and sanitation are intrinsically tied to these cornerstones of international human rights law, and must be treated earnestly as such by all States.



Léo Heller

Special Rapporteur on the human rights to safe drinking water and sanitation

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# 1 Introduction

Across Europe significant numbers of Roma suffer disproportionately from the failures of public authorities to secure access to water and sanitation.<sup>1</sup> Roma, especially those forced to live on the outskirts of towns or in completely segregated settlements, are often treated differently and discriminated against 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 connect their homes with public water service pipes and pay regular water charges, even when the water supply infrastructure is available in their neighbourhoods. Many Roma communities only enjoy access to water thanks to private donations.

The United Nations (UN) has recognised the human right to water and sanitation and acknowledged that they are essential to the realisation of all human rights. At the European level, the Council of Europe (CoE) and the European Union (EU) also recognised that access to water is a fundamental human right. 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.<sup>2</sup> Therefore, under international human rights law, States are bound by obligations which require them to ensure that everyone, without discrimination, has access to a sufficient amount of safe drinking water and to adequate sanitation, as a fundamental element for human dignity.<sup>3</sup>

This report provides an overview of access to water in Romani neighbourhoods and settlements across Europe and analyses the evidence from the European Roma Rights Centre (ERRC)'s primary research. Since 2014 the ERRC has been conducting research<sup>4</sup> on access

1 Europe is home to 10-12 million Roma, see: [http://ec.europa.eu/justice/discrimination/roma/index\\_en.htm](http://ec.europa.eu/justice/discrimination/roma/index_en.htm); or <https://www.youtube.com/watch?v=Q6wSLfGBVGY>. According to the United Nations Economic Committee for Europe (UNECE) and World Health Organization (WHO), 12% of the population, some 120 million people, in the pan-European region are still without access to safe drinking water, and many of them are Roma. See: UNECE/WHO, 2012, *No One Left Behind: Good Practice to Ensure Equitable Access to Water and Sanitation in the Pan-European Region*, p. iii.

2 See Chapter 2.

3 Open Society Foundations, 2015, *The Link Between Functioning Toilets and Justice*, available at: [https://www.opensocietyfoundations.org/voices/link-between-functioning-toilets-and-justice?utm\\_source=facebook.com&utm\\_medium=referral&utm\\_campaign=osffbpg](https://www.opensocietyfoundations.org/voices/link-between-functioning-toilets-and-justice?utm_source=facebook.com&utm_medium=referral&utm_campaign=osffbpg).

4 Although we have employed objective and systematically organised criteria for the selection of our cases, the lack of country-wide representative data on the housing and public utility infrastructure in Romani neighbourhoods and settlements, as well as the incommensurability of available data from individual countries, limited our sampling methods and therefore the research results cannot be considered representative for the entire Romani population in any given country. Nonetheless, the ERRC research is objectively indicative of the current experience of many Roma in accessing safe and affordable drinking water and sanitation. The research was designed to compare the situation of water and sanitation services for Roma with that enjoyed by their non-Roma neighbours, in order to detect discrimination.

to safe and affordable drinking water and sanitation in Romani neighbourhoods in seven countries: Albania, France, Hungary, Macedonia, Moldova, Montenegro, and Slovakia. We have 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 has also examined potential cases of ethnic discrimination in the distribution and availability of these public utilities.

The ERRC's research is not a stand-alone outcome and has served as evidence for advocacy and consultation with the European Parliament (EP) and the European Commission. Our evidence informed the work of the right to water Rapporteur, MEP Linn Boylan, who drafted the EP Resolution. We have participated in the review of the Drinking Water Directive (DRD) initiated jointly by the European Commission's DG Environment and DG Internal Market, Industry and Entrepreneurship. We challenged the European Commission on the fact that by focusing only on the water-quality monitoring this Directive leaves problems with access and affordability untouched. We also sent an open letter to the Slovak Presidency of the Council of the European Union, which has made the efficient use of water a priority. In the letter, we called on the Slovak Presidency to use this opportunity to address the issue of unequal access to safe drinking water and sanitation and also the deliberate denial of these services to socially excluded Roma.<sup>5</sup> Based on our submission, the UN Committee on the Rights of the Child (UN CRC) expressed concern in their concluding observations issued in July 2016 that the Slovak government have done little to improve Roma's access to water and sanitation.<sup>6</sup> We submitted a third-party intervention in the European Court of Human Rights (ECtHR) case *Hudorovič and Others v. Slovenia*, which concerns the discrimination of Roma in access to water in two Romani settlements in Slovenia.<sup>7</sup> It is the first ECtHR case on the right to water issue. In November 2016, we submitted the *Bekir and Others v. Macedonia* case to the ECtHR, in which we argue the right to water violations are in direct connection to the evictions of a Roma community from the centre

5 ERRC, *Open Letter to the Slovak Presidency of the Council of European Union: Failures of public authorities to secure access to water and sanitation for Roma*, 15 September, 2016, available at: <http://www.errc.org/cms/upload/file/Letter%20to%20Slovak%20Presidency%20NO%20SIGN.pdf>. See also: Szilvasi, M. (2017), 'The 'success story' that wasn't: Slovakia's EU Presidency and access to water', in: *ERRC blog*, available at: <http://www.errc.org/blog/the-success-story-that-wasnt-slovakias-eu-presidency-and-access-to-water/150>.

6 UN CRC, *Concluding Observation on Slovakia*, 20 July 2016, available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSVK%2fCO%2f3-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSVK%2fCO%2f3-5&Lang=en). The Committee found that "a significant percentage of Roma families continues to live in segregated situations and many still do not have access to adequate housing and suffer from a lack of basic facilities such as sanitation, electricity, drinking water, a sewage system and waste disposal". It urged the government as a matter of urgency, to "adopt policies and allocate budgets for connecting Roma settlements to public drinking water and sewage systems". See also: ERRC and Poradňa, *Joint Submission to the UNCRC on Slovakia, Chapter on Access to Water and Sanitation*, 18 April 2016, available at: <http://www.errc.org/cms/upload/file/slovakia-crc-submission-april-2016.pdf>.

7 ERRC, *Third Party Intervention in the case of Hudorovič and Others v. Slovenia*, European Court of Human Rights, 9 October 2015, available at: <http://www.errc.org/article/hudorovic-and-others-v-slovenia-third-party-intervention-pending/4423>. In November 2016, Slovenia was the first EU country to add the right to water to its Constitution, but the implementation of the new constitutional right in Romani communities in Slovenia has yet to be observed, see: Amnesty International, *Slovenia: Constitutional right to water "must flow down to" Roma communities*, 17 November 2016, available at: <https://www.amnesty.org/en/latest/news/2016/11/slovenia-constitutional-right-to-water-must-flow-down-to-roma-communities/>.

of Skopje.<sup>8</sup> Finally, the ERRC has been preparing to launch new domestic litigation on the right to water for Roma in several European countries in 2017.

The paper also reviews the international UN, Council of Europe, and European Union frameworks on the right to water. Finally, in the Annex I, there are relevant tables and graphs of the ERRC research findings in particular countries.

<sup>8</sup> ERRC, *Case of Bekir and Others v. Macedonia*, ECtHR, 8 November, 2016, available at: <http://www.errc.org/article/bekir-and-others-v-macedonia-pending/4531>. See also: ERRC, *Submission to the UN CESCR on Macedonia*, 12 August, 2015, available at: <http://www.errc.org/cms/upload/file/macedonia-cescr-11-august-2015.pdf>.



## 2 The Right to Water in International and European Legal Frameworks

### 2.1 United Nations

There is a consensus at UN level that there is a human right to water. Access to water was recognised as a right for the first time during the first UN Water Conference<sup>9</sup> held in Mar del Plata in March 1977. In 1993, the UN designated March 22 as the first World Water Day. In 1999, the United Nations Economic Committee for Europe (UNECE) adopted the Protocol on Water and Health, which was “the first international agreement of its kind adopted specifically to attain an adequate supply of safe drinking water and adequate sanitation for everyone, and effectively protect water used as a source of drinking water.”<sup>10</sup> In 2000, the UN adopted the Millennium Declaration which includes access to safe drinking water among the Millennium Development Goals.<sup>11</sup> Goal 7, Target 10 aims at cutting the proportion of people without sustainable access to safe drinking water and basic sanitation by 2015. This goal has been approved also in the recently adopted Sustainable Development Goals (SDG) up to 2030.<sup>12</sup> In 2003, the UN proclaimed the upcoming decade an International Decade for Action ‘Water for Life’ 2005-2015,<sup>13</sup> which should facilitate “efforts to fulfil international commitments made on water and water-related issues by 2015.”<sup>14</sup> In 2008, Catarina de Albuquerque, a Portuguese legal scholar, was appointed as the first UN Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation<sup>15</sup> and was in 2014 succeeded by a Brazilian water and sanitation expert Léo Haller.<sup>16</sup> Finally, in July 2010, following almost 40 years of high-level negotiations and discussions, the UN General Assembly’s Resolution A/Res/64/292 formally established access to safe drinking water and sanitation as a human right and opened the door for UN Committees to scrutinise and penalise countries denying clean water to their people.<sup>17</sup>

9 United Nations Water Conference in Mar de Plata, 1977, more information available at: <http://www.unmultimedia.org/s/photo/detail/172/0172120.html>.

10 UNECE, 1999, *Protocol on Water and Health*, available at: [http://www.unece.org/env/water/pwh\\_text/text\\_protocol.html](http://www.unece.org/env/water/pwh_text/text_protocol.html).

11 UN, *Millennium Development Goals*, available at: <http://www.un.org/millenniumgoals/>.

12 UN, *Sustainable Development Goals*, available at: <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>. More on the SDG 6 “Ensure availability and sustainable management of water and sanitation for all” can be found here: <https://sustainabledevelopment.un.org/sdg6>.

13 UN, *International Decade for Action ‘Water for Life’ 2005-2015*, available at: <http://www.un.org/waterforlifedecade/>.

14 The UN General Assembly, *Resolution A/RES/58/217*, available at: <http://www.un.org/es/comun/docs/?symbol=A/RES/58/217&lang=E>. The Decade officially started at the World Water Day on March 22, 2005.

15 More information on the mandate and activities of the Special Rapporteur can be found here: <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWWater/Pages/SRWWaterIndex.aspx>.

16 Catarina de Albuquerque, *Welcome statement to Mr Heller*, available at: <http://www.righttowater.info/introducing-leo-heller-the-new-un-special-rapporteur-for-the-human-rights-to-water-and-sanitation/>.

17 The UN General Assembly, *Resolution A/Res/64/292*, available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/64/292](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292).

