



AI Index Number: IOR 60/2345/2020

To the attention of:

Mr Miltiadis Varvitsiotis, Chair of the Committee of Ministers

Ms Marija Pejčinović Burić, Secretary General

Ms Dunja Mijatović, Commissioner for Human Rights

Mr Giuseppe Palmisano, President of the European Committee on Social Rights

Ms Maria Daniella Marouda, Chair of ECRI

Council of Europe, Strasbourg

15 May 2020

Dear Chair of the Committee of Ministers,

Dear Secretary General,

Dear Commissioner for Human Rights,

Dear President of the European Committee on Social Rights,

Dear Chair of ECRI,

QUARANTINES OF ROMA SETTLEMENTS IN BULGARIA AND SLOVAKIA REQUIRE URGENT ATTENTION

I am writing to you to share Amnesty International's concerns about the treatment of Roma communities in Bulgaria and Slovakia during the COVID-19 pandemic and to request your support in taking these issues up with the national authorities.

Under extraordinary measures to contain the pandemic, the authorities in these two countries have placed Roma settlements under mandatory quarantines, enforced by police and the military, arguing that such measures were necessary for the protection of public health and safety. To our knowledge, the governments in Bulgaria and Slovakia failed to demonstrate that less restrictive alternatives than quarantines, including voluntary measures, were adequately explored. Amnesty International has expressed concern that measures deliberately targeting entire communities, without evidence that such communities represent a risk for public health during the pandemic and that such measures were necessary and proportionate, were likely to be arbitrary and may constitute discrimination.¹

We welcome the priority given by Greece, as Chair of the Committee of Ministers of the Council of Europe from today, to address the impact of the pandemic crisis on the right of access of vulnerable social groups to health as a public good, and **that** Roma has been identified as a population group "for which every organised society must provide equal access to social and public goods as housing, employment, satisfactory income, education, social insurance, medical care". We also

¹ <https://www.amnesty.org/en/documents/eur01/2156/2020/en/>

welcome the guidance sent by the Secretary General and other Council of Europe bodies to member states concerning the protection of Roma in view of the measures taken by national authorities to address the pandemic.²

We kindly request that you engage with the authorities in Bulgaria and Slovakia and urge them to demonstrate that the mandatory confinement measures that selectively target Roma communities are strictly necessary, proportionate and non-discriminatory and ensure that where Roma are particularly affected, measures are put in place to ensure that, among other human rights, their right to an adequate standard of living is guaranteed. Urgent action is needed to end this as soon as possible. The Slovak and Bulgarian authorities should provide immediate assistance to the Roma communities who are disproportionately affected by the pandemic in order to enable them to protect themselves both from the disease and the potentially devastating social and economic consequences of governmental response to it including quarantines. Finally, the Council of Europe relevant bodies, including European Committee for Social Rights (ECSR), the European Commission against Racism and Intolerance (ECRI), the Advisory Committee for the Framework Convention for the Protection of National Minorities (FCNM) should monitor these developments and send a clear message to the authorities in Bulgaria and Slovakia condemning hate speech and attempts by individual officials and political parties to stigmatise the community and exacerbate fears and divisions in their societies.

Reports from Bulgaria and Slovakia indicate that respective governments have imposed measures, including mandatory quarantines, selectively targeting Roma settlements not applied to other groups or the general population. Such selective application, in the absence of evidence that less restrictive alternatives were considered, raises questions over compliance of these measures with the obligation to prohibit discrimination under the European Convention on Human Rights and the EU's Race Equality Directive. According to the European Court of Human Rights, if there is a difference in treatment on the basis of race or ethnicity, an "objective and reasonable justification must be interpreted as strictly as possible."³ The test whether such treatment is justified must demonstrate a "reasonable relationship of proportionality" between the means employed and the aim sought to be realised.⁴ The governments of Bulgaria and Slovakia have so far failed to demonstrate this relationship of proportionality or provide plausible justification for treating Roma communities differently from the rest of the population.

