Caring for Thirst: Challenges to Access to Water in Slovakia through a Legal Lens

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Vol. 7. No. 1. 2024, 36–51 • DOI: 10.29098/crs.v7i1.72

Abstract

This article provides an assessment of segregated Romani communities' access to water in Slovakia. It combines philosophical and human rights perspectives and focuses on obstacles communities encounter when pursuing access to safe drinking water through the context of law, whether national legislation, EU legislation, or international human rights. This article aims to establish the case of racial discrimination against Roma in Slovakia through the lens of the environmental justice and especially water precarity. This contribution also explores international standards concerning the right to access water from the perspective of vulnerability, arguing that specific populations living in precarious situations should have an unconditional right to water.

Keywords

- Environmental justice
- Legal remedies
- Right to water
- Roma
- Slovakia

Introduction

This contribution aims to establish the case of environmental inequalities, especially concerning access to water, among ethnic communities in Slovakia through the lens of the law. The article is based upon the assumption that these inequalities disproportionately affect Romani communities that are subject to violations of their human right to water as recognised under international law. To confirm this assumption, it is necessary to consider developments regarding the right to water in international human rights law and its implications for Slovakia; this especially concerns the opinions of international human rights bodies on the country's compliance with the right to water and the principle of non-discrimination. Moreover, the situation in Slovakia must be assessed through accessible data that allows for a closer appreciation of the practicalities of access to water for Romani communities. Finally, the effectiveness of available national remedies is necessary to establish whether sufficient redress may be sought by individuals who are deprived of the right to water. This paper aims to confirm whether Slovakia fails to protect the right to water and to provide access to justice for violations, especially for communities in vulnerable situations.[1]

1. Recognising the Unconditional Right to Water

The lack of access to water for marginalised communities, particularly in Romani settlements in Central and Eastern Europe, highlights a systemic failure to address fundamental human needs through legal and moral frameworks. Despite international advocacy and repeated recommendations from bodies such as the UN's Committee on the Elimination of Racial Discrimination (CERD) (2018) and the UN's Committee on Economic, Social and Cultural Rights (CESCR) (2019), access to water remains elusive for many Romani communities, reflecting an alarming neglect of what should be an unconditional moral right. Legal responses, such as those from the European Court of Human Rights (ECtHR), often adopt a lenient approach, granting states broad discretion in policy measures rather than mandating substantive action. While the European Committee of Social Rights (ECSR) has identified the lack of water as a human rights violation, the practical realisation of this right has been limited, exposing gaps in judicial reasoning and government accountability.

In our opinion, access to water must transcend its current conditional framing and be recognised as an unconditional claim rooted in human vulnerability and dignity. Drawing mainly on philosophical insights from Emmanuel Levinas and ethical alterity, this article argues for a legal and moral shift that places bodily needs at the centre of human rights. Concepts such as vulnerability and precarity, increasingly part of human rights jurisprudence, provide a promising pathway to reimagine rights as responsive to

1 In this article, we did not elaborate on two important aspects. First, there are problems with the commodification of water and the marketisation of water distribution. This phenomenon affects the accessibility of the right to water and, more precisely, the affordability of water. However, due to its complex nature, we did not have the opportunity to discuss it. Furthermore, although we discussed possible legal avenues, we omitted references to pending cases. Several lawsuits have been filed on the right to water, but none has yet been decided. The legal strategy chosen and the particular judgments could be the subject matter of another research and contribution.

the material realities of marginalised groups. The analysis critiques an atomised and self-centric approach to human rights, advocating instead for intersubjective ethics that prioritise communal responsibilities. By framing water access as an absolute moral right, a more robust, ethics-driven legal framework for addressing systemic exclusions can be envisaged.

By adopting a framework centred on vulnerability and precarity (Butler 2009), we argue that the human body must be at the core of human rights protection, with physical necessities such as water being treated as unconditional – absolute – rights. The concept of vulnerability has increasingly become an integral part of legal discourse, shaping both norms and judicial reasoning alongside established principles like dignity and equality. This perspective offers great potential to address fundamental needs essential to life such as access to water.