Obligations in relation to access to safe drinking water and sanitation have also been recognised in core human rights treaties, mainly as part of the right to an adequate standard of living and the right to health. For instance, the Convention on the Rights of the Child, Article 24(2)(c), stipulates that State Parties shall take appropriate measures “to combat disease and malnutrition, including within the framework of primary health care, though, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution”.<sup>18</sup> The Convention on the Rights of Persons with Disabilities, Article 28 (2a), stipulates that State Parties shall ensure “equal access by persons with disabilities to clean water services”.<sup>19</sup> The Convention on the Elimination of All Forms of Discrimination against Women, Article 14 (2)(h), stipulates that State Parties shall take “all appropriate measures to eliminate discrimination against women in rural areas” and ensure to them the right to “enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.”<sup>20</sup>

The UN Committee on Economic, Social, and Cultural Rights (CESCR) provided detailed views on the right to water as a human right in 2003, in its General Comment 15.<sup>21</sup> The Committee found that “*the right should... be seen in conjunction with other rights enshrined in the International Bill of Human Rights, foremost amongst them the right to life and human dignity*”.<sup>22</sup>

Water is therefore recognised at UN level as being more than a mere commodity. General Comment 15 proscribes any discrimination which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to water.

General Comment 15 defines the normative content of the right to water which includes the following components:<sup>23</sup>

- *Availability*, i.e. the water supply for each person must be sufficient and continuous for personal and domestic uses;
- *Quality*, i.e. the water required for each personal or domestic use must be safe;
- *Accessibility*, i.e. water and water facilities and services have to be accessible to everyone without discrimination. This includes:

<sup>18</sup> United Nations Convention on the Rights of the Child, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

<sup>19</sup> United Nations Convention on the Rights of Persons with Disabilities, available at: <http://www.un.org/disabilities/convention/conventionfull.shtml>.

<sup>20</sup> United Nations Convention on the Elimination of All Forms of Discrimination against Women, available at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article14>.

<sup>21</sup> Committee on Economic, Social and Cultural Rights, General Comment 15, *The right to water (Twenty-ninth session, 2003)*, U.N. Doc. E/C.12/2002/11 (2002), available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QsmlBEDzFEovLCuW1AVC1NkPsgUedPIF1vfPMJGPrCK5aXxG4baqt2RQ8OBgsAGw8XJOUajoG9jmUjYRQ5MFTYfmhvQ3AV3OHC0EpYsH2tVRbnt70368ltdOVYd>.

<sup>22</sup> *Ibid.*, para 3.

<sup>23</sup> See above, note 36.

- *Physical accessibility*, i.e. water, and adequate water facilities and services, must be within safe physical reach for all sections of the population;
- *Economic accessibility*, i.e. water, and water facilities and services, must be affordable for all;
- *Non-discrimination*, i.e. water and water facilities and services must be accessible to all, including the most vulnerable or marginalized sections of the population, without discrimination on any of the prohibited grounds; and
- *Information accessibility*, i.e. accessibility includes the right to seek, receive and impart information concerning water issues.

The CESCR has pointed out that States have a positive obligation to design systems for the distribution of water that avoid excluding particular segments of the population (notably those protected by non-discrimination principles).<sup>24</sup>

According to the Committee:

*“14. States parties should take steps to remove de facto discrimination on prohibited grounds, where individuals and groups are deprived of the means or entitlements necessary for achieving the right to water. States parties should ensure that the allocation of water resources, and investments in water, facilitate access to water for all members of society. Inappropriate resource allocation can lead to discrimination that may not be overt. For example, investments should not disproportionately favour expensive water supply services and facilities that are often accessible only to a small, privileged fraction of the population, rather than investing in services and facilities that benefit a far larger part of the population.*

*15. With respect to the right to water, States parties have a special obligation to provide those who do not have sufficient means with the necessary water and water facilities and to prevent any discrimination on internationally prohibited grounds in the provision of water and water services.”*

The Committee also states clearly that “No household should be denied the right to water on the grounds of their housing or land status”.<sup>25</sup>

## **2.2 European Union**

There is also long-standing European Union legislation in the field of water quality, and a growing recognition, manifesting itself through the successful Citizens’ Initiative on the matter, that the right to water should be more adequately protected at European Union level.<sup>26</sup>

The European Union has adopted two water-related Directives: the Drinking Water Directive (Directive 98/83), in 1998; and the so-called Water Framework Directive (Directive 2000/60). As its name suggests, the former concerns water used for drinking and other

<sup>24</sup> *Ibid.* Section III.

<sup>25</sup> *Ibid.*, para. 16(c).

<sup>26</sup> European Citizens’ Initiative Right2Water, available at: <http://www.right2water.eu>.

everyday uses. The Directive sets minimum standards for the quality of water that is intended for human consumption. These Directives illustrate that the dominant perspective of the EU bodies on drinking water is the one focusing on quality of available water resources. The EU documents mainly omit the issue of tackling lack of access to and affordability of drinking water supplies in EU member states.

Although the European Parliament's Resolution on water scarcity and droughts (2008)<sup>27</sup> focuses predominantly on the problem of the EU regions particularly affected by droughts and water scarcity, it also recognises that water scarcity and access to quality drinking water also has a social dimension. It stipulates 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.”<sup>28</sup>

In November 2012, a European Citizenship Initiative on the right to water<sup>29</sup> was launched to urge the European Commission to ensure that EU law protects water as a human right and common good. The online petition attracted over 1.8 million signatures, easily passing the threshold under European Union law<sup>30</sup> to require a response. The Initiative highlighted the fact that many people in Europe remain without adequate access to water and sanitation, and that increasing numbers of people are being disconnected as they are not able to pay for water services. The petition put forward three main demands.

- a. EU institutions and Member States should be obliged to ensure that all EU residents enjoy the right to water and sanitation.
- b. Water supply and management of water resources should not be subject to “internal market rules”, and water services should be excluded from economic liberalisation.
- c. The EU should increase its efforts to achieve universal access to water and sanitation.

In December 2014, the European Economic and Social Committee (EESC) published a Position Paper - Water and Sanitation are Human Rights, by which they approved the objectives of the European Citizenship's Initiative Right2Water.<sup>31</sup> In September 2015, the European Parliament passed a Resolution on the follow-up to the European Citizenship's Initiative

27 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>. According to the Resolution, “water scarcity and drought already affect various parts of the EU with around one fifth of the EU's population living in countries experiencing stress on their water resources”, para. D.

28 *Ibid.* para. B.

29 Full details (including the text of the petition and details about the European Commission's response) are available at: <http://www.right2water.eu/>.

30 Article 11(4) of the Treaty on European Union: “Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties”.

31 European Economic and Social Committee, *Water and sanitation are a human right – Position Paper*, December 2014, available at: <http://www.eesc.europa.eu/?i=portal.en.publications.34170>.



Right2Water,<sup>32</sup> in which the EP recognises 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 Commission responded to the Initiative with exempting water supply and water resources management from the rules governing the European internal market, a first step in ensuring that water is not to be treated as a market commodity in Europe. However, they have so far failed to provide any concrete measures as to how the EU will realise the right to water for all. Due to the lack of tangible measures, the Initiative's organisers continue their advocacy work with EU bodies.

## 2.3 Council of Europe

While the right to water is primarily considered a social and economic right, it has strong links to the right to life protected under Article 2 of the European Convention on Human Rights and Fundamental Freedoms (ECHR) as well as to dignity (linked to the notion of “moral and physical integrity”),<sup>33</sup> which falls under the private-life rubric of Article 8 of the ECHR.

In 2001, the Committee of Ministers of the Council of Europe adopted Recommendation Rec (2001)14 on the European Charter on Water Resources, according to which:

*5. Everyone has the right to a sufficient quantity of water for his or her basic needs. International human rights instruments recognise the fundamental right of all human beings to be free from hunger and to an adequate standard of living for themselves and their families.<sup>7</sup> It is quite clear that these two requirements include the right to a minimum quantity of water of satisfactory quality from the point of view of health and hygiene.<sup>8</sup> Social measures should be put in place to prevent the supply of water to destitute persons from being cut off.*

The Committee for the Prevention of Torture (CPT) has stated that “*proper toilet facilities and the maintenance of good standards of hygiene are essential components of a humane environment*”.<sup>34</sup>

In 2009, the Council of Europe's Parliamentary Assembly adopted Resolution 1693/2009, in which they recognised “that water is the major challenge of our century” and “that access to water must be recognised as a fundamental human right because it is essential to life on earth and is a resource that must be shared by humankind”.<sup>35</sup>

32 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>.

33 See: ECtHR, *X and Y v the Netherlands* (1985), § 22.

34 Committee for the Prevention of Torture, *Second General Report on the CPT's activities covering the period 1 January to 31 December 1991*, § 49.

35 Parliamentary Assembly of the Council of Europe, *Resolution 1693/2009 on Water: a Strategic Challenge for the Mediterranean Basin*, October 2009, paras 1 and 2, available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=17786&lang=en>. Although the Parliamentary Assembly has been a

In a long line of cases, the European Court of Human Rights itself has relied on unsatisfactory sanitary conditions, including limited access to running water and washing facilities, as one of the key elements in finding that conditions of detention amounted to degrading treatment contrary to Article 3 of the European Convention on Human Rights and Fundamental Freedoms.<sup>36</sup> The Court has also recognised that the uncertainty and anguish experienced by a community in the wake of an industrial accident affecting a river and the underground water supply, compounded by the authorities' failure to provide information on its past, present, and future health consequences, amounted to a violation of Article 8 of the Convention.<sup>37</sup>

The European Committee of Social Rights found that the right to adequate housing in Article 31 of the Revised European Social Charter, included specific obligations related to access to safe drinking water and sanitation. The Committee stated that "Article 31 (1) guarantees access to adequate housing, which means a dwelling which is structurally secure; safe from a sanitary and health point, i.e., it possesses all basic amenities, such as water, heating, waste disposal, sanitation facilities, electricity; not overcrowded and with secure tenure supported by law."<sup>38</sup>

Finally, the Committee of Ministers of the Council of Europe has adopted Recommendation Rec(2001)14 on the European Charter on Water Resources, in which they point out that "Everyone has the right to a sufficient quantity of water for his or her basic needs. International human rights instruments recognise the fundamental right of all human beings to be free from hunger and to an adequate standard of living for themselves and their families.<sup>7</sup> It is quite clear that these two requirements include the right to a minimum quantity of water of satisfactory quality from the point of view of health and hygiene. Social measures should be put in place to prevent the supply of water to destitute persons from being cut off."<sup>39</sup>

strong proponent of the human right to water, other CoE bodies took a more lukewarm attitude, which was reflected upon it the Resolution: "the Assembly regrets that the Istanbul Ministerial Statement of 22 March 2009 does not recognise the right to water and sanitation as a human right." Para. 13.

<sup>36</sup> See, e.g., ECtHR, *Iacov Stanciu v Romania* (2012) § 176.

<sup>37</sup> ECtHR, *Tatar v Romania* (2009), § 122.

<sup>38</sup> Complaint No. 27/2004, European Roma Rights Centre v. Italy, Decision on the Merits, 7 December 2005, paragraph 35.

<sup>39</sup> Committee of Ministers of the Council of Europe, Recommendation Rec(2001)14 on the European Charter on Water Resources, 17 October, 2001, available at: [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=Rec\(2001\)14&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=Rec(2001)14&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383&direct=true).

