

#cncd15



Activity Report 2016



CONSILIUL NAȚIONAL PENTRU COMBATAREA DISCRIMINĂRII



Activity Report

2016



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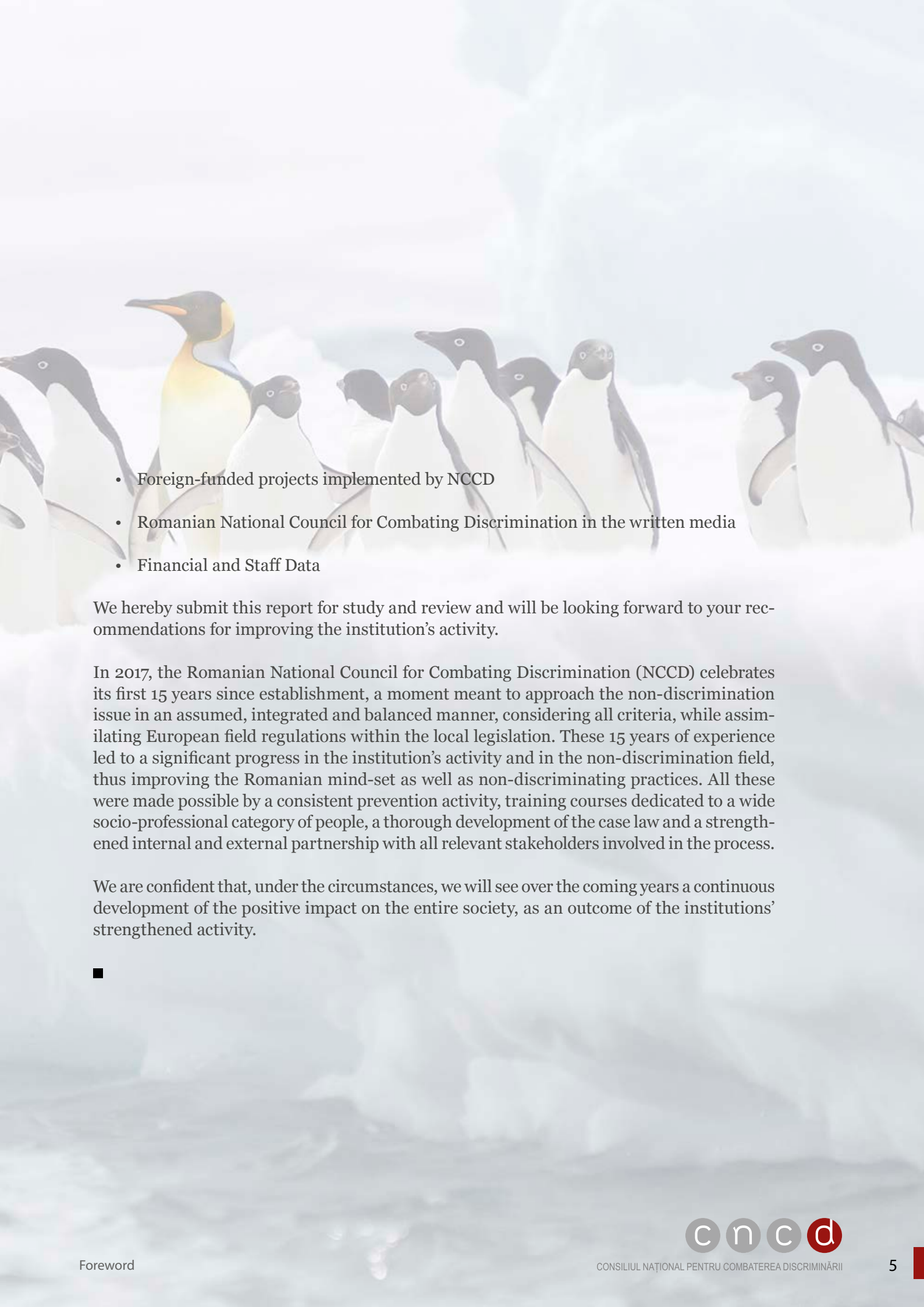
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Foreword

This report covers the relevant activity conducted by the Romanian National Council for Combating Discrimination (hereinafter NCCD) according to the main fields of its attributions.

The main chapters of this activity report are as follows:

- Statistic data about the total number of petitions received by NCCD and the resolution activity carried out in 2016
- Legal representation of the interests of the National Council for Combating Discrimination
- Council Resolutions which passed “Judicial control” assessment in 2016
- Statistical results of the judiciary actions initiated for the purpose of introducing the laws of tort
- Case examples from the Council’s administrative proceedings, in 2016
- Examples of the Council Steering board’s case law
- Prevention of any and all form of discrimination
- The issue of discrimination in Romania, as portrayed in international reports
- Romania represented at international level

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- Foreign-funded projects implemented by NCCD
 - Romanian National Council for Combating Discrimination in the written media
 - Financial and Staff Data

We hereby submit this report for study and review and will be looking forward to your recommendations for improving the institution's activity.

In 2017, the Romanian National Council for Combating Discrimination (NCCD) celebrates its first 15 years since establishment, a moment meant to approach the non-discrimination issue in an assumed, integrated and balanced manner, considering all criteria, while assimilating European field regulations within the local legislation. These 15 years of experience led to a significant progress in the institution's activity and in the non-discrimination field, thus improving the Romanian mind-set as well as non-discriminating practices. All these were made possible by a consistent prevention activity, training courses dedicated to a wide socio-professional category of people, a thorough development of the case law and a strengthened internal and external partnership with all relevant stakeholders involved in the process.

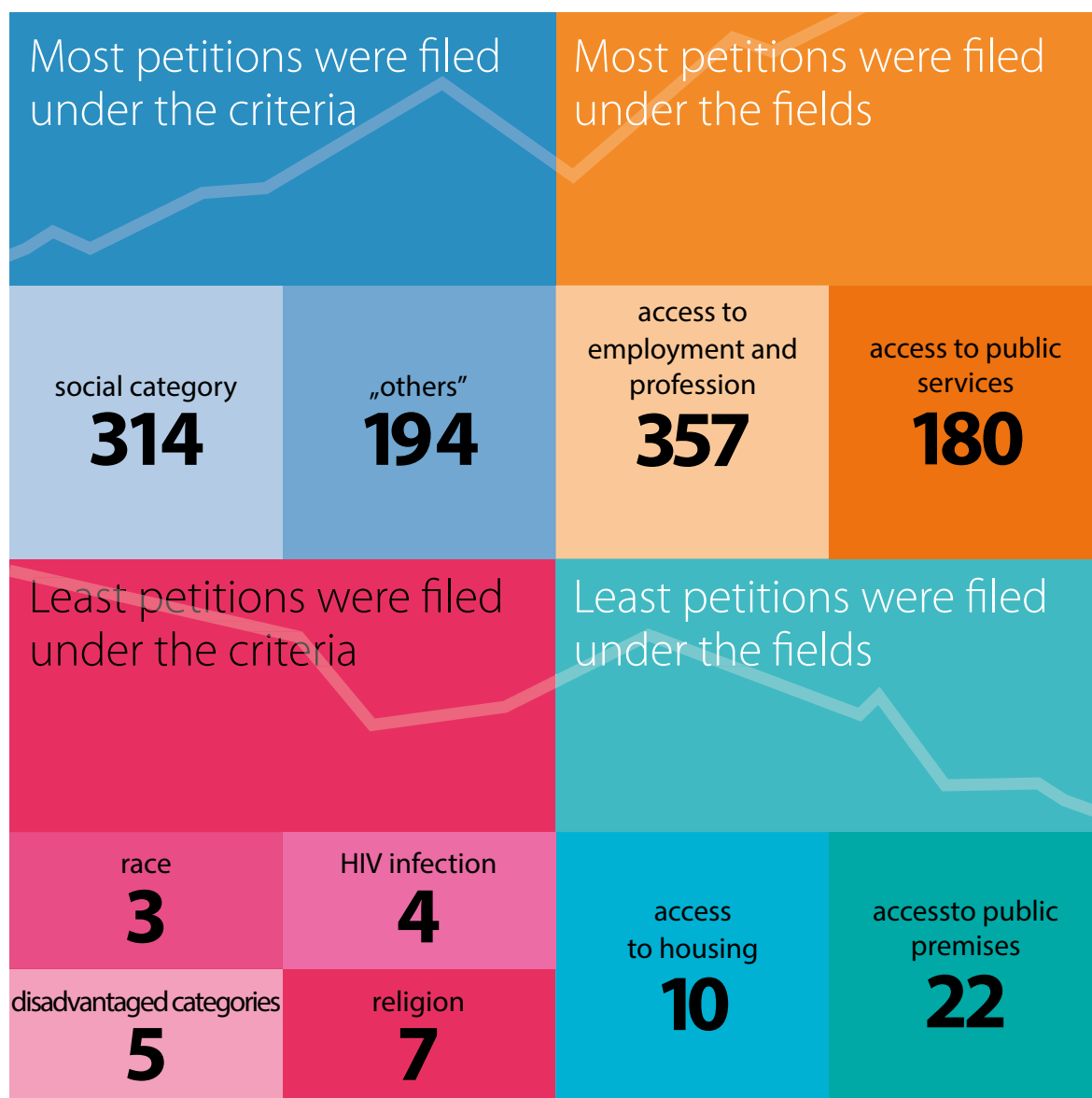
We are confident that, under the circumstances, we will see over the coming years a continuous development of the positive impact on the entire society, as an outcome of the institutions' strengthened activity.



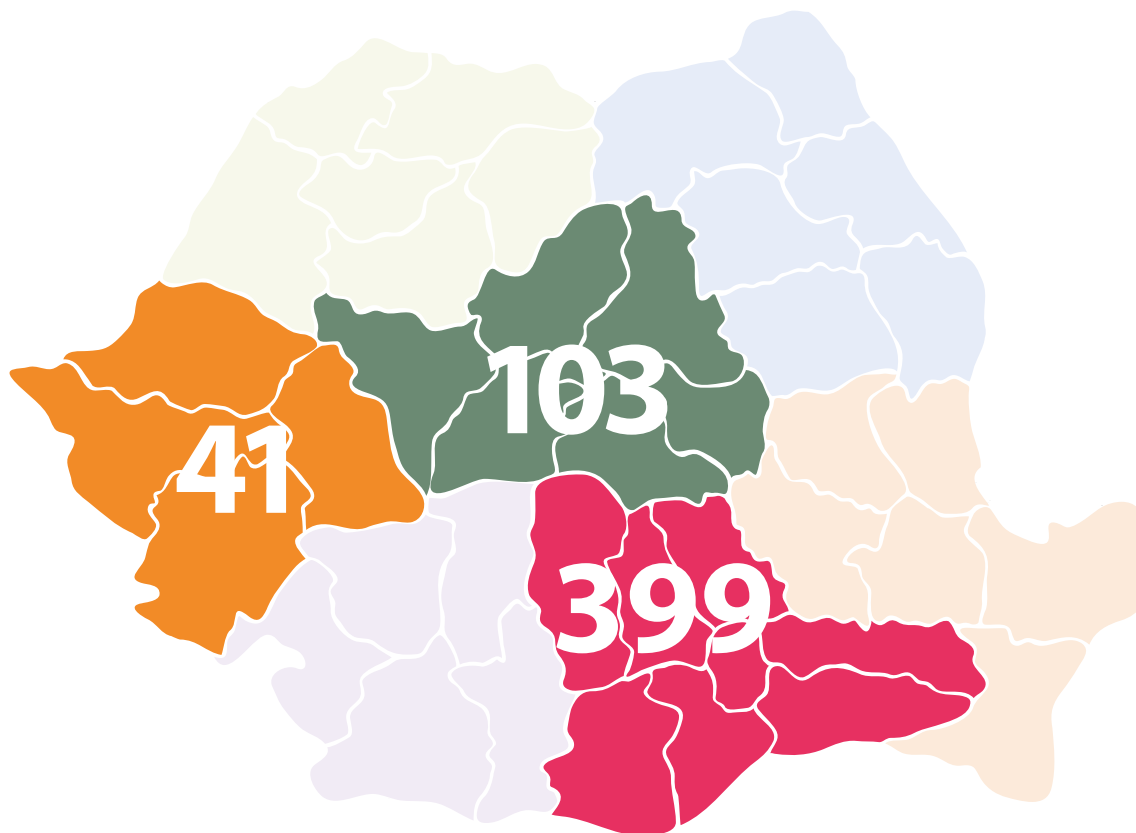
Statistics on the total
number of petitions
received by NCCD and
**the resolution activity
carried out in 2016**



Data regarding the resolution of petitions

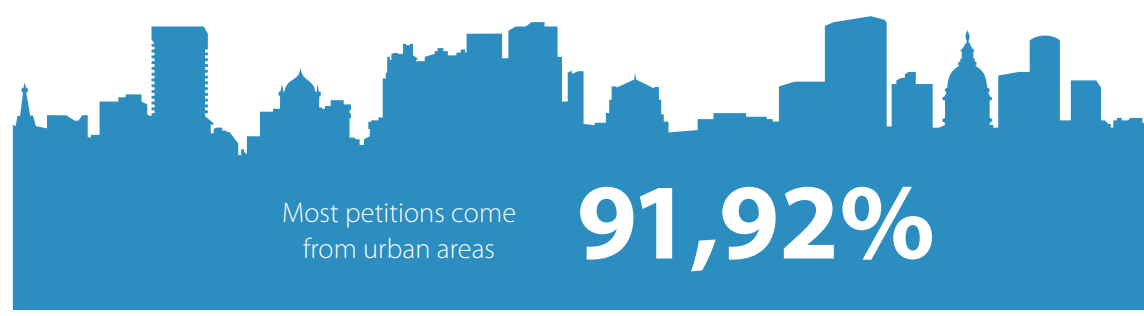


Number of petitions

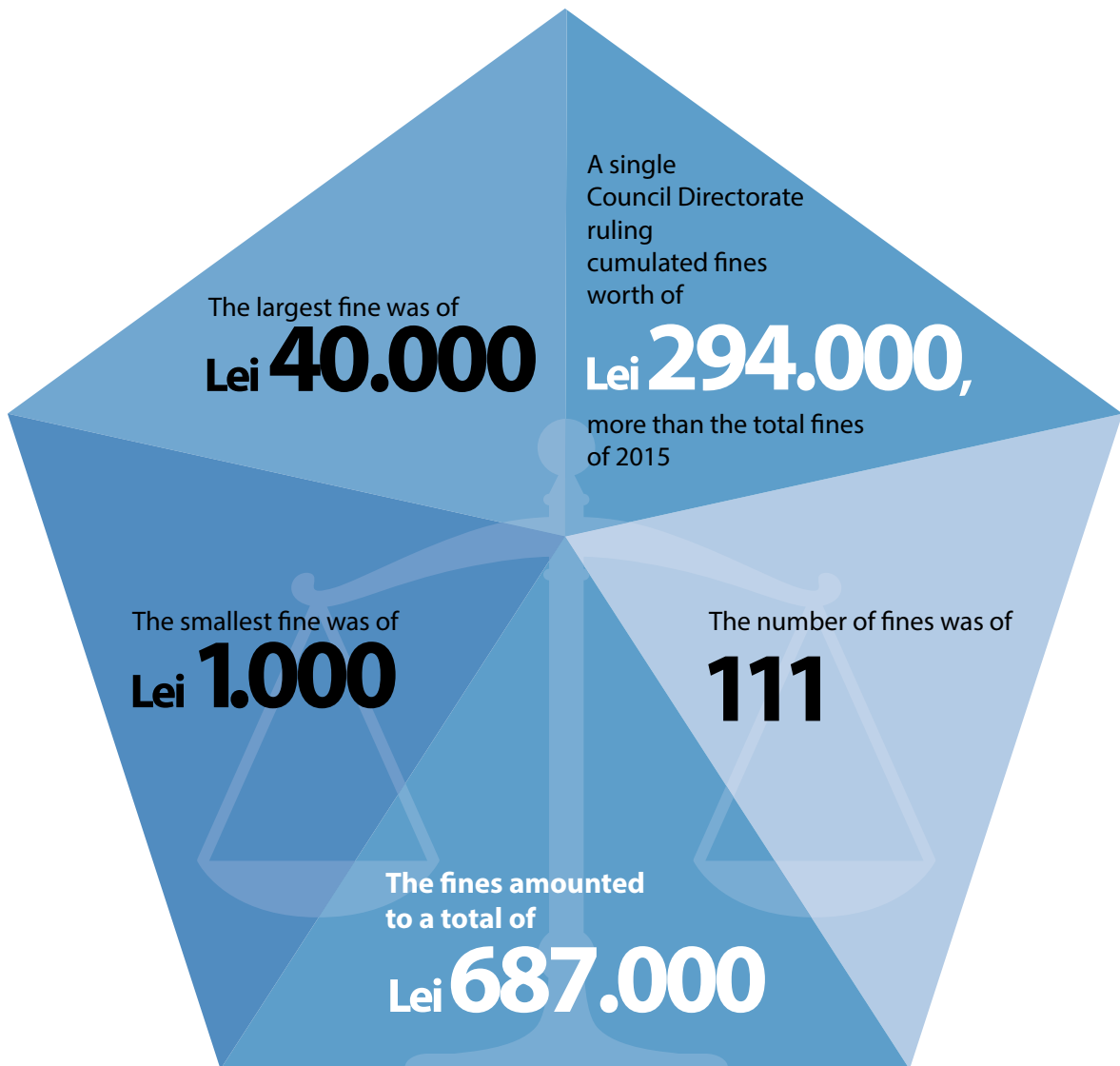


Most petitions originated from { Muntenia South Region **399**
 Center Region **103**

Least petitions originated from { West Region **41**



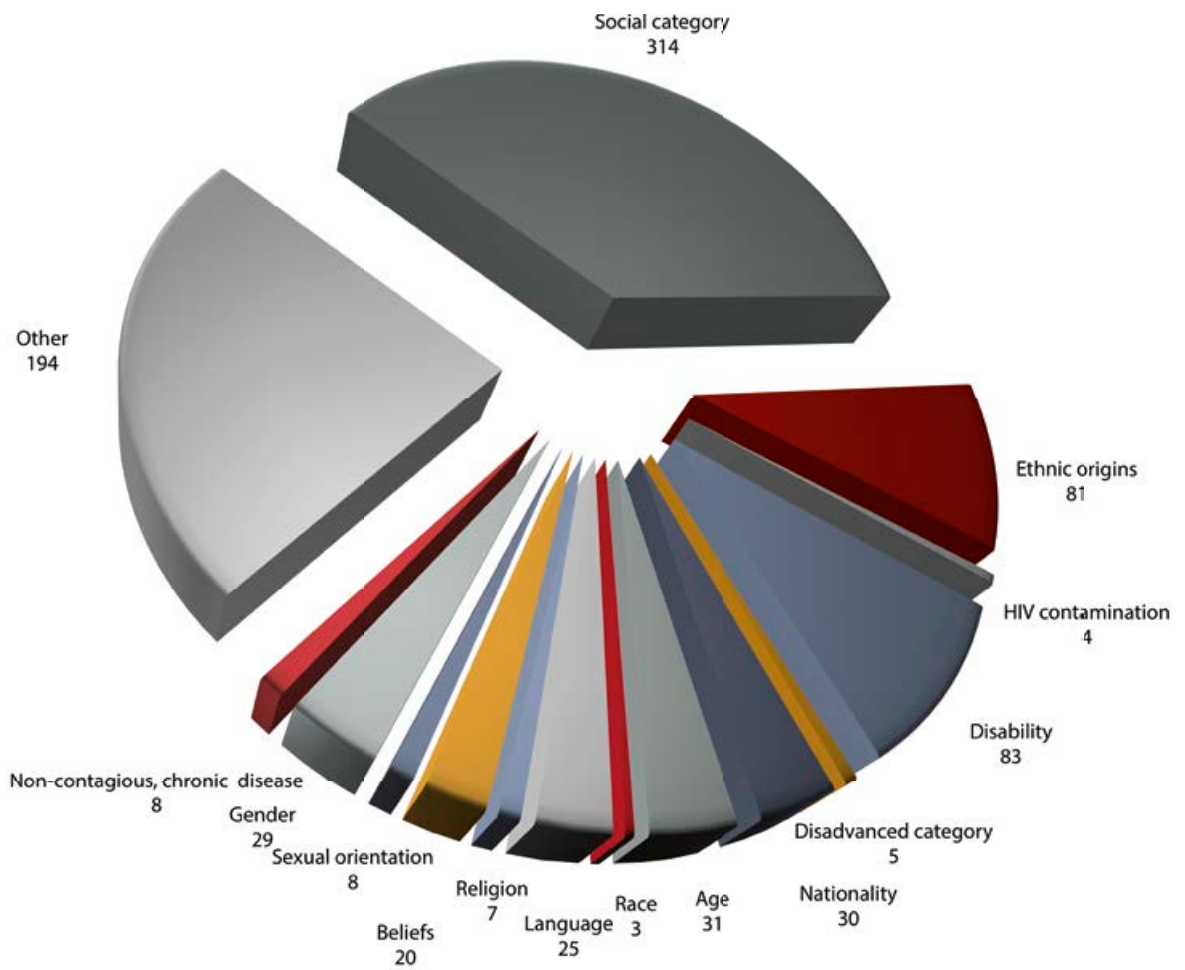
Petitions on regions



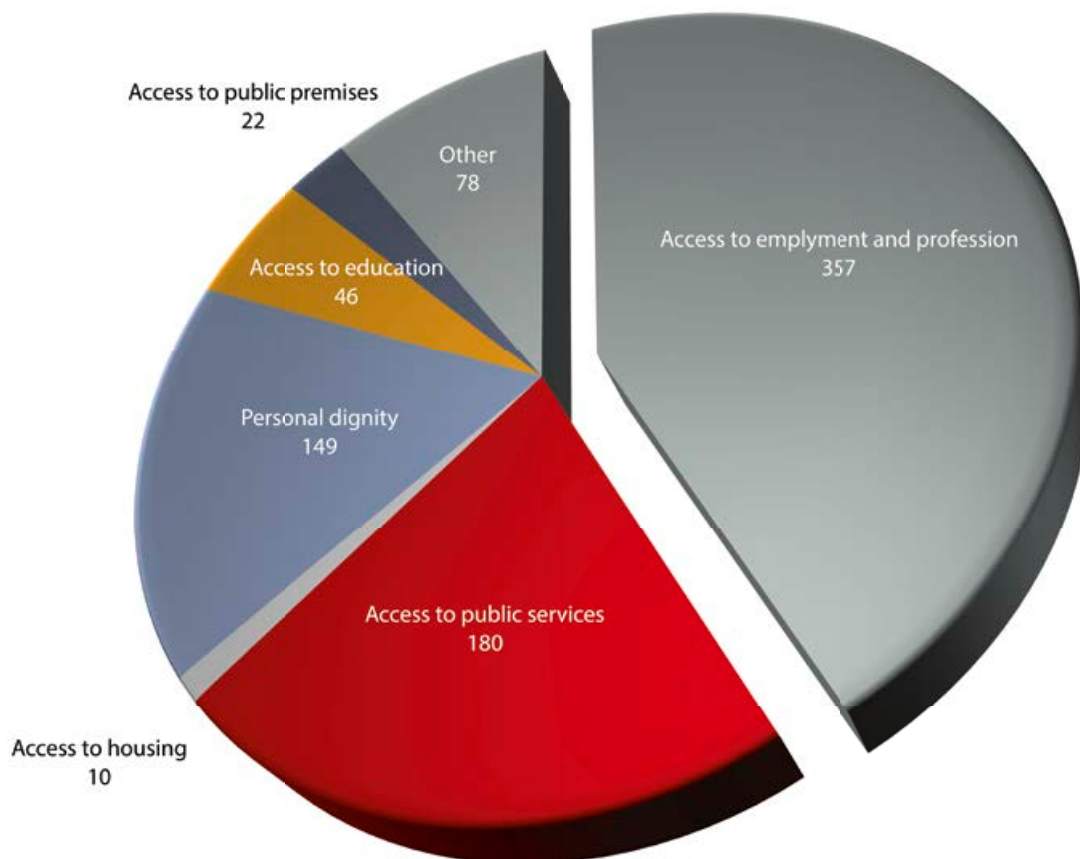
Situation of fines in 2016

CRITERIA	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Non-contagious chronic disease	0	0	6	2	3	2	4	2	0	1	6	9	9	5	8
Sexual orientation	1	5	6	9	6	7	6	6	4	8	3	13	9	3	8
HIV contamination	0	1	15	10	5	3	7	1	3	1	5	4	3	4	4
Language	0	2	1	2	2	7	11	13	16	10	43	38	27	27	25
Beliefs	4	12	23	19	8	10	14	13	4	2	15	14	13	4	20
Religion	2	9	9	11	8	12	15	6	6	5	5	11	18	14	7
Disadvantaged category	2	0	10	6	4	26	22	9	7	14	10	13	25	26	5
Age	6	11	14	17	10	10	24	10	9	16	5	18	21	22	31
Gender	3	14	13	9	11	22	32	9	18	15	21	31	46	28	29
Nationality	1	12	21	39	20	39	54	28	42	33	49	61	49	36	30
Disability	3	31	18	21	20	70	55	49	38	42	45	42	57	56	83
Ethnic origins	34	66	45	85	69	82	62	62	54	62	61	66	42	61	81
Other	52	184	108	61	132	32	159	96	83	81	69	121	127	147	194
Race	0	0	1	1	2	0	0	2	1	0	0	3	2	1	3
Social category	26	126	63	90	132	514	372	222	193	175	211	414	328	318	314
TOTAL	134	473	353	382	432	836	837	528	478	465	548	858	776	752	842

