

# Inconvenient Human Rights: Water and Sanitation in Sweden's Informal Roma Settlements

MARTHA F. DAVIS AND NATASHA RYAN

## Abstract

Following an increase in Roma migration under the European “freedom of movement” laws, Swedish municipalities initiated more than 80 evictions of informal Roma settlements on the grounds of poor sanitation between 2013 and 2016. These evictions echo policies from earlier in the 20th century, when Roma living in Sweden were often marginalized through the denial of access to water and sanitation facilities. The recent Swedish evictions also follow similar government actions across Europe, where Roma settlements are controlled through the denial of access to water and sanitation. However, access to water and sanitation—central aspects of human health—are universal human rights that must be available to all people present in a jurisdiction, regardless of their legal status. The evictions described here violated Sweden’s obligations under both European and international human rights law. More positive government responses are required, such as providing shelters or camping sites, setting up temporary facilities, and directly engaging with communities to address water and sanitation issues. The authors conclude by providing guidance on how states and municipalities can meet their human rights obligations with respect to water and sanitation for vulnerable Roma individuals and informal settlements in their communities.

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## Introduction

Access to water and sanitation are fundamental human rights central to human health. Limiting access to water and sanitation are key means by which governments control the movements of marginalized people, deter their inclusion in the community, and undermine their well-being. In this study, we explore the ways in which limitations on water and sanitation access have been used to control the movements of Roma by examining Swedish municipal evictions of informal Roma settlements between 2013 and early 2016. Although Swedish authorities are prohibited from keeping records of ethnicity, records of official communications, reports from the media, and accounts from eye-witnesses confirm the Roma identity of the inhabitants of the affected sites. Among the official records analyzed for this study are the notes of officials discussing the evictions, which include the following comments: “we have problems with various bums/Roma,” “there were sleeping Roma in the cars,” “it is very hard for us to determine the identity of EU-emigrants,” and “we have issue in an area where there are Romanians.”<sup>1</sup>

This article proceeds as follows. Following this introduction, the second part sets out information on the legal status of water and sanitation, including for informal settlements, under European and international human rights law. The third part provides general information on access to water and sanitation in informal Roma settlements in Europe and Sweden. Part four presents our data regarding municipal evictions of Roma from informal settlements in Sweden based on sanitation grounds. Part five reviews ways in which Swedish municipalities might begin to meet human rights standards. We conclude by highlighting that access to water and sanitation remain key tools for controlling Roma individuals in Sweden, despite human rights norms that extend the human rights to water and sanitation to all.

**Both European and international human rights laws protect water and sanitation access for informal settlements**

Water and sanitation are independent human rights protected by European and international human rights law.<sup>2</sup> These rights extend to people living in informal settlements and homeless people, and they are not conditioned on legal status.<sup>3</sup>

### *The fundamental nature of the rights to water and sanitation*

In the European Union (EU), the human rights to water and sanitation have been repeatedly recognized. Provisions of the EU’s Charter of Fundamental Rights protect the rights to dignity and life, implicitly encompassing the rights to water and sanitation.<sup>4</sup> The relationship between water and Roma integration was explicitly identified by the Council of the European Union in 2013, when it recommended that member states “take effective measures to ensure equal treatment of Roma,” including “access to public utilities (such as water electricity and gas).”<sup>5</sup> The first successful European citizens’ initiative addressed these rights even more specifically and urged that “EU institutions and Member States be obliged to ensure that all inhabitants enjoy the right to water and sanitation.”<sup>6</sup> Answering this petition, the European Commission endorsed these basic rights and urged member states to “step up their own efforts to guarantee the provision of safe, clean and affordable drinking water and sanitation to all.”<sup>7</sup> In 2015, the European Parliament urged the commission to take aggressive steps to implement the initiative while also calling on member states “to ensure non-discrimination in access to water services, ensuring their provision to all, including marginalized user groups.”<sup>8</sup>

