

NO HATE SPEECH IN ROMANIA

- Executive Summary -



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Study rationale and aims

There is a wide agreement that freedom of speech is of fundamental importance in democratic societies. At the same time, all democracies limit or prohibit some forms of discourse (speech), considered as harmful or dangerous. Recent years witnessed an increased concern about the intensification of hate crimes and hate speech. Threats, intimidation and violence against people based on ethnic, religious, gender, sexual orientation or disability criteria are ever more present worldwide. The present study is conceived as an exploratory scrutiny of hate speech, with a focus on its occurrence in the Romanian context, providing to both policy-makers and civil society actors a useful landmark for reflection and action regarding the counteraction of hate speech. The study outlines the main trends of hate speech at European level, the existing organizations and legal means that address the issue and reviews the chief categories of measures designed to counter its escalation. The Romanian context is examined from the point of view of the historical construction of hate speech and of its current occurrence. The analysis covers the targeted groups, sources of hate speech, transmission channels, legal means for hate speech regulation, as well as the formal institutions and organizations of civil society that address, in various ways, the issue of hate speech.

Methodology

The research reviews studies and reports on topics that relate to or discuss the issue of hate speech in both European and Romanian contexts. The literature regarding the international/European context includes: academic texts, research reports, reports prepared by international or national organizations, legal documents as well as relevant information covered by mass-media. With regard to the conceptualization of hate speech, the study reviews the existent academic literature as well as the terminologies used by international organizations with relevant activity on the topic. The analysis included an assessment of the European and Romanian legal frameworks, using content analysis as method of inquiry. For the historical contextualization of hate speech in Romania, the study critically assessed the Romanian historical evolution; in order to understand how the image of vulnerable groups has been constructed over time, we used discourse analysis. In addition, for an improved understanding of the incidence of hate speech as well as for highlighting the relations between relevant institutions and stakeholders, the study provides an analysis of secondary data from the available reports and inquiries. A series of semi-structured interviews with representatives

of institutions and civil society organizations with relevant activities supplement the range of information used for the completion of the study.

An outline of Hate Speech in Europe and in Romania

The study is organized along two components that discuss hate speech in international/European and Romanian contexts respectively. Each component includes, along the presentation of trends in the hate speech occurrence, a section that reviews the legal documents relevant for the regulation of this phenomenon.

1. Hate speech in the international/European context

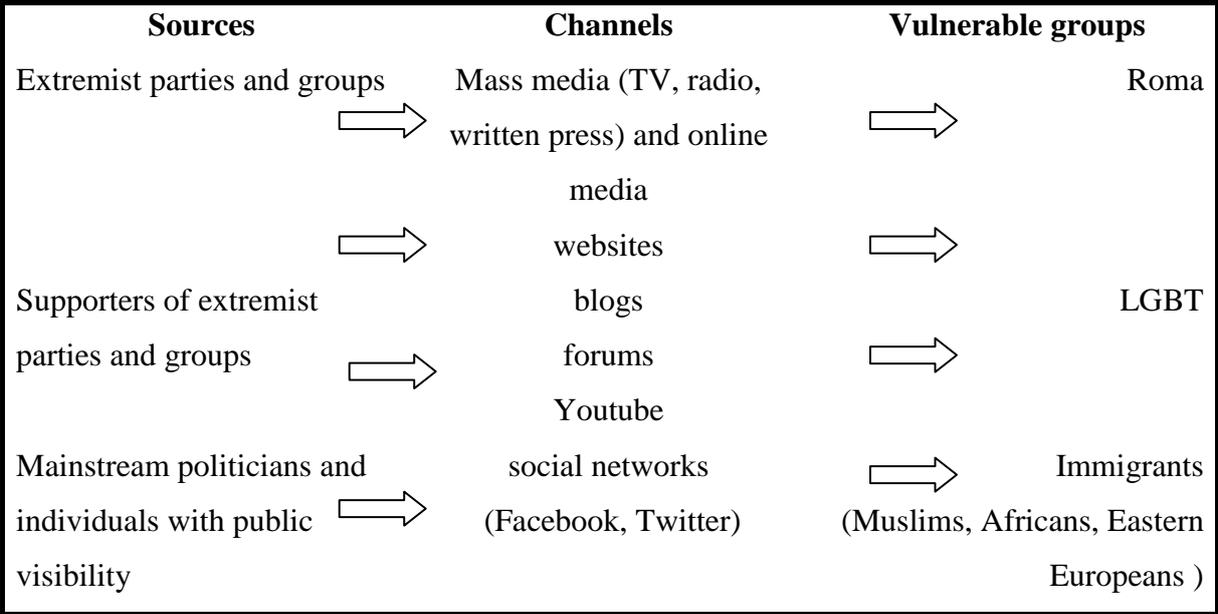
The first part of the report provides a review of the existing literature that enables the reader to clarify the connotations frequently attributed to hate speech. Two important findings of this review are: 1) there is a lack of a universally accepted definition for hate speech; 2) there is a diverse array of sources for defining and contextualizing hate speech: judicial sources, international organizations, social science literature, each of them emphasizing different aspects of what constitutes hate speech and how instances of hate speech can be recognized. One of the most telling definitions for hate speech is the one used by the [Council of Europe, for which hate speech designates](#) ‘all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin’.

