



POLICING THE PANDEMIC

HUMAN RIGHTS VIOLATIONS IN THE ENFORCEMENT OF COVID-19 MEASURES IN EUROPE

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INTRODUCTION

On 11 March 2020, the World Health Organization (WHO) declared the coronavirus (COVID-19) outbreak a global pandemic and called on states to take urgent measures to tackle it. For over three months now, European states have adopted measures to counter the pandemic and to cope with increasing pressures on their public health systems. These measures, which are referred to in this briefing as “lockdown” measures, restricted human rights and in particular the rights to freedom of movement and to freedom of peaceful assembly. While some of these measures have been eased in many countries, numerous restrictions are still in place. For example, when this report went to press in mid-June, a health-related state of emergency remained in force in France.

This report highlights systemic human rights concerns regarding institutional racism, discrimination in law enforcement and lack of accountability regarding allegations of unlawful use of force by law enforcement officials. The death of George Floyd on 25 May 2020 in police custody in Minneapolis (United States), has spurred protests around the world and highlighted the pervasiveness of discriminatory policing and impunity in Europe as well. According to available data, in 2019, 37 people were reported to have died in custody or following contact with the police in England and Wales (United Kingdom, UK), bringing the number of those who had died in such circumstances in the UK since 1990 to 1,743.¹ In France, 23 people were reported to have died in custody or following contact with police in 2019.² In Germany, at least 159 racialized³ individuals have died in police custody since 1990.⁴

In many cases, the families and friends of those who have died in police custody have not obtained justice for the loss of their loved ones. For example, Adama Traoré, a young Black man, died in police custody in France in July 2016 following an arrest in which three law enforcement officials pinned him down to the ground. His family are still waiting for a thorough and impartial investigation into the causes of his death. In a new independent expertise doctors have certified that Adama Traoré died of suffocation, countering the opposite conclusions of a previous expertise. Judges are to hear two key witnesses in July 2020.

Regrettably, as of early June 2020, further instances of unlawful use of force against protesters have been reported in the context of policing Black Lives Matter protests across Europe organized in the aftermath of the death of George Floyd, including for example in the UK⁵ or in Belgium.⁶

The enforcement of lockdown measures has heightened existing human rights concerns in the region. In 2019, the year before the COVID-19 pandemic, Amnesty International documented violations of the economic, social and cultural rights of Roma and Travellers in 18 out of 35 European countries.⁷ In the same year, Amnesty International reported concerns about impunity for unlawful use of force by law enforcement officials in 13 out of 35 countries. The implementation of the lockdown measures to combat the pandemic has laid bare existing structural inequalities and discrimination on grounds of ethnicity, race,

¹ <https://www.inquest.org.uk/deaths-in-police-custody>

² <https://desarmons.net/listes-des-victimes/personnes-tuees-par-les-forces-de-lordre/>

³ The term “racialization” refers to processes through which racial meanings are constructed by powerful institutions and groups and used to justify discrimination, stereotyping, violence and othering of ethnic and religious groups such as Roma, Muslims, Black people, as well as of migrants. Michael Omi and Howard Winant employ the term racialization to “signify the extension of racial meaning to a previously racially unclassified relationship, social practice or group. Racialization is an ideological process, a historically specific one. Racial ideology is constructed from pre-existing conceptual (or, if one prefers, “discursive”) elements and emerges from the struggles of competing political projects and ideas seeking to articulate similar elements differently.” Omi, M. & Winant, H. (eds., 2015). *Racial Formation in the United States*. 3rd ed. New York: Routledge. For an overview of the use and meaning of the term, see Adam Hochman (2019) ‘Racialization: a defense of the concept’, *Ethnic and Racial Studies*, 42:8, 1245-1262.

⁴ <https://deathincustody.noblogs.org/recherche/>

⁵ <https://www.amnesty.org.uk/press-releases/amnesty-raises-concerns-policing-black-lives-matters-protests>

⁶ <https://twitter.com/Jeremyaudouard/status/126969883721775618>, https://twitter.com/bav_ka/status/1269707603929595908

⁷ <https://www.amnesty.org/en/documents/eur01/2098/2020/en/>

migration and socio-economic status. In some cases, the enforcement of lockdown measures has led to further marginalization, stigmatization and violence. Amnesty International is concerned that the implementation of some of these measures has had a disproportionate impact on racialized individuals and groups, who experience stereotyping, discrimination and violence due to race, ethnicity, religion and/or migration status. The enforcement of some lockdown measures, in particular those that have restricted the right to freedom of movement, has also taken a toll on people who are homeless, dozens of whom were fined by law enforcement officials for failing to comply with measures around self-isolation and restrictions on the right to freedom of movement in countries including Italy, Spain and the UK.

Amnesty International has documented several cases in which law enforcement officials resorted to the unlawful use of force to impose lockdown measures on people who did not offer any resistance or constitute a significant threat. These cases often occurred in the context of police identity checks. Indeed, existing data regarding police stops, searches and identity checks suggest that the enforcement of these powers has a disproportionate impact on racialized groups. For example, in the UK, one of the few European countries that collect disaggregated data on law enforcement, the Metropolitan Police registered a 22% rise in stop and searches in London between March and April 2020, the period when the authorities introduced exceptional measures to counter the COVID-19 pandemic. In particular, the number of Black people who were searched increased significantly; in March 2020, 7.2 out of 1,000 Black people were subjected to stop and search, rising in April to 9.3 out of 1,000.⁸ In France, the number of police checks in the department of Seine-Saint-Denis (Paris region), a working class neighbourhood with a high percentage of Black residents and residents of North African descent, was more than double the national average and the number of fines three times higher than in the rest of the country.⁹ According to local authorities, respect of lockdown measures in Seine-Saint-Denis was comparable to other departments in France, the high numbers of fines and identity checks, therefore, indicate that the department was disproportionately policed compared to others in the country.¹⁰

Roma living in informal settlements, and refugees, asylum-seekers and migrants living in camps, have also experienced disproportionate and discriminatory implementation of measures to counter the COVID-19 pandemic. Instead of ensuring adequate access to water and sanitation and the alternative accommodation necessary to enable people to comply with recommended individual quarantine measures, the authorities in some countries have imposed mandatory quarantines on entire settlements.

Informal settlements and migrant camps in countries such as Bulgaria, France and Slovakia have been heavily policed, including the deployment of the army, and subject to mandatory testing. In several instances, Amnesty International obtained information about the unlawful use of force by law enforcement officials against the residents.

Sometimes a precursor to these measures was discriminatory and inflammatory speech by members of the government. For example, the Bulgarian National Movement (VMRO) party, a junior coalition partner in the Bulgarian government, described Roma as a collective threat to the general population that needs to be “controlled and contained”.¹¹ The country’s Minister of the Interior, Mladen Marinov, threatened further coercive measures “to protect the general population” if Roma failed to comply with strict physical distancing measures.

The use of coercive measures to protect public health in Europe has had a disproportionate impact on racialized groups already subject to discriminatory identity checks and unlawful use of force prior to the pandemic. Coercive approaches contradict evidence-based public health best practice, and often target disadvantaged communities which are marginalized, impoverished or at risk of discrimination, resulting in stigma and fear, and thwarting trust in authorities. In contrast, an effective response to a health crisis is rooted in the respect of human rights and emphasises empowerment and community engagement, including policies that build trust and solidarity.

To be considered necessary, penalties must be a last resort after other alternatives have proven unsuccessful or if it becomes clear that the objective cannot be achieved by those other means. In that sense, states must implement less restrictive measures to ensure compliance with the restrictions, including a sufficiently robust public information campaign to inform the public about why it is important to comply with the restrictions. If no other measures are in place and states rely only on the imposition of penalties, the

⁸ <https://www.met.police.uk/sd/stats-and-data/met/stop-and-search-dashboard/>

⁹ <http://www.leparisien.fr/seine-saint-denis-93/coronavirus-en-seine-saint-denis-un-nombre-record-d-amendes-police-et-justice-durcissent-le-ton-19-03-2020-8284008.php>

¹⁰ See https://www.lexpress.fr/actualite/societe/selon-le-prefet-de-seine-saint-denis-le-confinement-est-globalement-bien-respecte_2122683.html

¹¹ <http://www.romea.cz/en/news/world/bulgarian-officials-exploiting-fear-of-covid-19-to-discriminate-against-roma>

test of necessity will not be met as, in the first instance, less intrusive means of achieving the same aim were not implemented.

In view of the systemic human rights concerns relating to law enforcement in Europe as well as the lack of evidence regarding the effectiveness of coercive approaches in public health, conferring additional powers to the police and focusing on the coercive enforcement of lockdown measures should be considered only as last resort. States should avoid the enforcement of lockdown measures through the use of criminal sanctions. Given the elevated risks of transmission of COVID-19 in certain prisons and other places of detention, enforcement of prison sentences is likely to further compound the public health problems caused by the pandemic and would fail to meet the test of necessity and proportionality.

CONCERNS ABOUT INSTITUTIONAL RACISM AND LACK OF ACCOUNTABILITY IN EUROPE

For almost two decades, Amnesty International has documented widespread discrimination against racialized groups in Europe, including the failure to protect people from discriminatory violence.¹² In addition to hate crimes and discrimination by non-state actors, significant concern exists around police practice, raising questions about institutional racism in Europe. This police practice can influence its service delivery “not solely through the deliberate actions of a small number of bigoted individuals, but through a more systematic tendency that could unconsciously influence police performance generally”.¹³ Examples include discriminatory profiling; targeted policing; and failure to adequately investigate the cases of those who suffered discriminatory violence by the police, and to provide remedy.¹⁴

In 2019 and 2020, the European Union Agency for Fundamental Rights reiterated its concerns of previous years over discriminatory ethnic or racial profiling in Belgium, Germany, Finland, the Netherlands, Sweden and the UK.¹⁵ In 2019, the European Court of Human Rights (ECtHR) held that Romanian police ill-treated Roma during a raid in 2011, finding for the first time that the authorities not only failed to investigate the abuses but that such police behaviour was discriminatory.¹⁶ The court found that ‘Roma communities are often confronted with institutionalised racism and are prone to excessive use of force by the law enforcement authorities’ in Romania.¹⁷ The court supported its conclusion “by the general reports of racial stereotyping of Roma presented by the third party [European Roma Rights Centre] goes beyond a simple expression of concern about ethnic discrimination in Romania [...]. It shows concretely that the decisions to organise the police raid and to use force against the applicants were made on considerations based on the applicants’ ethnic origin.”¹⁸ Similar cases of police raids targeting Roma settlements or neighbourhoods were reported also from Italy and Slovakia.¹⁹

In 2011, Amnesty International raised concerns regarding the lack of accountability for the deaths in custody of five people in France: Ali Ziri, Mohammed Boukrourou, Lamine Dieng, Abou Bakari Tandia and Abdelhakim Ajimi.²⁰ In only one of these cases (2012) three law enforcement officials received a suspended sentence, later confirmed on appeal.²¹ In two of the cases, the European Court of Human Rights (ECtHR) confirmed a violation of the European Convention of Human Rights (ECHR). On 16 November 2017, the ECtHR found that the treatment law enforcement officials inflicted on Mohammed Boukrourou violated the prohibition of torture and inhuman and degrading treatment and punishment.²² Moreover, on 21 June 2018

¹² Amnesty International, *Austria: Victim or suspect - A question of colour: Racial discrimination in the Austrian justice system* (London, 2009); Amnesty International, *Hungary: Violent attacks against Roma in Hungary: Time to investigate racial motivation* (London, 2010); Amnesty International, *Missing the Point: Lack of Adequate Investigation of Hate Crimes in Bulgaria* (London, 2015); Amnesty International, *Living in insecurity: How Germany is failing victims of racist violence* (London, 2016)

¹³ Robin Oakley quoted in Macpherson Report (1999), section 6.5.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf

¹⁴ For example, on 11 December 2018, the ECtHR held that the Slovak authorities failed to investigate a possible racist motive in a shooting spree by an off-duty police officer at a Roma family’s home, breaching the State’s procedural obligation to carry out an effective investigation under Article 2 in conjunction with Article 14 of the European Convention. *Lakatošová and Lakatoš v. Slovakia* (No. 655/15), 18 December 2018. <http://hudoc.echr.coe.int/eng?i=001-188265>

¹⁵ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-fundamental-rights-report-2019_en.pdf, pp. 97 - 99;

<https://fra.europa.eu/en/news/2020/stop-racist-harassment-and-ethnic-profiling-europe>

¹⁶ *Lingurar v. Romania* (No. 48474/14), 16 April 2019, para. 78. <https://hudoc.echr.coe.int/eng#{%22itemid%22:%22001-192466%22}>

¹⁷ *Lingurar v. Romania* para.80

¹⁸ *Lingurar v. Romania* para. 76

¹⁹ For Italy, see 2008 ERRC report: http://www.errc.org/uploads/upload_en/file/m00000428.pdf. For Slovakia see Amnesty International’s intervention in the case of *M.H. and Others v. Slovakia*: <https://www.amnesty.org/download/Documents/EUR7297962019ENGLISH.PDF>

²⁰ <https://www.amnesty.org/download/Documents/28000/eur210032011en.pdf>

²¹ <https://www.nouvelobs.com/societe/20130211.OBS8494/affaire-ajimi-la-condamnation-des-policiers-confirmee-en-appel.html>

²² <https://hudoc.echr.coe.int/eng#{%22itemid%22:%22001-178921%22}>

the ECtHR ruled in *Semache v France* that France had violated the right to life (Article 2 of the ECHR) of Ali Ziri, who died on 10 June 2009 after having been arrested the previous day. When this report went to press in June 2020 the case relating to the death of Lamine Dieng, who died in 2007 after he had been restrained by four police officers who held him down by his shoulders, chest and legs, was pending before the ECtHR.

INSTITUTIONAL RACISM

'Institutional racism' has been defined as organisational structures, policies, processes and practices which result in ethnic minorities being treated unfairly and less equally, often without intention or knowledge.

(Macpherson Report, 1999: 6.30)²³

MAIN RECOMMENDATIONS

In view of the human rights concerns raised in this briefing, Amnesty International calls on European states to:

- Refrain from coercively enforcing lockdown measures and from bestowing additional powers on law enforcement officials to enforce lockdown measures. The coercive enforcement of measures to protect public health should be considered only as a last resort. States should in particular avoid the use of criminal sanctions to enforce lockdown measures and avoid the enforcement of prison sentences for breaching lockdown measures;
- Explicitly prohibit discrimination, including discriminatory identity checks, in police and anti-discrimination laws and ensure adequate mechanisms to implement the prohibition, including a system of disciplinary measures for law enforcement officials who breach the prohibition of discrimination;
- Put in place accountability mechanisms to ensure prompt, impartial and thorough investigations of allegations of unlawful use of force by police;
- Put an end to discriminatory forced quarantines of Roma settlements;
- Review the penalties imposed for non-compliance with the lockdown measures, cancel all fines against people who were not able to comply with the measures because of their socio-economic status, including people who are homeless.