The Council of Europe has also recognized the human rights to water and sanitation. Implicit protections are found in the “right to life” enshrined in the European Convention on Human Rights and Fundamental Freedoms and in the European Social Charter’s protections for the rights to health and housing.<sup>9</sup> Water was addressed directly when, in 2001, the Council of Europe’s Committee of Ministers adopted the European Charter on Water Resources. Paragraph 5 of the charter states that “[e]veryone has the right to a sufficient quantity of water for his or her basic needs,” including “a mini-

imum quantity of water of satisfactory quality from the point of view of health and hygiene.”<sup>10</sup>

The rights to water and sanitation have likewise been recognized internationally. In 2002, the United Nations (UN) Committee on Economic, Social and Cultural Rights stated that the rights to water and sanitation are protected under the International Covenant on Economic, Social and Cultural Rights. According to the committee’s General Comment 15, “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>11</sup> Further, states have a duty to “ensure that *everyone* has access to adequate sanitation, which is crucial to protecting the quality of the water supply” (emphasis added).<sup>12</sup>

In 2010, the UN General Assembly confirmed the fundamental nature of the human rights to water and sanitation in its Resolution 64/292. The resolution stipulates that each member state should enable “access to drinking water for the most vulnerable persons and those living in informal settlements.”<sup>13</sup> In 2015, the UN General Assembly adopted, by consensus, a resolution explaining that the right to sanitation is an independent human right.<sup>14</sup>

As with other economic, social, and cultural rights, states’ obligations regarding water and sanitation are to “respect, protect and fulfill” these rights by promoting their “progressive realization.”<sup>15</sup> States must immediately meet the minimum core obligation of the rights in order to meet their basic commitments under the International Covenant on Economic, Social and Cultural Rights. For water and sanitation, commentators suggest that states must guarantee the minimum standard that is indispensable for human survival and dignity.<sup>16</sup> Moreover, a state may not take deliberately retrogressive measures to hinder the realization of these rights.<sup>17</sup>

States are further obliged to avoid discrimination in securing the rights to water and sanitation.<sup>18</sup> This obligation goes beyond eliminating formal inequalities and requires states to address substantive inequality as well.<sup>19</sup> In particular, states parties must “immediately adopt measures to prevent, diminish or eliminate” *de facto* discrimination, including by “ensuring that all individuals”—including those

living in informal settlements—“have equal access to adequate housing, water and sanitation.”<sup>20</sup>

### *The rights to water and sanitation of informal settlements*

The rights to water and sanitation belong to all, including those residing in informal settlements or otherwise without regular legal status. The United Nations Human Settlements Programme defines informal settlements as residential areas where

*1) inhabitants have no security of tenure vis-à-vis the land or dwellings they inhabit, with modalities ranging from squatting to informal rental housing, 2) the neighbourhoods usually lack, or are cut off from, basic services and city infrastructure and 3) the housing may not comply with current planning and building regulations, and is often situated in geographically and environmentally hazardous areas.*<sup>21</sup>

In Sweden, Roma settlements affected by municipal evictions typically fall within this definition.

The human rights to water and sanitation, and the state obligation to ensure those rights, extend to such settlements. The Committee on Economic, Social and Cultural Rights indicates that “access to water services and protection from forced eviction should not be made conditional on a person’s land tenure status, such as living in an informal settlement.”<sup>22</sup> Further, the committee has stated that “[d]eprived urban areas, including informal human settlements and homeless persons, should have access to properly maintained water facilities. No household should be denied the right to water on the grounds of their housing or land status.”<sup>23</sup> The committee has specifically called on states to take the “necessary steps to ensure Roma nomadic groups or Travellers camping places for their caravans, with all necessary facilities.”<sup>24</sup>

In sum, the rights to water and sanitation are well established in both European and international human rights law. These rights unequivocally extend to informal settlements and homeless individuals, and require that states take affirmative steps to assure minimum standards of water and sanitation.

