

OSCE Human Dimension Implementation Meeting 2008

Working Session 6: Tolerance and non-discrimination I (continued)

STATEMENT

by

the delegation of Romania

IN THE EXERCISE OF THE RIGHT OF REPLY

1. The Government of Romania attaches great importance to preventing and eliminating all forms of discrimination, including on grounds of race or ethnicity. In this framework, a set of legislative and institutional measures are specially designed to stop and penalise hate or defamatory speech intended to intimidate or create a hostile environment for members of the ethnic minorities, in particular Roma.
2. The Romanian Criminal Code incriminates the incitement to discrimination, defined as any incitement to hatred on grounds of race, ethnic origin etc. This crime is punishable by imprisonment between 6 months and 3 years or by fine.
3. Under the provisions of the Romanian Audio-Visual Code, a person whose rights and legitimate interests have been infringed during a broadcasting audio or video (including cases of discrimination) and whose rights to reply and rectification have been denied, to submit a complaint to the National Council of the Audio-Visual. Over the period 2002-2007, the National Council of the Audio-Visual applied a number of sanctions for breaches of the legal provisions regarding discrimination based on race and ethnicity. Some of these cases can be summarized below:
 - “*Prima*” TV – sanctioned in 2006, with a public summon, for discriminatory comments towards the Roma minority during a satirical show;
 - OTV – sanctioned in 2005, with a fine of 30 000 RON (aprox 12 000 USD), for allowing and reading, during a live talk show, discriminatory messages against the Roma community sent by viewers, including ones inciting to violence;
 - OTV – sanctioned in 2005, with a fine of 25 000 RON (aprox. 10 000 USD), for discriminatory comments on grounds of race of a Romanian politician invited in a live talkshow;
 - OTV – sanctioned in 2005, with a public summon, for degrading comments against the Roma community;
 - INFO PRO (radio station) – sanctioned in 2006, with a public summon, for discriminatory comments against the Roma community during two broadcastings;

4. The National Council for Combating Discrimination (NCCD) offers another set of measures of protection and remedies. NCCD can act upon the request of a legal or natural person or *ex officio*. The Steering Board (the deliberative body of NCCD) analyses petitions and complaints received and decides on the appropriate measures, including punitive sanctions (contraventional fines, warnings), following the investigations carried out by the specialized personal of the Council (The Inspection Team). Based on the Council's practice, the most frequent forms of racial discrimination occur on the grounds of ethnicity, targeting with priority Roma persons. Between 2002 and 2007, the number of complaints lodged on grounds of race or ethnicity was 836 (aprox. 20% of the total). The complaints regarding discrimination on the grounds of ethnic origin cover situations related, *inter alia*, to articles published in mass-media, that had a derogatory or biased content regarding the Roma minority or persons belonging to this minority, public speeches creating an hostile environment and violent verbal manifestations during sports events, infringing upon the human dignity. Over the period of reference, NCCD imposed 67 sanctions, targeting acts of ethnic discrimination. For example, for discriminatory public speech or press article, NCCD applied 9 sanctions during the years 2002-2003, 2 sanctions in 2004, 3 sanctions in 2005 and 4 sanctions in 2006. In 2004, one case of hate speech against the Roma and Roma party leaders has been solved through mediation, resulting in public apologies and friendly settlement. Roma non-governmental organizations played an important role in combating discrimination, assuring the connection between the discriminated persons and NCCD. Most of the complaints addressed to NCCD were filed by non-governmental organizations, on behalf of the victims. In cases of discrimination, Roma non-governmental organizations acted as plaintiffs in front of the court or NCCD. In addition, NCCD cooperated with NGOs, in particular with Roma organizations, on various actions and mutual projects in the field of preventing ethnic discrimination. At the same time, NCCD participated together with Roma NGOs at trainings in the field of non-discrimination.
5. Over the past years, as part of its general anti-discrimination policy, the Romanian Government implemented a large numbers of programs aimed at fighting prejudices and mistrust of the majority towards Roma minority. In October 2008, the Department for Interethnic Relations and the National Agency for Roma will launch a public information campaign, consisting of 5 documentary movies focused on various topics related to Roma people, such as: history and tradition, migration in Europe, level of access to education, employment and housing, success-stories of integration etc. The 4 - episodes broadcasting in prime time on the national TV channel will be advertised with spots on public radio and television and followed by talk-show. The objectives of the campaign, financed at the level of 100.000USD, are to raise-awareness and promote tolerance and understanding especially amongst young audience.
6. Due to the occurrence of manifestations and incidents with racist character on the stadiums in Romania, NCCD mounted a set of prevention campaigns combating the discriminatory behaviour in football. In 2003, Romania started its active participation in the annual European campaign "*Action Week against Racism in Football*" organised by the FARE network (Football against Racism in Europe). During the European week of action against racism, at the beginning of the football games, Romanian players and referees wore bands