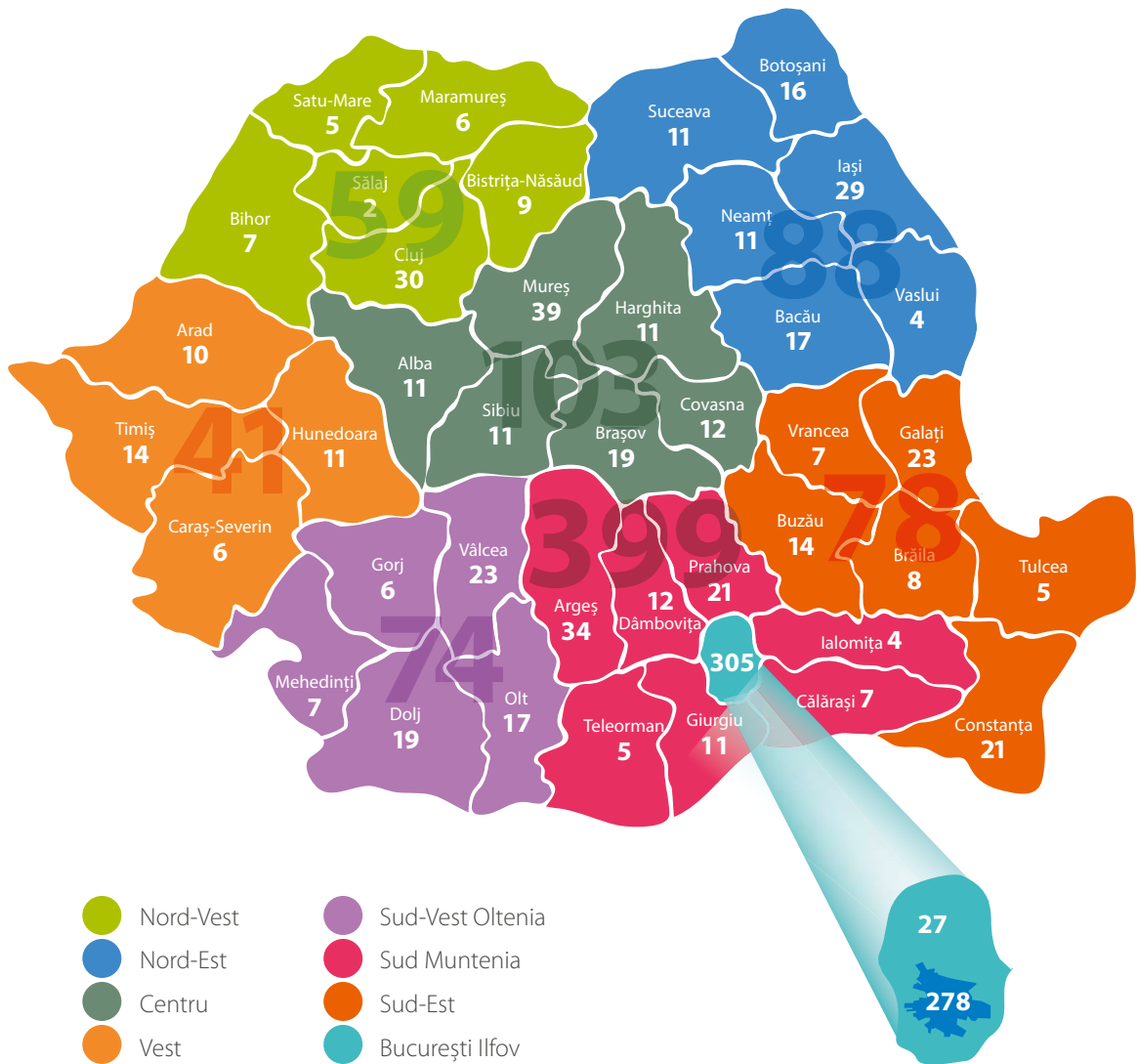
Distribution of petitions between 2002 and 2016



File distribution by discrimination criteria, 2016

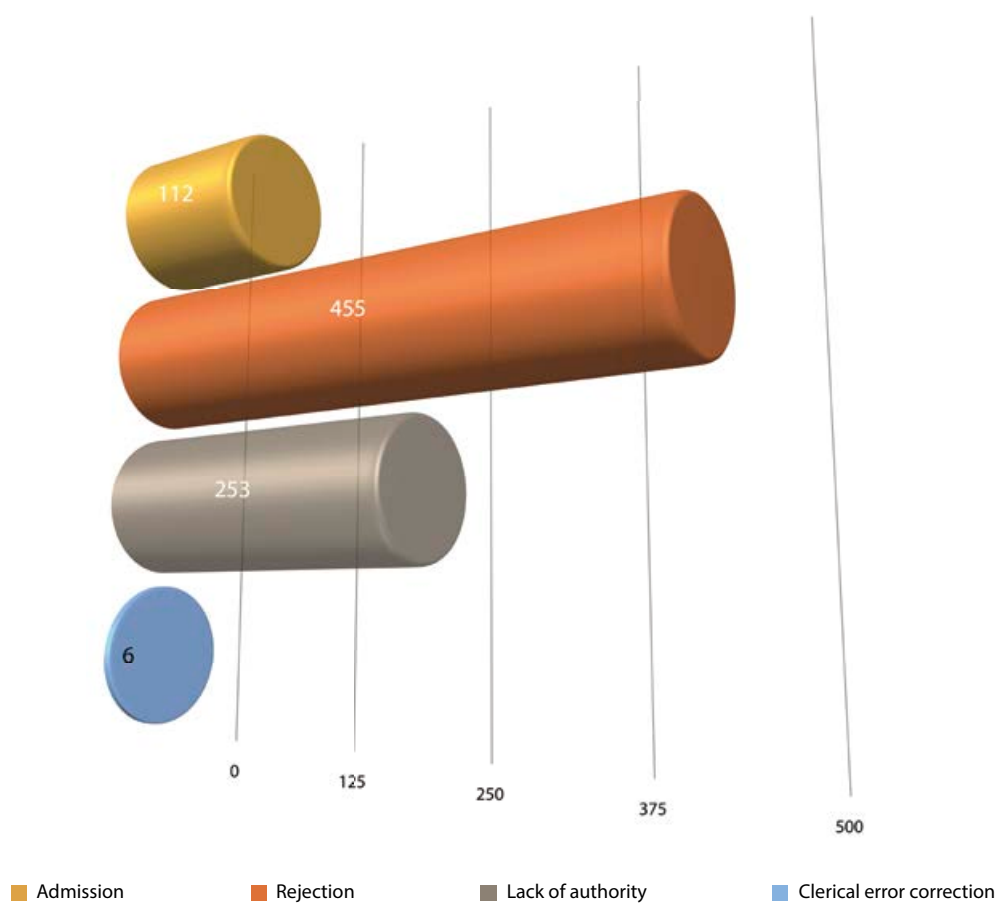


File distribution by discrimination criteria, 2016

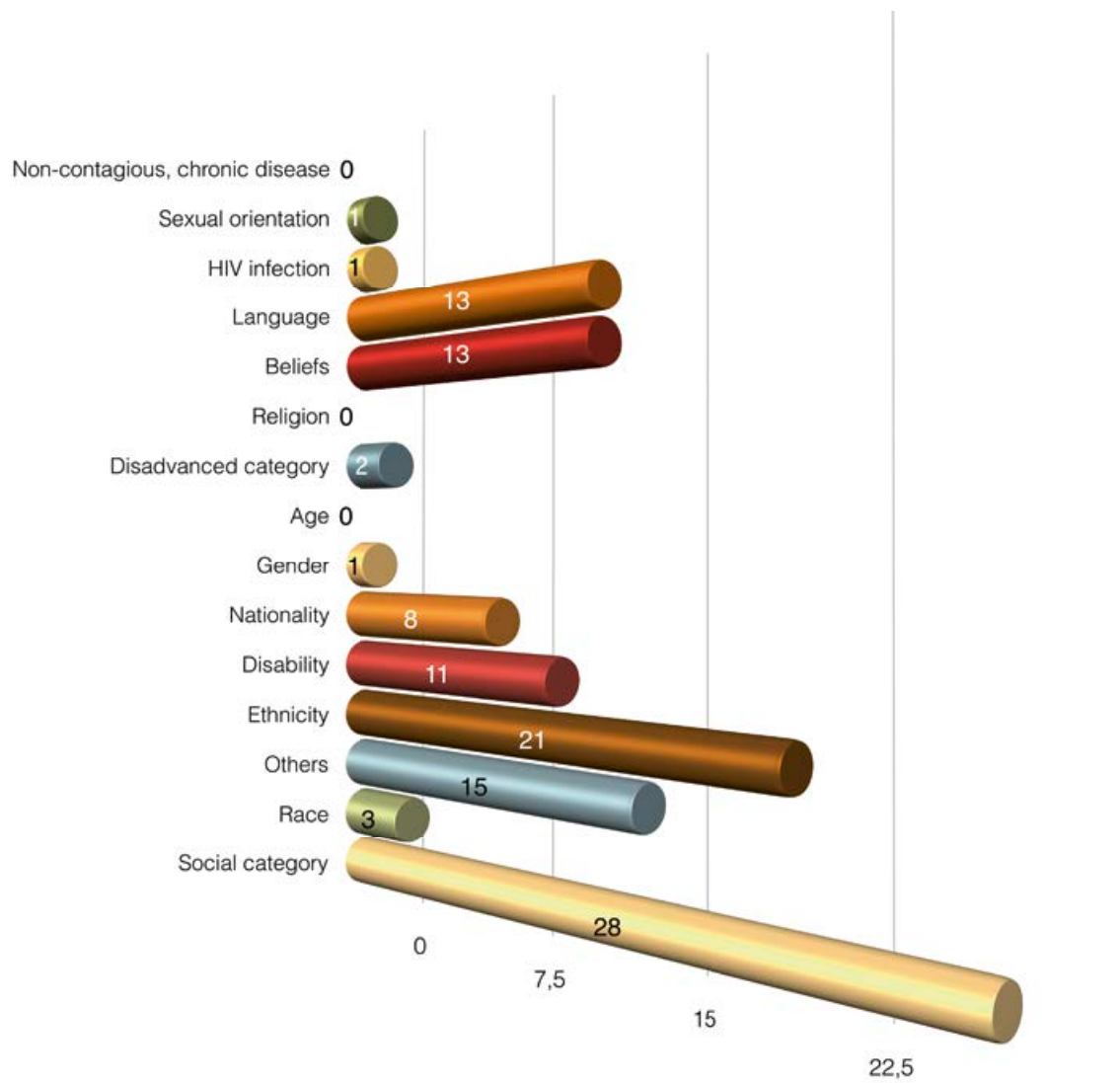


Development regions

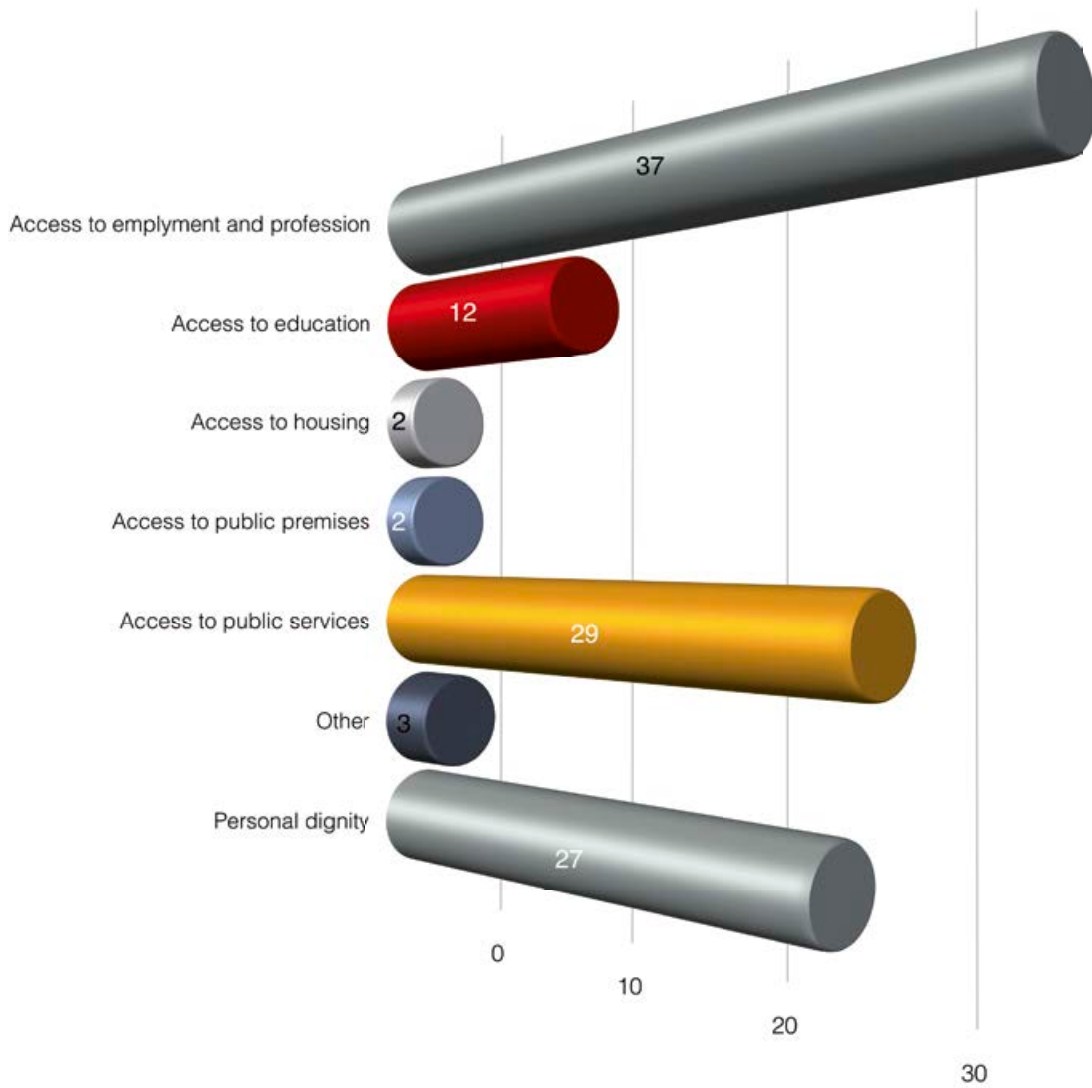
Resolution activity



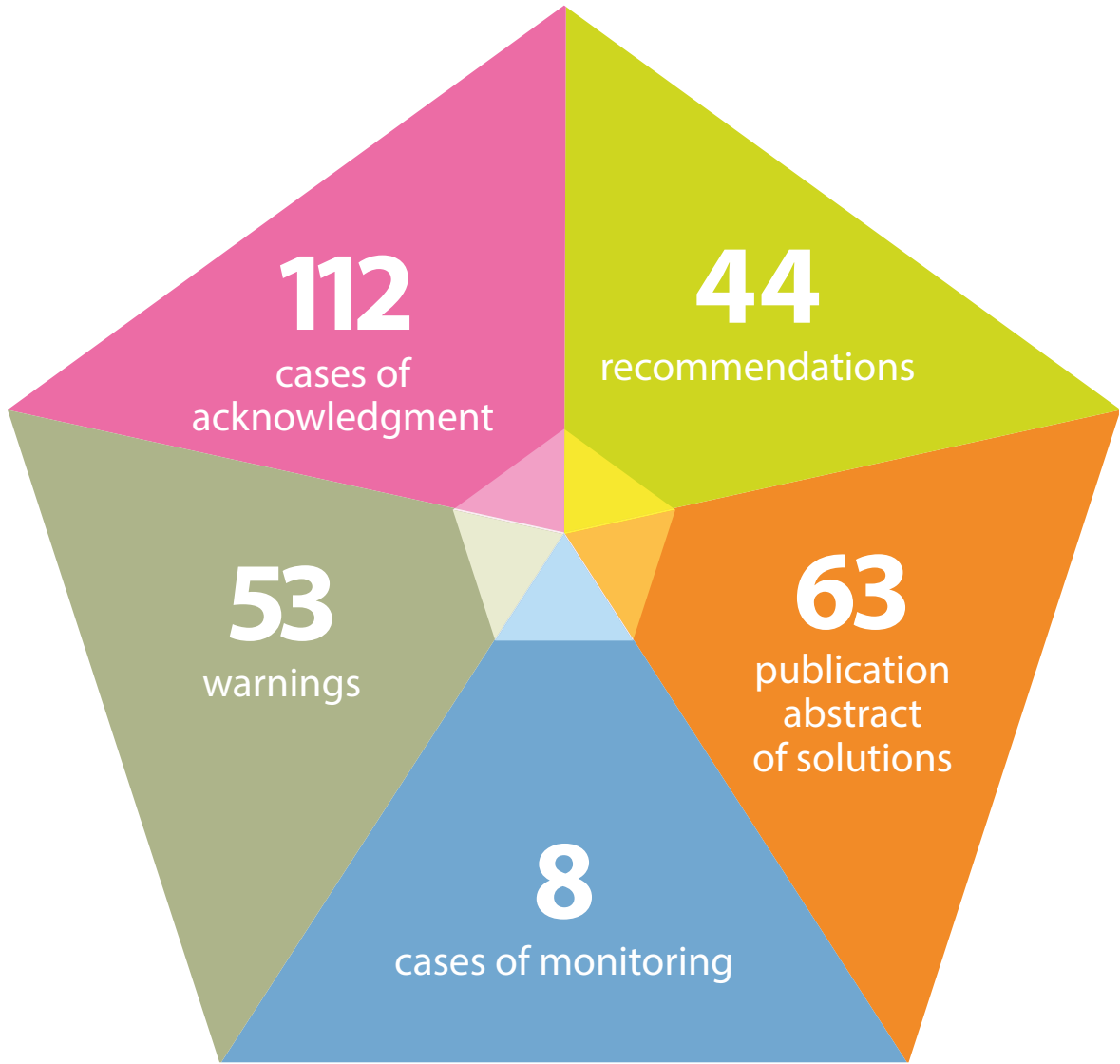
Resolution activity in 2016



2016 Findings, by criteria

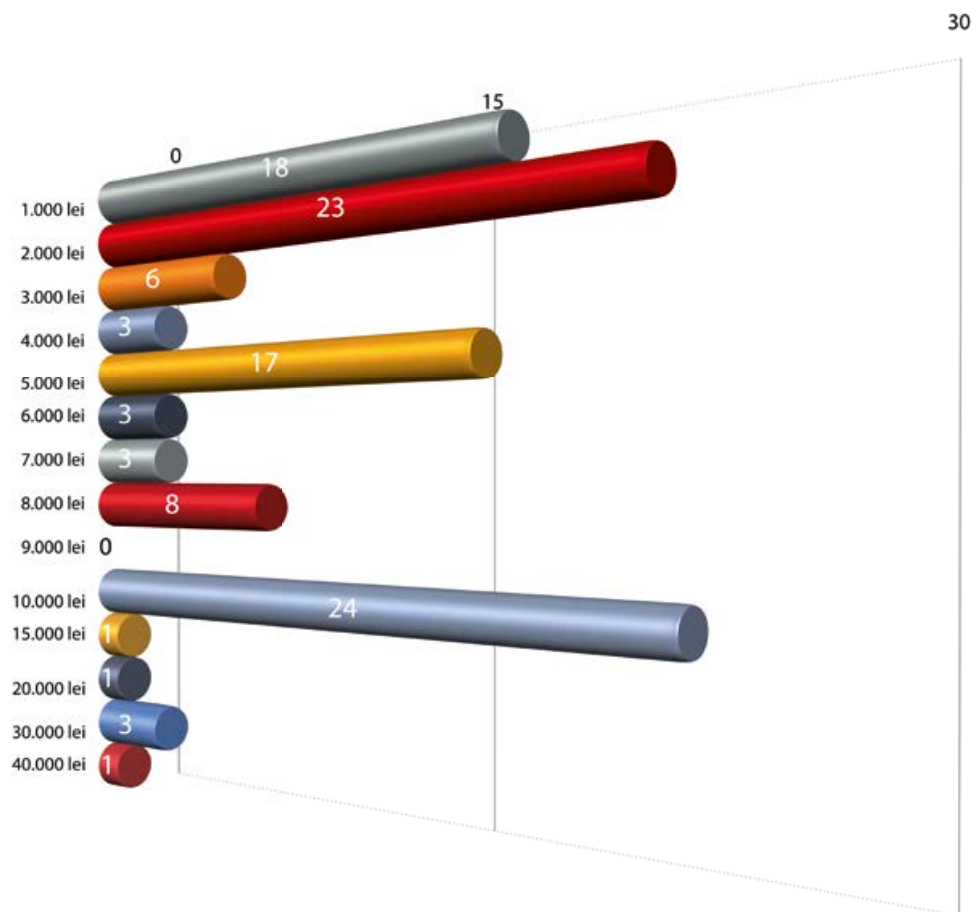


2016 Findings, by areas



Criterion / Total acknowledgements 2016	Fine	Recommendation	Warning	Monitoring	Ruling summary publication
Non-contagious chronic Disease					
Sexual orientation	1				
Language	3	11	20	1	2
Beliefs					
Age			1		
Disadvantaged category					
Religion	1	1	2		1
Gender	5	1	3		1
Nationality	6	2	7		4
Disability	42	13	10	5	35
Ethnic origins	15	5	4		5
Others	5	3	3	1	3
Social category	24	7	1	1	11
HIV contamination	2	1	1		
Race	7		1		1
Total	111	44	53	8	63

Criterion / Total acknowledgements 2016	Fine	Recommendation	Warning	Monitoring	Ruling summary publication
Access to employment and profession	25	13	10	2	11
Access to education	10	5	5	1	4
Access to housing	1	1	1	1	1
Access to public premises	4				2
Access to public services (TOTAL)	47	18	24	3	37
administrative	11	11	22	1	3
banking	2	1			1
health	7	6	2	1	1
transport	27			1	32
legal					
hotel					
Other	1	2	2	1	1
Personal dignity	23	5	11		7
Total	111	44	53	8	63



The number and amounts of fines in 2016

Legal representation
of the interests of the
Romanian National Council
for Combating Discrimination



The Legal, Administrative and Contract Department of the Legal Directorate is the one that provides the conventional assistance and represents the interests of the Romanian Council for Combating Discrimination, both with respect to procedural litigations on matters falling within the scope of the lawfulness and judicial control applied to the Steering board solutions and in genere.

Exceptionally (optionally and on a case-by-case basis) and following a specific request of the NCCD President, the Council representation in courts can be provided, when it comes to matters of discrimination, by the members of the Steering board with formal legal education and background.

As ruled by the provisions of Article 20 of the Government Ordinance no. 137/2000R, in conjunction with the provisions of the “*Internal resolution procedure for petitions and referrals*” published in the Official Gazette, Part I no. 348 of 06.05./2008, adopted on the basis of Article III, par. 1 - Chapter IV of the Government Ordinance no. 137/2000R, petitions claiming discrimination facts are settled by the Romanian National Council for Combating Discrimination **which issues “rulings” – administrative and jurisdictional documents.**

The legal matters of the above-mentioned petitions are settled within an administrative and jurisdictional framework and following a specific procedure which incorporates the core features of the special administrative jurisdiction: the replaceable and free nature of the jurisdiction, the functional independence of the jurisdictional authority, the observance of the principle of providing defence and guarantee the principle of contradiction.

The examination of NCCD Steering board’s solutions in terms of legitimacy and righteousness falls within the authority of administrative courts (appeal courts as courts of original

jurisdiction, and the High Court of Cassation and Justice as recourse court), in line with the provisions of Art. 20, paragraphs (9) and (10) of the Government Ordinance no. 137/2000, as republished, in conjunction with Art. 6 of the Law no. 554/2004 on contentious and administrative matters.

The legal deadline of appeal against such administrative and jurisdictional decisions is 15 working days from communication; otherwise, the decisions become writs of execution.

Council solutions which passed the “judicial control” assessment in 2016

In 2016, the competent legal courts (such as appeal courts and the High Court of Cassation and Justice) had **351 pending cases** the subject matter of which was the legitimacy and righteousness control of the NCCD resolutions issued in accordance with the provisions of Art. 20 of the Government Ordinance no. 137/2000, as republished.

After this control was conducted for NCCD 2016 resolutions, in **236 cases** the courts ruled in favour of NCCD, on the main matter on trial and/or appeals, and **against NCCD in 41 cases in which the actions against the rulings were admitted.**

At the end of 2016, **281 cases were still pending** in courts (main matter on trial/appeals).

