

Populist Pressures, Policing and the Pandemic:

Lessons and Challenges for Police Management

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Abstract

The paper^{1*} focuses on challenges that are brought to police management and leadership by populist and racializing political rhetoric (often coming from government or local government) connecting the virus and minority communities through a discourse that identifies ethno-culturally rooted reasons for higher infection rates and disobeying curfew and social distancing measures. The paper has three parts: the first begins with mapping out four distinct scenarios in how the COVID-19 virus may affect certain groups incommensurately, arguing they lead to systemic and institutional discrimination. This is followed by an overview of how - in socio-economic terms - Roma are impacted throughout Europe, and have been targeted by racialising and securitising populist political rhetoric and law enforcement measures during the first wave of the pandemic in Belgium, Bulgaria, France, Greece, Moldova, Romania, Slovakia, and Spain. The third part investigates whether the legal framework for policing multicultural communities could be used as a procedural basis for such a targeted action – and argues that, in theory, the answer is affirmative. Therefore, a special vigilance and resilience is required from the police leadership. An example from the Hungarian framework for policing multicultural communities illustrates the aforementioned possibilities. Although Hungary is not among the countries from where anti-Roma political rhetoric had been reported, its legislation on policing multi-ethnic communities arguably fits within the more encompassing model reflecting European and international standards and rhetoric. The paper introduces the concept of benevolent penal populism – endowed with a potential to be turned into malevolent action – to characterise this phenomenon and explain the respective threat in it.

Keywords: populist political rhetoric, policing, Roma, pandemic.

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Systemic and institutional discrimination and the disproportionate effects of the COVID-virus

A large body of scholarly literature and public discussion targets the disproportionate effect of the COVID-virus on minorities and vulnerable social groups. For analytic purposes, there are four distinct ways in how the virus may affect certain groups incommensurately.

The first scenario is when due to biological or cultural reasons, the virus will have a stronger effect on certain groups independently from social or state actions. For example, the elderly², or people with asthma (see for example Raterman, 2020) are more exposed and vulnerable to the harming effects of COVID-19. Likewise, Catholics may be more prone to the exposure to the Corona virus due to attendance to the Sunday mass involving communal singing. Also people incarcerated³ or living in refugee camps or prisons, where social distancing is impossible, will have a higher rate of exposure.

The second scenario relates to the emergency or health care measures that affect certain groups negatively. For example, for persons with a hearing impairment, mandatory use of masks reduce communication channels (Taylor, 2020). Rules for social distancing or lockdown measures can interfere with religious practices and rituals like mourning and burial within a short time after the death (e.g. Stack, 2020). Moreover, with lockdowns, people with disabilities, and homeless people will be affected more severely (Barnes & McDonnel, 2020; also Bernstein et al. 2020; Sturm et al., 2020).

The third scenario refers to situations when the virus enlarges systemic marginalization and vulnerability of certain social groups. For example, in the US, the African American and Latino population is three times more prone to Coronavirus contamination (not independently from their weaker socio-economic position, greater exposure due to job market shares, more crowded housing and commuting facilities) and twice as likely to die (also not independently from a generally worse health status, obesity and diabetes in particular) than whites (Oppel Jr. et al., 2020; also Faleiro, 2020;

United Nations Human Rights Office of the High Commissioner, 2020b; Cultural Survival, 2020). As the *Economist* reports, in England a black man is nearly four times more likely to die from the disease than a white man of a similar age. In the state of New York, in the first months of the pandemic, black and Hispanic children were more than twice as likely to lose a parent or caregiver to COVID-19 as those who were white or Asian. In São Paulo, Brazil's richest state, black people under the age of 20 are twice as likely to die from COVID-19 as their white counterparts. Sweden tallied deaths early in the epidemic and found out that those born abroad were several times more likely to die from it than those born in Sweden. For Bangladeshi men, the risk for dying from COVID-19 is three-and-a-half times higher than the white men of the same age.⁴ Women are also affected in many negative ways. Women have a heightened risk of unemployment (they are overrepresented at the tourism and the garment sector, (see World Trade Organization News, 2020), burdened of domestic care and labour, face a drastic rise in intimate partner or gender-based violence⁵, are more exposed to forced marriages, and to more severe obstacles in the access to social services like prenatal care and crisis prevention centres – unsafe, often lethal, abortions are in a surge (e.g. Women Enabled International, 2020; Barnes & McDonnel, 2020). The virus is expected to cut off 13-44 million women from contraceptives, and lead to an additional 1 million pregnancies (CARE International, 2020). The virus also brings a setback in various facets of development, for example 2 million more cases of female genital mutilation (Archambeault, 2020), and 4 million more child marriages (for more, see Orchid Project, 2020).

