

WRITTEN COMMENTS

OF THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING SLOVAKIA

To the Committee on the Elimination of Racial Discrimination, for consideration
at its 107th session (8 - 30 August 2022)

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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INTRODUCTION

The European Roma Rights Centre (hereinafter also referred to as the “ERRC”)¹ hereby submits this report to the United Nations Committee on the Elimination of Racial Discrimination (hereinafter also referred to as “Committee”) for the consideration to the 94th Session (20 November - 8 December 2017).

The report focuses on the issues faced by Romani communities in Slovakia, and follows up on developments since ERRC’s last submission² in December 2017:

- police ill-treatment and harassment,
- access to adequate housing, including access to drinking water,
- discrimination in education.

Among the UNCERD recommendations to the state party were the following:

- Intensify its effort to ensure the full enforcement of the Anti-Discrimination Act, ensuring that all complaints involving racial discrimination are effectively investigated;
- Adopt appropriate and effective measures to address the problem of lengthy court proceedings for victims of racial discrimination and take all the steps necessary to guarantee that all victims of racial discrimination have access to effective legal remedies and compensation;
- Take effective measures to prevent the excessive use of force, ill-treatment and abuse of authority by the police against persons belonging to minority groups, in particular Roma,
- Ensure that all allegations of excessive use of force, ill-treatment and abuse by law enforcement officials are effectively and thoroughly investigated, and where substantiated, are prosecuted and punished, taking into account the gravity of such acts;
- Ensure that persons belonging to ethnic minorities, in particular Roma, who have been victims of excessive use of force by law enforcement officers have access to effective remedies and compensation, and do not face retaliation or reprisals for reporting such cases;
- Take all necessary measures to accelerate the establishment of an independent monitoring mechanism to investigate crimes involving police officers.
- Take all the necessary measures for an effective implementation of the Anti-Discrimination Act and notably adopt special measures, with the view to eliminating the structural discrimination that affect Roma and removing all obstacles that prevent their enjoyment of economic, social and cultural rights;
- Take all necessary measures to address the root causes of discrimination and segregation of Roma children in the education system, taking into account that conditions of racial segregation are not necessarily created by governmental policies but may arise as an unintended by-product of actions of private persons leading to social exclusion.

The ERRC welcomes the progress on a number of issues outlined in the Slovak Government’s 20 July 2020 submission to the Committee³, but remains deeply concerned at the persistence of antigypsyism in Slovakia which is manifest in structural discrimination against Roma in every aspect of daily life; the persistence of racial segregation in schools; police violence and a culture of impunity among law enforcement; over-representation of Romani children in state care; lack of access to justice; and hate speech and hate crime targeting Roma.

1 The ERRC is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. Since its establishment in 1996, the ERRC has endeavoured to provide Roma with the tools necessary to combat discrimination and achieve equal access to justice, education, housing, health care and public services. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations. Visit us at: www.errc.org.

2 Available at: http://www.errc.org/uploads/upload_en/file/slovakia-cerd-submission-5-november-2017.pdf.

3 Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSVK%2f13&Lang=en.

ROMANI CHILDREN IN STATE CARE

Since 2011, the ERRC has been at the forefront in highlighting the plight of Romani children taken into state care. The overrepresentation of these vulnerable children in care institutions has long been the source of profound official neglect. Very many at-risk Romani families do not have access to social supports and preventative measures remain scarce, often non-existent. As a consequence, underfunding combined with institutional discrimination results in removals of Romani children from their families being a first rather than final option for the authorities. Despite the declared lack of ethnically disaggregated data, ERRC's research over the past decade confirms that despite progress on deinstitutionalisation, hugely disproportionate numbers of Romani children still end up in state care institutions.

In Slovakia, where Roma account for 6-8% of the total population, an estimated 63% of children in state care were of Romani origin. A visiting delegation from the European Parliament to Slovakia reported a *“lack of implementation of the existing good strategies and the strikingly slow speed of the deinstitutionalisation process.”*

CHILD PROTECTION, POVERTY, AND GENERAL POLICY CONTEXT

The European Commission 2020 Country Report on Slovakia noted the substantial regional disparities and the vulnerability of certain groups; the proportion of people at risk of poverty or social exclusion ranges from 7.9% in Bratislava to 21.7% in East Slovakia. For particularly vulnerable groups, including children from socially disadvantaged families, Roma, and single-parent families, the proportion is 45.7%.