## Roma and access to water: The European context

Many Roma across Europe lack access to adequate water and sanitation, a symptom of both poverty and social marginalization.<sup>25</sup> In Romania, for example, an estimated 60% of Roma live in segregated communities without access to basic services.<sup>26</sup> Similarly, experts estimate that about 70% of the Roma settlements in Serbia are informal.<sup>27</sup> Because of these conditions, Roma often lack access to acceptable water and sanitation. The European Union Agency for Fundamental Rights reports that one in three Roma families lives in housing without tap water.<sup>28</sup>

Persistent anti-Roma bias has also been well documented.<sup>29</sup> The European Roma Rights Center has recently documented biases that result in the disproportionate denial of water and sanitation access, with local governments using this as a basis for eviction or to otherwise control Roma settlements.<sup>30</sup>

In some respects, Sweden has been proactive in addressing the historic discrimination against Roma populations. Swedish law recognizes Roma as a distinct national minority protected by national non-discrimination laws.<sup>31</sup> In addition, the government's 2014 study titled *The Dark Unknown History* (hereafter the white paper) and a national commission supported the development of an ambitious plan to fight Roma discrimination.<sup>32</sup> While these measures focus on historic Roma populations in Sweden rather than recent arrivals, they acknowledge persistent discrimination against members of the Roma ethnic group—a history of bias which cannot be fully disentangled from the situation of more recent Roma migrants.<sup>33</sup> Significant for our study, the ways in which the human rights to water and sanitation access have been, and still are, manipulated to control Roma is an under-recognized aspect of this pattern.<sup>34</sup>

The lack of access to water and sanitation for Roma settlements is particularly striking in Sweden, where household water and sanitation facilities are accessible to virtually all residents. Yet vulnerable EU citizens residing in Sweden, principally Roma, are often unable to access water and sanitation in ways that meet Sweden's international human rights obligations.

## Water, sanitation, and Roma settlements in Sweden

### *The legal status of vulnerable EU citizens*

Citizens of EU member nations, including Roma, are legally entitled to reside in EU countries in accordance with the EU's freedom of movement laws.<sup>35</sup> The freedom of movement of EU citizens within the EU is a fundamental principle of EU law, provided for in both founding EU treaties and in the Free Movement Directive.<sup>36</sup> Citizens of the EU are permitted to reside in other EU member states for up to three months provided they are in possession of a valid identity card. EU citizens have a prolonged right of residence in a member state following the initial three months if they are working (employed or self-employed), actively seeking work with a genuine chance of being hired, studying (with sufficient resources and health insurance), in possession of sufficient funds (and health insurance), or a family member of anyone meeting the aforementioned requirements.<sup>37</sup>

In Sweden, the prolonged right of residence is not granted through any form of registration, application, or decision by a public authority.<sup>38</sup> EU citizens in Sweden have an immediate right of residence when they meet one of the above criteria. If an EU citizen abuses the Swedish welfare system, the Swedish Migration Board has the right to expel that person from Sweden.<sup>39</sup> However, monitoring is limited, and it is rare that EU citizens are expelled.<sup>40</sup>

In the past five years, thousands of Roma migrants from elsewhere in Europe have utilized the free movement laws to enter Sweden, where they are generally referred to as "EU migrants" or "vulnerable EU citizens." Many of these individuals are without resources; they subsist on begging and odd jobs and live in informal settlements.<sup>41</sup> One study found, for example, that 86% of beggars surveyed in Stockholm identified as Roma.<sup>42</sup>

Sweden's extensive social support system is well known. Acute homelessness and visible poverty were previously rare; a national survey in 2011 found fewer than 600 people in the entire country sleeping in tents, caravans, or in the rough.<sup>43</sup> This changed with the influx of vulnerable EU citizens,

since the social welfare system provides only limited assistance to these new arrivals. Under the Swedish Local Government Act, municipalities cannot provide more social support than is stipulated in national legislation. While the Social Services Act provides that municipalities are responsible for meeting social welfare needs, support can be granted only as far as there is basis in national legislation.<sup>44</sup> Applying this principle, the Supreme Administrative Court ruled in 1995 that assistance to individuals not belonging to the municipality in question is limited to aid for acute emergency situations. The individual can be given aid only in exceptional cases with regard to food, accommodation (up to five nights in a shelter), and repatriation to his or her domicile (a bus ticket home).<sup>45</sup>

The Social Services Act has been updated since the 1995 judgment, so this restrictive interpretation may be susceptible to challenge.<sup>46</sup> More importantly for the purposes of this study, water and sanitation fall outside of these domestic restrictions on social welfare assistance. Unlike social assistance, the administration of water and sanitation is squarely within the competence of Swedish municipalities, and municipalities can be guided by human rights norms in responding to these needs.