### 3 Access to Water and Sanitation in National Roma Integration Strategies

Of the seven countries included in the ERRRC's research, only France and Moldova did not include any reference to water and sanitation in their National Roma Integration Strategy documents.<sup>40</sup> All the other national strategy documents on Roma inclusion, whether EU national strategies or Decade Action Plans of the non-EU countries, acknowledge that their national Roma populations experience challenges in accessing water and sanitation and include some reference to measures that need to be taken.<sup>41</sup> Many of the strategy documents make specific reference to the large scale lack of drinking water and sanitation in the Roma neighbourhoods.<sup>42</sup>

The Slovak government strategy (co-developed with the World Bank) quotes the Atlas of Roma communities research, which pointed out that only “39% of households in Roma settlements are connected to water supply. The UNDP updated data from 2010 confirm the persistence of problems in this respect and point out the huge gap compared to the majority population's access to sources of drinking water. Water from a public aqueduct is available to less than half of Roma households, and water sources other than their own were accessed by one quarter of Roma households.”<sup>43</sup>

The most recent Hungarian inclusion strategy documents (2014) acknowledge that Roma do not have equal access to public utilities such as water, sewage, electricity and gas. The document refers to several research inquiries into the living conditions of Roma, including investigations into water access and sanitation. The document however creates confusion as far as access to water and sanitation is concerned: on the one hand it cites the independent research

40 Government of France, *An Equal Place in French Society: French government strategy for Roma integration within the framework of the Communication from the Commission of 5 April 2011 and the Council conclusions of 19 May 2011*, available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_france\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_france_strategy_en.pdf); Government of Moldova, National Action Plan for Roma 2011-2015, July 2011, available at: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=339319>. A new Roma Inclusion Strategy, which is currently debated in the Parliament should contain an objective of connecting Romani households to drinking water and sewage system.

41 Government of Slovakia, *National Roma integration Strategy*, 2011, available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_slovakia\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_slovakia_strategy_en.pdf); Government of Hungary, *National Social Inclusion Strategy – Extreme Poverty, Child Poverty, the Roma (2011-2020) I*, December 2011, available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_hungary\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_hungary_strategy_en.pdf); and *National Social Inclusion Strategy – Extreme Poverty, Child Poverty, the Roma (2011-2020) II*, September 2014, available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_hungary\\_strategy2\\_hu.pdf](http://ec.europa.eu/justice/discrimination/files/roma_hungary_strategy2_hu.pdf); Government of Macedonia, *Decade of Roma Inclusion Action Plan*, 2004, available at: [http://www.romadecade.org/cms/upload/file/9296\\_file22\\_macedonia-decade-action-plan.pdf](http://www.romadecade.org/cms/upload/file/9296_file22_macedonia-decade-action-plan.pdf); Government of Montenegro, *Decade of Roma Inclusion Action Plan (2011-2015)*, January 2005, available at: [http://www.romadecade.org/cms/upload/file/9296\\_file23\\_montenegro-ap-engleski.pdf](http://www.romadecade.org/cms/upload/file/9296_file23_montenegro-ap-engleski.pdf); and *Strategy for improvement of position of Roma and Egyptians in Montenegro 2012-2016*, March 2012, available at: [http://www.romadecade.org/cms/upload/file/9310\\_file2\\_strategy-for-improving-the-position-of-roma-and-egyptia.pdf](http://www.romadecade.org/cms/upload/file/9310_file2_strategy-for-improving-the-position-of-roma-and-egyptia.pdf); Government of Albania, *National Action Plan for the Decade of Roma Inclusion 2011-2015*, 2010, available at: [http://www.romadecade.org/cms/upload/file/9296\\_file1\\_decade-national-action-plan\\_albania.pdf](http://www.romadecade.org/cms/upload/file/9296_file1_decade-national-action-plan_albania.pdf).

42 Slovakia, p. 14, p. 17, Hungary (2014), pp. 56, Montenegro (2012), p. 5.

43 Slovakia, p. 14. The Strategy further reports that “[a]ccording to the 2010 UNDP survey almost 82% of the total amount of Roma households, and only 68% of households in segregated settlements have reported water that they use daily as “drinkable”, p.35.

data from 2011 which found that only 79% of Roma households have a drinking water supply and 68% have water to flush toilets; on the other hand the government also quotes alternative data from 2011 which states that almost 98% of Roma households are supplied with drinking water and 94% have flush toilets. The difference is explained by pointing out that the independent research was not based on a representative sample of Roma households.<sup>44</sup>

The Montenegrin National Action Plan (2011) refers to the joint survey of the Statistical Office of Montenegro (MONSTAT) and Roma civil society into the socio-economic status of the Roma, Ashkali or Egyptian populations. Although access to water and sanitation are listed among the “objects of analysis”, the document does not quote the relevant data.<sup>45</sup>

In the various strategies most mentions of goals and measures to improve the drinking water and sanitation infrastructure are made in the chapters on housing<sup>46</sup> and health.<sup>47</sup> In the housing chapters of the Montenegrin (2012), Albanian (2010) and Slovak (2011) strategies, access to water and sanitation is declared to be a serious problem,<sup>48</sup> which is associated with broader right to life issues.<sup>49</sup> The Albanian Decade Action Plan included “priority financing of water supply and sewage projects in the areas inhabited by Roma.”<sup>50</sup> The increased accessibility to “healthy drinking water” for Roma, Ashkali or Egyptian populations was also among the utmost priorities of the Decade Action Plan of Montenegro.<sup>51</sup> It was the first goal to achieve among the housing provisions and it should have been measured by four specific indicators.<sup>52</sup> Although it is not anymore referred to as the highest priority, it still remains an objective of the revised 2012 strategy.<sup>53</sup>

44 Hungary (2014), p. 56. Similarly, in the chapter on “Territorial disadvantages”, the government argues that “[I]n 2008, 95% of homes had mains water on a national average, however, in some of North Hungary’s most disadvantaged micro-regions as well as in some micro-regions in the South Great Plain area characterised by smaller individual homesteads, this proportion did not even reach 80%.”, p. 34.

45 Montenegro (2011), p. 5.

46 Slovakia (2011), p. 37 and p. 51, Hungary (2014) p. 57 and p. 103, Hungary (2011) p. 34 and p. 94, Macedonia (2004), p. 19 and p. 22, Montenegro (2011) pp. 37-39, Montenegro (2012), p. 25, and Albania, p. 10.

47 Slovakia (2011), pp. 34-35, Hungary (2011) p. 27, Macedonia (2004), p. 4, Montenegro (2011), p. 23, and Albania (2010), p. 13 and p. 26.

48 Slovakia (2011), p. 37: “Another serious problem is the lack of base infrastructure, such as electricity, access to drinking water, access roads and sidewalks with public lighting, gas, sewage. An extreme problem in this regard is the waste removal and disposal.”

49 Montenegro (2012), p. 25 “[m]any members of RE community face with problem of pure survival – de facto right to life, due to the lack of clean drinking water, fact that housing facilities are of temporary character which are often made of poor, insufficiently solid materials, small-scaled facilities without sanitary and sewage nodes, and the fact they often live near municipal waste landfills.”

50 Albania (2010), p. 10.

51 Montenegro (2011) “The first goal envisaged by the Action Plan for Decade of Roma Inclusion in housing sector is to increase the accessibility to drinking water for RAE population. In order to achieve this it has been agreed upon: Preparing a plan for building and restructuring sanitary knots in objects; Incorporating the water installations in objects as soon as possible; Protection of drinking water springs, especially regarding rural area; Restructuring and making new temporary connections to infrastructure in existing, although illegal, settlements in town zones”, p. 23.

52 Montenegro (2011) pp. 38-39.

53 Montenegro (2012) pp. 25-26.

Although the Slovak strategy aspires to bridge the gap between the majority and Roma in access to water and identifies access to water and sanitation as one of the indicators of improved infrastructure in segregated Roma neighbourhoods,<sup>54</sup> the benchmark for this improvement remains unspecified.<sup>55</sup> Somewhat paradoxically, and perhaps to dampen enthusiasm, the Slovak strategy then cautions municipalities that water provision is subject to several administrative and legal conditions.<sup>56</sup> After acknowledging the problems Roma face in accessing water, similar hesitance can also be found in the Hungarian strategies. Instead of focusing on how to improve the drinking water supply for Roma households, the strategies contain provisions on raising awareness and capacities for water purification among Roma.<sup>57</sup> The Decade Action Plan of Montenegro (2011) also includes references to awareness-raising and participation campaigns on waste water purification before remittance into national receivers.<sup>58</sup>

A safe drinking water supply and functional sewage were also high among the health provisions of the national strategies. The essential link between an adequate drinking water supply and sanitation and hygiene was recognised in all but the French and Moldovan strategies.<sup>59</sup> The Montenegrin strategy draws a direct connection between mortality and morbidity rates and “proper water supply”.<sup>60</sup> The Slovak strategy similarly lists the lack of access to water among the main determinants worsening the health of Roma.<sup>61</sup> Finally, the Hungarian strategy (2011) recognised a particular impact the lack of water access has on Romani women, especially during pregnancy, and their children.<sup>62</sup>

54 Slovakia (2011), p. 37: “Bridge the gap between the majority population and the Roma in access to housing and utilities (such as water, electricity and gas), and reduce the proportion of shacks and illegal dwellings by 25%.”

55 See also the Goal 5 of the housing chapter: “*Benchmark*: Will be set later based on the combination of data for 2011.”

56 Slovakia (2011), p. 51: “Establishing conditions for drinking water supply is subject to various aspects, key among which is the type of settlement (legal, illegal); costs of building the infrastructure (location of the settlement, distance from the existing infrastructure); economy of operation (ensuring the payments for the drinking water consumed); and availability of alternative sources of drinking water (springs, wells).”

57 Hungary (2014), p. 103: water cleaning activities are mentioned under the “Social houses and telep program”, Hungary (2011), Chapter V. Housing, *V.2. Slum programmes, urban social rehabilitation, social housing includes*: “The dissemination of environment-conscious practices (construction using natural materials, alternative heating, selective waste disposal, water purification, etc.) may have a useful and beneficial effect enhancing community building and sustainability” p. 94.

58 Montenegro (2011) p. 41.

59 Slovakia (2011), pp. 34-35, Hungary (2011) p. 27, Macedonia (2004), p. 4, Montenegro (2011), p. 23, and Albania (2010) p. 13 and p. 26.

60 Montenegro (2011) p. 37.

61 Slovakia (2011): “Experts blame the deteriorated health status on the following main determinants: insufficient level of healthcare and social awareness; low standard of personal hygiene; low standard of communal hygiene; housing and ecological riskiness of environment (insufficient access to drinking water, infrastructure). [...] Certain indications suggest that illnesses such as hepatitis and bacillary dysentery present a serious problem for many Roma communities. These are the so-called “dirty hands” illnesses that are spread by contaminated water and food”, p. 34.