²³ An independent inquiry into the death of Stephen Lawrence in 1993. The inquiry exposed "palpably flawed" police investigation of the killing of Stephen, a Black British teenager in London. It identified that a critical obstacle of a thorough and independent investigation of the killing was 'institutional racism' existing within the police. In its recommendations, it called for a change to establish "genuine partnership between the police and all sections of the community". (1999: 46.40) <https://www.gov.uk/government/publications/the-stephen-lawrence-inquiry>

METHODOLOGY

In the period March to June 2020, Amnesty International monitored the implementation of measures adopted by European states to protect public health and combat the COVID-19 pandemic. Amnesty International's researchers and national offices carried out media monitoring and liaised with NGOs across the region.

Given the restrictions on freedom of movement, Amnesty International's researchers were unable to carry out field missions to collect data regarding the implementation of the lockdown measures. However, researchers carried out 31 phone interviews with people affected by targeted measures, survivors of human rights violations, lawyers, NGOs and local authorities. Amnesty International shared the concerns raised in this report with all the governments of the countries that are covered in substantial chapters (Belgium, Cyprus, France, Greece, Hungary, Italy, Romania, Serbia, Slovakia and Spain). Concerns over measures targeting Roma settlements in Slovakia and Bulgaria were also shared with the Council of Europe and the European Commission.²⁴

Video documentation published in the media and available on social media used in this research was verified by Amnesty International's Evidence Lab which analysed the information regarding the date and the location of 34 videos featuring instances in which law enforcement officials allegedly resorted to unlawful use of force.

This briefing includes examples of concerns about measures targeting racialized communities and other marginalized groups, as well as concerns about the unlawful use of force and the discriminatory impact of the measures adopted to counter COVID-19 in 12 European countries: Belgium, Bulgaria, Cyprus, France, Greece, Hungary, Italy, Romania, Serbia, Slovakia, Spain and the UK.

²⁴ <https://www.amnesty.org/en/documents/ior60/2347/2020/en/>

1. ENFORCED CONTAINMENT OF ROMA AND PEOPLE ON THE MOVE

States across the region have adopted measures that further marginalize groups who faced discrimination and violence well before the COVID-19 pandemic. These groups include residents of Roma settlements and people on the move (migrants, refugees and asylum-seekers) living in camps.

Between March and May 2020, Amnesty International documented cases of militarized quarantines of ten Roma settlements in Bulgaria and Slovakia²⁵ as well as mandatory quarantines of shared accommodation and camps for migrants, asylum seekers and refugees in Cyprus, Greece and Serbia. Media reports indicate that in Germany a shelter for asylum-seekers and a block of flats housing ethnically diverse tenants were also placed in mandatory quarantine, raising concerns that non-nationals were specifically targeted by these measures.²⁶

In general, disproportionate restriction on freedom of movement that selectively target ethnic minority groups or refugees, asylum seekers and migrants, without evidence that they represent an objective threat to public health or security, imposes an unnecessary and disproportionate burden on this group and amounts to discrimination.²⁷

In northern France, the authorities employed measures to dissuade migrants, asylum seekers and refugees from setting up informal camps, including forcibly evicting people living in camps and deliberately preventing adequate access to essential services such as water and sanitation.

The COVID-19 pandemic has underscored Europe's existing inequalities and discrimination based on race, ethnicity, nationality and other protected characteristics. In several of the cases highlighted in this chapter, the authorities attempted to justify the coercive measures used by arguing that individuals were not complying with quarantine measures. However, in many cases, it is very difficult if not impossible for people, especially those living in poverty, to comply with quarantine requirements in the absence of the necessary

²⁵ <https://www.amnesty.org/en/documents/eur01/2156/2020/en/>

²⁶ The residents of a refugee camp in Hennigsdorf in Germany were under mandatory quarantine for over five weeks between mid-April and May 2020. For more information see: <https://www.women-in-exile.net/en/pressemitteilung-12-05-2020-fluechtlingslager-in-hennigsdorf-in-dauer-quarantaene-von-women-in-exile-unterstuetzt-vom-fluechtlingsrat-brandenburg-2/>

On 24 April, the authorities in the town of Grevenbroich placed an entire housing block inhabited by residents of various nationalities under mandatory quarantine arguing that two families, in which five people were COVID-19 positive, did not comply with an individual quarantine. For more information see <https://www.faz.net/aktuell/politik/inland/grevenbroich-hochhaus-komplex-auf-corona-getestet-16744607.html>

²⁷ *A and others v. UK* (paras 186, 190)

material and other support. As a result, they are left with no option but to break quarantine rules in order to provide for themselves and their families, which exposes them to targeted measures and/or further abuse.²⁸

Policies targeting marginalized groups facing racial discrimination, such as Roma, other ethnic minorities and migrants, refugees and asylum-seekers, are often accompanied by discriminatory statements by politicians and officials. For example, on 13 May 2020, two UN human rights experts called on the Bulgarian government to stop using hate speech and racial discrimination against the Roma minority in its response to COVID-19 and to halt police operations targeting Roma neighbourhoods during the pandemic.²⁹

1.1 BULGARIA

On 13 March 2020, the Bulgarian National Assembly declared a state of emergency and introduced extraordinary measures to prevent the spread of COVID-19, including bans on inter-city travel and wide-ranging restrictions on freedom of movement. The lockdown applied nationwide. However, local authorities in several municipalities issued ordinances imposing a special regime, including mandatory quarantines, specifically targeting Bulgaria's Roma community. These quarantines were enforced by armed police who patrolled Roma neighbourhoods and prevented people from leaving the settlements.

In response to a request by the Sofia District Prosecutor's Office stating that residents "of different ethnicities inhabiting some neighbourhoods in Sofia are deliberately flouting social distancing",³⁰ local authorities across the country cordoned off Roma villages and informal settlements and set up roadblocks and policed checkpoints to prevent residents from leaving. The Ministry of the Interior authorized a special operation targeting Roma neighbourhoods which involved a greater police presence and patrols in these settlements to ensure compliance with virus containment measures.³¹ These measures were initially applied to areas in the towns of Nova Zagora, Kazanlak and Sliven, home to some 50,000 Roma, but soon expanded to large and predominantly Roma neighbourhoods in the Fakulteta and Filipovci suburbs of Sofia. Residents were prevented from leaving their settlements, cutting many off from the informal work on which they heavily depend to provide for themselves and their families. The UN Special Rapporteurs on contemporary forms of racism and minority issues stated that "oversecuritization" and police operations in Roma neighbourhoods violated the principles of non-discrimination and equality and should be stopped.³²

In some municipalities, including Burgas, the authorities used drones with thermal sensors to take the temperature of residents in Roma settlements remotely and monitor their movements. While drone technology has been used in other European countries to take the temperatures of groups of people, in Bulgaria the Roma population was selectively targeted. Similarly, in the town of Yambol, the authorities used planes to "disinfect" the Roma neighbourhood, which registered an outbreak of infection and was kept under strict quarantine even after the nationwide state of emergency ended on 13 May.³³

The authorities argued that "lack of discipline among its residents" made physical distancing measures difficult to enforce. They also claimed that the measures were necessary in Roma communities due to the risk posed to the general population by high numbers of Roma returning to Bulgaria from seasonal and informal work in some severely affected European countries, such as Spain and Italy. There is no evidence that non-Roma among the over 100,000 people who had returned to Bulgaria from European countries at the start of the pandemic were subject to similar restrictions.³⁴

At the same time as authorities resorted to mandatory confinement and overpolicing of Roma neighbourhoods, they failed to ensure that the affected settlements had sufficient and safe access to water and sanitation or medical supplies and food during the quarantine. Residents relied almost exclusively on about 200 community mediators³⁵ for information and immediate assistance, but medical supplies, health

²⁸ <https://reliefweb.int/report/italy/roma-covid-19-crisis-early-warning-six-eu-member-states>, p. 4.

²⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25881&LangID=E>

³⁰ <https://www.svobodnaevropa.bg/a/30498091.html>, <https://www.vesti.bg/temi-v-razvitie/tema-koronavirus/policiia-vleze-v-kv.-fakulteta-i-hristo-botev-6107145>

³¹ <https://www.vesti.bg/temi-v-razvitie/tema-koronavirus/policiia-vleze-v-kv.-fakulteta-i-hristo-botev-6107145>

³² 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.

³³ <https://btvnovinite.bg/predavanja/tazi-sutrin/dezinfekcija-romskata-mahala-v-jambol-sas-samolet.html>

³⁴ <https://balkaninsight.com/2020/04/22/bulgarias-marginalised-roma-feel-singled-out-in-pandemic/>

³⁵ Roma Health Mediators, commonly called "mediators", are a bridge between the community in settlements and local health authorities, including physicians, and were created in 1990s across Central and Eastern European states to improve access to health for Roma. Mediators, most of whom are Roma themselves, facilitate interaction between the Roma population and physicians, assist Roma in obtaining identity documents and generally in navigating administrative processes, and support medical personnel in health education in

care and treatment were difficult to access. Because people could not leave the settlements and earn wages, many families experienced severe food shortages. A study conducted by Bulgarian Institute for Legal Initiatives showed that during the mandatory quarantines between 13 March and 13 May, the median income in the Roma neighbourhoods surveyed dropped by over 60%, leaving many Roma, who already live in poverty, unable to provide for themselves and their families.³⁶ Although the authorities eventually provided some basic assistance, including food and hygiene supplies, it was nowhere near adequate to meet the needs of the population.³⁷

Concurrent with the introduction of special measures, hostile anti-Roma rhetoric increased, frequently stoked by politicians. The Bulgarian National Movement (VMRO) party, a junior coalition partner in the government, presented Roma as a collective threat to the general population that needs to be “controlled and contained”.³⁸ The country’s Minister of the Interior, Mladen Marinov, also threatened further coercive measures “to protect the general population” if Roma failed to comply with strict physical distancing measures.³⁹

The state of emergency in Bulgaria ended on 13 May. However, the authorities continued to keep under strict lockdown a number of Roma neighbourhoods where some residents tested positive for COVID-19. For example, the Roma neighbourhood in Yambol, home to 10,000 people, remained locked down, with police and gendarmerie preventing anyone from leaving. After two months of confinement, which had put a huge strain on the community, the new measures provoked protests by people who feared that they and their families could face a humanitarian crisis if not allowed to go to work.⁴⁰

1.2 CYPRUS

Since mid-March 2020, the reception centre at Kokkinotrimithia (Pournara camp) in Cyprus has operated as a closed facility within the country’s response to the COVID-19 pandemic. Just previous it was being converted from an emergency reception centre into a first arrival registration centre.⁴¹ The Cypriot government had earlier adopted an Action Plan setting out measures designed to address the rise in the number of people arriving seeking refuge.⁴² Among these measures was the creation of a closed facility at Kofinou to detain asylum-seekers until asylum procedures are completed,⁴³ a practice that Amnesty International considers unjustified and contrary to European and international standards on migration detention.⁴⁴ No COVID-19 cases have been identified in either centre so far.

Between mid-March and 8 April 2020, asylum-seekers in Pournara and Kofinou camps were deprived of their liberty without providing reasonable justification. On 8 April, a Ministerial Decree introducing measures to prevent the spread of COVID-19 prohibited anyone from entering or leaving reception and detention facilities for asylum-seekers, apart from on humanitarian or medical grounds, with the exception of new arrivals, who were allowed to enter, and staff who were allowed to leave.⁴⁵

In April, national NGOs criticized the detention of nearly 700 asylum-seekers in Pournara camp in appalling conditions, as well as the lack of legal basis for depriving them of their liberty.⁴⁶ Among those transferred to Pournara camp during the lockdown and detained were approximately 130 asylum-seekers living in hotels

Roma communities. In the context of mandatory confinement due to the pandemic and even more strained access to health services, health mediators have played a critical role in many Roma neighbourhoods.

³⁶ http://www.bili-bg.org/cdir/bili-bg.org/files/%D0%98%D0%B7%D0%B2%D1%8A%D0%BD%D1%80%D0%B5%D0%B4%D0%BD%D0%B8-%D0%BC%D0%B5%D1%80%D0%BA%D0%B8-%D0%B0%D0%BD%D0%B0%D0%BB%D0%B8%D0%B7_FIN.pdf

³⁷ <https://reliefweb.int/sites/reliefweb.int/files/resources/Roma%20in%20the%20COVID-19%20crisis%20-%20An%20early%20warning%20from%20six%20EU%20Member%20States.pdf>

³⁸ <http://www.romea.cz/en/news/world/bulgarian-officials-exploiting-fear-of-covid-19-to-discriminate-against-roma/>

³⁹ <http://www.romea.cz/en/news/world/bulgarian-officials-exploiting-fear-of-covid-19-to-discriminate-against-roma>

⁴⁰ <https://btvnovinite.bg/bulgaria/palna-blokada-10-hil-dushi-ot-jambolskata-romska-mahala-ostanaha-otkasnati-ot-sveta.html> and

<https://btvnovinite.bg/bulgaria/naprezhenie-v-romskata-mahala-v-jambol-kojato-e-pod-karantina-video.html>

⁴¹ https://www.asylumineurope.org/sites/default/files/report-download/aida_cy_2019update.pdf p.14.

⁴² <https://www.infomigrants.net/en/post/16644/cyprus-is-becoming-new-entry-point-for-migrants-trying-to-reach-the-eu>

⁴³ <https://balkaneye.com/cyprus-new-action-plan-to-address-growing-migrant-flows>

The Action Plan is available in Greek at <http://www.moi.gov.cy/moi/moi.nsf/All/D8E193FAE04D55DEC2258529005E2B9C?OpenDocument>

⁴⁴ See for example, Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 setting out standards for the reception of applicants for international protection, Recital no. 15.

