

WRITTEN COMMENTS

OF THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING SWITZERLAND (GENEVA)

For Consideration by the United Committee on the Elimination of Racial Discrimination (CERD) at its 105th Session (15 November 2021 - 03 December 2021)

State Party review of Switzerland

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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INTRODUCTION

The European Roma Rights Centre (hereinafter also referred to as the “ERRC”)¹ hereby submits this list of issues concerning Switzerland to the United Nations Committee on the Elimination of Racial Discrimination (CERD) for the consideration by the Committee at its 105th Session (15 Nov 2021 - 03 Dec 2021). The submission focuses on the situation of Romani migrants in Geneva, particular on their lack of access to housing and experience of forced eviction, interactions with public institutions (including social services, law enforcement, and immigration), lack of access to education, and their lack of equal access to public services and public places.

This submission, and the accompanying field research, was prepared by Cosmina Novacovici for the ERRC as part of a research volunteer placement in the Summer of 2021.

BACKGROUND AND CONTEXT

It is estimated that there are 250-300 Roma from Romania², in particular from several villages in the Transylvanian region of Romania, in Geneva. They form a visible part of public life in Geneva because, due to extreme poverty and discrimination-based exclusion, they beg for a living. The current submission concerns the treatment of these people.

Relatively free movement from Romania has been possible since the end of Communism in 1989, and Romani migrants from Romania have been present in the territory of Geneva since the mid-2000s. The Romani people interviewed as part of the preparation for this submission say that they have been coming to Geneva since around 2005.

Most Roma in Geneva come from the Transylvanian region of Romania, an industrial and agricultural region. Despite improvements in recent years, the Transylvanian economy has in the past decades not secured even the minimum amount necessary to live for the most excluded members of society, among whom Roma make up a very significant percentage.

This region of Romania is known internationally because of the interethnic conflicts and anti-Romani pogroms of the early 1990s. In one case involving the killing and wholesale expulsion of the Romani community from Hadareni village near the town of Tirgu Mures, the events led to important and far-reaching judgments by the European Court of Human Rights (ECtHR).³

Today in Transylvania, and Romania more broadly, Roma face racism and discrimination which is manifested through school segregation, illiteracy, and a lack of access to work, social, and medical services, as well as police abuse and threats of violence from their non-Romani neighbours. Many Roma in Romania have no viable means to secure even basic necessities such as food.

These circumstances led many Romani people to leave Romania in search of better living conditions. Many who arrive in Geneva are able to get by through begging, however they continue to be discriminated against and face racism and xenophobia. Their legal status in Geneva is precarious, and, homeless and unable to find work, they live in fear of being evicted and arrested.

While some services exist to provide emergency shelter, food, and other help, the premise of all legal and political arrangements in Geneva – as in the rest of Switzerland – is that there are limited, if any, viable possibilities to integrate yourself, leave the grey economy, and become a part of Geneva society.

1 The ERRC is a Roma-led international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. Since its establishment in 1996, the ERRC has endeavored to provide Roma with the tools necessary to combat discrimination and achieve equal access to justice, education, housing, health care and public services. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations. More information is available at: www.errc.org.

2 A study on social work in a high school shows that the number of Roma from 2015 to 2020 did not exceed 280 people per year, with the majority being men (47%) followed by women (40%) and 13% children. Caritas Genève, résultats 2020, Pole médiation, répartition des accompagnements en 2020 N, 937.

3 See, in particular: European Court of Human Rights, Moldovan and Others v. Romania (*Applications nos. 41138/98 and 64320/01*), Judgment No. 2, 12 July 2005. Can be accessed at: <https://hudoc.echr.coe.int/fre#%22itemid%22:%22001-69670%22>}.

