

Country Visit: Romania
Report of the Personal Representative of the OSCE Chairperson-in-Office
on Combating Anti-Semitism, Rabbi Andrew Baker
October 3-4, 2013

I would like to express my personal appreciation to the Romanian Government for its flexibility and assistance in the scheduling of my visit and for the high level of meetings that were organized for me. It can serve as a model for similar visits that will be made to other OSCE participating States.

Jewish Community and Civil Society

The Jewish Community enjoys a friendly and cordial relationship with the country's political leadership. Both the President and Prime Minister have participated in community events, and the government issues greetings on the occasion of Jewish holidays. The main synagogue in Bucharest is currently being refurbished, and the community anticipates that the country's leaders will attend its rededication. Government funds have been used for this restoration work as well for that of other historic synagogues.

Most of the current concern has focused on problems in confronting Holocaust-era history in Romania. A decade ago the Romanian President established an international historical commission chaired by Nobel Laureate Elie Wiesel to examine the wartime role of the country's fascist leaders including Marshall Antonescu. One outcome of the historical commission was the establishment in Bucharest of a center for the study and documentation of the Holocaust, named in honor of Elie Wiesel. The Elie Wiesel Institute works closely with the Education Ministry and other officials.

However, despite the clear conclusions of Antonescu's complicity in the Holocaust, Jewish community representatives maintain that there are still events around the country where he is venerated, where statues are unveiled or streets named in his honor. Community leaders drew attention to a recent episode at the Romanian Academy of Science, where a prominent Romanian German academic declared, "There was no Holocaust in Romania." Once called on this the Academy to its credit issued an apology and promised to organize a special event about the Holocaust. On another occasion Gabriela Vasilescu, a prominent reporter broadcasting on the state-owned national radio, saluted the role of Antonescu. When criticized the director of the radio issued an apology and claimed Ms. Vasilescu was simply ignorant on this subject. However, critics noted that the reporter's own website demonstrates that this was no accident.

In Romania religion is taught in the state-supported schools. As the vast majority of students are Orthodox Christians, they are taught by teachers who are provided by the Church. While

the Education Ministry approves them, it does not monitor what they teach. Jewish community representatives say it is not uncommon for anti-Jewish themes to be part of their lessons or for children to be admonished not to play with others of a different religious faith.

Community members also cited the case of the late Iustin Parvu, a priest and one-time member of the Fascist Iron Guard, who recorded a performance of legionary songs to mark his ninetieth birthday. Following his death he was publicly honored by the town of his birth.

Laws curbing hate speech and Holocaust denial in Romania are considered deficient. In particular, while Holocaust denial per se is forbidden, it does not also curtail Holocaust denial in Romania. Some Romanians have acknowledged the Holocaust in territories controlled by foreign powers but deny the internal persecution of Romanian Jews. (New legislation to correct this has been drafted and is discussed later in this report.)

Civil society representatives suggested that the small size of the Jewish community is also reason for its limited ability to draw more attention to some of these problems. Romanian Jews may not encounter physical attacks or verbal harassment that are more common in other European nations, but anti-Semitism in public discourse and on the Internet is very much present.

Special concern should be given to developments taking place in Transylvania and places with significant ethnic Hungarian populations. Partly in reaction to the frequent visits of Hungarian politicians from the Jobbik Party - who have come to campaign among those who also hold Hungarian citizenship - small, nationalistic Romanian organizations are being formed. And they are folding anti-Semitism into their agenda.

Romanian Senate

At a meeting with Senate President Crin Antonescu he declared his intention to introduce legislation that would amend the current law dealing with Holocaust denial and confronting hate speech in several important ways. The amendment would further clarify the definition of the Holocaust to include specific movements and actions that took place in Romania. As the law now stands denying the genocidal intent of the Iron Guard or of Marshal Antonescu and his government would have no consequences. The law would also now cover the spread of Holocaust denial or hate speech on the Internet and in electronic media. (Note: Since this meeting, the promised legislation has been introduced.)

