

## LETTER OF PROTEST

### **Protocol of Balotești, following the model of the racial laws, under the heading of the Romanian Senate**

The undersigned organizations protest to the Social Coexistence Protocol, initiated by the Senator Iulian Urban of Ilfov County, exclusively for the Roma citizens in the locality<sup>1</sup>.

Although he is a member of the Romanian Senate, Mr. Iulian Urban violates Romanian legislation, namely the Government Ordinance 137/2000 on preventing and sanctioning all forms of discrimination, publicly expressing in the online environment discriminatory messages towards Roma ethnics.<sup>2</sup> What is more, the senator issued a "peaceful coexistence protocol", designed exclusively for the Roma in Balotești. The Senator from Ilfov recognizes that he has been inspired by the example of the ethnic Hungarian citizens of Sâncrăieni and proceeded to draw up a similar protocol for the Roma in Balotești.

We recall that the two so-called protocols, which impose on the Romanian citizens of Roma origin from Sanmartin and Sâncrăieni to adopt a type of conduct imposed in a discriminatory manner by Romanian citizens of Hungarian ethnicity, with the wide complicity of the local authorities, have inspired a representative of the Romanian Senate to adopt the same illegal and abusive system in relations with the Roma inhabitants of the locality Balotești, Ilfov County.

Such protocols, exclusively addressed to one part of the community, on ethnic grounds, closed under the authorities' supervision and implemented with their help, betray the principle of the racial laws of Nazi Germany. Making discrimination legal was necessary the step to "justify" the Holocaust.

We would like to mention that the protocol is signed by the senator as well as by another 9 persons whose official status is not clear from the contents of the Protocol. Nowhere in the contents of this protocol are the the parties between which the Protocol is concluded, its object, under which law it has been completed or its working mechanisms specified.

We understand, from the content of the Protocol, that the Romanian Senate, through its representatives, has the power to invest private citizens, informal leaders, with the ability to compel other citizens to adopt a certain conduct. Furthermore, the Romanian Senate imposes on citizens the obligation to become a substitute to the law and its implementation bodies, an obligation imposed under the signature of a representative of the Senate and under the header of the Romanian Parliament.

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<sup>1</sup> <http://www.urbaniulian.ro/2009/07/15/succes-nesperat-pacea-de-la-balotesti-toti-liderii-rromilor-au-semnat-protocolul-de-convietuire-sociala/> (accessed at 24.11.2009)

<sup>2</sup> <http://www.urbaniulian.ro/>

The illegal, abusive and discriminatory character of the “Protocol” is highlighted by a list of obligations imposed exclusively on a distinct group of people, namely citizens of Roma ethnicity. Some of the 7 points of the protocol impose obligations on citizens of Roma ethnicity, which are already covered under Romanian law. The law includes sanctions for its violation, applicable to all Romanian citizens, and decided by authorities of the Romanian state. Such a protocol, repeating legal provisions, aiming towards certain recipients – citizens of Roma ethnicity - emphasizes the differential treatment applied to the Roma people, but also the state's abdication from its regulatory and law enforcement powers.

It is imposed on the leaders from Balotești to "collaborate" with the police for immediate denunciation of crimes committed exclusively by the Roma. Note that criminal law provides for a penalty for refusal to denounce. Imposing an obligation to denounce crimes committed, exclusively in the responsibility of informal Roma leaders, and with exclusive reference to criminals of Roma origin, is a serious violation of the rule of law.

Paragraph 7 of the Protocol prohibits the right of all Roma in Balotești to refuse a job offered by the mayor or the police, through AJOFM Ilfov County (Local Employment Agency). This provision clearly violates human rights, forced labor being prohibited by European legislative standards.

This practice, started by local authorities in Harghita County, and continued by a Romanian member of the Parliament, raises serious concerns, threatening the fundamental principles of the rule of law.

It is unacceptable that such practices are accepted and replicated by public authorities, both central and local. No one is above the law and this principle should all the more be respected and promoted by a member of the Parliament, Vice – Chairman of the Commission on Legal Affairs. Mr. Iulian Urban’s elected position allows even less for discriminatory attitudes and the use of a differential treatment in relation with the citizens he represents. We also underline the fact that the National Equality Body has several files on its roll, concerning messages published by Mr. Iulian Urban on his personal blog<sup>3</sup>.

Also, Mr. Urban’s initiatives take place on the background of the economic crisis, coupled with an increase in racially motivated attacks against Roma community in Europe and in Romania, with the members of the majority being in search of scapegoats. In this context, the absence of a reaction which condemns these protocols and the lack of an immediate sanction for Mr. Urban, shows the lack of responsibility of Romanian politicians, as well as their complicity, together with other institutions of the Romanian state which seem to re-create the premises of a history we thought forever buried in the midst of the Second World War.

Concerning all of the above, we publicly request an official position from the following national institutions:

- Romanian Senate;

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<sup>3</sup> <http://www.urbaniulian.ro/2009/07/14/afacerea-tiganilor-din-romania-cea-mai-realista-analiza-despre-o-mare-frauda-nationala/>  
(accessed at 24.11.2009)

- Committee on Legal Affairs of the Senate;
- Committee on Legal Affairs of the Chamber of Deputies;
- National Agency for the Roma;
- Democrat Liberal Party;

and from the following international institutions:

- European Commission;
- European Parliament;
- European Parties: Group of the European People's Party, the Group of the Progressive Alliance of Socialists and Democrats, Group of the Alliance of Liberals and Democrats in Europe;
- European Union Agency for Fundamental Rights;
- EU Council - The Council of Ministers;
- ECRI – European Commission against Racism and Intolerance;
- OSCE High Commissioner on National Minorities.

This letter is supported by **ENAR Romania** through the following organizations:

- ACCEPT Romania Association;
- Association for the Defence of Human Rights in Romania – the Helsinki Committee;
- Agency for Community Development – “Impreuna”;
- Center Education 2000+;
- Center for Curriculum Development and Gender Studies - Filia;
- Center for Legal Resources;
- Civitas Foundation for Civil Society;
- Ethnocultural Diversity Resource Center;
- Guides' Association of Romania;
- Institute for Public Policy;
- Media Monitoring Agency – Active Watch;
- Positive Sense Association;
- Pro Europe League Association;
- Roma Association "Equal opportunities", Tulcea;
- Roma Center for Social Intervention and Studies – Romani CRISS;
- Romanian National Council for Refugees.

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