Building on this perspective, recognising and interpreting the right to water should similarly prioritise vulnerability and the fundamental nature of physical necessities. This approach requires moving beyond abstract legal principles to actively centre the realities of those most affected by a lack of access to water, particularly for marginalised groups like our case of Romani communities in Slovakia. By framing water as an unconditional right, legal and judicial mechanisms must account for its indispensable role in sustaining life and human dignity.

In the context of access to justice, this perspective demands that legal systems are both procedurally fair and substantively responsive to the precarious conditions endured by vulnerable populations. Judicial reasoning should reflect the centrality of water to human survival and well-being, interpreting existing norms and principles to ensure practical access without any discrimination. Adopting this vulnerability-focused framework reinforces the imperative that access to water must be treated not as a privilege but as an absolute right, requiring legal systems to bridge gaps between practice and theory.

2. Developing the Right to Water under International and European Law

The international community has paid significant attention to access to water resources and state action concerning water for decades. Yet, this discourse has historically ignored water as an individual, justiciable human right. The focus largely has been placed on various aspects of water usage and management, encompassing a multitude of sectors and industries in a comprehensive manner, as well as dealing with particular difficulties in water policy, both on a universal and regional scale. The human rights aspects of water and its relevance for people living in precarious situations have not been at the cornerstone of the discussions. Some fifty years ago, the United Nations Water Conference placed various precise obligations on states but did not once consider their implementation as a requirement stemming from the human rights of individuals (United Nations Water Conference 1977). While there were proposals that contemplated requirements of a judicial and administrative protection of water rights (United Nations Conference on the Human Environment 1972, 17), significant breakthroughs in the development of the right to water as part of the family of human rights norms emerged only much later and were limited in

scope, either serving only particular vulnerable categories of persons benefitting from the protection of specific human rights treaties (for example, children), or reserving the right to water only to particular aspects (for example, guaranteed water quality to prevent disease) (Soboka Bulto 2011, 298).

While certain domestic jurisdictions similarly enshrined the right to water as part of their bill of rights – for example, Article 27 of the Constitution of South Africa or similar recognition in India or Argentina that predated the UN's concern about the right to water (*Ibid.*, 302) – it was not until 2002 when UN CESCR published General Comment No. 15, writing that the right to water was established as a universal human right with unequivocal recognition under international law (CESCR 2002). Only thereafter did the right to water gain recognition on a global level, finally gaining the full attention it deserved.[2]

Since then, the right to water has been recognised as a fundamental human right under international human rights law. True, it has also been the subject of various instruments that recognise its importance in the full enjoyment of life by UN bodies, for example, the General Assembly (UNGA 2010) or the United Nations Human Rights Council (UNHRC 2010). At the moment, it can be understood as a right to water security (Jepson et al. 2017, 48) and be considered as part of broader guarantees essential for securing an adequate standard of living (ICESCR 2002), interrelating with other rights, especially the right to health (*Ibid.*), the right to housing (UN CERD 2005), together with the equality principle[3] and freedom from ill-treatment. Moreover, it could be linked to a broader guarantee for protection of the environment (Braig 2015, 4–14).

The right to water has been subject to increased attention recently, even on a regional level, including in Europe. The European Parliament (EP) recognised the right to water and sanitation as vitally important and accentuated that this human right often has been neglected (EP 2014). Even before such recognition, the right to water and sanitation was the main topic of the first-ever European Citizen's Initiative to satisfy the prerequisites for its submission to the European Commission (Commission) in December 2013. It called on the EU and its Member States to increase efforts in safeguarding water and sanitation access. The Commission recognised access to water and its implications for adequate living standards, human dignity, and the right to life. The Commission also undertook a review of water legislation and financing schemes for the distribution of water (Commission 2014). At the same time, the Commission had been criticised for insufficiently addressing the issue and not tabling any new contributions to the issue, such as universal access to water (European Economic and Social Committee 2014) or action to eliminate problems with water supply and shortages, as well as transparency in policies regulating access to water (EP 2015). In 2020, a recast version of the Drinking Water Directive[4] was adopted, adopting a

2 The UN recognised access to water and sanitation for all as one of the Sustainable Development Goals within the 2030 Agenda for Sustainable Development. It is the sixth goal.

