

A qualitative analysis of hate speech reported to the Romanian National Council for Combating Discrimination (2003-2015) ¹

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Abstract

The article analyzes the specificities of Romanian hate speech over a period of twelve years through a qualitative analysis of 384 Decisions of the National Council for Combating Discrimination. The study employs a coding methodology which allows one to separate decisions according to the group that was the victim of hate speech. The article finds that stereotypes employed are similar to those encountered in the international literature. The main target of hate speech is the Roma, who are seen as „dirty”, „uncivilized” and a threat to Romania’s image abroad. Other stereotypes encountered were that of the „disloyal” Hungarian and of the sexually promiscuous woman. Moreover, women are seen as unfit for management positions. The article also discusses stereotypes about homosexuals, who are seen as „sick” and about non-orthodox religions, portrayed as „sectarian”.

Keywords

discrimination; hate speech; Roma; Hungarians; women; religious minorities; LGBT

I. Introduction

This paper aims to present an overview of the phenomenon of Romanian hate speech throughout the past twelve years. The paper is the first comprehensive investigation of this phenomenon. Previous researches and advocacy campaigns have referred to individual instances of hate speech, rather than employing a systematic investigation of the entire jurisprudence of the Council².

In this article I will argue that the main target of hate speech in Romania (according to the cases brought before the NCCD) is the Roma. This group has been historically discriminated against and its relation with mainstream Romanian society is still fraught at best. Despite numerous programs aimed at integration and peaceful co-habitation,

1 This paper is a result of a research made possible by the financial support of the Sectoral Operational Programme for Human Resources Development 2007-2013, co-financed by the European Social Fund, under the project POSDRU/159/1.5/S/132400 – „Young successful researchers – professional development in an international and interdisciplinary environment”.

2 Daniela Angi, Gabriel Bădescu, Cynthia Curt, Carmen Gabriela Greab, „Discursul Instigator la Ură în România” [Hate Speech in Romania], 2014, http://www.fdsc.ro/library/files/studiul_diu_integral.pdf, Accessed 10.03.2015

hate speech against the Roma remains a pervasive occurrence throughout the Romanian society. The second group most vulnerable to hate speech, in order of its occurrence is that of Hungarians. As could be expected, this phenomenon has a far more local character, emerging in areas with a higher percentage of predominant Hungarian population. Gender-based discriminatory speech is another important occurrence in the public space, but it comes far behind anti-Roma hate speech and is comparable in extent to anti-Hungarian hate speech.

The paper will begin by outlining the research methodology, emphasizing and explaining the criteria by which the NCCD decisions were analyzed and coded in a database. Further, the main part of the paper employs a qualitative analysis of the narratives of the main hate speech cases encountered. It will point to specific decisions and show how hateful discourse is used between individual citizens, among groups of citizens, in public discourse in general and in political discourse in particular³. Moreover, the paper will also refer to the prevailing narratives used in the discriminatory statements. The main narratives discussed will be those of „Roma-as-dirty“, „Roma-as-thieves“, „Roma ruining the image of Romania“ as well as that of „woman as unfit for politics“, „women advancing in politics as a result of sleeping with their bosses“, „women as unfit for leadership or managerial positions“, „woman as homemaker“, „woman as sexually promiscuous“, „women as sex objects“, and „women who are mothers as less committed employees“. Several other narratives that occurred to a lesser extent over the course of the research, but are still relevant to the analysis are „Hungarians as disloyal citizens“ and „Homosexuals as sick“. These narratives will be discussed with reference to the specific context in which they were uttered and the text of the NCCD decisions regarding them.

The paper constitutes a crucial advance in the Romanian research of hate speech and a contribution to the study of hate speech at the European level. It is the first article that charts the main characteristics of hate speech at the level of the Romanian jurisprudence in the field. One of the main advantages that Romania presents as a case study is that it possesses a quasi-judicial type of equality authority⁴, which issues decisions after a procedure that is public and adversarial. Moreover, those decisions need arguments and require the extensive quotation of the impugned speech.

II. Methodology

A number of 384 NCCD decisions, spanning the period 2003-2015 were collected by filing request on the basis of Law 544/2001 on Freedom of Information to the National Council for Combating Discrimination and a database was constructed. In order to obtain the text of the decisions, extensive archival work was conducted. Decisions were then cleared of all personal data regarding the identity of the claimant and defendant. Archival research was necessary, as previous classifications and categorizations undertaken by the NCCD were not tailored for cases of hate speech, requiring that the initial selection (as well as the subsequent coding) to be undertaken by the researcher.

3 The distinction between public discourse and political discourse has been drawn in order to allow for a more in depth analysis of the types of speech employed for different purposes. Public is considered to be all speech spread through the media, regardless of the filed it concerns, while political discourse has been interpreted in a strict sense, as either originating from a politician or concerning a politician or a specific law or policy proposal.

4 National Council for Combating Discrimination – Romania, Equinet Profile, <http://www.equineteurope.org/-Romania->, Accessed 15.05.2015

It has to be remembered that the NCCD also adjudicates over cases of discrimination in employment, discrimination in access to public services, discrimination in access to education, as well as receiving, especially in its first years, a very large number of petitions which could not be considered discrimination (ex. petitions relating to the level of pensions in general or of military pensions in particular). Therefore, decisions had to be sorted by the researcher to select only cases of hate speech. It must be noted that in some cases discrimination was committed both through a refusal of public services or denial of access to fields like education or employment as well as through hate speech. To overcome this difficulty, an inclusive approach has been adopted, as these decisions were also included in the analysis.

The selected decisions were coded according to a series of criteria, which were chosen according to their relevance for the aim of the research, which is to establish the main characteristics of Romanian hate speech throughout the period of reference. Therefore, criteria relating to the form of discrimination were included in the analysis, which allows for the construction of a model of Romanian hate speech.

The first category for coding the decisions analyzed was **„Type of Hate Speech”**. This involved the way hate speech was performed and was divided into four separate sub-categories. Cases coded as **„political speech”** include situations where politicians made statements reported as hate speech either about political opponents, or during their electoral campaign, or with the aim to justify a particular public policy, especially exclusionary ones. Clear cases of **„political speech”** include statements made by the Prime-Minister, the President or by Members of Parliament, or attacks against these officials employing racial or gender stereotypes.

Another sub-category included here is **„public, non-political speech”**. While political speech is most of the time public, there is also a category of speech that is public but non-political. This includes mostly newspapers or online articles, or comments on webforums which can be categorized as hate speech. Mostly, these articles are presented as **„commentaries”**, **„op-eds”** or **„analyses”** either of a particular local issue (the Roma community in a village), of a national issue (Romanians/Roma abroad), an op-ed commenting on political events (on the recent actions of the Minister of Finance, on the **„putsch”** of 2012) or regarding a policy (such as affirmative action for Roma in universities). The relevant characteristic of this type of speech is the fact that it is addressed to a wide audience and not just to an individual.

The third type of speech included is **„between individual citizens”**. This type of speech occurs in a public space, but the addressee is not the general public. Alternatively, a particular person is attacked/insulted due to his/her racial/gender/ethnic belonging. The most typical cases are arguments between neighbors and fights between children in school. One category that could be seen as a particular case of hate speech between individual citizens, but is treated differently is **„between groups of citizens”**. The decisive criterion is that of group action with the intent to utter hate speech. The best known case is that of football fans showing posters that can be labeled as hate speech.

The third category employed in coding is **„Ground”**, which covers the possible grounds of discrimination. According to Government Ordinance 137/2000 the prohibited grounds of discrimination are **„race, nationality, ethnicity, language, social category, belief, gender, sexual orientation, age, disability, chronic but non-contagious disease, HIV infection, belonging to a underprivileged category and any other criterion which aims to restrict the equal exercise of fundamental human political, economic, social and cultural rights and liberties”**.⁵ These criteria are also reflected in the database constructed.