International human rights law permits the imposition of certain restrictions for the protection of specific legitimate interests, including on the grounds of public health. However, such restrictions must be clearly provided by law, necessary and proportionate and cannot be arbitrary or discriminatory in application.⁵ This means that states have an obligation to consider the least intrusive and restrictive available alternatives. Where possible, public health measures should strive for voluntary participation, as they are more effective and minimize compromising the rights to privacy and self-determination of the person.⁶ Interference with freedom of movement should be used only as a last resort,⁷ when voluntary measures cannot reasonably be expected to succeed.⁸

Where necessary, quarantines and isolation measures should be implemented in a safe and respectful manner. Restrictions must be fully respectful of dignity, human rights and fundamental freedoms.⁹ In order to enhance public trust and cooperation, authorities should provide adequate information to those placed under quarantine and ensure regular communication, including on the duration and conditions of the confinement.

² Priorities of the Greek Chairmanship of the Committee of Ministers of the Council of Europe (May – November 2020), https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016809e53c3

³ *D.H. and Others v. the Czech Republic* [GC], 2007, para. 196; *Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, para 44.

⁴ *Larkos v. Cyprus* [GC], no. 29515/95, para 29, ECHR 1999-I

⁵ Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights,

⁶ Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 10 August 2009. A/64/272, para. 30

⁷ https://www.who.int/tb/features_archive/involuntary_treatment/en/

⁸ WHO, Ethical considerations in developing a public health response to pandemic influenza

Ethics, equity, trade and human rights (2007). p. 10, https://www.who.int/csr/resources/publications/WHO_CDS_EPR_GIP_2007_2c.pdf

⁹ Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, Article 3, <https://undocs.org/pdf?symbol=en/E/CN.4/1985/4>

As the note enclosed with this letter suggests, the governments in Bulgaria and Slovakia have not justified the public health basis for the complete quarantine of Roma communities and failed to demonstrate that less restrictive measures were adequately explored. The authorities have not ensured that Roma families under confinement have access to clear, accessible and meaningful information about the length and conditions of their confinement. Roma families living in affected settlements are deprived of necessary means to protect themselves from COVID-19; they lack adequate access to water, sanitation, food, hygiene products and health care. The failure of the authorities to take into account the special needs and conditions of Roma communities while imposing special measures itself may result in discrimination.¹⁰ Furthermore, as the UN Special Rapporteurs on contemporary forms of racism and minorities warned, the quarantines also violate Roma's right to equality and freedom of movement and risk further exposing the residents to the virus.¹¹

The introduction of measures in both countries has been accompanied by an increasingly hostile anti-Roma rhetoric, which has been frequently stoked by politicians and used to stigmatise and impose more repressive measures on Roma communities during the pandemic. Bulgarian National Movement (VMRO) party, a junior partner in the country's ruling coalition, described Roma neighbourhoods as a "real nest of contagion," that represent a threat to the general population and called for strict containment measures.¹² Unchecked, such hateful rhetoric threatens to further isolate the most marginalised groups in these societies. The authorities should not exploit the pandemic to target and further stigmatise the already marginalised population.¹³

Hundreds of thousands of Roma across Europe live in ethnically segregated in informal settlements or camps, often as a result of forced evictions.¹⁴ Roma in Bulgaria and Slovakia remain among the most disadvantaged communities; many live in densely populated multi-generational households, frequently without access to clean water and sanitation. The preventive measures imposed by the states to contain the pandemic, including self-isolation, physical distancing and frequent hand washing are difficult to comply with within Roma settlements. Moreover, state aid to the people confined therein was either completely lacking or entirely inadequate to meet the community needs.¹⁵ In such conditions, mandatory confinement without simultaneous provision of urgent assistance to the community, including access to clean water, sanitation and health care, could have catastrophic consequences for Roma communities.

The mandatory quarantines in Bulgaria and Slovakia have disproportionately affected Roma living in poverty, who have limited savings and may not be able to sustain themselves through the quarantine period without an income. Restrictions on their freedom of movement have severely affected their ability to engage in work, including informal work, on which many families depend, exposing them to increased poverty and further social exclusion.

It is the responsibility of the governments in Bulgaria and Slovakia to ensure that the economic and social rights of those under quarantine, including the rights to food, water, sanitation, housing, health and an adequate standard of living, are guaranteed.

We call on your good offices to inquire with the governments of Bulgaria and Slovakia on the measures taken and ensure their compliance with human rights law, including the European Convention on Human Rights and the Social Charter.

¹⁰ Horvath and Kiss v. Hungary, 11146/11, 29 January 2013.

¹¹ United Nations Special Rapporteur on Contemporary Forms of Racism and United Nations Special Rapporteur on Minorities, "Stop hate speech and racial discrimination against the Roma minority," 13 May 2020.