The fourth scenario concerns state action that, either through over- or underperformance, disproportionately effects or targets certain groups. This could mean inappropriate access to health care services or over-policing. For example, BAME (Black, Asian and minority ethnic) people were fined more than white population under coronavirus laws Police in England (Busby & Gidda, 2020).

2 See for example United Nations, 2020; BSG Statement on COVID-19, 2020; Ayalon et al., 2020.

3 [The 'forgotten tribe': Persons with disabilities in Ethiopia and the State's response to COVID-19. The role of international financial institutions in protecting the vulnerable during pandemics: Focus on World Bank in developing economies.](#)

4 A lack of data on race hampers efforts to tackle inequalities (The Economist 2020).

5 The UN estimates an increase of 15 million cases for every three months of lockdown, see CARE International and International Rescue Committee 2020; ERGO Network, 2020, p. 9; Interpol, 2020.

Roma targeted by racializing and securitizing populist political rhetoric under COVID-19

Social and economic vulnerability

Before the discussion of populist rhetoric targeting Roma, an overview of the socio-economic position of this group in regards to the COVID-19 pandemic is in place. The general observation is that Roma face more severe disadvantages under the pandemic, and the virus amplifies many of the long-standing disparities (FRA, 2021). For example, the European Roma Grassroots Organization (ERGO Network, 2020, p.5) points out that marginalized Roma and Travellers are amongst the most affected and impacted by COVID-19, mainly due to their devastating living conditions and exclusion, triggered by widespread anti-Gypsyism. Roma and Travellers faced difficulties in access to food, medical supplies, internet, gas, running water, garbage collection, and electricity during the confinement or quarantine, which aggravated their exposure to vulnerability. Many of them lost their daily income, since they work in the informal sector – for example in the fields or as daily labourers. In regards to education, many Roma children do not have the minimum conditions for a proper online education, having limited access to internet, electricity, or even to computers or tablets – not to mention the lack of proper housing, an encouraging home environment, or language assistance. Consequently, they could not attend online classes, sometimes for an entire school year (ERGO Network 2020, p. 7).

In healthcare, a more severe exposure or susceptibility to COVID-19 was due to the preconditions of chronic illnesses such as asthma or chronic bronchitis. 42% of the interviewed said that they did not have health insurance (ERGO Network, 2020, p. 7).

Housing is another relevant factor. Many Roma and Travellers live in overcrowded spaces and face difficulties in paying their bills, fees, and debts. Furthermore, although most states introduced a moratorium for forced evictions, many have been evicted during the pandemic. Some Roma families were also reported to have been forced to migrate (ERGO Network 2020, p. 9).

According to the report, Roma also experienced racism and discrimination, manifesting in both restrictive measures and increased anti-Roma rhetoric. Socio-economic vulnerability and discrimination have

been documented by the OSCE Office for Democratic Institutions and Human Rights (OSCE Office for Democratic Institutions and Human Rights 2020 pp. 141-146) and by the European Union Agency for Fundamental Rights (FRA, 2020) too.

As for Hungary, no Roma-specific documentation on infections or death rates are available. However, interviews report that Roma are highly affected by the COVID-19 virus (Dunai, 2021). Activists point out the mistrust to the medical system and a general perception of discrimination (Dunai, 2021). Lack of internet access surfaces not only in relation to educational participation, but, also, in the process of registration for the vaccination (Béres & Szlavkovits, 2021).