The visibility of poverty, and of beggars, in Geneva's public spaces has led politicians to create a legal framework, namely Article 11A of Geneva Criminal Law, which enables the authorities to punish begging by monetary fines.⁴ These rules came into force in 2008. Repeated offences and non-payment of fines lead to more serious consequences, including a prison sentence. As such, poverty is criminalised in Geneva.⁵

Recently, in January 2021, the case of Ms. Violeta Sibiianca Lacatus led to these practices by the Geneva authorities to be ruled in violation of the European Convention on Human Rights by the European Court of Human Rights. Ms. Lacatus, an illiterate Romani woman from Romania, had been sentenced in January 2014 by Geneva authorities to a fine of 500 francs for begging on the public highway. The 22-year-old woman, who was at that time earning her living from begging and was not receiving social assistance, was remanded in custody for five days because she did not have the financial means to pay the fine and had repeatedly not paid other, similar fines.

Ruling in the case, the European Court found Switzerland to be in violation of European Convention Article 8 (right to private and family life) and rejected the arguments of the Swiss Government that the punitive approach to extreme poverty was necessary to discourage socially unwanted phenomena; in this case begging.⁶

As of the date of this writing, Geneva authorities have suspended the legal framework through which Ms. Lacatus was deprived of her liberty. Discussion regarding a replacement policy framework has been open for a number of months, with the government under pressure in particular from police and a number of key figures in right wing parties, who argue that a punitive approach should stay in place and that any changes should be essentially cosmetic.

In the absence of clarity, as detailed above, Geneva authorities have in recent months begun putting pressure on Roma to leave Geneva, using a variety of measures including the arbitrary remand of Romani children into state care, as well as destroying the property of rough sleepers.

These practices are undertaken directly against recommendations Switzerland has received from European-level monitoring bodies; namely to undertake a range of proactive measures to improve the situation in a human rights-compliant manner. For example, in 2020, the Council of Europe's European Commission Against Racism and Intolerance (ECRI) recommended that Swiss authorities, "create effective measures to ensure that irregularly present migrants have access to services in the fields of education, health care, housing, social security and assistance, labour protection and justice. ... [F]irewalls should separate the activities of immigration control and enforcement from the provision of services, so that irregularly present migrants do not refrain from accessing their rights due to fear of deportation."⁷

This submission addresses ongoing human rights concerns arising under the CERD Convention, organised under the following particular themes: (1) Legal and Policy framework, (2) stigmatisation and discrimination through discourse against Romani migrants, including racial profiling by police and public announcements; (3) access to decent and sustainable housing; (4) access to health services for Romani migrants in Geneva; (5) access to education of Romani children; (6) access to social services; (7) access to public places: restaurants, cafes, shops and other; and (8) expulsion of Roma from Geneva.

METHODOLOGY OF RESEARCH

During January-June 2021, a series of interviews with 36 Romani families from Romania in Geneva were carried out, with the aim of understanding their situation, background, and human rights issues arising in the given context. Members of civil society providing assistance, activists, and social workers were also

4 Secrétariat du Grand Conseil (2021) *Projet de loi modifiant la loi pénale genevoise (Pour mettre un terme à la criminalisation de la mendicité et amnistier les victimes de cette disposition)*, Available: <https://ge.ch/grandconseil/data/texte/PL12862.pdf>.

5 For more information on the penalisation of poverty as a human rights issue see the Report of the Special Rapporteur on extreme poverty and human rights, Ms. Maria Magdalena Sepúlveda Carmona, on taxation and human rights. Can be accessed here: <https://www.ohchr.org/EN/Issues/Poverty/Pages/reportsbypreviousSpecialRapporteur.aspx>.

6 See: Cour Européenne des Droits de l'Homme, *AFFAIRE LACATUS c. SUISSE (Requête no 14065/15)*, Arrêt, 19 janvier 2021. Can be accessed at: <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-207377%22%7D>.

7 See: European Commission Against Racism & Intolerance (2019) *ECRI Report on Switzerland (sixth monitoring cycle)*, Available: <https://rm.coe.int/ecri-report-on-switzerland-sixth-monitoring-cycle-/16809ce4bd>.

interviewed, as were experts with knowledge of the situation. Desk research into available literature was reviewed, and media reports were also analysed and studied. Examples from the latter source were particularly vivid during the period, due to public debate triggered by the European Court of Human Rights judgment in the *Lacatus*⁸ case.

