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## VIII.

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### CONCLUSIONS

Extremist attitudes in Romania are a relatively frequent phenomenon. One may find supporters of extremism in all age, social, and educational groups (the small, weak middle class plays an obvious part in this respect). The most serious and dangerous form of extremism was and still is ultranationalism.

Extremist incitements come in the shape of statements, discourses, platforms, ideologies, other civil or political manifestations. With the exception of the political machinations of 1990 and 1991, and the attempted coup of 1999, racially or ethnically motivated violence targeted exclusively the Roma population. Approximately 35 attacks against Roma communities were recorded between 1990 and 1996, some of which resulted in dead and injured, destruction of homes and of other property. Sometimes the victims were driven away from the villages. After 1996, such attacks came to a halt due to the preventive measures and sanctions against responsible parties taken by public authorities. In the past few years, abusive behavior toward the Roma came mainly from within the ranks of the police or gendarmerie, through exceeding the reasonable measures they are authorized to undertake.<sup>237</sup>

Political ultranationalist forces and forces inside the Romanian Orthodox Church (BOR) have proven directly interested in the perpetuation of extremist behavior. Some groups, connected to the old communist regime, have generally been involved in extremist manipulation, especially those of the intelligence service. Extremism is directly favored by the weaknesses of the rule of law, particularly by structural corruption, by the authorities' lack of transparency, and by poverty.

Right-wing associations and media are commonly sponsored by older supporters of legionnarism, most of which are exiles or are doing business in Romania. The main sources of ultranationalist funds are the business-

237 Usually, such abuses take place during raids in Roma communities, or by abusive use of weapons in individual actions.

es of adepts that control financial, economic and commercial activities directly benefiting from the high level of corruption. State budget is also a source for the ultranationalist parties elected in the Parliament.

Steps for preventing and fighting extremism include legislative and public policy measures, and should predominantly focus on enhancing respect for the rule of law. The position of the international community proved, in the past, to be of decisive importance for the evolution of extremism in Romania and in the neighboring countries.

### **Legislative Measures**

As of this writing, the Romanian legislative framework covers in a satisfactory manner the prevention and fighting of extremism. Romanian legislation in the field is ample, but often lacks coherence. A simplification of the normative system would be helpful. Yet, there are sufficient laws punishing incitements to racial and ethnic hatred, protecting against discrimination of all sorts, or prohibiting associations with extremist goals. Romania has still to ratify the European Charter for Regional and Minority Languages.

One exception to the above is the legislation in the field of freedom of religion and belief. It is necessary to adopt, as soon as possible, legislation that is compatible with the principle of freedom of conscious. The current norms are inherited from the communist regime and are therefore both insufficient and discriminatory.

Another component of legislative reform concerns amendments to the legislation protecting particular groups when they commit abuses (in particular, legislation concerning assault and battery). The system of military prosecutors – an unconstitutional institution at that – should be abolished.

A special question is that of negationism (reversionism). This phenomenon is relatively widespread throughout Romanian society, and concerns two main issues: denial of the crimes against the Jews and the Roma committed by the Romanian authorities during World War II,<sup>238</sup> and denial of the crimes of communism and of the effects of communist totalitarianism. These matters have been the subject of ample cultural debates.<sup>239</sup> Nevertheless, in our opinion anti-negationist legislation would extend beyond the realm of reasonable restrictions of the freedom of expression.

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238 The crimes in the Transdnister region are, in particular, subject to relatively frequent denials. Similar statements with respect to the crimes of Nazi Germany are much less common.

239 See especially the debates in periodicals such as *România literară*, 22 or *Sfera politică*, especially during 1998 and 1999.

## Measures Concerning the Rule of Law

The most effective way to limit extremist manifestations is to ensure respect for the rule of law. The violation of the principles of the rule of law seems, nevertheless, to be endemic. For this reason, attention should be paid less to matters of legislation and more to matters of enforcement. In particular, the negotiations between Romania and the European Union should expressly codify the capacity of the authorities in Bucharest to enforce the laws of the country.

The enforcement of laws and constitutional provisions concerning extremist groups should be regarded as a priority. It is important to introduce, on the list of Romania's obligations toward the EU as defined by the Copenhagen political criteria, the criterion of respect for the freedom of religion, of belief and confession. Legislation that is relevant to the field of religion should be evaluated with respect to other parts of the *acquis communautaire*, such as the anti-discrimination directives.<sup>240</sup>

## Public Policy Measures

A list of public policy measures aimed at preventing and fighting extremism should include:

- measures for the improvement of the system of justice, such as the training of magistrates and the prevention of corruption within this system;
- the development of cooperation among the authorities and NGOs supporting human rights and democratic values;
- a reassessment of the state of the system of national education, with a special focus on civic culture and history textbooks;
- the establishment of an army force made up of professionals, which may restrict the presence within the military system of extremist forces interested in capitalizing on the political value of military positions;
- effective civil control of the intelligence services, ensuring a maximum of transparency compatible with the nature of these services, in particular transparency in the education of intelligence personnel and in activities that may conflict with the public interest;

<sup>240</sup> Support for the directives has to take into account their larger significance and implications. As such, Council Directive of June 2000 concerns the fighting of ethnic and racial discrimination, rather than religions discrimination. Nevertheless, underprivileging ethnic groups by limiting their freedom of religion *is* covered by the Directive.

- introduction of a financing policy of cults that ensures the separation between the interests of the clergy and of politicians;
- the marginalization of ultranationalist parties by means of an explicit and firm denunciation of their policies, and by excluding any form of cooperation with such groups;
- promotion of new affirmative actions with regard to Roma – Roma being, by far, the most important target of the extremist acts.

### **The Attitude of the International Community**

There are some measures that could define an European policy in the field of fighting extremism:

- International cooperation and, in particular, making sure that Romania remains a party to the ongoing processes of integration (EU, NATO), is one of the most effective ways of reducing the (otherwise substantial) danger of extremism in Romania in this country.
- Discussions concerning questions of discrimination and extremism in the framework of EU monitoring procedures should be a priority issue in accession negotiations.
- Increasing international support for the work of ECRI and ensuring that member states give concrete follow-up to its recommendations.
- Promoting within pan-European party coalitions (Socialist International, Liberal International etc.) the principles of Recommendation 1438 (2000)<sup>241</sup> of the Parliamentary Assembly of the Council of Europe, concerning the threat posed to democracy by extremist parties and movements in Europe.
- Continuous and substantial support for civil society groups devoted to democratic values. Considering the restriction on voluntary work posed by the level of poverty in Romania, the scarcity of resources on the private market and the lack of a sponsorship culture, the feeble input of the state in this respect (and sometimes even its enmity toward pro-democratic groups), making available foreign resources remains a vital condition for the health of civil society in Romania.

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241 Assembly debate on January 25, 2000 (2<sup>nd</sup> Sitting) (see Doc. 8607, Report of the Political Affairs Committee, Rapporteur Mr. Gjellerod). Text adopted by the Assembly on January 25, 2000 (2<sup>nd</sup> Sitting).