Racializing and securitizing populist political rhetoric

For many European Roma, the emergence of the COVID pandemic caused targeting and profiling in relation to curfew and social distancing measures by a rhetoric that points to ethno-culturally rooted reasons for these actions. For example, as early as in the Spring 2020, claims were made that for Roma Easter was a family tradition too important for keeping social distance (for example Berta, 2020) and this provided for essentialist rhetoric in voicing the targeted law enforcement action.

Hence, the pandemic is usurped for marginalization by utilising cultural differences for scapegoating and putting forward a new rhetorical tool for far-right nationalism and offering an operationalizing scheme for law enforcement action. Matache & Bhabha (2020) report a "...frightening escalation of populist and racist voices intent on blaming the Roma community for this pandemic". They also announce, that local and national newspapers often raged a racist, hateful, and life-threatening campaign of anti-Roma propaganda reinforced by dehumanizing, degrading, and deeply offensive fake posts and "news" on the Facebook. The latter remained unaddressed. (Matache & Bhabha, 2020.)

However, the data available is still scarce. It mostly refers to the first wave. Therefore, it is too early to draw final conclusions. Nevertheless, the sources confirm the emergence of language from politicians portraying Roma as a public health risk by labelling them as carriers of the Coronavirus. The moral panic-envisaging

rhetoric lead to targeted law enforcement action and police violence.

An overview and analysis of experiences of the first wave of the pandemic published by the European Roma Rights Centre (ERRC Report 2020) documents the most egregious human rights abuses which occurred against Roma during the period from February – June 2020, in 12 European countries (Albania, Belgium, Bulgaria, Hungary, Italy, Moldova, North Macedonia, Romania, Serbia, Slovakia, Turkey and Ukraine). This report exposes how these exceptional circumstances exacerbated already existing institutional racism against Roma, resulting in an increase in human rights violations by state authorities, as

“...the implementation of curfews, bans on public gatherings, and social distancing measures provided additional contexts for law enforcement with inflated powers to brutalise Romani people with relative impunity” (ERRC Report 2020, p. 32).

It shows that although the first wave actually had not impacted directly on marginalized Romani communities in Europe in terms of numbers of infections and Eastern and Central Europe in general was for most, spared and only had a tiny number of cases compared to Western Europe. Yet

“...whilst no one was looking, vulnerable Romani communities were being brutalised by racist police officers, forcefully evicted from their homes, scapegoated by the far-right ... while a hostile media, starved of tabloid content, demonised them for cheap clicks. (...) Institutionally racist public institutions have both directly and indirectly caused additional suffering to Roma living on the margins of society in segregated neighbourhoods throughout Europe.” (ERRC Report, 2020, p. 3).

Just to provide a few examples. The Bulgarian town of Yambol was fully quarantined and blockaded for 14 days and a helicopter sprayed nearly 3,000 litres of detergent to ‘disinfect’ the Romani neighbourhood.⁶ On the same day the National Assembly voted to declare a sense of emergency, Interior Minister Mladen Marinov

6 E. Tendayi Achiume, Special Reporter on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and Fernand de Varennes, Special Reporter on minority issues, expressed deep concern at the discriminatory limitations (ERRC Report, 2020, 9-10; United Nations Human Rights Office of the High Commissioner 2020a).

told parliament that Romani ghettos will be quarantined if necessary, should people ‘lack self-awareness’; and that the Ministry will exercise its powers “to ensure compliance with quarantine”. The measures were found disproportionate, unrelated to actual infection rates, and later acknowledged to have been largely ineffective (ERRC Report, 2020, p. 12).

In Edinet, Moldova, the mayor publicly voiced concerns that Roma returning from abroad and disrespecting quarantine measures constitute a public health hazard to the rest of the population (ERRC Report, 2020, p. 24). Soroca, the so-called ‘Roma capital of Moldova’, was quarantined by the government after a relative rise in the number of infections. Alongside the police, soldiers from the 22nd Peacekeeping Battalion and the Anti-Air Missile Regiment installed fixed checkpoints at the entrance and exit of three localities to monitor the movement of citizens and vehicles (ERRC Report, 2020, p. 28).