⁴⁵ Among others, see Decree 152 of 8 April 2020, <https://www.pio.gov.cy/coronavirus/diat/17.pdf>

⁴⁶ <https://cyrefugeecouncil.org/cyprus-refugee-council-and-caritas-cyprus-inhumane-conditions-in-kokkinotrimithia-for-asylum-seekers/>

<https://kisa.org.cy/the-governments-new-measures-on-asylum-violate-human-rights-and-endanger-public-health/>

and other accommodation, and homeless asylum-seekers.⁴⁷ On 6 May, asylum-seekers in Pournara camp protested over poor conditions and the ongoing detention, and the anti-terrorist unit of the Cyprus police intervened.⁴⁸ The NGO KISA reported that excessive force was used against the protesters, and called for an investigation by the Independent Authority for the Investigation of Allegations and Complaints Against the Police.⁴⁹

At the time of writing, the Cypriot authorities had announced a gradual easing of the restrictive COVID-19 measures, but no measures had been taken to ease detention imposed on asylum-seekers in Pournara camp. On 20 May the Ministerial Council declared the camp an infectious area after an outbreak of scabies, and prohibited residents from leaving on public health grounds.⁵⁰ The announcement sparked new protests by residents in the following days.⁵¹

1.3 FRANCE

Human rights observers and NGOs have been documenting instances of harassment, intimidation and the arbitrary use of force against people on the move in Calais for several years.⁵² Amnesty International has also documented the harassment and intimidation of human rights defenders who provide humanitarian and other support to people on the move in Calais and Grand-Synthe.⁵³ According to organizations on the ground, up to 1,500 people including 160 unaccompanied minors, in Calais, and up to 600 people including 35 families and 80 to 100 unaccompanied minors, in Grande Synthe (northern France), are being denied equal access to health services, water and sanitation, and food, and are living in inadequate housing. The latter puts them at particular risk during the COVID-19 pandemic.⁵⁴

Following the declaration of a health-related state of emergency in France on 17 March 2020, people on the move living in temporary makeshift tents in Calais and Grand-Synthe continued to be subjected to the human rights violations documented prior to the health crisis, namely evictions, harassment and arbitrary or excessive use of force by law enforcement officials. The authorities continued to implement a policy of preventing so-called “attachment points” to deter people on the move from coming to and staying in the area. In practice this involves the authorities routinely demolishing new camps, removing tents and leaving those living in them without adequate emergency shelter or essential services such as water and sanitation.⁵⁵

The French authorities have not only failed to provide people on the move with access to water, sanitation and adequate housing, but have also prevented human rights defenders from providing humanitarian support to migrants, asylum-seekers and refugees, and have carried out dozens of forced evictions.

Between 18 March and 22 April, human rights observers reported 13 cases of excessive or arbitrary use of force by law enforcement officials against people on the move.⁵⁶ In a number of these instances, several Eritreans reported that law enforcement officials harassed or used force arbitrarily against them. For example, on 27 March at about 2pm, police arbitrarily used force against two Eritrean men who were going to a food collection point near the football stadium. One of the men as a result suffered a fractured arm. The two men filed a complaint with the French Ombudsperson and the Inspection générale de la Police nationale (IGPN), the body tasked with investigating allegations of excessive use of force by police.⁵⁷ When this report went to press (mid-June 2020), the investigation was ongoing.

⁴⁷ Information provided by Cyprus Refugee Council, 19 May 2020. See also, a statement by the Ministry of the Interior of 6 April 2020 addressing the transfer of asylum-seekers from hotel facilities,

<http://www.moi.gov.cy/moi/moi.nsf/All/58907453BE787EA7C22585420066A1EB?OpenDocument>

⁴⁸ <https://www.facebook.com/watch/?v=3477267908954091>

⁴⁹ Information provided by KISA, 20 May 2020. According to KISA, the Independent Authority has been given permission to appoint a judge to investigate the incident.

⁵⁰ Ministerial Council Decree 218 of 20 May 2020.

⁵¹ <https://knews.kathimerini.com.cy/en/news/asylum-seekers-continue-to-protest-confinement-at-pournara-camp> and <https://observers.france24.com/en/20200526-cyprus-migrants-camp-pournara-covid-19>

⁵² <https://www.hrw.org/report/2017/07/26/living-hell/police-abuses-against-child-and-adult-migrants-calais>, <http://www.laubergedesmigrants.fr/fr/rapport-violence-calais-2018-test/>

⁵³ <https://www.amnesty.org/en/latest/news/2019/06/the-jungle-may-be-gone-but-solidarity-lives-on-in-calais/>, <https://www.amnesty.fr/refugies-et-migrants/actualites/nord-de-la-france-calais-droit-des-migrants-covid-19>

⁵⁴ Information collected by Utopia 56 and Human Rights Observers.

⁵⁵ See <https://www.amnesty.org/download/Documents/EUR2103562019ENGLISH.PDF> section 1.2.

⁵⁶ Amnesty International phone interview with human rights observers in Calais, 5 May 2020.

⁵⁷ Amnesty International has access to some written testimonies collected by NGOs in Calais to document these cases. Moreover, an open letter written by the Eritrean community is available at <http://www.psmigrants.org/site/13-04-2020-lettre-ouverte-violences-policieres-a-calais/>

Human rights defenders explained to Amnesty International that law enforcement officials forcibly evicted people on the move living in tents to implement the policy of preventing so-called “attachment points”. One human rights defender told Amnesty International: “People are not informed about the evictions and they are not offered any alternative housing. Gendarmes force people to move their tents nearby and after two days they force them to move again. It doesn’t make sense”.⁵⁸ Human Rights Observers, a team of volunteers who work with different NGOs, documented 175 forced evictions of migrants, asylum-seekers and refugees in Calais between March and May.⁵⁹

While implementing lockdown measures to combat the COVID-19 pandemic, local authorities have disproportionately restricted the activities of human rights defenders in Calais and Grande-Synthe. On 23 March, local authorities (*sous-préfectures*) informed NGOs and human rights defenders that they could provide humanitarian support to people on the move only in specified areas of Calais and between 8.30am and 8pm. Restrictions on freedom of movement were applied inconsistently to human rights defenders. While defenders were allowed to provide some humanitarian support, police prevented them from observing the forced evictions of people living in camps, which were scheduled between 7.15am and 10am each day. Law enforcement officials fined human rights defenders on 37 occasions between 19 March and 11 May for non-compliance with restrictions on their right to freedom of movement.⁶⁰

On 24 April, law enforcement officials arrested four human rights observers from Utopia56 who were filming forced evictions at a camp in Grande-Synthe and placed them in pre-charge detention. They were subsequently released without charge. A Utopia56 human rights observer told Amnesty International that when law enforcement officials surrounded the camp to carry out the forced eviction, residents attempted to run away towards the motorway. In a video available online, two law enforcement officials appear to spray tear gas directly at two people who are running away.⁶¹ Tear gas is a public order weapon to be used only to disperse crowds that are perpetrating widespread violence; it is never lawful to use tear gas on individuals who are fleeing.

On 22 May, police forcibly removed two Black men from a bus in Calais. According to media reports, prefectural authorities stated that the two men had not respected social distance and had behaved aggressively. However, according to a witness the two men did not behave aggressively. On a video available on the internet⁶², the two men, who were wearing a mask, did not pose any resistance to police. In March a local official had announced that buses would not serve stops for groups of people on the move.⁶³

The French authorities must end the current policy preventing “attachment points” and the daily forced evictions from camps. Instead, local and national authorities have an obligation to enable people on the move to access their rights to water, sanitation and adequate housing. In addition, human rights defenders must be able to continue their work free from fear of police repression.

1.4 GREECE

On 21 March 2020 Greece imposed a lockdown to tackle the COVID-19 pandemic. Severe restrictions were imposed on the movement of asylum-seekers living in camps across Greece and in the Aegean islands both within and outside the camps.⁶⁴ This regime was extended, for camps on the islands, until 21 June⁶⁵ even though COVID-19 restrictions were gradually being lifted nationwide.⁶⁶ Throughout the lockdown, which began during Greece’s one-month suspension of new asylum claims,⁶⁷ cases of police abuse, including violence and pushbacks, were reported across the country.

⁵⁸ Amnesty International phone interview with a human rights observer, 5 May 2020.

⁵⁹ <https://twitter.com/HumanRightsObs/status/1260170204350418945>

⁶⁰ Amnesty International phone interviews with human rights defenders and a representative of Utopia56, 5 May 2020.

⁶¹ <https://www.facebook.com/258099198180444/videos/231031304834376/>

⁶² <https://actu.orange.fr/societe/videos/les-refugies-ne-semblent-pas-les-bienvenus-dans-les-bus-a-calais-CNT000001qpkat.html>

⁶³ <https://www.mediapart.fr/journal/france/290520/calais-des-associations-pointent-une-recrudescence-des-violences-policieres>

⁶⁴ Communication by the Greek Minister for Immigration and Asylum, 23 March 2020, <https://www.mitarakis.gr/gov/migration/1962-dt-yma-ky-a-periorismou>

⁶⁵ According to a new joint decision of the Ministers of Civil Protection, Health and Immigration and Asylum, lockdown measures were extended up to 21 June also for the mainland facilities of Ritsona, Malakasa and Koutsochero, until 17 June for Nea Kavala and until 14 June for the facility in Kranidi. See: Statement of the Greek Ministry of Immigration and Asylum of 5 June 2020, in Greek, at:

<https://www.mitarakis.gr/press/80-press-releases/6166-periorismo-kikloforias-polikastro-kranidi-ritsona-malakasa>

⁶⁶ <https://www.hrw.org/news/2020/05/12/lockdown-should-not-discriminate-against-migrants-refugees> and <https://www.dailysabah.com/politics/eu-affairs/greece-extends-lockdown-for-migrants-asylum-seekers-while-restrictions-ease-for-rest-of-country>

⁶⁷ <https://www.amnesty.org/en/latest/news/2020/03/greece-inhumane-asylum-measures-will-put-lives-at-risk/>

In northern Greece, a group of NGOs led by the Border Violence Monitoring Network,⁶⁸ reported 194 cases of alleged pushbacks to Turkey between March and April from the reception facility in Diavata and the pre-deportation centre in Drama Paranesti. Many involved violence. In some of the cases reported, people stated the police officers in Diavata camp had taken them out of the camp, in some cases in groups, told them that they would be issued with registration documents – and subsequently pushed back to Turkey.⁶⁹ The NGO report includes testimonies of people stating that they were beaten, robbed and detained by law enforcement officials before the pushback. There have been consistent reports of similar cases along the Evros in the recent years,⁷⁰ including those detailed in a report by Amnesty International published in April 2020.⁷¹

In mid-May approximately 50 people, including families with children, were reported evicted from an occupied building in the Athens neighbourhood of Exarcheia. Riot police were allegedly employed to quell protests around the eviction. Following checks at the police station, seven families of recognized refugees who were among those evicted were released and, as they had been left homeless, ended up in a local square before being offered temporary accommodation by a local solidarity group.⁷² The operation was similar to those about which Amnesty International had expressed concern in August 2019.⁷³

In conjunction with the operations in Exarchia, the government also resumed its implementation of the plan to discontinue the provision of housing to recognized refugees as well as to those whose asylum applications had been rejected. The plan, which had been postponed to 31 May 2020 because of COVID-19 restrictions, affected over 11,000 people who were required to leave their accommodation by 1 June 2020. More will be required to leave their accommodation in the future.⁷⁴

The NGO Association for the Social Support of Youth (ARSIS) reported a violent incident against a Cameroonian asylum-seeker during a police document check at a supermarket on Samos.⁷⁵ According to ARSIS, the police found the man to be in breach of COVID-19 rules (the requirement to show that his movements had been authorized through the state COVID-19 SMS service) and requested that he follow them to the station. When he refused to get into the police car, one police officer reportedly punched him in the face and others forced him into the car. ARSIS reported a similar incident in Athens involving police violence against an asylum-seeker for a breach of COVID-19 restrictions. ARSIS reported both incidents to the Greek Ombudsman. Amnesty International was informed by ARSIS⁷⁶ that both incidents are being investigated by the Internal Affairs Directorate (IAD) of the Greek police. At the time of writing, the relevant proceedings are in progress. However, very recently the European Committee for the Prevention of Torture has reiterated its criticism of investigations of police abuses in Greece, identifying various shortcomings.⁷⁷ Similar concerns have been raised in the past by Amnesty International.⁷⁸

1.5 HUNGARY

Using the pandemic as a pretext, the government announced in March 2020 that it was closing the transit zones for asylum-seekers at Hungary's southern border to new entries. The measure was envisaged to be in place for an indefinite period.⁷⁹ On 14 May, the Court of Justice of the European Union ruled unlawful the detention of asylum-seekers in the transit zones near the Serbian border.⁸⁰ In response, the Hungarian

⁶⁸ <https://bit.ly/2ZkHVD1>

⁶⁹ <https://www.borderviolence.eu/press-release-documented-pushbacks-from-centres-on-the-greek-mainland/>

⁷⁰ See, According to a press release by Border Violence Monitoring Network, on 6 May 2020 “the police arrived in Diavata in the morning and started removing tents and structures set up in an overflow area outside the camp... inhabited by asylum-seekers who could not be registered within camp premises due to overcapacity. Among them there are individuals in possession of asylum cards, as well as individuals without documents, who have not been able to access the Greek Asylum Service as it has been closed for the last two months”, for example, <https://www.humanrights360.org/the-new-normality-continuous-push-backs-of-third-country-nationals-on-the-evros-river/>

⁷¹ <https://bit.ly/34Y7Ktx>

⁷² https://www.efsyn.gr/ellada/dikaiomata/244153_shedio-exosis-10000-prosfygon and https://twitter.com/maria_louka/status/1262459085896790025

⁷³ <https://www.amnesty.gr/news/press/article/22400/dilosi-tis-diethnoys-amnistias-gia-tis-exoseis-prosfygon-apo-tis>

⁷⁴ Press release of the Greek Minister for Immigration and Asylum, of 29 May 2020, in Greek at:

<https://www.mitarakis.gr/gov/migration/6153-dt-yma-apoxwrisi-prosfygwn-estia>

⁷⁵ <http://www.arsis.gr/deltio-typoy-arsis-peristatika-astyn/>

⁷⁶ Written exchange with ARSIS representatives on 11 June 2020

⁷⁷ <https://rm.coe.int/16809e2058>

⁷⁸ <https://www.amnesty.org/en/documents/EUR25/005/2014/en/>

⁷⁹ https://bbj.hu/coronavirus/transit-zone-closed-to-migrants-due-to-coronavirus-risk_179070

⁸⁰ <https://www.amnesty.org/en/latest/news/2020/05/hungary-european-court-declares-authorities-broke-eu-law-by-detaining-asylum-seekers-in-transit-zone/>

government announced on 21 May that it would comply with the ruling and disestablish the transit zones.⁸¹ The Minister of the Prime Minister's Office, Gergely Gulyás, stated that 280 people were to be taken from the camps to asylum reception centres.⁸²

As transit zones were the only place where people could apply for asylum, their closure in March to any new entries amounted to a suspension of the right to seek asylum in Hungary.⁸³ According to the government's explanation, this was necessary because people transiting the Western-Balkan route might be infected with COVID-19. Despite the health crisis, the Hungarian authorities continued to deny food to those who were waiting in the transit zone prior to expulsion.⁸⁴ Between March and April, the European Court of Human Rights (ECtHR) had to intervene three times to oblige the state to provide food for those stuck in the transit zones. This was the 24th occasion upon which the ECtHR had to intervene to ensure that detained asylum-seekers received food in Hungary.⁸⁵ On 14 May, the Court of Justice of the European Union ruled that keeping people in the transit zones for more than four weeks amounts to unlawful detention.⁸⁶

1.6 SERBIA

After declaring a state of emergency on 15 March 2020, the Serbian authorities introduced a series of restrictive measures to prevent the spread of COVID-19, including a strict countrywide lockdown and daily curfews. The emergency measures enabled the country's president to deploy the armed forces without consultation or coordination with other government structures or other necessary safeguards. Throughout the lockdown, soldiers armed with M21 and FN SCAR-L automatic rifles, neither of which are typically used to patrol residential or densely populated areas, could be seen patrolling the streets of the capital Belgrade and other big cities. Their presence and the use of the military during the state of emergency, as well as the unclear rules of their engagement, raised concerns about constitutionality and compliance with international human rights standards on the use of force.

