

WRITTEN COMMENTS

BY THE EUROPEAN ROMA RIGHTS CENTRE

Submission to the Special Rapporteur on contemporary forms of racism, xenophobia
and related intolerance 2020

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

The ERRC has monitored expressions of anti-Roma racism and ethnonationalist responses in relation to the origin and propagation of COVID-19, as well as policy measures which undermine the human rights of Roma as a rights-deprived minority community. Details of cases of police violence have been recorded and confirmed by ERRC country monitors or local activists based on witness reports, interviews, and local media sources. The 18 May ERRC submission to the UN Office of the United Nations High Commissioner for Human Rights (*see Annex*), contains all available links to media reports or video evidence, and the ERRC downloaded all relevant video evidence offline in case of content being removed from the original source.

The plight of impoverished Roma living in overcrowded settlements without proper sanitation, and exposed to police brutality, has been compounded by lockdowns which cut off vital sources of income. Reports from our monitors confirm that the acute vulnerability of Romani communities, which is a direct consequence of structural racism, has in some states been exacerbated by hate speech blaming Roma for the spread of the virus; and that anti-Roma racism has been a feature of the policy response to COVID-19, especially in terms of law enforcement in states such as Bulgaria, Romania and Slovakia.

The danger for marginalized Romani communities was highlighted by [Marija Pejčinović Burić, Council of Europe Secretary General](#), who expressed concern at measures adopted by some countries “that could result in further compromising the human rights of Roma and hampering their equitable access to the provision of basic public services, most importantly health care, sanitation and even fresh water”; and worry that some politicians blame Roma for the spread of the virus.”

This short submission will focus on Bulgaria, Romania and Slovakia providing disturbing evidence that the Secretary General’s concerns were well-founded. The ERRC shares the concerns previously expressed by UN Special Rapporteur [Fionnuala Ní Aoláin](#) of the dangers of executive overreach in a state of exception; how extraordinary powers made available to government under emergency legislation can become part of the ordinary, normal legal system, rendering the protection of rights “increasingly fraught and difficult.”

It is clear that the protection of Roma rights has already been rendered ‘increasingly fraught and difficult’. The ERRC strongly urges that international bodies do their utmost to ensure that emergency measures do not become normalized and routine; and that national and local authorities devise post-pandemic recovery plans that are fully inclusive, and implemented in a manner that takes full account of the rights and dignity of Roma and all other racialized communities across Europe.

BULGARIA

From the very outset of the COVID-19 state of emergency, leading Bulgarian politicians, particularly those belonging to the far-right VMRO party which is a governing coalition partner, without a shred of evidence, singled out Roma neighbourhoods as nests of contagion to be quarantined. As one lawyer [observed](#), despite the fact that the claims were completely unsubstantiated, “some mayors responded to these appeals by imposing restrictions on Roma settlements with no recorded cases of COVID-19. Such preventative measures produced wild media speculation, and growing distrust among Roma towards the actions of the government.”

- **13 March 2020:** On the same day the National Assembly voted to declare a sense of emergency, Interior Minister Mladen Marinov told parliament that Roma ghettos will be quarantined if necessary, should people ‘lack self-awareness’; and that the Ministry will exercise its powers “to ensure compliance with quarantine”.
- **18 March 2020:** MEP Angel Dzhambazki, leader of the far-right political party VMRO (coalition partner of current Bulgarian government), called for the closure of Roma ghettos everywhere: “Think about whether or not the ghettos will turn out to be the real nests of infection. Hundreds of people live there in poor living conditions, without the opportunity to observe even basic hygiene standards, let alone the high ones due to the pandemic”.
- **19 March 2020:** The Sofia District Prosecutor’s Office (SRS) sent instructions to Sofia mayors and the SDVR to mount checkpoints “in neighbourhoods of Sofia populated by people of different ethnicities, clearly demonstrating their unwillingness to comply with the restrictions.”

While general restrictions on movement were introduced and widely perceived as a necessary response to contain the spread of the virus, the quarantine, curfew and blockading of Roma neighbourhoods marked an ‘ethnicization of the pandemic’: the measures were deemed to be disproportionate, unrelated to actual infection rates, and later acknowledged to have been largely ineffective.