Hence, according to statistical results, the share of NCCD resolutions having passed the “judicial control” examination in 2016 remained high, at approx. 86%.

Statistical results of judiciary action initiated with a view to introducing the tort liability

Introductory note:

Pursuant to Article 27 of the Government Ordinance no. 137/2000R, any person who considers himself/herself discriminated can file a request with a court, to request damages and the reinstatement of their situation prior to the alleged discrimination, or the cancellation of the situation created by the said discrimination, as per the common law. Any interested person must prove the existence of facts allowing the existence of direct or indirect discrimination, whereas while any person against whom any such request has been filed has to prove that facts are not discriminatory. The trial takes place with NCCD mandatorily summoned.

In addition to the contraventional liability, the lawmakers introduced in the field of non-discrimination, in GO no. 137/2000, the tort liability defined by its remedial function requiring the “author of the discrimination deed” to repair the damage caused and ensure the reinstatement of the previous situation by doing away with all damaging consequences of the and discriminatory situation.

By regulating the legal procedure of “civil penalty” in the field of non-discrimination, competence exclusively belonging to the common court of law, the lawmaker aimed at judging

legal actions on “granting remedies over loss caused by actions and facts of discrimination”, using the tort liability, with the involvement of the NCCD in the court proceedings.

The *de jure* Council’s involvement occurs under its particular capacity as “*monitor of discrimination cases*”, “*legal counsel*”, “*expert*” on non-discrimination matters and, as such, without being invested with passive capacity in the trial and protected from the ruling-related obligations as from court orders in such cases.

NCCD is involved in the trial, as described above, in accordance with the provisions of Art. 27 of the Government Ordinance no. 137/2000, in capacity as guarantor for the observance and enforcement of the non-discrimination principle, as required by the Romanian legislation in force and the international agreements to which Romania is a party, as well as by the capacity as specialised body having (theoretical and practical) fundamental legal knowledge on equal rights and non-discrimination.

The NCCD is involved in all trial cases, pursuant to Art. 27 of GO no. 137/2000R, irrespective of the subject-matter (work conflict, cancellation of administrative documents, contract termination, refusal to settle complaints or various claims, monetary entitlements etc.), related *latu sensu* to the non-discrimination principle, legal cases pending in courts with material and territorial jurisdiction in Romania.

In the context of a trial, the advice-giving expert body (NCCD) may issue *ex officio* “framework viewpoints-directives”, aiming at demonstrating the national and community non-discrimination laws, the technical and judicial mechanism for interpreting and enforcing such laws or, as applicable, upon a court request in this sense (and only if it knows all the aspects *de facto* and *de jure*, including written evidence and testimonials in the case), it can issue “certified legal expert opinions”, which in essence are case works valued as “legal counselling” in the field of equality of rights and non-discrimination.

Reporting of Statistical Results

In 2016, NCCD was called by the court in capacity as consultative body - a “dedicated expert” to formulate “expert opinions” (case works valued as “legal counselling”) for a total of approximately 750 trial cases (started in the current year and before, but ruled upon in 2016), out of which 365 were new cases, initiated in 2016, on tort liability (payment of damages to the victim) as a result of violation of the non-discrimination principle.

Trial cases brought to the courts in 2016 (365 cases) are statistically classified according to their subject-matter, as follows:

- approx. 160 cases having “monetary entitlements” as subject-matter;
- approx. 205 cases on “other remedies” (work-related conflicts, cancellation of administrative documents, refusal to settle the request, claims - other than wage entitlements/salaries - etc.).

The 2016 rulings issued in 2016 by the courts with authority in the law of tort in cases involving discrimination (rulings related to cases from 2016 and older, but which were settled in 2016), in which NCCD was involved as “specialized expert”, are reported as follows:

- approx. 183 cases granted;
- approx. 316 cases dismissed;

Judicial endorsement and contracting

On a permanent and customary basis, the Legal Direction of the National Council for Combating Discrimination endorsed the judicial documents issued by the entity, or other measures that were to be taken by the management of the institution or by other departments, as part of their activities, involving asset-related liability as well, and the public procurement contracts, consistently with the specific procedures.

Examples of case trials from the Council's 2016 administrative court activity

Case no. 1

I. The subject-matter of the case:

By a petition filed with the Romanian national anti-discrimination council, the complainant S.S.I. claimed she was subject to harassment and discrimination at work, after coming back from a child care leave - the complainant at that time was receiving the insertion benefit.

The complainant S.S.I. also referred to the fact that she was moved from her office to a meeting room, with all previous responsibilities cancelled, with no tasks assigned and no equipment to do her job, all this with the purpose of prompting her to resign.

II. NCCD Solution

In its Resolution no. 349/12.08.2015 issued in the case file no. 163/2015, the Romanian National Council for Combating Discrimination ascertained a differentiated and discriminatory treatment, pursuant to the provisions of Article 2 par. (1) and (5), Article 7 letter b) of the Government Ordinance no. 137/2000 on the prevention and punishment of all forms of discrimination, and fined the defendant S.C. Agora Marketing & Consulting S.R.L. with a contraventional fine of 5,000 Lei, in accordance with the provisions of Art. 26 par. (1) of the Government Ordinance no. 137/2000 on the prevention and punishment of all forms of discrimination.

III. Judicial control applied to the NCCD Solution 349/12.08.2015 issued in the case file no. 163/2015

In the action brought before the Bucharest Appeal Court - Section VIII Contentious Administrative and Fiscal Matters, the complainant S.C. Agora Marketing & Consulting S.R.L. sued the Romanian NCCD requesting the court to cancel the NCCD Solution no. 349/12.08.2015 issued in NCCD file no. 163/2015, as illegal and groundless.

III. 1. Summary of the criticisms by the complainant, SC Agora Marketing & Consulting S.R.L.:

- The NCCD Steering board acknowledged a situation which was not real, being based only on the assumptions of the complainant, even if unproved, and ignored counter-arguments and proofs brought in by Agora;
- NCCD did not specifically show which are the specific elements that cumulatively led to a fact of discrimination.
- In the case, the requirements are therefore not met in order to acknowledge the existence of a fact of discrimination as the NCCD Steering board wrongfully ruled.

III. 2. NCCD Abstract of Defence:

As related to the subject-matter, the action admitted as discrimination essentially consists in a unfavourable treatment of a woman who was protected by the legal principle of post-child care leave, and in the discriminating effect of changing job responsibilities and moral harassment following the return from leave (during the period in which she was paid the reinsertion benefit).

The particular and extraordinary employment protection according to the specific legal framework involves a favourable treatment for women during and after the child care leave – requiring interdiction to fire women while during child-care leave and 6 months after they return to work, and they have right to return to their last workplace or to an equivalent one, with a similar job description, and to benefit from any improvement in the workplace that they should have enjoyed if they were not on a child-care leave.

The refusal of the S.C. Agora Marketing & Consulting S.R.L. to observe the provisions of Law no. 202/2002 on the equal treatment of men and women, according to GEO no. 96/2003 on maternity protection , of GEO no. 111/2010 on leave and monthly payment for child care and of Law no. 53/2003 on Work Code led to the complainant S.S.I. being unfairly treated as an employee in a special category – a women on post-child care leave, and discriminately being modified her work tasks and being morally harassed after returning to work, facts falling undoubtedly under the provisions of Article 2 par. (1), corroborated with Art. 7 b) of the Government Ordinance no. 137/2000 on the prevention and punishment of any forms of discrimination.

III. 3. Court Ruling:

The Bucharest Appeal Court - Section VIII Contentious Administrative and Fiscal Matters, in its Ruling no. 2253/28.06.2016, dismissed as groundless the complaint filed by the complainant S.C. Agora Marketing & Consulting S.R.L. against the NCCD resolution no. 349/12.08.2015 issued in the case file no. 163/2015 and integrally endorsed the administrative-jurisdictional resolution of NCCD as justified, on the following basis:

- NCCD justly noted that the complainant is legally protected within the post-child care period in which she is entitled to the reinsertion benefit. The reasons invoked by the complainant, of starting activity and human resources reorganization and optimization procedures as reported to changing job responsibilities and workplace of the defen-

dant S.S.I., are not compatible with the situation the defendant was in, as she was just returning from the child care leave.

- NCCD justly retained that, after S.S.I. returned from child care leave, the employer was supposed to actively reinsert her into the previous position or an equivalent one, with similar workplace conditions corresponding to the employee's rights.

On the date of this Report, the Civil Ruling no. 2253/28.06.2016 has remained final by the fact of not being challenged by the complainant, S.C. Agora Marketing & Consulting S.R.L.

Case no. 2

I. The subject-matter of the case:

NCCD was notified by Centrul de Dezvoltare Curriculară și Studii de Gen – Filia, Fundația Parteneriat pentru Egalitate, Fundația Centrul de Resurse pentru Participare Publică, Asociația Transcena, Asociația Romano ButiQ, Asociația Societatea de Analize Feministe – Anna, Asociația Grado, Asociația E-Romnja, Asociația Pas Alternativ, Asociația pentru Promovarea Femeii, Asociația Romanian Women Lobby, Fundația Centrul de Mediere și Securitate Comunitară, Societatea de Educație Contraceptivă și Sexuală, Centrul Euroregional pentru Inițiative Publice, Asociația Agenția de Monitorizare a Presei, Asociația pentru Libertate și Egalitate de Gen și Agenția de Dezvoltare Comunitară – Împreună on a supposed discrimination fact of the National Defence Ministry by differently splitting the number of seats available for admittance in the ministry's own superior education institutions (Academia Forțelor Terestre Nicolae Bălcescu Sibiu, Academia Forțelor Aeriene Henri Coandă Brașov, Academia Forțelor Navale Constanța, Școala Militară de Maiștri și Subofițeri a Forțelor Terestre Basarab I, Școala Militară de Maiștri și Subofițeri a Forțelor Aeriene Traian Vuia și Școala de Maiștri Militari a Forțelor Navale "Amiral Ion Murgescu") in the sense of opening a considerably smaller number of seats to women as compared to men.

II. NCCD Solution

In its Ruling no. 568/08.10.2014 issued in file no. 203/2014, the Romanian national anti-discrimination council ruled that the situation noticed represents discriminatory treatment, pursuant to the provisions of Article 2 par. (1) and (4), Article 11 letter b) of the Government Ordinance no. 137/2000 on the prevention and punishment of all forms of discrimination. The Romanian national anti-discrimination council also sanctioned the accountant Romanian Defence Ministry with a warning, pursuant to the provisions of Art. 5 par. (2) of Government Ordinance no. 2/2001 on the legal regime of offences

Furthermore, the Romanian National Council for Combating Discrimination recommended the defendant, the Romanian Defence Ministry, to observe, in the future, the non-discrimination principle and the principle of gender equality.

III. The judicial control applied to the NCCD Solution no. 568/08.10.2014 issued in the case file no. 203/2014

By the proceedings initiated with the Bucharest Appeal Court - Section VIII Contentious

Administrative and Fiscal Matters, the complainant, the Romanian Ministry of Defence, summoned the Romanian National Council for Combating Discrimination to trial requesting the court to cancel the NCCD Solution no. 568/08.10.2014 issued in the case file no. 203/2014.

III. 1. Summary of criticisms by the complainant, the Romanian Ministry of Defence:

- Army professions involve extremely stressful and demanding physical missions, such requirements being deemed improper for the anatomical structure of the female body. This category is found in the army ranks as being given “non-combatant”, administrative positions;
- Gender segregation of admission seats in the educational institutions is a waiver from the gender equality principle, in this case;
- The Romanian Ministry of Defence’s approach is consistent with the existent European Union and national policies in the field, though, at a first glance - as the signatories of the petition proceeded - a false impression is created that there is an apparent discrimination, that fades away as we get deeper into the issue.

III. 2. NCCD Abstract of Defence:

In examining the notification, the documents existing on file and relevant legal provisions, the Romanian National Council for Combating Discrimination found out that the measures taken by the complainant, the Romanian Ministry of Defence, by differently splitting admission seats within its own educational institutions on a gender basis, in the sense that offering a considerably lower number of seats for women is not objectively justified or accompanied by adequate or necessary measures, because such initiative only leads to limiting women’s access, via examination, to its own educational institutions and later on within the Romanian Ministry of Defence’s operational structures. Thus, the Ministry violates women’s right to both education and to work.

The candidates, irrespective of gender, should be allowed to judge on their own whether they can take the risks involved in the activities to be performed. Women’s access to specialized structures of the Ministry should not be impaired by imposing conditions prone to creating differences between candidates, without impartial reasons. Such differences would ultimately lead to an infringement of both the education and labour rights and the dignity of the people involved.

All candidates, irrespective of gender, have the right to freely choose a profession, no matter how hard or easy this profession might be. Performances of every candidate can, and should, be evaluated based on the activity that is to be carried out and separations should be imposed only after skills are checked. The admission exams for the operational structures of the Romanian Ministry of Defence involves eliminatory tests allowing to separate candidates who can thus prove they can be part of the Ministry’s operational structures.

III. 3. Court Ruling:

The civil ruling no. 1090/01.04.2016 of the Bucharest Appeal Court - Section VIII Contentious Administrative and Fiscal Matters - dismissed as groundless the request of the Romanian

Ministry of Defence to cancel the NCCD Solution no. 568/08.10.2014 issued in the case file no. 203/2014 and fully endorsed the administrative legal document issued by the NCCD as justifiable and legitimate, on the following reasons:

- Among the grounds of the challenged decision, the defendant, NCCD, took into account European case laws admitting that, in the field of national defence, differentiating between men and women candidates is a justifiable measure falling within the appreciation margin of which the complainant - the Romanian Ministry of Defence - benefits. What, however, led to the acknowledgement of a fact of discrimination was the lack of proof from the part of the complainant, in the sense of the proportionality of the measure;
- In the case, analysing the complainant's defence, the Court notes that it is limited to invoking a right to apply a difference in treatment based of the specifics of the field in which it operates, without justifying such measure. The only description in the summons is that of Navy specialties, but the difficulties the complainant sees in unfolding such missions can also be noted in what concerns men, the reasons invoked being unconvincing.
- The complainant should have justified its decision to open a certain number of seats for men and for women for each branch/military specialty - describe the specifics of every activity, the reason for the need of a certain number of men/women in every one of them and of the number of people already employed within the system and required by international bodies. Putting up a certain number of seats for admission for women in disciplines such as research, communications and IT, intendency and administration appears from the very beginning as unjustly discriminating, whereas while for all other specialties there are doubts on the legality of the measures of totally excluding women candidates or providing only a very small number of seats as compared to men.

On the date of this Report, the case is still pending with the High Court of Cassation and Justice - Contentious Administrative and Fiscal Matters - and it is under a screening procedure, following the recourse filed by the Romanian Ministry of Defence.

Case no. 3

I. The subject-matter of the case:

The Romanian National Council for Combating Discrimination started its own investigation no. 1260/03.03.2016 in the file no. 2A/2016, against the Ministry of Labour, Family, Social Protection and Elderly, National Agency for Payments and Social Inspections, the mayors of Bucharest, Alba Iulia, Alexandria, Arad, Baia Mare, Braşov, Brăila, Buzău, Călăraşi, Cluj Napoca, Constanţa, Craiova, Deva, Drobeta Turnu-Severin, Focşani, Galaţi, Iaşi, Oradea, Piatra Neamţ, Piteşti, Ploieşti, Râmnicu-Vâlcea, Reşiţa, Satu Mare, Slatina, Slobozia, Suceava, Timişoara, Tîrgu-Jiu, Tîrgu Mureş, Tulcea and Vaslui for not providing adequate local transport conditions for people with disabilities; infringement of the right to personal dignities by the way people with walking disabilities are forced to use the public transport in these cities as well as for not taking measures in order to facilitate access of disabled people to local public transportation.

II. NCCD Solution

In point 1 of the Resolution no. 357/11.05.2016 issued in the case file no. 2A/2016, the Romanian National Council for Combating Discrimination established that not providing public transportation conditions for disabled people is a fact of discrimination pursuant to the provisions of Art. 2 par. (1) and (4) corroborated with the provisions of Art. 10, letters g) and h) and Art. 15 of Government Ordinance no. 137/2000 on the prevention and punishment of all forms of discrimination, as well as to the provisions of Art. 9, 19, 20 of the Convention on the Rights of Disabled People, ratified by Romania in the Law 221/2010.

In point 4 of Resolution 357/11.05.2016 issued in the file no. 2A/2016, NCCD sets a fine of Lei 10000 for the defendants: Mayors of Bucharest, Alba Iulia, Baia Mare, Brăila, Călărași, Cluj-Napoca, Craiova, Deva, Drobeta Turnu Severin, Iași, Piatra Neamț, Ploiești, Râmnicu Vâlcea, Reșița, Timișoara, Tîrgu Mureș and Tulcea, pursuant to the provisions of Art. 26 par. (1) of Government Ordinance no. 137/2000 on the prevention and punishment of all forms of discrimination.

In point 5 of Resolution 357/11.05.2016 issued in the file no. 2A/2016, the Romanian NCCD issued a fine of Lei 8000 to the mayors of Arad, Brașov, Oradea, Satu Mare, Slatina, Suceava, Tîrgu Jiu and Vaslui, according to Art. 26 par. (1) of Government Ordinance no. 137/2000 on prevention and punishment of all forms of discrimination.

III. The judicial control applied to NCCD Solution no. 357/11.05.2016 issued in the case file no. 2A/2016.

In the proceedings initiated with the Craiova Appeal Court - Section VIII Contentious Administrative and Fiscal Matters, the complainant, Mayor of Craiova, sued the Romanian National Council for Combating Discrimination, requesting the court to cancel the Resolution no. 357/11.05.2015 issued in NCCD file no. 2A/2016 as illegal and groundless.

III. 1. Summary of the criticisms by the complainant, Mayor of Craiova:

- Underlining the statutes of limitation of the fact is a must, in the sense that, pursuant to the provisions of Government Ordinance no. 137/2000 on the judicial regime of offences, the possibility to enforce any contraventional penalty is limited in time to 6 months since the occurrence of the offence;
- The fine was inflicted directly to the Mayor of Craiova, in violation of the provisions of Law no. 215/2001, which establishes the limits of the mayor's attributions;
- The lawmaker itself did not even impose grounds of obligation to provide appropriate conditions in all means of public transportation, therefore one cannot establish exactly the grounds on which NCCD took the said measure;
- The Craiova Public Transportation Authority constantly took the proper measures in order to create public transport facilities for disabled people, as follows: out of 148 buses in 2013, 78 were accessible by disabled people; in 2014 95 out of 165 buses and in 2015-2016 102 out of 172 buses.

III. 2. NCCD Abstract of Defence:

Taking into account the European Court of Justice Decision in 3rd Chamber on 25.04.2013 in case C-81/12 on interpreting Article 2 paragraph (2) letter (a), Art. 10 paragraph (1) and Article 17 of the 2000/78/CE Council Directive of November 27, 2000 on an equal treatment framework for job occupation and employment, as well as the provisions of Article 20 of the Romanian Constitution, the penalty on the complainant - Mayor of Craiova – the 10,000 lei contraventional, as per the provisions set in Article 26 of the Government Ordinance no. 137/2000 on the prevention and punishment of all forms of discrimination, is not time barred and is in agreement with the provisions of Art. 17 of the Council Directive 2000/78/CE and it is effective, proportional and dissuasive.

Examining the complaint, the documents on file and corresponding legal provisions, the Romanian National Council for Combating Discrimination noted that, on 01.03.2016 (the expiry date of the last monitoring), the city of Craiova had only 102 buses with facilities for disabled, out of a total of 180, and no trams out of 29 had proper facilities for people with disabilities.

Even if it has been noted that the City of Craiova constantly took measures for creating public transport facilities for the disabled, at least in the case of trams, the people with walking disabilities would not be able to use any of the 29 trams as, like it has been showed before, these trams don't have the necessary facilities, which creates a humiliating situation and causing the case to fall under the provisions of Art. 15 of the Government Ordinance no. 137/2000 on the prevention and punishment of all forms of discrimination.

The same situation is to be seen on the transportation lines served by the 102 buses, not adjusted to be accessible to people with disabilities

NCCD also noted that the defendant, Mayor of Craiova, showed a passive conduct with respect to the measures allowing the accessibility of the public transportation means in the city, which led to unfavourable and unjust consequences for the disabled, pursuant to the provisions of Art. 2 par. (4) of the Government Ordinance no. 137/2000 on the prevention and punishment of all forms of discrimination.

III. 3. Court Ruling:

The Civil Ruling no. 431/12.10.2016 of the Craiova Appeal Court - Contentious Administrative and Fiscal Matters, dismissed the appeal of the complainant, Mayor of Craiova, filed against the Romanian National Council for Combating Discrimination and endorsed the Resolution no. 357/11.05.2016 issued in the file no. 2A/2016, on the following grounds:

- Pursuant to the provisions of Art. 22 of Law 448/2006, the public administration authorities have the obligation of taking all appropriate measures in view of providing public transportation for people with disabilities. Therefore, the obligation is not incumbent to the public transport operator, as the complainant erroneously objects, but to the public administration authority, in this case the Mayor of Craiova;
- The complainant does not deny or object to neither the fact that it owns the number of buses and trams specified in the decision and that it owns the specified number of public transportation means unfit for the transport of disabled people. It erroneously

and groundlessly holds that the fact of not adapting the public transport vehicles to such requirements was similar to a lack of offence, as the provisions of Art. 22 of the law refers to adapting old public transport means produced prior to the enforcement of the law and taking into account the technical possibilities;

- The complainant also holds as a reason to the document illegitimacy its lack of guilt in committing the said offence. The complainant states that the lack of guilt would result from the fact that measures have been taken to provide public transportation with access ramps and public procurement procedures have been started to this end. Criticisms do not stand as reasons for illegality as long as they are not definitely and clearly proved. Partial measures to which the complainant refers do not lead to denying or reversing the state of facts retained in the decision.

On the date of this Report, the case is undergoing screening judging by the High Court of Cassation and Justice - Contentious Administrative and Fiscal Matters Section, following the recourse filed by the Mayor of Craiova.

Case no. 4

I. I. The subject-matter of the case:

By means of the petition filed with the Romanian national anti-discrimination council, the complainant sees the fact of not communicating a diagnosis for a minor child to her parent in the Hungarian language as discriminatory and claims a refusal of providing medical care (the release from hospital of the patient) on ethnic grounds.

II. NCCD Solution

After analysing all the documentation in the file, the expert documentation (hearings, viewpoint requests), the NCCD Steering board, by the means of the ruling that is requested to be cancelled, rules as follows:

1. *There is no evidence of potential facts of harassment from the named medical doctor, as pursuant to the provisions of Art. 20 par. 6 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished and amended.*
2. *There is no evidence that the minor patient was released from hospital on ethnic grounds, as pursuant to the provisions of Art. 20 par. 6 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished and amended.*
3. *The fact of not informing the minor patient and her mother - who did not understand the medical language in Romanian - on the patient's health situation, medical procedures proposed, potential risks of every procedure, existing alternatives to the proposed procedures, including on not following the medical treatment and not observing medical recommendations, as well as on data on the diagnostic and forecast, in the mother tongue, represents a fact of discrimination pursuant to the provisions of Art. 2 par. 3, Art. 2 par. 4 and Art. 10 letter b) of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished and amended.*

III. Judicial control applied to the NCCD Solution no. 292/06.04.2016

By the proceedings initiated with the Bucharest Appeal Court - Section VIII Contentious Administrative and Fiscal Matters, the complainant Cluj-Napoca Child Emergency Hospital summoned the Romanian National Council for Combating Discrimination to trial, requesting the court to cancel the NCCD Solution no. 292/06.04.2016 as illegal and groundless.

III. 1. Summary of criticisms by the complainant, the Cluj-Napoca Child Emergency Hospital:

- The situation outlined in the petition was not justified and there has not been any other similar incident so far;
- The situation outlined in the petition was not justified and the action was not targeted against the hospital, but the Council resolution wrongly ruled in the aspect of the defendant not being informed.
- The Council unjustly noted the non-communication as duty to the health institution and contrary to legal provisions.

III. 2. NCCD Abstract of Defence:

As per the subject-matter of the case, “Not informing the minor patient and her mother - who did not understand medical language in Romanian - on the patient’s health situation, medical procedures proposed, potential risks of every procedure, existing alternatives to the proposed procedures, including on not following the medical treatment and not observing medical recommendations, as well as on data on the diagnostic and forecast, in the mother tongue, represents a fact of discrimination.

The lack of any regulation on communicating with non-Romanian-speaking patients can be seen as an apparently neutral measure disadvantaging certain people, based on criteria forbidden by law, with no objective reason.

Certain aspects relevant to the case must be noted, as related to the conditions to be met by a fact in order to fall under the provisions of anti-discrimination legislation:

First and foremost, it is retained that the complainant does not have an internal procedure in place for the communication with people who do not speak Romanian.