5 Government Ordinance 137 of 2000, http://www.cncd.org.ro/new/files/file/ORDONANTA_137.pdf, Accessed 14.03.2015

The fourth category is „Targeted Group” and concerns the category of people that has been the target of hate speech. For example, under the ground of „ethnicity”, one can discriminate against Roma, Hungarians, Germans or Romanians, while under the criterion „gender”, one can utter hate speech against women or men. Those who discriminate based on religion, generally attack Catholics, Protestants, Baha’l or, as occurred in most cases, all non-orthodox religions. Petitions filed for discrimination against orthodox believers were also encountered, although they were much rarer. This is probably the crucial category of the whole research, as it allows one to distinguish the victims of discrimination and helps in the establishment of narratives.

III. Narratives and characteristics of Romanian hate speech

Hate speech and discrimination against the Roma

Given that the Roma was the primary target of hate speech (161 of 384 decisions involved hate speech against this ethnic minority), the first section of this part of the chapter will be dedicated to the analysis of narratives and stereotypes spread regarding this group. As previously mentioned, the Roma are among the most vulnerable category in Romania, with a significantly lower average income and a far lower level of education than the average, often facing various forms of exclusions and marginalization from mainstream society. A recent study conducted by NGO RomaniCriss, on a representative sample of adult Roma found that 72.7% had only graduated from primary school, 24.2% held a degree from secondary school, and only 1.2% had been to college. According to the same study, only 33.1% of the sample was formally employed, while about 65% were unemployed. About 70% of those surveyed lived on less than 1200 RON (about 270 Euro) per month, the largest category being those who live on less than 700 RON/month.⁶ When questioned about discrimination, most of the respondents replied that they have been discriminated when looking for employment⁷.

Literature on discourses against the Roma focuses on the persistent „othering” of this marginalized group. In Hungary, the most powerful association is between Roma and crime. Hungarian extreme-right wing discourse focuses on „gypsy crime” and exemplifies it with cases in which perpetrators are of Roma ethnicity. Alternatively, situations when Roma have been victims of crime are silenced by the Hungarian media. Furthermore, hate speech against the Roma in Hungary also featured the idea that political correctness advocates have enforced an unnatural silence on the issue of the Roma and that this taboo must be eventually broken. Moreover, in addition to othering the Roma, Hungarian right-wing publications also argued that those who defend them, such as „human rights” activists are also an out-group. In contrast to the Roma, Hungarians are depicted as „peace-loving victims”.⁸

A study on Romanian discourse against the Roma found many similarities with that prevalent in Hungary, yet with a specific twist. In the Romanian discourse on Roma, in addition to the out-group being „dirty” and „criminal”, the in-group, the Romanians are also „proper Europeans”. According to this type of speech, the main risk that has to be avoided is the confusion between Roma and Romanians

6 Romani Criss, „Stereotipuri, prejudecăți și discriminare etnică: perspectiva romilor”, 2011, <http://www.romanicriss.org/PDF/Stereotipuri,%20prejudecati%20-%20perspectiva%20romilor%20cercetare%202011.pdf>, Accessed 15.03.2015

7 Ibid

8 Zsuzsanna Vidra and Jon Fox „Mainstreaming of Racist Anti-Roma Discourses in the Media in Hungary” *Journal of Immigrant & Refugee Studies*, 12 (2009): 4, 437-455

(due to the similarity in terms) which the Western Europeans might make once freedom of travel is allowed. According to a study by Shannon Woodcock, this „danger“ was perceived by both Romanian elites and Romanian students in 2002, shortly after Schengen visa liberalization for Romania. Moreover, the stereotype was widespread in the popular press:

Blaming Tiganii for Europe's failure to recognize Romania as European was pervasive in the Romanian press and popular discourse in 2002. The daily newspaper Romania Libera published a range of results of an opinion poll on the topic 'national minorities in Romania', in which one housewife complained that 'Tigani do bad things (ne fac de ras) in Europe and because of this we Romanians are also seen badly'. A young man said: 'I only hope that when I get out I won't be mistaken for a Tigan. Romanian heads of state have also constructed a reality in which Tigan criminal forces thwart Romania's destiny as a respected European nation'⁹.

This situation has led to one of the most interesting paradoxes encountered in the literature. While in other countries the out-group featured, in addition to Roma, „human rights activists“, in Romania, the out-group also included „Europe“ (the EU) itself. The paradox lied in the fact the „Europe“ requested that Romania take actions (integrate the Roma), which would actually make Romania „less European“ (defined as civilized and clean, the opposite of the Roma)¹⁰.

A similar study performed in Slovenia found comparable discourses, linking the Roma with crime and abnormality. The study focused on the way in which the situation in the Slovenian villages was reported by the media. Villagers were shown as defending themselves from the Roma menace, which was equally threatening as the historical Turkish invasions¹¹.

The research found that hate speech against the Roma strongly correlates with their economically under-privileged situation. The widespread stereotype throughout the whole research is that of the „dirty and lazy Gypsy“, who refuses work, refuses integration and gives birth to many children. According to this view, the Roma are thieves, reject „honest work“, likes to live in miserable conditions and should be expelled or kept away from „civilized society“. Closely related to this stereotype is the idea of „Roma crime“. This involves extending the idea of the „lazy gypsy“ to the „criminal gypsy“, who is primordially involved in criminal activity as a result of not working.

A very clear early example of this narrative can be found in a case decided in 2004¹² where the „Great Romania“ newspaper, the press outlet of the „Great Romania Party“ wrote about a political opponent, claiming that he was of Roma origin. Associated with his Roma origin, the newspaper argued that he is involved in „Honorable Gypsy trades such as prostitution and racketeering“. The Council found that this represents discrimination and applied a warning to the newspaper. Another example of the same approach was taken in an article in the newspaper Gandul, which stated that „Being very adaptable, Gypsies have chicks¹³ no matter the conditions [...] they procreate very responsibly“. ¹⁴

9 Shannon Woodcock „Romania and Europe: Roma, Rroma and Tiganii as sites for the contestation of ethno-national identities“, *Patterns of Prejudice*, 41 (2007): 5, 493-515,

10 Woodcock, 510

11 Karmen Erjavec „Media representation of the discrimination against the Roma in Eastern Europe: The case of Slovenia“, *Discourse & Society* 12 (November 2001): 6 699-727

12 NCCD Decision, 167 of 31.05.2004

13 The term „pui“, which in normal parlance refers to animal offspring is many times employed in a derogatory and racist form, to denigrate Roma children.

14 NCCD Decision 126 of 28.01.2004

The idea that Roma are dirty, emanate an unpleasant smell and behave erratically and uncivilized was also reflected in an article published in the local press (Gazeta de Nord-Vest), entitled „A failed gypsy putsch“ and which described a Roma reunion on the premises of the Carei City Hall. According to the article, „the meeting of the sun-tanned minority left deep marks on the Carei City Hall, worthy of a truly modern chemical-bacteriological attack. The chemical component was offered by the smell of over a hundred Roma, which forced the local civil servants to work with open windows until the end of the program [...] The bacteriological attack was composed of the huge number of bugs and lice left behind in the City Hall’s meeting room [...] Even if the room was aired throughout the night, the small bugs remained on the positions where they were abandoned by the co-habiting minority citizens“¹⁵.

One of the most famous representatives of this idea is the current Baia Mare mayor, Catalin Chereches, who, in a number of well-known statements made racist remarks, associating the Roma and areas inhabited by them, with dirt, lack of hygiene and unwillingness to work. Chereches went on to build a segregating wall, which aims to separate the Roma community from the rest of the population and become a frequent defendant before both the NCCD and the courts.