In Romania, “broadcast and print media commentators amplified racist tropes about ‘Gypsy violence’ and ‘Gypsy crime’ when covering incidents involving Roma and law enforcement to turn essentially localized incidents into a full-blown safety and public health emergency,” resulting in an “outpouring over Romanian social media of hate-filled calls for anti-Roma violence, in some cases laced with approving references to Roma extermination during the Holocaust” (ERRC Report, 2020, p. 35). The report lists a number of violent police attacks on Romani communities, including a disproportionate use of force, tear gassing women and children, inhumane and degrading treatment of detained persons, and police attempts to prevent NGOs delivering humanitarian aid (ERRC Report, 2020, p. 35).

In Slovakia, where five entire Romani settlements were entirely quarantined, Jaroslav Polacek, the mayor of the major city, Kosice, posted a warning on social media that Coronavirus can spread because of the behaviour of “socially unadaptable people” in Romani settlements who do not respect emergency measures. Another mayor, in an open letter to the Prime Minister, called for the lock-down of all Romani settlements to prevent mass outbreaks of the virus (ERRC Report, 2020, p. 44). Counterpunch Magazin reports (Rain, 2020) how Speaker of the Slovak Parliament, Boris Kollár, when asked how he would address the perpetual humanitarian crisis of the Romani in Slovakia, suggested purchasing 700,000 plane tickets to relocate them in the UK.

In response to events principally in Slovakia, Bulgaria, and Romania, Council of Europe Secretary General, Marija Pejčinović Burić, expressed concern at government measures that could result in further compromising the human rights of Roma (ERRC, Report 2020, p. 49; Council of Europe Newsroom, 2020).

As mentioned above, similar reports emerged from Western Europe too. For example, Romani Travellers in Belgium were at the focus of increased police attention and subject to harassment on the pretext of enforcing emergency social distancing measures via lice operations targeting Romani communities and seizing caravans (thereby making families homeless without being offered any alternative housing solution, social aid, or COVID-19 emergency support) (ERRC Report, 2020, pp. 6-8).

The European Union Agency for Fundamental Rights lists other examples from Western Europe as well. In Spain, as reported by the media, Roma were blamed for the increasing number of infections. In Greece, the media portrayed Roma as having no respect for the restrictive measures or the lockdowns. In France, the mayor of Voisenon asked citizens to contact the competent services “as soon as you see a caravan circulating in our village”. (FRA, 2020, pp. 26-27.)

As Jonathan Lee summarizes,

“With coronavirus lockdowns in force across Europe, the continent’s largest and most marginalised minority - the Roma - is at the mercy of racist and violent police officers seemingly accountable to no one. (...) Police officers from Slovakia to Ireland, who need little encouragement to terrorise the Roma even during normal times, are taking advantage of the unprecedented public health emergency we are currently facing to abuse, beat and harass vulnerable Roma men, women and even children with complete impunity. (...) In the past month in Romania alone, we have recorded at least eight incidents where police officers used disproportionate force against the Roma. Video footage from one of these incidents... shows police officers beating eight handcuffed Romani men and one 13-year-old boy for allegedly having a barbecue outside one of their houses. Several policemen and gendarmes, in and out of uniform, take part in the collective punishment. Two officers are seen holding the arms of a Romani man screaming in agony, as a third whips the bare soles of his feet. Another officer is heard using racial slurs and threatening anyone who dares to

report the incident. (...) Today we are witnessing what happens when the structures that normally hold security forces accountable - the media, civil society, and judicial systems - are paralysed by a pandemic. With NGOs, activists, and journalists unable to work in the field because of state-imposed lockdowns and social distancing measures, the only resources we can rely on to bring abusive police officers to justice are witness accounts and a few videos secretly recorded by terrified people. (...) Police violence against Romani communities does not occur in a vacuum. It comes as part of a bigger package, alongside Roma-only ghettos, segregated education, discrimination in employment and healthcare, and a lack of basic utilities and infrastructure in places where poorest communities live. This system is maintained and perpetuated by society’s refusal to be confronted with the daily apartheid of Romani people, which is plain to see for anyone who just cares enough to look.” (Lee, 2020.)