Corroborating the definition of discrimination (Art. 2 par. 1 of the GO 137/2000R), and that of indirect discrimination (Art. 2 par. 3 of the GO 137/2000R) with the documents in the file, we note a differentiated treatment (the lack of an internal regulation) based on criteria forbidden by law (ethnic origin) resulting in the violation a right stated by the law (the right to be informed, Art. 6 and Art. 8 of the Law 46/2003 on patient rights).

In what concerns the fulfilment of elements of a fact of discrimination, as they are provided by the Art. 2 par. 3 of GO 137/2000, we note a neutral and apparently legal practice (the lack of internal regulations) disadvantaging certain people on the grounds of a criterion forbidden by law (ethnic origin).

The existence of a discriminating criterion is ascertained, as ground for the allegedly differentiated treatment, that is the ethnic origin and language criterion.

A neutral practice is therefore noted, disadvantaging a person by violating the patient's right to be informed in their native language (Art. 6 and Art. 8 of Law 46/2003 on the rights of patients).

The differentiated treatment, consisting in the lack of internal regulations on informing patients who do not speak Romanian, was not objectively justified by a legitimate purpose and the methods of applying it were not proper and necessary.

The European Court of Human Rights in its case law showed that an objective and reasonable justification must have a legitimate purpose and the measures taken must be proportional to that purpose. The lack of any regulation on informing patients who do not speak Romanian disadvantaged the patient and her mother, because the latter were not able to get medical information on the minor's health situation.

In analysing the legitimate purpose, one has to examine the existence of purpose as reported to the rights breached by differentiated treatment (according to the Convention, the freedom of speech can be restrained for the following legitimate purposes: national security, territorial integrity, public safety, public order, crime prevention, health, morale or rights protection, prevention of confidential data leaks, in order to guarantee the authority and fairness of justice).

In the process of analysing the adequate and necessary method, one has to establish whether the chosen method leads to the desired purpose and whether there are alternative methods to reach said purpose without creating a differentiating/disadvantaging situation.

III. 3. Court Ruling:

The Ruling no. 279/2016 of the Bucharest Appeal Court - Section VIII Contentious Administrative and Fiscal Matters dismissed as groundless the petition filed by complainant, the Cluj-Napoca Child Emergency Hospital, against the NCCD resolution no. 292/06.04.2016 and fully endorsed as justified the administrative jurisdictional resolution of NCCD.

On the date of this Report, the Civil Ruling no. 279/28.06.2016 remains definitive by the fact of not being challenged by complainant, the Cluj-Napoca Child Emergency Hospital.

Case no. 5

I. The subject-matter of the case:

In the petition filed with NCCD no. 4773/13.07.2015 it is shown that the Oradea Local Council decision draft on naming the bridge between King Ferdinand I Square and Union Square as "Saint Ladislau Bridge" was rejected by the defendant.

The complainants see the rejection as discriminatory, while other names such as "Dacia", "Decebal", "Ovid Densusianu", "Carol I", "Mareşal Constantin Prezan" have been approved.

II. NCCD Solution

After analysing all the documentation in the file, expert documentation (hearings, viewpoint requests), the NCCD Steering board ruled that *“The fact that the naming of “St. Ladislau Bridge” was rejected because the bridge connects Union Square with Ferdinand Square and has to create the idea of a union” while other bridge names were approved (“Dacia”, “Decebal”, “Ovid Densusianu”, “Carol I”, “Marshall Constantin Prezan”) is discriminatory pursuant to the provisions of Art. 2 par. 1 of Government Ordinance no. 137/2000;”*

III. Judicial control applied to NCCD Solution no. 568/08.10.2014 issued in the case file no. 203/2014

In the proceedings initiated with the Oradea Appeal Court - Section VIII Contentious Administrative and Fiscal Matters, the complainant, the Bihor County Prefect, summoned the Romanian National Council for Combating Discrimination to trial, requesting the court to accept its action and cancel the challenged NCCD Solution.

III. 1. Summary of criticisms by the complainant, the Bihor County Prefect:

- The Council adopted the challenged decision on 20.01.2016, more than 180 days since the fact has been reported.
- The NCCD resolution would be groundless and illegal.

III. 2. NCCD Abstract of Defence:

As per the object of the cause, we note that while names for 5 bridges were approved: („Dacia”, „Decebal”, „Ovid Densusianu”, „Carol I”, „Marshall Constantin Prezan”), the naming of “Bridge Saint Ladislau” was not approved, thus presuming a differentiation between names seen as linked to the history and culture of the Romanian community and the naming proposal seen as linked to the history and culture of the Hungarian community (community forming 23.07% of the local people in Oradea).

The fact of discrimination is determined by the existence of a criterion and there has to be a causality report between this criterion and facts signalled.

The rejection itself obviously shows that the issue resulted from the fact that Saint Ladislau is not a character linked to the Romanian culture.

A fact can be seen as discriminatory if it touches a right, any of the rights guaranteed by international treaties ratified by Romania or endorsed by national legislation.

A statement according to which a name given after a Hungarian personality affects the idea of union is due to impact dignity rights as it creates a hostile environment against this community. The union was not achieved in view of excluding Hungarians from everything that the Romanian state stands for, its culture, etc. More than this, the king of Hungary was not the king of Hungarians but also the king of Romanians who lived within the state, as king Ferdinand I (Ferdinand Viktor Albert Meinrad von Hohenzollern-Sigmaringen) was not only the king of Romanians but also of the Hungarians after World War I. Permanently opposing

Hungarians and their culture to Romanians, as majority, was along history and still is likely to impact the right to dignity, both that of minority Romanians and of minority Hungarians.

The unfavourable decision of naming cannot be considered as having effects, though the Oradea Local Council later on took the right decision.

The effect was that of creating frustration in the Hungarian community against the representative of the Romanian government.

Therefore, the unfavourable decision against naming the “Bridge St. Ladislau” was rejected because the bridge connects Union Square with Ferdinand Square and has to create the idea of a union” while other bridge names were approved (“Dacia”, “Decebal”, “Ovid Densusianu”, “Carol I”, “Marshall Constantin Prezan”) is discriminatory according to the provisions of Art. 2 par. 1 of **Government Ordinance no. 137/2000**, as it represents a differentiated treatment and exclusion on ethnic grounds resulting in the restriction of using the right to dignity.

III. 3. Court Ruling:

The civil ruling no. 182/22.09.2016 of the Oradea Appeal Court - Section II Contentious Administrative and Fiscal Matters, dismissed as groundless the request of the complainant, the Bihor County Prefect Institution to cancel the NCCD Solution no. 58/20.01.2016 and integrally endorsed the administratively legal act issued by the NCCD as justifiable and legal.

On the date of this Report, the case is undergoing filter judging by the High Court of Cassation and Justice - Contentious Administrative and Fiscal Matters Section, as a result of the complainant’s recourse.

Report on the activity of the Inspection Service in 2016

Pursuant to the provisions of Art. 41 par. (1) of the internal Procedure for solving petitions and referrals, “the file owner disposes upon investigating, if case, after studying the petition and proofs submitted”. Therefore, the file under investigation, accompanied by the resolution of the file owner, is sent to the Inspection Service within the Legal Department in view of checking some unclear aspects and collecting data, witness statements and evidence necessary for solving the situation. After the control, the investigation team writes a report accompanied by the documentation resulting from the control.

Statistical data on files investigated by the Inspection Service in 2016

In 2016, the Steering board submitted 22 files to the Inspection Service. In view of observing the resolutions of file owners and achieving the control objectives, 30 investigations were conducted (some files required several trips), out of which 19 in Bucharest and Ilfov county, 3 in the North-West Region 2 in Cluj county and 1 in Bihor), 2 in North-East Region 1 in Iasi county and 1 in Bacau), 2 in South-East Region 1 in Buzau county and 1 in Constanta), 1 in Muntenia-South Region (Călărași county), 1 in Oltenia-South-West Region (Olt county), 1 in

West Region (Arad county) and 1 in Centre Region (Mureş county). Out of the 22 verified files, in 20 (91% of the total), the alleged fact of discrimination took place in urban areas and the rest of 2 (9%) in rural areas. In 13 files (54%), the defendant was a legal entity, and in 11 (46%) the defendant was an individual. Some files had both legal entities and individuals as defendants. In what concerns the discrimination criteria, the situation of files investigated is as follows: ethnic origin 7 (31%), disability 5(23%), nationality 4(17%), sexual orientation 2(9%), age 1(4%), political beliefs 1(4%), others 1(4%), no criteria 1(4%), - (one of the files had two criteria).

Due to lack of human resources within NCCD, the Inspection Service was requested to centralize files with contraventional fines and monitor whether the respective files were challenged, in view of endorsing them. In case of the non-challenged files, the Inspection Service communicated to competent fiscal authority, for the purpose of enforcement, the contraventional fines issued by the NCCD Steering board.

Report on the 2016 activity of the Territorial Department Structures

MUREŞ TERRITORIAL OFFICE

Between January and November 2016, 69 hearings were granted to people interested by the NCCD activity at the level of Mureş Territorial Office.

Out of the 69 people, 22 decided on filing petitions with NCCD, that is 31% of the total number of people.

Criteria and fields upon which the NCCD territorial representative provided expert legal counsel:

- a. Criteria: religion, age, gender, disability, ethnic origin, social status, disadvantaged category;
- b. Fields: access to employment and profession, access to public premises, access to public services, personal dignity etc.

Between January 1, 2016 and November 1, 2016, 700 pieces of news published by local media were selected to contain keywords from the NCCD fields of activity: discrimination, racism, Ethnic origin, gipsy, gay, segregation, handicapped, disabilities, AIDS, religion, xenophobia, anti-Semitism, age, Islam, women, immigrant, refugee, homophobia, minorities, Nazism, rights, bigotry, harassment, differentiated treatment, stereotype, human rights.

The cooperation with public authorities, legal entities and people in view of preventing and eliminating all forms of discrimination and promoting NCCD at local level was ensured by the participation to various meetings, conferences, seminars, jointly organized with the local public authorities and entities involved in the field of human rights, in the county of Mureş.

BUZĂU TERRITORIAL OFFICE

In 2016, 30 hearings were granted to people interested in the NCCD activity at the level of Buzău Territorial Office.

The issues reported varied, but most often they were related to discrimination at work, ethnic origin, social inclusion, school discrimination, discrimination related to access to public premises.

The six petitions that were filed related to: sexual harassment at work, ethnic origin, xenophobia, criminal conviction of the petitioner, social category.

Over-the-phone advice was constantly granted, both in what concerns anti-discrimination legislation and specific procedures and certain cases being investigated by NCCD at the time (complainants asking for information on formal and procedural aspects, etc.).

The NCCD local representative carried out various territorial activities, such as:

- The “Road from discrimination to equality” campaign in schools and high-schools;
- NCCD promotion tours within public administration and other local governmental institutions in Buzău county, in view of initiating partnerships on the prevention and fighting facts of discrimination;
- The “What LABEL do you think you’re wearing” campaign, to also be held next year mainly in schools and high-schools;
- Participating in various events organized both by the local public institutions and by NGOs.

Student internships in 2016

Over the year 2016, the Legal Department - Legal, Administrative Law and Contracts Office, together with the Programs and International Affairs Direction within the Romanian National Council for Combating Discrimination provided internships for students of the following higher education institutions: Law Faculty, Political Sciences Faculty within Bucharest University, Legal and Administrative Sciences Faculty - “Dimitrie Cantemir” Christian University of Bucharest, Lumina University of South-Eastern Europe – Faculty of Political and Economic Sciences, University Titu Maiorescu – Faculty of Law, as well as for Master’s students from Bucharest University – Faculty of Political Sciences and the National School for Political and Administrative Studies – Faculty of Political Sciences.

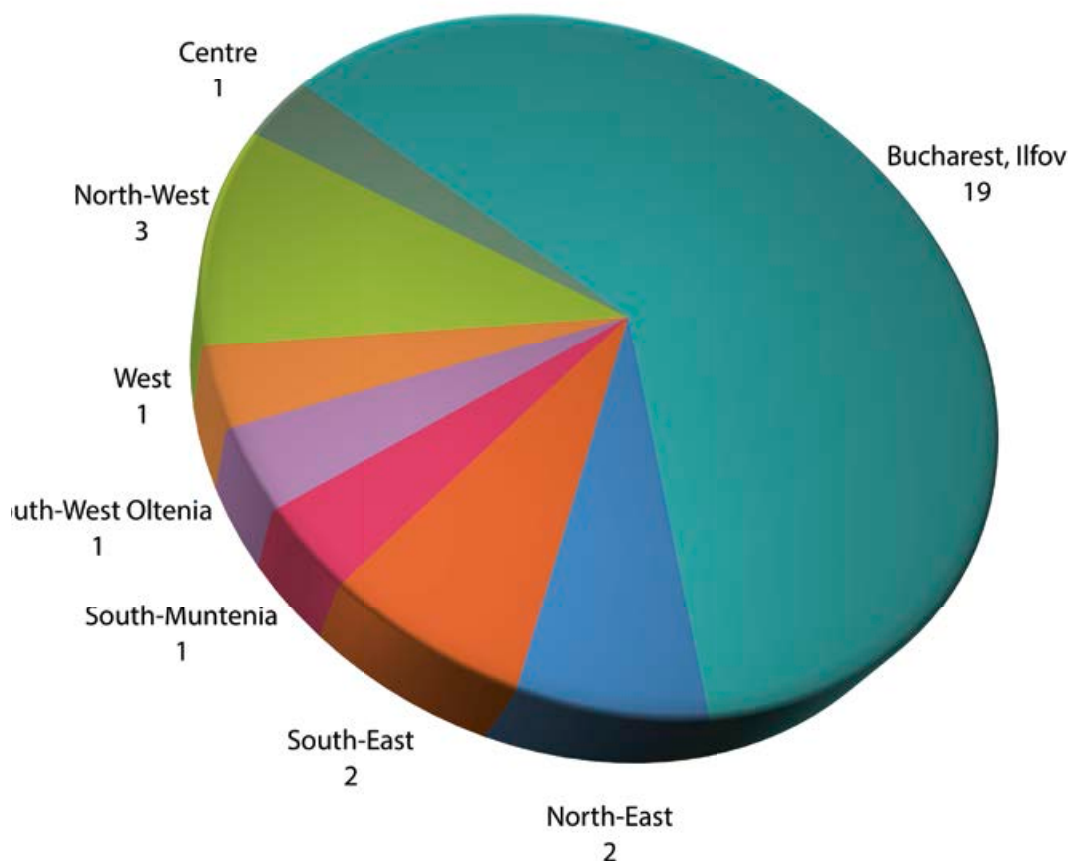
As part of this activity, the internship tutors from within the NCCD Legal Department provided students with information on discrimination, discrimination types, the Romanian national anti-discrimination council’s organization and rules of functioning, responsibilities, petition resolution process, penalties, programs organized in view of preventing and fighting discrimination, as well as the procedure for appealing NCCD decisions in court. Students participating in the internship were offered the possibility to take part in the court meetings, together with the NCCD legal counsel, in trials on appealing NCCD decisions.

The internship also included practical exercises so that students acknowledge negative effects of discrimination on people.

Students who chose to broaden their knowledge on the functioning of discrimination prevention

and fighting mechanisms were delighted to discover, with the help of the counsel within the **Programs and International Relations Division**, responsible for internships, the cleverness and creativity of the prevention methods. After a psychological and sociological incursion in the field in order to define and describe the way discrimination works, basic concepts and their limits were examined - tolerance, human rights, equity, affirmative policies, rituals, traditions, freedom of speech, equal opportunities, freedom of speech, diversity - noting both the complexity and possible changes of the sense of the discrimination concept in the globalization millennium. Several video documentaries were played in which the characters were part of vulnerable groups. Students were particularly attracted to the role of personal attitude in preventing discrimination, to the attitude sources of discrimination and by discrimination effects. Role plays also helped them experience solidarity (as a positive effect of discrimination), get aware of the reasons of being educated, have common sense and good taste, as well as the need to act responsibly when facing the vicious circle of discrimination - the discrimination that leads to discrimination.

Upon the end of the internship, participants received internship certificates from the NCCD attesting their interest in the field, institution and tutor teachings, the fact that they studied all necessary material and requested information they needed to help them grasping the complexity of the discrimination combat phenomenon.



Distribution of 2016 investigations, by development regions

Examples
of the Council Steering
board's case laws



1. Equity in economic activities, employment and profession

The petitioner, L.M., representative of S.E. Paroşeni Free Union, claims that, according to the provisions of the collective labour agreement, a fidelity bonus is not to be paid for certain employees for the period of time representing the sick leave months or for vacations that have been rescheduled, months in which the number of actual working hours is smaller than the scheduled work program.

The NCCD Steering board Resolution 24 of 13.01.2016 noted that claimed facts represent discrimination pursuant to the provisions of Art. 2 par. 1 corroborated with Article 2 par. 6 and par. 7 letter c) of the Government Ordinance no. 137/2000, as they state a difference or an exclusion on grounds of a sick leave or rescheduled vacation (depending on the reason for such rescheduling, it can either fall under the provisions related to sick leave, pregnancy leave etc.) aiming at, or resulting in, the confinement, elimination of acknowledgment, usage of, or benefiting from, the right to property under equal conditions, the right to benefit of the fidelity bonus.

The Steering board ruled for a contraventional fine of Lei 2000 against the defendant, pursuant to the provisions of Art. 26 par. 1 of the Government Ordinance no. 137/2000.

2. Ethnic origin, the right to personal dignity

Petitioner associations claimed as discriminating the Bihor Prefect Office's decision, through its representative Bihor County Naming Commission against the name of "St. Ladislau Bridge" while names such as „Dacia”, „Decebal”, „Ovid Densuşianu”, „Carol I”, „Marshall Constantin Prezan” were approved.

The Steering board notes the second defendant, an institution subordinated to the first defendant, ruled in favour of the proposed names for 5 bridges on 03.04.2015: „Dacia”, „Decebal”,

„Ovid Densușianu”, „Carol I”, „Mareșal Constantin Prezan”, while deciding against the naming of “Bridge Saint Ladislau”, showing that the bridge “connects Union Square with Ferdinand Square and has to create the idea of an union”. Saint Ladislau was the King of Hungary between 1077 and 1095, sanctified by the Catholic Church in 1192, and his tomb was relocated to Oradea after 1113.

Therefore, the Steering board Resolution no. 58 of 20.01.2016 stated that, pursuant to the provisions of Art. 2 par. 1 of the Government Ordinance no. 137/2000, the refusal of the name “Bridge Saint Ladislau” represents a fact of discrimination because the bridge “connects Union Square with Ferdinand Square and has to create the idea of a union” while other bridge names were approved (“Dacia”, “Decebal”, “Ovid Densușianu”, “Carol I”, “Marshall Constantin Prezan”) as it states an ethnic difference or exclusion resulting in hindering the exercise of the right to personal dignity. The defendants were requested to publish a summary of the NCCD Solution in local media, pursuant to the provisions of Art. 26 par. 2 of the Government Ordinance no. 137/2000/

3. The capacity as complainant. Access to medical care. Direct discrimination. Victimization

The complainants, B.L.I. and M.M.R., consider they have been discriminated by the fact of not being reimbursed the dental service expenses and by being excluded from health services lists of the medical unit, as well as by being victimized for having pressing criminal charges.

The Steering board Resolution no. 68/27.01.2016 noted that complainants demanded the reimbursement of dental service expenses and, after taking the matter to court, asking for remedies, they have been excluded from the list of medical care services of the medical institution subordinated to the ministry against which the charges were pressed. Therefore the Steering board ruled that the facts represent discrimination pursuant to the provisions of Art. 2 par. 1 corroborated with Art. 10 letter b) of the Government Ordinance no. 137/2000, as they are an exclusion based on the capacity as complainant and on the basis of the belief criterion, resulting in the restraint of use and fair exercise of the right to access health services, a fact that is punished by a contraventional fine of Lei 2000, pursuant to the provisions of Art. 26 par. 1 corroborated with Art. 10 letter b) of the Government Ordinance no. 137/2000.

4. Language. Access to Public information

The petitioner association sees as discrimination the fact that the Mayor of Cristuru Secuiesc issued a Hungarian-only publication („Keresztúri Kisváros”). The editor’s name is written right under the newspaper title: „Székelykeresztúr Város Önkormányzatának ingyenes, havi kiadványa”, along with the associated Web site keresztur.ro.

In what concerns the right to public information access, the Steering board notes that the defendant created a difference between Hungarian-speaking people, who - aside from other means of access (petition to the defendant, Internet search) - are also offered a free monthly publication, and non-Hungarian-speaking people who are therefore not provided access to this means of information.

The Steering board Resolution no. 180 of 02.03.2016 disposed that the editing of a Hungarian-only publication by the local public authorities represents a fact of discrimination pursuant to the provisions of Art. 2 par. 1 corroborated with Art. 10 letter h) of the Government Ordinance no. 137/2000 and imposed a non-criminal warning, pursuant to the provisions of Government Ordinance no. 2/2001, art. 5 par. 2 letter a), art. 6 and art.7. A recommendation was also issued to the defendant to remedy the situation by editing a bilingual publication containing public interest information no later than 3 months since the date the Steering board Resolution was granted enforcement power.

5. H.I.V. The right to education and the right to confidentiality of personal data

The petitioner considers that he has been discriminated by the explicitly specified diagnosis of HIV in the medical certificate issued for the admission to the university, namely the note “H.I.V. under monitoring” under the category “suffers from”. The defendant, Ministry of Health, specified that “information on the HIV/AIDS status of a patient has to be communicated among experts in the field”, the patient being required to inform doctors, including dental specialists.

After examining the documents of the case, the Steering board issued the Resolution no. 235 of 23.03.2016 stating that issuing a medical certificate to the petitioner, to be used for purpose of admission exams to the university, without specifying if the patient can or cannot attend such exams but instead mentioning he is HIV positive represents a situation in which the said person might decide not to enrol to the university or to make public, with the breach of legal obligations clearly established by the defendant Ministry, his situation which is of no interest to people within the university but only to (medical) experts.

Therefore the specification of HIV on a certificate necessary for the admission to the university represents a fact of discrimination pursuant to the provisions of Art. 2 par. 3 of the Government Ordinance no. 137/2000 as the apparently neutral practice of filling in the “suffers from” category on the certificate disadvantaged the petitioner and thus affected his right to education and his right to confidentiality of personal data.

The Steering board notes that the defendants (the clinic and the doctor who signed the certificate) were passive parts and respectively active (Ministry of Health) in generating effects which unjustly discriminate a person upon admission to the university, and fall under the provisions of Art. 2 par. 4 of the Government Ordinance no. 137/2000, as follows:

- Specifying the H.I.V. diagnosis on a medical certificate for the university admission exams represents a fact of discrimination pursuant to the provisions of Art. 2 paragraphs 3 and 4 of the Government Ordinance no. 137/2000; a contraventional fine of Lei 5000 was imposed on the Ministry of Health, pursuant to the provisions of Art. 26 par. 1 of the Government Ordinance no. 137/2000;
- The demand of specifying an HIV diagnosis on a medical certificate, the purpose of which was only to assess whether the petitioner was fit for university admission exams has a discrimination nature, as pursuant to the provisions of Art. 2 paragraphs 3 and

4 of the Government Ordinance no. 137/2000; a contraventional fine of Lei 5000 was imposed on the clinic which issued the certificate; the medic who signed the certificate was sanctioned with a non-criminal warning, pursuant to the provisions of Art. 5, par. 2 letter a) and Art. 6 and 7 of the Government Ordinance no. 137/2000.

A recommendation was issued to the Ministry of Health in view of elaborating methodological norms requiring medical documents to be transmitted to units not of medical nature (schools, universities, employers etc.) to not bear H.I.V. diagnostics or other information of a personal nature not relevant to the matter (the case in point would have only required the document to mention whether the petitioner can or cannot attend the admission exams).

6. Ethnic origin. Access to medical care

The Hungarian Democratic Union in Romania considers a fact of discrimination has occurred by not communicating the diagnosis in Hungarian for a minor patient to the parent and by the refusal of medical services (release of the patient from the hospital) on ethnic grounds.

Following the examination of the file, the Steering board noted for further analysis the fact that the defendant medic did not offer the minor patient and her mother information on the health state of the patient in Hungarian language so that they understand the medical situation, although they have provided a translator free of charge for the hospital. The hospital itself would have had the possibility to come with a translator (according to the statements of the defendant medic, 40% of the hospital employees are of Hungarian origin).

In what concerns the facts of harassment, the Steering board noted that they have not been documented, witnesses only stating that the medic used an improper language and offering no details on what he said. The Steering board ruled that there is no conclusive evidence on the hypothesis that the behaviour of the patient (not speaking Romanian) or her mother's (not bringing in a person who would be able to help with the translation) would have motivated the dismissal of the patient from the defendant hospital. The Steering board notes that the defendant hospital is an emergency medical unit where only emergencies are treated and the dismissal of the minor patient took place two days after the car accident she was involved in; any additional medical treatment the patient would have needed would not require her being admitted into that hospital.

Therefore the Steering board saw fit that the burden of proof principle be applied, taking into consideration that the defendant hospital does not have an internal code of conduct on communicating with non-Romanian-speaking people; it is also relevant to the case that, although the hospital did not finish its internal investigation, it declared that the medic's behaviour was regrettable but still did not represent a fact of discrimination.