In one of his campaign statements from 2011, the then-candidate Catalin Chereches stated that „We encounter them on the garbage platforms, we see them begging, showing their deformities, we see the them in industrial areas stealing what can still be stolen, in supermarkets, stealing wallets, in bus stations with „aurolac“ bags [inhalating drugs] and on the roads exiting the city engaged in prostitution. This is the image of the Roma community in Baia Mare [...] the neighborhood should be made up of a minimum of 500 homes and to contain a common bathroom for the Roma to wash“. Moreover, Chereches also stated that, if elected, he would relocate the whole Roma community in a „metal container neighborhood“, where a common bathroom will exist for washing the Roma who „need to learn how to wash and how to work“¹⁶.

Closely related to this is the idea that Roma have many children, who become a burden of the welfare state. The stereotype of the „welfare queen“ or of the minority woman whose fertility far exceeds that of the mainstream group¹⁷ is correspondingly applied to Romania, where Roma women are seen as highly fertile and extremely dependent on welfare and over-use of social services. According to an Alba-Iulia local councilor, „We have introduced water to Roma-inhabited areas¹⁸ [...] water and a thin layer of cobblestones (for the sake of gaining votes) were introduced, but this is totally insufficient. Instead of water, it will be very difficult to introduce modern ways of thinking and education there, especially sexual education [...] I support the sterilization of the Roma woman, if, after the first birth, the social inquiry finds that she does not have the conditions or the intention of raising the first child in decently human conditions! Why should we let her give birth to the second or the fifth...and the state to pay social welfare“¹⁹. A similar statement was also made by former president Traian Băsescu, who stated that „how can the Roma woman raise five kids?“²⁰

15 NCCD Decision, 154 of 11.05.2005

16 NCCD Decision 383 of 19.09.2011

17 As evidenced in the United States by the stereotypes associated with Latina and Black women, Leo R. Chavez, „A Glass Half Empty: Latina Reproduction and Public Discourse“, *Human Organization* 63 (2004): 2, <http://www.socsci.uci.edu/~lchavez/bio/Chavez-glass.pdf>, Accessed 1.06.2015

18 În țigănie

19 NCCD Decision 69 of 19.02.2013

20 NCCD Decision 425 of 03.07.2013

One of the most egregious cases of hate speech committed in media, which received a very heavy penalty (8000 RON, around 2000 Euro, for the newspaper and 6000 RON, around 1500 Euro for the author) was one that mixed not only hate speech and discrimination, but also instigation to violence, creating a „clear and present danger“ to the Roma community in a village. An article in the local newspaper, „Crisana“ described Romanian villages as being „under Gypsy terror“. After describing two incidences of crime committed by Roma in villages, the newspaper goes on to generalize such behavior to the whole Roma population and claims „Romanians work, as many as they still work, while gypsies steal the harvest in such an aggressive way that the poor people, old and alone, are left crying due to their own impotence. Do they have a state? Of course they have. What is this state doing except extorting its own population? Does it at least ensure its security? A government exists. Does police also exist? Of course it does. What does it do? The same gypsy groups (but also others) steal people’s forests“. The solution proposed by the article is to institute a group of legally sanctioned vigilantes: „teams of volunteers, to help the police, armed with assault weapons (kept at the police office or even in their own home) to patrol in the critical times and to be legally allowed to fire against those that do not surrender, attack or flee“. The use of the stereotype of „Gypsy Crime“ and the appeal to the use of vigilantes was seen as especially aggravating circumstances by the Council²¹.

While the statements above were made in the context of political campaigns or media reports, hate speech against the Roma is also a constant occurrence among private citizens, when neighbors or schoolchildren argue. In these circumstances, people employ hate speech as a way to demean their opponent, to gain an unfair advantage in what is a dispute between private individuals. Stereotypes employed are similar to those used by politicians and the media when referring to Roma. This leads one to pose the legitimate question of causality: do media and politicians use racist tropes because they appeal to a wide audience, or is public hate speech a cause for the endurance and perpetuation of racist views among the population?

In what counts as a labor dispute, a Roma woman employed as a cleaning lady at a residence facility was also allowed to rent a small space at the ground level of the building. A new block administrator wanted to fire the woman and to evict her from the rented space. When pressuring on her to accept the dismissal and eviction, the block administrator said „I will evict you from here, dirty gypsies“, employing the stereotype of the dirty Roma precisely against the very person responsible for cleaning the staircase.²²

In a dispute relating to education, a Roma student was called „uneducated gypsy“ by her high school teacher when she asked for the grades in the semester evaluation paper (*teză*). In this particular situation, the teacher claimed that the student’s family did not give her „a proper education“, on account of the student asking for grades before the teacher was ready with her evaluation. A special circumstance of the case was that the parents of the plaintiff were not living with the girl, who was being raised by a grandparent²³.

Another conflict between citizens which involved the use of hate speech occurred in a block in the Ferentari neighborhood, inhabited by both Roma and non-Roma. In the course of a fight over the election of the building’s administrator, one of the inhabitants called the other „ugly and dirty crow²⁴“, „infectious and empty inside“, „your place is on the train tracks“, referring a well-known place in

21 NCCD Decision 439 of 10.07.2013

22 NCCD Decision 452 of 17.07.2015

23 NCCD Decision 41 of 30.01.2013

24 Crow/Cioară is a racist and derogatory term for Roma

Ferentari where many very poor families live, near a decommissioned train track²⁵. This reiterates the connection between Roma and extreme poverty, lack of hygiene and infectious disease.

A final stereotype to be analyzed in connection with the Roma was only employed in political speech, generally by high-ranking politicians. According to this view, there are two types of Romanians abroad. Ethnic Romanians work hard and seek to integrate in their host societies, projecting a positive image of Romania. In contrast to these people, the Roma are involved in the same criminal actions that they pursued at home, live in very poor conditions, refuse to integrate and are generally responsible for creating a bad reputation for Romania.

One of the first occurrences of this type of speech was in 2007 when the then-Prime Minister, Calin Popescu Tariceanu commented on the dispatch of Romanian politicians in Italy to help combat crimes committed by Romanian citizens. He suggested that it is only Romanian citizens of Roma origin who are involved in crime, stating that „the role of Romanian officers will be to instruct their colleagues from the peninsula regarding the psychology and the modus operandi of criminal Roma [...] These Roma commit all the possible crimes, including burglary and prostitution, up to organized robbery and drug trafficking”²⁶

Another instance of this type of approach was used by then-president Traian Băsescu during a visit to Slovenia. When questioned about Roma integration and emigration, Traian Băsescu chose to blame the Roma for their supposed „traditional ways”. In a decision that was the basis of a four-year long trial in court, also leading to the establishment of a legal precedent in Romania (as a court of law ruled that a person can be legally liable for a discriminatory statement made abroad, if the message is then propagated inside the country), the NCCD decided that the following statements constituted hate speech: „we have another problem which needs to be mentioned, and which impedes the integration of nomadic Roma. Many of them, traditionally, live of what they steal. If we do not honestly admit the ethnic group’s problems and our problems in knowing this ethnic group, we will not find solutions to the problem”.²⁷

Yet another politician employing racial stereotypes in political speech was current prime-minister Victor Ponta, whose was acquitted by the Council, on the basis of not having infringed legitimate freedom of speech. In a BBC interview, PM Ponta made the following statements: Benefit tourism is „an issue specific to the Roma, but I agree it is a real problem for all countries, such as France, Germany and the United Kingdom [...] When we speak of regular Romanians, the issue of benefit tourism is not a issue”, „We occupy third place regarding citizens committing crimes, but what bothers people most are petty crimes, begging, theft. These come from the Roma minority”, „Romanians living here are unhappy, because they have been accused of the things you have mentioned. And because the Roma community is confused with Romanians”.²⁸