Military forces are generally not a suitable body to carry out law enforcement tasks and should not be deployed to address the COVID-19 pandemic unless in exceptional and temporary circumstances, based on a clear needs assessment as to their added value in a specific situation. They may be deployed to carry out law enforcement functions only if they are properly instructed, equipped and trained to carry out that function in a lawful, human rights compliant manner, and should be subject to civilian command, control and oversight.

Under the state of emergency, the authorities imposed a special regime, selectively targeting government-operated centres housing refugees, migrants, and asylum-seekers, placing them under a strict 24-hour mandatory quarantine and deploying the military to monitor the curfew.⁸⁷ In general, Serbia had one of the strictest lockdowns in the region with daily curfews for the general population, although people were allowed to leave their homes during the day. The measures in the centres for refugees and migrants, however, banned residents from leaving at all, except to seek medical care. They also prevented NGOs and other support staff who normally operate in the centres from entering, leaving people including many families with children, without essential information or assistance to meet their basic needs during the pandemic.

At the same time, the government failed to implement virus containment measures, including creating conditions for effective social distancing or maintaining the necessary hygiene in the camps, or providing people with the tools to protect themselves.

Protracted confinement in overcrowded and often inadequate centres gave rise to frustrations and tensions between different groups of migrants. In an incident on 24 April, Serbian military personnel fired into the air outside two migrant centres near Sid, near the border with Croatia, to deter people from trying to get out, creating widespread fear among camp residents.⁸⁸ In a separate incident in Krnjaca camp near Belgrade,

⁸¹ <https://www.dw.com/en/hungary-to-close-transit-zone-camps-for-asylum-seekers/a-53524417>

⁸² <https://www.euractiv.com/section/politics/news/hungary-closes-asylum-seeker-camps-after-eu-court-ruling/>

⁸³ <https://www.ecre.org/wp-content/uploads/2020/04/COVID-INFO-8-APRIL-.pdf>

⁸⁴ <https://www.facebook.com/helsinkiibizottsag/posts/3006609666026931>

⁸⁵ <https://www.helsinki.hu/en/all-asylum-seekers-finally-get-food-in-the-transit-zones-at-the-border/>

⁸⁶ <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-05/cp200060en.pdf>

⁸⁷ <https://otvorenavratapравosudja.rs teme/ustavno-pravo/vojska-u-vreme-vanrednog-stanja>

⁸⁸ https://www.b92.net/info/vesti/index.php?yyyy=2020&mm=04&dd=21&nav_category=12&nav_id=1677222

military and special police intervened, using tear gas, to stop a fight that started in an overcrowded camp where people had been confined and forcefully isolated for over a month.⁸⁹

In early May, President Aleksandar Vucic declared the end of the state of emergency and countrywide restrictions on freedom of movement began to ease. However, refugee and migrant centres remained under a special regime. On 17 May, the authorities deployed the armed forces to guard camps in Sid, arguing that this was necessary to manage the security situation and to protect citizens from petty crime and harassment, although no increase of such incidents was recorded in the town.⁹⁰ Using the pandemic, and now public safety, as a pretext, the Serbian authorities appeared to deploy the armed forces to target a community that was already heavily stigmatized.⁹¹

A continued military presence and disproportionate restriction on freedom of movement that selectively target refugees and migrants, without evidence that they represent an objective threat to public health or security, imposes an unnecessary and disproportionate burden on this group and amounts to discrimination.⁹²

1.7 SLOVAKIA

In Slovakia, the authorities placed five Roma settlements under mandatory quarantine enforced by the police and the military, arguing that this containment was necessary to prevent the spread of COVID-19.

This measure was implemented in the context of ongoing allegations of discriminatory use of force by the police against Roma. For several years Roma settlements in Slovakia have been subjected to increased policing that in some cases amounted to excessive uses of force and ill-treatment, and most such incidents have never been thoroughly investigated. For example, in June 2013, 63 police officers entered the Roma settlement in Moldava nad Bodvou in Eastern Slovakia to investigate “increased criminal activity”. The police action reportedly resulted in injuries to more than 30 individuals who stated that they did not resist or obstruct the police. Young children were reported to have been among the injured.⁹³ This case, like a number of other similar incidents, has never been thoroughly investigated.⁹⁴

On 3 April 2020, the authorities in Slovakia started testing residents of some Roma settlements for COVID-19. The testing was initially carried out in 33 out of the several hundred settlements in the country with the assistance of the army. Testing focused on Roma locations, where the authorities’ records indicated that residents had returned from abroad, especially from the Czech Republic and the UK. During the testing, Amnesty International raised concerns with the Slovak government stating that without providing Roma with the necessary means to protect themselves, including ensuring access to water and sanitation, targeted testing would merely contribute to the stigmatization and prejudice these communities already face, without reducing the likelihood of the infection spreading.⁹⁵

On 9 April, the day after International Roma Day, the government decided to quarantine five entire Roma settlements in eastern Slovakia: three in the village of Kropachy and one in each of 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. It remains unclear what the legal basis was for these mandatory quarantines,⁹⁶ which raises concerns that these measures may amount to arbitrary detention. The latter can never be justified under international human rights law, not even in times of public emergency.⁹⁷

⁸⁹ <https://www.borderviolence.eu/wp-content/uploads/COVID-19-Report.pdf> and <https://thesubmarine.it/2020/05/18/nessun-diritto-rotta-balkanica-pandemia/>

⁹⁰ <http://rs.n1info.com/Vesti/a600134/Mediji-Vucic-naredio-odlazak-Vojske-u-Sid-zbog-migranata.html> and <https://balkaninsight.com/2020/05/18/serbian-move-to-deploy-army-near-migrant-camps-questioned/>

⁹¹ <https://www.danas.rs/drustvo/nvo-najostrije-osudile-angazovanje-vojske-u-izbeglickim-centrima-u-sidu/>

⁹² *A and others v. UK* (paras 186, 190)

⁹³ <http://www.errc.org/press-releases/slovak-authorities-must-investigate-the-police-action-in-romani-settlement-moldava-nad-bodvou>

⁹⁴ <https://www.amnesty.org/download/Documents/EUR0120982020ENGLISH.PDF> p. 69.

⁹⁵ Letters to the Minister of the Interior of Slovakia, dated 1 April 2020, and to the Prime Minister of Slovakia, dated 8 April 2020.

⁹⁶ 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 to the mandatory quarantines of Roma settlements. See <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/>

⁹⁷ UN Working Group on Arbitrary Detention, 8 May 2020, para. 5, <https://www.ohchr.org/Documents/Issues/Detention/DeliberationNo11.pdf>

The quarantine imposed on the settlement in Bystrany was lifted on 25 April and that on Krompachy on 1 May.⁹⁸ The settlement in Žehra remained in mandatory quarantine until 15 May. However, even after this date, those who tested positive and their relatives – around 100 people – continued to be quarantined in housing containers,⁹⁹ which the authorities¹⁰⁰ placed on the perimeter of the settlement.¹⁰¹ The media reported that health care services were available for those under mandatory quarantine,¹⁰² but it remains unclear whether the facilities met the WHO requirements, including adequate ventilation, spacious single rooms with hand hygiene and toilet facilities.¹⁰³

The residents of the settlements complained about the unlawful use of force by the police, which may amount to ill-treatment, during the quarantine. Residents of the settlement in Žehra told Amnesty International about an incident in which 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.¹⁰⁴ The mother of three of the children told the media that they went to collect wood and play near a stream in a place where soldiers had previously allowed them to go. A police officer began to chase them and told them that if they showed up in the area again, he would shoot them. He then took them into a tunnel and beat them.¹⁰⁵ One girl who was beaten by the police officer said a soldier witnessed the incident.

The government Plenipotentiary for Roma Communities¹⁰⁶ stated on social media that the incident happened when a group of children walked outside the quarantined area.¹⁰⁷ She also said that the staff from her office immediately arrived on site and took photographs of children's bruises, which could have been caused by truncheons. On 29 April, the Public Defender of Human Rights (Ombudswoman) announced that she would review the measures taken by the government in relation to the Roma settlements.¹⁰⁸ On 6 May, the Inspector of the Ministry of the Interior opened an investigation into the alleged abuse of power by the police officer.¹⁰⁹ When this report went to press (mid-June), the investigation was ongoing.

In addition to the allegations of unlawful use of force, Amnesty International has documented that during the first days of the mandatory quarantine of the five Roma settlements, residents were not given information about the duration and the conditions of the quarantine and that the authorities did not separate those who had tested positive for COVID-19 from the rest of the community.

⁹⁸ <https://spravy.pravda.sk/domace/clanok/549724-v-bystranoch-zrusili-karantenu-v-zehre-su-osadnici-nedisciplinovani>
<https://kosicednes.sk/udalosti/v-krompachoch-zrusili-karantenu-v-troch-osadach/> The Public Health Authority (Kancelária hlavného hygienika) called the 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”.

⁹⁹ <https://www.ta3.com/clanok/1183343/v-osade-v-zehre-zrusili-karantenu-radost-ludi-zachytili-na-vidou.html>

¹⁰⁰ The authorities here refers to the National Crisis Committee (*Centrálny krízový štáb*).

¹⁰¹ <https://www.facebook.com/spravy.rtvs/videos/89524537657657/?t=43>

¹⁰² <https://spis.korzar.sme.sk/c/22401321/na-dreveniku-v-zehre-buduju-karantenne-mestecko-pre-sto-ludi.html>

¹⁰³ https://apps.who.int/iris/bitstream/handle/10665/331497/WHO-2019-nCoV-IHR_Quarantine-2020.2-eng.pdf

¹⁰⁴ <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>

¹⁰⁵ https://www.gipsy.tv.eu/gipsy-television/spravy/slovensko/video-policajt-mal-zbit-pat-romskych-deti-z-krompach..html?page_id=5280

¹⁰⁶ A government institution designed to address the situation of Roma in the country and coordinate the relevant policies,

https://www.minv.sk/?ulohy_usvrk

¹⁰⁷ https://m.facebook.com/story.php?story_fbid=125184852474748&id=106828400977060

¹⁰⁸ <https://www.vop.gov.sk/incident-v-krompachoch-je-neprijate-n>

¹⁰⁹ <https://domov.sme.sk/c/22399313/pre-udajny-utok-policajta-na-romske-deti-zacali-trestne-stihanie.html>

2. UNLAWFUL USE OF FORCE AND OTHER HUMAN RIGHTS VIOLATIONS BY POLICE

Discrimination is pervasive in law enforcement across Europe. In many countries, members of racialized groups are much more likely to be stopped and searched by police without any reasonable objective justification.¹¹⁰ Information about the enforcement of the measures that European states adopted to combat the COVID-19 pandemic is scarce as many states do not collect data on stop and search disaggregated by race, ethnicity, religion or migration status. However, available information from some countries such as the UK and France, suggests that identity checks and police stop and search operations carried out with the purpose of enforcing lockdown measures has had a disproportionate impact on people of North African origin, Black people, and other minority ethnic groups living in working class districts or neighbourhoods.

Law enforcement officials across the region resorted to unlawful use of force in recent months, often while carrying out identity checks to enforce lockdown measures. Moreover, in some instances police unnecessarily restricted the right to freedom of expression to prevent criticism of state responses to the COVID-19 pandemic.

2.1 BELGIUM

Existing research suggests that a disproportionately high number of people of North African origin and Black people are stopped and searched by police in Belgium. According to the 2010 Europe-wide Minority and Discrimination Survey, 24% of respondents of North African descent in Belgium had been stopped and searched by police, compared to 12% of the White population.¹¹¹ Amnesty International's research into ethnic profiling in Belgium has shown that the problem is also recognized by the police.¹¹²

On 17 March 2020, the Belgian authorities introduced lockdown measures to tackle the COVID-19 pandemic. These measures included restrictions on the rights to freedom of movement and peaceful assembly.¹¹³ Law enforcement officials were tasked with enforcing the measures and media statistics indicate that police registered some 100,000 instances in which the measures were breached. The media and NGOs reported the disproportionate impact of the enforcement of lockdown measures on working class

¹¹⁰ https://fra.europa.eu/sites/default/files/fra_uploads/1132-EU-MIDIS-police.pdf

¹¹¹ https://fra.europa.eu/sites/default/files/fra_uploads/1132-EU-MIDIS-police.pdf p. 8

¹¹² https://www.amnesty.be/IMG/pdf/rapport_profilage_ethnique.pdf

¹¹³ https://www.belgium.be/fr/actualites/2020/coronavirus_mesures_renforcees

neighbourhoods, home to a large minority ethnic community.¹¹⁴ The Human Rights League collected 102 allegations of abusive police practices between 18 March and 29 May. In 36% of the cases police allegedly use the force unlawfully, in 21% of the cases they uttered insults. Forty per cent of the victims were racialized people.¹¹⁵

For example, on 27 March, police stopped some young men who, according to police, were flouting the lockdown in Schaerbeek, a neighbourhood of Brussels where a large proportion of residents are of Moroccan and Turkish descent. Police reported to the media that one of the men resisted the identity check and that police called other police cars for back-up. In a video published online, which Amnesty International has verified, two police officers appeared to stop a young man. When the man removed the hands of the two police officers who were trying to take hold of him, the officers tackled him to the ground. Other young men nearby peacefully objected to the arrest and the officers shouted at them to stay back. Although the video does not show anyone threatening the police officers, several police cars subsequently arrived on the scene. According to a witness in the video, police used tear gas to disperse the crowd.¹¹⁶ Amnesty International is concerned that the police response in this case was not proportionate.

On 14 April, Adil, a 19-year-old man of North African descent, died during a police chase in the working class Brussels neighbourhood of Anderlecht, home to a large minority ethnic community. According to media reports and the lawyer for Adil's family, police attempted to check the identity documents of Adil and his friend, whom they suspected of breaching the lockdown restrictions, while they were on their scooters in a public square. According to the family's lawyer, Adil and his friend fled to avoid being fined by police. Adil's friends, who also use the JES youth centre in Anderlecht, reported that on several occasions the police had issued fines of €250 to young people for failing to comply with lockdown measures; Adil likely wanted to get away to avoid being fined.¹¹⁷

Two police cars initially chased him and then a third car was called for back-up. Adil died as a result of a collision between his scooter and the third police car. According to the family's lawyer, at the time of writing the events that led to his death were under investigation by a judge. The lawyer told Amnesty International that the investigation aims to establish whether the police car hit Adil while he was overtaking another car or if the collision was a result of a police manoeuvre to stop Adil.¹¹⁸ Although checking Adil's identity may have been justified, Amnesty International is concerned that deploying several police cars to chase a man who apparently did not constitute a threat to anyone's physical integrity and who had not committed a serious offence is a disproportionate measure.