The Country Report stated:

“Slovakia lacks a vision on the future of marginalised settlements. Individual policies in education, labour market policies, health care, housing and financial inclusion lack effective coordination (OECD 2019). Access to social and essential services is hampered by missing infrastructure.”

Child poverty and social exclusion have been addressed in the National Reform Programme 2017 (Ministry of Finance, 2017) which set ‘social inclusion of pupils from socially disadvantaged background’ as one of its priorities in the area of education.

The 2020 Country report notes that for Romani children living in concentrated residential areas, the probability of becoming unemployed or earning less than the minimum wage in irregular work is almost 70%. Slovakia lacks a systematic early support for children in poverty and children with a disability. Gaps in provision of early childhood education and care (ECEC) persist, only 31.7% of three to five-year-old Romani children from marginalised communities were enrolled in ECEC, and in general kindergartens are less accessible in municipalities with larger Romani populations.⁴

OVER-REPRESENTATION OF ROMANI CHILDREN

In 2015, research published by the NGO CVEK193 found that in facilities visited Romani children were very significantly overrepresented: “Even in the regions of Western Slovakia, where there are significantly fewer Roma than in Central and Eastern Slovakia, Roma children in the homes visited often account for about 50% of the children. In other regions, this proportion was also significantly higher; some children’s homes are practically exclusively Roma.” In its 2016 Concluding Observations on Slovakia, the UN CRC expressed concerns that the majority of children in institutional care were Roma, that very few were adopted, and alternative and foster care options were limited.

Based on the interviews carried out by ERRC researchers in 2020, the most common causes for removing children from their families included discrete incidents such as school truancy, a tragedy such as the death of a parent, and wider issues related to extreme poverty, lack of income, and precarious housing conditions in segregated settlements.

⁴ European Commission, Commission Staff Working Document Country Report Slovakia 2020. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1584543810241&uri=CELEX%3A52020SC0524>.

This concurs with the European Commission's 2020 Country Report which found that, despite the legal system prohibiting the placement of children into care on the grounds of poverty or deprivation, poor housing conditions are one of the most frequent reasons for removing Romani children from their biological families:

“Child poverty, in particular among Roma communities, is a major reason for children being placed in the state foster care system. Formal long-term care continues to be dominated by residential facilities, and the process of deinstitutionalising care for persons with disabilities is proceeding slowly. There is a lack of financial resources and of a clear and integrated approach addressing the increasing demand for healthcare and social services in long-term care. Access to quality healthcare, in particular primary care, remains relatively poor and uneven.”

ERRC maintains that the failure by the Slovak authorities to make headway with deinstitutionalisation and establishing child and family support services “regulated by rights-based and outcomes-oriented standards”, all the while neglecting to address the overrepresentation of Romani children in the system, is testament to the depth of institutional discrimination against Roma. As the European Court of Human Rights has accepted in the case of *D.H. and Others v. Czech Republic*: “a difference in treatment may take the form of disproportionately prejudicial effects of a general policy or measure which, though couched in neutral terms, discriminates against a group.”

The discrimination at play is a manifestation of deeply-rooted structural racism that reproduces and exacerbates inequality: the fact that 85% of Roma live below the poverty line places vast numbers of Romani children at risk. This official neglect renders family life in marginalised communities ever more vulnerable and precarious. This is especially the case in disadvantaged regions and racially segregated localities, where access to social and essential services is, as the European Commission phrased it, “uneven and hampered by missing infrastructure.”⁵

POLICING ROMA IN SLOVAKIA

On 2 June 2022, the Slovak Government reached a **friendly settlement agreement** with eight Romani men who were brutalised by police officers in 2013 during a notorious mass police raid on a Romani community in Moldava nad Bodvou. The ERRC has represented victims since 2013, and the case has been described in detail in our previous UNCERD submission. ERRC Operations Director **Marek Balaz** provided a succinct summary of how the case unfolded over a decade:

“The real story is one of a completely botched internal investigation of the raid; scapegoating of the victims by prominent politicians; deliberate obstruction of the Ombudsperson’s investigation; blocking victim testimonies at the parliament; and finally adding insult to grievous injury, by charging some of the victims with perjury. These are some of the essential ingredients of a case where the combination of corruption, lies and racist malice beggar belief.”