62 Hungary (2011): “The circumstances of pregnancy and birth greatly influence the child’s prospects in life, state of health and physical and intellectual development. These are: an appropriate gestation period, a problem-free birth, the avoidance of birth-related injuries, the performance of adequate early screening tests and other factors with an impact on women’s state of health before and during pregnancy. These indicators are poorer in the case of Roma mothers; they usually weigh less, are younger and have lower educational qualifications. Additionally, in many places, they have lesser access to basic public services relevant to public hygiene, such as mains water or sewerage”, p. 27.

The worrisome evidence of sustained and substantial shortcomings in access to drinking and utility water and sanitation in Roma neighbourhoods across Europe demonstrates that despite the commitments made under the Decade of Roma Inclusion 2011-2015 and the EU Framework for National Roma Integration Strategies to improve the access to water and sanitation, the goals remain unfulfilled and plans unimplemented. More than ten years after the Decade National Action Plans were adopted and five years after the adoption of National Roma Integration Strategies, governments across the European continent have failed to respect Romani people's right to safe drinking water and sanitation as a matter of basic justice.

## 4 Access to Water for Roma Communities: Available Evidence and ERRC Research

Prior to the ERRC's research, there was very little information available about access to safe drinking water and sanitation for Romani communities in Europe. Those few available sources suggested that many Romani households experienced significant difficulties in relation to water. According to the United Nations Development Programme (UNDP) Regional Roma Survey (2011),<sup>63</sup> in many European countries a large proportion of Romani households were still not connected to a piped, public water supply and remained dependent on water where the quality was not tested by the competent public authorities: in Romania it was 72%; in Moldova 66%; in Slovakia 38%; in Croatia 35%; in Hungary 30% and in Albania 30%. The UNECE pilot country reports on Equitable Access to Water pointed out that only 32% of Roma households in Ukraine have access to water in their households and 18% “take water from the open resources which is dangerous due to the risk of intestinal infections”.<sup>64</sup> In Moldova, the UNECE report estimates that 31% of Roma have their water resource at home with other Roma using water from wells and other resources in the garden.<sup>65</sup> The report on Portugal states that “about 6400 Roma in Portugal live without proper housing, water and sanitation conditions”.<sup>66</sup> The research by Raoul Wallenberg Institute of Human Rights and Humanitarian Law and Södertörn University (2016) provides evidence that although Sweden is a water-rich country with highly developed water and sanitation delivery systems, Swedish municipalities have in 2013-2016 initiated more than 80 evictions of vulnerable EU citizens, mostly Roma, from informal settlements on the grounds of poor sanitation and drinking water access.<sup>67</sup>

The Atlas of Romani Communities (2013)<sup>68</sup> is a comprehensive survey of Romani neighbourhoods and settlements in Slovakia commissioned by the Interior Ministry and conducted by

63 UNDP, *The Housing Situation of Roma Communities: Regional Roma Survey 2011*, 2013, available at: <http://www.eurasia.undp.org/content/rbec/en/home/library/roma/the-housing-situation-of-roma-communities.html>.

64 UNECE pilot group, 2013, *Assessing progress in equitable access to water and sanitation: Pilot project in Ukraine*, p. 89, available at: [http://www.unece.org/fileadmin/DAM/env/water/activities/Equitable\\_access/Country\\_report\\_Pilot\\_project\\_Ukraine\\_rev.pdf](http://www.unece.org/fileadmin/DAM/env/water/activities/Equitable_access/Country_report_Pilot_project_Ukraine_rev.pdf).

65 UNECE pilot group, 2014, *Assessing progress in equitable access to water and sanitation: Pilot project in Moldova*, p. 20, available at: [http://www.unece.org/fileadmin/DAM/env/water/activities/Equitable\\_access/Equitable\\_Access\\_Country\\_report\\_RepMoldova\\_ENG.pdf](http://www.unece.org/fileadmin/DAM/env/water/activities/Equitable_access/Equitable_Access_Country_report_RepMoldova_ENG.pdf).

66 UNECE pilot group, 2013, *Assessing progress in equitable access to water and sanitation: Pilot project in Portugal*. “The report also claims that “the figures are probably higher since several municipalities failed to answer the survey”, p. 7, available at: [http://www.unece.org/fileadmin/DAM/env/water/activities/Equitable\\_access/Country\\_report\\_Pilot\\_project\\_Portugal\\_rev.pdf](http://www.unece.org/fileadmin/DAM/env/water/activities/Equitable_access/Country_report_Pilot_project_Portugal_rev.pdf).

67 Raoul Wallenberg Institute of Human Rights and Humanitarian Law and Södertörn University, 2016, *Inconvenient Human Rights: Access to Water and Sanitation in Sweden's Informal Settlements*, available at: <http://rwi.lu.se/app/uploads/2016/06/Inconvenient-Human-Rights.pdf>. See also an interactive map displaying the evictions and relevant documents, available at: <http://maps.nulawlab.org/view/map-rebuild>.

68 Ministry of Labour Social Affairs and Family, UNDP, *Atlas of Romani Communities*, 2013, available at: [http://www.romadecade.org/cms/upload/file/9653\\_file2\\_atlas-romadecade.pdf](http://www.romadecade.org/cms/upload/file/9653_file2_atlas-romadecade.pdf). See also: Škobla, D. – Filčák, R. (2014): *Bariéry v prístupe k pitnej vode ako aspekt sociálneho vylúčenia rómskej populácie* [Barriers to Access to Potable Water as an Aspect of Social Exclusion of the Roma Population.] In: *Sociológia* Vol 46, 2014, Nr 5. Bratislava: SAV. pp. 620-636.

UNDP and the University of Prešov. According to its results, there were more than 185 Roma neighbourhoods and settlements in Slovakia where not one house was connected to a public water supply. Apart from those totally segregated settlements that were not connected to any public utilities, there were 65 Roma neighbourhoods with no household connected to the municipality's water system, even though 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 and houses discharge the sewage (a mix of waste water and excrement) to nearby surroundings. The most recent Slovak Defender for Rights (Ombudsman)'s report (2016) on the water access in Romani communities confirmed that the situation "has been improving only very very slowly", and that responsible authorities do not consider that water connection and water fees are often not affordable for Romani households. The Ombudsman concludes that the Slovak government does not comply with their international obligation to ensure access to clean and affordable drinking water.<sup>69</sup>

In Hungary, the data from the National Development Agency survey (2010) on "socially excluded settlements" (a term describing mainly Roma neighbourhoods) pointed out that there were 77 settlements (4.7%) with no public water supply; households there relied purely on self-made wells and open water sources such as rivers and streams. There were a further 181 settlements (11.1%) where households were supplied from public wells. In these settlements, households had no tap water or functioning sewerage systems.<sup>70</sup>

Finally, the latest report from the Fundamental Rights Agency (FRA), which covers the findings of the Second European Union Minorities and Discrimination Survey (EU-MIDIS II): Roma (2016) demonstrates that in selected 9 European countries "30% [of Roma] live in households with no tap water and 46% have no indoor toilet, shower or bathroom."<sup>71</sup>

### Methodology

The ERRC's research mapped the legal and policy frameworks and conducted field research in 93 Romani neighbourhoods and settlements in seven countries: 18 Romani neighbourhoods/settlements in France; 17 in Hungary; 12 in Macedonia; 12 in Montenegro; eight in Albania; and five in Moldova.

The research collected evidence on access to safe and affordable drinking water and sanitation in Romani communities. The research has focused on analysing problems with the accessibility, affordability, and quality of drinking water resources, as well as with sanitation in

69 Slovak Defender of Rights, (2016), Report on the Investigation into Complying with Fundamental Human Rights and Freedoms: Access to Drinking Water and Information on the Anti-fire Prevention Provisions in Romani settlements, November 2016, available in Slovak at: [http://www.vop.gov.sk/files/Pristup\\_k\\_vode.pdf](http://www.vop.gov.sk/files/Pristup_k_vode.pdf).

70 Domonkos V. Herceg B. (2010), *Terra Incognita*, available at: [http://www.szociologia.hu/dynamic/szoc-szemle\\_2010\\_3\\_all.pdf](http://www.szociologia.hu/dynamic/szoc-szemle_2010_3_all.pdf).

71 FRA, 2016, *Second European Union Minorities and Discrimination Survey (EU-MIDIS II): Roma – selected findings*, available at: <http://fra.europa.eu/en/press-release/2016/80-roma-are-risk-poverty-new-survey-finds>.



Romani neighbourhoods and settlements. The research has also examined potential cases of racial discrimination in the distribution and availability of these public utilities.

First, as a pilot project in collaboration with the United Nations Development Programme (UNDP)<sup>72</sup> and the Slovak Academia of Science, the ERRC conducted three fieldwork excursions in Romani sites in eastern, central and western Slovakia. From February 2014 to June 2014 we visited 21 Romani communities selected from the Atlas survey database. Building on the experience with the pilot project, the ERRC research coordinator developed a comprehensive research framework (see the table below) and methodology (See Annex II) for six remaining countries.

The majority of consultants were recruited from young Roma researchers with extensive contacts with Romani communities in a given country. From February 2014 to February 2015, the research consultants conducted visits and interviews with local Roma residents, Roma activists, public authorities, water providers, water experts, civil society, and social care workers. The consultants were provided with standardised interview guides designed by the ERRC for specific interviews with local Roma, civil society and public authorities. We selected semi-structured interview and participant observation methods. The research consultants interviewed at least seven people per Romani neighbourhood and in total did more than 650 interviews.<sup>73</sup>

This overall fieldwork sites database was collected from the available comparative international data and national secondary research on the housing situation, the access and supply of public utilities (sometimes specifically water-related information) in Romani communities and reports from the ERRC's human rights monitors. The final sample of communities selected varied by size, level of integration or isolation from non-Roma communities, the legal situation in relation to the water supply, the legal situation in relation to land ownership, and the tenure of the residents to the land.

The selected places included communities that were: (1) integrated into residential areas, on the outskirts of residential areas, and entirely segregated and isolated from other communities; (2) in different regions; (3) of varying sizes; (4) covered by public as well as public-private water providers; (5) formal and informal; and (6) with different forms of tenancy (social and private).

Without claiming to be representative of the situation of Roma in any given country, nor across Europe, the research was designed to demonstrate that a significant number of Roma communities suffer problems in relation to access to water that most people would consider unthinkable in Europe, and which violate the relevant international and European legal framework.<sup>74</sup>

<sup>72</sup> The research team: Dr. Daniel Škobla, UNDP, Dr. Richard Filčák, Slovak Academy of Sciences, Tomáš Sivák and Dr. Marek Szilvasi, ERRC.

<sup>73</sup> The consultants were familiarized with the ERRC ethical guide and informed consent policies.

<sup>74</sup> The charts below depict the information discussed above, broken down by country, recording data about the sites researched in each. The notation "X" indicates that the condition was present throughout a given settlement or neighbourhood; "XO" that the condition was present in respect of some, but not all, households in a given settlement or neighbourhood; and "O" that the condition was absent.