Anti-Roma hate speech is also encountered in football games, especially when the Rapid team plays games against Steaua Bucharest. Rapid, based in Bucharest’s Giulesti neighborhood (a generally poor neighborhood, inhabited by a large Roma community) is referred to as the „Gypsy team” and racial insults are addressed by the fans of opposing teams. Games between Steaua and Rapid featured slogans such as „Death to Gypsies”, „The gallery in the clouds” (combined with a drawing

25 NCCD Decision 448 of 17.07.2013

26 NCCD Decision 180 of 17.07.2007

27 NCCD Decision 117 of 10.02.2014, NCCD Decision 175 of 04.05.2011

28 NCCD Decision 170 of 09.04.2013

of a crow) „Another crow dies“, plus the singing of a famous racist song „We hate and will always hate gypsies....“²⁹

Hate speech and discrimination against Hungarians

A second group which is often the target of hate speech in Romania is the Hungarians (46 decisions). Unlike hate speech against the Roma, the incidence of hate speech against Hungarians is far more localized, occurring mostly in regions of the country where the Hungarian minority has a significant presence. Hungarians form a majority in two Romanian counties: Harghita (84,8%) and Covasna (73,6%) and have a considerable presence in the following counties: Mureș (37,8%), Satu Mare (34,5%), Bihor (25,2%) and Sălaj (23,2%).³⁰ The primordial stereotype about Hungarians encountered throughout the research is that of „the disloyal Hungarian“. According to this view, Romanian citizens of Hungarian ethnicity are not loyal to the Romanian nation-state, but conspire with foreign governments (especially Hungary) to tear away a piece of Romanian territory or to undermine the Romanian state. Moreover, they are often seen as refusing to speak Romanian and as being enemies of the Romanian state. A specificity of decisions in cases concerning hate speech against Hungarians is that this community is mostly represented by the Democratic Union of Hungarians in Romania (UDMR), a civil society organization which also acts like a political party. This organization is itself, the victim of hate speech, as it is often accused of acting against the interests of the Romanian state, many times in collusion with the Budapest government.

Previous analyses of discourses about inter-ethnic relations in Transylvania have found that the main theme structuring „One of the themes structuring the relationship between Romanians and Hungarians, which is often constitutive to the process of self-identification and identification of the other for the Hungarians, is that of their *loyalty towards the Romanian state*“³¹. According to this view, one of the main reasons of mistrust between Romanians and Hungarians is the fact that the latter is supposedly not loyal to the Romanian state, but would be, if the opportunity arose, loyal to the Hungarian state. Within this narrative, the way in which Hungarians should (but don't), show their loyalty towards the Romanian state is by respecting the state symbols, support the national team and not ask for any group rights. The latter is seen as „yet another“ symbol of disloyalty, especially if it is done, as it frequently is, in the language of the historical competition between the two nations.³² Meanwhile, discourses uttered by Hungarians and reflected in literature, were split between those perceiving themselves as essentialist Hungarians and feeling a closer connection to Hungary than to Romania and those (the majority), who described themselves as „Transylvanian Hungarians“, part of the Romanian nation³³. A third options, that of a distinct Transylvanian identity, as different from all other parts of Romania was also encountered in previous studies³⁴.

29 NCCD Decision 55 of 06.02.2013, NCCD Decision 63 of 19.04.2005

30 Gandul.info, Cristian Andrei, „Recensământul populației: primele rezultate, Câți români sunt, câți etnici maghiari și cât de mare este minoritatea romă“, 02.02.2012, <http://www.gandul.info/stiri/recensamantul-populatiei-primele-rezultate-cati-romani-sunt-cati-etnici-maghiari-si-cat-de-mare-este-minoritatea-roma-9200308>, Accessed 3.06.2015

31 Irina Culic, „Nationhood and Identity: Romanians and Hungarians in Transylvania“, in Balázs Trencsényi, Dragos Petrescu, Cristina Petrescu, Constantin Iordachi and Zoltán Kántor (eds.), *Nation-Building and Contested Identities Romanian & Hungarian Case Studies* (Iasi: Polirom, 2001), 239

32 Ibid

33 Valer Veres, „Identity Discourses on National Belonging: The Hungarian Minority in Romania“ *Romanian Journal of Political Science* 14: (Summer 2014): 1

34 Andrea Miklósné Zakar, „Interethnic Discourses on Transylvania in the Periodical «Provincia»“, http://www.gla.ac.uk/0t4/crcees/files/summerschool/readings/school10/reading_list/zakar.pdf, Accessed 2.06.2015

One early article which was judged by the Council as a form of discrimination was entitled „Organizations subordinated to the UDMR“, implying that the UDMR and its subordinate organizations create and maintain interethnic conflict and are responsible for „anti-Romanian propaganda“. ³⁵ Another case, on which the Council did not analyze on its merits, regarded the motivation of a bill proposed before the Romanian Parliament. As the NCCD is not competent to pronounce itself on statements made by deputies and senators in the exercise of their mandate, the Council declined its competence on the matter. Yet, the action of bringing such as draft law (concerning the territorial re-organization of Romania before the Romanian Parliament) is a clear reflection of the anti-Hungarian sentiments present in Romanian public (whether political or non-political) discourse.

The justification of the bill stated:

claimed and reclaimed by numerous politicians, immediately after the Revolution, when the Romanian population, especially the intellectuals, were being chased out of their native land in the heart of Romania by the intolerant Hungarian minority, the problem of the loss of authority by the Romanian state in Harghita and Covasna counties instantly becomes real for the current government [...] the gifting of the problem-child UDMR with new and sweet candy (you can read this as concessions), led to the current state of affairs in Harghita-Covasna, a situation which risks degenerating a hotspot of Romania's internal instability, a bridgehead such as Transnistria or Abkhazia. The new democracy opened up the violent and aggressive work of undermining the Romanian state in exactly the area of the Romanian people's birth: Transylvania³⁶.

Another incident of hate speech against Hungarians occurred on the Facebook page of the newly elected mayor of Satu Mare, an ethnic Romanian coming to office following several terms served by a Hungarian mayor. A citizen posted the following statement:

I will not stay here and engage in useless polemics. The thing is that these bastards decide to criticize the mayor and it is normal, you all go to hell, for defending that bastard ... (name of the previous mayor). You disgust me and you should all be ashamed. I would gas you all and put you in camps! Was it not enough that you kept us in subjection for so many years? You still hit us? Wait, once and for all, because the guy has been a mayor for only 7 months. The other one was mayor for many years and did nothing, but you supported him because he had a Hungarian screw up his behind³⁷.

Another decision concerned facts which could not be proven, in which a Hungarian accused a Romanian mayoral candidate of putting up electoral posters asking for a „Romanian vote“, to avoid being subjected to the „Hungarian heel“ and handing the city hall over to „enemy hands“. The mayoral candidate was acquitted as it could not be proven that those electoral posters were edited by her. ³⁸ This, however, proves that hate speech against Hungarians, portraying them as „enemies“ who „oppress“ Romanians has been used in elections.