The analysis of the incidence and evolution of hate speech ought to cover the multidimensionality of the phenomenon. Accordingly, the following elements should be included in its examination: the content, the sources, the targeted groups, the channels of communication and the context in which the communication takes place. In addition, more often than not, the issue of hate speech is discussed in connection to that of freedom of speech. The various approaches for regulating hate speech inevitably clash with the necessity to observe freedom of speech; therefore the two concerns are strongly intertwined both at the level of debate and that of potential action taken to reduce the incidence of hate speech.

The issue of hate speech is addressed, internationally, by both intergovernmental bodies and by organizations of civil society. The study reviews the activity of a number of visible institutions and civil society actors with relevant activities in areas related to the discussion:

fighting discrimination, cultivating professional ethics in mass media, observance of freedom of speech.

In terms of hate speech incidence in Europe, the study makes use of data included in available reports and statistics. Among the chief sources of hate speech at European level, one finds extremist parties and their supporters, together with politicians with varying degrees of public visibility. The most vulnerable groups are the Roma minority, the LGBT minorities, and different groups of immigrants. The figure below outlines the main attributes of the hate speech phenomenon in the European context.



Regarding the measures designed and implemented to counteract hate speech, it can be argued that almost all such measures are based on countries’ national laws. However, there are a number of principles and regulations included in the international/European documents that are relevant for combating and/or reducing the incidence of hate speech. In this sense, the study assesses the existing legal framework in both international and European contexts with an emphasis on the agreements and regulations focused on combating discrimination and regulating hate speech. The analysis reveals an important need for a cohesive and coherent legal system, one that would increase the trust in the effectiveness of existing means by which acts of hate speech are being punished.

This section of the report also reviews and discusses a number of initiatives and measures implemented at international or European level regarding the monitoring of hate speech and fighting the escalation of this phenomenon. Several categories of measures stand out as most visible: measures focused on reporting, collecting information and monitoring hate speech;

measures of self-regulation and initiatives for implementing codes of ethics in the field of journalism and at the level of internet operators and public institutions; other measures consist of educational campaigns, usually initiated by civil society organizations (such measures focus on anti-discrimination education and address somewhat indirectly the issues of hate speech and hate crime); other categories of measures focus strictly on providing assistance to vulnerable groups; recently, measures of fighting hate speech online gained visibility (despite the numerous obstacles in monitoring and controlling the online medium, such initiatives are very common and include social media as well as online computer games); last but not least, there are a number of initiatives for combating hate speech in sports, particularly in football.