3 See Articles 1, 2, and 5 (e) (iii) (iv) International Convention on the Elimination of All Forms of Racial Discrimination; Article 28 (2) (a) Convention on the Rights of Persons with Disabilities; and Article 14 (2) (h) Convention on the Elimination of All Forms of Discrimination against Women.

4 Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (recast).

similar language of vulnerability in Article 16, binding the Member States to improve access to water for vulnerable or marginalised groups. This movement on the EU level and the development of a human-rights-oriented approach occurred even in the absence of explicit human rights provisions dealing with the right to water and sanitation in primary EU law, similar to the progress made at the UN level.

3. Obligations Stemming from the Right to Water and Principle of Non-discrimination

Efforts have been made to study the legal obligations incumbent upon states and other stakeholders to protect human rights to water and sanitation (UNHRC 2006). The UNHRC sought to clarify the normative content of the right to water, and the UN High Commissioner for Human Rights was authorised to study the scope and content of relevant obligations that provide insight into the view of the international community on the legal basis of the right to water, its component parts, or implementation (UNHRC 2007).

The right to water and sanitation has been such a critical focus of the UNHRC that it decided to appoint an independent expert to facilitate, apart from further study of the human rights aspects, dialogue and cooperation among international bodies, states, and private entities (UNHRC 2008). Consequently, the normative content of the right to water has been developed in various aspects. In this regard, General Comment No. 15 of the ICESCR remains the most comprehensive and authoritative source for interpreting the right to water (Soboka Bulto 2011, 298).

First, the ICESCR recognised general legal obligations related to economic, social, and cultural rights, such as obligations of progressive realisation or *prima facie* prohibition of retrogressive measures against the right to water. The ICESCR also established three distinct obligations of states – to respect, protect, and fulfil the right to water (ICESCR 2002). These three obligations each set out specific measures that states must, may, or cannot be taken by states such as the obligation to protect water from pollution or to refrain from limiting access to water. However, the three categories of obligations are also distinct in terms of their purpose and targets in their regulations. For example, the obligation to respect targets mainly state authorities and restricts their behaviour to prohibit the state from interfering with the right to water (*Ibid.*). On the other hand, the obligation to protect requires states to take active measures mostly targeted at private entities attempting to perpetrate such interferences (*Ibid.*). Finally, the obligation to fulfil requires states to act proactively and for the direct benefit of individuals so that they can realise their right to water.

This obligation to fulfil prescribes another trio of separate requirements. First, it requires the facilitation of assistance to individuals in need. Second, it obliges states to provide education that promotes the proper use and protection of water. Third, the fulfilment of the right to water necessarily requires providing water to all individuals who cannot secure it on their own (*Ibid.*). This applies to instances of *force majeure*, where specific communities lose access to water temporarily due to unforeseen circumstances, and it also creates an obligation to provide water for communities living in such poverty that they cannot afford it independently (Winkler 2012, 111).

Moreover, the General Comment established the so-called core obligations, meaning obligations so essential that they cannot be derogated; otherwise, the essence of pertinent human rights would be nullified. In the context of discrimination against Roma in the framework of environmental justice, states have a core obligation to provide a "minimum essential amount of water" on a non-discriminatory basis, using low-cost targeted water programmes. Considering the perspective sketched above, the core obligation should be reconceptualised as "unconditional access to the required amount of water", emphasising the idea that access to water should not be considered conditional, for example, by an ability to use own social benefits to ameliorate water precarity (see *Hudorovič* §§ 149 and 156), bearing in mind that under these obligations states must also ensure adequate sanitation to control, prevent, and treat disease (ICESCR 2002). Thus, the interdependence between water and sanitation is essential as any lack in one results in violation of access to the other.

