



WE, Romanians, about THEM, the Roma, as seen by President Bănescu

Bucharest, 21.12.2010

The Center for Legal Resources brings to the public attention the attitude which continues to be discriminatory towards the Roma of the Romanian President, Traian Bănescu

On 14.12.2010, President Traian Bănescu held a press conference on various issues.¹ In the context of the recent interview the President gave to the Financial Times² where he had declared that he would not agree with changing the name of “Roma” to “Gypsy”, a journalist reminded the President that he had also previously declared that the term “Roma” creates confusion with the term “Romanian”. To this, the President replied: “That is correct, but this does not mean that we have to change the law. In my opinion, changing the law would mean that **we, as a nation, do not assume the responsibility for a minority which we have**. I am not saying it was all right, in 91 or in 92, when, also through law the name of the **minority** was changed from ‘Gypsy’ to ‘Roma’, but to change now, also through law and also without asking **them**, the name from Roma to Gypsy would be a proof of **our** cowardice. **They** are Romanian citizens, **they** are a minority which lives here and **we** have to assume **them** in an honest manner. It is **our** primary responsibility, to assume **our** minorities. Personally, I have recommended, also yesterday to the alliance not to vote such a law, which would put under question not only **our** morality, the assuming by **us** of a **minority** which lives in this country, but it would be a signal of weakness, which **we** must not send. **We** assume the **minority**, **we** try to do what **we** have to.”³ (our translation)

Firstly, the name “Roma” has never been regulated through law. The name itself, pertaining to an ethnic group, cannot be decided through a law. The idea of closing within the letter of a law the name of an ethnic group is contrary to the principles of the Framework Convention for the Protection of National Minorities to which Romania is party. According to the Convention, every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such, and consequently, to recognize itself or not in the name adopted to designate the minority.⁴ Therefore, deciding through a law on the name has as its effect precisely the breach of the rights of those upon whose name we are regulating.

Secondly, the President operates with a clear distinction between “us” and “they”, the “they” who, although Romanian citizens, would not be an integral part of the “nation” which is therefore called upon to assume them. In this context, the assertions from the recent interview for the Financial Times are illustrative for the negative attributes which these “they” would have in the President’s understanding: “We totally assume the responsibility for our citizens, which means even for Roma that create problems around Paris, or Rome two years ago, or in Finland. At the same time we consider that Romania came into the EU not only with [its] doctors, who are very highly appreciated in France, Italy, Germany, and the UK. Not only with [its] IT people, who are drained from Romania, together with the doctors. We came in with a Roma minority. And we would be happy if each time President Sarkozy sent back a Roma person he would also send a doctor or an IT specialist.”⁵

¹ Romanian Presidency, Department of Public Communication, *Press release: Press Conference of the President of Romania, Traian Bănescu* 14.12.2010, available at: http://www.presidency.ro/?_RID=det&tb=date&id=12590&_PRID=lazi (accessed at: 17.12.2010)

² Neil Buckley, “Interview transcript, Traian Bănescu, president of Romania” in *Financial Times*, 13.10.2010, disponibil la: <http://www.ft.com/cms/s/0/2f1b77e8-06e0-11e0-8c29-00144feabdc0.html#axzz18AcSid3k> (accesat la 17.10.2010)

³ Romanian Presidency, Department of Public Communication, *Press release: Press Conference of the President of Romania, Traian Bănescu* 14.12.2010, available at: http://www.presidency.ro/?_RID=det&tb=date&id=12590&_PRID=lazi (accessed at: 17.12.2010)

⁴ See Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, *Opinion on Romania*, Strasbourg, April 6th, 2001, paragraph 20, p. 7, available in Romanian at: http://www.coe.ro/carti%20web/Romania_OP_%282001%293_rom%20octombrie%202002.pdf (accessed at: 17.10.2010)

⁵ Neil Buckley, “Interview transcript, Traian Bănescu, president of Romania” in *Financial Times*, 13.10.2010, available at: <http://www.ft.com/cms/s/0/2f1b77e8-06e0-11e0-8c29-00144feabdc0.html#axzz18AcSid3k> (accessed at: 17.10.2010)

The President also uses a clear distinction between positive and negative, between valuable for a society and lacking this value, respectively the distinction between the persons with a high qualification on the one hand, and the Roma persons, on the other. We thus understand that the Romanian President would be happy if the French President would also send something valuable back, that is, the highly qualified labor force originating in Romania, aside from the Roma also originating in Romania, and which, it becomes clear by now, represent a problem.

Such a distinction, aside from a new offense to the dignity of the Roma, has a maximum potential to legitimate negative feelings towards the Roma in Romania in a context in which, as shown by the last opinion poll commissioned by the National Council for Combating Discrimination, “prejudice and intolerance towards the Roma population and sexual minorities are at their highest compared to other minority groups.”⁶ Such categorization and establishing of clear oppositions, in an identity key along negative or positive lines, at the level of the message given from the highest position within the state, calls for parallels of maximum gravity with the history of the Second World War, more precisely with the premises which have led to the horrors of the Holocaust.

Last but not least, we pose, perhaps, a rhetorical question: when will the National Council for Combating Discrimination use again the institution of *ex-officio* investigation in order to sanction such a discriminatory discourse coming from the highest level in the state, and with a frequency hard to imagine for any other state, let alone a state member of the European Union? When will the NCCD fulfill its role of crucial institution for the defense of human rights and human dignity in a society which, still, finds itself on the road towards democracy, and will act firmly where discrimination, when it appears, has the maximum negative potential, as it spreads and legitimates from the highest level?

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⁶ Totem Communication for the National Council for Combating Discrimination, *The Discrimination Phenomenon in Romania, Synthetic Report*, Bucharest, 2010, p. 15, available at: <http://www.cncd.org.ro/noutati/Comunicate-de-presa/Rezultatele-sondajului-de-opinie-Fenomenul-discriminarii-in-Romania-in-anul-2010-100/> (accessed at: 17.12.2010)