2. Hate speech in Romania

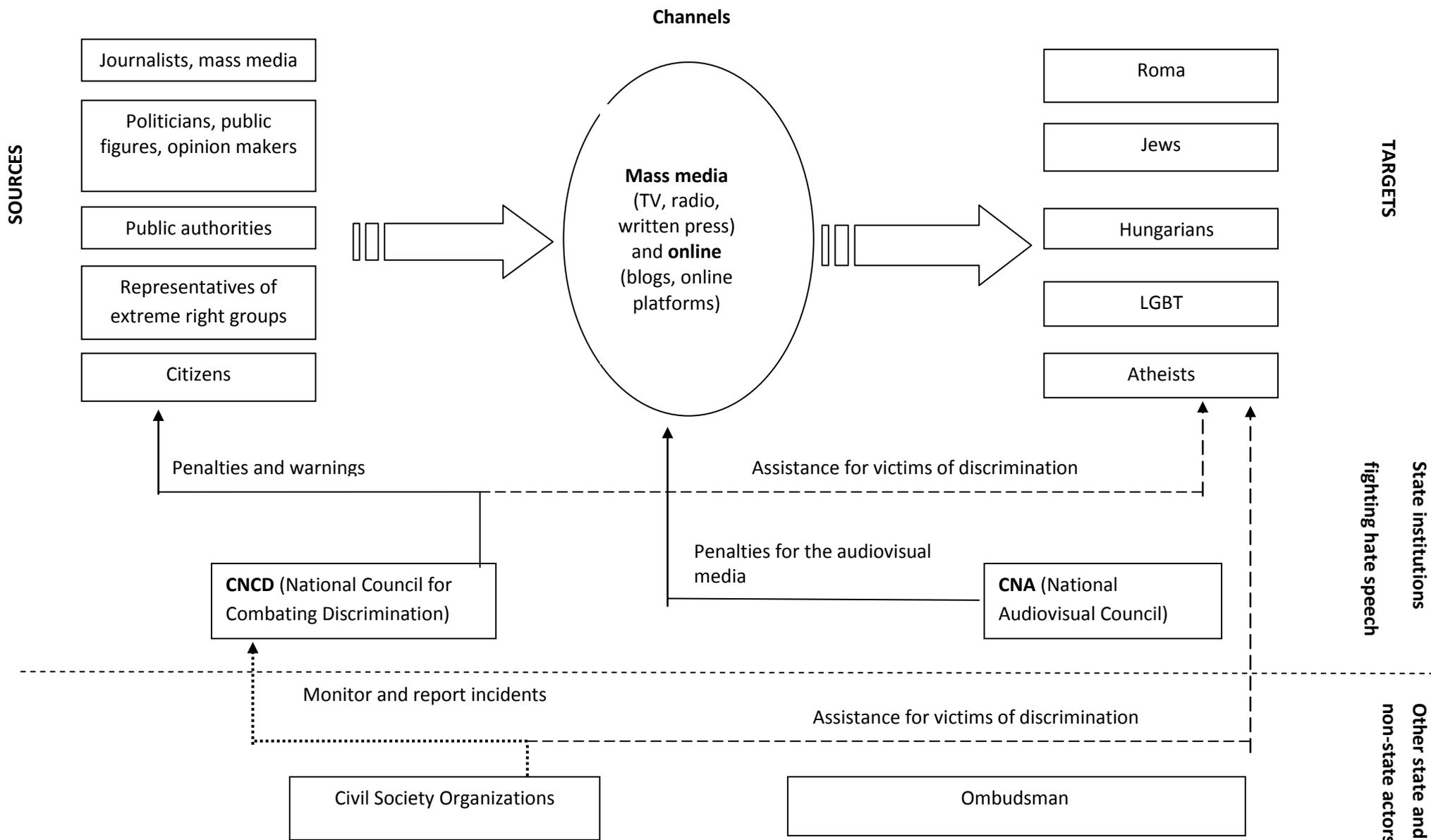
Interdisciplinary by nature, research on hate speech is located at the intersection of consecrated topics addressed by various authors with regard to the Romanian context. Accordingly, research on hate speech intertwines with research on nationalism or political extremism in the works by authors like Gabriel Andreescu, Michael Shafir or Lucian Boia; with research on gender discrimination as in the case of Maria Bucur; or with the study of racism in Lucian Butaru's writings. The attention for hate speech and the history of Roma minority can be found in authors like Vasile Ionescu, Petre Matei and Viorel Achim; the history of Jews is presented by authors like Radu Ioanid, Carol Iancu, Jean Ancel and Andrei Oișteanu. The case of Transylvania and hate speech is discussed by Horvath Istvan, Roger Brubaker, Alina Mungiu Pippidi, Ruxandra Cesereanu. Constant providers of relevant research on this topic are the research institutes: Public Policy Institute, Institute for the Study of National Minorities, Department for Inter-ethnic Relations, Institute for Recent History, Centre for the Study of Jews in Romania, Soros Foundation, or The Foundation for Third Europe. Examining the historical construction of hate speech in the Romanian context, a first observation is that, in time, the Romanian culture developed a violent symbolism around the foreigner. Hence, hate speech was constructed historically against Jews or Hungarians and mainly with the help of internal and external conspiracy theories that focused on the alleged attempts to disrupt the Romanian territory or to economically enslave the Romanian people. The new anti-Semitism includes several topics related to the justification or negation of Holocaust or the assumption that communism was brought in Romania by Jews. In addition, the new anti-Roma discourse is highly prejudiced, and the Roma community is facing the most severe forms of discrimination, both in Europe and Romania.

Regarding the current occurrence of hate speech in Romania, the study sought to cover the main sources of hate speech, channels for transmitting these messages, as well as the most vulnerable groups. This endeavor faced the limitations that result from poor availability of longitudinal data and of systematically collected information on hate speech incidents, their authors and their targets. For an improved understanding of the phenomenon, the analysis of reports, statistics and official documents was supplemented with semi structured interviews. The analysis reveals that in Romania, hate speech is directed mostly towards ethnic minorities (Roma, Jews, and Hungarians) and sexual minorities (LGBT). There are several reports that refer to hate speech against people with disabilities, and also a visible rupture in moral values in the Christian discourse against atheists.

The concern for the escalation of hate speech is rather new in the Romanian context. Hate speech is still a sensitive, difficult and barely known topic for large segments of the population. At the same time, explicit acts of hate speech become more visible in a public space that is increasingly virulent and aggressive, where public figures and media professionals encourage discriminatory discourses.