Equal access to water as an unequivocally recognised individual human right is essential progress in the consideration of inequalities in water access previously described in the Mar del Plata Action Plan. At that time, states were only recommended to consider inequalities in access to water and remedy them, yet such responsibility was not coined in human rights terms. No individual, justiciable human right to eliminate such discrimination was established at the time. The progress of international human rights law in this regard and recognition of the right to water on a non-discriminatory basis as part of economic, social, and cultural rights is a welcome development as it creates not only a binding obligation incumbent upon states but also an enforceable right for all individuals impacted by violation of such right. However, an additional step is required. It should be followed by recognition that certain populations have struggled with unequivocal difficulties in accessing adequate water sources because of structural injustice, and their position is, due to this fact, precarious. Water precarity should be recognised expressly as an obligation of the state to eradicate.

The obligation to remove discrimination relates both to future and retroactive regulations or steps. Accordingly, states must end any *de facto* discrimination in securing all social rights as speedily as possible (United Nations Commission on Human Rights 1987).

Apart from the General Comment, other human rights bodies have developed their standards of protection, both worldwide and in Europe. As concluded by the European Committee of Social Rights (ECSR), even short-term interferences with access to water constitute a violation of human rights, for example, in the case of an arbitrary termination of water supply for just a week (ECSR 2011).

Access to water is an essential human right that must be guaranteed through public financing, even for communities that lack resources to pay for the construction of relevant infrastructure or water consumption (UNHRC 2015). Failure to take such active steps to ensure the full realisation of the right to water for all violates the obligation to fulfil the right to water on the part of the state (ICESCR 2002). In terms of discrimination in environmental rights in cases where studies prove that minorities disproportionately lack access to water in comparison with the general population, the ECSR established that such a fact constitutes a violation of human rights, even if the minority members thus affected do not represent the living conditions of that minority in general (ECSR 2015).

Another typology of obligations is often identified based on the so-called “four A's”. These encompass four standards that the state must satisfy to realise the right to water fully. First, water must be *available* in terms of various common uses of water (for example, drinking, cooking, sanitation, and so on) and in terms of sufficient quantity. Second, water must be *acceptable* in terms of colour, odour, and taste, as well as in terms of water safety. Third, the water must be physically *accessible*, as close to the users as possible. Fourth, water must be *affordable*, considering the economic costs that individuals bear (Winkler 2012, 126–139). Considering our perspective, we may add that the right to water should be available, acceptable, accessible, and affordable unconditionally for those experiencing water precarity.

4. Roma in Slovakia and Access to Water through the Lens of International Standards

While the right to water has been described as a fundamental right, entailing various obligations, recognised and protected under international human rights law through various authorities, the practical difficulties to secure such a right to water remain suboptimal. In terms of access to water in Slovakia, significant criticism has been raised towards discrimination against Roma regarding their right to water. Such criticism originated not only from NGOs, such as the European Roma Rights Centre (ERRC), which analysed water access according to the criteria of the four A's through the lens of discrimination against Roma in several countries, including Slovakia, using its own research and data (ERRC 2017).

The topic also has attracted academic research detailing how Roma in Slovakia face environmental discrimination and exclusion (Filčák and Steger 2014) or how funding for EU infrastructure projects impact the exclusion of Roma (Škobla and Filčák 2016). Field research also has contributed to developing awareness about the issue of access to water for Roma in Slovakia. The research identified a substantial number of Romani communities across Slovakia where various measures and omissions resulted in the deprivation of some aspects of the right to water for those Roma inhabiting the localities: failure to provide necessary infrastructure, termination of water supplies, and obstacles to access to water or poor water quality that exposed Romani individuals to unacceptable risks in fulfilling their right to water. Often, it has been concluded that responsibility for these actions (that are incompatible with the right to water as outlined under international law described earlier) rests with local municipalities acting as self-governing territorial entities (Filčák and Škobla 2017).