There have been proposals - coming from international Jewish organizations and from Romania's small Jewish community - for the creation of a museum of Jewish history in Romania. Such a museum would not only fill a place in describing the Jewish contribution to Romanian life and culture, but could serve to promote understanding of Jews and Judaism and combat anti-Semitism especially among a young generation. Senate President

Antonescu said he is also prepared to introduce legislation to facilitate the creation of such a museum.

Justice Ministry

Officials reported that 2012 some 92 cases of hate-motivated crimes were investigated, resulting in nine convictions.

As noted above, amendments to the current legislation will extend coverage of existing laws concerning violations of a racist and xenophobic character including threats of a religious or ethnic basis to include deeds committed through an IT system. In describing the changes, officials noted that the occasion for these changes is also to bring the current legislation into alignment with international law and international treaties and conventions, as well as the decisions rendered by international criminal tribunals. The expectation is that the new regulations will come into effect as of February 1, 2014. The constitution already guarantees religious rights and freedom of conscience, promotes tolerance and respect. The new amendment will not alter these basic rights.

Ministry officials expressed interest in cooperating with ODIHR in the training of prosecutors, which is carried out locally by the National Institute for Magistracy.

Interior Ministry

Ministry officials report that they have not encountered serious incidents of racial or ethnic hatred or anti-Semitism as has been the case in some other European countries, nor have they witnessed the growth of neo-Nazi or extremist parties. They do acknowledge difficulties that have arisen as a result of the country's sizeable Roma population, but much of this has focused on Romania's relations with other EU countries which have become a destination point for many of the country's Roma. The Romanian police receive special funding from a Norwegian-supported program designed to provide training to combat the victimization of Roma. This integrated approach is undertaken in cooperation with the OSCE.

The police take note of Jewish community events and provide security as they deem necessary. They have a good relationship with the Embassy of Israel and cooperate with Israeli counterparts with regard to identifying potential threats.

Police do not maintain statistics on hate crimes. This is partially due to the fact that police may not have all the evidence in a particular case that would allow them to make a clear determination. Instead this rests with the prosecutors. A new criminal code will help establish an integrated system of monitoring and collecting data on crime, including hate crimes, as well as provide a better link between police and prosecutors and judges.

Officials at the Ministry expressed interest in cooperating with ODIHR on its police training program.

The police also have some responsibility for dealing with cybercrimes (shared with the intelligence services) and with the spread of hate on Internet, although it is not clear how effectively they are able to monitor this. However, since this is something in civil society that is being monitored by the Elie Wiesel Institute, officials propose identifying a permanent liaison person in the ministry to communicate with the Institute.

Ministry of Culture

Several projects within the Ministry of Culture are intended to showcase the history of Romanian Jewry. They also serve to remind people and educate new generations about the Jewish contribution to Romania and can thus make a tangible contribution to combating anti-Semitism and dispelling anti-Jewish stereotypes. One such project is the proposal for building a museum of Jewish history in Bucharest. The Minister of Culture acknowledged that this is a long-pending project, “with too many godfathers.” He said he feels a personal responsibility to speed up the process. Among the difficulties are identifying an existing building that can house this museum and deciding whether administrative responsibility should rest with the Prime Minister or with the Mayor of Bucharest.

The Minister also referred to his responsibility for preserving cultural heritage and cited his own successful efforts to solve legal and bureaucratic impediments to the restoration of the Great Synagogue in Iași, the oldest surviving synagogue in Romania.

Reflecting his personal views on public consciousness, he said that government authorities often avoid the question of guilt when discussing or teaching about the Holocaust in Romania. It is not clear, he said, that the Romanian state with its army, police and all public institutions were involved in the Holocaust and acted without any questions or remorse. Yet, it is national policy that this should be clearly admitted to the wider public and transmitted to younger generations.

Ministry of Education

The Minister of Education is currently in the process of rewriting the national curriculum which poses quite a challenge, reflecting the internal debate on detail and specificity and national passions and pressures coming from different groups in the country.

Holocaust studies have been present in Romania since 1998 and the subject is part of the compulsory curriculum for the general history course. Pupils in the seventh, eighth, ninth and twelfth grade study aspects of the Holocaust as a part of the general History course.