The stereotype of the oppressive Hungarians (with reference to the historical period of 1866-1918 when Transylvania was part of Austria-Hungary and the

35 NCCD Decision 146 of 21.05.2004

36 NCCD Decision 288 of 28.04.2004

37 NCCD Decision 381 of 12.06.2013

38 NCCD Decision 325 of 04.06.2009

Romanian population was indeed subject to assimilationist policies of the Hungarian part of Austria-Hungary) was also employed by the ultranationalist politician Bodgan Diaconu, who, in a Facebook statement argued that the Hungarian language is, for Transylvanian Romanians, „the symbol of oppression and anti-Romanianism”, the „language of the oppressors” while learning that language is a „oppression” („jug”). Further, Diaconu made a comparison between the period of Hungarian domination in Transylvania and the Holocaust, by saying „Imposing Hungarian as an official language in Romania is as if German were to become an official language in Israel”.³⁹ This comparison was found to be discriminatory by the Council. Also, MP Cristian Bodea claimed that Hungarians „throw up when they speak Romanian”, and invited those who „refuse to learn Romanian” to „move to Hungary”.⁴⁰

Anti-Hungarian hate speech between citizens was also encountered over the course of the research, and it focused primarily on ethnic Hungarians not being proficient in Romanian. Furthermore, ethnic insults such as „bozgor”, a derogatory term for Hungarian, were also used. Within the ambit of a labor conflict between two people, one of them referred to the other’s Hungarian ethnicity employing insulting and demeaning words. In this particular case, the plaintiff „forbade” the defendant to speak to him „until he learns to speak proper Romanian”.⁴¹ The Council established this constituted harassment.

Three other decisions by the Council⁴² involved similar behavior between individual citizens, where one addressed the other with derogatory ethnic terms, such as „bozgor”. One particularly egregious case was when a disabled woman was called „Hungarian limp” and told „you turned this country into Austria-Hungary”.⁴³

A particular situation of anti-Hungarian hate speech occurs in sports, especially ice-hockey, as one of the most important teams in the Romanian internal competition is based in Miercurea Ciuc and that its main opponent is Steaua Bucharest. Games between these two teams, many times championship finals are filled with anti-Hungarian hate speech. Alternatively, the national Romanian hockey team is, largely composed of ethnic Hungarians, generating ethnic conflicts between the majority Hungarian players and the minority Romanians.

One hockey game between Steaua and Hockey Club Targu Mures featured appeals to „Throw Hungarians out of the country” by Steaua supporters and led to a fine imposed on this hockey club.⁴⁴ A similar situation was encountered in 2014 in a basketball game, when CSU Sibiu played BC Targu Mures, and the supporters of the former team displayed insulting banners referring to the latter team’s ethnic belonging. The ubiquitous „Throw Hungarians out of the country” was also displayed on this particular occasion, which also led to the sanctioning of the Basketball Federation and not only of the offending team.⁴⁵

A particularly interesting but severe situation was encountered in the Romanian „Under 16” Hockey national team which involved an ethnic conflict between young players on the occasion of a training conducted on the 1st of December 2011. Due to the refusal of a Hungarian player to pass to a Romanian colleague, the latter called the former „bozgor”. This generated a spontaneous reaction by Hungarians part of the team in the changing room, and the Romanian player was beaten by three Hungarians. Due to the fact that a Romanian was aggressed by

39 NCCD Decision 466 of 07.11.2012

40 NCCD Decision 690 of 19.11.2014

41 NCCD Decision 125 of 19.04.2005

42 NCCD Decision 438 of 20.08.2009, NCCD Decision 31 of 30.01.2013, NCCD Decision 395 of 02.07.2014

43 NCCD Decision 395 of 02.07.2014

44 NCCD Decision 135 of 02.05.2005

45 NCCD Decision 719 of 03.12.2014

Hungarians on Romania's national holiday, the press took up the case and the Council took strict action. It fined the Hockey federation, but also the young Hungarian players involved in the aggression. On account of their young age, it imposed only a small fine for the latter (200 RON).⁴⁶

Football was another sports arena where anti-Hungarian hate speech was manifested, especially by Steaua owner George Becali, who referred to opponents CFR Cluj (featuring many foreign players and owned by Arpad Paszkany – an ethnic Hungarian) as „foreigners” and suggested that a victory by CFR Cluj will lead to „Hungarians riding us”.⁴⁷

Hate speech and discrimination against women

Hate speech against women was encountered in considerably fewer cases over the course of this research, as compared to anti-Roma or even anti-Hungarians rhetoric (31 decisions). The most common forms of this type of discourse were cases of treating women as sex objects, either voluntarily or involuntarily, references to women as sexually promiscuous and to women unfit for politics or managerial positions due to their gender characteristics. These discourses reproduce aspects already identified in Western literature on gendered approaches to work-family balance and equal opportunity policies.⁴⁸ According to this view, women in office employment are either unfairly requesting policies that accommodate pregnancy and childbirth or, at least, are the main responsible for child-rearing and in special need for accommodation.⁴⁹

Moreover, the gender stereotypes encountered in the research are broadly correspondent to the main representations of men and women in the Romanian media, and beyond. Sexist speech disproportionately emphasizing women's physical characteristics and depicting sex objects is perhaps the oldest type of gender-based hate speech everywhere. For example, a US-based study which analyzed the depiction of women in almost 2000 advertisements from popular magazines revealed that „on average across magazines, one of two advertisements that featured women portrayed them as sex objects.” The authors also discussed the implications of such representations, stating that „women's bodies are constantly on display to be judged” and that this implies that their value is largely connected to their beauty and „may in turn make sexual violence against women appear justifiable”⁵⁰.

The relevance of protecting people from the spread of these stereotypes has been emphasized in a study conducted by the European Institute for Gender Equality, which has quoted authors that underline the idea that stereotypes about women's role in society are both descriptive and prescriptive.

And people know they will be perceived by others and assessed against these expectations, which here may be called 'gender norms' (the social expectations in relation to people's gender). Therefore, since norms in general are of a prescriptive nature, so are gender norms. This dual reality of

46 NCCD Decision 139 of 18.04.2012

47 NCCD Decision 194 of 04.07.2012, NCCD Decision 467 of 07.11.2012

48 Janet Smithson and Elizabeth H. Stokoe , „Discourses of Work-Life Balance: Negotiating 'Genderblind' Terms in Organizations” *Gender, Work and Organization* 12 (March 2005): 2 http://www.researchgate.net/profile/Janet_Smithson/publication/227973769_Discourses_of_WorkLife_Balance_Negotiating_Genderblind_Terms_in_Organizations/links/0912f5087a3b77a65a000000.pdf, Accessed 12.06.2015

49 Ibid

50 Julie M. Stankiewicz, Francine Rosselli „Women as Sex Objects and Victims in Print Advertisements”

Sex Roles 58 (2008): 579–589

gender stereotypes is important: they have a descriptive and a prescriptive character (Prentice & Carranza, 2002)⁵¹.

Therefore, discouraging the negative associations of women's role in society, and especially in leadership and managerial positions is key to advancing gender equality, while protecting such speech leads to a vicious cycle. On the one hand marginalized groups are excluded from representation in politics due to their allegedly inferior characteristics, while members of those groups continue to be shaped in the same manner, as this is what they believe society expects from them.