Even Slovak public authorities have recognised the gravity of the situation regarding Romani communities' access to water and contributed their findings and recommendations to the issue. The weight of an Ombudsperson's report from nearly a decade ago adds a persuasive argument to strengthen the narrative that supports the need to provide Roma with sufficient guarantees of their right to water. The Ombudsperson's field research supported the report, which further established significant deficiencies in Romani communities' water access. It detailed the lived experiences of specific communities in Slovakia where water was not provided for Roma for 13 years or other cases where Roma had access to water that was not recommended for drinking by the municipality (Ombudsperson 2017, 11). This report is significant in that it provides an insight into excuses raised by municipalities to justify their failure to fulfil the right to water for their

Romani communities. These include *inter alia*, a lack of public finances, a lack of state support, unresolved land disputes regarding buildings that need water infrastructure, complicated administrative proceedings to secure construction of water pipelines, or alleged disinterest by Roma to secure such water (*Ibid.,* 19).

The international community has also focused on the fulfilment of obligations by Slovakia regarding the right to water for Romani communities. The ICESCR first recommended that Slovakia provide water for the most disadvantaged parts of its population in rural areas (ICESCR 2012). In another reporting cycle, the ICESCR more specifically pointed out that segregated Romani communities lack permanent access to safe drinking water and expressed concern about such a situation in a high-income country like Slovakia (ICESCR 2019). The recommendations from the ICESCR indicate that Slovakia currently is underperforming in upholding its obligations. Specifically, inequality of access to water for Romani communities has been acknowledged and requires consistent, long-term action to satisfy the requirements of the right to water guarantees under international law. Failure to do so may constitute a violation of human rights and lead to steps to hold Slovakia accountable for human rights abuses and an obligation to provide appropriate reparations (Naidu and Torpey 2012, 477).

At the same time, individuals whose rights have been violated may obtain the standing to sue under national jurisdiction to protect their rights (see section five). The state itself recognised the need for infrastructure construction in segregated Romani communities, including infrastructure for drinking water and sanitation, in its 2020 Roma Integration Strategy adopted in 2012 by the Slovak government; however, at that time, there were no input data provided in the strategy document.

The obligation to monitor progress in the area of water policy is, however, one of the core obligations linked to the right to water; therefore, monitoring such data is one of the obligations that bind Slovakia, irrespective of the financial resources it can dedicate to the actual development of infrastructure (ICESCR 2002). A welcome development in this regard is the *Atlas of Roma Communities* (2013 Atlas) which was created as a result of collaboration among Slovak government bodies, the United Nations Development Programme, and several academics from Slovak and Czech universities that co-authored the final report (Mušinka et al. 2014) and expanded earlier data collected in 2004. The most recent iteration of the *Atlas* using 2019 data (Ravasz et al. 2020) maps the situation in 825 municipalities and over 1,100 Romani communities, gathering data on approximately 417,000 Romani individuals in Slovakia from an estimated 450,000 Romani individuals in the general population (Ravasz et al. 2020, 17). Strikingly, only 79 per cent have access to tap water, while the proportion is 97 per cent overall in the monitored municipalities (*Ibid.*). There is, therefore, significant inequality in terms of access to tap water that needs to be addressed urgently.

5. Legal Remedies for Combatting Discrimination in Access to Water in Slovakia

International law provides not only substantive protection of economic, social, and cultural rights but also procedural guarantees for their enforcement. It is recognised that apart from appropriate legislation and equal application without discrimination, human rights must be justiciable through effective judicial

remedies on a domestic level, in which courts can apply provisions of international human rights treaties as self-executing, that is, not requiring implementation (ICESCR 1990).

It is unclear whether any jurisprudence in Slovak courts dealing with access to water through a human rights-oriented approach is present in Slovakia. While Slovak judiciary practice has been researched regarding non-discrimination and equal treatment (Durbáková et al. 2010), judicial proceedings dealing with the issue of environmental injustice and discrimination in access to water have yet to come. Nonetheless, under the jurisprudence of Slovak and international courts, as well as existing international law documents described earlier, it is arguable that actions against violations of the right to water are well-founded, and they could bring remedy against responsible parties.