In the Steering board's opinion, the defendant physician is guilty for not providing such communication, and the defendant hospital for not having proper procedures in place for situations in which patients do not understand medical terms in the Romanian language. The fact that the hospital prejudged the case before the end of the internal investigation also shows that no clear measures are desired.

The Steering board Resolution no. 292 of 06.04.2016 states therefore that the behaviour of

the two defendant parties (active - the physician - and passive - the hospital) discriminated the patient and her mother because they were not able to obtain medical information on the health state of the patient already admitted to the hospital, as pursuant to the provisions of Art. 2 par. 4 of the Government Ordinance no. 137/2000.

Not informing the minor patient and her mother - who did not understand medical language in Romanian - on the patient's health situation, the proposed medical procedures, the potential risks of every procedure, any alternatives to the proposed procedures, including on not following the medical treatment and not observing medical recommendations, as well as on data on the diagnostic and forecast, in the mother tongue, is in the Steering board's opinion a fact of discrimination according to the provisions of Art. 2 par. 3, and Art. 10 letter b) of the Government Ordinance no. 137/2000.

A contraventional fine of Lei 2000 was thus imposed on the Cluj-Napoca Child Emergency Clinic Hospital and a fine of Lei 1000 was ruled in the case of the physician, according to the provisions of Art. 26 par. 1 of the Government Ordinance no. 137/2000.

The obligation of publishing a summary of the resolution in local media was required (with the observance of the confidentiality of patient and witness identities) pursuant to the provisions of Art. 26 par. 2 of the Government Ordinance no. 137/2000.

7. Others (obligation to wear school uniform). Right to education

The complainant, parent of school student M-J.C.I.M. claims provisions of Art. 112, 122 paragraphs 13 and 15, Art. 146 par. 4 of the organizational rules of gymnasium school no. 49 as discriminating, together with the provisions of Art. IV.1 letter n) of the Educational contract, provisions which led to the obligation to wear school uniforms within the Gymnasium School no. 49 from Bucharest and of enforcing sanctions for non-compliance.

The Steering board notes the defendant shows that the measures taken in view of introducing school uniforms is justifiable as it aimed at increasing the safety in schools, at wearing distinctive markings for school students, decent clothing, but it retains for further analysis applicable sanctions for non-compliance which might lead to possible drops in behaviour evaluations for the students and even to the loss of scholarships.

The Steering board also notes that the provisions according to which the lack of school uniform is sanctioned with drops in behaviour evaluations and, if case, with temporary or permanent loss of scholarship, is disproportionate as compared to the social effects it might have. Guilt cannot devolve upon school students or the parents with a financial situation which does not allow for the purchase of a school uniform. The Steering board notes that, although the measure of introducing school uniforms is legitimate, sanctions imposed for non-compliance create a discriminating effect against the disadvantaged category of students coming from within financially impoverished families, which also led to the conclusion that the measure is disproportionate against the reasons behind.

The Steering board Resolution no. 22 of 13.01.2016 acknowledges that the circumstances described represent facts of indirect discrimination pursuant to the provisions of Art. 2 par. 3 corroborated with Art. 4, Art. 10 letter h), Art. 11 par. 1 of the Government Ordinance

no. 137/2000, as republished. In what concerns non-criminal sanctions, the Steering board imposed a contraventional fine of Lei 1000 on the defendant together with the obligation of publishing a summary of the present decision in the media pursuant to the provisions of Art. 26 par. 2 of the Government Ordinance no. 137/2000.

8. Disability (autism and hyperactivity disorder) Right to education

The complainant's petition refers to the discrimination, from the part of the school tutor, against her son who was diagnosed with autism and hyperactivity disorder. The complainant sees as discriminating the fact that the tutor has a different attitude towards her son, by the fact of considering that the latter needed be enrolled in a special school and not follow the classes of a regular school.

The Steering board retained the points of view of the defendant parties by which the parties acknowledge the existence of issues in the classroom with respect to the complainant's son and his adaptation to that environment; the parties seem to suggest that the child's caretaker is the sole responsible. The Steering board considers that the refusal to adapt the school to the disabled child's needs as well as the methods used by the defendant parties in view of integrating the complainant's son effected in restraining his rights and represent a fact of harassment pursuant to the provisions of Art. 2 par. 5 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished. The Steering board appreciates that the alleged differentiated treatment was based on the diagnosis of the complainant's son, that of autism and hyperactivity disorder.

The Steering board Resolution no. 455 of 06.07.2016 states that the claimed facts represent a differentiated and discriminatory treatment pursuant to the provisions of Art. 2 par. 5 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished. In what concerns the non-criminal sanctions, the Steering board ruled on imposing a non-criminal warning against the defendant parties.

9. Ethnic origin (Roma people). The right to personal dignity

The petitioner reports the publication of discriminating advertisements on www.publi24.ro. The petitioner sees it as discriminating the fact that site administrators did not take any appropriate measures to eliminate such ads.

The Steering board notes that the ads were publicly posted on the defendant's Web site and prejudices the right to personal dignity while creating a hostile, degrading and humiliating environment for the gypsy ethnic group. The provisions of Art. 15 of the Government Ordinance no. 137/2000 also apply.

The Steering board Resolution no. 544 of 31.08.2016 states that the claimed facts represent facts of discrimination pursuant to the provisions of Art. 2 par. 1, 2 and Art. 15 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished. The Steering board ruled on imposing a contraventional fine of Lei 14,000 on the defendant SC Russmedia Press SRL, that is Lei 2,000 for each discriminatory ad, pursuant to the provisions of Art. 26 par. 1 of the Government Ordinance no. 137/2000.

10. Disadvantaged category (candidate height). Right to education

The petition subjects a minimum height condition of 1.7 m for boys and 1.65 m for girls upon the admission to the Târgu Ocna National School for Penitentiary Agents. The complainant considers such condition as a fact of discrimination.

The Steering board considers that, pursuant to the provisions of Art. 4 letter f) of the Justice Minister Order no. 2412/C/2013 on the approval of the Methodology for the organization and deployment of the admission contest for the Târgu Ocna National School for Penitentiary Agents, imposing a minimum height condition of 1.7 m for boys and 1.65 m for girls for the contest candidates harms the candidates' right to education. The Steering board notes that the treatment mentioned is based on candidates' height, that is a minimum height of 1.7 m for boys and 1.65 m for girls. Taking into account the provisions of Art. 11 par. 1 of the Government Ordinance no. 137/2000, the Steering board considers that the complainant falls under the disadvantaged category, that is the petitioner is obviously in a situation of inequity as compared to the majority of candidates, as candidates who measure less than the minimum height imposed by the Ministry of Justice norm are denied the right to education.

The Steering board Resolution no. 595 of 28.09.2016 states that the claimed facts represent a differentiated and discriminatory treatment pursuant to the provisions of Art. 2 par. 1, Art. 6, Art. 11 par. 1 and 2 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished. In what concerns the non-criminal sanctions, the Steering board ruled on imposing a non-criminal warning against the defendant parties.

11. HIV. The right to personal dignity

The petitioner's complaint points to the communication of a confidential diagnosis in a loud voice. The petitioner considers it a fact of discrimination that the defendant communicated the diagnosis in a loud voice and was overheard by other patients. The complainant went to the Galati Medical Expertise and Working Ability Recovery Commission, cabinet 1 of defendant 2. After a quick establishment of the degree, he was invited outside by the defendant 2 and told to wait for the Decision to be issued. The complainant asked "why does he not have a definitive Decision, taking into account that his immunology status is C3 and he should be issued a non-revisable Decision". The question was overheard by the defendant 2 who answered in a loud voice, people hearing her in the hallway: "What does he want? A permanent one? I cannot grant a permanent one for AIDS, I can only grant one for Degree 1. You should get it from the PERMANENTLY HANDICAPPED, I cannot do it." The hallway was silent and patients waiting outside started whispering and looking at the door to see the "person who has AIDS".

The Steering board notes that disclosing the petitioner's diagnosis breaches his right to personal dignity. The Steering board notes that the HIV infection criterion is the reason of the attitude claimed.

The Steering board Resolution no. 617 of 05.10.2016 states that the claimed facts represent a differentiated and discriminatory treatment pursuant to the provisions of Art. 2 par. 1 and of

Art. 15 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished. In what concerns the non-criminal sanctions, the Steering board ruled on imposing a non-criminal warning against the defendant 2 and recommended her to observe the confidentiality principle in the future.

12. Age, gender. The right to work

The petitioner points to discrimination in maintaining the employment status of women researchers, originating in the different retirement ages unlike in the medical or educational system. The petitioner considers a fact of discrimination that a male colleague was allowed to continue working although he is 65 while she was no longer allowed to work although she is only 60.

The Steering board notes that the dismissal of the work continuation request of the petitioner and the acceptance of a similar request from a male colleague is based on the retirement age, directly connected to the gender of the two persons, that is the female petitioner and her male colleague. The Steering board considers that by terminating the petitioner's labour contract her right to work is infringed.

The Steering board Resolution no. 762 of 29.11.2016 states that the claimed facts represent a differentiated and discriminatory treatment pursuant to the provisions of Art. 2 par. 1 and of Art. 7 letter a) of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished. In what concerns the non-criminal sanctions, the Steering board ruled on imposing a non-criminal warning against the defendant parties.

13. Facts of discrimination against gypsies by associating them with the idea of theft

The Romanian National Council for Combating Discrimination was notified by the Amare Romentza Rromani Centre on the following public statements in the Morning ZU radio show on June 16, 2015, 08:50, about the Romani Language Days: "a ciordi" is a synonym of "a mangli". The petitioner considers that the Romani language has thus been presented as a language of thieves and that gypsies were associated with the idea of theft. The defendant disagrees with the discrimination charges and states that the statements were part of a humoristic moment with no intended purpose of generating conflicts of negative attitudes and that they do not contain any references to any characteristic of the Romani language.

The Steering board Resolution no. 97/03.02.2016 notes the existence of a differentiated and discriminatory treatment on the basis of Ethnic origin pursuant to the provisions of Art. 2 par. 1 and Art. 15 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished (unanimously voted), and disposed that the defendant be fined with a warning. The Romanian National Council for Combating Discrimination also obliges the defendant part to publish the summary of the current decision, excluding the personal data, into a national newspaper.

14. Conditioning the acceptance of a candidate on a job position on “higher long term education of technical profile” and job seniority of at least 2 years in the field of education

The petition filed by T.A., the petitioner, with the Romanian National Council for Combating Discrimination on 09.09.2015 concerned the restriction of the right to apply for a job opening. The defendant published in local media a job opening announcement within the Procurement and Public Acquisitions Office, potential candidates being required to meet the conditions of “higher long term education of technical profile” and at least 2 years seniority in a job within the profile of education. The petitioner considers the educational criterion as discriminatory taking into account the employing office name and the contest study material; thus, he says, technical long term education graduates are favoured against economical long term education graduates.

After analysing the announcement, the contest study material and the job responsibilities, the Steering board notes that the conditions (higher long term education of technical profile and at least 2 years seniority in a job within the profile of education) unjustly restrict the occupation of the respective opening. Due to the nature of specific professional activities, one can note that said conditions are not professional real and determinant requirements. After analysing the real situation and the corresponding legal provisions, the Steering board note that these conditions imposed by the employer are not professional real and determinant requirements, the object being illegitimate.

The Steering board Resolution no. 216/16.03.2016 stated (unanimously voted by all members attending the meeting) that the situation falls under the provisions of Art. 2 par. 3 and par. 6 and of Art. 8 par. 2 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished. It has also been ruled (unanimously voted by all members attending the meeting) that the defendant be sanctioned with a contraventional fine of Lei 1,000.

15. Restraining access to education

The Romanian National Council for Combating Discrimination opened an investigation by itself on the specific criteria for the enrolment of children in the primary education system, preschool year, criteria limiting the children’s access to the preschool year on the basis of their belonging to a certain social category.

The management of the defendant high school stated that the list of criteria approved by the Steering board was forwarded to the Inspectorate, accompanied by the associated inter-institutional correspondence meant to achieve “as less discriminating as possible”. The Inspectorate calls for the provisions of Government Ordinance no. 137/2000 and requests the change of criterion 4 by adding brothers who did not graduate from that particular high school and, per the specific criteria established by the high school, states that they contain positive statements and do not include restrictions or limitations.

Following the analysis of imposed criteria, the Steering board notes that defendant parties condition children’s access to the preschool year on the criterion of family relations (brothers,

parents, grandparents, legal tutors who graduated from that high-school, have been or are teachers). The Steering board also states that such criteria are not necessary because they restrict access to education.

The Steering board Resolution no. 258/30.03.2016 (unanimously voted by all members attending the meeting) decided to fine the high school with Lei 2,000 taking into account that this is a case of direct discrimination pursuant to the provisions of Art. 2 par. 1, corroborated to the provisions of Art. 11 par. 1 of the Government Ordinance no. 137/2000. In what concerns the Inspectorate, the Steering board members unanimously acknowledge the fact of discrimination, pursuant to the provisions of Art. 2 par. 4 corroborated to the provisions of Art. 11 par. 1 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished, and imposes a contraventional fine of Lei 4,000 to the School Inspectorate. Defendant parties have also been obliged (unanimously voted by all members attending the meeting) to publish the summary of the present decision, excluding the personal data involved, on their Web sites and into a local newspaper.

16. Equal opportunity for access to housing

The Romanian National Council for Combating Discrimination opened an own investigation on the limitation of the rights of disabled people and people belonging to vulnerable social categories to access social housing as compared to other social categories, due to a different ranking. The Steering board Romanian National Council for Combating Discrimination's Steering board notes that the access of disabled to social housing is limited as compared to other social categories. Thus, the Steering board notes that criterion no. 4 "disabled people" grants only 4 points to people falling under this category as compared to 15 points granted to people falling under criterion no. 7, "veterans and war widowers, revolutionaries as per Law 341/2004 modified and amended, war crippled, former political prisoners and their heirs" or to people with higher education (10 points). The Steering board notes that, in this case, the defendant limits also the equal access to social housing of the people in vulnerable groups. The defendant did not reverse the burden of proof.

The Steering board Resolution no. 349/04.05.2016 (unanimously voted by all members attending the meeting) decided to fine the Mayor of Bucharest with a contraventional fine of Lei 10,000 taking into account that this is a fact of discrimination pursuant to the provisions of Art. 2 par. 1 and par. 4, corroborated to the provisions of Art. 10 letters a) and h) of the Government Ordinance no. 137/2000, as republished. It also requires the defendant to publish a summary of the decision in the media and recommends it to review the examined decision in the sense of increasing the points number for the above-mentioned categories. A six-months monitoring period was started.

17. The daily school program difference

Solicitors U.M. and U.D. notify the Romanian National Council for Combating Discrimination of the existence of a difference in the daily program between three classes XI (same year of study) - morning program for the two bilingual (Spanish studies) XI classes (whose students attended gymnasium within the high school) and afternoon program for the one non-bilingual (students coming from other schools).

After examining the state of facts the Steering board notes that by separating the two shifts - morning program for the two bilingual Spanish studies XI classes and afternoon program for the one non-bilingual - the defendant prioritizes the students who attended gymnasium within the high school and offers them the possibility to attend morning classes while students coming from other schools were restricted the right to equal opportunity education by the differentiated treatment of afternoon program.

The Steering board Resolution no. 440/22.06.2016 noted that favouring the students who attended gymnasium within the high school by offering them the possibility to attend morning classes as compared to the students coming from other schools, in the sense of restricting equal opportunity education access by applying the different treatment of afternoon classes is a fact of discrimination pursuant to the provisions of Art. 2 par. 1, corroborated to Art. 10, letter h of the Government Ordinance no. 137/2000 as republished, and recommended the defendant to draft a schedule to take into account the same program for all groups/classes of the same year of study, or to enforce a rotational schedule so that all students of the same year be offered the possibility to attend both morning and afternoon classes.

18. Restriction of equal access to education

The Romanian National Council for Combating Discrimination opened an investigation by itself on granting additional free of admission seats for children of teachers or employees of the defendant college for the 5th grade admission in 2016. The Romanian National Council for Combating Discrimination Steering board notes that the defendant favours the children of teachers or employees of the college, as specified in the provisions of point 10 of the admission procedure for the 5th grade class of 2016. The Steering board notes that the burden of proof has not been reversed for the present case.

The Steering board Resolution no. 349/04.05.2016 (unanimously voted by all members attending the meeting) notes the existence of a differentiated and discriminatory treatment pursuant to the provisions of Art. 2 par. 1 corroborated to Art. 10 letter h) and Art. 11 par. 1 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished (unanimously voted), and disposed that the defendant be fined with a warning and together with the obligation of publishing a summary of the present decision in the media.

19. The right to equal opportunity access to social services

The complainant notifies the Romanian National Council for Combating Discrimination on the existence of a different financing quantum on social services for the disabled within the public system as compared to the private one. The complainant association offers integrated services for children, youth and adults and benefits from a smaller state financing than public institutions offering the same set of services.

After analysing the situation, the Steering board notes that differentiated state financing of private social services represents a fact of discrimination. Disabled people resorting to the public system are in comparable situation with those resorting to the private one, because they have the right to benefit from the minimum standard social services established by the Government of Romania. The Steering board notes that the state externalizes the provision

of social services to the disabled to NGOs and establishes the same set of authorization standards as in the case of public institutions and also notes that this does not give the authorities the right to underfinance (10 times lower) services per person per month.

The Steering board Resolution no. 576/14.09.2016 noted that differentiated state financing of private social services as compared to the public ones, effecting in the breach of the right to equal opportunity access to social services is a fact of discrimination pursuant to the provisions of Art. 2 par. 1, Art. 2 par. 4, Art. 10 letter h) corroborated to Art. 15 of the Government Ordinance no. 137/2000 republished and ruled (by the unanimous vote of all members attending the meeting) to impose a contraventional fine of Lei 7,000 to the Ministry of Labour, Family, Social Protection and Elderly and a contraventional fine to the Government of Romania via the Government General Secretariat.

20. Discrimination of employees over trade-union membership

The petitioner reports that the members of the trade union, employees of the defendant company, are discriminated against by the management over their union membership.

After analysing the situation, the Romanian National Council for Combating Discrimination Steering board notes that the defendant limits the right to join a trade-union and the access to facilities granted by a union, and that members of the complainant union are harassed at the workplace by such actions.

The Steering board Resolution no. 577/14.09.2016 noted that limiting the right to join a union and access to facilities granted by a union, as well as the harassment of the complainant union members at work is a fact of discrimination pursuant to the provisions of Art. 2 par. 1, par. 4, Art. 2 par. 5, corroborated to Art. 7 f) of the Government Ordinance no. 137/2000, republished, and imposed on the defendant, S.T.A.S. S.A., a contraventional fine of Lei 5,000 pursuant to the provisions of Art. 26 par. 1 of the Government Ordinance no. 137/2000 together with the obligation of publishing a summary of the present decision in the media.

21. The refusal of registering a petition not written in Romanian and the refusal of a police officer to communicate with the petitioner in a language other than Romanian

The petitioner's notification refers to a case of discrimination on language grounds, the complainant being refused the registration of a petition and communication in a language other than Romanian.

After analysing the situation, the Steering board of the Romanian National Council for Combating Discrimination notes that by refusing to register the petition and communicate in a language other than Romanian, including Hungarian as requested by the petitioner, the defendant parties breached the petitioner's right to file petitions with public institutions and authorities. The right to file a petition is a fundamental (indestructible) right, the equality principle, privilege exclusions and anti-discrimination being guaranteed by the law. Upon the analysis of the defendant's fact of discrimination, the Steering board took into account that,

according to legal provisions, public authorities and institutions are required to organize a different compartment for public relations to receive, register and settle petitions and reply to the petitioners. In this case, due to the fact that 51.64% of the inhabitants of Savadisla are of Hungarian origin, the defendant Police Inspectorate is obliged to also employ people of Hungarian origin. The police agent was required to receive and register the petition; the regulations on petition solving activity state that petitions registered are to be forwarded to expert departments function of their object. The Police Inspectorate is responsible for the proper organization and development of the activity of receiving, registering and solving petitions.

The Steering board Resolution no. 658/26.10.2016 showed that the refusal of registering a petition and the refusal to comment in any widespread language by the police officer represents a fact of discrimination pursuant to the provisions of Art. 2 par. 1 and Art. 10 letter h of the Government Ordinance no. 137/2000 republished and decides to impose a warning on the police officer. The Police Inspectorate is responsible for the proper organization and development of the activity of receiving, registering and solving petitions. Non-compliance with the provisions of Art. 79 of Law 360/2002, of Art. 4 of the Ordinance no. 27/2002 on regulating the petition settlement activity, as updated, represents a fact of discrimination pursuant to the provisions of Art. 2 par. 1 and Art. 10 letter h) of the Government Ordinance no. 137/2000 republished and provides for a contraventional fine of Lei 2,000 pursuant to the provisions of Art. 26 par. 1 of the Government Ordinance no. 137/2000

22. Access to public information. The right to public information

The petitioner reports that information of public interest was published exclusively in the Hungarian language on the website of the defendant, the Mayor's Institution of M. Hence, the access to public information of citizens who do not speak Hungarian is restricted and the right to public information is infringed.

The Steering board Resolution no. 368/18.05.2016 notes the existence of a differentiated and discriminatory treatment on language grounds, pursuant to the provisions of Art. 2 par. 1 and Art. 15 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished, and ruled on imposing a warning on the defendant Mayor's Institution of M., pursuant to the provisions of Art. 2 par. 1 and Art. 15 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished.

23. Racist manifestations

The Romanian National Council for Combating Discrimination opened an investigation by itself on a possible fact of discrimination by racist manifestations during a feminine handball game between H.C. Zalău and H.C.M. Baia Mare. After the game, the player M.C. and the foreign player A.P. published the following reactions on their Facebook profile pages: A.P. wrote: "...a part of Romania showed me lack of respect. I am of colour and I am proud of it. If you do not know how to appreciate this, let me remind you I am representing a Romanian team. I am polite with you all, I always stop to take pictures and what do you show me? If you do not respect me, then I do not have anything to do here. I will not let anyone step upon me, especially because of my origin". During the game, a group of supporters of H.C. Zalău

shouted to A.P. calling her “monkey” and imitated monkey sounds. Officials of the Romanian Handball Federation attending the game and the game referees did not take any measure in order to stop such racist manifestations, as the sports regulations required. Thus, by the passive behaviour of the FRH game observer and referees, the Steering board considers it is a case of non-criminal offences pursuant to the provisions of Government Ordinance no. 137/2000, as republished.

The Steering board Resolution no. 182/02.03.2016 notes that the aspects observed represent facts of discrimination pursuant to the provisions of Art. 2 par. 1 corroborated to Art. 15 of the Government Ordinance no. 137/2000 on the prevention and punishment of all facts of discrimination, republished, and imposed a contraventional fine of Lei 5000 on the defendant - the Handbal Club of Zalău, by its legal representative; Lei 5000 on the defendant - F.R.H., by its legal representative; Lei 3000 on the FRH game observer, Mr B.A.; and Lei 2000 on the game referees, Mr. R.H. and Mr. S.S., pursuant to Art. 26 par. 1 of the GO no. 137/2000 on the prevention and punishment of all facts of discrimination, as republished.

24. Discrimination at work, harassment and victimization

The complainant claims acts of discrimination, harassment and victimization at work. The criteria indicated by the complainant are: her family situation, her maternity status and her status as a person protected by special legal provisions, that is the provisions of the Government Ordinance no. 111/2010, as well as her situation as a complainant in a case of violation of equal treatment and non-discrimination rights.

The Steering board also noted that the petitioner notified the NCCD by petition no. 1897/12.03.2015, upon which the decision no. 349/12.08.2016 noted the existence of facts of discrimination. After the decision was enforced, the discriminating treatment continued, and the petitioner was still located in the same meeting room, on the ground floor of the building. Despite the petitioner’s requests, no job task was assigned to her and no office equipment was provided. The petitioner’s treatment eventually led to the termination of her labour contract as of December 8, 2015.

The Steering board Resolution no. 570/14.09.2015 ruled on the notified aspects of differentiating and discriminatory treatment, pursuant to the provisions of Art. 2 par. 1, Article 2 par. 7, Article 7 letter a) and Article 15 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished. The defendant was imposed a contraventional fine of RON 15,000 for the facts specified in Article 2, par. 1, Article 2, par. 7, Article 7 letter a) and Art. 15 of the GO 137/2000, as republished, pursuant to Art. 26 par. 1 of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished. The defendant was also instructed to publish a summary of the NCCD Solution pursuant to the provisions of Art. 26 (2) of the GO 137/2000 on the prevention and punishment of all facts of discrimination, as republished.