In terms of the most visible sources of hate speech, the study revealed them to be journalists, politicians and opinion makers. In this sense, mass-media is extremely relevant, since on the one hand it represents the main channel for politicians to transmit their messages, and on the other hand it acts as a medium for journalists to express negative views against vulnerable groups. Another category of sources is represented by public authorities, which issue hate speech mainly against the Roma. In addition, the study revealed the presence of extremist political groups or law enforcement structures as sources of hate speech. Also, very present in this context are ordinary citizens who become verbally violent against vulnerable groups, especially through the internet, where they feel safe under the shield of anonymity. The outline of hate speech in Romania is represented in the figure below.

Hate speech in Romania



The discussion about the incidence of hate speech in Romania is supplemented by a section that presents the most important public institutions and non-governmental organizations specifically active in combating hate speech or active in areas connected to the defense of free speech. In this sense, the study examined the mechanisms through which institutions like CNCD (National Council for Combating Discrimination) or CNA (National Audiovisual Council) succeed to tackle the issue of hate speech. In addition, the study reviews the activity of a number of relevant NGOs that address the combating of hate speech or the fight against discrimination as part of their current activity.

Regarding the legal aspects relevant for regulating hate speech, Romania sought to assume the majority of international/European documents concerning the fight against discrimination, in general, and concerning the fight against hate speech, in particular. However, the analysis revealed a number of inaccuracies in the way the European law is reflected in the national legal framework. For example, even after the ratification of the Additional Protocol of the Council of Europe's Convention concerning the incrimination of any racist or xenophobic acts committed online, there is no modification in the national law relevant to this issue. Therefore, the concern for approaching various forms of hate speech through effective legal instruments is likely to remain high on the agenda in Romania, as well as generally in Europe.

The measures implemented for combating hate speech in Romania, from various levels and involving varying numbers of actors, may be grouped in several categories a) measures/campaigns that focus on combating discriminatory attitudes and intolerance at societal level; b) campaigns that focus on the responsibility of media professionals concerning the way they construct the image of vulnerable groups; c) campaigns that monitor and seek to reduce the incidence of online hate speech. Often, there are instances of collaboration between civil society actors and state institutions, in joint efforts to reduce hate speech and educate the specific segments of public in the spirit of tolerance and respect for diversity. The National Council for Combating Discrimination is often involved in such initiatives, together with non-governmental organizations and other entities from the civil society sector.

Conclusions and recommendations

One of the most challenging difficulties in approaching the study of hate speech is related to the poor definitional precision that surrounds the term, supplemented by the frequent confusion between 'hate speech' and 'discrimination'. Whereas the two phenomena are

indeed related, their association is not synonymous with the perfect equivalence of meaning. The terminological variation may also result in inconsistencies at the level of data collection and at the level of designing effective mechanisms to fight the escalation of hate speech.

In addition, the tension between the regulation of hate speech and the need to protect freedom of speech may generate controversy and disagreement over the decisions issued to solve some specific cases, in which the boundaries between the two are not sufficiently clear.

All these considered, future research on hate speech should include the examination of: (a) the targeted groups; this line of inquiry may reveal the dynamic nature of hate speech as communication act. In Romania, at the beginning of 90s, there were frequent entries in mass media conveying negative portrayals of the Hungarian minority. This trend diminished and currently it is the anti Roma discourse that acquired higher intensity and visibility. It seems likely in the future, as Romania will slowly become a destination country for an increasing number of immigrants, to witness an intensification of public speech against immigrants; (b) the sources of hate speech; it is quite expected that public communications of individuals who are representatives of state institutions to have a higher impact than statements made by low-visibility representatives of local administration. In addition, the efficiency of fight against the escalation of hate speech could be augmented if a clear system for punishing hate speech issued by state authorities would be in place; (c) the level of intensity; there are, on the one hand, statements in which the intent is unclear and subject to interpretations; at the same time, there are statements in which the incitement to hatred is evident; (d) the efficiency of measures and mechanisms that counter act hate speech; it is useful to identify the entities (both state and non-state actors) with relevant activities in combating hate speech. At the same time, interventions from public personalities that would emphasize the profoundly negative effects of hate speech might exert a strong impact on the wide public, who is still modestly aware of hate speech as an issue and of its corrosive consequences at the level of targeted groups.

The importance of educational programs that instruct various segments of the public has been underlined during the discussions with experts, carried out for the completion of this study. The overall goal of such programs is to cultivate tolerance and respect for diversity, as well as the responsible and proper exercise of one's freedom of speech. In addition, considering the important socializing function of schools, a direction of intervention that might prove useful emphasizes the early acquaintance of students with fundamental notions like diversity and tolerance. Children could learn the importance of these values and

internalize the need to react as they witness or become themselves targets of hate speech. Further studies may address specific dimensions of hate speech, targeting particular areas where anti hate speech measures have been implemented and assessing the extent to which such interventions have reached the expected goals.