This section of the article is dedicated to exploring possible legal remedies for discriminatory violations of the right to water for Roma. As a preliminary point, it ought to be remarked that this section does not seek to address international bodies and procedures that deal with standards of protection and violations of human rights. Standards and jurisprudence of such procedures pertinent to the right to water were outlined previously. In terms of remedies outlined here, proceedings under national jurisdiction shall be considered.

Second, we shall focus on court proceedings against public authorities under the administrative judiciary as measures of remedy. The purpose of actions filed with administrative courts is to enforce obligations against those who bear it and ensure public authorities act lawfully. In terms of widespread and persistent discriminatory practice of public authorities, as established above, these actions seem most appropriate to provide remedy for the individuals and communities affected. Yet, this section serves not only to consider the availability of remedies in Slovakia but also to appreciate their prospects of success, their capability to improve the situation of impacted communities, and potential obstacles in access to environmental justice.

In cases of the right to water enforcement, regarding the abovementioned obligation to provide water supply imposed on municipalities by statute, it is possible to protect the rights of individuals against public administration under Slovakia's Act 162/2015 Coll. Administrative Judiciary Code. The statute sets out procedures predominantly in cases when courts rule on disputes of individuals against public authorities. However, the conditions for courts to assert their jurisdiction in cases related to the right to water are unclear at best. As described earlier, the most widespread problems in Slovakia relate to a failure in the progressive realisation of the right to water to eliminate discrimination against Roma. The failures are, therefore, caused primarily by the omission of authorities to provide access to drinking water. However, Article 3(1)(d) states that the omission of public administration may confer jurisdiction on courts only in cases where administrative bodies do not proceed with initiated proceedings or do not initiate proceedings *proprio motu* where they are obliged to do so. On the contrary, the jurisdiction is not conferred in cases where the omission is purely factual, that is, where public administration fails to provide certain amenities that individuals have the right to enforce but their provision does not require official administrative proceedings. Therefore, the inactivity of municipalities in providing water supply may rarely become an actionable claim under the Administrative Judiciary Code, for example, where it merely fails to apply for funding, as outlined above.

The second way victims may assert the court's jurisdiction is to sue municipalities for so-called "other interferences" of public administration, which serves as a catch-all provision to secure jurisdiction if no explicit grounds can be invoked. That way, courts shall have jurisdiction over any factual conduct in public administration that may interfere with individual rights, for example, the conduct of officials during control and inspection procedures.

The question remains whether such factual conduct may confer jurisdiction and give rise to the action of harmed individuals – even in cases where factual conduct is omissive and plaintiffs sue public administration for not taking the proper steps. The legal doctrine states that such jurisdiction is created only in cases where interference has a factual basis of immediate or proximate effect (Fečík 2018, 32). Considering this interpretation, it is unclear whether a long-term omission of authorities to provide access to water has such a proximate effect that it may be considered "other interference" under the Administrative Judiciary Code.

Second, it has to be noted that – to sue public administration for such interferences successfully – an action has to be filed with the court under Article 256 of the Administrative Judiciary Code within two years after such interference occurred, and at the same time within two months after the person whose rights were interfered with became aware of the interference. The less conflicting of the two statutory periods is the objective one, that is, two years since the occurrence of the interference. In long-term violations of the right to water that persist for years, it has to be considered that the interference occurs continually, and the two-year period only starts to run once the interference has been eliminated, not immediately when it manifested for the first time. Even cases of water deprivation that persist for longer than two years become actionable in courts while respecting the two-year period.