25. Disability. Access to public premises

The petitioner, a person who cannot move on their own, reports the lack of toilets for disabled, of ways and means of access or ramps, the lack of parking spaces in public institutions and Hotel Muntenia in Pitești, as representing facts of discrimination. In 2012, the petitioner and

his representative were assaulted by an employee in the parking space of Hotel Muntenia after having parked their vehicle on a parking space marked as “temporary reserved”, and thus their security and protection were threatened. As a result of this incident, during 2013, both the petitioner and his representative were summoned for police hearings as part of the criminal files that had been opened in the case. Critics on not providing access in the institutions of the public administration are brought, as well as on the ways the criminal files are investigated - upon their petition (as complainants) and with them as criminal suspects. The Steering board noted that, because of the petitioner’s disability (a person in a wheelchair), he cannot exercise his right to access like any other normal person and that he has to benefit from additional measures from the part of the defendant parties in order to be able to exercise his rights. The petitioner’s access to and out of buildings belonging to Hotel Muntenia, Police Precinct 1, 3 Pitesti and Pitesti Court is restrained/impossible by the lack of access ramps, the lack of disabled toilets, lack of especially marked parking spaces able to provide equitable access without any additional effort from the part of the petitioner in the wheelchair.

The Steering board Resolution no. 427/15.06.2016 noted that the facts charged against the defendants: Hotel Muntenia (Pitești), Police Precinct 1 and Police Precinct 3, represent facts of discrimination pursuant to the provisions of Art. 2 par. 1 corroborated with Art. 10 letter h) and Art. 15 of the Government Ordinance no. 137/2000 republished and ordered a contraventional fine of Lei 6000 each. The facts held against the defendant Pitesti Court by Argeș Tribunal represent facts of discrimination pursuant to the provisions of Art. 2 par. 1 corroborated with Art. 10 letter h) and Art. 15 of the Government Ordinance no. 137/2000 republished, the contraventional fine being enforced via an acknowledgment record on non-compliance with social care legal provisions, series: ANPIS no. 10743/25.03.2015; No elements of a fact of discrimination are found, pursuant to the provisions of Art. 2 par. 1 of the Government Ordinance no. 137/2000 republished, against the Mayor of Pitesti, Argeș Tribunal and Pitesti Appeal Court.

26. Personal dignity. Disability

The petitioner claims that on September 30, 2015 around 12:20, in the courtyard of the C.B. school in Bucharest sector 3, she was physically and verbally abused by the defendant, the latter verbally insulting her and her son who was diagnosed with “global mental and language moderate retard, IQ 55, 2nd degree obesity, hyperthyroidism under substitution treatment”. It has been ascertained that statements were made in public and target the right to personal dignity, creating a hostile, degrading, humiliating atmosphere against the petitioner and her son, pursuant to the provisions of Art. 15 of the Government Ordinance no. 137/2000. The legitimacy of sanctions is given by the need to mainly protect others’ reputation and rights but one can also invoke public safety, moral preservation.

The Steering board Resolution no. 551/07.09.2016 noted that facts described in the petition represent facts of discrimination pursuant to the provisions of Art. 2 par. 1 corroborated to Art. 15 of the Government Ordinance no. 137/2000 republished and fined the defendant 1,000 lei.

27. Disability. Access to public premises

The petitioner reports that the green light equipment with acoustic signals installed at the

crossroads Șos. Oltenița with Bd. C. Brâncoveanu and Str. Alunișului and the lack of access ramps restricted the access of disabled persons, in particular blind people. The petitioner claims that, as the local authorities only managed to provide easy access only in a small part of the crossroads in Bucharest, she filed many petitions both in her name and in the name of some associations, requesting proper equipment's with crossing buttons at the crossroads of Șos. Olteniței and Bd. Constantin Brâncoveanu and Str. Alunișului, considering the high number of blind people in that area, in addition to people with other disabilities. The complainant claims the equipment is improper, because of the incorrectly adjusted acoustic signals and the signalled area adapted only from one side of the road up to the middle of it crossroads, with no continuation to the other side of the street. One can in fact start crossing the road at the green light only up to the middle of the street, where blind people will have to risk their life to finish crossing the street. The complainant claims that access ramps are also tricky and cannot be used by a person in a wheelchair.

The Steering board Resolution no. 41/20.01.2016 noted that the case is pursuant to the provisions of Art. 2 par. 1 and Art. 10 letter h) of the Government Ordinance no. 137/2000 on the prevention and punishment of all facts of discrimination, as republished, and imposed a warning on the defendant Mayor of Bucharest, pursuant to the provisions of Art. 7 of the Government Ordinance no. 2/2001 on the legal regime of offences and of Art. 26 par. 1 of the Government Ordinance no. 137/2000 on the prevention and punishment of all facts of discrimination, as republished. The Steering board recommends Mayor of Bucharest that they take appropriate measures no later than 6 months to provide budgetary funding for the repair of the situation notified by the complainant and implement measures taken in no longer than 1 year. The Steering board also recommends social inspectors within the National Agency for Payments and Social Inspection within the Ministry of Labour, Family, Social Protection and Elderly to control and sanction in no more than 6 months the lack of measures pursuant to the valid legislation.

28. Language. Access to public information

The complainant claims that one of the public buildings of the Ciceu Mayor's Institution is exclusively branded in Hungarian. The complainant claims that there is a sign written exclusively in Hungarian on one of the public buildings of the Ciceu Mayor's Institution, Harghita county. The petitioner also submitted a series of photos with the building marked as "Kulturthothon". The complainant claims that by placing that sign written exclusively in Hungarian she is conditioned access to information regarding the destination of that building by the knowledge of Hungarian language. The mayor of Ciceu sends a very clear message through which he shows Romanian citizens who speak Hungarian are preferred. The petitioner, in her written conclusions, shows that the mayor took down the sign after receiving the petition and associated documentation.

The Steering board Resolution no. 43/20.01.2016 notes the existence of a differentiated and discriminatory treatment pursuant to the provisions of Art. 2 par. 1 corroborated to Art. 10 letter h) of the Government Ordinance no. 137/2000 on the prevention and punishment of all facts of discrimination, as republished, and ruled on imposing a warning, pursuant to the provisions of Art. 5 par. 2 and Art. 7 par. 3 of Government Ordinance no. 2/2001 on the legal regime of offences, with additional changes and modifications. The Steering board also recommends the defendant to make all due efforts so that public interest information be

found both in Romanian and Hungarian languages, thus offering all people the possibility to unrestrained access to public interest information.

29. Employment. Child care leave. Gender

The complainant reports the humiliating, unjust, degrading and discriminatory treatment she was subjected to upon her return to work from child care leave. The petitioner, employed as General Director with extended responsibilities as a Commercial Director within the defendant part, shows that she has been subjected by the defendant to humiliating, unjust, degrading and discriminatory treatment upon her return to work from child care leave. During the child care leave until the child turns 1, on 09.10.2014, the petitioner was summoned to the defendant's headquarters where she was verbally informed on the liquidation of the management positions she was occupying and on the fact that colleagues in Centrofarm took over the associated responsibilities. The petitioner was recommended to look for work because "your position as a General Director is out" and, because she however did not perform well and showed no interest in work since she went home to care for her child, although other colleagues had babies and worked from home, and she has been told: "Things might not have slipped so bad if you didn't have this child and continued working". From the very first day of work, in a discussion with the employer's representatives on her return to work, she was informed on the following: her reputation will be affected "it is a pity that employers who contributed to your professional development speak bad of you. This happens because such an attitude as yours is not of nature to generate any sympathy"; nothing good will come out of this situation "You won't win anything, believe me, out of all this rattle" and the petitioner would supposedly have to suffer the most hostile working conditions ever, especially mental ones "nobody will like you because I will see to this. I will call for a general meeting with the whole company and I will say: Raluca has no job here, she keeps fighting with us, we will park her in office 3 and nobody will be allowed to talk to her because you are not her subordinates. The matter ends here. You will be an outcast in this office. It is very burdensome. Do you understand? So you don't afford to do this. You will go crazy. It is a pity." The petitioner shows she is the only employee of the defendant who does not have a company mobile phone, laptop/computer, as she was forced to hand them back upon her return to work. She is the only employee who is not allowed to read or write anything, except draw on napkins, paper coffee mugs or bits of paper. She is not allowed to have a notebook or to speak on the phone and she is constantly reminded she is the only employee that has to do nothing and she will be fired as soon as the law will allow it. The petitioner is the only employee who does not have access to the internal network, to the timekeeping system, vacation system, and she is the only employee who is not allowed to work.

The defendant says that, as a result of the economic state of our society, the whole management system was replaced, 10 people were fired and the company is administered by another company. The petitioner was the only one not fired because of the legal status which did not allow for her to be fired. Taking into account the exceptional situation of the petitioner and that of the employer - that is all management positions have been liquidated, the company does nothing more than fulfil its legal obligations.

The Steering board Resolution no. 88/03.02.2016 noted a fact of discrimination from the part of the defendant, pursuant to the provisions of Art. 2 par. 1, Art. 2 par. 5 corroborated with Art. 7 letter a of the Government Ordinance no. 137/2000 on the prevention and punishment

of all facts of discrimination, as republished, and of Art. 10 par. 8 corroborated with Art. 6 par. 1 and 3 of Law 202/2002 on equal treatment between men and women, as republished, and imposed on the defendant S.C. Plafar Retail S.R.L. by its representative a contraventional fine of Lei 2000 pursuant to the provisions of Art. 2 par. 11, Art. 26 par. 1 of the Government Ordinance no. 137/2000 modified and amended by Government Emergency Ordinance no. 19/27.03.2013, corroborated with Art. 8 of the Government Ordinance no. 2/2001 on the legal status of offences.

30. Differentiated Treatment. Disability

The petitioner's notification refers to a potentially different treatment in the case of the refusal, by the defendant, to allow the vehicle tax exemption for the complainant who was acting on behalf of the severely disabled child.

The defendant explains that, following the clarifications received from the line ministry, by means of the letter registered with no. 1661/4/8/2016, the institution had informed the petitioner acting on behalf of M. A. C., the severely disabled child, on the fact that they were allowed the exemption from the payment of the vehicle tax for the vehicle Hyundai Elantra.

In its Decision nr. 759/23.11.206, the steering board decided that a differentiated discriminating treatment took place on grounds of disability, according to article 2 paragraph 1 and article 10 h) of the Government Decision 137/2000 on the prevention and punishment of all forms of discrimination, as republished (unanimity of votes) and ruled for a contraventional warning against the defendant, pursuant to article 26 of the Government Decision 137/2000, in conjunction with article 7 of the Government Decision no. 2/2001 on the judicial regime of contraventions, as further amended and supplemented; Recommends to the other party to show concern and resilience in order to take into consideration, in providing services to the citizens, all the relevant differences and all the appropriate measures to make sure that the available services are specifically afforded by all citizens.

31. Job advertisement. Access Restricted to Men.

The petitioner referred to the fact that job advertisement with following contents was posted on Facebook: "Craiova English Schools employing a female MA/MSc student, Italian, French and/or English speaking, with a pleasant personality, convivial and patient, for children at school/day-care, or adults. The ideal candidate is a female, team-player and result-oriented student or MA/MSc student".

He claims, at the same time, that several pictures were posted as well, showing little girls only.

The petitioner considers the respective job advertisement as discriminatory and asks the following question:

"Do men not have the right to work?"

And what about men who teach foreign languages?"

What if his son wanted to study foreign languages?

Would he try to talk his son out of it because he may be discriminated?

The defendant responds that the job advertisement about a female MA/MSc female student “with a pleasant personality, convivial and patient” hadn’t been meant to imply a state of men inferiority.

In its partnerships, Craiova day-care focused on the act of teaching to children’s best interest and not on men discrimination.

In addition, they say, the company was established and managed by a male person, with another male person employed under a non-term based contract.

Therefore, the gender requirement was out of question.

The complainant added to his point of view a request from the Parents and Teachers Association of the Tudor Vladimirescu Kindergarten 21, on behalf of which the job advertisement had been posted.

The steering board takes into account that the respective advertisement was the only one, among many others posted as part of a Facebook recruitment campaign, to have a discriminatory content, therefore it ruled for least severe penalty, namely a warning notice.

In its Decision no. 513/20.07.2016, the Steering board retained that the aspects in this case were an act of discrimination, pursuant to the provisions of article 2 paragraph 1 and article 8 paragraph 2 of the Government Decision 137/2000 on the prevention and punishment of all forms of discrimination, as republished; It decided to give a warning notice to Craiova English School, in line with the provisions of article 5 paragraph 2 a) of the Government Decision no. 2/2001 (6 votes for and 2 votes against, counting the members attending the meeting) and recommended the defendant to avoid, such action leading to discrimination in the future (unanimity of votes);

32. Access to economic services. Disability

The petitioner, a person with a serious disability, filed against the female defendants who refused to hand him the digital bank card motivating that there was no holograph signature.

The defendants did not submit any point of view with respect to the aspects in the complaint before the date on which the case was settled.

In its Decision no. 111/10.02.2016, the Steering board ascertained the incriminated facts as an action of discrimination, pursuant to article 2 paragraph 1 and article 10 d) in conjunction with the provisions of article 15 of the Government Decision 137/2000 on the prevention and punishment of all forms of discrimination, as republished;

The Steering board decided for a contraventional fine of 40,000 lei to Păcurari Raiffeisen Bank Agency through a legal representative, for the facts incriminated by article 2 paragraph

1, article 2 paragraph 5, article 10 d) and article 20 paragraph 6 according to the article 26 paragraph 1 of the Government Decision 137/2000 in conjunction with the provisions of article 8 of the Government Decision 2/2001 on the legal regime of offences, as further amended and supplemented (a decision taken by unanimity of votes, counting the Steering board members attending the meeting).

The Steering board decided for a contraventional fine of 30,000 lei to Raiffeisen Bank S.A. through a legal representative, for the facts incriminated by article 2 paragraph 3, article 10 d) and article 20 paragraph 6 according to the article 26 paragraph 1 of the Government Decision 137/2000 in conjunction with the provisions of article 8 of the Government Decision 2/2001 on the legal regime of offences, as further amended and supplemented (a decision taken by unanimity of votes, counting the Steering board members attending the meeting).

The Steering board recommends the parties against which the complaint was filed to show resilience and concern in order to make sure that, in the services provided to citizens, they take into account all the relevant differences and the appropriate measures to ensure that available service may be specifically accessed by all the citizens.

The Steering board ordered the parties against which the complaint was filed to publish in the media a summary of the Decision of findings in accordance with the provisions of article 26 paragraph 2 of the Government Decision 137/2000;

33. Job advertisement. Language

The petitioner notifies the National Council for Combating Discrimination that, between June 8 and June 10, 2015, the City Hall of Miercurea-Ciuc launched a concours for the position of one class III senior civil service clerk within the Records and Archives Compartment of the Miercurea-Ciuc Mayor Head-office. According to the official website, as a requirement for participating to this concours the candidates must know the Hungarian language (the notice issued by the Miercurea-Ciuc City Hall and included in an annex to the claim). In the petitioner's opinion, that requirement is discriminatory.

The defendant in this case shows that the local public administration authority does not intend to proceed to discriminating action, as the other party claimed.

The Steering board retains that the requirement to know the Hungarian language for the position of class III senior clerk within the Records and Archives Compartment of the Miercurea-Ciuc Mayor Head-office is not an actual and major requirement for the profession.

In its Decision no. 110/10.02.2016, the Steering board ascertained the incriminated aspects as discriminatory action, pursuant to the provisions of article 2 paragraph 1, article 6 in conjunction with article 8 paragraph 2 of the Government Ordinance 137/2000 on the prevention and punishment of all forms of discrimination, as republished, and ordered a fine for the defendant of 2000 lei, according to the provisions of article 2, paragraph 1 and article 26, paragraph 1 of the Government Ordinance 137/2000 on the prevention and punishment of all forms of discrimination, as republished.

The Steering board advised the defendant not to use this kind of requirements to ensure the

fundamental rights of people not knowing the Hungarian language and the non-discrimination principle, as guaranteed in Romania by the Constitution and the Government Decision 137/2000, as republished.

The Steering board ordered the defendant to publish in the local media a summary of the Decision of findings, though protecting the confidentiality of the name and domicile of the petitioner, in accordance with the provisions of article 20 paragraph 11 of the Government Decision 137/2000;

34. Advertisement on the internet. Ethnic origin

The petitioner notifies the National Council for Combating Discrimination that on the website www.micapublicitate.ro advertisements were posted that were potentially discriminating against the Roma ethnics.

The party against which this notification was filed showed thankful for the information contained in the complaint, adding that after the summon they proceeded to remove the advertisements in question, at the same time changing the posting terms in the sense that the words used to create discriminatory wordings were put on the shortlist of words that are automatically removed by software checks.

They also underline that they were not aware of those discriminatory advertisements until they actually received the summons.

In its Decision no. 592/28.09.2016, the Steering board ascertained the facts as action of discrimination, pursuant to the provisions of article 2 paragraph 1, article 10 c), article 15 of the Government Ordinance 137/2000 on the prevention and punishment of all forms of discrimination, as republished; the Steering board ordered a contraventional fine of 2000 lei, in accordance with the provisions of article 26 paragraph 1 of the Government Decision 137/2000 on the prevention and punishment of all forms of discrimination, as republished;

35. Discriminatory provisions included in Order no. 725/12709/2002 on the criteria for deciding on the degree of disability for children suffering of Diabetes Mellitus I between 0 and 7 years of age (age, non-contagious chronic disease, disability)

The petitioners notify the National Council for Combating Discrimination on the discriminatory provisions included in Order no. 725/12709/2002 on the criteria for deciding on the degree of disability for children suffering of Diabetes Mellitus I between 0 and 7 years of age (age, non-contagious chronic disease, disability)

The complainant requests the Council to conduct an investigation of a potential breach of the non-discrimination principle, as regulated in accordance with the internal laws and the international agreements to which Romania is a party, by the fact of using, in Chapter V c), the phrase “between 0 and 7 years of age”, as follows:

Chronic metabolism and nutrition disorder, in Annex no. 2 to the Order no. 725/12709/2002 on the criteria for assessing the degree of children's disability and applying the special protection measures required in their case, as issued by the Ministry of Health and Family and the National Authority for Child Protection and Adoptions.

The defendants acknowledge the petitioners' request as pertinent considering the severe and often unpredictable development of the Diabetes Mellitus in children, as well as the need of frequently checking the sugar level, the careful decision regarding the insulin treatment on a case by case basis and the special and strictly supervised diet.

They see as opportune and necessary changing the provisions in letter c) Chapter V of the Annex no. 2 to the Order 725/12709/2002.

They also show that the legislation in force regulating the classification of disabled children by degrees of disability is in line with the international standards, fostering the psychological bio-social model of treating disability.

The Steering board retains that an age limit for the children with Diabetes Mellitus between 0 and 7 years of age, in the provisions of letter c) Chapter V of the Annex no. 2 to the Order no. 752/12709/2002, issued by the Ministry of Health and the National Authority for the Child Protection and Adoptions is discriminatory.

In its Decision no. 399/08.06.2016, the Steering board ascertained the incriminated facts as an action of discrimination, pursuant to article 2 paragraph 1 and the aspects in the case are acts/facts of discrimination pursuant to the provisions of article 2 paragraphs 1, 3 and 6 and article 10 h) of the Government Decision 137/2000 on the prevention and punishment of all forms of discrimination, as republished;

The Steering board set a fine of 2000 lei for each of the defendants, in accordance with the provisions of article 2 paragraph 11, article 26 paragraph 1 of the Government Decision no. 137/2000, as further amended and supplemented by the provisions of the Government Emergency Ordinance no. 19/27.03.2013, in conjunction with article 8 of the Government Decision no. 2/2001 on the legal regime of offences.

Prevention of all forms of discrimination



The National Council for Combating Discrimination (NCCD) is approaching 15 years of service and can highlight, through its projects and programs, that it already has a tradition in preventing acts of discrimination, in respecting human rights and promoting equal opportunities.

The NCCD's activity became, in time, a landmark for the organization of events and for development of information projects and prevention of discrimination acts, proving its effectiveness, importance and domestic recognition, as well as among other institutions and civil society by valuing the entire activity and promoting the dialogue between different social groups.

In 2016, a financially difficult year for the institution, DPRI channelled its efforts for the continuance of programs and projects which, through the themes addressed, resources involved, results obtained and strong connections that they have developed over the years, gained the trust of partners and created tradition among national programs and policies respecting human rights and equal opportunities.

„One world Romania”

The XIth edition of the International Festival of Documentary and Human Rights

In its 9th edition, the Festival One World Romania presented 60 creative documentaries, offered the Romanian audience the chance to experience the first virtual reality with 360° documentaries about the human rights, encouraged its viewers to explore the latest social problems through documentary video games, brought together the local community and the refugee community, completed the films program with theatre, dance and photography, all talking about what happens around us.

ORGANIZERS: The Association One World Romania, the Czech Centre Bucharest;

MAIN PARTNER: Rule of Law of Eastern Europe of Konrad-Adenauer Stiftung;

WITH THE SUPPORT OF: National Council for Combating Discrimination, National Film Centre, Ministry of Culture, City Hall of the 3rd District, European Commission Representation in Romania, Union of Filmmakers in Romania, RoAid – Romania’s Program of Cooperation for Development, Romania’s Ministry of Foreign Affairs, United Nations Development Program, Institute for the Investigation of Communist Crimes and the Memory of Romanian Exile, ARCUB – Cultural Centre of Bucharest, Bucharest City Hall, Bucharest European Capital of Culture 2021, Centre for Legal Resources, EEA Grants, Bankwatch Romania, Romanian National Council for Refugees, International Organization for Migration – Romania’s Office, and also the participation, as partners, of several Embassies represented in Bucharest.

The whole festival was founded in an unconventional multimedia experience, a mixture of new and traditional cultural forms – film, theatre, dance, exhibitions, music, virtual reality, documentary games – through which the theme of human rights was brought closer by a very varied public and which created fun, information was given, social involvement was encouraged.

The festival took place in 6 venues: Eforie Cinema, Union Cinema, Elvire Popesco Cinema, Hollywood Multiplex, Czech Centre in Bucharest and a tent of 120 m2 mounted in the University Square.

Outstanding results were achieved on several levels:

- A **10%** increase in the number of participants, the number of those who were with us at the opening event being double, and the number of high school students participating in the projections dedicated to them being with 30% higher;
- a **30%** increase in the number of documentaries;
- a **27%** increase in the number of organized projections;
- a **15%** increase in the number of festival guests; a 70% increase in the number of films entered for selection.

The opening event of the festival, organized at the National Museum of Contemporary Art, attracted an audience of 1200 people. Short speeches of the organizers and partners were complemented by a show seasoned with movies, documentaries of virtual reality, theatre, dance and music.

Of the 60 documentaries presented at the festival, 50 were national premieres, 2 international premieres and 1 European premiere.

A total of 89 projections were organized during the festival. A series of special events complemented the festival program, of which we recall views with virtual reality films, a theatre, debates, educational activities and releases.

Over 100 Romanian and foreign guests took part in all these events with impact on the development of a strong civil society in Romania.

More than 100 film directors, producers, actors, artists and experts helped to make all these events possible.

One World Romania witnessed a total audience of 10.448 people – an increase of 10% compared to last edition.

This year's edition was focused on a number of critical issues around the world, divided into the following sections:

„**Europe's Crisis Cabinet**” – the big difficulties, old or new, that Europe went and it is still going through;

„**The suitcase of refugees**” – an exploration of the problems behind the migration and closed borders, with a historical perspective of the destinies of refugees in Europe or elsewhere;

„**Focus: The Middle East**” – a very diverse and contradictory human and social landscape in Palestine, Israel and Egypt, and from Syria to Iran;

„**Rights and twisted**” – a travel around the world, from Canada to Brazil and then to India and Afghanistan, revealing the limitations or injustices of the law's long arm;

„**The black eye of our love**” – documentaries exploring the mindset of rape, domestic violence and the silence surrounding them everywhere;

„**Do we live to work?**” – movies from different European countries, from North to South, exploring a complex topic that is a concern to all of us;

„**Beyond the straitjacket**” – trying to show the human face of the „other”

An 8th section, “**Delicatessen**”, was created to include courageous, creative movies, which did not fit in any of the previously mentioned themes, but which talked about topics of equal importance – for example, drug cartels in Mexico or extreme political regimes from North Korea and Russia.

This year the Middle East has been under scrutiny. Usually we are told about this area only as a front of some of the most violent conflicts today, with many tensions, ravaged by war and sectarianism. But is it fair or complete, this way of viewing a space with thousands of years of civilization behind, rich and so diverse cultures, and to whose history, in fact, we have partaken? This year were selected the most tender stories made in the Middle East – stories of love, beauty and hope.

20 NGOs, 2 human rights activists, 16 film directors and 1 producer participated in the program Civil Society Pitch. This was the first event in Romania with the declared aim of developing specific artistic projects, by bringing together a broader spectrum of experts and artists.

The public of One World Romania was also invited to discover a playful documentary genre becoming extremely popular: docu-gaming (video games documentaries). Games award-winning abroad were presented for the first time to the public in Romania, games which addressed contemporary topics with a strong social impact.