¹² RomeaCz, "Bulgarian officials exploiting fear of COVID-19 to discriminate against Roma," 28 March 2020, <http://www.romea.cz/en/news/world/bulgarian-officials-exploiting-fear-of-covid-19-to-discriminate-against-roma>

¹³ The UN Rapporteurs on Contemporary Forms of Racism and Minorities have also warned against the widespread hate speech and racist rhetoric against Roma and called the authorities in Bulgaria to take immediate action to discourage further stigmatization of Roma. See United Nations Special Rapporteur on Contemporary Forms of Racism and United Nations Special Rapporteur on Minorities, "Stop hate speech and racial discrimination against the Roma minority," 13 May 2020.

¹⁴ For impact of forced evictions on Roma in Romania see: <https://www.amnesty.org/en/documents/EUR39/003/2013/en/>; and in Italy: <https://www.amnesty.org/en/documents/eur30/0354/2019/en/>

¹⁵ Open Society Roma Initiative Office, Roma in the COVID-19 Crisis, An Early Warning from Six EU Member States," May 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/Roma%20in%20the%20COVID-19%20crisis%20-%20An%20early%20warning%20from%20six%20EU%20Member%20States.pdf>

We continue to monitor developments in these communities and stand ready to provide more information and to discuss this with you if useful.

Thank you for your kind consideration.

Yours sincerely,

Eve Geddie,

Head of Office and Advocacy Director
European Institutions Office
Amnesty International

Concerns over mandatory quarantines of Roma in Slovakia

On 3 April, the authorities in Slovakia started testing residents of some Roma settlements. The testing was initially carried out in 33 out of several hundred settlements, with the assistance of the army. It focused on Roma locations, where the authorities recorded returns of residents from abroad, especially from the Czech Republic and the United Kingdom. During the testing, Amnesty International raised its concern to the government of Slovakia that without providing Roma with the necessary means to protect themselves, including ensuring access to water and sanitation, targeted testing will only add to the stigmatisation and prejudice they already face.

On 9 April, a day after International Roma Day, the government of Slovakia decided to quarantine five entire Roma settlements in eastern Slovakia: three in the village of Krompachy, and one in the villages of Bystrany and Žehra. The government argued that such measures were necessary to protect public health as there were 31 positive cases in those five settlements, which have over 6,800 residents. Although the quarantines of the settlements in Bystrany and Krompachy were lifted in April and May respectively,¹⁶ the settlement in Žehra remained under the mandatory quarantine at the time of writing. On 11 May 2020, the authorities reported 25 cases of COVID-19 in the settlement and took further measures. On the border with the settlement, they¹⁷ placed containers, which – along the building of an empty kindergarten – were said to serve as a temporary “quarantine settlement”¹⁸ and house those who tested positive.¹⁹ The media reported that the capacity of the housing facility was 100 people and that there were also health care services available.²⁰ However, it remains unclear whether the facility will meet the WHO requirements, including adequate ventilation, spacious single rooms with hand hygiene and toilet facilities.²¹ Furthermore, it is also unclear, whether there are suitable infection control protocols and maintenance of social distancing. Finally, it is also unclear what measures did the authorities put in place to ensure the privacy and security of women and girls held in the quarantine.

Amnesty International has documented the following concerns during the first days of the mandatory quarantine of the five Roma settlements:

- The residents were not given information about the duration and the conditions of the quarantine. Initially, the residents complained that the authorities did not separate those who had positive tests for COVID-19 from the rest of the community.
- There were further concerns over the adequacy of the supply of food and medicine.

The situation eventually improved, and the authorities were coordinating the food supply, which the residents had to purchase. In Žehra, the authorities hired additional staff to coordinate provisions of medicine for those suffering acute and chronic illnesses. At the time of writing it remained unclear what was the legal basis of the mandatory quarantines.²² This raises concerns that the quarantine measures of the Roma settlements may amount to arbitrary detention, which can never

¹⁶ The quarantine in Bystrany was lifted on 25 April 2020: <https://spravy.pravda.sk/domace/clanok/549724-v-bystranoch-zrusili-karantenu-v-zehre-su-osadnici-nedisciplinovani>; the quarantine in three settlements in Krompachy was lifted on 1 May 2020: <https://kosicednes.sk/udalosti/v-krompachoch-zrusili-karantenu-v-troch-osadach/>. The Public Health Authority (Kancelária hlavného hygienika) called the lifted measure a “ban on any contact between the residents of the Roma settlement [in Bystrany and Krompachy] in the district of Spišská Nová Ves with the rest of the population”