## ERRC Research Frame

<b>DISCRIMINATION</b>	Total
	Sewage
	Quality factors
	Accessibility factors
	Affordability factors
<b>SANITATION</b>	External self-made dry toilets & defecating in the open
	External chemical toilets or public toilets
	Toilet in households
<b>QUALITY</b>	Agricultural, waste or industrial contamination
	Biological contamination - animals
	Shallow wells & old pipes – contamination by river & ground water
	Shallow wells – potential contamination by faeces from dry toilets
<b>ACCESSIBILITY</b>	Open access – springs, rivers, uncovered wells, water tanks
	Seasonal water cuts
	High no. of people using the resource
	Obstacles in access (roads, walls & fences, private land)
	Distant water resource - no public pipe in the area
	No tap water in households
<b>AFFORDABILITY</b>	Unclear land ownership - illegal constructions
	Credit pump-hourly open tap
	W cut - High rates & municipality debts
	No money for service pipe & tap at home

## 4.1 Lack of Equal Access

In some European countries, Roma and non-Roma experience problems with the drinking water supply and sanitation in the same way; in other countries the ERRC found evidence that Romani households remain without water and sewerage due to discrimination. The ERRC research revealed that many Roma suffer disproportionately from the failures of public authorities to secure access to water and sanitation. Roma, especially those living at 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.

### Selected individual cases from the ERRC's research

**Horná Lehota, Slovakia** – a small Roma settlement at the outskirts of town. Roma have to walk two to three kilometres to get water from an open source, which passes a local cemetery and is streaming out from a pipe located under the public road. The water purification facility was built before the Roma settlement and the municipality reported to the ERRC and UNDP researchers that 100% of its residents are connected to this facility though none of the Roma houses are connected.<sup>75</sup> This is a relatively wealthy municipality incorporated in the national park reservation and plenty of economically advantaged people from regional centres and the capital have their weekend houses there. Drivers have to pass the Roma settlement when entering the town as this is the only road.<sup>76</sup>

**Prášnik, Slovakia** – a medium-sized Roma settlement in Western Slovakia, integrated in the town. The settlement is the only part of the town without water infrastructure (whereas other neighbourhoods on the outskirts, which are very dispersed as it is a mountain region, are connected). Roma get water from an unprotected public stream from the mountains, which regularly freezes in the winter. The town is relatively wealthy with a spa nearby, and foreign investors have been building a satellite neighbourhood at the outskirts of the town for foreign visitors of the spa. The town has provided all necessary public infrastructure, including drinking water and sanitation pipes, for these investors. According to local Roma, some of the houses in the settlement are legalised (they have identification numbers) and Roma own the property.

**Ózd-Bánszállás, Hungary** – a large segregated Roma neighbourhood of several hundred people with three unprotected public water pumps. The town won a Swiss development grant some three years ago to improve water infrastructure but Roma neighbourhoods seem to have been omitted from this development plan. The young mayor is a member of the far-right Jobbik party.

75 Interview transcripts available upon request with the ERRC.

76 See: Szilvasi, M (2015) 'Separate, Unequal, and Hazardous: The Essential Guide to Roma Housing in Slovakia', in: *Romea*, available at: <http://www.romea.cz/en/features-and-commentary/separate-unequal-and-hazardous-the-essential-guide-to-roma-housing-in-slovakia>.

**Lille, France** - Some informal camps in Lille are constructed in between highway exits or on roundabouts and they have no direct access to drinking water. Others are built around detached fire hydrants in the industrial zones of the city. These hydrants are mechanically opened and water usually runs uninterrupted for the whole day. One hydrant serves as the water supply for around 100-150 Roma. Despite frequent oral warnings, neither the police nor firemen nor other municipal officials have taken any action yet to deny this water supply to Roma. There is only one camp with chemical toilets installed at its entry (La Cruppe), people from other camps defecate in the open.<sup>77</sup>

**Nižný Tvarožec, Slovakia** – a medium-sized Roma settlement at the outskirts of the town (separated by some 500 metres from the town by an agricultural farm property) in Eastern Slovakia. They drink water from an unprotected well contaminated by agricultural pesticides and biological contamination. We submitted water from the well to a certified water lab in Košice in May 2014 and the test results revealed that the quality of the water was poor and significantly contaminated by nitrogen. The mayor does not consider the settlement a part of her municipality (she declared to the ERRC and UNDP researchers that there was 100% water pipe coverage in her town).<sup>78</sup>

**Krásnohorské Podhradie, Slovakia & Szeged/Cserepes-sor, Hungary** – Roma communities in Szeged and Krásnohorské Podhradie have experienced similar complications with their drinking water supply. Both settlements on the outskirts of the towns were collectively cut off from water due to individual payment arrears. They were then asked by the mayor and water company to set up an association to be responsible for the water provision in the settlement. In Krásnohorské Podhradie, there was a water leak under the public road in summer 2015 (which the water company fixed only after some weeks) which led to a large invoice of several thousand Euro for the Roma association. Neither municipality nor the water supplier assumed any responsibility for this situation. The association could not pay the unusually large bill, and ultimately all Romani houses were cut off from water. In a similar situation to Krásnohorské Podhradie, the Roma association in Szeged is held fully accountable for water distribution complications in the settlement.

**Konik 2, Montenegro** – A large camp for Roma Internally Displaced Persons from Kosovo at the outskirts of the capital, Podgorica. In 2014, Camp 2 had only one functioning make-shift water tap fixed by local Roma at the corner of the camp. Except this one, none of the water taps, public showers and public toilets, previously installed by international relief aid donors, functioned for a long time and neither the international nor Montenegrin authorities compelled authorities to repair these facilities. This one tap serves several hundred people, and there is a communal waste dump next to the camp. These conditions prevail despite the presence of international development agencies including the Italian Red Cross, and UNHCR.

77 See: Szilvasi, M. Zaharieva, R. (2016) 'Denied the Right to Water: the Miserable Fate of Roma in France', in: *ERRC blog*, available at: <http://www.errc.org/blog/denied-the-right-to-water-the-miserable-fate-of-roma-in-france/101>.

78 Interview transcripts available upon request with the ERRC.

**Nikšič/Trebejsa & Železova, Montenegro** – Roma Internally Displaced Persons from Kosovo and Montenegrin Roma live on the outskirts of the city in an industrial zone, in between the iron ore mines and the iron works factory. Some Roma have water taps installed in their yards, but many live in shacks with no direct access to drinking water and sanitation facilities. The air and land in the settlements is permanently contaminated by iron ore dust from passing trucks.

**Besançon, France** – A halting site for gens du voyage, where water charges are mediated and made higher by the operators of the site (which is illegal according to the French law). The so-called Besson Law<sup>79</sup> stipulates that each municipality with over 5000 residents has to provide a halting site for the caravans of gens du voyage. These sites can either be managed directly by the municipality or by private companies. The halting sites are equipped with public taps and public showers and the site managers charge daily parking fees and service fees for using these utilities. In most sites, there are common water meters and the blanket fees are applied according to the number of people living in the caravan. In some halting sites the people arriving in caravans have to pre-pay for these services usually on a weekly basis. Sometimes a parking lot has individual water meter with pre-paid credit system locks. According to interviews the ERRC conducted with gens de voyage, water access is cut if people miss paying the fee. Despite the fact that since 2015, French law forbids disconnecting people from water due to paying arrears,<sup>80</sup> our research indicates that managers of halting sites for Travellers across France continue cutting the water regardless.

**Tirana - Lake Area (Mun. 11), Albania** – A large Roma settlement located at the outskirts of the capital, built on waste land next to the poisonous Tirana city lake. No water resources are available here – people buy bottled water from a seller who comes to the settlement frequently (sometimes he does not come, on rainy days for example, and then the inhabitants use water from the poisoned lake). The settlement was evicted in summer 2015 on the pretext of a German tourist being robbed by one of the Roma.

**Poligon/Skopje - Macedonia** – A large Roma settlement located on the bank of the Vardar River in central Skopje. Some two hundred people share a pump supplied by the contaminated water from the river (the tests have repeatedly demonstrated the high levels of the Vardar River's pollution). The pump was previously used as a water supply for agricultural production. There is no sewage and waste removal, people either use self-made pit-latrines or defecate in the open among waste piles. In June 2016, as part of our work on the right to water, the ERRC wrote to the municipality Centar, in Skopje, where the site is located, to ask about this community and others who do not have adequate access to water.

79 Law No. 2000-614 of July 5, 2000 on accommodation of gens du voyage, available at: <https://www.legi-france.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000583573>.

80 French Constitutional Court, *Decision No. 2015-470-QPC* [*Conseil Constitutionnel, décision n° 2015-470 QPC*], 29 May 2015, available at: <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2015/2015-470-qpc/decision-n-2015-470-qpc-du-29-mai-2015.143832.html>.

About a month later, unbeknown to the ERRC or the community, the authorities made an order to “clean” the land. On the morning of 1 August 2016, the authorities destroyed the community’s one source of water – a water pump. They then bulldozed the community’s homes. The people evicted had nowhere to go, so remained on the site, but the authorities kept watch over them to prevent them from rebuilding. The authorities proposed to accommodate members of the community in a shelter, but in reality the shelter did not have enough space in it (and is already notorious for its cramped, degrading conditions and inter-ethnic violence). About 120 people were evicted, over half of whom were children, as well as two pregnant women.<sup>81</sup>

**Beregovo, Ukraine** – A large Roma settlement on the outskirts of the town. Some five to six thousand people share two or three taps located along the main unpaved road. These taps are often closed down or out of order. The municipality entrusted the taps’ use and water fee collection to a local ‘baron’ (unofficial community leader). There is no official policy on collecting water fees and barons collect lump sums per capita regardless of the consumption. Barons are often appointed by the local authorities (not elected by communities) to administer public services in segregated Romani settlements, these appointments together with money-lending practices secures them a dominant position in the community. There is no sewage system in the settlement, only self-made pit-latrines and a self-made canal for waste water and other waste located some 10-20 metres from the houses.<sup>82</sup>

In 62 out of the 93 sites visited (i.e. two thirds), the Romani communities had significantly worse conditions in accessing affordable drinking water resources than their non-Roma neighbours.<sup>83</sup> The most discrimination cases were registered in Albania and France, the least in Montenegro. These Roma communities have either significantly more complicated access, or they are charged with higher fees, which disproportionately affect their family income, or they have to use lower quality and often contaminated water from wells and other unprotected and unchecked resources. Many Roma communities have no access to public sewage (mechanical toilets and drainage), while the houses of their nearest non-Roma neighbours are fully connected. In these cases, the ERRC established a prima facie case of racial discrimination: there was either clear evidence that Roma experienced less favourable conditions for accessing water due to their ethnicity (direct discrimination), or the less favourable conditions which they disproportionately experienced (compared to non-Roma communities) could not be objectively justified (indirect discrimination).