All organizers and partners, and in particular the National Council for Combating Discrimination, firmly believe that there is potential for the creation and supply of a young, well-developed community, which could then contribute to the development of the entire Romanian society. For this reason, the festival organizes annually projections dedicated to high school students and makes up the High School jury. This year, six projections were dedicated to high school students, all followed by questions and answers, where 800 students attended. For the fourth consecutive year, we have organized a High School jury, composed of five teenagers who gave the only award of the festival. The prize was awarded to the documentary „Oriented”, directed by the British Jake Witzenfeld and the trophy was given during the event of award to even one of the protagonists of the film, Khader Abu Seif.

“Freedom of Speech Day”

To mark the day of May 3rd, the World Day of Press Freedom and to promote the Annual report on press freedom in Romania – FreeEx 2015–2016, the National Council for Combating Discrimination held on the 8th of May an event attended by approx. 250 guests, representatives of European and international bodies, journalists, bloggers, people from the business environment, ambassadors and diplomats, politicians and high officials, civil society representatives, along with professors and students, most particularly from the communication field.

The program included watching a play, Ordinary People (Oameni obișnuiți), on an current topic about the whistleblowers, a show performed by Theatre “Radu Stanca” in Sibiu, directed by Gianina Cărbunariu. The performance at Bulandra Theatre in Bucharest ended with a cocktail organized in the theater’s lobby.

FreeEx prizes were awarded during the event, both to worthy, and to those who failed the exam of the freedom of speech, to draw the attention of the public opinion on the importance of the right to be informed and the contribution that the free social speech can bring to the proper functioning of democracy.

Benefits:

- Over 250 participants at the event
- Coverage in mass-media
- Media partnerships concluded to promote the event
- FreeEx Awards Advertising
- FreeEx Report Coverage

Summer School

„Risk Groups and Support Social Services. The right to non-discrimination

Already at its VIIIth edition, the “Summer School – Risk Groups and Support social services.

The right to non-discrimination” occurred between June 24 and June 30, 2016, hosted by Club Dunărea Hotel, Eforie Nord Resort, County of Constanța.

The project aimed at improving the living standard of vulnerable and marginalized groups, by increasing the capacity of young professionals to provide support services and to ensure the implementation of the right to non-discrimination.

„Summer School – Risk Groups and Support Social services. The right to non-discrimination” – the VIIIth edition, was a continuation of the efforts to help training the young professionals in pursuing a career in the social field. On the other hand, through the Summer School, one important aim was that other young people, from different areas, understand the situation of vulnerable groups, show a positive attitude and take actions to improve the lives of marginalized people.

The objectives of the project were as follows:

- To increase the capacity of students/master students/participants to understand the dynamics of vulnerable and marginalized groups to act accordingly.
- To develop the capacity for analysis and synthesis of specialists within C.N.C.D. in setting the breaches of the principle of equal opportunities with regard to people living with HIV and people who inject drugs.

The target group was formed of direct beneficiaries of the project, in particular students and master students from State and private universities across the country, except for those who have participated in previous editions. In this event participated students and master students in the field of sociology, social welfare, psychology, psycho-pedagogy, pedagogy and medicine, but also in other fields such as: political sciences, journalism, communication, public administration, law, biology, chemistry, theology etc. but beneficiaries within the project were also the NCCD’ employees.

They were encouraged to participate in this event the students/master students living with HIV/AIDS, those who have experience in the use of drugs and the practice of commercial sex.

In all, 40 participants understood the objectives, the actions and limits of a social service, the legislation in the field, the international perspectives related to vulnerable groups and the legal instruments offered by NCCD in solving the discrimination cases.

During the Summer School, students/master students had the opportunity to attend informative workshops on:

- respect for human rights;
- discrimination and anti-discrimination policies in Romania;
- drug use;
- commercial sex (prostitution);

- pre/post HIV test counselling and HIV testing;
- provision of social support services addressed to groups at risk;
- legislative framework and policies in the field of prevention and combating consumption;
- first aid;
- social assistance for homeless adults;
- volunteering and CSR;
- detention vs. freedom
- feminism;
- LHBT;
- trauma and suffering as a result of natural disasters;

Indicators:

At the beginning of the Summer School, the participants filled in a questionnaire which included a series of questions in the social field (knowledge, attitudes, behaviours) to which were mentioned their expectations from this event.

At the end of the Summer School, a similar questionnaire was distributed to the participants. The data obtained from this questionnaire were compared with the initial data, to measure the degree to which the participants have improved their knowledge and attitude towards vulnerable groups.

Outcomes:

At the end of the Summer School, the participants had the ability to understand the dynamics of vulnerable and marginalized groups, the difficulties with which they are faced, as well as ways of intervention (support programs, anti-discrimination campaigns, social reintegration programs etc.)

Also, the participants became familiar with the work of the institutions involved in organizing the event, they understood their role and activities, including possible ways of cooperation in the future.

Throughout the event, Carusel has posted messages, pictures, comments on its Facebook pages.

Considering the positive feed-back received from the participants in this project during its progress, its continuation in 2017 is desired, with a larger scale of development, as well as the permanence of actions with information-education character, in partnership, in order to

create a tradition in the collaboration between the Carusel Association, the National Council for Combating Discrimination and the Faculty of Sociology and Social Assistance, the National College of Social Workers in Romania, RHRN – Romanian Harm Reduction Network and BADD – the Brigade of Activists in the Field of Drugs.

“Young people debate”

National Council for Combating Discrimination through the Steering board of Programs and International relations carries out, in partnership with a number of public institutions and non-governmental organizations, a multiannual project which, traditionally, takes place in regional stages, starting from March to June, at national level, addressing a number of over 800 students and 250 high school teachers of IX–XI grades.

The project aims at providing fair information, reasoned debate and awareness on the various forms in which social, ethnic, economic, health or gender differences may constitute barriers to communication and tolerance.

„Young people debate”, arrived at the 7th edition takes place as a national championship of educational debates which contributes to the formation, development and practice of social civic democratic skills and attitudes necessary for young generation for active participation in social life.

In 2016, this educational endeavour has swept a successive series of training activities and debates organized at county, regional and national levels.

Partners in the project were: the Ministry of Education and Scientific Research, UNICEF Representation in Romania – United Nations Agency, the Secretariat General of the Government through the Department for Interethnic Relations and the Romanian Association of Debates, Elocution and Rhetoric.

These actions were conducted in accordance with the powers of the National Council for Combating Discrimination, according to art. 2, par. e), h2) and n) of the Government Decision no. 1194/2001 on the Organization and Functioning of National Council for Combating Discrimination, with the subsequent amendments, art. 19, par. (1) a) of the Government Ordinance no. 137/2000 on preventing and punishment all forms of discrimination, as republished, in 10 regional centres: Bucharest, Botoşani, Iasi, Galati, Constanta, Slatina, Sinaia, Miercurea Ciuc, Hunedoara and Oradea.

The Ministry of National Education and Scientific Research, through the Country School Inspectorates where the regional stages are conducted, chose schools that had accommodation and meal spaces for all students and teachers who attended.

„School without discrimination”

„School without discrimination” is a multiannual project, which in 2016 was held from 15 to 18 September at Tohanu Nou-Bran, County of Brasov, as a project for counselling teachers with experience in initiating the projects and partnerships that help students to orient in their civil, cultural and professional life.

In 2016, a meeting was held between the teachers trained by NCCD in the previous years and who were constantly involved in local projects of diversity and non-discrimination promotion.

13 teachers from the counties of Gorj, Caraş-Severin, Timiș, Arad, Harghita, Vrancea, Botoşani and Suceava attended, as well as PhD Sarau Gheorghe from the Minority Steering board of the Ministry of National Education and Scientific Research. The purpose of this meeting was the establishment of a national network of teachers for non-discrimination and promoting diversity.

In the first day, the teachers have made useful change of experience, regional and county partnerships being bond.

The second day was extremely intense, looking for permanent solutions courses addressed to teachers, with topics on preventing discrimination and approaching diversity in all its complexity. It was discussed on the models of good practice from other European countries and the model adopted by Ireland was approved by the majority. In Ireland, teachers who want higher salary are obliged to follow the courses of the national body for equal opportunities, who prepared modules in partnership with a university and an institute for public administration.

Another point of interest was the Order of the Minister of Education 1529 of 2007 on introducing diversity into school curricula. Original ideas were

Original ideas were fell on the identification of solutions aimed to point the strategic partnership between NCCD and M.E.C.N.S., teachers present offering to resource persons in the working group for the achievement of school curricula and initiation of national program *School without discrimination*.

Discussions continued in the third day with the teachers' proposal to promote our project and in the national project of the Romania's President – „Romania educated” – a project of reshaping the society on values of development of a culture of success, based on performance, work, talent, honesty and integrity.

The first phase of the project „Romania educates” has already been launched, with the invitation for everybody interested to contribute – students, professors, parents, researchers, and also their representative organizations, trade unions, employers, professional associations, non-governmental organizations, representatives of the private, educations or research institutions, country and central public institutions involved in these tasks, and also the general public.

“New magazine of human rights”

Partner

Centre for International Studies, editor of the publication.

Objective

Publication in this specialized magazine of some materials on combating discrimination

and promoting the principle of equal opportunities, the NCCD case law, studies and other thematic articles or related to the area of human rights.

Outcomes

Over 10 years of fruitful collaboration, useful for the theoretical field of combating discrimination.

Important support in disseminating specialized terms.

A relay of image and prestige of NCCD

Intellectual reflection and development of important cases in NCCD's case law.

International Conference on „Non-discrimination Equal Opportunities”

NEDES 2016 – Xth Edition

The research-development project „*Ways to promote the principles of non-discrimination and equal opportunities in the current Romanian society*” – the Xth edition was held in partnership between the National Council for Combating Discrimination, „Dimitrie Cantemir” Christian University, the Commission for Human Rights, religious affairs and National Minority issues and the European Centre for Promoting the Non-discrimination and Equal Opportunities – NEDES 2014, between September 2016 and – January 2016.

The general objectives of the project were:

- Development of the capacity of knowledge and understanding of the principles of non-discrimination and equal opportunities for both men and women, as well as between the different categories of persons;
- Development of the capacity of understanding and application of objective right to non-discrimination and equal opportunities;
- Stimulation of debates, exchanges of ideas and good practices regarding the speeches and incitement to murders, both at EU level and at Member States level;
- Stimulation of the interest for the involvement in the elimination of discriminations of any kind.

The main projected activities were:

- Popularization of the principle of non-discrimination and equal opportunities at the level of “Dimitrie Cantemir” University, as well as in all media interested in the theme of non-discrimination and equal opportunities;

- Organization of International Conference on Non-discrimination and Equal Opportunities – NEDES 2014 – at the Hall of Human Rights within the Romania’s Parliament Palace with the participation of interested institutions, but also of teachers and students, as well as at the level of non-governmental organizations which have as their main activity the protection and promotion of human rights in general and promotion of non-discrimination and equal opportunities in particular;
- Stimulation of debates, exchanges of ideas and good practices regarding speeches and incitement to hate crimes, through actions to increase the awareness of this phenomenon, both at EU level and at Member States level.

The dissemination of the principle of non-discrimination and equal opportunities was held at “Dimitrie Cantemir” Christian University, as well as in other universities, both through discussions with students in class, and through consultations, as well as via formal and informal discussions with teachers. It was also promoted by the members of the research team from the high schools in Bucharest and within the teaching staff in the secondary education in Bucharest.

At the same time the conference web page www.nedes.ucdc.ro was created, as well as a Facebook page (<https://www.facebook.com/Nedes.ucdc.ro/>), displaying information needed by the participants to the conference.

Web page:



Facebook page:

The essential element of the project was the organization of the Conference on Non-Discrimination and Equal Opportunities - NEDES 2-16. The conference was posted on the University's site in September 2016 and were invited fellow teachers from several universities, including from abroad and from within the pre-university education in Bucharest, as well as students. Also, several personalities of political and scientific life were invited, and non-governmental organizations with a profile of defence and promotion of human rights.

It should be noted that this scientific event was popularized by:

- 200 leaflets;
- 400 flyers;
- 50 posters (A3 format)
- 60 titles of works arranged in three sections in the Conference Program were received.

The Conference works were opened and moderated by Professor Mădălina Tomescu, PhD, as project coordinator and by Lecturer Marcela Stoica, PhD and Parliamentary advisor. At the opening of the Conference Mrs. Tamara Ciofu was present, Member of Parliament, Vice-President of the Commission for Human Rights, Cults and National Minority issues – who also conveyed the Commission's message to all participants in the Conference. Senator Titus Corlăţean, Member of Parliament Remus Cernea, Secretary of the State Luminița Gheorghiu, Professor Irina Moroianu-Zlatescu, PhD, Director of the Romanian Institute for Human Rights (by representative), the legal person of the Bucharest School Inspectorate, Mrs. Mihaela Olteanu, Georgeta Ilie, PhD – Dean of "Dimitrie Cantemir" Christian University etc. were also among the participants.

It should be noted that **Mr MICHAEL BEIS**, Director of FRA Reports Department also participated at the 10th edition of the International Conference on Non-Discrimination and Equal Opportunities – NEDES 2016, on behalf of the European Agency for Fundamental Rights (FRA), who presented a very interesting material.

The volume of the Conference, in both Romanian and English, was published by Prouniversitaria Publishing House (CNCS recognized), selected by means of a tender procedure organized by the National Council for Combating Discrimination and it was present on the Conference table. On November 16, 2016, the day of the conference works, each participant who submitted a paper to Conference was awarded a volume, based on signature.

“Equality and non-discrimination” *IXth Edition*

The project was conducted in a format of a Contest of essays and drawings on the theme of non-discrimination, the target group being made of students between the 6 to 19 years of age.

The main activities were:

- Popularization of the contest in schools and high school in Bucharest and in the country;
- Reception of the works on the address of “Dimitrie Cantemir” Christian University;
- Composition of a jury with members from the partner institutions for each section;
- Selection of the beset literary works to be published in a paper;
- Selection of the best drawings to be published in a desk calendar;
- Awarding the best works in a festive setting.

The project was promoted on the University’s website (<http://ecn.ucdc.ro>) in 36 schools and 8 high schools in Bucharest, and also in other counties (Constanta, Timiș, Giurgiu, Dâmbovița, Ilfov), through leaflets, posters and flyers, by the members of the research team, and by the School Inspectorate of Bucharest City, partner with the University and NCCD in this project. In the meetings with the students have been defined the concepts of *discrimination*, *discrimination criteria*, *equal opportunities* and were analysed concrete cases of discriminatory situations, brought by the members of the research team, but also proposed by students. It was found that students are interested in knowing the benefits of the right to non-discrimination and equal opportunities, but also in learning how not to discriminate, in their turn.

The requirement of the contest was the following:

Imagine that you have a new colleague, a child with disabilities or from another ethnic group. Create an essay (composition) to describe (based on your imagination or from practice) the experience that you could go through or you went through with this new colleague.

If your drawing skills are better, make a drawing on the above topic! (a requirement only for 6 to 10 years).

Now think how to better apply the principle of non-discrimination and equal opportunities in what you write!

172 works were received, as follows:

#	Drawing section	Literary creation section 6–10 years	Literary creation section 11–14 years	Literary creation section 15–19 years	TOTAL WORKS
No. of works	70	40	36	26	172

The increasing number of works received shows the appreciation enjoyed by the project among young people, and especially their concern to further engage in the practical application of the principle of non-discrimination and equal opportunities.

84 winning works were designated, as follows:

- 19 first prize
- 20 second prize
- 21 third prize
- 24 mentions

Also, the European Centre for the Promotion of Non-Discrimination and Equal Opportunities – NEDES 2014 – awarded 33 prizes “NEDES JUNIOR” in amount of 1.157 lei.

34 schools participated in the contest and the literary creations presented were published in a tome named „Colourful ... words”, while the drawings that were awarded a prize were published in a desk calendar of 2017, engraved both with the name of the project and the names of the partner institutions. Drawings that have not been awarded a prize were also published in a calendar and their authors received a diploma of participation and a calendar.



Considering the positive feed-back received from the participants in this project, there is a wish to continue the project in 2017.

“Coordination of national response of preventing and combating discrimination”

– *Good practice models* –

The National Council for Combating Discrimination, in partnership with the Association Carusel developed the **Seminar on the “Coordination of national response of preventing and combating discrimination – Good Practice Models”, 1st Edition**, a project carried out **between December 9 and 11, 2016, in Predeal resort, County of Braşov**.

The aim of the project was the exchange of information and experience with regard to the elaboration of public policies in the area, the focus of debates being the development of the capacity to improve the management of discrimination cases in the process of advising the applicants belonging to vulnerable groups, throughout the period of settlement of petitions filed, from the perspective of victims of discrimination, and the beneficiaries were 39 employees of NCCD, participants in the training sessions.

The seminar’s agenda included the following topics:

- A projection of a short film entitled “Hand-to-Hand” – after watching this materials there was a debate about gender identity in Romania, presented by TRANSform Association;
- Approaching discrimination and stigmatization among pre-schoolers and pupils, proposed and supported by the Foundation Youth for Youth;
- Commercial sex, in the form of stigma and marginalization, proposed by Association Carusel;
- Discrimination of persons from vulnerable groups in the public health system. At the end of the seminar, the participants had the ability to understand the dynamics of vulnerable and marginalized groups, the difficulties with which these are faced, as well as ways of intervention.

Considering the positive feed-back received from the participants in this seminar during its progress, its continuation in 2017 is desired, with a larger scale of development, to strengthen a tradition in collaboration of NCCD with Association Carusel.

The issue
of discrimination in Romania,
reflected in the
international reports



IFRA – The second survey on European Union minorities and discrimination (EU-MIDIS II) Rome – selected conclusions¹

In November, FRA published „**The second survey on European Union minorities and discrimination (EU-MIDIS II) – selected conclusions**”. This report highlights a disturbing reality, but inevitable: the largest ethnic community of the European Union continues to face an inadmissible discrimination and unequal access to vital services. Approximately 80% of the Roma live under the threshold of poverty of their country; every third Rom lives in house without tap water; every third Rom child lives in a household with someone who went to bed hungry at least once in the previous month and 50% of Roma aged between six and 24 years do not attend school.

Highlighting the barriers persisting to employment, education, housing and health, this report also shows that four out of 10 Roma questioned, considered themselves discriminated at least once in the past five years.

Labour market – with regard to Romania, particularly low rates of auto-declared unemployment are noticed, respectively 5%, followed by Portugal with 17% and Hungary with 23%.

Participation to education – In relation to the survey of Roma in 2011, the results of this report suggest an increase in the participation rates in all countries, except Romania and Portugal. However, these rates fall within the EU’s reference value for 2020 regarding the early childhood education and are well below the general population rates.

Health – Romania continues to record the lowest rates of health insurance coverage for persons of Roma origin.

¹ http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-eu-minorities-survey-roma-selected-findings_en.pdf

Living-space availability – The results of the report show considerable differences between the Roma population and the general population. However, compared with the survey of Roma in 2011, all countries have improved their indicator of „living-space availability”. In this respect, Romania is mentioned as the country where the best improvement can be seen.

Quality of housing and environment – Romania is the only country where the share of Roma living in a polluted environment is less than that of the general population.

Overall prevalence of discrimination – in comparison with the results of the survey for Roma in 2011, a decrease marked in this specific area can be observed only for Bulgaria, the Czech Republic, Hungary and Romania.

Country report of the European Commission 2017²

Page 22-23 of the document:

„Poverty and social exclusion are particularly large among Roma. The risk of poverty for Roma is nearly three times higher compared to the general population. This is high compared with other Member State with a significant Roma minority (BG, CZ, HU, SK including RO), where the rate of poverty of the Roma is estimated to be between three to more than six times higher in relation to the rest of the population. Roma are concentrated in marginalized communities and approximately two-thirds live in houses lacking basic sanitation conditions. Increased use of dissuasive penalties, such as fines from the National Council for Combating is a promising evolution for the efficient strengthening of anti-discrimination norms”.

Amnesty International 2016/17³

In the Amnesty International’s report on the situation of Human Rights in Romania, the Roma ethnics continue to be aimed by discrimination acts in Romania. The report notes that „in the report of April 2016, the UN special rapporteur on combating extreme poverty and for human rights, urged the authorities of Romania to admit the severe discrimination acts against the Roma, to implement the Strategy for Roma inclusion 2015-2020 and to take punctual measures in the areas of education, medical services and integration in the labour market, including by introducing safeguards to avoid forced evacuations and the improvement of access to social houses”.

Thus, “Roma continue to face systematic discrimination, forced evictions and other violations of human rights”, and with respect to violence against women, is underlined the existence of domestic violence cases and specified the entry into force in September 2016 of the Convention of Europe Council on the prevention and combating of violence against women and the violence.

As regards the monitoring mechanism required by the UN Convention on the rights of dis-

2 https://ec.europa.eu/info/publications/2017-european-semester-country-reports_en

3 <https://www.amnesty.org/en/latest/research/2017/02/amnesty-international-annual-report-201617/>

abled persons, ratified by Romania in 2011, it is retained that, at the end of the year 2016, this was not operational.

The report also notes some aspects related to the sexual minorities' rights, lesbians and gays, especially after the campaign concerning the organization of a referendum on the restrictive definition given by the Constitution to the notion of family. Mention is also made regarding that, in accordance with the Civil code, marriages between persons of the same sex and civil partnerships that were banned and those contracted abroad, are not recognized.

U.S. State Department of Human rights

The report shows that most of the problems related to respect for human rights include abuse and harassment committed by gendarmes and policemen over the detainees and Roma ethnics. Systematic social discrimination of Roma has affected their access to adequate education, housing, medical services and employment.

There were also reports in respect of discrimination and violence against women.

Another problem signaled in the annual report of the State Department is that government agencies have not provided adequate assistance to persons with disabilities and did not meet the standards of care of such persons from institutions, exposing them to abuse.

The observers have noted that the authorities failed in general to protect children with HIV/AIDS from discrimination and abuse. More infected people dropped out of school because of stigmatization or discrimination.

Social discrimination against gay, bisexual, transgender (LGBT) persons, especially against minor children, is still present at a very high level.

The report indicates that NCCD is the Government institution under parliamentary control responsible for the enforcement of domestic and EU laws on fighting discrimination. .

NCCD is, according to observers, as effective, although some of them have criticized the lack of efficiency and political independence.

A series of Council resolutions ascertaining discrimination acts are mentioned, including the following:

- In December 2015, NCCD fined with 2.000 lei the self-proclaimed leader of the legionary movement, for publishing on his Facebook page of a discriminatory caricature addressed to the president of the National Institute for the Study of Holocaust in Romania, Elie Wiesel. The caricature was portraying the director as the personification of „Jewish Nazism”, being depicted with a briefcase on which were written the words “anti-Romania laws”.
- It is retained that discrimination against persons with disabilities remained a problem, the Government non-applying the law entirely. In many cases, persons with disabilities face institutional and social discrimination. According to the NCCD's decision, the

Capital and 18 county residences each received a fine of 10.000 lei for failing to make public transport accessible to persons with disabilities.

- NCCD fined the Ministry of Labour and National Agency for Payments and Social Inspection, each with 30.000 lei for not taking any measures to remedy the problems related to public transportation for persons with disabilities. This was the third year when NCCD self-mandated concerning the accessibility in large municipalities and issued sanctions.
- The Emergency Clinical Hospital for Children in Cluj-Napoca was fined by 2.000 lei by NCCD in the case of the teenager in Covasna who, admitted to the medical unit, would have been humiliated by a doctor for not speaking Romanian language, with the respective doctor fined 1.000 lei himself. According to NCCD, the violation of the right of the minor patient and her next-of-kin to be informed about the health status and medical situation, in a respectful language and in the mother tongue or a known language, constitutes an offence of discrimination.

According to a national survey conducted following the request of N.C.C.D in 2015, the persons with HIV/AIDS were among the groups most exposed to discrimination in the country. According to that survey, most respondents indicated that they would not like to be in direct contact with people living with HIV/AIDS. Only 10% of respondents would accept a person with HIV/AIDS as a relative, 16% as a friend and 14% as a colleague. Approximately 15% of respondents would accept the idea of people with HIV/AIDS to live on the same street, 13% in the same community and 15% in the country.

The report notes that, although there is a legislation that prohibits discrimination related to employment, the government has not implemented these laws in an effective way, but only reacted to discrimination complaints, without being properly involved in programs dedicated to prevention of discrimination. While NCCD and the Labour Inspectorate investigated the cases of discrimination reported, the penalties were insufficient to deter the violation of the legislation in force.

Within the first six months of the year, NCCD recorded 187 cases of discrimination with respect to employment, of which 18 resulted in various penalties, mostly fines..

Romania represented
at international level



European Network of Equality Bodies of the European Union (EQUINET)

The National Council for Combating Discrimination is a member of the European Network of Equality Bodies in the European Union (Equinet).

EQUINET is a not-for-profit international organization connecting 45 bodies from 33 European States having the purpose to counteract discrimination.

The organization was established in 2007, building upon the 2-year Community Project “Strengthening the co-operation between specialised bodies for the implementation of equal treatment legislation” (2002–2004).

In order to facilitate the exchange of information and experience, the members of EQUINET implemented an electronic system for knowledge management aiming both at creating a relevant source for the laws and policies in the field and to develop a set of tools and procedures allowing the orientation of the dialog towards the priorities of the members.