The material presented here does not purport to be a comprehensive study. However, the Geneva situation is relatively clear and unequivocal: lacking any viable means to integrate, a small community of extremely poor and stigmatised people face severe threats to their basic human rights and live in severe exclusion, highly dependent on charitable assistance and the whims of the police.

LEGAL AND POLICY FRAMEWORK

In practice, among the Romanian Roma in Geneva there are effectively two categories of people in legal terms:

a) People who are illiterate, and whose only work experience is in agriculture and physical work but who are without any official certification. These people sleep rough and are dependent on a combination of begging and emergency charitable social services. They have no formal legal status in Geneva, apart from a right of entry for three months, conditioned upon not becoming dependent on the state. In effect, legally they are tourists.

b) People, especially young people, who have managed to learn French, have 8 or even 12 years of schooling, and who hold a driving license. Some people from this group manage to become integrated into the social system with an employment contract and residence permit. It is estimated that only around 6% of the Romani migrant population fall within this category.

The vicious circle in which Romani migrants are caught in Geneva is determined by factors such as the complexity of inclusion and integration in a society as rule-bound as Swiss society. This begins with basic issues such as acquiring a legal basis to stay in the country: from 1 June 2019, the Swiss labour market has been fully open to Romanian citizens, provided they can show gainful employment. The types of residence permit available are the following: short-term permit type L, issued on the basis of a fixed-term employment contract of up to 1 year; long-stay permit, Type B, issued on the basis of a contract of indefinite or fixed-term employment of more than 1 year with a validity of up to 5 years.

Most Roma who come to Geneva work ‘illegally’, undertaking jobs such as cleaning, physical work in the flea market, or even seasonal work. Often the parties involved in this type of work refuse to conclude a contract as reportedly the legislation is complicated; employers are unwilling to pay social charges; and under Swiss law, the persons concerned do not have the right to work in Switzerland.

Around 90% of the people interviewed during the preparation of this submission stated that they would prefer regular work to begging, so as to bring stability and security to their family. For example:

Ms. P.M., a 32-year-old Romani woman stated, “I have been begging in Geneva for 7 years, I come here because I already know people and I already have a daily meal, I am a single mother for 3 minors who are in Romania in the care of my relatives. I worked at a restaurant but without documents. The employer did not want to hire me, and now I am begging because in Romania I have no chance. I often cry because passers-by despise me. There have been a few times when people have spat at me. My children are at school, I am thinking of them to have a future different from mine.”

The Geneva authorities had previously established programs to facilitate the regularisation and legalisation of irregular migrants, with a view to them being able to establish themselves with dignity in Geneva. Operation Papyrus was set up jointly by the Cantonal Office for the Population and Migrations (OCPM), the State Secretariat for Migration (SEM), and Geneva support associations, and ran from 2017 to 2018. It reportedly

⁸ See: *AFFAIRE LACATUS c. SUISSE* 14065/15 Judgment (Merits and Just Satisfaction) Court (Third Section) 19/01/2021. Can be accessed at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%5B%22001-207377%22%5D%7D>.

⁹ Excerpt from Interview with Ms. P.M., held on 9 April 2021 in Geneva.

succeeded in assisting around 2,700 people to establish and regularise their status, with a further 500 dossiers still being processed. However, for the most part Roma were not targeted or assisted by Operation Papyrus.¹⁰

STIGMATISATION, ETHNIC PROFILING, AND OTHER ARBITRARY TREATMENT OF ROMANI MIGRANTS BY POLICE

Human rights monitoring in Switzerland has identified that racial profiling by the police is a current and serious problem, and that there are limited, if any, possibilities to address and remedy these abuses. In its submission to CERD for the current review, the Swiss Federal Commission on Racism has similarly noted: “Racial profiling is carried out by the police authorities and the Swiss Border Guard even though efforts to provide human rights training have been stepped up by the security and law enforcement authorities. Furthermore, there are no adequate nationwide complaints mechanisms for victims of racial profiling and police violence”.¹¹

The monitoring undertaken for this submission confirms that racial profiling of Roma from Romania by Geneva police remains an active practice. Some documented examples follow here:

Ms. F.S., recounts her experience that happened 5 years ago: “I was 17, the police took me. They took me by car and left me, I don’t know where. Well, they put me in the car and took me. There I saw a sign with ‘France’ on one side and ‘Geneva-Lausanne’ on the other. I went back on the highway for three hours. It was very busy. At first, I was near a field, it was a forest, greenhouses, I think I walked about 15km. Fortunately, I knew how to read to take the right direction ... I was afraid, I will never forget this moment in my life.”¹²

Aggression and verbal vulgarity of the police in the period after the restriction of the criminal fine in Geneva was reported by many interlocutors. For example, Ms. M.S., a 32-year-old woman, was investigated by the police while begging on the grounds that it was not clear to them whether she was a prostitute.¹³

In places where people sleep at night -- under bridges, parks, streets -- Roma reported the systematic confiscation of personal items and money by the police: “The police come to throw our clothes all the time, take them like soccer balls and then they also take your money. If we have ready-made food or packages to send home to our families, everything is destroyed,” stated Mr. D.P., a 68-year-old man.¹⁴

“I was sleeping under the Junction bridge, the police came, they came with flashlights, they whistled in the middle of the night, I didn’t understand what was happening, many times they took me to the police station where they usually kept me for three hours, undressed me, threw my clothes on the ground, trampled on them, took all my money from me.” Stated Ms. G.F., 38 years old.¹⁵

10 The Sixth ECRI report on Switzerland said the following about Operation Papyrus: “Operation Papyrus [which] was launched in Geneva from February 2017 to December 2018 to regularise well integrated undocumented migrants who had been living in the canton for ten consecutive years (five years for families with children in school). To be eligible, persons had to demonstrate full financial independence, A2 level in French and the absence of a criminal record. Information was made widely available about the operation, including for employers on regularising the status of their employees and conforming with labour legislation. The authorities informed ECRI that some 1 700 people (many were female domestic workers from South America) obtained a residence permit under the operation, including around 500 children, and that another 1 500 cases are still pending a decision. ECRI strongly encourages other cantons to follow the example set by Geneva.” The report can be accessed at: <https://rm.coe.int/ecri-report-on-switzerland-sixth-monitoring-cycle-/16809ce4bd>.

11 The Swiss Federal Commission against Racism Report to CERD, April 2020, p.4. Can be accessed at: https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CHE/INT_CERD_NGO_CHE_42010_E.pdf.

12 Excerpt from Interview with Ms. S.F., held on 20 May 2021 in Geneva.

13 Excerpt from Interview with Ms. M.S., held on 15 April 2021 in Geneva.

14 Excerpt from Interview with Mr. D.P., held on 30 May 2021 in Geneva.

15 Excerpt from Interview with Ms. G.F., held on 29 May 2021, in Geneva.

Police reportedly regularly confiscate money when arresting Romani people:

Mr. F.L., a 45-year-old man, was arrested on the street, taken to the police station, detained for 24 hours, and had all the money he had on him confiscated. With the intervention of a local human rights lawyer, the money was recovered and returned to Mr. F.L., after 30 days.¹⁶

In a similar situation, Mr. T.L., a 43-year-old man, was taken by the police from the bus station for no concrete reason, taken to the police station along with another man, searched and had all the money from his pockets confiscated. This action was taken by the police without any explanation being given to the two men.¹⁷

“They took me to the police station and kept me all day and the money I had with me was withheld to pay the fines for begging” stated Mr. D.L.¹⁸

Police in Geneva also stop Romani people on the streets, without any apparent justification other than appearing to be Roma, to demand and check identity documents. These are then photographed by police. Mr. M.I., a 43-year-old man, recalls that when he asked why he was stopped and asked for his identity card, police reportedly answered, ‘It’s our job’.¹⁹

FORCED EVICTION AND LACK OF ACCESS TO DECENT AND SUSTAINABLE HOUSING

Romani people face discrimination in the rental market when trying to secure adequate housing. As previously noted, Geneva authorities regularly destroy the property of Romani rough sleepers and habitually violate their privacy, regarding their accommodation as inherently violable and not protected by basic privacy protections.