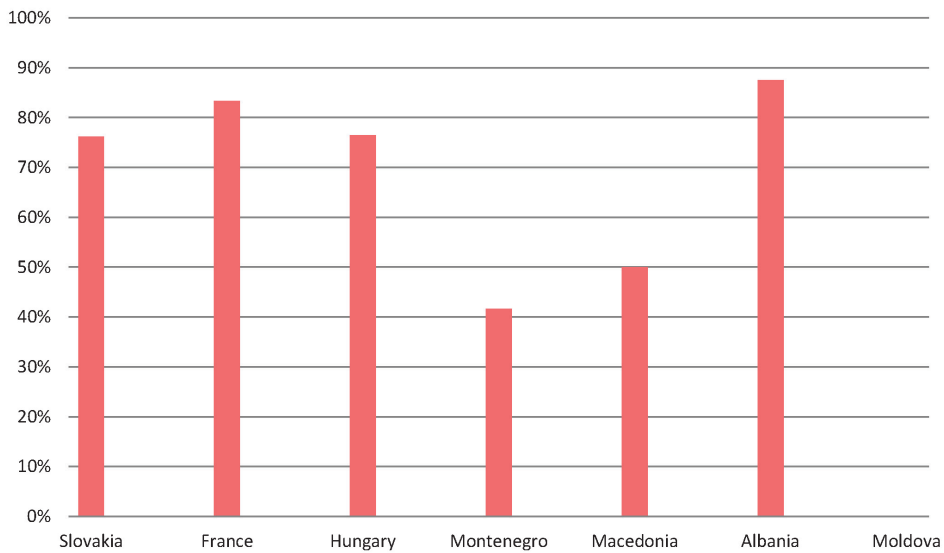
81 See: ERRC, *Case of Bekir and Others v. Macedonia*, ECtHR, 8 November, 2016, available at: <http://www.errc.org/article/bekir-and-others-v-macedonia-pending/4531>. See also: ERRC, *Submission to the UN CESCR on Macedonia*, 12 August, 2015, available at: <http://www.errc.org/cms/upload/file/macedonia-cescr-11-august-2015.pdf>.

82 See: Szilvasi, M. Navrotsky, V. (2016) ‘Access to clean water for Roma in Ukraine: a grim tale of local barons, leaky pipes and dry wells’, in: *ERRC blog*, available at: <http://www.errc.org/blog/access-to-clean-water-for-roma-in-ukraine-a-grim-tale-of-local-barons-leaky-pipes-and-dry-wells/121>.

83 The majority of the remaining Romani neighbourhoods also experienced problems with the public water supply and sanitation but in these cases these problems were shared with their non-Roma neighbours.

Almost half (48%) of the researched Roma communities have not their houses legalised due to a missing construction permits or/and land titles. Among the discrimination cases, 45 Romani communities (73%) possessed no or only partial land title/construction permits. Hence we can argue that in three-quarters of researched cases showing a discrimination element, a missing land title or/and construction permit is a strong factor. Although there were also other factors present, we found the problems with land ownership/construction permits among the most decisive ones. The research confirmed the strong correlation between the missing land title and/or construction permits and comparatively worse conditions in accessing drinking water and sanitation for Roma. However, the findings suggest that even with the houses being legalised, 17% of Roma communities experienced discrimination in access to drinking water and sanitation. Only 17 out of the 93 Romani communities that had their houses officially legalised did not experience discrimination.

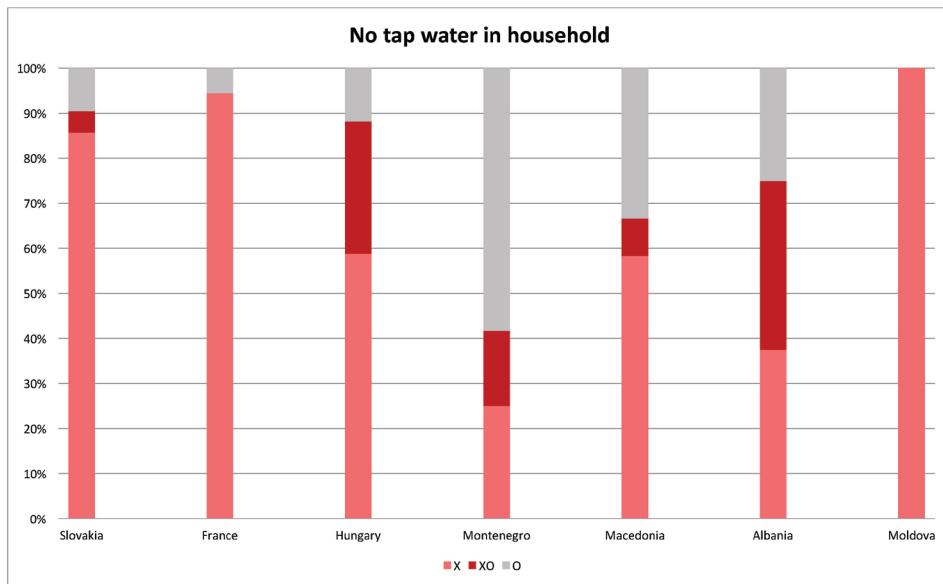
### Evidence of discrimination



## 4.2 Unavailable and insufficient water resources

In 75 of the sites investigated (81%), the Romani neighbourhoods or settlements were not connected to the water mains. Moreover in 63 places (68%), none of the Romani households in the neighbourhood or settlement were supplied with a water tap and a functioning sewerage system. The data did not reveal a strong correlation between the legal status of the settlements or neighbourhoods and access to water; those Roma living in formal, legal settlements or neighbourhoods were no less likely to be deprived of water, among the sites investigated. However, if the houses were built on land with unclear ownership, or the occupants lacked a construction permit or similar paperwork, the local authorities generally refused to connect them to the public water system. The authorities justified this by pointing out that domestic law prevents building water and sewerage system infrastructure in these neighbourhoods. Most of the authorities, when the matter was put to them by the research team, rejected accusations of ethnic profiling or other forms of discrimination.

Many Romani settlements and neighbourhoods, especially in Albania, Macedonia, and Montenegro, only managed to connect themselves to a water supply thanks to funds provided by international donors. In Slovakia, several Roma settlements were only able to construct adequate wells thanks to special funds distributed by the Roma Plenipotentiary Office in the early 2000s. Without these funds, it seems that these Roma would still be struggling to secure access to water.



### 4.3 Physical Accessibility

In more than half of the places visited (52.69%), the nearest water source was more than 150 metres away, and in some places Roma had to walk several kilometres. Distant water resources result in a high risk to public health from insufficient sanitation. According to the World Health Organization (WHO), when the water source is more than one kilometre away from the home or requires more than 30 minute’s collection time, the likely volumes of water collected are very low, typically less than five litres per person per day; basic consumption and hygiene practice are compromised to an extent that the risk to public health from poor hygiene is very high.<sup>84</sup>

The distant public pumps or fire hydrants, which are the only source of water for many Roma, are often managed by reluctant and hostile authorities who frequently cut them off as soon as they find that Roma are using them. When there is no other possibility left to get water, Roma have to walk to the nearest shop and buy bottled water. As a result, the poorest Roma can end up paying the most for water.

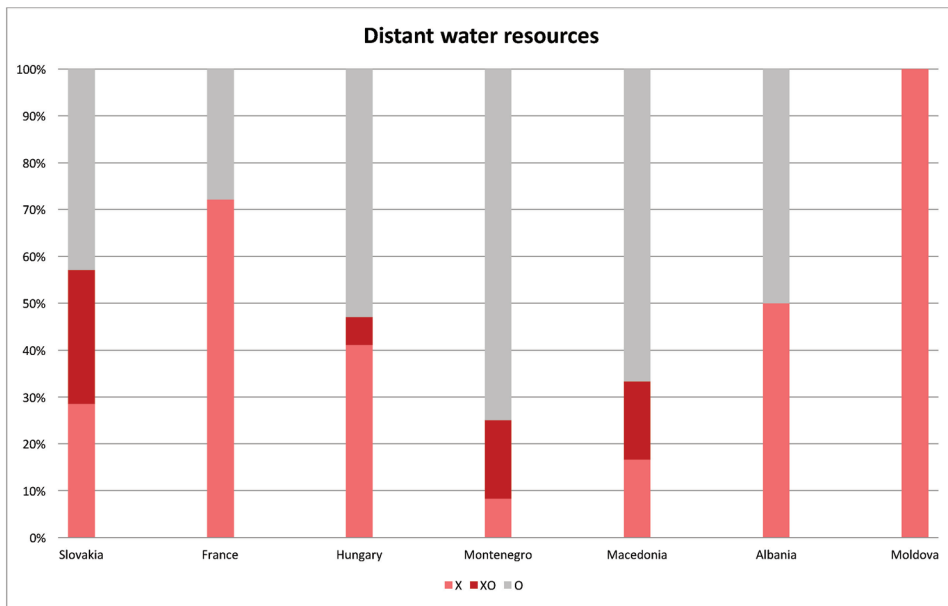
When public water is not available in households the burden to secure water falls disproportionately on women and girls. They are usually responsible for fetching water from the nearest water

<sup>84</sup> World Health Organization, *Guidelines for Drinking Water Quality*, 3rd ed., incorporating first and second addenda (Geneva: WHO, 2008), p. 91; Amnesty International Slovenia, *Parallel Lives: Roma denied rights to housing and water in Slovenia*, 2011, p. 44, available at: <https://www.amnesty.org/en/documents/EUR68/005/2011/en/>.



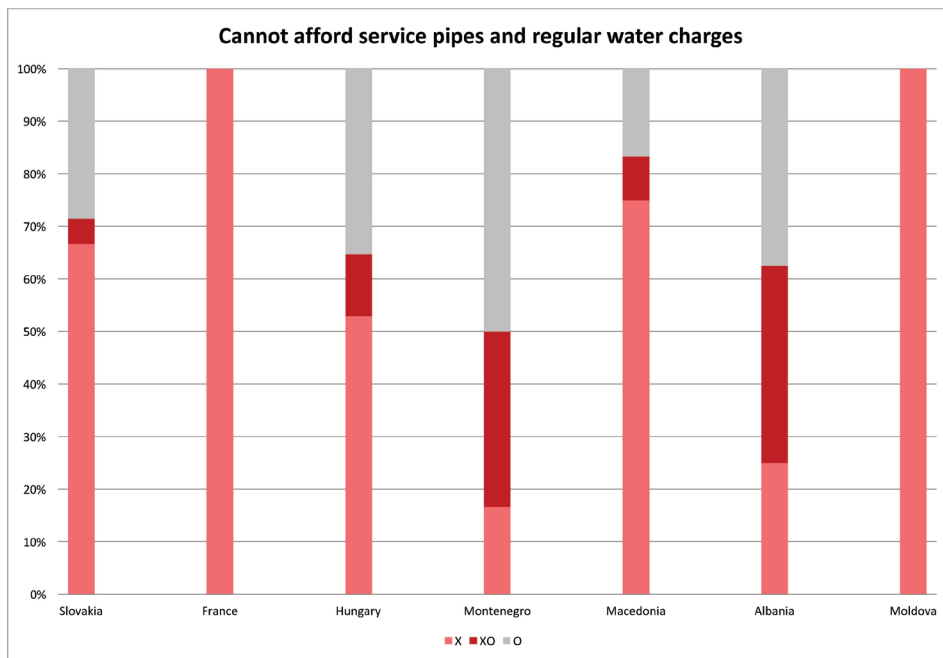
supply and providing it for the family. The water sources are often far from home and the path to these distant resources can lead through unprotected terrain and contain obstacles such as fences, walls, highways, or private land with protective owners who take aggressive action against trespassers. More than 40% of the Roma surveyed indicated that their path to water contained such obstacles. Those collecting water, mostly women and girls, were also confronted by stray dogs and other animals. The trip back, laden down with water is considerably more hazardous.