This rhetoric, as Ioanida Costache argues, is borne of the biopolitical ideology of white supremacy in which Roma do not make up part of the nation, in fact, they threaten it, as a contagion, spoiling its purported homogeneity. Roma bodies have long been considered a biological threat to the health of the body politic (Costache, 2020).⁷

This rhetoric, relying on deeply running stereotypes and social prejudice, generally lacks empirical evidence for ethno-culturally based heightened infection risks in the Roma communities. The argument of this paper is that political rhetoric, especially if it comes from local and national government politicians, provides pressure on police leadership to execute and transform scapegoating rhetoric to actual policing action that, at the end of the day, diverts the responsibility for a beguiling political strategy on officers and police management. To demonstrate the complexity of the challenge for the police management and officers, the subsequent section investigates whether the legal framework for policing multicultural communities could in fact be used as a basis for such a targeted action.

For this part, the example of the Hungarian framework for policing multicultural communities is used. Although Hungary is not among the countries from where anti-Roma political rhetoric had been reported,

⁷ For more, see Krasimirov and Tsolova (2020), Rorke (2020), Muller et al. (2020), Carstocea (2020), Chang and Barzakova (2020), Seiler et al. (2020), Sudbrock & Mihalache (2020), D’Agostino (2020).

its legislation on policing multi-ethnic communities, arguably, follows the international standards and rhetoric. The paper introduces the concept of benevolent penal populism that carries with potential to be turned into a malevolent one, to explain this phenomenon and the aforementioned threat it includes

Policing multicultural communities

In line with international recommendations, in 2011 the chief of the national police issued two orders on policing multicultural communities and cooperation with Roma self-governments (and an adjacent methodological guideline in 2012.)⁸ These documents establish local liaisons (contact points) and working groups to facilitate crime prevention and to map deviance and criminal behaviour that arises from differing cultural norms of the majority and the minorities. By applying the term 'multicultural' communities and environment, the mandatory legal text blends cultural differences pertaining to religious communities, asylum seekers in refugee camps, and the Roma, and singling out Roma self-governments⁹ as institutional partners for the force. The regulations include the prevention of victimization as well as detecting criminality. Thus, culturally rooted target activity can include victimization of minorities or refugees in hate crimes, as well as victims of harmful traditional practices, say honour crimes, when perpetrators are also members of the (culturally defined) minority community. A thorough reading of the texts shows that perpetrators and not victims are at the focus of the regulations, and, particularly, those, who commit crimes against members of the majority due to their special cultural norms, that are in conflict with national criminal law.

The regulations identify three target communities: legal and illegal immigrants and asylum seekers; the Roma; and resident migrants and autochthonous (in-

digenous) national minorities who "exhibit cultural, behavioural, religious or value patterns differing from the majority." Given the practically ethnically homogenous nature of Hungarian society (apart from the Roma),¹⁰ no literature in anthropology or criminology shows the existence of such patterns or behaviour for either the indigenous or new immigrant groups (besides an essentialist and overbroad generalization connecting terrorism with the miniscule Muslim community)¹¹ especially since the size of these communities is miniature.

Generally, one can follow a bona fide and a more critical approach in trying to decipher the intent of the legislator. The former would imply that the chief of the police simply wanted to implement international standards for policing multicultural communities, like the European Code of Police Ethics¹² or the Ljubljana Guidelines on Integration of Diverse Societies by the Organization for Security and Cooperation in Europe¹³, both adopted around the same time, in a politically correct and harmless, cost-free fashion, even though such communities, for the time being, do not exist.

A more critical reading¹⁴ suggests that there is an essential, relevant link between potential criminality and being Roma. The term "Gypsy Criminality" was not coined by the government, but by the extreme far-right party, Jobbik. Although there is no straight forward commitment to it in government documents, it is strongly implied by the logic of various legislative texts.

The national document for Roma inclusion issued by the government (Emberi Erőforrások Minisztériuma Szociális és társadalmi felzárkózásért felelős államtitkársága, 2014) repeatedly mentions cultures between the majority and the ethno-nationally defined communities, and in general a deep and robust cultural difference between the Roma and the majority, that needs to be tackled via law enforcement strategies, "mutual acceptance and forming an alliance" between

8 Instruction No 27/2011. (XII. 30.) of the National Police Chief on policing multicultural communities, Instruction No 22/2011. (X. 21.) of the National Police Chief on cooperation with Roma minority self-governments, general guidance, 29000/126311/2012 issued on January 19, 2012.