The Moldava case is emblematic of a wider malaise, as our most recent report on **policing Roma in the EU** highlighted, law enforcement in Slovakia is institutionally racist, antigypsyism is clearly evident in the ways Romani communities are policed, and there is a culture of impunity within law enforcement when it comes to mistreatment of Roma.

The ‘serious concerns’ were shared by the Committee in 2018, at the numerous reports of excessive use of force, verbal and physical abuse against Roma, and the violent police raids on Roma settlements, often carried out without arrest or search warrants, which left many Roma injured.

As for follow-up, the Committee noted with great concern that the majority of these reports are, either not duly investigated or when investigations have been initiated, they have been suspended, and most complaints against law enforcement officers have been dismissed. Two recent linked cases suggest these concerns remain serious:

- In November 2021, authorities announced that two linked investigations into police brutality against Roma were dismissed. The cases involved severe beatings meted out by police officers to two Romani men and three women. The incidents, which occurred in Milhost’ close to the city of Košice, on 23 July 2019, involved a 17-year-old and his 19-year-old companion, who were arrested and severely beaten by police

⁵ ERRC, *Blighted Lives: Romani Children in State Care*. ERRC, Brussels, January 2021, pp.69-75. Available at: http://www.errc.org/uploads/upload_en/file/5284_file1_blighted-lives-romani-children-in-state-care.pdf.

officers after a dispute at a local bar, and two female relatives who were subsequently detained in a raid on their homes and assaulted by police.⁶

- Both cases were closed by the Office of the Inspection Service of the Ministry of Interior. ERRC's lawyer filed complaints but the decisions were upheld by the prosecutor.
- In the first decision, concerning the assault on the two men, the case was referred to as 'an incident of slapping' by the investigator, and reduced to a disciplinary misdemeanour. Concerning the beating of the women, proceedings were closed on the grounds that the victims allegedly could not identify the perpetrators, despite the fact that the women picked out their attackers in identification line-ups. The ERRC's lawyer has filed two constitutional complaints on behalf of both the male and female victims.⁷

COVID-19: HUMAN RIGHTS, HATE SPEECH, AND POLICING

The ERRC report, *Roma Rights in the Time of Covid*, found that in Slovakia, major concerns included hate speech, scapegoating of Roma, heavy-handed and discriminatory policing, as well as 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.

Social media was the main channel 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 Romani settlements who do not respect emergency measures. Another mayor, in an open letter to the Prime Minister, called for the lock-down of all Romani settlements to prevent mass outbreaks of the virus.

In other Slovak towns, inhabitants have called on the authorities to adapt punitive "special measures" against segregated Romani 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 International 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 were called on to ensure that emergency measures were implemented in a manner that was "non-discriminatory, responds to a pressing public or social need, pursues a legitimate aim, and is proportional to that aim."⁸ The warnings proved to be prescient and the ERRC reported numerous incidents of policing that violated the principles of non-discrimination and targeted Roma. Two incidents were particularly noteworthy:

9 April 2020 – Eastern Spis region: 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 Roma had tested positive for COVID-19. As reported in *Balkan Insight*: "By morning the villagers found themselves surrounded by the white and green police tape, police officers, and Slovak army soldiers."

Human rights observers were concerned at the arbitrary nature of the action, and the use of soldiers, helicopters, and other military equipment in the lockdown. Ombudswoman Patakyová stressed that one of the most controversial issues remained the fact that, despite authorities previously stating that they would only impose lockdowns where the percentage of infected people was higher than 10%, they had imposed lockdowns on Romani communities where the number of infected people was way below the 10% threshold.

29 April 2020 – 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

⁶ For more details on the case, including victim testimony see: ERRC Press Release, *ERRC will ensure Roma tortured by Slovak Police receive justice*, 1 August 2019. Available at: <http://www.errc.org/press-releases/errc-will-ensure-roma-tortured-by-slovak-police-receive-justice>.

⁷ Bernard Rorke, No Case to Answer: Slovak Authorities Dismiss Another Two Police Brutality Cases Against Roma, *ERRC News*, 24 November 2021. Available at: <http://www.errc.org/news/no-case-to-answer-slovak-authorities-dismiss-another-two-police-brutality-cases-against-roma>.

⁸ Bernard Rorke and Jonathan Lee, *Roma Rights in the Time of Covid*, ERRC, Brussels, September 2020, pp. 45-51. Available at: <http://www.errc.org/reports--submissions/roma-rights-in-the-time-of-covid>.

