

PC.NGO/23/07

8 June 2007

ENGLISH only



Romani CRISS

Centrul Romilor pentru Interventie Sociala si Studi

Str. Buzesti nr.19, sector 1

Bucuresti, cod postal 011011

Telefon: 021 3107070

021 3107060

Fax: 0318157623

office@romanicriss.org

www.romanicriss.org

OSCE High Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding

Intervention Oana Mihalache- Session 4, 8th of June, 2007

For centuries, differences have given rise to conflict, from the apparently inoffensive hate speech, to most serious hate crimes. A strong weapon against hate crimes should be legislation. Most governments are eager to adopt legislation, but the critical point is the application. This is mostly caused by lack of expertise at the level of police, prosecutors, judges and even lawyers, problem which can be solved by human rights education and support.

Another cause for the poor law application is the lack of will. Most of the times the ones in charge of law application are involved themselves in acts of hate crimes or hate speech. For example, the police officers perceive Roma as delinquents and commit abuses in the Roma communities. We strongly recommend action within this area of concern, namely intensive monitoring on how law enforcement officials deal with human rights cases.

Another recommendation is also providing legal standing for NGOs in criminal cases, similar to the one in discrimination cases.

Regarding hate crimes, legal standards must be established and case law to emphasize and more clearly regulate a limit between freedom of expression and right to dignity. A critical field concerning hate crimes is its starting point, the hate speech. This matter should be addressed, in our opinion, also by mentioning few subsidiary points: cyber hate, hate speech promoted by media and hate speech in schools.

The phenomenon of hate speech has reached a maximum level, being promoted by opinion makers. Firstly, Romani CRISS has filled a criminal complaint against "New Right", a xenophobe and fascist organization, which promotes an extremist, racist speech also through a website. The prosecutor sided to the racists, unfortunately. A proper legal framework concerning cyber hate and a strong application of it would contribute substantially to combating hate speech on internet.

Secondly, in many cases, the journalists are the moral authors of hate speech. In Romania, it has been noticed an improvement only at the level of political correctness, the term "Gypsy" being mostly replaced by "Roma". However, Roma are still portrayed in a negative manner.

The third critical point refers to hate speech in schools. Children and teenagers fit into the profile of actual or potential perpetrators. It is essential not only to combat hate crimes, but to prevent them. We strongly encourage a change within school curricula, regarding history of minorities.

We call upon to OSCE to ensure expertise at national level for all the states within OSCE area.

We call upon the participating states to fight to adopt and ensure the strong application of legal provisions if they are to dissociate themselves from racism and hate crimes.