

Legislative solutions and antidiscrimination policies in Romania and Germany

10 years of NCCD debates series

SPEECH HELD AT THE OPENING OF THE CONFERENCE ORGANIZED TOGETHER WITH THE ROMANIAN NATIONAL COUNCIL FOR COMBATING DISCRIMINATION IN BUCHAREST, 6. JUNE 2012

It is a great pleasure for me to welcome you to today's conference on behalf of the Rule of Law Program South East of the Konrad Adenauer Foundation on the occasion of the 10th Anniversary of the Romanian Council for the Combat against Discrimination. We are very happy to support this event because we highly appreciate the work that is done by the President of CNCD, Mr Csaba Ferenc Asztalos, and his entire team, a work that is very important for the development of Romanian society. It is of course also a great pleasure for me to welcome the Director of the German Anti-discrimination Agency, Ms Christine Lüders.

But let me start with providing you with some information on the Konrad Adenauer Foundation in general and the Rule of Law Program in particular (...)

Human rights are universal and inalienable, interdependent and interrelated.

The universality of human rights encompassed in the words of Article 1 of the Universal Declaration of Human Rights: "All

human beings are born free and equal in dignity and rights."

States do not confer human rights but everyone is born free and possesses the same rights, rights that can never be taken away. Christians believe that God created Man in his own image and thus human beings have a human dignity not because this dignity was assigned to them by a government or a constitution but because they are human beings.

And all individuals are equal as human beings and by virtue of the inherent dignity of each human person. No one, therefore, should suffer discrimination on the basis of race, colour, ethnicity, gender, age, language, sexual orientation, religion, political or other opinion, national, social or geographical origin, disability, property or other status as established by human rights standards.

Therefore active anti-discrimination work is a "moral imperative" as it was put a few weeks ago by the President of the Supreme Court of Montenegro, Ms Vesna

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Medenica. I fully subscribe to this point of view.

But also from a pragmatic approach combating discrimination is an important instrument to steer a country in the right direction.

The World Summit for Social Development, held in March 1995, established the concept of social integration to create an inclusive society, "a society for all" as one of the key goals of social development. And the Millennium Declaration, adopted by the Millennium Summit in September 2000 subsumes social integration in its synthesis of peace, security, and development of human rights. Both declarations are strong commitments to promote social integration through fostering inclusive societies that are stable, safe, just and tolerant, and respect diversity, equality of opportunity and participation of all people, including disadvantaged and vulnerable groups and persons. An inclusive society respects the rights and dignity of all.

We promote inclusive societies because we think that they translate the values of freedom, justice and solidarity – also Christian Democratic values- into reality but I am at the same time convinced that this is also a condition for economic success in a globalized world. There are many studies that prove that companies that employ a diverse workforce and that have diversity managers are more creative, innovative, and better able to understand the demographics of the marketplace it serves and thus are more competitive and successful. And what is true for companies is also true for societies. No country can afford to scare away bright and talented people just because they are different, because the loss of human resources inevitably leads to a decline in prosperity.

Today education and educated individuals constitute the most important source of capital in highly developed societies; wealth is less and less generated by raw materials and mass production. The most successful societies are "creative" ones that are the best and quickest at combining existing knowledge to create new, lucrative products and services. According to the American economist Richard Florida who developed the theory of the "creative economy", such an economy requires a society in which talent, technology and tolerance can all flourish. According to him access to talented and creative people is to modern business what access to coal and iron is to steelmaking. But creative people are very often unconventional and if you want to attract and not to scare them away you are very well advised to promote an open and tolerant society and to promote diversity.

Romania can be very proud of having comprehensive anti-discrimination legislation for more than twelve years. In fact your legal provisions are older than the respective German ones.

And Romania can be proud to have institutions such as CNCD that promote the values that I have been talking about. In the ten years since its foundation important scientific research was accomplished, conferences and workshops were organized, publications were issued and, and this is possibly the most important aspect of your work, numerous people who were the victims of discrimination were granted support by this institution and could thus enforce their legal rights. And I am convinced that lots of discriminatory acts were prevented by the mere existence of this institution and because people know that in this country people who are the victims of discrimination have an effective remedy.

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We highly appreciate your work having in mind that your job is not an easy one. As a foreigner I will refrain from making an own assessment of how open-minded Romanian society is today. But I have carefully studied the Research Report "Discrimination in Romania-Perceptions and attitudes" published by CNCD earlier this year.

If 49 % of Romanians state that discrimination is a very common phenomenon in this country and often met in Romania then that is disturbing and shows that there is a lot of room for improvement

According to the opinion of respondents the most discriminated groups are the Roma people. People with physical or mental disabilities, people living with HIV/AIDS, the homeless, orphans and drug addicts but there are also other vulnerable groups like elders, LGBT people and Romanians where they are a minority.

So CNCD in the foreseeable future unfortunately will not run out of work. Therefore I wish to assure you that we do not only appreciate the work that has been done by you in the past but we also assure you that you will have our full and uncommitted support in the future.

Romania is definitely not the only country in which an institution like CNCD is needed. While Germany society has become much more open and tolerant over the last decades there is still a lot of room for improvement in my country. You only have to go to a football stadium on a weekend to be confronted with racism, xenophobia and homophobia and this will sometimes not be confined to the areas in which the consumption of too much beer has confused the minds. And according to a recent study about 20 % of the German population has latent anti-Semitic views – a fact that makes me deeply ashamed and it's not a

consolation that this degree is below average in Europe. Also in Germany prejudice, narrow-mindedness, ignorance and the prevalence of stereotypes are a problem. So also the authority that is headed by Ms Lüders will not run out of work.

Several times I used the term "tolerance", this is common, and of course promoting tolerance is better than promoting intolerance but I have still done it with a bad conscience because in the back of my mind I have the wise warnings of Johann Wolfgang von Goethe who in his "Maxims and Reflections" says: "Tolerance should only ever be transitional: it must lead to acceptance, to merely tolerate is to insult".

That must be our common objective: a Society in which all people accept and respect each other, a society that does not fight or just tolerate diversity but a society that embraces and celebrates diversity.

Let me thank all those who contribute to the success of this conference, let me wish Mr. Asztalos and his entire team every possible success in the future, the Rule of Law Program South East Europe of the Konrad Adenauer Foundation will always proudly support you.