Regarding the Romanian case, Oana Băluță has noted, the systematic associations for women in the public space, encountered in the Romanian media: are „young, beautiful, the 'wife of', and using their body to get ahead”⁵². She analyzed the media representation of female MPs following the 2012 Parliamentary elections which included information about their „age, how much their looks resembled that of a model, the clothes they wore, how many children they had, but almost nothing about their political career, what gained their party's supported in the election campaign, or political aims and objectives.” Aside from looks, the association with men in positions of power was another focal point. Băluță explained that the representation of women in politics as being „the wife of” an important male political figure has often been encountered. The author acknowledges that this is often the case, as politicians are often married to each other. She explains that the causal relation is not necessarily that presented by the media. Individual merit plays a key part in women's political career; their success is not solely based on the support of their husbands or lovers as media often suggests⁵³. Yet, as research has shown, such media representations are far reaching and enduring:

„There was also this thing (...) this idea of women in politics didn't penetrate the rural areas, wasn't known. Even if the implicit assumption about women in politics is that, 'who knows who they slept with to get there.’”⁵⁴

The stereotype of the unstable woman, prone to argument and bickering was presented by Liberal Politician Ludovic Orban, in a statement considered to be discrimination by the Council. He essentially stated that it is not good if there is only one woman among men in a place, because if there are two women engaged in debate,, they argue among themselves and let the men work. He also added that „sometimes, in specific circumstances, women can make better decisions than men” and that we should „aim to fill the Parliament with women, although [he] start[s] pulling [his] hair when thinking about an all-woman Parliament. [He] would probably emigrate”.⁵⁵ A similar stereotype, of the woman being unfit for decision-making was encountered in a press article entitled „She yells and gets annoyed: the profile of the woman manager” published in newspaper „Evenimentul Zilei”, which, presented a study conducted by British researchers. The title was considered a form of

51 D. A Prentice and E Carranza „What Women and Men Should Be, Shouldn't Be, Are Allowed to Be, and Don't Have to Be: The Contents of Prescriptive Gender Stereotypes”. *Psychology of Women Quarterly*, 26(2002):4, 269-281 quoted in European Institute for Gender Equality „A study of collected narratives on gender perceptions in the 27 EU Member States” 2013, p. 14, <http://eige.europa.eu/sites/default/files/documents/EIGE-study-on-collected-narratives-on-gender-perceptions-MH3112337ENC.pdf> accessed on 10th of January 2015 .

52 Oana Băluță, „Gender, politics and the media: stereotyped representations. How do we draw the line?” („Gen, politică și mass-media: reprezentări stereotipizate. Cum tragem linia?”), *Sfera Politicii* 1(183) , Jan-March 2015 <http://www.sferapoliticii.ro/sfera/183/art10-Baluta.php>, Accessed 12.02.2015

53 Ibid

54 European Institute for Gender Equality „A study of collected narratives”

55 NCCD Decisions 216 of 11.04.2006

discrimination, suggesting that women are incapable of assuming leadership positions⁵⁶. The same view led to the sanctioning of prominent businesswoman Monica Tatoi, who claimed she does not allow female managers employed in her firm to take important decisions during their period, because „their hormones“ are exploding⁵⁷. Yet another decision regarded an article published in the local press about two judges who sentenced someone to three years in jail while having „their period“. „When you see the revolting decisions taken by women judges and prosecutors who don't give a damn due to their menopause about the dramas they create“, „were they not better fit minding kettles, where they could have only caused indigestion to their family?“⁵⁸.

The stereotype of the sexually promiscuous woman, who uses her sexuality to get ahead, was one of the most encountered in the research. In a statement not covered by the Council, Ludovic Orban claimed that women who had succeeded in politics had „passed through their bosses' bed“.⁵⁹ Within the Council's jurisprudence several statements to this regard could be found. One of these was made by Corneliu Vadim Tudor who claimed about the defendant that she was a „prostitute, hooker, lover of Deputy S.G, stupid and idiotic“⁶⁰. In another case, which could not be analyzed on substantive grounds due to the injured party not filing a petition, a politician addressed a woman politician by saying „Would you have agreed, when you were appointed a minister, to sign a statement saying you were not a prostitute?“⁶¹

The largest fine ever imposed by the NCCD in cases of hate speech was decided against businessman Remus Borza, a lawyer temporarily entrusted with the administration of a large state electricity-producing company. When discussing the policies he is pursuing in his administration, especially regarding downsizing, he stated: „Hidroelectrica is a production society, not a society for women who recently gave birth, girls who had children like a conveyor belt and have not, in many years, been to the Hidroelectrica offices and when they are do nothing but hang around the institution's yard because they are the wives and lovers of higher-up men... what am I to do? Fire production engineers or fire these girls who have not been in Hidroelectrica for 4-6 years and who are 'TESA' [auxiliary] personnel anyway?“⁶² Borza's expression of intent to discriminate based on gender in his downsizing policies was fined 10 000 lei (aprox. 2500 Euro) by the council. Alternatively, while maternity is seen as hampering career advancement, it was also seen by former president Traian Basescu as a „fundamental mission for women“.⁶³ Thus, women are supposed to fulfill a double standard: to be mothers, but also have a career, while not asking for accommodation in their office environment.

Finally, another form of speech discrimination against women was encountered in different advertising campaigns, which used women as sexual objects. In this case, the objectification of women was considered discriminatory, as they, or parts of their body were seen as useful for capturing the attention of the male audience. Two prominent decisions could be brought as examples. In one, the issue was an advertising campaign undertaken by Constanta mayor Radu Mazăre, aiming to promote the Mamaia resort. The campaign featured pictures of women wearing

56 NCCD Decision 186 of 20.06.2012

57 NCCD Decision 277 of 28.07.2009

58 NCCD Decision 204 of 2.04.2007

59 Hotnews.ro, „Stolojan, reactivat de mojicia lui Orban“, 27 March 2006, <http://www.hotnews.ro/stiri-arhiva-1185125-stolojan-reactivat-mojicia-lui-orban.htm>, Accessed 12.07.2015

60 NCCD Decision 511 of 04.09.2013

61 NCCD Decision 409 of 22.10.2012

62 NCCD Decision 562 of 18.09.2013

63 NCCD Decision 425 of 03.07.2013

bathing suits, seen through binoculars and referred to this as „Bird Watching“ or „Safari“. Moreover, Radu Mazăre defended the campaign by referring to women as „gazelles that should be hunted“. ⁶⁴ A second case involved a contest initiated by a TV channel asking women in the audience (or their male partners) to send pictures of their bottoms, in order to compete for being the sexiest⁶⁵. Finally, a more recent case featured a campaign for road safety, promoting the use of seatbelts, and featuring an advertising asking female respondents to send pictures of their breasts covered by seatbelts. The advertisement of the campaign featured prominently pictures of cleavages' and suggested they should be covered by seatbelts⁶⁶.

Hate speech and discrimination against Jews

Another group that figured, to a less extent (26 decisions), but still prominently as the target of hate speech in Romania were the Jews. According to the latest (2011) census, Jews have become an extremely small minority in Romania, only 3271 people declaring themselves as belonging to this group⁶⁷. This minority group has been the target of extermination during the Holocaust and has been encouraged to immigrate to Israel during the Ceausescu regime⁶⁸. Yet, stereotypes about them continue to abound in mainstream society. Many of the discourses encountered during the research are reminiscent of inter-war Romanian anti-Semitism. The literature contains the analysis of several stereotypes encountered in studies of pre-war and inter-war anti-Semitism. Jews were seen by Mihai Eminescu, Nicolae Iorga and A.C. Cuza as parasitic upon Romanian peasants and as avaricious traders waiting to make a profit out of the poverty and ignorance of the self-same peasant⁶⁹. Moreover, Jews were also seen as „dirty“, „foreign“ and „disloyal“. ⁷⁰

Alternatively, hate speech against the Jews connected their ethnicity with the European Holocaust. One reference, notable in its absence, is the lack of any connection to the Romanian Holocaust, showing a very limited awareness about the latter. Thus, when a person wants to intimidate or offend someone of the Jewish faith, the reference is Auschwitz (not Transnistria).