and T-shirts with anti-discrimination messages. Also, the players symbolically showed the red card to the spectators/ supporters as a sign of disapproval toward discriminatory behaviours. The supporters received leaflets and informative folders regarding the negative effects of discriminatory behaviour and the stadium commentators informed the supporters about the campaign and its objectives. All events have been organised with the support of football clubs, the Romanian Football Federation and the Professional Football League. NCCD organized this campaign annually, during the week declared by FARE as "Action Week against Racism in Football". The campaign efforts focussed mainly on games between football teams classified in top positions of the National First League, such games having the highest audience among TV spectators. It should be mentioned that these highly disputed games were the ones usually registering discriminatory shouts. As part of the campaign activities, there were shown banners with the campaign slogan, the players and referees wore t-shirts with anti-discrimination messages at the beginning of the games and informative materials were distributed among supporters in the stadium. In October 2005, in addition to the usual actions on the stadiums, NCCD, together with the National Agency for Sport, organized a football challenge between teams of deputies, journalists, representatives of non-governmental organizations from the Roma community (Romani CRISS) and NCCD. At the end of this football challenge, the President of NCCD handed to the winner team a symbolic prize of fight against discrimination in football. Between October 27 and 29, 2006, National Council for Combating Discrimination, together with the Romanian Football Federation and a number of nongovernmental organizations (the Roma Initiative Office of the Open Society Institute, the Press Monitoring Agency, the European Roma Grassroots Organization and McCann Eriksson, organized the campaign "*Racism affects football*" during "*The European Week of Action against Racism*"). The role of this campaign was to stimulate social dialogue and to promote tolerance and fair-play in football. At the beginning of the games, the players and the referees wore T-shirts with anti-discrimination messages and showed to the fans banners with the campaign slogan. Those games have been broadcast and the sports commentators informed the viewers about this event. The audience was estimated at more than 2,3 million viewers. There were almost 130.000 supporters on the football stadium. During the campaign, most of the written media informed the readers about this event. Articles about the campaign were read by at least 650.000 readers. On October 28th, 2006, the event appeared on the first page of the most popular sports newspaper, "Gazeta Sporturilor". In the same newspaper, there was an op-ed on the same subject. The number of copies sold that day by "Gazeta Sporturilor" was estimated at 650.000. In 2007, the NCCD, together with the Association of Amateur and Professional Football Players and the Open Society Institute, launched a project aimed at combating discriminatory behaviour and violence on the stadiums and outside the football fields, as well as at promoting social dialogue through sport. This project includes a media campaign "Racism spoils the game. Violence destroys lives" undertaken by the Ogilvy Group. It contains a social advertising spot of 30 seconds (organised pro-bono by the Ogilvy agency), actions on the stadiums (both at national and international games), media announcements and activities in schools. A player of Roma ethnicity from one of the National First League football teams "Steaua", Mr. Bănel Nicolită, was designated the Romanian "Antiracism Ambassador", becoming a member of the international network of players promoting tolerance and fair-

play. This concept was created by the International Federation of Professional Football Players and was integrated in the above-mentioned campaign *“Racism spoils the game. Violence destroys lives”*.