#### *Evictions of vulnerable EU citizens on sanitation grounds, 2013–2016*

In order to retrieve eviction orders made by the Swedish Enforcement Authority, we contacted all of Sweden's 290 municipalities and relevant subunits (304 jurisdictions total) to inquire regarding evictions of individuals with Romanian or Bulgarian identification. We sought eviction data in two phases. In the first phase, we sought information for the dates between January 1, 2007 (the date of Romania's and Bulgaria's accession to the EU), and October 23, 2014; the response rate from municipalities was 84%. In the second phase, we sought information from the responding municipalities for eviction orders between October 24, 2014, and January 27, 2016; the response rate from this subset of municipalities was 85%. After receiving data from the municipalities, we obtained the eviction applications and orders from the Swedish Enforce-

ment Authority; these documents constitute the material used in this study. Additional information regarding these evictions, including the underlying documents, is available at <http://maps.nulawlab.org/view/map-rebuild>.

We found no municipal evictions prior to 2013. A possible explanation is that Romania and Bulgaria acceded to the EU in 2007, but Romanian and Bulgarian citizens were granted full freedom of movement to all EU countries only in 2014.<sup>47</sup> However, during the period from January 1, 2013, through January 27, 2016, Swedish municipalities initiated at least 83 evictions of groups of vulnerable EU citizens holding a right of residence in Romania or Bulgaria. These evictions generally met the following criteria: (1) they concerned EU citizens identified as Romanian or Bulgarian who were not in the Swedish population register, (2) the land occupied belonged to a municipality, and (3) the municipality applied for assistance from the Swedish Enforcement Agency. It is important to note that our data is limited in that not all municipalities responded to our query. Additionally, evictions under the aegis of the Swedish police are not included.<sup>48</sup> Thus, the 83 evictions documented here likely represent a fraction of the true number.

Of the 83 applications for eviction examined, almost all cite sanitation hazards and littering as grounds for eviction. Interestingly, the sanitation hazards are treated as equally severe regardless of the number of respondents being evicted. For example, between the issuing and implementation of an eviction decision concerning forty-nine respondents in Högdalen (April 2015), the Stockholm Land and Premises Maintenance Office discovered that two new respondents had moved to the site. Applying for assistance for the eviction of these two respondents, the municipality did not alter its argument regarding the significant adverse effects on the environment. Though the newcomers numbered only two and had arrived just days before, the city argued that "the areas around the settlements are exposed to great environmental effects ... the settlements generate waste and latrine in the nature which will risk affecting the property both short-term and long-term."<sup>49</sup>

Twenty-five evictions were directed at six or fewer respondents in settlements that had existed for less than three months. Though these small settlements were of short duration, “extensive inconveniences” in terms of sanitation costs were cited in each decision. This was the case in a 2013 decision in Stockholm involving only two respondents, where the municipality argued that

*the area around the settlement is subjected to great environmental impacts. Large amounts of waste and latrine have been dumped on the ground around the settlement ... Furthermore, this littering will lead to sanitation inconveniences for the surroundings and an increased risk for spreading diseases etc.*<sup>50</sup>

Applications for Swedish Enforcement Authority assistance often cited municipal responsibility. Several applications initiated by Uppsala asserted the municipality’s “responsibility towards the community, surrounding residents and towards those who wish to use the area for its intended purpose, for the adversities the occupation leads to.”<sup>51</sup> At the same time, Uppsala did not acknowledge any responsibility for ensuring that residents of this informal settlement had access to water and sanitation. On the contrary, the respondents were characterized as a nuisance, with the municipality stating that “every day the settlement stays it risks being perpetuated and legitimized.”<sup>52</sup>

In some instances, municipalities did show a concern for the sanitary situation from the respondents’ perspective. For example, in Stockholm Skarpnäck in June and September 2014, the municipality’s eviction papers acknowledged concerns about the health of people and animals “when large amounts of litter and latrine are dumped in the woods without any further management.”<sup>53</sup> But although the municipality recognized the risks to the informal residents, eviction was the response.