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.”⁹

A CULTURE OF IMPUNITY

The acquittal of 10 police officers charged with abusing six Romani juveniles in Košice, on 21 March 2009, was particularly scandalous because the officers who forced the children to undress, to slap each other, and threatened them with dogs, filmed their torture and humiliation of the children. The film went viral on YouTube with Košice police station being dubbed in some media as Slovakia’s Abu Ghraib. The acquittal was also a scandal: the judge did not allow the video material to be used as evidence and threw out the case because “The evidence is not sufficient to find the defendants guilty, nor to express a conclusion beyond the shadow of a doubt that the crime took place as the prosecutor alleges.”

On 11 December 2020, human rights NGO Poradňa reported that the Regional Court in Kosice dismissed an appeal against the acquittals, effectively confirming a decision of the District Court in December 2019. The lawyer representing the boys stated that the failure of the courts to decide fairly and within a reasonable time was a failure of justice, and that after 12 years the victims have taken their case to the Strasbourg Court.¹⁰

The ERRC’s police brutality case file on Slovakia is extensive, and just a handful of cases are included below by way of illustration that police brutality against Roma is routine and systemic; that police officers operate within a subculture of racist impunity, as evidenced by the low number of complaints, prosecutions, and convictions; and that investigations into allegations of excessive use of force against Roma are neither impartial nor effective, with cases dragging on for years in a notoriously inefficient and tainted judicial system. (More details are available in *Brutal and Bigoted: Policing Roma in Six EU Member States*, on pages 78-81.)

- In the case of *Lakatošová and Lakatoš v. Slovakia*, on 11 December 2018 the European Court of Human Rights (ECtHR) found in favour of the applicants who were represented by the ERRC and awarded them €50,000 in respect of non-pecuniary damage. More than six years after the applicants survived a massacre by an off-duty policeman, the Court found that the Slovak authorities had violated Article 14 of the Convention taken with Article 2 for their failure to investigate the possible racist motives behind the shooting and to prosecute the murderer accordingly.
- In the case of *A.P. v. Slovakia*, on 28 May 2020 the ECtHR found in favour of the Romani applicant and awarded him €5,000 in respect of non-pecuniary damage, and €4,500 in respect of costs and expenses. The applicant, then a 15-year-old boy, had been punched in the face repeatedly by officers during his arrest, while in the police car, and at the police station. He alleged that he had been ill-treated and subjected to disproportionate use of force by municipal police officers and that the authorities had failed to conduct an effective investigation into the matter, in breach of the requirements of Article 3 of the Convention. The Court held unanimously, that there had been a violation of Article 3 of the Convention in its substantive and procedural limbs.

In its 2020 report on Slovakia, ECRI shared the concerns expressed by other national and international bodies, concerning the reports of large-scale police violence against Roma and noted that failings in the investigation procedures made it “obviously difficult for courts to determine whether and to what extent there was police brutality”, and expressed its concern that despite “the substantial number of complaints relating to serious acts of violence committed by members of the police services against Roma”, none of the subsequent investigations of police interventions between 2013 and 2020 resulted in a conviction or disciplinary sanction against officers involved.

⁹ Bernard Rorke, *Brutal and Bigoted: Policing Roma in Six EU Member States*, ERRC, Brussels, May 2022, pp. 73-78. Available at: http://www.errc.org/uploads/upload_en/file/5397_file1_brutal-and-bigoted-policing-roma-in-the-eu.pdf.

¹⁰ Center for Civil and Human Rights (Poradňa), ‘The police officers accused of abusing Roma boys at a police station in Košice are innocent...’ Košice, 11 December 2020. Available at: <https://poradna-prava.sk/en/news/the-police-officers-accused-of-abusing-roma-boys-at-a-police-station-in-kosice-are-innocent-it-was-confirmed-today-by-the-appeal-court-which-dismissed-the-appeal-of-the-prosecutor-against-the-acqui/>.