A very small number of Roma have managed to escape the need to beg in Geneva and secured gainful employment. During the preparation of this submission we identified five Romani families who work officially, hold permanent residence permits, and pay taxes and duties. However, these families still face serious obstacles based on racism when it comes to renting an apartment. For example:

A young Romani man who had been working as a delivery worker for the postal services for two years reported that he had been repeatedly rejected for housing. There is no explanation as to why the file was rejected.²⁰

A similar situation is the case of the C.D. family, a young couple expecting a child. Despite holding an employment contract, and residence permit B, they were refused multiple times for housing orientation. The woman reportedly had a miscarriage due to sleeping conditions and living conditions, respectively.²¹

One Romani person managed to secure housing linked to his employment with the charity organisation Caritas Geneva. However, there is no transparent process regarding eligibility for existing social housing in the Caritas Geneva management.

More generally, in order to be eligible for social housing a person must have resided legally in the canton for two of the preceding four years. In general, the Romani people considered in this submission are completely ineligible for social housing. There are currently discussions open to make these criteria even more restrictive, with a proposal to require continuous legal residence in the canton in four of the last eight years²² up to be subject to referendum.

¹⁶ Excerpt from Interview with Mr. F.L., held on 13 June 2021, in Geneva.

¹⁷ Excerpt from Interview with Mr. T.L., held on 13 June 2021, in Geneva.

¹⁸ Excerpt from Interview with Mr. D.L., held on 13 June 2021, in Geneva.

¹⁹ Excerpt from Interview with Mr. M.I., held on 30 May 2021, in Geneva.

²⁰ Excerpt from Interview with Mr. E.C., held on 7 April 2021, in Geneva.

²¹ Excerpt from Interview with Mr. C.D., held on 9 May 2021, in Geneva.

²² See: <http://www.caritas-geneve.ch/actualites/news/2021/logement-non-a-une-loi-discriminatoire-et-antisociale>.

As of May 2021, around 15 families lived in tents under the 'Junction' bridge. At that time police and the sanitation services regularly entered the tents and threw away all the belongings of the people living there. This destruction of the personal property of vulnerable people, people who are not accepted in shelters and who sleep under bridges or in parks, is reportedly justified by the police on the grounds that sleeping under bridges is illegal. The people living under the 'Junction' bridge requested a mobile toilet, for hygiene and dignity reasons. This however was not provided by the authorities.

One such eviction, reported by five people, took place at the 'Junction' neighbourhood of Geneva on the evening of 15 April 2021.²³ At that time, there were reportedly 17 Romani people, including one pregnant woman, sleeping under the bridge. At around one o'clock in the morning, police officers accompanied by people from the sanitation services came to dispose of and destroy everything that the Roma had (mattresses, pillows, food, clothes etc). Police took photos of their documents, after which they chased them out of the area.

One homelessness assistance organisation, which provides sleeping bags to rough sleepers, also provides them with a bag to tie their sleeping bags up in trees, out of sight of police, in order to try to mitigate the problem of regular confiscation and destruction of sleeping bags.

ACCESS TO HEALTH SERVICES FOR ROMANI MIGRANTS IN GENEVA

In Geneva there is an emergency medical system that can be accessed by people without insurance.²⁴ However, the ability of this system to function without discrimination was called into question during the course of this research. In a number of cases, barriers to health care due to discrimination have resulted in risks to the health of the people concerned. For example:

In Ms. O.L.'s case, a 54-year-old woman diagnosed in Romania with diabetes, she arrived at the emergency hospital in Geneva because she had finished her medication and had not had it for two days. The doctors told her that it was actually gangrene and that her leg had to be amputated. The woman was refused medication for diabetes.²⁵

Ms. V.T., diagnosed with epilepsy in 2016 in Romania, arrived in Geneva and tried to buy her medicines from the pharmacy based on the existing diagnosis and was refused. She was hospitalised a week later by the emergency department for a day after which she was prescribed the same treatment that she had been taking since 2016.²⁶