One of the stereotypes taken over from interwar Romania and propagated especially by politicians in the late 1990s was the association of Jews and communism. According to this view, „the Jews“ are responsible for the communist take-over of Romania, as they, were supposedly, predominant in the leadership of the Romanian communist party, of the pro-soviet factions in that party and in the Soviet Communist party. One petition, where the Council could not discuss the case because of procedural issues (it was filed too late) featured Corneliu Vadim Tudor arguing that „T and P are two Jews, guilty of discrediting the Romanian patriots [...] Jews brought communism to Romania with the help of Russian tanks“. ⁷¹ Another petition, once again rejected for procedural reasons due to the place where the incriminated statement was made (namely in an official petition to the National Council for the Study of the Archives of the *Securitate*) featured the following the

64 NCCD Decision 376 of 02.07.2014

65 NCCD Decision 554 of 2009

66 NCCD Decision 164 of 25.03.2015

67 National Statistics Institute, Final Results of 2011 Census, <http://www.recensamantromania.ro/rezultate-2/>, Accessed 1.06.2015

68 Radu Ioanid, *Rascumpararea evreilor. Istoria acordurilor secrete dintre Romania si Israel* (Iasi:Polirom, 2005)

69 Valentin Stoian, „XIXth Century Romanian Intellectual Anti-Semitism in a Comparative Perspective“, *Sfera Politicii* Vol XXI, No 4 (176), Iulie-August 2013

70 Igescu Minodora, „De la Imagologie la Holocaust“, http://survivors-romania.org/pdf_doc/de_la_imagologie_la_holocaust.pdf, Accessed 1.06.2015

71 NCCD Decision 65 of 21.01.2008

statement that the defendant was tired to stand the „impertinence, insolence and humiliation by a group of gypsy, red fascist-nazi, judeo-bolshevik mafia.“⁷²

Yet another stereotype about Jews encountered in the research is their supposed „laziness“, or „stinginess“. These are standard anti-Jewish statements, referring to cultural characteristics of the Jewish faith, widely used through the interwar period⁷³. An article published in 2004 referred to a woman who later complained to the Council as „As you know, Jews do not like to work (X is a Jew, did you know that?)“⁷⁴. This expression was judged discriminatory by the Council. The opposite conclusion was reached by the Council when a popular rap band, Parazitii released a song featuring the expression „stingy like a Jew“⁷⁵.

An interesting occurrence of anti-Jewish hate speech was published in a Hungarian-language newspaper called *Kronika* and employed the stereotype of the „Jewish conspiracy“. This view, a well-known Nazi trope features the idea that Jews are conspiring to take over a particular country (in this case Hungary) or are already in secret control, through an unknown, but very wide network. The impugned statement was made by the defendant in a speech and later published in *Kronika*:

In Hungary, there are 10 million people, but their number indicates something else. I need to say and I hope no one gets upset – Hungary is the only country where... see...Germany is led by Germans, Poland is led by Poles, Slovakia is led by Slovaks....Hungary is the only country which, step by step, becomes the new Israel ⁷⁶

Nevertheless, the most important feature of hate speech against Jews encountered in the research is the references to the Holocaust and to Auschwitz in particular. In the Romanian imaginary, Jews are inextricably linked with the Holocaust. One case featured two caricatures of the mayor of Tecuci (who is of Jewish origin), which led the mayor's father to file a complaint before the Council. In order to criticize the mayor's perceived lack of honesty in handling public funds, a local newspaper published two separate illustrations. In the first illustration, the mayor was said to escape prosecution by disguising himself as an ultraorthodox Jew, while in the second the mayor is dressed in a Nazi uniform, pictured in front of a waving Nazi flag and threatens to send investigative journalists to „camp“.⁷⁷ Another situation featured a Facebook post by the head of the cabinet of the Targu Mures Prefect. The context of the situation was the beginning of the January 2012 protests in Romania, which started in many cities, but especially Targu Mures. The prefect's head of the cabinet posted the following statement on his Facebook page: „Arbeit macht frei (work makes you free) – this is what the protesters should understand“. This statement brought him a 1000 RON fine⁷⁸. A similar case occurred between two individual citizens, when a Jewish woman was offended by a child. The latter, at the instigation of a neighbor, told the plaintiff: „When are you going to Auschwitz? I will buy you a ticket there“ and „You will come out of Auschwitz through the chimney“. This kind of behavior only brought a warning to the person instigating the child⁷⁹.

72 NCCD Decision 190 of 31.03.2009

73 Stoian, XIXth Century Romanian Intellectual Anti-Semitism

74 NCCD Decision 148 of 21.05.2004

75 NCCD Decision 282 of 06.09.2005

76 NCCD Decision 38 of 09.03.2005

77 NCCD Decision 338 of 04.06.2008

78 NCCD Decision 60 of 22.02.2012

79 NCCD Decision 747 of 17.12.2012

Hate speech against LGBT

Another group affected by hate speech, yet to a lesser extent was the LGBT community. A predominant stereotype featured the „sick/deviant gay” (suggesting that LGBT people are somehow not „normal”). Studies on the topic of homophobic discourse found that there was an association of gays and decadence, misery, sexually transmitted disease and conspiracy.⁸⁰ Anti-gay hate speech was encountered both in public speech and in disputes among citizens and public authorities. To their credit, the public authorities concerned took prompt action against their employees who committed acts of hate speech. One famous case of public speech involved Deputy Puiu Hasotti, who, on TV stated that:

Mr. Deputy Remus Cernea proves to be extravagant, to say the least. I have nothing to reproach to homosexuals, I only consider them sick people. Homosexuality is not a natural behavior, a natural relation, and for this reason, in my view, it stands no chance⁸¹

Hasotti’s statements were judged as acceptable within the freedom of expression.

Another public manifestation of anti-gay hate speech occurred when several pro-life NGOs displayed posters, on the occasion of the „Month of LGBT history”, referring to activities organized on this occasion at the Museum of the Romanian Peasant and at the „George Cosbuc” Bilingual Highschool. The posters, which brought a fine to their authors, were presented as an educational advice to parents stating „ would you see your son as ...gay? Would you see your daughter as a lesbian? In Olari Street and at the Museum of the Romanian Peasant certain things are happening...”⁸² This appealed to parents to shield their children from the „deviance” taught in the „Month of LGBT history”.

Two cases of anti-gay hate speech occurred when gay citizens encountered police officers. In one case, the defendant, was called „gay, faggot” and threatened to be „beaten to death” by police officers and gendarmes, during a routine check,⁸³ but the Council could not issue a ruling due to the fact that only the police has the authority to sanction the offending agent. A similar case, occurring two years before, had a different outcome (a warning was issued), after the gendarmerie had sanctioned its own member, a non-commissioned officer who, on the occasion of seeing the plaintiff remarked to his colleague „Leftward march. The head of the faggots is passing”⁸⁴.

Hate speech against other groups

Other groups were also the victims of hate speech, though to a much lesser extent than those discussed above. These included people of different religions than Orthodox (each religion, such as Catholics, protestants, Jehova’s witnesses is targeted separately, but they were grouped together because the stereotype was the same), Germans, HIV-infected, disabled, or people of different skin color. The „sectarian” and „deviant” non-orthodox people were most often associated with humiliating or disgusting religious practices. Discrimination based on HIV-infection

80 Vasu Reddy Perverts and sodomites: homophobia as hate speech in Africa”, *Southern African Linguistics and Applied Language Studies*, 20 (2002):3, 163-175, Elena Irina Macovei, „Discursul urii pe blogurile și forumurile unor publicații din România” *New Journal for Human Rights (Noua Revistă de Drepturile Omului)*, issue: 4 / 2011

81 NCCD Decision 197 of 24.04.2013.

82 NCCD Decision 561 of 18.09.2013

83 NCCD Decision 549 of 12.11.2009

84 NCCD Decision 102 of 24.05.2007

was encountered in several cases of hate speech among individual citizens while discrimination based on skin color (in this particular case Africans) was encountered in football (black players were referred to as monkeys). Hate speech against Germans was generally a very rare occurrence in the NCCD jurisprudence, but it emerged in 2014 on the occasion of the successful presidential bid of Klaus Iohannis, (due to his German ethnicity).

