

# JUSTICIA calls for action against disproportionate COVID-19 criminalisation

**JUSTICIA European Rights Network** is extremely concerned about the extent of criminalisation as part of European state responses to the coronavirus.

*"States have responded to the COVID-19 pandemic by extending law enforcement powers and creating new criminal offences.*

*While a co-ordinated public health response is of course necessary to deal with the crisis, there is widespread evidence of the extensive use of extended law enforcement powers and new criminal offences, resulting in arrests, criminal charges and hefty fines.*

*We recognise the role of law enforcement in supporting public health officials during these challenging times but there have been many reports of disproportionate and arbitrary law enforcement action, including unlawful arrests, charges and convictions. Normal oversight mechanisms have also been halted.*

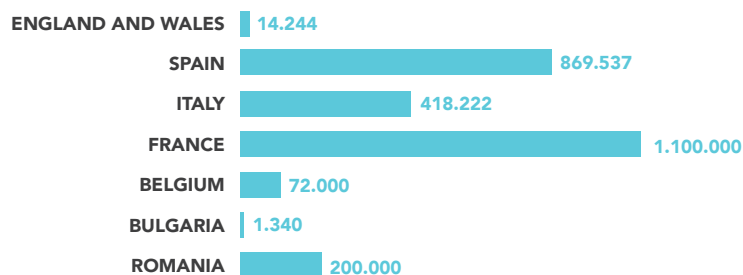
*Urgent action taken in haste in response to the crisis must not burden people with life-long criminal records and with fines they cannot pay during what is a time of extreme hardship for many.*

*We call on all countries to urgently review all charges, convictions and fines in relation to alleged COVID-19 offences.*

*We call on all countries to urgently make it possible for fines to be lifted where people cannot pay them without creating financial hardship.*

*We call on all countries to ensure that any records relating to out of court sanctions for violations of COVID-19 laws are expunged from criminal records and police databases."*

## NUMBER OF FINES ISSUED



\*As per information collected before 15 May 2020.

**JUSTICIA** a network of leading civil society organisations from across Europe working on the promotion of the right to a fair trial. JUSTICIA is coordinated by Fair Trials.

**Fair Trials** is an international human rights NGO that works to improve respect for the human right to a fair trial.



England & Wales: All 44 charges and convictions under the Coronavirus Act were found to be unlawful after a review by the Crown Prosecution Service<sup>1</sup>.



Romania: Fines of between **2,000 - 20,000 RON (€410-4130)** for breaking restrictions, although the average monthly salary is around **3,000 RON**.



Bulgaria: **1000 BGN (€510)** for breaking Ministry of Health rules, **5000 BGN (€2500)** for not quarantining.



Netherlands: People over 18 can be fined **€390** leading to a note in their criminal record.



France: From **€135** up to **€3,750** and a maximum penalty of 6 months of imprisonment in cases of multiple offending.



Spain: Fines from **€100** to **€3000**, to **€600,000** for serious abuses such as protests near critical infrastructure.



Italy: 5,280 people have been charged with violations of the Italian Criminal Code in relation to COVID-19 «urgent measures», with potential sentences of up to 6 years if found guilty<sup>2</sup>.

<sup>1</sup> www.cps.gov.uk

<sup>2</sup> www.interno.gov.it



## Woman wrongly arrested and unlawfully convicted

In England, a woman on a train platform was questioned by police but refused to answer when asked about her reasons for travelling. She was arrested for “failing to provide identity or reasons for travel”, under the UK’s new Coronavirus Act. She was held in police custody for two days, charged under the Coronavirus Act, found guilty by a magistrate’s court, and fined over £600. In fact, there is no offence of “failing to provide identity or reasons for travel” under the new Coronavirus Act, nor was she suspected of being infected, a prerequisite for the police powers which do exist under the Coronavirus Act. The case was reviewed, the conviction reversed, and the fine set aside.



## Homeless people fined for not staying indoors

French police have fined several homeless people for breaching the government’s order to stay indoors amid the coronavirus crisis, according to several charities. Homeless people were reportedly fined in Paris, Lyon and Bayonne.



## Asylum seekers fined while obtaining urgent legal assistance

In Greece, after the asylum office on the island of Lesbos was re-opened, 1,400 asylum seekers were told their applications had been rejected, and that they only had 10 days to appeal. When they went to seek free legal assistance for their appeals, the police fined them €150 for breaking COVID-19 movement restrictions. There have been further reports of attacks on migrants and arrests under the pretext of coronavirus measures.