Some applications simply cited the assumption that the settlement would lead to sanitation hazards. Such was the case in an eviction in Tensta in 2016, where the municipality asserted that “it can be assumed that latrine . . . is being dumped.”<sup>54</sup> A similar municipal claim was challenged in Sollentu-

na, where the city sought to evict 45 individuals on sanitation grounds. Respondents countered that the alleged environmental hazards were improbable, as volunteers had helped set up garbage disposals and portable toilets.<sup>55</sup> But the appeal was dismissed by the court, and the city proceeded to evict based on the mere assumption of environmental impacts.

We did find one example of a municipality explicitly showing consideration for the respondents’ situation despite requesting their eviction on grounds of sanitation. In Skara in 2015, the municipality asked that eight individuals be evicted at a time when the Social Services could be present to offer support to the respondents.<sup>56</sup>

In conclusion, the vast majority of decisions to evict vulnerable EU citizens from informal settlements were based on grounds of sanitation. These grounds generally did not vary according to the number of respondents or how long the settlement had existed. Some consideration for the health of the evicted was shown, but with no recognition of their human rights to water and sanitation. Where municipal responsibility was identified, the discussion focused on the municipality’s responsibility toward the community rather than any obligation to the people living in the informal settlements.

### *Decades of Roma settlements seeking access to water and sanitation*

Water and sanitation access for recently arrived Roma in Sweden cannot be understood without reviewing the historic discrimination against Roma populations. The Swedish government’s white paper on rights abuses against Roma in the 20th century compiles this record in detail, providing an important context for examining Roma’s water and sanitation access in recent years.<sup>57</sup> While the white paper does not explicitly focus on water and sanitation, it is clear that these have been central components of discrimination against Roma over the decades.

As travelers in the early 20th century seeking work, Roma necessarily settled where water and sanitation were available. When Swedish municipalities sought to deter Roma from settling, controlling their access to water and sanitation was

often a means to that end. This approach not only frustrated Roma efforts to drink, cook, and maintain hygiene but also further stigmatized these individuals in a society where frequent bathing and cleanliness is the norm. As the white paper notes, municipalities frequently identified Roma settlements with “sanitary or ‘hygienic’ issues,” using these labels to marginalize Roma encampments.<sup>58</sup>

Reviewing the literature through the lens of water and sanitation access reveals this undercurrent, demonstrating the ways that Roma experiences in Sweden have been shaped by their efforts to gain access to these basic human rights. The white paper describes several occasions when the city of Stockholm controlled water access as a means to discourage Roma settlements. In the 1940s, for instance, Stockholm public authorities argued that “there was no point in arranging for electricity and water as the Roma would soon be moving on again anyway.”<sup>59</sup>

Recent Roma arrivals in Sweden continue to face these challenges. For example, the city of Gothenburg stipulated in 2014 that it would not provide washing facilities for Roma camping within the city’s jurisdiction, arguing that doing so would encourage permanent settlement.<sup>60</sup>

When municipalities refuse to address these issues, private businesses often come forward, but private actors alone cannot be depended on to accommodate Roma individuals needing access to water and sanitation. Even when businesses make an effort to help, they often find it unsustainable to provide services indefinitely.<sup>61</sup> Further, the low-income neighborhoods where individuals are most likely to need access to public restrooms are those most likely to lack such facilities.<sup>62</sup>

### Implementing the human rights to water and sanitation for Roma settlements

The national responsibility for human rights compliance persists even when, as is the case with water and sanitation, domestic laws locate significant policy responsibility with municipalities. Giving administrative leadership to municipalities has the benefit of increasing community input concerning

issues like water that are central to local well-being and that may be supported by local taxes. However, the delegation of authority to a local government does not modify the state’s obligations to the international community. Under international human rights law, it is up to the state to ensure compliance, and the state must secure local governments’ cooperation in that effort.<sup>63</sup>