Following Adil's death, protests took place during which acts of violence were committed. However, many people also peacefully demanded accountability for the death. The Human Rights League has reported at least 10 cases in which police ordered people to remove banners calling for "Justice for Adil" in the days after his death. The banners were hung on windows or the external facades of houses. Police told the press that local police regulations prohibit the display of banners on external facades. The order to remove the banners constitutes an unnecessary and arbitrary restriction of the right to freedom of expression.

On 21 April, police officers allegedly stopped a Sudanese man in central Brussels, arbitrarily deprived him of his liberty and subjected him to arbitrary use of force. According to the man's lawyer, police hit him several times while carrying out an identity check. Then, they arbitrarily detained him and forced him into their van before releasing him shortly after. In a video published on Facebook on 21 April, which Amnesty International has verified, the man is seen lying on the pavement in Quai Willebroeck in Brussels after police had released him. On the video, the man is weeping and his phone and belongings are scattered around him.¹¹⁹ According to his lawyer, one police officer sprayed tear gas in his face after releasing him on the street where the video was shot. When this report went to press (mid-June 2020), one police officer was

¹¹⁴ <https://www.hln.be/in-de-buurt/antwerpen/2-000-antwerpenaars-kregen-al-coronaboete-aba25ba9/>; <https://plus.lesoir.be/299456/article/2020-05-07/le-coronavirus-questionne-laction-policiere-dans-les-quartiers-populaires-de>. Media reports of allegations of unlawful use of force include, for example <https://www.bruzz.be/video-bewoonster-varkensmarkt-wil-klacht-indiener-na-hardhandige-fouillage-2020-04-06> ; <https://www.dhnet.be/regions/bruxelles/arrestation-musclée-dans-les-marolles-kezy-mampassi-portera-plainte-au-comite-p-5ea5e12f9978e21833e6af08> ; <https://www.bruzz.be/justitie/spanningen-tussen-politie-en-brusselaar-lopen-op-2020-04-26> and <https://www.facebook.com/iguales.atodossomos.5/videos/108669074186941/UzpfSTEWMDAxODA4Mjk1Mj1NT0Y1NTU5MDA5NjcxNzA/?d=w>

¹¹⁵ <http://www.liguedh.be/wp-content/uploads/2020/06/Rapport-Police-Watch-LDH-2020.pdf>

¹¹⁶ https://bruxelles-panthere.thefreecat.org/?p=4405&fbclid=IwAR3nGg7-zlBOMGzpzLgRzX0BTfKEoMzZDzWKjTPXb13bczfGfA_VRAb2tl#more-4405

¹¹⁷ <https://www.demorgen.be/nieuws/we-hebben-hem-we-hebben-hem-geschept-reconstructie-van-de-dood-van-adil-in-anderlecht-b128ed33/>

¹¹⁸ Amnesty International phone interview with the lawyer of Adil's family, 13 May 2020.

¹¹⁹ https://www.sudinfo.be/id181392/article/2020-04-23/violence-policiere-lencontre-dun-migrant-soudanais-bruxelles-lun-des-quatre?fbclid=IwAR1V6rnW9US6MaCDW8ASvog_kl8wL_yurSzsJi78wnL2d2JB7Njxr5LYcPO

facing trial for inflicting injuries. On 5 June, the Public Prosecutor requested one-year imprisonment for the police officer.

In some cases, police unnecessarily restricted the right to freedom of expression, including after the authorities had lifted some of the lockdown measures on 4 May. For example, on 6 May, police arrested Chahr in a public park in Brussels because he was kayaking on a lake. Chahr was carrying a banner calling for the regularization of undocumented migrants. Police handcuffed him, tackled him to the ground where he was held face down while a police officer pushed his knee into Chahr's back. Police took Chahr to the police station where they strip-searched him and kept him in pre-charge detention before releasing him without charge.¹²⁰

Amnesty International is concerned that law enforcement officials resorted to unlawful use of force in enforcing the lockdown measures aimed at protecting public health in Belgium in the context of the COVID-19 pandemic. International human rights bodies have in recent years raised concerns regarding the impartiality of investigations into allegations of torture and other ill-treatment by law enforcement officials.¹²¹ Moreover, Amnesty International has raised concerns regarding the fact that domestic police laws do not explicitly prohibit racial profiling, and about the failure of public authorities to collect disaggregated data on police identity checks in Belgium.¹²²

On 10 June seven civil society organisations (Amnesty International, JES Brussel, Liga voor Mensenrechten, Minderhedenforum, Uit De Marge, Ligue des Droits Humains, MRAX) and human rights defender Yassine Boubout joined forces in a platform called "Not normal" aimed at stopping ethnic profiling by police in Belgium.

2.2 FRANCE

On 17 March 2020, the French authorities introduced measures restricting human rights, including the right to freedom of movement,¹²³ to combat the COVID-19 pandemic. Moreover, the authorities adopted a health-related state of emergency.¹²⁴ While the measures restricting freedom of movement were lifted on 11 May in mainland France, the health-related state of emergency remains in force until 10 July 2020.

Law enforcement officers were responsible for enforcing the measures. Breaching the measures carries a fine of €135 and if someone commits four offences within a 30-day period they can face up to six months' imprisonment. The Ministry of the Interior announced that 20.7 million checks had been carried out, resulting in 1.1 million fines and 570 trials.¹²⁵

The COVID-19 pandemic further revealed the heavy policing and the recurrent unlawful use of force in urban areas in France with high rates of poverty and where a large proportion of the population are of North African or other minority ethnic origin. For example, in Nice predominantly working class and minority ethnic neighbourhoods were subject to a longer night-time curfew than the rest of the city.¹²⁶ The police enforcement of COVID-19-related restrictions on movement reinforced already existing discriminatory and unlawful policing trends in those neighbourhoods. In Seine-Saint-Denis, the poorest department in mainland France and where most inhabitants are of North and West African origin, the number of fines for breaching confinement was three times higher than in the rest of the country. In the first day of lockdown, 10% of the fines issued were in Seine-Saint-Denis.¹²⁷ Despite local authorities declaring that respect for lockdown measures in Seine-Saint-Denis was comparable to other localities in France, the numbers of fines and identity checks reveal that the department was disproportionately policed compared to others in the

¹²⁰ <https://m.facebook.com/VewsRTBF/>

¹²¹ Committee Against Torture, Concluding Observations (2014), para.13:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgy8iEI7EhsMb0if1UiLCxaYey8UAfzLEbasPdHJrHxxRW8Q5lvAU%2fJxADOCzOQ1%2bxoYnCU8rq7rbPQNofSagw07iBE8r5tkFn50hunTd>

¹²² https://www.amnesty.be/IMG/pdf/police_et_profilage_ethnique_analyse_du_cadre_juridique_en_belgique.pdf

¹²³ Décret n° 2020-264 du 17 mars 2020 portant création d'une contravention réprimant la violation des mesures destinées à prévenir et limiter les conséquences des menaces sanitaires graves sur la santé de la population, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041731767&categorieLien=id>

¹²⁴ LOI n° 2020-290 du 23 mars 2020 d'urgence pour faire face à l'épidémie de covid-19, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041746313&categorieLien=id>

¹²⁵ https://www.lamontagne.fr/paris-75000/actualites/christophe-castaner-notre-doctrine-c-est-la-confiance_13786888/. According to the monitoring platform Panier Salade, a sentences totalling 160 months' imprisonment were handed down, <https://docs.google.com/spreadsheets/d/1K4ymx08TgHwspzAs6QliIoUA2eAGLgylOeo-mmoAig/edit#gid=864779186>

¹²⁶ https://www.liberation.fr/france/2020/04/08/des-abus-aussi-du-cote-des-controles_1784659

¹²⁷ <http://www.leparisien.fr/seine-saint-denis-93/coronavirus-en-seine-saint-denis-un-nombre-record-d-amendes-police-et-justice-durcissent-le-ton-19-03-2020-8284008.php>

country.¹²⁸ This department is also the one with the highest COVID-19 death rate in the country. According to the Regional Health Observatory of Île de France, the higher death rate is explained by dire housing conditions and the disproportionately high number of residents who have to go out to work and use public transports because they are “key workers”.¹²⁹

Prior to the lockdown measures to combat the COVID-19 pandemic, Amnesty International had already reported a significant number of cases of unlawful use of force and discriminatory policing in France, in the context of demonstrations,¹³⁰ racial profiling¹³¹ and deaths in custody.¹³² On 9 November 2016, the Court of Cassation ruled that an identity check based on physical characteristics associated with a person’s real or perceived origin, without any prior objective justification, is discriminatory and constitutes a form of gross negligence which engages the responsibility of the state.¹³³ According to the French Ombudsman, young men perceived as North African or Black are 20 times more likely to be subject to identity checks by the police.¹³⁴ On 30 April 2020, the ECtHR ruled that France had violated the prohibition of torture and other ill-treatment in an instance of unlawful use of force by police.¹³⁵

Amnesty International verified 15 videos of instances of unlawful use of force and/or racist and homophobic insults by law enforcement officials from 18 March to 26 April 2020 in 15 different French cities.¹³⁶ A majority of the videos (10) were filmed in the Paris region. Other cases occurred in Marseille, Toulouse, Lorient and Limoges. In six out of the 15 videos, law enforcement officials were enforcing lockdown measures. In seven of the videos, people who were under arrest and/or under police control were beaten by members of the security forces (kicked, punched or hit with an object such as a muzzle). In four cases, people were beaten while they were lying on the ground. In none of these situations was the use of force justified by a legitimate operational objective as none of those assaulted posed any apparent threat to the physical integrity of law enforcement officials or others.

The enforcement of lockdown measures rapidly served as a pretext for the unlawful use of force. For example, on 24 March 2020, Sofiane, a 21-year-old man of North African origin, was stopped by police as he was on his way to work from his parents’ home in the city of Ulis in the Paris region. A video shows Sofiane lying on the ground, with a policeman standing over him.¹³⁷ The police officer then forced Sofiane to stand up, briefly searched him, and took him into the porch of a nearby building; Sofiane offered no resistance. Video footage taken from another angle shows police officers hit Sofiane while they kept him on the ground.

In some instances, police blatantly discriminated against members of racialized groups in the context of law enforcement operations. Samir, a 27-year-old Egyptian national who has lived in France for 10 years, was subjected to inhuman, cruel and degrading treatment by police in Île-Saint-Denis. At around 2am on 26 April 2020 Samir jumped into the River Seine after being pursued by police. In videos, police officers chasing him can be heard using a derogatory term for Arabs (“*bicot*”), laughing at him and one officer says “you should have put a weight on his ankle” while Samir was in the river.¹³⁸ When Samir got out of the river, the officers put him on the ground on his stomach and hit him. Officers then took him to their van where he was hit again and insulted before being driven to the police station. According to his testimony, Samir did not have access to a lawyer and was taken to the hospital during pre-charge detention.¹³⁹ He was released at 5pm the following day. Samir was never charged with an offence and he was issued an order to leave the French territory (“obligation de quitter le territoire français”). The two officers identified were suspended for racist insults and Samir filed a complaint for assault and racist insults. At the time of writing, the complaint is pending.

The vague formulation of some of the measures to tackle COVID-19, for instance those only allowing freedom of movement when purchasing “essential goods”, has resulted in police abuse of power, including arbitrary identity checks. For example, on 18 March, a 17-year-old Black woman was tackled to the ground by several

¹²⁸ https://www.lexpress.fr/actualite/societe/selon-le-prefet-de-seine-saint-denis-le-confinement-est-globalement-bien-respecte_2122683.html

¹²⁹ http://ors-idf.org/fileadmin/DataStorageKit/ORS/Etudes/2020/covid_19_ISS/ORS_FOCUS_ISS_covid_vf_2020.pdf

¹³⁰ <https://www.amnesty.org/en/documents/eur21/0304/2019/en/>

¹³¹ https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/ddd_r_20140515_police_citoyen_controle_identite.pdf

¹³² <https://www.amnesty.fr/actualites/cedric-chouviat-un-livre-est-mort-a-la-suite-dune>

¹³³ Arrêt n° 1241 du 9 novembre 2016 (15-24.212) - Cour de cassation - Première chambre civile - ECLI:FR:CCASS:2016:C101241, https://www.courdecassation.fr/jurisprudence_2/premiere_chambre_civile_568/1241_9_35467.html

¹³⁴ https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapport-enquete_relations_police_population-20170111_1.pdf

¹³⁵ *Castellani vs France*, European Court of Human Rights, 30 April 2020 <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-202412%22%7D>

¹³⁶ <https://www.amnesty.fr/actualites/france-alerte-sur-les-pratiques-policieres-illegales-pendant-le-confinement>

¹³⁷ https://twitter.com/s_assbague/status/124315200008835077?s=20

¹³⁸ https://twitter.com/T_Bouhafs/status/1254443289484374016

¹³⁹ <https://la-bas.org/la-bas-magazine/reportages/ils-m-ont-frappe-j-etais-comme-un-ballon-de-foot-le-temoignage-de-samir>

officers in a market in Paris after she refused to pay a fine.¹⁴⁰ Three police officers immobilized her by pinning her to the ground. At least six police officers, including one armed with an assault rifle, were deployed around her. Her mother attempted to engage in a dialogue with the police emphasizing: “She is my daughter, she is only 17-years-old, sir, she is calm” but none of them answered or tried to engage with the woman on the ground to calm the situation and end the use of force. On 19 March, Ramatoulaye B., a 19-year-old Black woman went grocery shopping with her seven-year-old brother near her house in Aubervilliers and was stopped by eight police officers to check her authorization form to go out, which was required during the lockdown.¹⁴¹ One police officer used a taser in touch stun mode which hit her chest, she fell and the police officer kept her on the ground; her seven-year-old brother witnessed the scene while standing near two other police officers. As a result of her injuries, a doctor signed Ramatoulaye off work for five days.¹⁴² Amnesty International calls for the prohibition of the use of the taser touch stun mode because its only objective is to inflict pain.