¹⁷ The authority here refers to the National Crisis Committee (*Centrálny krízový štáb*)

¹⁸ In Slovak: *karanténne mestečko*

¹⁹ <https://www.facebook.com/spravy.rtv/videos/895245377657657/?t=43>

²⁰ <https://spis.korzar.sme.sk/c/22401321/na-dreveniku-v-zehre-buduju-karantenne-mestecko-pre-sto-ludi.html>

²¹ See *WHO Consideration for quarantine of individuals in the context of containment for coronavirus disease (COVID-19)*, March 2020, p.2 https://apps.who.int/iris/bitstream/handle/10665/331497/WHO-2019-nCoV-IHR_Quarantine-2020.2-eng.pdf

²² According to an analysis published by a lawyer Slávka Henčeková, the decisions of the “National Crisis Committee” were not issued in compliance with Slovak administrative law. This concern applies also on the mandatory quarantines of Roma settlements:

<https://www.facebook.com/notes/sl%C3%A1vka-hen%C4%8Dekov%C3%A1/anal%C3%BDza-pr%C3%A1vnej-povahy-opatren%C3%AD-%C3%BAradu-verejn%C3%A9ho-zdravotn%C3%ADctva-sr-na-zamedzenie-%C5%A1/10222705778495168/>

be justified, not even in times of public emergency, under international human rights law.²³

The residents of the settlements also complained about unlawful use of force by the police during the quarantine, which may amount to torture and other ill-treatment. The residents of the settlement in Žehra reported to Amnesty International an incident when a police officer verbally assaulted a Roma man and threatened him with physical violence. In a separate incident, on 27 April, Roma from the quarantined settlement Stará Maša in the village of Krompachy reported abusive use of force by a police officer against five children.²⁴ The mother of three of the children told the media that they went to collect wood and play near a stream in a location where soldiers had previously allowed them to go. A police officer began to chase them and told them that if they show up in the area again, he will shoot them. He then took them into a tunnel and beat them up.²⁵ A girl beaten up by the police officer said a soldier witnessed the incident.

The government Plenipotentiary for Roma communities informed on social media that the incident happened when a group of children walked outside the quarantined area.²⁶ She also said that the staff from her office immediately arrived on the site, took photographs of children's bruises, which could have been caused by truncheons. The authorities also reported that the incident's case files were sent to the Police Inspection of the Ministry of Interior. On 29 April, the Public Defender of Human Rights (Ombudswoman) announced that she will review the measures undertaken by the government in relation to the Roma settlements.²⁷ On 6 May, the Inspection of the Ministry of Interior opened an investigation into the charges of abuse of power by a police officer.²⁸

The MEP Peter Pollák said that Slovakia tested around 6,000 people in Roma settlements and that in 23 settlements there were positive tests. However, the authorities did not specify how many individuals tested positive and what measures they took in these cases.

Concerns over mandatory quarantines of Roma in Bulgaria²⁹

Since 13 March, when the Bulgarian National Assembly declared a state of emergency, the authorities have introduced gradually stricter measures to prevent the spread of the virus, including bans on inter-city travel and broad restrictions to freedom of movement. While measures apply nation-wide, Bulgaria's Roma community is disproportionately affected by the government's response to the pandemic.

Under special measures, mayors across Bulgaria have cordoned off Roma villages and informal settlements and set up roadblocks and policed checkpoints to prevent residents from leaving. The authorities have built temporary walls around and imposed a complete containment regime on Roma areas in the towns of Nova Zagora, Kazanlak and Sliven, home to some 50,000 Roma, arguing that "lack of discipline among its residents" makes the physical distancing measures difficult to enforce. Similar measures were introduced in the Roma neighborhood of Shesti near Nova Zagora after the authorities argued that residents did not have access to clean water and sanitation and therefore were not able to maintain the recommended level of hygiene to curb the spread of the virus outside of settlements. Quarantine measures soon expanded to large, and predominantly Roma, Sofia suburbs of Fakulteta and Filipovci, which remain under lockdown at the time of writing, triggering frequent protests of people living there demanding greater freedom of movement, government support and access to work.

