

## **Response of the Slovak Republic to the questions raised by the UN Special Rapporteur on Human Rights on safe drinking water and sanitation**

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### **Questions for States**

1 Please provide information on how the **principle of accountability is defined and applied** in the legal, policy and institutional frameworks, particularly to ensure the realization of the human rights to safe drinking water and sanitation.

Answer:

Access to safe drinking water is closely linked with execution of other basic rights declared by the Constitution of the Slovak Republic, in particular right to protection of life and health. Act No. 369/1990 Coll on Municipal Establishment covers conditions for creation of municipality, its status, authorities, competences and responsibilities including ensuring of health living conditions and drinking water access for all habitants. Based on Act No. 442/2002 Coll. on public water supply systems and public sewage systems, public water supply system owner is obliged to ensure continual drinking water supply. Slovak Government has long been providing financial and organizational support to ensure the availability of drinking water for the population. Within the 2014-2020 programming period, the framework of the Operational Program Human Resources envisages the creation of a scheme that would allow municipalities with insufficient infrastructure in Roma settlements to receive funding for the completion of water supply and sewerage. In this context, the Directive 91/271/EEC on the cleaning of municipal waste water is also important. It requires Member States to equip all localities, where settlement or economic activity is concentrated and have more than 2.000 inhabitants, by secondary municipal waste water treatment.

2. Please describe **challenges or gaps** identified in the application and implementation of the principle of accountability to ensure the realization of the human rights to safe drinking water and sanitation. How have these challenges and gaps been addressed?

Answer:

The challenge and, at the same time, a lack of the responsibility principle implementation, in order to ensure the implementation of human rights for safe drinking water and sanitation, was the supply of drinking water and drainage in marginalized Roma settlements, which are often at risk of living in unsuitable conditions including lack of access to safe drinking water. According to Action plans of the Roma integration strategy low-cost projects like a digging new wells with drinkable water seems to be good way how to improve access to drinking water in marginalized communities. In the year 2017, an amount of EUR 18 million was allocated to solve this problem through the Operational Program Human Resources, under the authority of the Ministry of the Interior of the Slovak Republic.

### **Answerability**

3. Please describe how and where (law, policy, administrative documents) the **roles and responsibilities of the actors** involved in the provision of water and sanitation services are defined in accordance with the normative content of the human rights to safe drinking water and sanitation. In other words, how are defined the roles of the actors responsible for the accessibility, availability, affordability, acceptability and quality of water and sanitation services in an equal and non-discriminatory manner.

Answer:

In the Slovak Republic, the same mechanisms for all inhabitants are applied without distinction in the field of drinking water supply for population and waste water drainage, in accordance with the applicable legislation, in particular Act No. 364/2004 Coll. on Water and Act No. 442/2002 Coll. on Public water supply systems and public sewers. Under the provisions of these regulations, groundwater is primarily intended to supply the population with drinking water; other uses are only possible if their preferential

destination is preserved. Public water supply systems and public sewers are established and operated in the public interest, in particular for the purpose of mass supply of the public with drinking water and for the collective discharge of sewage from settlement units.

In the Slovak Republic, the particular municipality administration is responsible for water supply and waste water discharge from the population, in accordance with Act No. 369/1990 Coll. on Municipal Establishment. If an individual suspects or is convinced that his/her rights in the area of water and/or sanitation are infringed, he/she may ask the local community to investigate the situation, or securing redress, respectively. He/she also has the possibility to address this request to the owner or operator of the infrastructure in question. Inspection of compliance with quality standards for the provision of water and/or sanitation services is ensured by the Regulatory Office for Network Industries. If an individual does not receive redress through the above institutions, he/she has the opportunity to bring that claim to court.

**4. Please provide information on existing performance standards, and monitoring and assessment mechanisms to ensure accountability for actions of the State that affect the enjoyment of human rights to safe drinking water and sanitation of people both within and outside its borders.**

Answer:

Information on the status of drinking water supply and drainage in the Slovak Republic is publicly available, and is part of the annually published Environmental Status Reports in the Slovak Republic for individual years, as well as reports sent under the current EU legislation.

**5. In situations where non-State actors provide water and sanitation services, how does the State ensure accountability for the actions of those actors? What documents and mechanisms exist to define the responsibilities and performance standards of non-State actors, and to monitor and assess their behaviour in a transparent and objective manner?**

Answer:

In the Slovak Republic, the transformation of state-owned Water and Sewerage companies to joint-stock companies took place in 2003, whereby municipalities and towns in the territorial scope of the original state-owned enterprises became the shareholders. The state regulates the legal conditions for the supply of drinking water and drainage, in particular pursuant to Act No. 442/2002 Coll. on Public water supply systems and public sewers and pursuant to Act No. 369/1990 Coll. on Municipal Establishment.

#### **Answerability**

**6. Please provide specific examples of cases where the State provided reasoned justifications for their actions and decisions to those whose human rights to safe drinking water and sanitation were affected.**

Answer:

We have no information on the execution of a court judgement in cases related to human rights in the field of water/sanitation on the territory of the Slovak Republic.

**7. Please provide specific examples of good practices on how individuals and groups – including those who are particularly hard to reach – are informed of available accountability mechanisms, and what measures exist to support and empower them to access and utilize those mechanisms.**

Answer:

Pursuant to Act No. 369/1990 Coll. on Municipal Establishment, the information on the availability of drinking water supply and sanitation services is provided by the municipality concerned.

**8. Please provide examples of mechanisms in place that provide a platform or forum for participation and discussion on remedy measures specifically on the human rights to safe drinking water and sanitation. (These may include monitoring bodies, platforms for civil society to participate, consultations, public hearings, civil society monitoring.)**

Answer:

The Office of the Government of the Slovak Republic for Roma Communities is primarily involved in solution of the problem in question, by means of the Action Plan for the years 2016 -2018.

***Enforceability***

**9.** Please provide **examples of effective mechanisms\*** to ensure that State and non-State actors at all levels are subject to **enforceable sanctions or remedial actions** in relation to the violation or abuse of the human rights to safe drinking water and sanitation\*. Examples may include judicial, quasi-judicial, administrative, political and social mechanisms.

Answer:

The Ministry of the Environment of the Slovak Republic has no information on the execution of a court judgement in cases related to human rights in the field of water/sanitation on the territory of the Slovak Republic.

**10.** Please provide examples of cases where **State and non-State actors were held accountable** for their obligations and responsibilities with regard to the human rights to water and sanitation in front of a judicial, quasi-judicial, administrative, political and other mechanisms.

Answer:

The competent Slovak authority does not record a case concerning the violation of human rights in the field of water/sanitation on the territory of the Slovak Republic.

**11.** Please provide examples of cases where **State effectively monitored and held non-State actors accountable** for their actions that negatively affected the enjoyment of the human rights to water and sanitation **within and outside its borders**.

Answer:

The Slovak Republic has no information on the execution of a court judgement in cases related to human rights in the field of water/sanitation on the territory of the Slovak Republic.

**12.** Please provide information on how **outcomes** of accountability mechanisms are implemented and complied with.

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Answer:

The Ministry of the Environment of the Slovak Republic has no information on the execution of a court judgement in cases related to human rights in the field of water/sanitation on the territory of the Slovak Republic.