In Toulouse, a man arrested on the night of 24-25 April was tackled to the ground and handcuffed with his arms behind his back. Thirty seconds of video footage of the incident show the man face-down on the ground, handcuffed with his hands behind his back, while a police officer pins him down by pushing a knee to his chest. It is not known how long the police officer maintained this position.¹⁴³ Amnesty International has repeatedly criticized the use of this technique which can result in positional asphyxiation and therefore poses a lethal risk.¹⁴⁴ Amnesty International has demanded that this form of restraint be banned in France because of the number of deaths linked to its use, including the cases of Adama Traoré (19 July 2016) and Cedric Chauviat (3 January 2020).¹⁴⁵

French police officers also unnecessarily restricted the right to freedom of expression during the lockdown. On 21 April, police attended a shared flat in Toulouse and asked the six residents there to remove a banner that they had hung outside their window. The banner read: “*Macronavirus, à quand la fin?*” (“When will the Macron virus be over?”). The police did not provide any justification for their request to remove the banner and asked for the identities of the six flatmates. One of them, Raphaëlle, gave them her name. The following day, she received a summons to appear at the police station. On 23 April, police placed her in pre-charge detention for contempt of a public official, namely the President of the Republic Emmanuel Macron. She spent four hours in pre-charge detention before being released without charge.¹⁴⁶ Similar incidents occurred in other French cities.¹⁴⁷ For example, on 14 April, two police officers called at flat where Simon and Thomas were living in Paris and asked them to remove a banner that read “*Macron, on t’attend a la sortie*” [“Macron, we’ll be waiting for you when this ends”]. The two officers told them that their banner was not appreciated by everyone and that they could be the object of a complaint.¹⁴⁸ Similar police home visits were reported in other French cities. The police request to remove the banners and the pre-charge detention of Raphaëlle for contempt constitute a violation of the right to freedom of expression.

The available information suggests that the enforcement of measures to combat the COVID-19 pandemic in France had a disproportionate impact on members of racialized groups and residents of working class neighbourhoods. Moreover, in the cases documented by Amnesty International, law enforcement officials resorted to the unlawful use of force while enforcing the measures, which in some instances may amount to inhuman or degrading treatment.

2.3 GREECE

In early May 2020, the Greek authorities started to gradually ease the measures adopted in March to deal with the COVID-19 pandemic – which had restricted human rights.¹⁴⁹ However, limitations on public gatherings of more than 10 people remained into force.¹⁵⁰ Reports surfaced about police excessive use of

¹⁴⁰ <https://twitter.com/Gerrrt/status/1240259881661280257>

¹⁴¹ <https://twitter.com/nader2Binks/status/1240660649572786177>

¹⁴² Amnesty International had access to her medical record of 19 March 2020

¹⁴³ https://www.youtube.com/watch?time_continue=7&v=DB3atsQPp08&feature=emb_title

¹⁴⁴ <https://www.amnesty.fr/focus/quels-sont-les-risques-dun-plaquage-ventral->

¹⁴⁵ <https://www.amnesty.fr/actualites/cedric-chouviat-un-livre-est-mort-a-la-suite-dune>

¹⁴⁶ Amnesty International phone interview with the lawyer of the woman who was placed in pre-charge detention, 18 May 2020.

¹⁴⁷ <https://www.mediapart.fr/journal/france/160420/pour-des-banderoles-au-balcon-la-police-domicile>

¹⁴⁸ Amnesty International phone interview with Simon and Thomas, 14 May 2018.

¹⁴⁹ These measures included allowing the Head of the Greek Police to impose a ban on public gatherings. Subsequently, public gatherings of more than 10 people were banned and a breach of this ban was punishable with an administrative fine of up to €1,000. For more information, see <https://www.lawspot.gr/nomikes-pliories/nomothesia/n-4683-2020/arthro-1-nomos-4683-2020-kyrosi-tis-apo-2032020-praxis> and <https://www.tovima.gr/2020/03/18/society/koronoios-prostimo-1-000-eyro-gia-synathroiseis-ano-ton-10-atomon/>

¹⁵⁰ See <https://news.gtp.gr/2020/04/28/greece-lift-covid-19-restrictions-stages-starting-may-4>

force and ill-treatment against people who gathered in Athens and Thessaloniki, Greece's second largest city, after the measures had been eased.¹⁵¹

The first incident concerned the reported misuse of chemical irritants by police on the evening of 5 May to disperse a crowd of people sitting in Saint John's Square in the Aghia Paraskevi neighbourhood of Athens.¹⁵²

The second incident involved the misuse of chemical irritants and ill-treatment by police of individuals gathered in Saint George's Square in the Kypseli neighbourhood of Athens in the early hours of 9 May, and the ill-treatment of a resident of the neighbourhood who was not present in the Square but happened to be in the vicinity. Several testimonies published in national media¹⁵³ and statements given to Amnesty International described an unprovoked attack against people peacefully sitting in Saint George's Square that night to enjoy a drink and meet friends (without any prior request made by the police to disperse). They also described misuse of chemical irritants, beatings, verbal abuse and threats by riot police as well as police officers belonging to the DRASIS force.¹⁵⁴

N., who was among the people gathered in St George's Square that night described the attack by the police against the crowd gathered there. He told Amnesty International: *"It was before 2am and the lights in the Square are switched off again and there was complete darkness and in seconds stun grenades and smoke started and your breath felt like stopping and a police unit was coming and pushing people. People were running towards Kypselis street and all along the route chemical irritants were thrown. We had reached Kypselis street and I stood for a while... and at that moment police motorbikes appeared... and went towards the people who ran to the small streets and I could see that [the police] abandoned their motorbikes and ran left and right with their batons"*.¹⁵⁵

Three other people told Amnesty International that police used force unlawfully while dispersing the crowd. G. described how that night he was with his girlfriend and a friend at his home watching a movie and heard women screaming, which prompted him to go outside to see what was happening. A police officer apprehended him a few meters away from his home, despite his repeated protests that he was a local resident, and he was then hit and kicked by several officers all over his body and in the head while he was lying on the ground.¹⁵⁶

A, was also in the Square that night and described how he was knocked to the ground by a police officer's motorbike. He told Amnesty International: *"Several DELTA cops came together and they hit me with a baton on my head, sides, legs... From the moment I fell on the ground together with the bike, I did not attempt to run or nervous movements. I screamed 'You caught me, you caught me, calm down' and the beating did not stop"*.¹⁵⁷

X., described both the ill-treatment of A. and his own experience:

"Suddenly, a motorbike of the DELTA [force] was driving with extreme speed toward the people who were leaving, its driver braked throwing the motorbike towards a man who was [few meters ahead of me]... The [police officer] jumped from the saddle before he threw his motorbike towards the man who was in the street. The motorbike hit the man who fell and the ground... and the [police officer] took out his baton and started beating him. That moment, another [officer from the DELTA force] who was coming from behind, running, hit me with a baton on the back of my head screaming... I did not have the opportunity to see him or react and my head started bleeding relentlessly".¹⁵⁸

According to witnesses interviewed by Amnesty International, the police transferred people and held them in Kypseli police station without measures taken to protect them from COVID-19 infection. Moreover, the detained individuals were not allowed to contact their lawyers for several hours and did not receive medical assistance for their injuries. Five of the people, including A. and G, were charged with causing bodily harm to police officers, resistance, insubordination to authority and verbal abuse. In interviews with Amnesty International, A. and G. emphasized that the charges against them were spurious.

¹⁵¹ <https://balkaninsight.com/2020/05/14/in-pandemic-era-greece-fighting-for-control-of-the-square/>

¹⁵² <https://www.keeptalkinggreece.com/2020/05/06/greece-riot-police-party-young-people-crowding/>

¹⁵³ <https://alterthess.gr/content/nea-kataggelia-gia-paranomi-kai-adikaiologiti-astynomiki-stin-kypseli> ; <https://tvxs.gr/news/ellada/martyries-kai-binteo-kypseli-astynomikis-bias-kai-aythairesias> and <https://www.in.gr/2020/05/11/greece/nees-kataggelies-gia-astynomiki-via-stin-kypseli-varousan-gklomp-sto-kefali-kai-stin-plati/>

¹⁵⁴ The DRASIS force is a motorcycle police-force that replaced the DELTA force in November 2019.

¹⁵⁵ Amnesty International phone interview, 14 May 2020.

¹⁵⁶ Amnesty International phone interview, 11 May 2020.

¹⁵⁷ Amnesty International phone interviews, 19 and 26 May 2020.

¹⁵⁸ Amnesty International phone interview, 28 May 2020.

In their response to reports of excessive use of force, in the case of the evacuation of Saint John's Square the Greek authorities alleged that stones had been thrown at police.¹⁵⁹ In the case of the operation in Saint George's Square in Kypseli, the Ministry for Citizens' Protection issued a statement denying that their intervention was related to lockdown measures, instead stating that it was prompted by a call from a 52-year-old man who had claimed his life was in danger, and that when the police arrived the crowd threw bottles, stones and sticks at them. The statement also said that the 52-year-old had been charged with making a "false call for assistance".¹⁶⁰

In another episode in the late evening of 15 May, riot police reportedly used excessive force and threw flash grenades and chemical irritants to disperse a crowd gathered in Kalithea Square in Thessaloniki.¹⁶¹ A video posted on social media shows a group of young people negotiating peacefully with riot police before one of the police officers starts pushing them with his shield.¹⁶²

2.4 ITALY

Media reports alleged unlawful use of force by police in Italy while enforcing the COVID-19 lockdown measures.¹⁶³ For example, on 14 April 2020, several police officers in Catania (southern Italy) tackled a man to the ground by hitting him with batons, after he tried to board a bus. In a video verified by Amnesty International the man did not appear to constitute a threat to law enforcement officials. According to media reports the man was suffering from poor mental health and the bus driver called an ambulance as one of his hands was bleeding.¹⁶⁴

On the morning of 25 April, Italy's National Liberation Day, police stopped a group of around 10 people in Crescenzago (Milan region) on their way to a monument commemorating Second World War anti-fascist partisans. A video filmed by local residents and subsequently published online shows around 10 law enforcement officials appearing to use disproportionate force against some members of the group.¹⁶⁵ An older man on a bike was pushed to the ground, a woman was hit in the face with an elbow and another woman was pushed and fell to the ground. Police handcuffed a woman and took her to a police car, while another person shouted: "We are going to bring a flower to partisans, what are you doing?"

According to media reports, the authorities justified the police intervention by arguing that it was intended to enforce lockdown measures, which included a prohibition on public gatherings. While the dispersal of the gathering may have been necessary to ensure compliance with the lockdown measures to combat the COVID-19 pandemic, the use of force against individuals who did not pose any threat to law enforcement officials appears to be disproportionate to achieve the legitimate aim of protecting public health. Under international human rights law, law enforcement officials may only use force that is necessary and proportionate to achieve a legitimate aim, even under a state of emergency. Under no circumstances should the authorities resort to the use of force as a means of punishment for violations of lockdown measures. They should also avoid, as far as possible, taking any person into police custody, given the increased risk of contagion, and instead consider alternative measures.

Those participating in the gathering should have been given an opportunity to disperse voluntarily and police should have considered the use of force only as a measure of last resort. When considering the option of using force, the authorities must consider the risks involved, in particular whether a forced dispersal might lead to greater risks of infection (for example, as a result of direct contact between police officers and participants or as a result of the disorder the forced dispersal is likely to cause) or to injuries that would create a substantially greater burden on the health system than letting the assembly proceed.

¹⁵⁹ https://www.real.gr/politiki/arthro/kleinei_ta_bradia_h_plateia_tis_agias_paraskeuis_meta_to_parti_nearon_me_pota-634854/

¹⁶⁰ http://www.mopocp.gov.gr/index.php?option=ozo_content&perform=view&id=7094&Itemid=699&lang

¹⁶¹ <https://www.alterthess.gr/content/epemvasi-ton-mat-stin-ano-poli-fotografies>

¹⁶² <https://www.facebook.com/watch/?v=687178502116339>

¹⁶³ https://www.huffingtonpost.it/entry/se-questi-sono-semplici-controlli-per-il-covid-19-ce-un-problema_it_5ea47833c5b6f9639815d301

¹⁶⁴ <https://www.youtube.com/watch?v=h6TzEw6ObD4>. For more information, see <https://catania.meridionews.it/articolo/87064/viale-v-veneto-13-poliziotti-immobilizzano-un-uomo-manganellate-in-un-video-era-sul-bus-senza-biglietto/>

¹⁶⁵ http://www.milanotoday.it/video/polizia-via-democrito-25-aprile.html?fbclid=IwAR2EOj3IgzgGYtreM1fsGlfzQw3dI9NbKhPAGgiGy1SG_3rOWQxn-ujZq4 (VIDEO)

2.5 ROMANIA

On 19 March 2020, the Romanian Parliament endorsed a decree declaring a state of emergency. The government adopted various pieces of emergency legislation, including amendments to the Criminal Code, which introduced new penalties and crimes related to the COVID-19 pandemic. These included criminalizing non-compliance with hospitalization or quarantine measures and those “who, by their acts, cause the infection of other persons”.¹⁶⁶ The state of emergency was lifted on 14 May 2020.

