



NEWS REPORT

Update of flash report nr:	1196 - RO-64-Flash Report NCCD Decision Gypsy in DEX
Date:	29 December 2011
Expert:	Romanița Iordache
Title:	Romanian Academy of Sciences announced its intention to modify the definition of “Gypsy” in the official dictionary as current definition was deemed discriminatory
Country:	Romania
Context	
Issue at stake:	Romanian Academy agrees to modify the discriminatory definition provided for “Gypsy” in the official dictionary after inconclusive decision of national equality body and negotiations with the plaintiffs
Ground of discrimination:	Race/ethnic origin: Roma
Source:	Decision 230 from 15.06.2011 of the National Council for Combating Discrimination
Field:	Other
Legislative provisions:	Art.20 (3) of the Governmental Ordinance 137/2000

Content

Case/law/political development: On 09 February 2011, Agenția de Dezvoltare Comunitară Impreună, Asociația ACCEPT and Asociația Romilor Egalitate de Șanse filed a complaint with the the National Council for Combating Discrimination (NCCD) against the Romanian Academy (Academia Română) and the Linguistics Institute (Institutul de Lingvistică Iorgu Iordan), the research institute subordinated to the Romanian Academy in charge with producing and updating the official dictionary of Romanian language *Dicționarul Explicativ al Limbii Române*. In their complaint, the plaintiffs, all human rights NGOs, challenged one of the definitions provided for the word *Țigan* (Gypsy) as: “epithet for a person with an ugly outlook or bad habits.” The plaintiffs argued that this definition, endorsed by the Romanian Academy, in the most important

scientific explanatory document, promotes discriminatory identification and racial stereotypes and it is in itself infringing human dignity due to the lack of a clear specification that such a definition is pejorative and might lead to discrimination. As the Dictionary provides that “Gypsy” and “Roma” are synonyms, the plaintiffs further argued that the definition provided for the term “Gypsy” denies the right to self-identification of the Roma minority in Romania and it is also triggering an association between Roma ethnicity and criminality or anti-social behavior.

In its Decision 230 from 15.06.2011, the NCCD issued an ambiguous solution arguing that the complaint does not fit into its mandate and rejected it while, however, making recommendations for adequate changes in the Dictionary as the current definition “might be interpreted” as discriminatory due to the omission of specifying the pejorative character of the definition. In supporting this statement, the NCCD defined anti-discrimination law as a form of administrative law which requires “guilt” as pre-requirement in order to trigger an administrative sanction and defined “guilt” as meeting two factors: “an intellectual factor, meaning knowing the social significance and the potential outcome of the deed, and a volitional factor, meaning the freedom to deliberate and decide of the perpetrator.” The NCCD argued that from the perspective of the subjective element – intellectual and volitional – it cannot find “a deed which was perpetrated with guilt which might lead to discrimination under Art. 2 (1) corroborated with Art. 2 (5) and Art. 15 of the GO 137/2000” due to the specificity of the action, that is determining the meaning of a word and the quality of the active subject by “members of the highest national fora for scientific and cultural acknowledgement.” Awkwardly, the decision claims that “the quality of experts of the researchers involved in developing the dictionary excludes the psychological attitude for a deed of discrimination or the volitional attitude to induce such a deed of discrimination.” This is why, the NCCD decided that the complaint does not fall under the provisions of Art. 2 (1) corroborated with Art. 2 (5) and Art. 15 of the GO 137/2000.

Decision: In spite of the solution provided, the NCCD however argues in favour of a reading of its own institutional mandate allowing the national equality body to issue non-binding recommendations in order to prevent discrimination. From this perspective, the NCCD follows up with some “considerations” and finds that “(from) the failure in expressly specifying the depreciatory and pejorative character of the subsidiary meaning of the word “Gypsy” in comparison with other words...might be interpreted that a

differentiation is induced between analogous or comparable situations, basically a potential infringement of the principle of equality.” The NCCD follows up by stating that “it becomes extremely relevant and advisable that the pejorative meaning of some terms defining national or ethnic minorities, such as the word “Gypsy” be provided accurately and expressly, because the failure to specify such associated understandings might ultimately lead, in some conditions, to hurting the members of these communities of persons.”

The plaintiffs chose to initiate negotiations with the Romanian Academy using the public debates triggered by the decision of the NCCD as well as the reaction of other groups widely reflected by the media domestically and abroad.¹

As a result of in depth direct negotiations between the Romanian Academy and the Agenția de Dezvoltare Comunitară Impreună as representative of the plaintiffs, it was agreed that the future editions of the Dictionary will include amendments to the definition of Gypsy, Roma as well as of other similar terms and will expressly specify the pejorative character of some of these terms. The letter from the Academy, dated October 03rd 2011 was not yet followed by a new printed edition of the Dictionary as updated versions are issued periodically.

Internet link source and additional information: Not available. Decision as well as communication with the Academy in Romanian available with the national expert.

¹ See for example: http://www.huffingtonpost.com/2011/07/20/romania-gypsies-dictionary-definition-change- n_904986.html, http://www.realitatea.net/romii-cer-schimbarea-definitiei-cuvantului-tigan_854222.html, <http://www.gandul.info/news/lupta-romilor-cu-dex-ul-scandalul-unei-definitii-tigan-persoana-cu-apucaturi-rele-8503227>.