ECRI noted that some observers have pointed out that these shortcomings are chiefly due to the lack of independence of the Ministry of the Interior Inspectorate in charge of these investigations. Victims of alleged abuse and violence by the police are reluctant to lodge complaints with institutions that cooperate closely and on a daily basis with the police. Such is the mistrust engendered by the workings of the internal investigation system, that ECRI encouraged the prosecution service to be especially attentive “to any retaliatory action by members of the police services or their superiors, including through complaints against alleged victims or witnesses of disputed police actions for slander and false testimony.”¹¹

ROMA AND THE CRIMINAL JUSTICE SYSTEM

The Moldova case (see above) is perhaps the most notorious instance of justice obstructed, denied and delayed in Slovakia, and as [research](#) by ERRC conducted in partnership with Fair Trials shows, the problem runs deeper than discrete incidents of police brutality. Institutional racism is embedded in the entire criminal justice system – a system ridden with [corruption and scandal](#) – and too often it is Roma who pay the price. For Roma experience racial bias at every stage of criminal proceedings, which leads to skewed decisions and unjust outcomes. This abject failure of the criminal justice system is rooted in antigypsyism. Below are some key findings from the research:

- In Slovakia, police officers interviewed estimated that Roma accounted for between 30% and 80% of those arrested within their precincts. While prosecutors, judges, and defence lawyers were more reticent to provide estimates, most conceded that there was some degree of over-representation. Lawyers estimated that Roma accounted for between 20% and 50% of criminal cases in their respective practices.
- While judges and prosecutors in Slovakia downplayed or denied outright the existence of discrimination in the criminal justice system, most defence lawyers described patterns of discrimination against Roma. One interviewee stated that: *“Roma cases are often not properly investigated; evidence seems to be unreliable and the criminal responsibility of the defendants is doubtful.”*
- Similarly in Slovakia, police officers, prosecutors, judges, and defence lawyers stated that the majority of those Roma who came into conflict with the criminal justice system were charged with minor crimes, such as petty theft, or offences relating to ‘endangering the moral upbringing of a child’, which is how failing to ensure compulsory school attendance is defined. While judges and prosecutors downplayed or emphatically denied that anti-Roma prejudice played any role in decisions made in the system, they would only acknowledge that Roma were disadvantaged by a “lack of understanding of the criminal justice system.”
- While some police and prosecutors spoke of ‘communication challenges’ and ‘failures to understand societal norms’, with the obvious inference that the blame lay with Roma, only one prosecutor, who also pointed out that communication was a key challenge, laid the onus of responsibility for overrepresentation of Roma in the criminal justice system on the state’s failure to make appropriate procedural accommodations. The prosecutor pointed to the *“lack of accommodations aimed to inform Roma properly about the content and purpose of the criminal proceedings ... Information about their procedural rights is formalistic, too long, improperly worded, provided only in writing and not explained ... Working with Roma communities properly would require appropriate methods of communication.”*
- The ready resort to racist prejudice by many judges, prosecutors and police, combined with their often fervent denials that prejudice plays any part in their deliberations or decisions, and assertions that all are equal before the law, reflects the extent to which anti-Roma racism is normalised in the processes, attitudes, and behaviour of these institutions.
- Defence lawyers tended to agree that Roma and Romani communities are subject to over-policing and discriminatory treatment, with one describing how “police are often at odds with Roma communities” and that such petty conflicts frequently escalate into violent clashes. They also noted having heard police officers openly use pejorative language and hate speech when referring to Roma. Opinions differed as to whether discriminatory practices such as profiling were part of a wider pattern of systemic discrimination, or whether they were the result of individual prejudices of individual officers.¹²

11 ECRI, *Report on the Slovak Republic (sixth monitoring cycle)*. Published on 8 December 2020. Available at: <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>.

12 Bernard Rorke, *Justice Denied: Roma in the Criminal Justice System. A summary of findings from reports in Czech Republic, Slovakia, Serbia and North Macedonia*. ERRC, 2022. Available at: http://www.errc.org/uploads/upload_en/file/5357_file1_justice-denied-roma-in-the-criminal-justice-system.pdf.