While the state of emergency was in place, NGOs and the media reported serious cases of unlawful use of force as well as allegations of ill-treatment of Roma by the police. Several of these were raised in an open letter to the government, dated 23 April 2020, from two NGOs – Romani-CRISS and the Civic Union of Young Roma in Romania.¹⁶⁷

On 18 April, media reported that during a police operation in a Roma settlement in Bolintin-Vale, Giurgiu county, the police physically abused eight Roma men as they lay handcuffed on the ground. A video captured the men screaming in pain while the police beat them.¹⁶⁸ Romani-CRISS reported that the police also ill-treated a 13-year-old boy during the operation and that following the incident residents of the settlement slept in the fields to hide from the police.¹⁶⁹ The NGO obtained statements from residents who said that police officers dragged them from their homes and hit them with batons on the body and bare feet. In response to public pressure after the incident was widely published in the media, the Prosecutor opened a criminal investigation into the case and the Minister of the Interior dismissed the head of the Bolintin-Vale police, who had led the operation.¹⁷⁰ The European Roma Rights Centre also raised concerns about this and other reported cases of police violence against Roma that took place in the context of COVID-19 emergency measures.¹⁷¹

According to media reports, on 20 April, the Ministry of the Interior ordered the deployment of 154 police teams, in total around 1,500 police and gendarmerie officers, in areas where “violent episodes” had been reported in previous days.¹⁷² The Minister stated that “the additional resource will be directed in the areas with heightened risk of criminality, communities with people who have recently returned [from abroad] and are known for criminal activities.”¹⁷³ In addition, two helicopters were deployed to patrol areas in Bucharest and the counties of Ilfov, Ialomița, Prahova, Argeș, Teleorman, Giurgiu and Călărași. Data from the 2016 *Atlas of marginalized areas* and the 2011 population census suggest that many of these areas have a significant Roma population.¹⁷⁴ The Head of the Service for Interventions and Special Actions, a central unit of the Romanian police, stated that the tactics and nature of any intervention was guided by two principles: “gradual response and proportionality”. He added that use of lethal force was a last resort.¹⁷⁵ However, responding to allegations of acts of violence by residents of these neighbourhoods, the Chief of Cabinet of the Minister of the Interior told the media that law enforcement officers will do whatever is necessary to restore public order and stated that “violence must be met with violence”.¹⁷⁶

On 30 April, human rights activists and the media reported another case of disproportionate use of force during a police intervention in a Roma neighbourhood in Bucharest, Ferentari.¹⁷⁷ According to reports, police officers chased several young Roma who were at the entrance of a block of flats and sprayed tear gas in the hallways and in some homes.¹⁷⁸ Residents gathered outside the block to escape the tear gas as they were having difficulty breathing. One of the police officers reportedly tried to fire a warning shot, but was

¹⁶⁶ On 18 March 2020, Romania notified the Secretariat General of the Council of Europe that some of the measures adopted in response to the pandemic involve derogations from its obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms. See <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/declarations>

¹⁶⁷ <http://drepturile-omului.info/arhiva-stiri/?lang=en>

¹⁶⁸ <https://www.youtube.com/watch?v=WXXGr3Q9mH4>

¹⁶⁹ <https://www.facebook.com/mmariann10/videos/10220258204232861/>

¹⁷⁰ <https://republica.ro/cazul-violentelor-politiei-din-bolintin-vale-are-in-spate-o-istorie-lunga-si-complicata-de-conflicte-nerezolvate>

¹⁷¹ http://www.errc.org/uploads/upload_en/file/5232_file1_submission-to-the-european-union-annual-rule-of-law-report-7-mai-2020.pdf

¹⁷² https://www.realitatea.net/stiri/actual/giurgiu-zona-cu-risc-criminogen-ridicat-un-elicopter-al-mai-supravegheaza-judetul_5e9dd16ac1537b58b6417a72

¹⁷³ <https://www.digi24.ro/stiri/actualitate/mai-suplimenteaaza-numarul-mascatilor-dupa-scandalurile-violente-un-elicopter-va-survola-cartierul-rahova-1294790>

¹⁷⁴ <http://documentos.bancomundial.org/curated/pt/237481467118655863/text/106653-ROMANIAN-PUBLIC-PI-6-Atlas-lunie2016.txt>;

2011 Census: http://www.recensamantromania.ro/wp-content/uploads/2013/07/REZULTATE-DEFINITIVE-RPL_2011.pdf, p. 5

¹⁷⁵ https://www.romaniatv.net/live/mai-trupelor-speciale-dupa-scandalurile-violente-zonele-cu-probleme-survolate-cu-elicopterul_518198.html

¹⁷⁶ https://www.romaniatv.net/live/mai-trupelor-speciale-dupa-scandalurile-violente-zonele-cu-probleme-survolate-cu-elicopterul_518198.html

¹⁷⁷ <https://www.facebook.com/mmariann10>

¹⁷⁸ <https://www.mediafax.ro/social/video-interventie-cu-scantei-a-politiei-capitalei-in-ferentari-politistii-au-folosit-gaze-lacrimogene-19109231>

stopped by one of his colleagues. According to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, chemical irritants, such as tear gas, must not be used in confined spaces.

2.6 SPAIN

In Spain lockdown adopted on 15 March 2020 to counteract the COVID19 pandemic included restrictions on the right to freedom of movement. Between 15 March and 2 May, law enforcement officials, who were tasked with enforcing these measures, registered more than one million infringements of lockdown measures and arrested more than 8,500 people, according to the Minister of the Interior.¹⁷⁹

Dozens of videos posted on social media or other online platforms show instances in which law enforcement officials resorted to the unlawful use of force. For example, in many instances police slapped or pushed individuals who were not offering any resistance to an identity check or arrest. The NGO Rights International Spain collected 70 cases of discrimination and police abuse, including cases of racial profiling and unlawful use of force between 15 March and 2 May 2020 in Spain.¹⁸⁰

Amnesty International has verified three videos in which law enforcement officials appeared to have resorted to either unnecessary or disproportionate use of force. In one video posted on social media on 19 April,¹⁸¹ law enforcement officials stopped a man and a woman who were driving a car. A police officer asked the man to pull down his trousers and underwear while standing on the pavement. The police officer then pushed the man although he had neither offered any resistance nor tried to approach the officer. When the woman asked the police officer to leave the man alone, several police officers violently pushed her and the man to the ground. At least one police officer hit the woman with his baton as he tackled her to the ground. Although Amnesty International could not confirm where the video was shot, the two police cars that appear in the video belong to a unit of the state police assigned to the Valencia Region (Comunitat Valenciana).

In another video posted on Youtube on 29 March and shot in Calle San Francisco in Bilbao,¹⁸² two law enforcement officials stopped a young man, reportedly of North African descent, on the street. At some point the young man, who had raised his voice and repeatedly shouted “I don’t care” (“*No me importa*”), approached one police officer who then pushed him away and hit him violently with his baton. While the two officers kept the man pinned against a wall with his hands behind the back, a woman appeared and told the police officers that the man was her son and that he was suffering from poor mental health. The police officers first kept the woman at a distance, but after she repeatedly attempted to approach them, a police officer hit her at least twice with his baton before tackling her to the ground. Three police officers kept her on the ground before arresting her. Analysis of the video makes it clear that law enforcement officials did not use the minimum amount of force required to achieve their objective, if indeed any force was necessary at all. In particular, repeatedly hitting both the man and the woman with batons amounts to a disproportionate use of force. According to media reports, the Basque government opened an investigation into the use of force in this case, the outcome of which was not known when this report went to press (mid-June 2020).¹⁸³

According to information obtained by Amnesty International, several of the people who shot the video of the police operation were fined for the “unauthorized use of images of law enforcement officials” and “lack of respect of law enforcement officials” (Articles 36.23 and 37.4 of the Law on the Protection of Citizens’ Security). The first offence is particularly problematic as it disproportionately restricts the right to freedom of expression, which also includes the right to provide information to the public regarding law enforcement operations. Furthermore, according to information available to Amnesty International, the authorities have charged one person for contempt of public officials for using derogatory language about the police officers. Amnesty International has repeatedly raised concerns regarding the vague formulation of Article 37.4 of the Law on the Protection of Citizens’ Security, which results in thousands of people being fined every year.

In another video published on Twitter on 17 April,¹⁸⁴ two law enforcement officials in Malaga hit a man with their batons several times before arresting him. At least five other police officers subsequently joined the two on the pavement where the man was lying on the ground. Several police officers hit the man with their batons and at least one kicked him. The man did not resist arrest or pose a threat to the safety of the first

¹⁷⁹<http://www.interior.gob.es/documents/10180/11812971/Tabla+de+detenidos+y+propuestas+de+sanc%C3%B3n+23+de+mayo.jpg/c4f5ab0f-b573-4d3c-b3ec-6f6de3fed626?t=1590317116233>

¹⁸⁰ <http://rightsinternationalspain.org/uploads/publicacion/1feee36ba56ffc10aa328d7a3427f8affdfab3d.pdf>

¹⁸¹ https://www.youtube.com/watch?time_continue=71&v=je2PfQpsYwE&feature=emb_logo

¹⁸² <https://www.youtube.com/watch?v=Zi3oF34WEE>

¹⁸³ https://cadenaser.com/emisora/2020/03/30/radio_bilbao/1585549080_584556.html

¹⁸⁴ https://twitter.com/Miquel_R/status/1251499447298768896?s=20

two police officers who appeared on the scene. According to media reports, the man was homeless and had been wandering around the bus station shouting that he was infected with COVID-19 and holding a knife.¹⁸⁵ However, it is clear from the video that the man was not holding a knife at the time of the arrest. Law enforcement officials thus resorted to a disproportionate use of force.

Amnesty International is concerned that law enforcement officials resorted to an unlawful use of force in the enforcement of lockdown measures in Spain. It has raised concerns in the past regarding the lack of prompt, impartial and thorough investigations into allegations of unlawful use of force as well as about discriminatory police checks.¹⁸⁶ Moreover, Amnesty International has raised concerns about disproportionate restrictions of the right to freedom of expression associated with the Law on the Protection of Citizens' Security.¹⁸⁷

¹⁸⁵ https://cadenaser.com/emisora/2020/04/18/ser_malaga/1587196033_315487.html

¹⁸⁶ <https://www.amnesty.org/download/Documents/EUR0120982020ENGLISH.PDF> p. 74

¹⁸⁷ <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/espanaley-mordaza-una-media-de-80-multas-diarias-contra-la-libertad-de-expresion/>

3. DISPROPORTIONATE IMPACT OF FINES ON HOMELESS PEOPLE AND OTHER MARGINALIZED GROUPS

Any measure that states put in place to counter the COVID-19 pandemic, including lockdown measures, must comply with the principle of non-discrimination.¹⁸⁸ Governments should ensure that measures such as those that restrict freedom of movement or impose self-isolation, quarantines or curfews do not directly or indirectly discriminate on any ground. In particular, the authorities must ensure that these measures do not have a disproportionate impact on specific groups, including, for example, people living in informal settlements or people who are homeless. Governments should ensure that these groups can effectively protect themselves from contracting COVID-19.¹⁸⁹

Amnesty International is concerned that the implementation of some measures, in particular those that restricted people's right to freedom of movement, had a disproportionate impact on marginalized groups, including on racialized minorities. These measures also had a disproportionate impact on people who are homeless. The media and NGOs reported dozens of cases in which law enforcement officials fined homeless people for failing to comply with measures regarding self-isolation and restrictions on the right to freedom of movement.¹⁹⁰

At least 700,000 people are homeless (roofless, houseless, without secure tenure or living in housing unfit for habitation)¹⁹¹ across the region.¹⁹² Homelessness is the result of state failure to protect and fulfil everyone's right to adequate housing and requires an urgent and immediate human rights response. The UN Special Rapporteur on the right to adequate housing has clarified that homelessness, including during a crisis and irrespective of nationality or legal status, is a *prima facie* violation of human rights. Governments cannot suspend their core obligation to protect the right to adequate housing or the right to health and food

¹⁸⁸ Universal Declaration of Human Rights, Articles 1 and 2; International Convention on Economic, Social and Cultural Rights, Article 2; International Covenant on Civil and Political Rights, Article 2; Convention on the Rights of the Child, Article 2; Convention on the Elimination of all Forms of Discrimination against Women, Article 2; International Convention on the Elimination of All Forms of Racial Discrimination, Article 2; and the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 1.

¹⁸⁹ <https://www.amnesty.org/en/documents/po30/1967/2020/en/> and <https://www.amnesty.org/download/Documents/EUR0120792020ENGLISH.PDF>

¹⁹⁰ Country specific links to media reports are listed below.

¹⁹¹ <https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion>

¹⁹² https://www.feantsa.org/public/user/Resources/magazine/2019/Spring/Homeless_in_Europe_magazine_-_Spring_2019.pdf

even in a state of emergency. This includes the obligation “to immediately provide accommodation to all homeless people living ‘rough’ or on the streets with a view to transitioning them to permanent housing so that they do not return to a situation of homelessness once the pandemic is over.”¹⁹³

The COVID-19 pandemic exposes homeless people to increased risk. Lack of access to adequate housing, including services such as water and sanitation, hampers people’s ability to comply with the required measures such as frequent handwashing, social distancing or self-isolation. While there have been some positive moves in Europe during past weeks towards providing support and temporary housing for those in need – including by increasing the number of shelters, requisitioning hotels and holiday homes and other efforts to open up accommodation – these have not been sufficient to meet the need. Furthermore, there are serious concerns that in some countries, for example Italy, homeless people have been sanctioned with fines for non-compliance with the lockdown measures.¹⁹⁴ Fines or penalty notices were also given to people who are homeless in France, Spain and the UK. At the time of writing, some cases remain pending as they have been challenged in court and some fines have been cancelled by the judicial authorities.

Instances in which people are fined or prosecuted for failing to comply with lockdown measures and lockdown orders because they are homeless are punitive and show a complete disregard for international human rights standards on equality and non-discrimination.

While in the **United Kingdom** (UK), according to government records, 90% of those sleeping rough were placed in temporary accommodation and hotels as part of measures to counter the COVID-19 pandemic, some NGOs expressed concern that homeless migrants with no recourse to public funds may have been left out.

In March 2020, the Prime Minister pledged that all destitute migrants, including those with no recourse to public funds, would be provided with all necessary accommodation and support.¹⁹⁵ However, on 6 May, the Public Interest Law Centre and the Migrants’ Rights Network in the UK raised concerns that the government was failing to adequately fund and empower local authorities to support rough sleepers and other homeless people during the COVID-19 pandemic.¹⁹⁶ As a result, many migrant homeless people were not able to access accommodation and comply with the lockdown measures.

In the UK, police were empowered to enforce the government’s “stay at home” guidance, issued on 23 March, and although those who were homeless were to be excluded¹⁹⁷ from the regulation on restriction of movement, charities reported that homeless people were fined by the police.¹⁹⁸

On 5 May, police checked the identity of a homeless migrant man in Liverpool Street Station in London. They intended to fine him for failing to comply with the restrictions on freedom of movement designed to counter the COVID-19 pandemic. Following the identity check, the police realized that he was the object of an arrest warrant for a previous minor offence and proceeded to fine and arrest him. When the case was brought to the Magistrate’s Court, the judge questioned the legality of the charge brought against the man for breaching regulations by leaving the place where he was living and asked the Crown Prosecution Service to reassess it.¹⁹⁹ According to the man’s lawyer, the prosecution is determined to pursue the matter and indict the man for failing to comply with the lockdown measures restricting freedom of movement. A judge was due to make a decision in the case on 22 June.²⁰⁰

Italy’s population of people who are homeless is estimated at 50,000,²⁰¹ and measures taken by the state to provide them with temporary housing and access to health during the pandemic have been insufficient and left many people without much needed support and assistance.

On 28 March 2020, a circular issued by the Ministry of Labour and Social Policies relating to the management of the social services system during the COVID-19 emergency clarified that local and regional authorities were responsible for guaranteeing the protection of the fundamental rights of all, including and

¹⁹³ https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_guidance_homeless.pdf

¹⁹⁴ <https://www.theguardian.com/world/2020/mar/31/europes-homeless-hit-hard-by-coronavirus-response>

¹⁹⁵ <https://twitter.com/scotrefcouncil/status/1242820979535097857>

¹⁹⁶ <https://www.pilc.org.uk/blog/covid-19-mhclg-must-protect-nrpf-homeless-people/>

¹⁹⁷ The Health Protection (Coronavirus, Restrictions) (England) (Regulations 2020), UK Statutory Instruments, 2020 Nr. 350, Regulation 6, <http://www.legislation.gov.uk/uksi/2020/350/regulation/6/made> It appears that the use of “homeless” should be narrowly interpreted as “sleeping rough”, that is, having no accommodation to return to under police direction.

¹⁹⁸ <https://www.homeless.org.uk/sites/default/files/site-attachments/COVID19%20and%20Homelessness%20FAQs%20v9%20290420.pdf> p. 21.