The authorities, however, did not take steps to ensure that the affected settlements are granted sufficient and safe access to water and sanitation during the quarantine. In some cases, government officials claimed that the measures were

²³ UN Working Group on Arbitrary Detention, 8 May 2020, para 5 <https://www.ohchr.org/Documents/Issues/Detention/DeliberationNo11.pdf>

²⁴ <http://www.romea.cz/en/news/world/slovak-police-officer-said-to-have-beaten-five-romani-children-in-krompachy-settlement-and-threatened-to-shoot-them>

²⁵ https://www.gipsytv.eu/gipsy-television/spravy/slovensko/video-policajt-mal-zbit-pat-romskych-deti-z-krompach..html?page_id=5280

²⁶ https://m.facebook.com/story.php?story_fbid=125184852474748&id=106828400977060

²⁷ <https://www.vop.gov.sk/incident-v-krompachoch-je-neprijate-n>

²⁸ <https://domov.sme.sk/c/22399313/pre-udajny-utok-policajta-na-romske-deti-zacali-trestne-stihanie.html>

²⁹ Previous version of the note appeared in Amnesty International, "Stigmatizing settlements of Roma in Bulgaria and Slovakia": April 2020.

necessary in Roma communities because of the high numbers of Roma returning to Bulgaria from seasonal and informal work in some of the severely affected European countries, such as Spain and Italy, posing risks to the rest of the population. The government is recommending a 14-day self-quarantine for all individuals returning from these countries, but there is no evidence that non-Roma among over 100,000 people who had returned to Bulgaria from EU countries at the start of the pandemic are subjected to similar restrictions.³⁰

On 15 April, the National Operational Headquarters defined Roma settlements as COVID-19 hotspots and started an increased testing of residents living in them, although the number of infections in these neighbourhoods was not disproportionately higher than elsewhere in the country.³¹

Several towns, including the seaside town of Burgas, decided to use drones with thermal sensors to remotely take temperature of residents in Roma settlements. While drone technology has been used in other European countries to gauge temperatures of groups of people, in Bulgaria it appears to target exclusively the Roma population. Yet, it is not clear what measures would be put in place if some of the Roma show signs of COVID-19; nor is it clear how the government will ensure that the needs of affected people are met during the quarantine and the rest of the community protected from the spread of the virus.

The mandatory confinement particularly harshly affected Roma who were cut off from the informal work outside of the settlements, including abroad, that many of them depend on to sustain themselves and their families. Local support networks, normally organised by members of the community who work abroad and have resources, were just as affected during the pandemic, leaving the confined families in even more precarious situation. The uncertainty about the duration of the quarantines and questions about the availability of work following the pandemic leave many Roma at risk of experiencing a long-term lack of food and pushing them deeper into poverty.

The introduction of measures focused on Roma neighbourhoods has been accompanied by an increasingly hostile anti-Roma rhetoric, frequently stoked by politicians. The Bulgarian National Movement (VMRO) party, a junior coalition partner in the government, has exploited the public health crisis to present Roma as a collective threat to the general population that needs to be “controlled and contained”.³² There was no evidence of confirmed cases among the Roma community at that time.

The country’s Interior Minister Mladen Marinov has also threatened further coercive measures “to protect the general population.” if Roma fail to comply with strict physical distancing measures. While Roma communities remain confined to their settlements, there is no evidence that the authorities have provided any assistance to the families living there to ensure that they can comply with government advice on how to protect against infection such as through regular hand washing, access necessary health care if they have symptoms of COVID-19, and provide for their families during the quarantine.

³⁰ Balkan Insight, “Bulgaria’s Marginalized Roma Feel Singled out in Pandemic” 22 April, 2020, <https://balkaninsight.com/2020/04/22/bulgarias-marginalised-roma-feel-singled-out-in-pandemic/>

³¹ Open Society Roma Initiative Office, Roma in the COVID-19 Crisis, An Early Warning from Six EU Member States,” May 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/Roma%20in%20the%20COVID-19%20crisis%20-%20An%20early%20warning%20from%20six%20EU%20Member%20States.pdf>

³² RomeaCz, “Bulgarian officials exploiting fear of COVID-19 to discriminate against Roma,” 28 March 2020, <http://www.romea.cz/en/news/world/bulgarian-officials-exploiting-fear-of-covid-19-to-discriminate-against-roma/>