

# POLICY BRIEF

## Police Brutality and Institutional Racism in Law Enforcement

### AN INSTITUTIONAL PROBLEM

The evidence gathered in the ERRC's 2022 report on police violence against Roma in the EU leaves little doubt that law-enforcement agencies are institutionally racist; that antigypsyism is clearly evident in the ways Romani communities are policed; and that there is official tolerance at the highest levels of

a culture of impunity within law enforcement when it comes to mistreatment of Roma. Below are three recent examples of lethal police violence against Roma and their aftermaths, which suggest that, despite the Black Lives Matter movement, Europe's reckoning with racism is still some way off when it comes to law enforcement.

### STANISLAV TOMÁŠ

In June 2021, shocking video of the **police killing of Stanislav Tomáš** in the Czech town of Teplice in June 2021, which showed **one officer kneeling on the victim's neck for several minutes before he lost consciousness**, went viral across social media. Police denied all responsibility and were quick to tweet that this incident was no 'Czech George Floyd'. Before the facts had been established, then Czech Prime Minister Andrej Babiš thanked the police officers for their work and disparaged the victim by commenting, "this is sad, but a normal, respectable person would have a hard time getting into such a situation."

### NIKOS SAMPANIS

On 23 October 2021, seven Greek motorcycle police officers in pursuit of a stolen car **opened fire on the three unarmed Romani occupants of the vehicle, killing 18-year-old Nikos Sampanis**, and seriously wounding a 16-year-old. The police press release after the incident mentioned injuries to the seven police officers, that the deceased was 20 years-old and had a criminal record, and that the minor who was shot only had light injuries. These were all later proven to be false; no police officers were injured, the victim was 18 and had no criminal record, and the 16-year-old boy was seriously wounded.

### KOSTAS FRAGOULIS

In December 2022, a **16-year-old Greek Romani boy, Kostas Fragoulis was gunned down by police** as he fled a gas station in Thessaloniki, accused of failing to pay for €20 worth of petrol. There was no evidence to back the official claim that the victim's actions had "placed the lives of the police officers in immediate danger." Demonstrations and riots broke out in a number of Greek cities, including Athens, where protestors who clashed with police chanted: "It wasn't the petrol, it wasn't the money, the cops shot him because he was Roma."

## THE SCALE OF POLICE MISCONDUCT AGAINST ROMA

The ERRC case files on police violence comprise a catalogue of official lies and botched investigations, testimonies concerning incidents of excessive, arbitrary, and sometimes lethal violence against young and old, deliberate attempts to discredit and intimidate victims, and protracted struggles through the courts for remedy, where justice for Roma is often denied and always delayed.

The emergency lock-downs due to Covid-19 witnessed an upsurge in incidents of police brutality against Roma, most notably in Bulgaria, Romania, and Slovakia, where a considerable number of actions taken by law enforcement in policing the pandemic constituted cruel and inhumane behaviour. These excesses marked a continuity with, rather than any departure from, established practices.



In **Romania**, UN Special Rapporteur Philip Alston expressed deep concern over allegations of police abuse against Roma, and observed a worst-case combination of persistent credible allegations, a lack of the most basic procedures to deter abuse, and a broken and ineffectual complaints mechanism, a system “that makes abuse easy and ensures that accountability will be the rare exception rather than the norm.”

In 2019, the European Court of Human Rights issued a judgment finding that Roma face **institutionalised racism** from law-enforcement in Romania. Also in 2019, ECRI noted that the European Court has delivered over 20 judgments since 2014, condemning Romania for cases of police violence and the failure of the authorities to effectively investigate inhuman and degrading treatment by police, including racially motivated ill-treatment. ECRI ventured that “**these repeated cases indicate a persistent problem in the country**”.

In **Slovakia**, ECRI noted in 2020 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**. UNCERD expressed particular concern at the numerous reports of excessive use of force and ill-treatment, including verbal and physical abuse by law enforcement officers against Roma in Slovakia, and that the majority of these reports are not duly investigated.



In **Bulgaria**, the Bulgarian Helsinki Committee described 2020 as yet another marked by police arbitrariness and violence that was inadequately investigated and the perpetrators not brought to justice. Not only did police fail to protect hundreds of Roma residents from being evicted from their homes in a series of pogrom-like attacks, and their properties being destroyed, but the police also engaged in acts of collective punishment. In one incident, **police in Plovdiv beat, tortured and racially abused a large group of Roma detainees** from the village of Kuklen. No charges were filed against the law enforcement officers involved.





## THREE PREREQUISITES TO END POLICE IMPUNITY

The evidence amassed by the ERRC, and its litigation case files on police violence against Roma make one thing clear: unless justice can prevail without prejudice for Romani citizens of the European Union, all efforts to promote social inclusion will founder.

Urgent action must be taken in the following three areas, as first steps to combat the structural racism, routine violence, and culture of impunity that characterises how Roma are policed across Europe.

# 1

### **Governments 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. Complaints should be handled by independent mechanisms, with sufficient powers and resources to investigate allegations comprehensively and effectively, and to sanction offenders.

# 2

### **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. Instead of showering resources on dubious 'unconscious bias' training, police officers should be schooled on their obligations under national and international law to discharge their responsibilities in a non-racist and human rights compliant fashion, to ensure these officers 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 entire criminal justice system.

# 3

### **The EU should 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.**

Article 87 of the Treaty on the Functioning of the European Union (TFEU) gives the Union the power to establish cooperation amongst the police and authorities competent for prevention, detection, and investigation of criminal offences in all member states, including police, customs, and other specialised law enforcement services. While the EU continues to expand the exercise of cross-border policing powers, there are no complementary requirements to ensure non-racist policing, and no basic standards to safeguard the rights of ethnic minority citizens across the Union. This deficit must be remedied.