



**Académie  
de l'Eau**

May 2013

# IMPLEMENTATION OF THE RIGHT TO SANITATION IN EUROPE

Henri Smets

# **IMPLEMENTATION IN INTERNATIONAL LAW**

**In Europe, all States ratified the International Covenant on Economic, Social and Cultural Rights ( art. 11 and 12 deal indirectly with the right to sanitation).**

**But there is no tribunal to condemn a State which fails to implement a protected right.**

## **IMPLEMENTATION IN EUROPEAN LAW**

**In Europe, the right to sanitation is protected by the Water and Health Protocol (24 States), the revised Social Chart (32 States) and the European Convention on Human Rights (47 States). This right is enforceable in the European Court of Human Rights and in the European Social Rights Committee. A few Member States were already found guilty (inadequate sanitation, substandard prisons, discrimination against roms).**

## **IMPLEMENTATION IN COMMUNITY LAW**

**In Europe, implementation of the the right to sanitation is closely linked to the Urban Wastewater Directive (27 States). States not providing proper sewage and adequate treatment of wastewater may be sued in the EU Court of Justice. A few States were found guilty because of inadequate treatment of waste water.**

# **IMPLEMENTATION IN NATIONAL LAW**

**THE RIGHT TO SANITATION IS LINKED TO :**

The right to dignity,

The right to health,

The right to an adequate standard of living

The right to healthy housing conditions

The right to a safe environment

# TWO EUROPEAN WIDE SURVEYS ON THE RIGHT TO SANITATION

Two surveys (10 countries in 2009 and 17 countries in 2011). In all countries the law includes the obligation to create :

- a) sewage for wastewater in cities
- b) toilets at the working place and
- c) inform the public (Aarhus).

# NATIONAL SANITATION LAWS ARE INSUFFICIENT

The right to sanitation is an individual right in only a few countries :

Belgium, Spain, France, Netherlands, Switzerland.

- It is still permitted to rent a dwelling without toilets in many countries (forbidden in Austria, Belgium, Scotland, France, Italy).
- Few countries took measures in favour of sanitation for travellers (Germany, Belgium, Denmark, France, Ireland, Italy, Switzerland )

# RURAL ZONES IN EASTERN EUROPE ARE LAGGING BEHIND

## HOUSING CONDITIONS IN EUROPE

	Without B/Sho	Without Toilets	Without B/Sh/Toil. (poor)
12 New EU States.	15%	16 %	38%
15 Old EU States	0.6%	0.8%	1.2%



# MANY DWELLINGS ARE WITHOUT TOILETS

Rumania (44%),  
Bulgaria (34%),  
Lithuania (20%),  
Latvia (19%),  
Estonia (15%),  
Hungary (7%),  
Poland (5%)

## SANITATION IN EUROPE

According to the WB, improved sanitation in rural area is only available for part of the population : Rumania (54%), Russia (70%), Latvia (71%), Turkey (72%), Moldavia (73%).

# SANITATION IN FRANCE

Sewage and collective treatment:	80% pop.
Sewage, no coll. treatment :	2%
No sewage but indiv.treatment	16%
No sewage and no treatment	2%

Dwellings without treatment : Corsica, 23%,  
Lorraine, 20%, Rhin-Meuse 12%

## **IMPROVING SANITATION IN FRENCH RURAL AREAS**

To improve deficient individual sanitation (50%), each municipality must control periodically the operation of each individual sanitation systems

As from 1st January 2013, a certificate on the characteristics of individual sanitation systems must be provided with each sale of a dwelling. If sanitation is below standards, the buyer must restore it to d standards.

# CAMPING AREAS FOR TRAVELLERS IN FRANCE

Since 2000, all communes with over 5 000 inhabitants are under the obligation to create camping areas for travellers with water and sanitation equipment. A total of 41 565 camping spots were planned but only 51% were built.

.

## **AID FOR WATER AND SANITATION BILLS IN PARIS**

In Paris, poor households receive financial support to pay their water and sanitation bills. 42 000 households (3.8 %) received 3 M€ per year. A similar system is in use in Paris suburbs but is less generous.

# PUBLIC TOILETS

In Paris, every one has access to clean toilets for free but not in the rest of France because there is no right to **toilets**



# RIGHT TO SANITATION IN FRENCH PRISONS

According to applicable law, prisons must respect hygiene standards and human dignity, but this is not always the case (substandard toilets, lack of intimacy).

France was found guilty for its substandard prisons by national and european tribunals .  
According to the President N. Sarkozy, French prisons are « a disgrace for the Republic »



## CONCLUSIONS

In theory, the right to sanitation is effective in all of Europe; it is legally enforceable in EU. Community law was very useful to speed up wastewater treatment

The European Court of Human Rights may condemn a State for inadequate sanitation.

## CONCLUSIONS

- Sanitation conditions in Eastern Europe are not very different from what was the case in Western Europe in 1950.
- There is a lack of laws to promote better sanitation in rural areas. The right to sanitation has a useful role to play : it specifies the various obligations and make them more realistic