In May 2021 there were three reported cases where Romani people who had undergone major interventions in the hospital in Geneva requested a copy of their personal file from the Mobile Outdoor Community Care Consultation Service (CAMSCO)²⁷, in order to take it to Romania to continue treatment and were refused on the grounds that they are not health insurance payers and do not have a general practitioner.²⁸

Even where support has been provided, Romani people have been subjected to exorbitant billing, possibly with the intention to discourage their further use of the Geneva health care system:

Mr. D.L., a 68-year-old man diagnosed with tuberculosis, received a payment order of CHF 32,290.80 from the University Hospital of Geneva for his hospitalisation via the emergency system in 2019.²⁹

23 This particular case was documented in research undertaken for this submission, as reported in interviews with Mr. S.V.L., Ms. F.O.C., Mr. D.L., Ms. G.T., and Mr. F.L.

24 Hôpitaux Universitaires Genève, Consultation ambulatoire mobile de soins communautaires (CAMSCO), Available: <https://www.hug.ch/medecine-premier-recours/camsco>.

25 Excerpt from Interview with Ms. O.L., held on 25 March 2021, in Geneva.

26 Excerpt from Interview with Ms. V.T., held on 2 June 2021, in Geneva.

27 Hôpitaux Universitaires Genève, Consultation ambulatoire mobile de soins communautaires (CAMSCO), Available: <https://www.hug.ch/medecine-premier-recours/camsco>.

28 Information gained from Interviews with Mr. F.L., Ms. S.L., and Ms. V.M.T, held on 28 June 2021 in Geneva.

29 Mr. D.L. stated: "The rescue team took me off the street and I was hospitalised for two weeks, doctors said I had tuberculosis." Interview with Mr. D.L., held on 10 May 2021. See also: Payment summons issued on 05/05/2021; based on fiscal invoices H239558921 / 2019, issued by the Geneva University Hospital, on file with the ERRC.

ACCESS TO EDUCATION OF ROMANI CHILDREN

Since 2011, children whose parents do not have residence permits in Geneva can be enrolled in school. As of the date of this submission, there are 14 children enrolled in school, however their continued attendance at the school is uncertain due to the unstable nature of their family situation. Despite this making these children particularly vulnerable, there is little to no monitoring of the children's psychological well-being or academic performance. The level of illiteracy among Romani parents is high and although the majority have been in Geneva for more than a decade, they often do not speak French.

When Mr. S.L. and Ms. F.C., brought their three children to Geneva, their intention was to enrol the children in school:

"I was accommodated at Foye UMA, for two weeks after which I was notified to enrol the children in school. I had to go to the child protection service. On the same day we were expelled from Foye, because the child protection did not sign a document to continue our stay".

"I had to bring my children to Geneva. My mother died, my children have no other grandparents, I have no one to leave them with in Romania, in addition I know that children can go to school in Geneva, I was told that it's the perfect time to enrol kids in school now.

I found a job, I don't know if he hires me but I have a monthly salary. even if the current owner doesn't keep me, I can work in the flea market. I want my children to have a better future."³⁰

This family reportedly was told by the child protection centre that they had no right to keep children on the street. They were reportedly told that their options were to accept that their children be taken into state care, or alternatively that they accept bus tickets to return to Romania.

Some children are enrolled in special education, rather than attending mainstream school. Ms. L.C., 38 years old, lives in Geneva with her husband and children: *"I have been living in Geneva since 2009. I have two children, one of whom is a minor and has been diagnosed with a head tumour. He needs treatment and medical attention. At the age of 13, L.I. has been attending special school for two years due to his health".³¹*

The situation of L.I's parents is constantly precarious. They have no access to permanent housing and there were times when they slept in the park or under bridges. The older son, who is 19 years old, currently sleeps under a bridge. The family does not have the opportunity to work officially, although they frequently work in the flea market or as cleaners; they also work seasonally in agriculture.