17-19 March 2020: Restrictions reported in seven different locations included the blockading of the *Kvartal Karmen*, in Kazanlak. Exits to the wall which surrounds the neighbourhood were sealed, and the sole entry-exit point was manned 24-hrs a day by law enforcement to check documents, restrict movement and ‘monitor compliance with the quarantine.’ Pass regimes were introduced, with police checkpoints mounted at the entrances and exits to the *Sbesti* quarter in Nova Zagora and the *Nadezhda* quarter in Sliven.

15-28 April: The National Crisis staff announced a high number of infected people in the two Sofia Roma neighborhoods of Fakulteta and Filipovtsi and police checkpoints were set up around both of these neighbourhoods. Within one day it became evident that this claim was false with only 10 confirmed cases in Fakulteta and Filipovtsi, against a total of 486 cases in the territory of Sofia. The mayor said that she saw nothing discriminatory about these measures, which targeted only Roma neighbourhoods.

ROMANIA

Broadcast and print media commentators have amplified racist tropes about ‘Gypsy violence’ and ‘Gypsy crime’ when covering incidents involving Roma and law enforcement to turn essentially localized incidents into a full-blown safety and public health emergency. As academic expert [Margareta Matache](#) noted: “The predictable result has been an outpouring over Romanian social media of hate-filled calls for anti-Roma violence, in some cases laced with approving references to Roma extermination during the Holocaust.” Police violence has been praised by authorities, including the Director of the Ministry of the Interior, who announced that the police would be “intransigent with [the thugs](#).”

The ERRC has recorded a number of violent attacks on Roma communities, which included disproportionate use of force, tear gassing women and children, inhumane and degrading treatment of detained persons and police attempts to prevent NGOs delivering humanitarian aid (Dumestji, 9 April). Below is an illustrative sample of cases (*more detail available in Annex*):

- **6 April – Teliu:** Following local media reports that Romani families returning from abroad approached the Town Hall to ask for food, as they had nothing to eat and were supposed to self-isolate upon arrival in Romania, the mayor called in police and gendarmes, which resulted in violence against those Roma, including elderly women.
- **9 April – Dumestji:** A group of Roma, amongst which were women and children were sprayed with tear spray by police and gendarmes.
- **18 April – Bolintin de Vale, Giurgiu:** Video surfaced on social media of Romanian police beating and abusing Roma as they lay face down in the dirt with their hands bound behind their backs. The screams of one victim were clearly audible, as four officers set about him, two striking him all over his body, and two others beating the soles of his bare feet. The victims – eight Romani men and one 13-year-old boy – were beaten for about 30 minutes, and threatened with repercussions if they made any complaints. One police officer can be heard using racial slurs and threatening the person filming the incident. The wife of one victim called an ambulance, and when it arrived, the police handcuffed her. The Chief of Police of IPJ Giurgiu is one of the offending officers in the video.
- **19 April – Hunedoara, Bucharest:** In the Micro 6 block, several people (both Roma and ethnic Romanians) said that they were beaten by the police as “revenge” following a previous confrontation. Publicly available footage shows a man being beaten by Special Forces inside a block of flats, on the stairwell, and a 14-year-old child is violently abused near the block. Police entered many homes without a warrant, used tear gas indoors, including against women and minors. Two men were beaten by Special Forces when they wanted to file a complaint against these abuses.

SLOVAKIA

In Slovakia, aside from issues around hate speech, scapegoating of Roma, and a shocking assault by a police officer on five young children, two major concerns have been the lack of access to clean water and sanitation in many marginalized communities, and the impact of the digital divide on the right to education for Romani pupils. Our monitors found that many households do not have the spatial, hygienic, and necessary technical equipment; and many parents and children lack sufficient access and knowledge to participate effectively in online education. Further, a [questionnaire survey](#) showed that teachers were just as ill-prepared for online education as they are for working with students from marginalized Roma communities.