The same applies when there is no toilet in the house and when women and girls have to use the toilet it is always a walk away. Besides the stray dogs and other wild animals, and difficulties with the terrain, especially in the dark, women and girls could be confronted with other people and sometimes strangers making the activity even more unpleasant. Sometimes the women and girls are even harassed by others, especially in the dark. Frequently one water source or dry toilet is shared with tens of other people at best.



#### 4.4 Unaffordable water cost

The majority (75%) of the interviewed Roma declared that even if the public authorities would provide piped public water to their neighbourhood, they would still not be able to pay for individual service pipes connecting public water with their households. Furthermore, as a consequence of rising water prices, increasing numbers of low-income Romani families cannot afford to pay for water services and end up disconnected from the supplies. The research findings indicate that more than one quarter of Roma (28%) whose situation was investigated had either been disconnected or were currently under threat of being disconnected from water supply due to payment arrears.



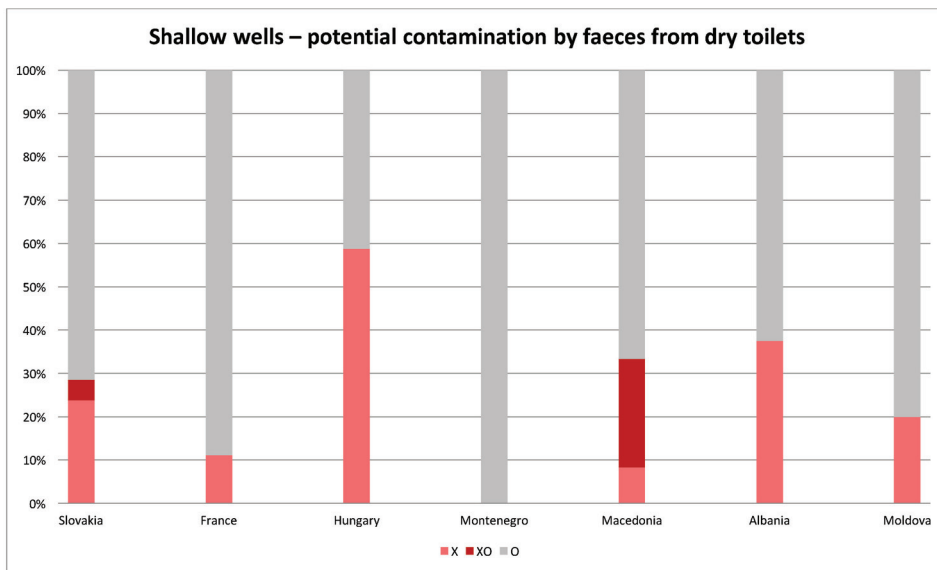
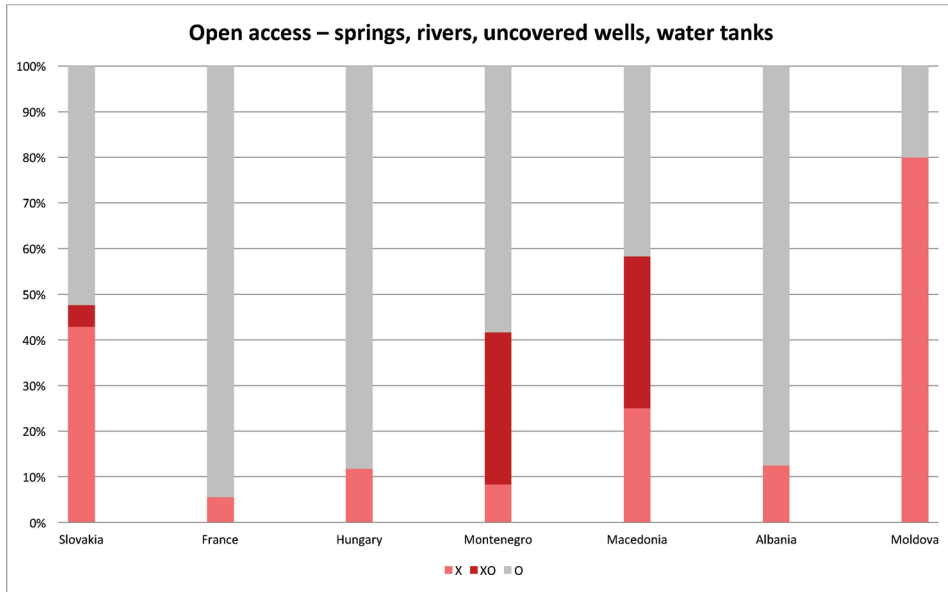
## 4.5 Unsafe water

In the absence of a public water supply, the Roma whose situation we investigated often had no other choice but to rely on untreated and unprotected water sources like self-made wells, natural springs, and rivers, all of which can be breeding grounds for pathogens. The research pointed out that 20% of the Romani households investigated relied entirely on such unprotected water sources. Although the public authorities were aware that self-made wells provided the only available drinking water for these communities, they failed to check the quality of the water in those wells. Many Roma interviewed also stated that their only water source was also used by wild and feral animals, and was unprotected from contamination by insects. More than half of the Romani neighbourhoods and settlements visited (63.44%) reported that their water sources regularly dried out during summer and froze during winter.

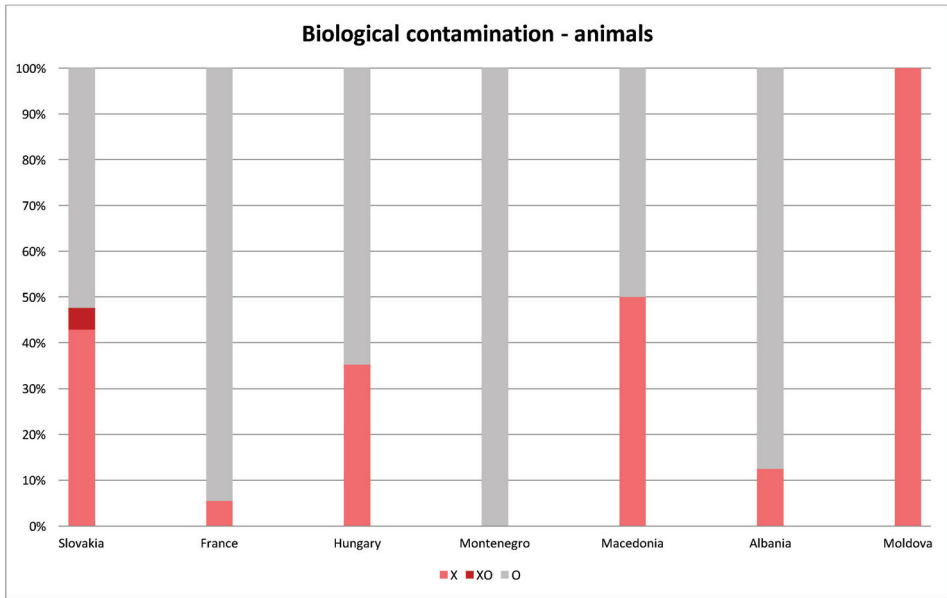
Ground water in shallow wells was contaminated by agricultural pesticides and/or pit latrine faeces in 27% of sites considered, according to the Roma residents we interviewed. High levels of natural arsenic, boron, fluoride or manganese, and contamination from animal corpses and insects were also problems.<sup>85</sup> In 40 of the sites investigated (43.01%), wells in Romani neighbourhoods were situated next to rivers which contaminated the water in the wells.

<sup>85</sup> According to the WHO, diseases transmitted through water or human excrement are the second-leading cause of death among children worldwide, after respiratory diseases, available at: <http://www.un.org/waterforlifedecade/background.shtml>.

Moreover, many Roma settlements are located in river overflow and heavy rain collecting zones and thus they are at the permanent risk of flooding. Floods not only put Roma at immediate risk of drowning and property damage, they also have more long-term consequences such as drinking water supply contamination, damage of sanitation facilities and epidemics.<sup>86</sup>

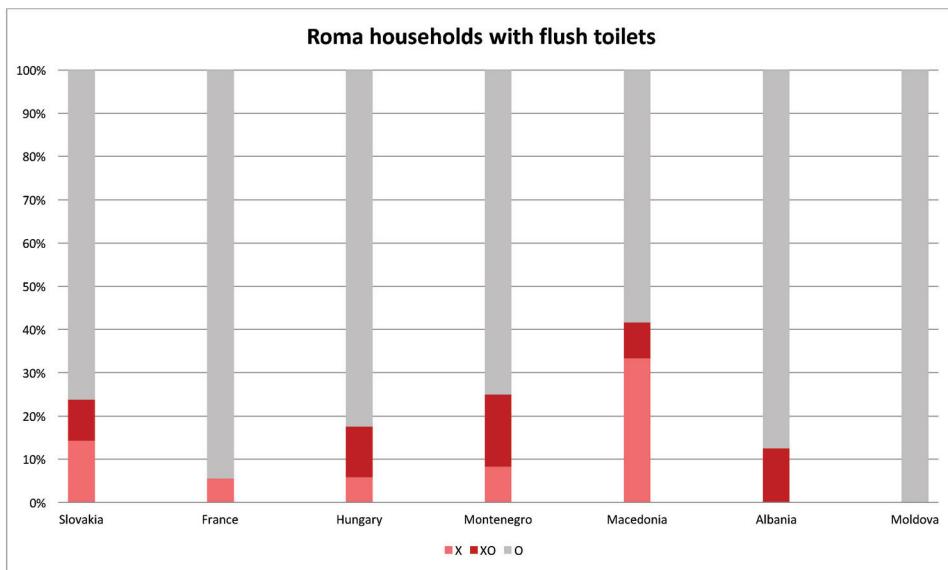


86 UNICEF, '5 facts about childhood pneumonia', in: *UNICEF blog*, November 2015, available at: <https://blogs.unicef.org/blog/5-facts-about-childhood-pneumonia/>.



## 5 Sewage

The situation with the public sewage infrastructure in Romani neighbourhoods is equally alarming. Fewer than 12% of Romani communities had a functioning mechanical flush toilet and drainage systems.<sup>87</sup> Many of these neighbourhoods do not even have a private sewage facility and houses discharge the sewage (a mix of waste water and excrement) to nearby surroundings. Three quarters of Romani households surveyed resorted to use either self-made pit latrines located in some distance from the house or they defecated in the open. The countries with the worst records in this regard were Moldova, France, and Albania.



87 A functioning sewage system in some houses in the Romani neighbourhood was reported in almost 13% of cases and another 10% reported that they use external chemical toilets provided by the municipality.