Finally, popular children's literature used in Geneva schools includes stereotyped portrayals of Roma from Romania, which can give rise to an atmosphere of discrimination in schools as well as threats of bullying of Romani children.³²

ACCESS TO SOCIAL SERVICES

Since 2015 the charity Caritas Geneva has run an Intercommunity Mediation program.³³ This program works to help establish communication between institutions, the wider Geneva population, and Romani communities. They aim to improve access to rights for Roma and facilitate their integration into society. The activities with the highest priority are those concerning emergency help.

³⁰ Excerpt from Interview with Mr. S.L., held on 29 May 2021, in Geneva.

³¹ Excerpt from Interview with Ms. L.C., held on 7 April 2021, in Geneva.

³² See for example, Petit, Xavier-Laurent, *Le Fils de l'Ursari*, Paris, 2019: <https://www.editions-ruedesevres.fr/le-fils-de-lursari>. The book portrays criminality among Roma from Romania in French slums, as well as purported "facts" about Roma in Romania which are based on – and promote – stereotypes.

³³ Caritas Genève, Médiation intercommunautaire, Available: <http://www.caritas-geneve.ch/nos-activites/soutien-a-la-personne/action-sociale/mediation-intercommunautaire?return=true>.

There are also social canteens, which Romani people can easily access as all they need is an identity document.

Night social centres provide a place to sleep and a way to address personal hygiene, however places are limited and allocation of places is dependent on the request of social assistance or social services. The available durations for a fixed place to sleep in night social centres are weekly, monthly, or the longest period is three months, after which the beneficiaries lose the right to sleep in the shelter.

Romani migrants are often considered ineligible for a sleeping place inside a shelter, and so are forced to sleep in public spaces, parks, or under bridges regardless of the season or weather.

Even people with valid work contracts face severe obstacles in renting accommodation due to prejudice against and suspicion of Romani people.

UNEQUAL TREATMENT IN PUBLIC SPACES

It is common to see negative and generalised opinions and stories of Romani migrants in newspapers and on social media, as well as in statements and discussions by politicians.³⁴ As a result of this, there exists an unfavourable general public opinion in Geneva towards Romani beggars. The reaction of the public towards Romani people in spaces such as public transport and shops is often discriminatory and humiliating.

For example, Ms. VB reported that, “*Last week (i.e. in April), I went in [to a shop] to warm up because it rained all day, and the security threw me out. I didn’t touch anything. I’m terrified when I go to the Migros supermarket in Carouge, I’m always followed by the guard in the store*”.³⁵

EXPULSION OF ROMA FROM GENEVA

In March 2020, Geneva authorities organised a flight to Romania with 72 Romani people on board. This flight was described by Caritas Geneva as a humanitarian flight to return struggling Romani people, whose difficult situation in Geneva was exacerbated by the Covid-19 pandemic, to Romania.³⁶ The precarious living situation of these people, and the abovementioned threat of removal of children by social services from their families, means there is a high chance that the decision to board the flight was coerced. As noted by the ECRI report cited above, there is no firewall between organisations providing social services and assistances to Romani migrants and those involved in security and expulsion measures.

More generally, it is reported that Geneva police regularly perform document checks on public transport and, in some cases, simply forcibly take Roma over the border into neighbouring France without any form of due process. Romani people have reported being taken across the border and simply being left ‘in the field’ by police³⁷, apparently to discourage them from coming back into Switzerland.

³⁴ See, for example: Notification No. 04080639 of 5 May 2021 concerning newspapers Tribune de Geneve and 24heures, on file with the ERRC.

³⁵ Ms. V.T. stated the following concerning her experience in the supermarkets in Geneva: “*I usually buy bread and sweets which I send to my children in Romania. On 21 June 2021, it was the first time I bought a dress for my little girl as a gift for her 6th birthday. The security guard followed me for the entire duration of the time spent I on the 1st floor.*” Interview with Ms. V.T., held on 27 June 2021 in Geneva.

³⁶ Cath.ch. portail catholique Suisse (2020) Caritas Genève rapatrie en urgence des familles Roms en Roumanie, Available: <https://www.cath.ch/newsf/caritas-geneve-rapatrie-en-urgence-des-familles-roms-en-roumanie/>.