Two cases of racial hate speeches which were sanctioned by the Council, concerned African football players, playing in the Romanian internal championship. Both instances involved the stereotype of the „monkey“. In one case, then-mayor of Craiova, Antonie Solomon, stated that the African players of Universitatea Craiova should be „put in a zoo“. ⁸⁵ In another case, a conflict between two football coaches resulting from a player's tough way of playing led to the following statements about an African player „I do not care if this is all he can do, I do not care if he just came out of a tree“. The defendant argued he was referring to the player's tough approach on the field and not to his skin color, which obtained him an acquittal from the Council ⁸⁶.

Non-orthodox people (except Jews, who were discussed above) were described in various instances as „sectarian“, „not good Romanians“ or „deviant“. No specific stereotypes were attached to any religion, but all non-orthodox people were grouped together and seen as deviants. For example, in two cases, textbooks were edited referring to non-orthodox people as „sectarian“. One textbook was used to teach the orthodox religion in schools and another to teach „Introduction to Sociology“ in the National School of Political and Administrative Science. The first concerned the Baha'i faith while the second referred to all non-orthodox people. The first was seen as hate speech by the Council, while the second was defended as a scientific opinion. Another, far more egregious case, landed George Becali a 8000 RON fine, for stating that he does not want votes from „Baptist sectarians“. ⁸⁷

The linkage between the Orthodox religion and Romanian identity was found in three cases of political speech, the latter two being far more prominent than the former, due to the position of the persons involved. In one case, a school principal was accused in a local newspaper of not being a good Romanian, and of being unfit for heading a Romanian school, due to his religion (Baptist) ⁸⁸. The defendant was acquitted in this case, despite a dissenting opinion arguing that promoting the idea that Baptists are not good Romanians amounts to discrimination. The two latter cases featured prominent politicians. In one case, former president Traian Basescu stated that one of the best things he has done in his life is to baptize a Muslim child. Though he was acquitted, a dissenting opinion argued that the stereotype of „civilizing through baptism“ is a form of discrimination. ⁸⁹ Finally, on the occasion of the 2014 electoral campaign, a member of the Social Democrat Party said that Klaus Iohannis „is not a pure Romanian“ and that „it is also a disadvantage that he is not a member of the Romanian Orthodox Church and this matters very much“. This statement led to a warning being issued ⁹⁰.

Another hateful statement against Klaus Iohannis referred to the fact that he does not have children. A political opponent stated about Iohannis that he is not a complete person on account of his not having children. The Council issued a warning ⁹¹.

⁸⁵ NCCD Decision 73 of 26.04.2005

⁸⁶ NCCD Decision 384 of 2.12.2003.

⁸⁷ NCCD Decision 279 of 02.10.2007, NCCD Decision 539 of 20.11.2007, NCCD Decision 53 of 06.02.2013

⁸⁸ NCCD Decision 290 of 19.03.2008

⁸⁹ NCCD Decision 108 of 09.06.2010

⁹⁰ NCCD Decision 699 of 26.11.2014

⁹¹ NCCD Decision 689 of 19.11.2014

Before Klaus Iohannis' presidential bid, very few discriminatory statements about Germans were reflected in the NCCD jurisprudence. In one case, an investigative journalist commented about the alleged illegal actions of a German company in Arges county: „the German double standard: they are champions in frauds, football and lovers“, implying the stereotype that anything made by Germans, including frauds, is well-made⁹². The emergence of Iohannis as a front-runner in the presidential race led to him being labeled as non-Romanian, on account of his ethnicity, as well as his religion. Two cases featured people describing Iohannis as not speaking proper Romanian, a foreigner, and a disloyal citizen who, if elected president and granted the access to state secrets, would threaten Romania's status as a „national, indivisible, sovereign state“.⁹³

HIV- infected people were also attacked in several cases. In one case, the director of a placement center where HIV-positive orphaned teenagers are accommodated argued for the need to enforce surgical sterilization on the young people. This led to a 500 RON fine.⁹⁴ In another case, an HIV-positive child was called a derogatory term („sidoasa“), by a neighbor⁹⁵.

The last category to be covered in the analysis is disabled people. Hate speech against this group featured the use of abusive language („handicapati“), suggesting that disabled people are less valuable and are abusing state welfare. The first type of discrimination occurred in a case in which a university student who had suffered of schizophrenia and a lobotomy was called a „handicapped“ by one of his professors⁹⁶. The second case concerned the allusion that a disabled child is a less valuable child, in a public campaign in favor of maternal health. Mothers who „do not take care of themselves“ would be „punished“ through the birth of a disabled child⁹⁷. Finally, the media promoted the idea that both drug and alcohol addicts as well as „fake“ disabled persons abuse public welfare⁹⁸. In the first case, the defendant was Monica Pop, a well-known ophthalmologist and TV star and led to her receiving a warning⁹⁹.

IV. Conclusion

The article has analyzed the most important characteristics of Romanian hate speech as evidences in the NCCD jurisprudence between 2003 and 2015. It relied on an extensive database of NCCD Decisions in cases of hate speech, which were coded according to relevant criteria. Next, qualitative analysis was performed on these decisions with the aim of drawing out the narratives employed in hate speech. Several narratives were analyzed and compared with those found in the literature on marginalized groups.

The study found that the main victims of hate speech in Romania over the period studied were the Roma. Stereotypes about the Roma include them being „dirty“, „lazy“ and „uneducated“. Moreover, the Roma are associated with a high fertility, resulting in them living on welfare and in extreme poverty. A specificity of Romanian anti-Roma discourse is that it argues that Romania's image abroad is

92 NCCD Decision 498 of 28.08.2013

93 NCCD Decision 226 of 05.05.2015, NCCD Decision 121 of 25.02.2015

94 NCCD Decision 66 of 01.04.2005

95 NCCD Decision 126 of 1.04.2005

96 NCCD Decision 248 of 30.04.2014

97 NCCD Decision 217 of 30.08.2005

98 NCCD Decision 523 of 26.11.2012

99 NCCD Decision 323 of 04.06.2014

affected by the wave of migratory „criminal“ Roma, who have to be dissociated from the hard-working Romanians.

The prevalent stereotype about Hungarians found by the study was that they are not loyal to the Romanian state as they do not respect its symbols and national celebrations. Moreover, Hungarians are seen as foreign and not proper Romanian citizens. This stereotype was to a certain extent extended to Germans during the 2014 electoral campaign which led to the election of Klaus Iohannis, who was accused of threatening national security.

Women were presented as sexual objects by different advertising campaigns or TV shows. These focused on parts of their bodies and abstracted away from their existence as human beings. Moreover, women in politics were associated with sexual promiscuity, as it was claimed that they advance in politics only by having sex with powerful men. Finally, women were portrayed as unable to lead companies, as they are supposedly less rational because of high hormonal levels during menstruation.

Other groups were also the victim of hate speech over the period studied. Members of the LGBT community were portrayed as „sick“, while non-orthodox religions were described as „sectarian“ and „deviant“. Finally, during the electoral campaign for the 2014 presidential elections, the connection between the orthodox religion and Romanian identity was made when a politician claimed that Klaus Iohannis is „not fully Romanian“.

A limitation of the study is a direct consequence of the type of data selected. The analysis was performed on NCCD Decisions and therefore could not include statements which were not reported to the Council. Therefore, it cannot claim to be a comprehensive study of all hate speech in Romania. Many occurrences of hate speech, either in the media, or between private citizens often go unreported and could not be included.

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