¹⁹⁹ <https://www.theguardian.com/uk-news/2020/may/12/judge-questions-coronavirus-case-against-homeless-london-man> 20 May 2020.

²⁰⁰ Amnesty International phone interview with the lawyer following the case, 19 May 2020

²⁰¹ https://www.istat.it/it/files/2015/12/Persone_senza_dimora.pdf

above all, by guaranteeing services for the most vulnerable.²⁰² The circular recommended the setting up of canteens, night reception services and distribution points for basic necessities. It also suggested local and regional authorities coordinate between public services and third sector associations in order to identify structures for adequate housing and activate emergency support measures for people in need.

Although some actions were taken by authorities, the situation differed significantly across the country and some NGOs have criticized the lack of overall adequate and sufficient measures. On 8 April, the NGO Avvocato di Strada, which works with homeless people all across Italy, sent a letter to dozens of authorities calling for urgent measures. The letter called for the strengthening of the health protection measures for the people who were homeless and for social workers involved in the service provision, as well as for the provision of emergency accommodation solutions for those in need.²⁰³ The letter also stressed the need for the authorities to instruct the competent bodies not to sanction homeless people merely for being on the street and not at home as they were not in a position to obey the lockdown measures.

Between the beginning of the health emergency and mid-June, in Italy, Avvocato di Strada collected at least 17 cases in which homeless people received fines for breaching lockdown measures and restrictions on freedom of movement.²⁰⁴ The NGO is providing free legal assistance to people to contest the fines. Nicola Errani, one of the NGO's lawyers, emphasized that nobody should be punished for not having a home. He told Amnesty International that "the authorities should take measures to safeguard homeless people, to ensure that their health is protected and they are not punished for being vulnerable". He also criticized the Italian authorities for opting for a punitive approach instead of a preventive one in relation to the enforcement of lockdown measures.²⁰⁵ In Italy, according to information published by the Ministry of the Interior, between 11 March and 16 June, law enforcement officials carried out checks on some 17 million people,²⁰⁶ almost a quarter of the population, of whom around 445,000 received fines.²⁰⁷

In April, police fined a homeless man in a city²⁰⁸ in northern Italy as he travelled from a shelter where he was staying to a canteen run by volunteers. At the time, the man, who was suffering from poor mental health, was living in a facility that provided food and shelter during the emergency. Police stopped him a few metres away from the canteen and fined him, arguing that he should have had his meal at the shelter.²⁰⁹

The media reported numerous other cases in which police fined people who were homeless. In March, police fined five homeless people near the Termini train station in the city of Rome. They were able to sleep in a hostel run by Caritas at night, however during the day, they did not have access to a regular place of shelter.²¹⁰ In early April, police served a fine of €280 on a Moroccan homeless migrant who slept close to the Termini train station.²¹¹ Also in April, police issued a fine of €373.33 on a 49-year-old homeless man who had been living for three years in a camper van provided by a charity that was parked near the Villa Borghese area of Rome. If not paid within 30 days, the fine was set to rise to €533.33.²¹²

In **Spain**, Amnesty International has raised concerns regarding the disproportionate impact on homeless people of the enforcement of lockdown measures to counteract the COVID-19 pandemic.²¹³ Police guidelines regarding the implementation of the lockdown measures state that homeless people should be allowed to be on public roads during the lockdown.²¹⁴ However, NGOs reported cases in which people who were homeless received fines in cities such as Madrid.²¹⁵ In addition, there were media reports of dozens of

²⁰² Full text of the circular available at <https://www.lavoro.gov.it/reddidodicittadinanza/Documenti-norme/Documents/Circolare-27-03-2020.pdf>

²⁰³ Letter available at <http://www.darvoce.org/blog/news/avvocato-di-strada-emergenza-e-persone-senza-dimora-la-battaglia-continua/>

²⁰⁴ On 22 March, the Italian authorities established by decree a ban on all movement to a different municipality, except for proven work needs, absolute urgency or for health reasons. It also provided for sanctions for those failing to stay at home, except for these reasons. For more information, see <http://www.governo.it/it/faq-iorestoacasa>

²⁰⁵ Amnesty International phone interview with Nicola Errata, 14 May 2020.

²⁰⁶ A detailed breakdown of the number of people and commercial premises checked by day, week and month, as well as number of sanctions applied, is available on the Ministry of the Interior's website at <https://www.interno.gov.it/it/coronavirus-i-dati-dei-servizi-controllo> (last accessed on 16 June 2020)

²⁰⁷ On declaring the state of emergency in Italy, the offence of not respecting the lockdown was classified as a criminal offence, under article 650 of the Criminal Code, punishable with up to three months' detention or a fine up to €206. In early April, it was changed to an administrative offence punishable with a fine of between €400 and €3,000 if paid within 60 days, reduced to €280 euros if paid within 30 days, and increasing if not paid within the 60-day deadline.

²⁰⁸ In order to protect the identity of the person, and in agreement with Avvocato di Strada, the name of the city has been withheld.

²⁰⁹ Amnesty International phone interview with Nicola Errata, 14 May 2020.

²¹⁰ <https://www.ilgiornale.it/news/roma/senzatetto-denunciati-termini-caritas-paghiamo-noi-multa-1843028.html>

²¹¹ https://www.huffingtonpost.it/entry/multe-senza-fissa-dimora_it_5e8b1d43c5b6e7d76c674726?fbclid=IwAR1b7jz2P-JXpAQbqwklw2-5lkXDINBbYiUoRdJJxu7J8UUtPj8ciRU

²¹² <http://www.romatoday.it/attualita/multa-senza-tetto-coronavirus.html>

²¹³ <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/espana-ammnistia-internacional-denuncia-casos-de-arbitrariedad-policial-en-la-imposicion-de-multas-du/>

²¹⁴ Actuación Operativa de la Dirección General de la Policía de 9 de abril de 2020

²¹⁵ Email from a social worker at Samur Social in Madrid, 13 May 2020.

cases where people who were homeless received fines for breaching lockdown measures, including in Madrid,²¹⁶ Barcelona²¹⁷ and Valencia.²¹⁸

In **France**, the media reported that police fined dozens of homeless people for non-compliance with the lockdown measures.²¹⁹ Moreover, in some instances, police issued fines to people of North African origin, Black people or members of other minority ethnic groups without carrying out individual face-to-face checks of alleged non-compliance with the measures.

For example, on 16 April 2020, Mohammed, who lives in Epinay-sous-Sénart (Paris region), left his home at 7.35pm to go shopping for groceries. He told Amnesty International that he had filled in an online form to justify his movements, as required by law. On 25 April, Mohammed received a €135 fine for leaving his house on 16 April. The police report states that the fine was issued at 7.42pm. Mohammed told Amnesty International that police used the CCTV cameras in Epinay to identify people and to fine them. He explained that around 10 people received in total around 100 fines for failing to abide by the restrictions on freedom of movement during the lockdown. He said: “In some cases, the same people received three fines in the same day. One person received 25 fines in total. They use six or seven CCTV cameras to profile us. All the 10 people who were fined were Black or Arab”.²²⁰ Mohammed collected all the fines that police had issued against the residents of Epinay and sought support to write a letter to the Prosecutor’s Office. On 5 May, the Prosecutor’s Office of Evry sent a letter to mayors and reiterated that municipal police must issue fines only in instances where the non-compliance with the lockdown rules is notified in person.

²¹⁶ <https://www.publico.es/sociedad/policia-denuncia-persona-hogar-pese-recursos-madrid-llenos-no.html>;

²¹⁷ <https://www.elperiodico.com/es/sociedad/20200319/arrels-multas-sintecho-barcelona-no-confinarse-coronavirus-7896784>;

²¹⁸ <https://valenciaplaza.com/la-policia-nacional multa a personas sin hogar por saltarse el confinamiento> ; and https://www.lasexta.com/noticias/nacional/policia-denuncia-valencia-personas-hogar-saltarse-confinamiento_202005015eabed9b40ae10001c3bb81.html;

²¹⁹ https://www.liberation.fr/checknews/2020/03/24/est-ce-que-des-sdf-ont-ete-verbalises-en-france-pour-non-respect-du-confinement_1782742; <https://www.lyoncapitale.fr/actualite/lyon-des-refugies-sans-abris-verbalises-pendant-le-confinement/>

²²⁰ Phone interview with Mohammed, 18 May 2020.

CONCLUSIONS AND RECOMMENDATIONS

The global COVID-19 pandemic has created an exceptional situation. Public health crises of such magnitude may require states to adopt extraordinary measures to stop the spread of infection. Indeed, international law permits the use of emergency powers that are necessary to guarantee the right to health in the face of a significant threat, such as that presented by the spread of COVID-19. And in Europe, many states have implemented measures restricting human rights, including the rights to freedom of movement and peaceful assembly, the right to work and the right to private and family life.

Government responses that limit human rights, however, must be motivated by legitimate public health goals based on credible scientific evidence. Lockdown measures must be publicly declared, lawful, necessary and proportionate and must not be arbitrary or discriminatory in their application or impact. International treaties, such as the European Convention on Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights, set out procedures that must be followed for states to derogate from aspects of those treaties in times of emergency.

Among the requirements set out are that measures must be narrowly tailored (that is, the least intrusive and restrictive available); of limited duration (for example, accompanied by “sunset” clauses that limit them to a set period); subject to parliamentary and independent oversight; and regularly reviewed to make sure the measures are still necessary and there is no “slow slide” of exceptional powers into the ordinary law.

Amnesty International is concerned that the enforcement of the lockdown measures to tackle COVID-19 in several European countries has resulted in human rights violations. Their implementation has disproportionately restricted the human rights of marginalized groups and individuals who experienced stigma, discrimination and violence well before the pandemic. Amnesty International is also concerned about extensive reports of cases in which, when enforcing the measures, law enforcement officials resorted to unlawful use of force against people who did not appear to offer any resistance and pose a significant threat. Breaking a curfew or any restriction on freedom of movement cannot justify excessive use of force by the police.²²¹

RECOMMENDATIONS

In view of the concerns highlighted in this briefing, Amnesty International calls on European states to:

- Refrain from coercively enforcing lockdown measures and from bestowing additional powers on law enforcement officials to enforce lockdown measures. The coercive enforcement of measures to protect public health should be considered only as last resort. States should in particular avoid the use of criminal sanctions to enforce lockdown measures and avoid the enforcement of prison sentences for breaching lockdown measures.

²²¹ Statement of a group of UN Special Rapporteurs, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25802&LangID=E>, 17 April 2020.

ENSURE PROTECTION FROM DISCRIMINATION DURING THE COVID-19 PANDEMIC AND BEYOND

- Ensure all measures that authorities at the various levels of government adopt to protect public health and to combat the COVID-19 pandemic are implemented in a strictly proportionate and non-discriminatory manner.
- Immediately develop measures to mitigate the disproportionate effects that lockdown measures may have on marginalized groups and individuals, such as residents of informal settlements; migrants, asylum-seekers and refugees living in camps; and people who are homeless.
- Put an end to and ensure non-repetition of discriminatory forced quarantines of Roma settlements.
- Adopt measures to ensure that people living in settlements are given immediate access to adequate, affordable and safe water and sanitation, crucial to slowing the spread of the virus. Where households are unable to pay for water, it should be provided free of charge for domestic and hygiene requirements. Support people with adequate social and material benefits to enable them to comply with public health measures.
- Fines against homeless people for non-compliance with the measures aimed at countering COVID-19 should be cancelled where the rules were breached as a result of their homelessness.
- Collect disaggregated data by race, ethnicity, nationality and other protected grounds in relation to the implementation of measures to tackle the COVID-19 pandemic.

ENSURE ONLY LAWFUL USE OF FORCE

- All security forces must comply with international standards on the use of force, in particular the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- In accordance with those standards, law enforcement officials must only use force where doing so is necessary, proportionate and in pursuance of a legitimate aim. The enforcement of lockdown provisions will only ever necessitate the use of minimal force as significant use of force will not be proportionate. The coercive enforcement of lockdown measures should in any case be a measure of last resort.
- Accountability mechanisms must be in place that ensure prompt, impartial and thorough investigations of allegations of excessive use of force by law enforcement officials.
- Use of the armed forces to enforce measures to tackle the COVID-19 pandemic must be temporary, for the shortest time possible and periodically reviewed. The military should also be provided with the necessary instructions, training and equipment to uphold international standards and must remain under civilian control at all times.
- Explicitly prohibit discrimination, including discriminatory identity checks, in police and anti-discrimination laws and develop appropriate guidelines, protocols and training for law enforcement officials.

AMNESTY INTERNATIONAL CALLS ON THE EUROPEAN COMMISSION TO:

- Promptly use all its powers, including those established by Article 258 of the Treaty on the Functioning of the European Union, to enforce Article 3.1(h) of the Race Equality Directive (Directive 2000/43/EC), which should be interpreted as prohibiting discrimination in the context of law enforcement functions, including crime prevention, investigation and the activities associated with them such as identity checks and stops and searches.

**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

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POLICING THE PANDEMIC

HUMAN RIGHTS VIOLATIONS IN THE ENFORCEMENT OF COVID-19 MEASURES IN EUROPE

On 11 March, the World Health Organisation declared the coronavirus (COVID-19) outbreak a global pandemic and called on states to take urgent measures to tackle it.

This report covers 12 countries and exposes how the enforcement of the 'lockdown measures' adopted by many European states have disproportionately impacted racialized individuals and groups who were targeted with violence, discriminatory identity checks, forced quarantines and fines. The report highlights systemic human rights concerns regarding institutional racism, discrimination in law enforcement and lack of accountability regarding allegations of unlawful use of force by law enforcement officials.

The enforcement of lockdowns disproportionately impacted poorer areas and an extensive number of cases have been reported when enforcement officials resorted to unlawful use of force against people who did not offer any resistance and pose a significant threat. Roma living in informal settlements, and refugees, asylum-seekers and migrants living in camps, have experienced disproportionate and discriminatory implementation of lockdown measures including heavy policing, and at times deployment of army and mandatory testing. Asylum-seekers, refugees and migrants in camps and shared accommodation have also been targeted with selective quarantines as well as forced evictions. People experiencing homelessness also suffered punitive measures under lockdowns and dozens were fined for not being able to comply with measures regarding self-isolation and restrictions on movement.

Amnesty International is calling on states to refrain from coercively enforcing lockdown and from bestowing additional powers on law enforcement officials to enforce lockdown measures. The coercive enforcement of measures to protect public health should be considered only as last resort. States should in particular avoid the use of criminal sanctions to enforce lockdown measures and avoid the enforcement of prison sentences for breaching lockdown measures. Amnesty International is calling on the European Commission to enforce the Race Equality Directive (Directive 2000/43/EC), which should be interpreted as prohibiting discrimination in the context of law enforcement functions.