Nevertheless, while the national government bears ultimate responsibility, it is not accurate to say that it bears the sole burden of human rights implementation. As cogently stated by Thomas Hammarberg, the former human rights commissioner of the Council of Europe:

*While governments and national parliaments ratify international treaties on behalf of the state, the day-to-day work of implementing human rights standards often rests on the shoulders of local and regional authorities. They too are bound by these agreements.*<sup>64</sup>

In the case of water and sanitation, municipalities have an obligation to support the national government in addressing these needs from a human rights perspective. Municipal failure to progressively realize these rights can put the national government in default of its human rights obligations. At the same time, the fact that Swedish municipalities exercise primary responsibility for water policy ensures that they are able to take concrete steps to fulfill their role in implementing these human rights.

Local governments have every reason to take leadership in implementing human rights. It is at the local level that the burden of human rights failures is most acutely felt. When a municipality fails to provide water and sanitation to vulnerable populations, local businesses, organizations, and private residents bear the burden. In the case of vulnerable EU citizens in Sweden, local gas stations, stores, and churches have come forward to help, providing a patchwork of services to vulnerable individuals, often at their own expense. Yet without adequate access to sanitation, the informal camps where Roma often reside can soon raise legitimate public health and environmental concerns, impinging on

the rights of all in the community, creating a crisis for the municipality, and incurring even greater expenses in evictions and clean-ups.

By the same token, local governments also benefit most from policies that honor human rights. For example, when local governments provide informal settlements with access to water and sanitation, these costs are spread evenly rather than unfairly imposed on a few businesses and nongovernmental organizations. Accessible water and sanitation enables vulnerable EU citizens to devote more time to activities such as education and work. By managing waste, accessible sanitation diminishes the risk of public health and environmental crises in areas occupied by informal settlements.

To date, Swedish municipal authorities have carried out scores of evictions on sanitation grounds without addressing their own obligations to ensure the human rights to water and sanitation of the residents of these informal settlements.<sup>65</sup> Yet some Swedish municipalities have taken steps to progressively realize the human rights of the vulnerable EU citizens who have joined their communities. Several of these are described below.

### *Public-private partnerships*

Across Sweden, public-private partnerships have often been successful in ensuring that vulnerable EU citizens have access to basic water and sanitation. Such partnerships have been established in Lund, Malmö, Linköping, and Gothenburg, among others.

Public-private partnerships typically involve the municipality, religious bodies, social service agencies, and affected individuals in developing solutions to the situations of vulnerable EU citizens living in unstable housing situations. In some communities, other institutions such as universities are involved. Central to the success of these partnerships is the willingness of the municipality to recognize that repeated evictions are ineffective and contribute to serious human rights violations in the long run.

In Sweden, because water and sanitation are almost always provided as part of housing, hous-

ing-based approaches to addressing the water and sanitation needs of vulnerable EU citizens are particularly appropriate. In many instances, public-private partnerships have provided group shelters for vulnerable EU citizens that include water and sanitation access. An example of this approach is a seasonal shelter in Linköping, upheld against an administrative challenge.<sup>66</sup> In some communities, shelters are provided by individuals who come forward to offer apartments for vulnerable citizens.<sup>67</sup>

Extending stable housing options to vulnerable EU citizens has many positives. In addition to providing for water and sanitation, a stable home can help its inhabitants access other social services. The year-round sheltering system in Lund has had several success stories of this type—for example, Roma individuals who, after gaining the stability provided by access to water, sanitation, and housing, were able to secure jobs and move into independent living situations.<sup>68</sup>

The cost and lack of available housing may make such solutions prohibitive in some communities. As an alternative, some localities have explored the provision of campsites that include water and sanitation access.

Municipalities often own property with accessible water and sanitation facilities. Caravans or tents may be established at the sites without any significant modifications. These settings provide some of the same benefits as more formal housing. They can serve as a place for social welfare interventions that can lead to more stable work situations, and at the same time, they protect against environmental impacts since the sites are designed for habitation.

