



European network of legal experts in gender equality and non-discrimination

FLASH REPORT

Country:	Slovakia
Title:	Slovak state authorities imposed area quarantine on selected marginalised Roma communities and adopted specific restrictive measures on people over 65 years in order to prevent the spread of COVID-19
Date:	6 May 2020
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Update of flash report:	Slovakia - Response of the Slovak state authorities and local governments to the spread of COVID-19 and its consequences on Roma living in marginalised communities (117 KB)
<u>Context</u>	
Issue at stake:	Implementation of policies and measures concerning persons living in marginalised Roma communities and other vulnerable groups in the context of current spread of COVID-19
Grounds of discrimination:	Racial or ethnic origin, Age
Field of application:	Education, Employment, Housing, Social protection
Source:	Policy development
Applicable law:	Constitution of the Slovak Republic; Article 12, Article 23 Para 1, Article 33, Act no. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, amending and supplementing certain other laws (Anti-discrimination Act) (<i>the list is not exhaustive</i>)

Content

Policy development: In recent weeks, the Slovak state authorities have taken a range of additional measures with an aim to prevent the spread of COVID-19 in the Slovak society. Two of the adopted measures have raised serious concerns and have been widely discussed in Slovakia with regard to their clearly disproportionate negative impact on two particular vulnerable groups: 1./ Roma living in marginalised communities and 2./ people aged over 65 years.

1./ On 2 April 2020 the Slovak government by its resolution No. 196/2020 adopted the plan on solving disease of COVID-19 in marginalised Roma communities. The preparation of the plan resulted from the fact that the state authorities found the marginalised Roma communities to be a specific and risk-bearing group in respect to the prevention and protection of the society from spreading COVID-19. The plan, among other measures, proposed targeted sample testing in selected Roma communities and imposing area

quarantine on whole Roma communities, if over 10 percent of inhabitants in a particular community would test positive.¹

On 3 April the state authorities started with testing in Roma communities that was conducted by military physicians while army soldiers supervised the whole process. Military helicopters have also been deployed. Two of the former Government plenipotentiaries for Roma communities publicly criticized the process of testing in Roma communities, while perceiving it as a demonstration of force and raising concerns about ongoing stigmatization of Roma in the Slovak society. Persons who tested positive were supposed to be placed into individual quarantine.² On 9 April the state authorities imposed area quarantine on five localities inhabited by Roma - three are in the town Krompachy and two in the nearby municipalities of villages Bystrany and Žehra. This decision was made after - in total - 31 persons tested positive in these localities. The Government has declared that it provides health care to persons and access to all the necessary resources so that those under quarantine will be impacted as little as possible by the restrictions on their freedom of movement and will be able to live their daily lives with dignity.³

When assessing the epidemiological context in the given localities and the factual reasons on which the decision of imposing area quarantine was made - it clearly appears disproportionate in restricting individuals' freedom of movement and other liberties of thousands of Roma as well as it can be considered as discriminatory as these measures hit only marginalised Roma communities. The state authorities essentially ignored the plan on solving disease of COVID-19 in marginalised Roma communities that the government adopted several days before since the number of persons who tested positive in communities under the quarantine was nowhere near 10 percent. According to reported data, out of 6153 persons living in these five localities, only 31 tested positive, which only accounts for 0.5 percent.⁴ The decision was criticized by the former Government Roma plenipotentiary Mr. Abel Ravazs, who was dismissed from this function shortly before (on 31 March 2020) and who publicly denounced omissions in the Government's overall approach to preventing the spread of COVID-19 in Roma communities. In particular, he stated that he had reminded the Government about the importance of introducing individual quarantine of people returning home from abroad, which would also prevent the potential spread of COVID-19 in marginalised Roma communities as many Roma work abroad. He also suggested that individuals who tested positive in marginalised Roma communities should have been put in individual quarantine outside these communities as due to the lack of adequate housing, home quarantine is particularly difficult to handle for people.⁵

Furthermore, information reported in the media and from phone human rights monitoring of the NGO Centre for Civil and Human among Roma from communities under the area quarantine clearly indicated that the state authorities, regardless of their public declarations, have fallen short of providing adequate health care and access to all the necessary resources for Roma under quarantine (such as food, sanitizers, wood for

¹ The given plan is available in Slovak at: http://www.uvzsr.sk/index.php?option=com_content&view=article&id=4166:plan-rieenia-ochorenia-COVID-19-v-marginalizovanych-romskych-komunitach&catid=250:koronavirus-2019-ncov&Itemid=153.

² For additional relevant information in English see 'Slovakia: COVID-19 testing begins in Romani settlements, those who test positive will be locally quarantined'. ROMEA. 1 April 2020: <http://www.romea.cz/en/news/world/slovakia-COVID-19-testing-begins-in-romani-settlements-those-who-test-positive-will-be-locally-quarantined>.