A more significant interpretive problem arises in determination when the two-month period starts to run after the person concerned becomes aware of the interference. Such knowledge must be determined carefully since Romani individuals concerned know the fact itself: water unavailability in their community. Often they are aware of their living conditions for years without considering any legal action. Assuming they attempt to gain access to safe drinking water through informal means or negotiations with local authorities, the courts might dismiss their actions because – while Roma spent months negotiating and securing a solution to their situation – their two-month limit for lodging their claim under the Administrative Judiciary Code had already elapsed as they were aware of interferences for the entire time they dealt with the situation through out-of-court procedures. Such a formal interpretation of statutory time limits may push Roma into hastily pursuing their cases before courts, further antagonising municipalities and the public administration they litigate against. It has to be noted that the Supreme Court of Slovakia[5] does not seem willing to adopt an excessively formal view of time, holding that in the cases of disability-based discrimination when interferences with individual rights are being dealt with only through informal forms of procedures, the action under Administrative Judiciary Code is not time-barred simply by the fact that claimants subsequently turn to different bodies in attempts to review the

5 A predecessor to the Supreme Administrative Court (established since 1 January 2021) in cases litigated under the Administrative Judiciary Code.

procedure of first-instance administrative entities. The two-month time limit since the claimants became aware of the interference then starts to run only once there is no prospect for revision or demanded action to occur (Supreme Court of Slovakia 2021).

Yet it remains unclear when to determine the start period of the time limit to lodge a lawsuit and how to consider cases when Romani communities are left without any prospect of local municipalities acting appropriately to secure access to water for them. Additionally, the rigid application of such a limit could lead to several well-founded cases of environmental discrimination in access to water being dismissed before the courts or, what is worse, discouraging affected Romani communities from pursuing their cases through the judiciary. Such deficiencies in Slovakia's current legislation could lead to Roma tacitly accepting and tolerating discriminatory violations of their human rights. Strict scrutiny of applicable procedural law, as well as ongoing court cases and an analysis of interpretation of relevant provisions, is necessary to ensure such a chilling effect does not occur.

Conclusion

This article aimed to describe the situation of Romani communities in Slovakia in the context of access to water and possible legal avenues to remedy the problem. In parallel, it also has described the development and international recognition of the right to water, its foundations, legal basis, normative content, and the fundamental obligations of states related to the protection of such right and its limits. It addresses the pertinent issues through the lens of vulnerability and the presumption of the critical importance of access to water. In legal terms, it should be recognised that water precarity is a form of environmental injustice and must be remedied unconditionally. As an example, we referred to the situation of Slovakia's Romani minority who have been exposed disproportionately to the detrimental effects of harmful environmental determinants (Kanioková 2020, 14).

Based on available data and research, it has been established that Romani communities are being wholly deprived of the right to water. There is an absence of availability, acceptability, accessibility, and affordability of drinking water. Both data from recent years and past research indicate a worrying trend of passivity on the part of public administration.

It has been established that providing water supplies for vulnerable Romani communities has seen very little progress in recent years, in apparent contravention of how Slovakia is obliged to act, namely, to provide access to drinking water to the full extent of available resources. Similarly, Roma are disadvantaged in comparison with other populations in their access to water, even if they live within the same municipalities. Segregation and physical distance between the majority population and Romani neighbourhoods only aggravate the situation, bringing a discriminatory violation of the right to water into play and furthering the environmental injustice and harm caused to Roma.

Finally, while international law has developed standards for proper protection of the right to water, they are still not unconditional for those living in water precarity; domestic enforcement of such standards may be feasible in practice, though requiring a significant degree of progressive interpretation of applicable

law. In other words, a condition is placed upon a condition. Indeed, the Slovak legal system pushes Roma into further uncertainty regarding the system of remedies, which lacks foreseeability and requires further clarification. This should be considered a priority for upcoming improvements to provide access to justice against violations of human rights to water and sanitation.

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List of Acronyms

CERD	UN Committee on the Elimination of Racial Discrimination
CESCR	UN Committee on Economic, Social and Cultural Rights
ECtHR	European Court of Human Rights
ECSR	European Committee of Social Rights
EU	European Union
ICESCR	International Covenant on Economic, Social and Cultural Rights
UN	United Nations
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council