Some Swedish municipalities have tried this approach. In April 2015, for example, the city of Helsingborg relocated vulnerable EU citizens from rough camps in the downtown area to a municipal campsite which provided showers, water, and communal kitchen space. Though this campsite operated for almost a year, it was ultimately dismantled by the city in March 2016. The alternative offered was limited to a bus ride back to Romania—no alternative accommodations in Sweden.<sup>69</sup>



### *Focused solutions to provide water and sanitation access*

Accessible and affordable public toilets are another incremental approach. A number of Swedish cities have experimented with providing public toilets in tourist-heavy areas. For example, Gothenburg installed 15 free public toilets in critical areas around the city in 2012.<sup>70</sup> In 2013, Gothenburg was also the first Swedish city to install “pop-up” public urinals that emerge only at night in areas of high usage.<sup>71</sup> Similar innovative approaches near informal settlements could help alleviate the sanitation issues in these settings.

Household water may also be provided in ways that target residents of informal settlements. In an urban area with an existing water infrastructure, repurposing existing connections to serve an informal settlement may be easily accomplished.<sup>72</sup> Alternatively, portable water sources can be located near informal settlements on a temporary basis to ensure access to water until longer-term solutions can be devised.

Affordability and access are key to making these targeted approaches consistent with human rights standards. While water and sanitation services need not be free for informal settlements, there must be a realistic assessment of affordability in light of the important human rights at stake.

Currently, most public toilets in Sweden require payment of 5 to 10 SEK. Taking into account that healthy individuals use the toilet up to 10 times each day, this fee can take a percentage of a vulnerable EU citizen’s daily earnings far above the 3% figure recommended by the United Nations Development Programme.<sup>73</sup> These costs can represent a serious deterrent to using the facilities.

Indeed, this deterrent effect influenced Gothenburg’s decision to install free public toilets. The city found that such toilets were more likely to be used and would therefore contribute to the goals of increased hygiene and decreased environmental stress.<sup>74</sup>

Access is also a critical issue. Public toilets and water sources in tourist areas are not likely to be accessible to Roma living in informal settlements in other parts of the city. Further, many public fa-

cilities do not have evening hours.<sup>75</sup> Public facilities will not meet human rights standards unless they take these practical considerations into account. If, on the other hand, a municipality places accessible water and sanitation facilities in locations where informal settlements can be tolerated, it can further minimize the pressures that might lead to eviction.

The guidelines of the UN High Commissioner for Refugees for water and sanitation facilities in refugee camps provide a touchstone for minimally acceptable levels of accessibility. These guidelines state that in non-emergency situations, there should be no more than 100 people per water tap, and 20 people per latrine. The distance to a water point should be less than 200 meters, with a safe and secure route between a dwelling and its water source. The distance from a dwelling to a latrine should be less than 50 meters.<sup>76</sup> As the UN Special Rapporteur has observed, “shared or public toilets that are well maintained, safe and hygienic, may be accepted as short-term solutions in those conditions where the alternative is to provide no toilet at all.”<sup>77</sup>

### *Community participation*

The participation of affected individuals is critical to the success of any of these approaches.<sup>78</sup> Given the personal and often intimate nature of water and sanitation usage, only through engagement with the affected individuals can municipalities develop approaches that will fulfill human rights and alleviate stresses on the environment and surrounding communities. Once a municipality ensures that realistic, human rights-based solutions to the dilemmas of water and sanitation access for informal settlements are in place, the locality could then be justified in proceeding against individual residents should they abuse the facilities provided. However, community participation in the development of these solutions is the best way to minimize failures of this kind.

### *Conclusion*

Our study demonstrated that Roma living in informal settlements in Sweden face barriers to accessing

water and sanitation—including eviction—that are similar to other barriers faced by Roma for decades and that violate their human rights to water and sanitation. While the issues raised by the migration of EU citizens are complex in many respects, the human rights to water and sanitation are straightforward and apply to everyone within a jurisdiction.

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