RECOMMENDATIONS

Romani children in state care

- Amend domestic legal standards to provide full and adequate protection to Romani children and families at risk of separation, to fully ensure that child removal on the basis of poverty or material concerns is prohibited in law and in practice, and ensure regular court review of administrative decisions to place children in state care. Close any legal loopholes that allow placement of Romani children in harmful institutions as a de facto ‘measure of first resort’.
- Revise national child protection policy to include Romani children and families as at particular risk of endangerment; review all national policies and programs to assess whether seemingly neutral provisions have a deleterious or discriminatory impact on Roma.
- Collect comparable annual data that is disaggregated by ethnicity, gender, disability, and other relevant factors in the areas of child protection, education, housing, employment, and health care, with appropriate measures to protect the personal data of children and families.
- Provide information about free legal support to families at risk of child removal, especially Romani families endangered by discrimination and social exclusion.
- Develop and adopt a detailed description of child endangerment and methodological guidance to facilitate objective and consistent assessment.
- Ensure regular and systematic monitoring and evaluation of both basic and the professional care services, including children’s rights representatives, which takes account of the perceptions of families and children and their level of satisfaction with child protection services.
- Implement positive action programmes to facilitate the employment of Romani professionals in child protection services.
- Make anti-discrimination and multi-culturalism training an obligatory component of school curricula for child protection and social work professionals, and ensure care professionals meet consistent professional standards. Work with Romani organisations to deliver trainings on Romani language, history and culture with child protection workers and children in state care.
- Prioritise funding for basic child welfare services on a service provision basis to ensure an adequate level of preventative work and avoid the under-financing of the regions and city districts most in need.

Policing

- Authorities at national level must carry out prompt, impartial, thorough, and effective investigations into all allegations of excessive use of force, including torture and ill-treatment, by law enforcement officials, and ensure that those suspected of having committed such acts are immediately suspended from their duties throughout the period of investigation, while ensuring that the principle of presumption of innocence is observed;
- Prosecute persons suspected of having committed torture or ill-treatment and, if they are found guilty, ensure that they receive sentences that are commensurate with the gravity of their acts and that the victims are afforded appropriate redress;
- Ensure that offences motivated by discrimination constitute an aggravating circumstance in criminal prosecution;
- Establish an independent monitoring and oversight mechanism that complies with the requirement of institutional independence in order to avoid conflict of interest in the investigation of complaints by peers.
- The Committee should call on the European Union to produce a binding Charter for Common Basic Standards that enshrines rights-compliant, non-discriminatory and non-racist policing across the Union; and the Race Equality Directive should be extended to protect citizens from racist misconduct by law enforcement.

Criminal justice system

- The government must provide prompt and effective remedies for victims of discrimination in law and in practice. Procedures for the initiation of complaints should be simple and flexible and expeditiously

handled. Dissemination of information concerning the availability of remedies, including recourse procedures, should be widespread, and victims should be provided with legal assistance to pursue remedies.

- Decriminalise acts that cause no social harm, provide alternatives to custodial sentences, ensure fining practices are sensitive to individual circumstances, and reduce pre-trial detention through objective, individualised assessment of risks, free from socio-economic and racial bias, and through greater promotion of non-custodial alternatives.
- The targeted over-policing of Romani communities – which amounts to racial harassment and includes practices of imposing fines for petty offences, such as possession of kindling, jaywalking, or failing to have a bicycle light – must cease. Criminal law responses to the committing of petty offences that are often a symptom of poverty, serve no purpose beyond further aggravating social exclusion.
- Where criminal sanctions are appropriate or necessary, fining policies and practices should be sensitive to individual circumstances, and there should be alternative, non-custodial sanctions for those who cannot afford to pay.
- Resources dedicated to ‘enhancing the training strategies of law enforcement’ could be better diverted to support Romani communities to advocate for the elimination of racialised policing, to hold the police and other criminal justice institutions to account, and to educate and empower members of the community to exercise their rights, and to protect themselves from discriminatory treatment.
- Training for all those involved in the administration of justice, including law enforcement officers, the judiciary, and prosecutors, should focus not on ‘unconscious bias’, but rather on officials’ obligations under national and international law to discharge their responsibilities in a non-racist and human rights compliant fashion, and to ensure such officials become fully aware of the consequences and penalties for failure to do so. It is necessary that training should be reinforced by the incorporation of international human rights standards into the working rules, regulations, and procedures of the criminal justice system.
- Complaints should be handled by independent mechanisms, with sufficient powers and resources to investigate allegations comprehensively and effectively, and to sanction offenders. Such mechanisms must be easily accessible to all complainants, irrespective of their financial means, and they should not have prohibitively high evidentiary thresholds for initiating investigations. Sanctions against offenders must match the severity of their actions and be designed to prevent similar incidences by the individual in the future. States should place the police under a statutory obligation to promote equality and prevent racial discrimination in carrying out their functions; and victims who register complaints must be protected from intimidation and reprisal actions by police officers.
- The government should adopt ECRI’s General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, which asserts that racial profiling constitutes a specific form of racial discrimination and must be expressly prohibited by law.