## 6 Conclusion

This report provides an overview of the ERRC's research, which collected evidence on access to safe and affordable drinking water and sanitation in 93 Romani settlements and neighbourhoods in seven countries: Albania, France, Hungary, Macedonia, Moldova, Montenegro, and Slovakia.

A map showing identified Romani neighbourhoods and settlements with limited access and problems with quality and affordability of drinking water, collected by the ERRC research and human rights monitoring is available at: <https://www.google.com/maps/d/edit?mid=zPYT6ATnCdMQ.krFMQRruSZco&usp=sharing>.

The ERRC's findings revealed that many Roma suffer disproportionately from the failures of public authorities to secure access to water and sanitation. Significant numbers of Roma included in the research have no access to running water in their homes. Their water sources are often far from where they live, with the burden to secure water falling disproportionately on women and girls. These sources are often not tested to ensure their safety and are exposed to a wide range of contaminants, including dry toilets (pit latrines), insect, and wild animals. Roma often cannot afford public water service pipes and water charges, even if they are accessible. Many Roma communities only enjoy access to water thanks to private donations. The ERRC found evidence that many Romani households remain without water and sewerage due to discrimination.

The ERRC's research points out that water scarcity is not a regional but social phenomenon in Europe and Roma are disproportionately affected by decision-making processes, which leave many people in modern Europe without available drinking water and sanitation. Rather than invest in strategic Roma inclusion policies in the areas of public services and infrastructure, European states have opted for a policy of discrimination and exclusion. Denial of access to clean water and sanitation is intrinsic to this policy. 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".<sup>88</sup>

### Recommendations for State Authorities:

- 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;
- In consultation with relevant academic experts and civil society, develop and adopt an annual work plan that will include specific actions for implementing the human right to water;

<sup>88</sup> UN CESCR, *General Comment No. 15. The Right to Water*, 2002, Art 1.

- In consultation with relevant academic experts and civil society, develop and adopt a comprehensive strategy and annual work plan on providing socially excluded neighbourhoods with public water and sanitation infrastructure;
- 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 an 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;
- Always consider affordability for socially excluded groups when developing and implementing regulatory policies on water and sanitation fees and conducting enforcement activities;
- Adopt a policy ensuring that people left to use contaminated public water not suitable for human consumption should be eligible for price reduction.

## Recommendations for The European Commission:

The European Commission should:

- Make the necessary proposals to ensure that Union law is brought in line with the UN legal framework and recognise the human right to water
- Propose expanding the applicability of water-related directives to consider problems with accessibility and affordability of water supply and services;
- Develop indicators and monitoring mechanisms on social equity in access to water and sanitation in member states and task the Fundamental Rights Agency (FRA) to conduct annual data collection, in accordance with Article 4(1)(c) and/or (d) of Regulation 168/2007;
- Earmark funds to tackle limited access to water and sanitation supply services for socially excluded and ethnically discriminated groups;
- Propose a Union-wide approach to solidarity tariffs for water and sanitation services, which would (temporarily) support people under the water disconnection threats due to payment arrears.



ANNEX I – ERRC RTW 2014-2015 DATASET

	No money for service pipe & tap at home	W cut -High rates & municipality debts	Credit pump-hourly open tap	Unclear land ownership - illegal constructions	No tap water in households	Distant water resource - no public pipe in the area	Obstacles in access (roads, walls & fences, private land)	High no. of people using the resource	Seasonal water cuts
<b>Slovakia</b>									
O	6	15	18	5	2	9	16	12	5
X/XO	15	6	3	16	19	12	5	9	16
<b>France</b>									
O	0	17	17	6	1	5	5	2	17
X/XO	18	1	1	12	17	13	13	16	1
<b>Hungary</b>									
O	6	12	15	6	2	9	11	4	7
X/XO	11	5	2	11	15	8	6	13	10
<b>Montenegro</b>									
O	6	3	12	5	7	9	8	10	1
X/XO	6	9	0	7	5	3	4	2	11
<b>Macedonia</b>									
O	2	9	12	5	4	8	8	5	3
X/XO	10	3	0	7	8	4	4	7	9
<b>Albania</b>									
O	3	6	4	3	2	4	5	4	1
X/XO	5	2	4	5	6	4	3	4	7
<b>Moldova</b>									
O	0	5	5	5	0	0	0	0	0
X/XO	5	0	0	0	5	5	5	5	5
SUM = 93	23	67	83	35	18	44	55	37	34
	70	26	10	58	75	49	38	56	59
[ % ]	63,44	25,81	8,6	51,61	67,74	40,86	40,86	58,06	61,29
x =	11,83	2,15	2,15	10,75	12,9	11,83	0	2,15	2,15
x/o =	75,27	27,96	10,75	62,36	80,64	52,69	40,86	60,21	63,44

## THIRSTING FOR JUSTICE

	Open access – springs, rivers, uncovered wells, water tanks	Shallow wells – potentially contaminated by faeces from dry toilets	Shallow wells & old pipes – contamination by river & ground water	Biological contamination - animals	Agriculture, waste or industrial contamination	Toilet in households	External chemical toilets or public toilets	External self-made dry toilets & defecating in the open	Discrimination
<b>Slovakia</b>									
O	11	15	11	11	12	16	20	2	5
X/XO	10	6	10	10	9	5	1	19	16
<b>France</b>									
O	17	16	17	17	18	17	12	4	3
X/XO	1	2	1	1	0	1	6	14	15
<b>Hungary</b>									
O	15	7	12	11	12	14	17	0	4
X/XO	2	10	5	6	5	3	0	17	13
<b>Montenegro</b>									
O	7	12	3	12	9	9	11	1	7
X/XO	5	0	9	0	3	3	1	11	5
<b>Macedonia</b>									
O	5	8	8	6	11	7	12	3	6
X/XO	7	4	4	6	1	5	0	9	6
<b>Albania</b>									
O	7	5	3	7	6	7	7	1	1
X/XO	1	3	5	1	2	1	1	7	7
<b>Moldova</b>									
O	1	4	0	0	0	5	5	0	5
X/XO	4	1	5	5	5	0	0	5	0
SUM = 93	63	68	53	64	68	73	84	11	31
	30	25	40	29	25	20	9	82	62
[ % ]	22,58	23,65	41,94	30,11	26,88	9,68	6,45	75,27	66.66666
x =	9,68	3,22	1,08	1,08	0	11,83	3,22	12,9	
x/o =	32,26	26,87	43,01	31,13	26,88	21,51	9,67	88,17	

### Field Observations:

## II. INTERVIEW GUIDE FOR LOCAL AUTHORITIES, CIVIL SOCIETY, SOCIAL CARE WORKERS

1. How would you describe water access and quality in your town/district/county? For example, who gets water from where, how and for what purpose?

2. How would you characterize the opportunities and challenges of assuring access to water and water quality issues in this area?
3. Which water company supplies water and who owns this company (state, region, municipality or private water company)?
4. Have there been or will there be any EU (ESF & ERDF) or other international funds, national or local support used to improve the water & sanitation infrastructure in the municipality? If so, please describe.
  - a. Additionally, have Roma neighbourhoods or Roma benefited or been targeted for this? [If there is a project, ask about the costs – the project costs and the expected contribution from Roma households].
5. Are there any parts of the municipality without connection to (piped) public water mains, and if so why?
  - a. How are these parts of the municipality supplied with (drinking) water?
6. What happens when someone cannot access or pay for water?
  - a. For example, is the water shut off? If so, under what circumstances, and who shuts it off?
  - b. Are there differences in summer and winter (e.g., wells are frozen or dry up)?
7. What is the average distance which these people have to walk to the nearest water supply from their homes (approximately)? How many households/people share it?
8. Could you share information on how many 'Romani/or socially excluded neighbourhoods with how many people exist in your municipality (an approximate estimate)? How long have they been living in the municipality?
9. What is the legal status of these settlements (legalised land, legalised property, ownership (state, local authority, company, private person, unsolved, etc.)?)
10. Do Romani households pay for the water? If so, what is the rate and how and to whom they pay?
11. Do they have a water meter? Do they receive bills? Are their bills individualised (for each household) or they pay collectively? How often do they pay?
12. Do they have any debts outstanding for water supply (how much approximately)?
13. Please specify water quality testing (type, frequency, results, and if available in hard copy or on-line) and specify water source (e.g., public, untreated water from wells, creeks, or streams). Is the quality consistent or it is changing with winter, rainy and dry seasons?
14. Any reports or issues regarding the following?
  - Odour? (specify)
  - Taste? (specify)
  - Colour? (specify)
  - Location near agricultural or industrial activity? (specify)
  - Other issues (e.g., insects, snails, snakes and dead animals in the water and stray dogs and cats drinking the water)?

15. Any reported water-related health issues (circle any and all that apply and specify whether adult or child or both)? Also, please designate perceived cause (e.g., contamination due to bacteria, industrial pollution, etc. and possible sources and proximity to water supply)

- Diarrhoea
- Vomiting
- Nausea
- Fever
- Cramps or pain (esp. stomach)
- Chills
- Headache
- Dehydration
- Other

16. Is the water supply close to an agricultural/industrial facility?

17. Toilet Type and Access

<b>Roma</b>	<b>Non-Roma</b>
<input type="checkbox"/> Inside <input type="checkbox"/> External (specify distance) <input type="checkbox"/> Flush toilet <input type="checkbox"/> Dry toilet <input type="checkbox"/> Other type of toilet (specify): <input type="checkbox"/> Located near water source (specify)? <input type="checkbox"/> other:	<input type="checkbox"/> Inside <input type="checkbox"/> External (specify distance) <input type="checkbox"/> Flush toilet <input type="checkbox"/> Dry toilet <input type="checkbox"/> Other type of toilet (specify): <input type="checkbox"/> Located near water source (specify)? <input type="checkbox"/> other:

18. Access to external water and toilets: safety

- Safe
- Safe during the day only
- Safe for men only
- Unsafe (specify + collect incidents)

**PERSONAL INFORMATION** (Please, document these at the end of the interview)

- Name:
- Location: (Where is the Roma neighbourhood located – specific region and district, is the segregated neighbourhood segregated, at the outskirts, or integrated in the municipality; are there mountains or lowlands?)
- Date of the interview

**Field Observations:**

All across Europe, huge numbers of Roma have limited access to clean drinking water and sanitation. This is not a coincidence of geography. It is a matter of societal and institutional discrimination. Inadequate politicians and even worse policies force Roma to live in completely segregated settlements, where they are discriminated against by local authorities and denied access to basic services.

This report summarizes research conducted by the European Roma Rights Centre, between 2014 -2016, covering 93 Romani neighbourhoods and settlements in Albania, France, Hungary, Macedonia, Moldova, Montenegro, and Slovakia. The findings reveal shocking disparities in access to clean water and sanitation between Roma and non-Roma. Regardless of the human rights to water and sanitation being recognised by the United Nations General Assembly, this report is the first to demonstrate how large segments of Europe's Roma continue to be systematically denied and disadvantaged in their access to safe drinking water and sanitation.

CHALLENGING DISCRIMINATION PROMOTING EQUALITY