9 In 2011 a new minority law (Act CLXXIX of 2011 on the Rights of Nationalities) was adopted, preserving the earlier institutional and conceptual framework, yet bringing a change in terminology and changing 'national and ethnic minorities'; to 'nationalities', making the philosophy of the law more straight forward. Roma self-governments have formally been involved in social inclusion measures, signaling that on the one hand the legislature conceptualizes Roma issues foremost as issues of identity politics, and uses cultural identity as a tool for social integration.

10 In Hungary, immigration figures are very low, and the overwhelming majority of immigrants are ethnic Hungarians from neighboring states and who do not constitute a cultural minority. With an overall population of about 10 million, the immigration authorities recorded 213,000 foreigners living legally in Hungary in 2012 (Council of Europe & ERI-Carts 2010).

11 According to the latest, 2011 census there were 5579 Muslims in the country. http://www.ksh.hu/nepszamlalas/tablak_vallas

12 Recommendation (2001) 10 adopted by the Committee of Ministers of the Council of Europe on 19 September 2001.

13 Adopted in November 2012.

14 The authors have no intention or proper methodological tools to guess or identify which reading is the actual, correct one, but argues that both are problematic

the majority and the Roma.¹⁵ The welfare state propagated by Prime Minister Orbán also hints at canonizing the “culture of poverty”, which can be linked to “culturalism”, “new racism” (for example Taguieff, 1990, pp. 83, 109-122) and essentializing, othering, marginalizing, and scapegoating discourses, where cultural specificities are used to explain criminality and poverty, which in turn allow for securitized policies and blatant ‘corrective’ segregation and paternalistic and patronizing rhetoric and policies.¹⁶

Concluding remarks: wronging rights?

The bottom line to the previous section is that the emergence of the COVID pandemic brought a possible new angle to the scrutiny of benevolent legal and policy frameworks for policing minority communities. The contextual dimension of the case study is the discursive and institutional framework of populism, in particular penal populism and penal nationalism. These can operationalize in three distinct forms. The traditional, “classic” form of penal law enforcement and criminal policy-related populism (in rhetoric and/or in policy-making) involves singling out and othering racially, or ethno-culturally defined internal or external groups as enemies. Our recent works (Pap 2020), identified a second and third, more intricate type of penal populism. The second pertains to the proliferation of protected groups, which is arguably a form of identity-politics led populism. The third pertains to policy

and legislation that is not, and not even intended to be enforced, and mostly serves the purpose of paying “legislative lip service” to the international community, or international organisations (or the European Union, in particular), or to be used as a bargaining chip in international relations (as a point of reference in negotiating with neighboring states where large ethnic kin populations reside). The latter is exemplified by conceptualizing the multifaceted Roma community as an ethno-cultural one, and a commitment to connect ethno-cultural features with law enforcement tasks is another form of an operationally empty legislative declaration, as in the specific context, ascribing to the principles to police “multicultural communities” has few, if any operative consequences. This legislation appears to be a politically and public policy-wise low-cost, and mostly symbolic “virtue-signaling” (albeit ideologically diffuse and incoherent). Yet, lawmaking that actually lacks an actual commitment for enforcement, pertaining to non-existing subject matters is a form of desuetudo, depreciation of law, which violates the integrity of the legal system and the principle of rule of law. This arguably can be conceptualized as a form of penal populism directed towards international organizations.

The novelty in the case lies in that for the first time, actual reference was found to identify “Roma culture” as something mismatching the law and the majority (social and legal) norms. While ethnic culture based-policing is a relevant routine, if “real”, culture-based incompatibility of norms exists, for example in the case of certain harmful traditional practices like FGM (female genital mutilation) and alike, but none of these were present in East Europe in lieu of the Roma.

15 Special Roma liaisons are also to be appointed in prisons... (Romaügyekért Felelős Tematikus Munkacsoport, n.d.)

16 It needs to be added that the European Roma Rights Center raised concerns about the regulations (Novak, 2012).

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