Social media have been the main channels for anti-Roma racism and calls for punitive measures against Roma. The mayor of Kosice, Jaroslav Polacek, posted a warning on [social media](#) that coronavirus can spread because of the behaviour of “socially unadaptable people” in Roma settlements who do not respect emergency measures. Another mayor, in an open letter to the Prime Minister called for the lock-down of all Roma settlements to prevent mass outbreaks of the virus (see below). In some other Slovak towns, inhabitants have called on the authorities to adapt punitive “special measures” against segregated Roma settlements. In eastern Slovakia, [it was reported](#) that non-Roma were shouting at Roma waiting in line outside post-offices accusing them of benefit fraud and spreading the virus.

The lockdown of Romani settlements has raised serious human rights concerns and warnings from Amnesty and other organizations, that any measures targeting entire communities, without evidence that they present a danger for public health, “are likely to be arbitrary and disproportionate, and may constitute discrimination.” As in the case of Bulgaria, authorities in Slovakia must ensure that emergency measures are implemented in a manner that is non-discriminatory; responds to a pressing public or social need, pursues a legitimate aim, and is proportional to that aim.

Below are details of some key incidents:

- **18 March – Rimavska Sobota:** In an open letter to the Prime Minister, Mayor Jozef Šimko who ran as a candidate in the 2020 elections for the neo-Nazi *People's Party – Our Slovakia* led by Marian Kotleba in the 2020 election, called for measures to be taken against Roma. Šimko stated that there is reasonable suspicion that large numbers of people returning from abroad do not undergo mandatory quarantine: “We are also struggling with such a problem in our city, on the outskirts of which there is a Roma housing estate with 1156 permanently registered citizens. Many people from abroad have returned to it in recent days and we are worried that they could cause further spread of the disease,” said Šimko. Despite admitting that not a single positive person had registered positive, the mayor was “concerned that there may be a mass outbreak.” After the [mayor published his letter](#) calling for a lockdown of Roma settlements on Facebook, a huge amount of racist and xenophobic comments and reactions surfaced online.
- **9 April – Eastern Spis region:** As reported in [Balkan Insight](#), five locations in the eastern Spis region were suddenly locked down: Bystrany, Zehra and three separate settlements in Krompachy. Home to a total of 6,200 Romani people, they were quarantined as 31 of them had tested positive for COVID-19: “By morning the villagers found themselves surrounded by the white and green police tape, police officers and Slovak army soldiers.” This move represented a change in the government criteria for quarantine, as authorities had previously said they would only impose lockdowns where the percentage of infected people was higher than 10 per cent.
- **12 April – Bardejov:** A violent confrontation occurred between law enforcement and Roma when a police patrol was passing through the Roma-majority neighbourhood. Whilst the details of how the confrontation began are uncertain, 30 additional police officers were called to the scene after a Romani man was spotted to be not wearing a surgical mask and the situation escalated into violence.

According to videos uploaded to social media and reports from eye witnesses, police officers used batons on a group of Roma in the course of the altercation. A service dog was also involved and a firearm was reportedly discharged into the air in an attempt to pacify the situation. Three people were detained, one of which will be charged with having committed the offense of attacking a public official – ERRC is providing legal defence to this person - the other two with committing an offense against public order.

- **29 April – Krompachy:** Four girls and a boy, aged between seven and eleven, from the **quarantined Romani settlement of Krompachy**, were beaten with a truncheon by the officer for playing outside the zone. In tears, one of the girls told a reporter: “We went for wood and the cop began to chase us and shouted at us that if we didn’t stop, he would shoot us. We stopped and he took us into a tunnel and beat us there.” According to the report in **Romea.cz**, military physicians treated the children for their injuries.

In response the **Ombudswoman stated** that “Any disproportionate methods used by police or excessive use of force deserves to be condemned. I consider it unacceptable that violence be committed against children. Moreover, it is unacceptable for police to use force against children. Not even the pandemic can be a reason to use disproportionate policing methods.” She promised an investigation into the incident and to take a ‘comprehensive look’ at the issue of the quarantined settlements.