³ For additional relevant information in English see 'Slovakia: Five Romani-inhabited settlements are being closed for quarantine, 30+ COVID-19 infected persons found so far'. ROMEA. 1 April 2020: <http://www.romea.cz/en/news/world/slovakia-COVID-19-testing-begins-in-romani-settlements-those-who-test-positive-will-be-locally-quarantined>.

⁴ Information on comparison of positively tested persons to all persons living in these communities was reported in the media <https://www.teraz.sk/slovensko/v-romskych-lokalitach-na-spisi-je-v-k/459288-clanok.html>.

⁵ A. Ravazs: 'Do not sacrifice Roma for coronavirus'. Denník N. 9 April 2020. Available in Slovak at: <https://dennikn.sk/1847811/neobetujeme-romov-koronavirusu/>.

heating), which as such restricted the range of their rights and arguably constituted their discrimination. People had not time to prepare for the quarantine themselves, some of them experienced severe lack of food. It was, for instance, also reported that some people with oncological diagnoses had difficulties to get medical treatment. As a most serious omission of the Government that seriously endangered health of Roma in communities under the quarantine can be considered the fact that infected people have not been promptly isolated from healthy people in order to prevent potentially uncontrolled spread of the virus inside the communities. No zones that would separate these two groups of people were established within these communities. This issue has also been specifically raised as a matter of concern by the Slovak Public Defender of Rights, who informed on social media that she turned to the responsible authorities on the same day the area quarantines in the given Roma communities were imposed and questioned this overall approach with regard to its impact on constitutional rights of the affected Roma.

On 19 April 2020, the authorities imposed area quarantine also in another Roma community in the village Vrbnica where 7 persons tested positive for COVID-19 and approx. 500 Roma were put into the quarantine.⁶

It was reported that on 25 April 2020 - after 16 days - the state authorities cancelled the area quarantine in one locality (Bystrany) and on 1 May 2020 in three localities in town Krompachy. The quarantine restrictions remain in locality Zehra.⁷ Although the number of infected people have not increased rapidly in any of the given localities, the number of infected people reached 51 in one of them (village Žehra) by 16 April and it can be argued that the reluctance of the authorities to relocate the initially infected persons out of the Roma community into individual quarantine may have had a potentially very negative impact on the number of infected persons.⁸

It should also be noted that the whole decision of putting the given Roma communities under area quarantine was initially presented by the Government authorities through the media in a way that primarily implied the necessity to protect the other majority areas from spreading the virus existing in Roma communities. The context of the epidemiological situation inside the communities and the health of the inhabitants was fairly silenced. This could further contribute to the stigmatization of marginalised Roma communities, who were publicly pictured as a threat to public health and the majority society obviously largely sympathised with the imposed area quarantines.

On 27 April 2020 in one of the localities an incident of police violence against Roma children by the police officer who guarded the lock down area has been widely reported.⁹ On 29 April 2020 the Public Defender of Rights publicly stated that such violence against Roma children is unacceptable and must be investigated. State representatives like the President of the Republic, some MPs and Slovak MEP are calling for a proper investigation of this incident.¹⁰ The Public defender of Rights also stated on social media that she will look closely into the lockdown of Roma localities as she received an individual complaint in this regard.

2./ The Public health authority of Slovakia, following the conclusions of the central crisis staff, adopted a range of protective measures on 21 April 2020, including an explicit ban

⁶ <https://www.teraz.sk/najnovsie/vsetci-testovani-vo-vrbnici-maju-neg/461509-clanok.html>.

⁷ Slovakia: Three Romani communities in Krompachy out of COVID-19 quarantine, movement restrictions only remain in Žehra, ROMEA, 4 May 2020, Available at: <http://www.romea.cz/en/news/world/slovakia-three-romani-communities-in-krompachy-out-of-COVID-19-quarantine-movement-restrictions-only-remain-in-zehra>.

⁸ 'Žehra already has 51 persons with a positive test on coronavirus' SME. 16 April 2020. Available in Slovak at: <https://spis.korzar.sme.sk/c/22384836/obec-zehra-ma-uz-51-obyvateľov-s-pozitívnym-testom-na-COVID-19.html>.

⁹ For more information and video in English see: <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>.

¹⁰ For more information see <https://www.tasr.sk/tasr-clanok/TASR:20200429TBB00248>.

for a wide range of shops and public service providers to sell their goods and provide their services to seniors over 65 years outside the specified time set apart only for them (Monday - Friday between 9 - 11 am).¹¹ This measure has been widely criticized as disproportionate and harshly restrictive for seniors, disregarding for instance the fact that many of them are still employed or for various other reasons cannot go shopping in the given narrow time window. The Public Defender of Rights instantly turned to the Public health authority as she considered the measure discriminatory and on 24 April 2020 the Public health authority reassessed and removed this measure.

¹¹ The measure of the Public health authority n. OLP/3461/2020 in endangering public health, number H. Available at: http://www.ruvztv.sk/wp-content/pdf_downloads/COVID_19/22_04_2020_otvorenie_prevadzok_rezimize_opatrenia_hh_sr.pdf.