³⁷ Statement by Ms. M.T. from an Interview held on 12 April 2021 in Geneva.

CONCLUSION

The experience of Roma facing racism and discrimination while living in Geneva over the last two decades is poorly documented for a number of reasons, including; fear of being expelled or banned from entering Switzerland, inability to report racial abuse, language barriers, illiteracy, and mistrust in the institutions of Geneva. Public discourse about Roma in Geneva however is often openly racist and stigmatising.³⁸ The impact of these two decades of treatment is evident as rather than being provided with support to enter and make genuine contributions to society, Romani people are forced into situations of extreme exclusion, often living in situations with a severe threat to health and life.

The current situation in Switzerland is a continuation of the legacy of abuse suffered by Roma and others regarded as “Gypsies” since the very recent past. The Swiss government recently issued a public apology and compensation to the Yenish people, as amends for the policies of systemic institutionalisation and the seizure of children which occurred during the 1920s to the early 1970s.³⁹ These steps notwithstanding, the public is largely unaware of this problematic history.

RECOMMENDATIONS

GENERAL POLICY FRAMEWORK

- The Cantonal Government of Geneva should adopt without delay a Romani inclusion policy which aims to end racial profiling and related abusive practices by police, as well as directing all relevant services to support the inclusion and integration of Roma, in particular those from vulnerable migrant communities. This policy should be drafted in active consultation with relevant civil society actors and representatives of the Romani community in Geneva, to ensure it protects their best interests from the outset.

CHANGING PUBLIC ATTITUDES

- In order to combat stereotypes of Roma, and begin to improve views among the wider public about Roma, the Government of Geneva should carry out positive media campaigns to stress positive aspects of Romani culture and history.

POLICE

- The Geneva parliament should investigate the treatment of Roma by the Geneva police, including ethnic profiling, arbitrary seizure or destruction of property, and extra-legal expulsions of Roma from Switzerland.

REGULARISING THE LEGAL STATUS OF FOREIGN ROMA IN GENEVA

- The Geneva authorities - including the cantonal office for the population and migrations (OCPM), the State Secretariat for Migration (SEM) and Geneva support associations - should replicate the previous positive practice of programmes like Operation Papyrus, and target Roma specifically for status-regularisation and legalisation.

HOUSING

- The Geneva authorities should impose an immediate moratorium on forced evictions of Roma, including evictions from informal housing.
- Criteria for social housing should be established to ensure that Roma in the most vulnerable and excluded situations – such as those referred to in this submission – have effective access to social housing.
- All allegations of discrimination on the rental market should be thoroughly investigated and prosecuted.

³⁸ See: Qualität der Berichterstattung über Roma in der Schweiz (Quality of Reporting on Roma in Switzerland), FCR 2014, p. 17. Can be accessed at: <https://www.ekr.admin.ch/publikationen/f107/1120.html>.

³⁹ Meier, T., (2008). The fight against the Swiss Yenish and the ‘Children of the open road’ campaign. *Romani Studies*, 18/2:101-121. Can be accessed at: <https://www.zora.uzh.ch/id/eprint/5827/>.

HEALTH CARE AND SOCIAL SERVICES

- Clear firewalls should be established between services and entities providing social assistance and emergency relief to those in need on the one hand, and police and security services on the other.
- Charitable entities such as Caritas Geneva should be removed from participation in matters related to the expulsion of Romani migrants from Switzerland, which is the sole domain of the state.

EDUCATION

A range of proactive measures should be undertaken to ensure that Romani children participate effectively and on an equal footing in education, including:

- ensuring that all Romani children are educated in mainstream education and are not placed in special schools;
- establishing measures to ensure that Romani children receive the support they need in schools, by supporting and encouraging additional French language learning programs and homework as well as psychological assistance if necessary;
- establishing teacher training for teachers working with Romani children;
- reviewing all pedagogical materials to ensure that they do not stereotype Roma;
- and proactively providing materials in school on Romani history, culture, and language, including both dark periods, as well as on the positive contributions Roma have made to the cultures of Europe in general and Switzerland and Geneva in particular.