The elective subject, “*History of the Jews. The Holocaust*”, its curriculum and the textbooks for this subject have been available to high school pupils since 2005. The purpose of this elective subject is to offer pupils the opportunity to deepen the knowledge about the Holocaust, thereby completing the general History course.

In 2008 the Education Ministry signed an agreement with the Elie Wiesel Institute in Bucharest and the US Holocaust Memorial Museum intended to introduce some Holocaust education into the curriculum, and a renewal of this agreement is due to take place shortly. The Minister said this was not a matter of presenting it as a separate topic but rather aligning it with broader themes in the teaching process. In the meantime the Jewish Community has asked the Ministry to designate Holocaust education as a compulsory rather than optional component, although some aspects of the Holocaust are included in the general history course in a number of middle school and high school grades.

The Minister also cited government support for the Elie Wiesel Institute, which is focused on expanding research into the Holocaust in Romania. Thus, he said, there is a dual commitment to both scientific research and inclusion in the educational curriculum.

Recommendations

The Education Ministry should ensure that the new curriculum established for the upper grades includes lessons on the Holocaust.

The Education Ministry should continue to review its monitoring of religion classes in the public schools to be certain that they do not foster intolerant teachings.

The Interior Ministry and Police should follow through with its promise to appoint a liaison officer to work with the Elie Wiesel Institute to collect their information on anti-Semitic and extremist websites and Internet postings.

The Justice Ministry and the Interior Ministry should follow through with their promise to engage ODIHR in the implementation of training programs for prosecutors and for police.

The Justice Ministry should report to ODIHR/OSCE on the success of the implementation of new provisions that expand the definition of Holocaust denial and extend provisions regarding hate speech and incitement to include electronic media.

The Cultural Ministry and other, appropriate government agencies should redouble their efforts to realize the Jewish heritage museum project.

Meetings

Representatives of civil society and non-governmental organizations

- Dr Aurel Vainer, President, Federation of Jewish Communities of Romania
- Silviu Vexler, Personal Counsellor to the President of the Federation of Jewish Communities of Romania
- Dr Felicia Waldman, professor at the University of Bucharest

- Alexandru Florian, Director General, the "Elie Wiesel" National Institute for the Study of the Holocaust in Romania
- Ms Ungureanu, expert, the "Elie Wiesel" National Institute for the Study of the Holocaust in Romania
- Mr Marco Maximilian Katz, Founder, Member of the Centre for Monitoring and Combating Anti-Semitism Romania
- Mr Silvian Horn, a representative of the Jewish community

President, Parliament and Government of Romania

President of Romania

- H.E. Mr Traian Băsescu

Parliament

- Mr Crin Antonescu, President of the Senate
- Mr Dan Mihalache, Deputy Secretary General, Senate
- Mr George Scuratu, Vice Chairman of the Committee for Defence and National Security, Member of the Chamber of Deputies

Ministry of Foreign Affairs

- H.E. Mr Titus Corlăţean, Minister
- Mr Bogdan Aurescu, Secretary of state for Strategic Affairs
- Mr Razvan Rusu, General Director for Regional Affairs
- Ms Oana Rogoveanu, Director of the Human Rights, Protection of Minorities, Council of Europe Directorate
- Ms Ioana Dumitriu, adviser, Human Rights, Protection of Minorities and Council of Europe Directorate,

Ministry of Interior

- Mr Bogdan Tohaneanu, Secretary of state
- Mr Florentin Robescu, Deputy General Inspector
- Mr Romeo Soare, Directorate of European Affairs and International Relations

Ministry of National Education

- Mr Remus Pricopie, Minister
- Ms Cristina Ghitulica, Director of the Minister's Office

Ministry of Culture

- Mr Daniel Barbu, Minister
- Ms Irina Cajal Marin, Undersecretary of state

Ministry of Justice

- Mr Ovidiu Putura, Secretary of state

Accompanied by OSCE/ODIHR

- Ms Anne Giebel - Adviser on combating anti-Semitism, Tolerance and Non-Discrimination Department
- Mr Dmitry Ivanov - Associate Programme Officer, Tolerance and Non-Discrimination Department