Another aspect of EQUINET activity refers to the implementation of a network-type approach, that encourages the participants to stay in touch at all the levels of the dialog, through direct interaction or correspondence by electronic means. Interaction occurs both in the annual general assembly or in the working groups, and by the implementation of a regular training scheme, with the support of the secretariat of the organization.

The policy drafting/training working group

The group is a platform for the dialog with the European institutions, supporting policy formation for equality of opportunity and non-discrimination in Europe.

An Equinet policy formation working group meeting took place in Brussels, in the month of February, focusing on the topic: Intersectionality in the activity of equality promoting bodies

The main understanding of intersectionality by the academic environment and in the political debate defines this concept by the discrimination felt by an individual based on at least one criterion. The concept emerged from the gender equality activities, but it was applied for all discrimination criteria. The activity and experience of the equality promoting bodies brings up the need for a broader definition of intersectionality.

Both intersectionality and multiple discrimination involving the gender dimension deserve a special attention considering the background of the intersectionality work on this criterion. The gender dimension is a gate to the development of a cross-sector approach of the other criteria. Intersectionality based on gender is important, as it gives voice to certain women groups and empowers them to raise issues. The central position of intersectionality in cases that involve the gender is supported by the number and position of women as well.

Intersection cases may also be seen between the gender and all the other criteria provisioned by the article 19: age, disability, religion or beliefs, race or Ethnic origin, as well as the sexual orientation or the social and economic status.

The areas in which we can focus on intersectionality are as important as other criteria that can cross each other. Intersectionality involving gender, in women or men, is:

- An important issue to approach in the specific communities.
- Relevant in facing the violence against women (based on age and gender, disability and gender).
- Significant in terms of:
 - ⊗ labour market (gender and age with respect to equal pay (old age) and recruitment (fertile age));
 - ⊗ mental health services (disability and gender or race/ethnic origin);
 - ⊗ criminal justice systems (age, gender and race/ethnic origin);
 - ⊗ access to recreational clubs (age, gender and race/ethnic origin);
 - ⊗ education (gender and religion/belief or race/ethnic origin);
 - ⊗ health (Romani women, FRA activity);
 - ⊗ lack of a home (gender and social/economic status);
 - ⊗ assistance/care work (gender and race/ethnic origin, gender and age or disability).

The experiences of the bodies promoting the gender equality indicate that intersectionality

is regarded a powerful and negative overlap of gender-related stereotypes with the stereotypes from other criteria, leading to a specific disadvantage for certain women communities. Gender-related stereotypes and religion-related stereotypes are at play in islamophobia.

The discussions were moderated and reviewed by Tena Simonovic Einwalter from the Croatian Ombudsman Office, Niall Crowley from Ireland, Jessica Machacova and Tamas Kadar from the Equinet Secretariat (Belgium).

The October meeting of the Equinet Policy-Formation Working Group took place in Brussels. The discussions were moderated and reviewed by Tena Simonovic Einwalter from the Croatian Ombudsman Office, Niall Crowley from Ireland, Jessica Machacova and Tamas Kadar from the Equinet Secretariat (Belgium) and attended by 11 representatives from the institutions (Sweden, Malta, Belgium, Poland, Romania, Austria, Serbia, Bulgaria, Great Britain, Greece, France).

Among the new facts presented by the participants, what stood out was that France included a new criterion for discrimination, namely the economic vulnerability.

The final version of the report on intersectionality and the need for each institution to embrace it was submitted for discussions. Only six countries from the Western Europe worked on this dimension. Among the East-European ex-communist countries, only the Czech Republic and Poland conducted intersectional investigations about old women and women with disabilities, old people suffering from dementia, the sterilization of Roma women and Roma children school enrolment.

Each participant presented the particularities of young people discrimination in their countries. We showed that in Romania young people are facing the lack of jobs and lack of representation. According to the latest European survey, over 90% of the Romanian population have religious beliefs, with zero doubts (the category “I don’t know” is not represented), which can lead to young generations not finding their place. Among the best practices, the practices in France and Poland stood out - the Group/Council of young people against discrimination - with the equality promoting bodies prepare the students, every six months, to visit schools and talk to children about their rights and about non-discrimination. We presented Romania’s program - Non-discrimination in schools - and the results after 9 years of the program implementation.

EQUINET 2017 Plan was presented and discussed, in which the topics approached by the group would be LGBTI and migration - including the preparation of the Conference on asylum and migration.

The Working Group for enforcement of laws

In the month of March, the representative of the Legal Department attended the meeting on: “Affordability and Reasonable accommodation” of the legislation enforcement working group, which was organized by Equinet and took place in Brussels.

The purpose of the meeting was to introduce a research paper on the positive tasks and equality in Europe, with the requirement to show, in the research, that positive tasks go beyond the

positive action as defined by EU Directives on equal treatment. The research will try and guide the current practices and the measures that have been implemented.

The use of positive tasks (such as wage audits or equality audits of mandatory plans) and the equality fees (like, for instance, a fee for all the public sector organizations to take into account the equality in all their positions) has become more important over the past years.

The Equinet WG study is to be conducted by each member of the group for the required research, considering the already existing cases at national level in this respect. In addition, each member will examine the advantages, the challenges and any potential shortcomings of positive and equality fees. This is to be followed by a review of best practices and comparisons among the various existing systems.

The study will close with recommendations aimed at giving ideas to the equality promoting bodies to use and disseminate those instruments.

In April, Equinet organized in Vienna, Austria, the seminar “Accessibility and reasonable accommodation”, an event that was attended, in addition to the NCCD, by 45 members from the staff of the equality bodies with attributions in the resolution of problems involving the accessibility and reasonable accommodation.

The seminar’s agenda allowed the participation of professionals from various professional environments, including experts in domestic and foreign policy communication.

The seminar took stock of experiences of equality bodies with accessibility and reasonable accommodation issues. It built on the previous Equinet experience in this area, in particular from the viewpoint of the 2014 Report on the “Role of equality bodies in promoting equality of people with disabilities.”

The Report will be prepared after the seminar and will be the basis for supporting the revision of the 2010 – 2020 European Union Strategy for disabled persons and the 2013 Best Practice Guide.

The European Commission representative requested that the equality bodies support the other domestic institutions, by providing best practice examples, to allow appropriate adjustments for the people with disabilities.

In November, Equinet organized the Seminar “*Fighting discrimination on grounds of race & ethnic origin*” („Lupta împotriva discriminării pe criteriile de rasă și etnie”) **in Budapest, Hungary**; NCCD was represented by its Legal Department.

The seminar aimed to:

- Offer a platform to discuss good practices and promising tools;
- Discuss issues of multiple discrimination where race and ethnic origin intersect with other grounds such as gender, religion or belief;
- Build capacity among Equinet members to combat discrimination on the ground of race and ethnic origin, including a focus on discrimination against Roma people.

International presence of the National Council for Combating Discrimination in foreign meetings, debates and reunions on discrimination

The National Council for Combating Discrimination continued, in 2016, to strengthen the cooperation relations with similar bodies and authorities, by means of a bilateral, regional or international dialog.

The presence of the institution's representatives, at international level, in meetings, debates and reunions improved the awareness about the activity NCCD and its visibility, the relations with the similar institutions in other European countries and helped establishing new cooperation relations. Below are some of the foreign events that took place in 2016:

Between July 10 and 12 and October 14 and 25, Trier hosted the seminars on the topic “Application of European Union anti-discrimination legislation”, organized by the Academy of European Law, with NCCD represented by the Legal Department.

The seminars focused on the two European Directives against discrimination based on race or ethnic origins in certain fields and discrimination based on disability, age, sexual orientation or religion/beliefs in employment/labour field. Workshops were organized and the participants were asked to solve discrimination cases, to identify whether or not a breach of non-discrimination occurred, who broke it and which European legislation was trespassed.

The following topics were presented and debated upon in the seminars:

- The legal framework with respect to equality in Europe;
- An overview of the European legislation on equality and definition of key concepts;
- Evidence of discrimination: the transfer of the burden of proof and the access to evidence;
- Remedies and penalties in cases of discrimination;
- Discrimination based on race and sexuality: main features and case-law of the EU Court of Justice;
- The case-law of the EU Court of Justice on age discrimination;
- Disability and reasonable adaptation concepts in the EU legislation and the Convention of the Rights of People with Disabilities;
- Religious freedom in jobs within Europe;

Between August 3 and August 6, a number of meetings took place in Chişinău with the employees of the Council for Discrimination Prevention and Elimination and Provision of Equality in Moldova.

The meetings aimed at improving the domestic legal framework in the field of non-discrimination in the Republic of Moldova

- the law system was reviewed, and found similar to the Romanian legislation system, along with the authority entailed by the CPEDAE national legislation;
- some shortcomings of the authority were identified, such as the fact that the Moldovan Council issues reports and not resolutions, an aspect that makes it difficult to apply the legislation;
- discussions took place with the employees from various CPEDAE departments about the current activities;
- other aspects were discussed which related to CPEDAE cooperation with the civil society and the dialog aimed at improving the non-discrimination legal framework in the Republic of Moldova.

Between September 18 and 19 the meetings with the Moldovan CPEDAE employees continued in Chişinău, aiming at improving the domestic legislative framework in the area of non-discrimination in the Republic of Moldova.

As in the previous meetings, the discussions focused on the review of the legislation, that is similar to the Romanian legislation system, and the authority entailed by the CPEDAE national legislation;

Between October 13 and 15, 2016, a consultative meeting took place in Chişinău with the representatives of the Moldovan CPEDAE.

The action took place in the context of drafting several law packages aimed at implementing the Community legislation and the national standards on human rights

As in the previous meetings, the discussions focused on the review of the legislation, that is similar to the Romanian legislation system, and the authority entailed by the CPEDAE national legislation;

The discussions touched upon the possibility to start a Romanian - Moldovan TWINNING Program that will help cover the needs of CPEDAE institutional development.

Between November 14 and 17, 2016, a second consultative meeting took place in Chişinău with the representatives of the Moldovan CPEDAE.

Discussions were resumed about the best practices for the implementation of the Community acquis on matters of non-discrimination and human rights.

The discussions were attended by representatives of the civil society of the Moldovan Republic and focused on debates regarding topics of interest for both parties, such as the citizens' awareness about the human rights and the non-discrimination principle.

The best way for cooperation between the equality institution and the civil society was

discussed, taking into account prevention and awareness on one hand, and the part related to the punishment, when the civil society plays the role of both a partner and complainant in various cases of discrimination.

Discussions were resumed about the TWINNING Project and technical assistance to be provided by NCCD throughout the year 2017.

Between November 21 and 22 a seminar was hosted by Trier, Germany, dedicated to practitioners in the legal field “Community legislation on equality of men and women”, a seminar organized by the Academy of European Law (ERA).

The topics for debates in the seminar were as follows:

- the main concepts of EU legislation related to the gender equality legal instruments (EU treaties, Equality Treatment Directives etc.), differences between gender vs. gender concepts;
- key concepts related to the gender equality, namely direct discrimination, indirect discrimination, harassment and sexual harassment, with a referral to other cases of the EU Court of Justice;
- the burden of proof in gender discrimination cases with practical case studies, the subject matter of measures ordered in proven cases of discrimination, penalties and procedures, protection against victimization and the role of domestic equality bodies.

Between December 6 and 8, 2016, a third consultative meeting took place in Chişinău with the representatives of the Moldovan CPEDAE.

Discussions were resumed about the best practices for the implementation of the Community acquis on matters of non-discrimination and human rights.

The discussions were attended by the representatives of the players with attributions in the field of human rights from the Republic of Moldova. Together, the participants debated on topics of joint interest, such as the observance of the non-discrimination principle, as well as issues in the implementation of the discrimination laws.

Discussions touched upon an awareness campaign about the current legislative framework of the Republic of Moldova meant to defend the non-discrimination principle. In addition, the need has emerged for training sessions in various sectors, in which the persons working with the citizens could be taught the minimum notions about discrimination and the forms that discrimination can take at times, as well as the ways to prevent it.

As a conclusion of the discussions, the Romanian National Council for combating Discrimination will continue, in 2017, to provide assistance through this kind of CPEDAE meetings, taking into account the times that the Republic of Moldova is going through and the important part played by the equality institution in preserving the balance and ensuring that the human rights will continue to be respected, as a requirement of the European Union.

The following events took place as part of the Project “Consolidate capacity of

the national anti-discrimination system in the Republic of Moldova through inclusive society participation” funded by the European Commission/the European Instrument for Democracy and Human Rights (EIDHR), in partnership with the Romanian PPI, the Moldovan PPI and NCCD:

Between August 3 and 6, several training sessions were delivered in Chişinău, Cimişlia and Leova to the representatives of local public authorities, in the field of non-discrimination and equality of opportunity.

The training sessions focused on the basic concepts such as stereotypes, historical prejudice, equality concepts, forms of discrimination, exceptions from discrimination. In addition, information was provided about the procedures used to solve claims in cases of discrimination.

Attempts were made, together with the representatives of the local governments, to identify ways to prevent and fight against the actions of discrimination, the offending speeches instigating to discrimination in their current activities.

In addition, the second part involved workshops with the community members aiming at exercising the inclusive public speech and inclusive working instructions/procedures.

Between September 6 and 10, a working visit was paid to the peer equality institution of the EQUINET network in Bratislava, Slovakia.

This was a thematic visit that provided an open working space for discussions among all three equality bodies participating in the project, with the following objectives and attributions benefiting all parties:

- specific challenges of a quasi-judicial position; the weight of activities and best practices in approaching such challenges;
- discussion about their role in making sure that the proper penalties are issued in cases of discrimination, taking into account the outcomes of the survey requested by Equinet in 2015.

The Romanian NCCD together with representatives of the equality institutions from Croatia and the Moldovan Republic participated in a study tour to Zagreb, on August 26, 2016.

The institutions shared their experiences and discussed about the strategies for fighting discrimination in their countries, the activity they carry out, presenting their activity reports with outcomes at national level and facilitating the exchange of information among institutions, to help them improving the efficiency of cooperation in fighting discrimination.

Between September 18 and 19, a second training was delivered in Chişinău to representatives of local public authorities, in the field of non-discrimination and equality of opportunity.

This training session, similarly to the first one, focused on the basic concepts such as stereotypes, historical prejudice, equality concepts, forms of discrimination, exceptions from

discrimination. In addition, information was provided about the procedures used to solve claims in cases of discrimination.

Between October 13 and 14, the first mutual assistance working tour dedicated to CPEDAE occurred in Chişinău, Republic of Moldova

The mutual assistance in provided for in the partnership agreement and helps building the administrative capacity of the Moldovan equality institution , in the context of the country's preparations to join the European Union.

The activity involved providing actual technical assistance to CPEDAE employees, by compartments. Examples were shared from the activity of the Romanian NCCD, with a presentation of the stages involved by the NCCD institutional framework development.

Assistance was given to manage a claim, starting with the submission and preparation of the file, until the case follow-up with deadlines and management of evidence.

Between November 14 and 16, the second mutual assistance working tour dedicated to CPEDAE occurred in Chişinău, Republic of Moldova.

This time, like the first time, the activity involved providing actual technical assistance to CPEDAE employees, by compartments. Examples were shared from the activity of the Romanian NCCD, with a presentation of the stages involved by the NCCD institutional framework development.

The assistance was aimed at the management of files in court and the electronic database created for their follow-up. In addition, the possibility of issuing opinions to the courts was discussed, in the cases related to acts of discrimination (*amicus curiae*). Examples of this kind of opinions were provided, for a better understanding how specific the people responsible for issuing such opinion can be.

NCCD explained the way that the institution is called by the Government to issue its opinion on draft legislation and the way that the drafts are reviewed and how the specific the answer is.

Between December 7 and 8, the third mutual assistance working tour dedicated to CPEDAE occurred in Chişinău, Republic of Moldova

This visit focused on the prevention of discrimination actions, which is achieved through projects dedicated to different target groups by disseminating basic information about the concept of discrimination and the activity of the Council and the in-house claim resolution procedure. It was underlined that all these events are an attempt to raise awareness among important stakeholders for identifying acts of discrimination and finding specific ways to prevent them.

CPEDAE shared examples from current actions aimed at preventing and raising awareness about discrimination. .

Projects
implemented by NCCD
with foreign funds



Mobilization of Universities to fight against discrimination

The project contributes to combating discrimination and hatred speech in higher education in order to achieve an academic environment free of discrimination by capacity building in universities, the Ministry of Education and among students to adequately respond to discrimination. At the moment, there is no data available on the level of discrimination in universities, yet studies have shown that intolerance is widespread among young people.

The Romanian Academic Society (SAR) partners, the National Council for Combating Discrimination (NCCD) and the Education and Social Development Centre (ESDC) intend to collect data, assess the level of discrimination and promote public policy options to the relevant ministries, rules and procedures for universities and to create a network of volunteers, students to report on university procedures and cases of discrimination. The Partners will engage students and university professors from 10 universities, student associations and trade unions, policy-makers as well as the media and bloggers active in the education and anti-discrimination policy areas, to establish partnership at institutional level among them and with their help.

General objective:

Fight discrimination and hatred speech in higher education in order to achieve an academic environment free of discrimination by capacity building in universities, the Ministry of Education and among students to adequately respond to discrimination.

Specific Objectives:

1. Assessing, for the first time in Romania, the level of discrimination and hatred speech in universities and the awareness level about this phenomenon.

2. Formulate policy and specific action recommendations to address the issues identified in the study on the level of discrimination and hatred speech in universities, in order to capacitate the Ministry of Education and the leaders of Romanian universities.
3. Boost the capacity of Romanian public and private universities to manage discrimination and hatred speech by developing or implementing internal case referral, resolution and reporting procedures.
4. Increase the capacity of university students and of the teaching and support staff to voluntarily report on cases of discrimination and hatred speech in Romanian public and private universities, to anti-discrimination NGO's, the general public, and institutions with authority in this field.
5. Boost the Ministry of Education & Research capacity to assess and officially report on discrimination and hatred speech in the Romanian public and private universities and to develop policies in order to discourage discrimination and instigation to hatred.
6. Establish institutional connections between universities and students and employees trade unions, on the one hand, and the National Council for Combating Discrimination on the other.

Implementation term: June 15, 2014 – December 14, 2015.

Project funded from the EEA 2009–2014 grants, under the NGO Fund in Romania.

For official information on the EEA and Norway grants please go to www.eeagrants.org

The project specific activities were carried out during the project implementation, leading to outcomes included in the following documents:

1. **Research Report: Discrimination in the university environment: perception, fighting mechanisms and media coverage**
2. **Brochure on best practices for promoting the equality of opportunity and non-discrimination in universities** (This brochure is based on the survey called “*Discrimination in the university environment: perception, fighting mechanisms and media coverage*”)
3. **Policy Brief SAR # 73: How to address discrimination in the academic environment?**
4. **A Guide to promote equality and fight against discrimination in universities**

After the release of the public policy report, the review of the study resulted in 17 proposals to enable the promotion of the equality of opportunity, the prevention and fight against discrimination in the academic environment of universities; the proposals were addressed to the Ministry of Education and Research, the Ministry of Youth and Sports and the Romanian universities.

The proposed action includes: additional funds to the faculties admitting people from

the vulnerable communities or underrepresented communities and a new subject to be taught with a view to promote diversity and tolerance, under the future preparation programs for teachers. The proposals that were formulated include strengthening the medium and long term cooperation and partnerships among the institutional stakeholders of the academic environment and NCCD. These were formulated based in the information and data collected from the research report “Discrimination in the university environment: perceptions, fighting mechanisms and media coverage”, that was conducted as part of the same project.

The project implementation term was extended from December 15, 2015 to April 15, 2016, and in addition to the actions mentioned above, cooperation protocols were concluded aimed at achieving the main project purpose, which is the prevention and fight against discrimination in the academic environment. Thus, the National Council for Combating Discrimination initiated and become a partner of:

- the Ministry of Youth and Sports;
- West University, in Timișoara;
- Babeș Bolyai University, in Cluj Napoca;
- The Romanian National Student Organization Alliances (RNSOA).

Non-discrimination means equal rights! Equal access of Roma children to health services - a fundamental requirement in a non-discriminating society

The idea of this project was developed by the representatives of all stakeholders - the Public Policy Institute, SASTIPEN Association and the National Council for Combating Discrimination (the latter having the initiative of this project, building on the previous research conducted in partnership and aimed at creating a broad picture of the access of Roma people to health services and assessing the level of discrimination based on the criteria provided by the EC Directive, later joined by the Ministry of Health and the Public Policy Institute as promoters of the respective public policies and the National Health Programs, directly interested in these measures' balanced impact on all Romanian citizens, in particular the vulnerable groups.

The project aims at helping to fight discrimination and improving the situation of Roma children in 4 communities, significant in terms of population, namely Corbasca and Valea Seacă in Bacău County and Bolintin Vale and Vărăști in Giurgiu County, by developing and piloting an integrated early intervention model that prevents the risk of getting sick among children, consisting in the creation of multi-disciplinary teams of experts in complementary fields (social assistance and inclusion, non-discrimination, health) to promote, among the beneficiaries, information about a healthy life through the prevention of transmissible diseases that are specific to children (with a focus on immunization), an awareness campaign about the importance of prevention and the risks to which children expose themselves when their parents don't respect their rights to health, agreements at county level for the dissem-

ination, within institution, the integrated early intervention model and the adjustment of health programs indicators.

General objective:

The project purpose is to help combating discrimination and improve the situation of Roma children in the selected communities, at the time with reducing disparities/social exclusion and an active involvement of a multi-disciplinary team of experts in complementary fields (social assistance and inclusion, non-discrimination, health) to promote, among the beneficiaries, information about a healthy life through the prevention of transmissible diseases that are specific to children.

Specific Objectives:

1. Raise awareness of around 15 representatives of the local stakeholders (public authorities) about the importance of early intervention in the vulnerable communities and promote a healthy living among parents of Roma children - with a focus on the mandatory immunization measures.
2. Raise awareness of around 300 beneficiaries (parents of Roma children) in the selected Roma communities, about the importance of health education and prevention of transmissible diseases children among children, through vaccination.
3. Establish 2 local multi-disciplinary networks (one for each county) of experts from the 4 pilots selected for the project, to monitor/involve constantly in the promotion of health education within vulnerable communities.

Implementation term: May 26, 2015 – April 30, 2016.

Project funded from the Call COERENT, under the Programme RO10 – Children and youth at risk and local and regional initiatives to reduce national inequalities and promote social inclusion, a programme implemented by the EEA Financial Mechanism 2009 – 2014 EEA

In its capacity as partner in this project, the National Council for Combating Discrimination participated to the development of curricula for training the multi-disciplinary teams that were called to promote the integrated early intervention model to prevent sickness risk among children.

In addition, the National Council for Combating Discrimination provided trainers to training sessions dedicated to the multi-disciplinary teams on the integrated early intervention model to prevent sickness risk among children.

The role of the National Council for Combating Discrimination in this project, in its capacity as partner, was to draft national policies aimed at fighting discrimination and promoting equality in addition to the legislation and promote the dissemination of information regarding the EU and the national policies and the legislation in the field of non-discrimination.

Strengthen the capacity of the national anti-discrimination system in the Republic of Moldova through inclusive society participation

This project was intended to help develop, in the Republic of Moldova, an independent and efficient system to prevent and fight discrimination. The project was implemented by the Public Policy Institution of the Republic of Moldova, in partnership with the Moldovan Council for the prevention and removal of discrimination and provide equality, the Romanian National Council for Combating Discrimination (NCCD) and the Romanian Public Policy Institute. The project is funded by the European Union from the European Instrument for Democracy and Human Rights and co-funded by the Soros-Moldova Foundation.

To this purpose, the interventions in the project were directed to supplementing efforts in the non-discrimination area, with specific actions oriented toward the strengthening of NGO representatives' capacity to monitor the non-discrimination policy implementation, strengthening the local governments' capacity in the area of application of the non-discrimination legislation at local level; ensuring the cooperation between the national systems of the Republic of Moldova and the Romania with the purpose of preventing and combating discrimination; and promoting the basic citizens' rights in an allegedly discriminating action.

Specific Objectives:

Build CPEDEE capacity, the capacity of independent organizations of the civil society/entities/stakeholders to monitor the non-discrimination policy implementation and requesting damages for the victims of discrimination. Thus, 71 representatives were trained.

Support the local public administration authorities for an integrated approach of specific vulnerable groups inclusion in the current working procedures. To this end, several local public authorities were selected to deliver a number of training sessions.

Strengthen the cooperation between the local civil society with CPEDEE, with a view to creating an open national network to fight discrimination in Romania and the Republic of Moldova. In this respect, the “amicus curiae” was created and an exchange of information occurred between the representatives of NCCD and CPEDAE.

Implementation term: June 27, 2015 – January 31, 2017

Partners PPI Moldova - applicant; PPI Romania, NCCD, CPEDAE Moldova - partners

The total project budget according to the agreement is 31,522 euros.

The most important deliverables of the project, supporting the above objectives are listed below:

- Project website: <http://antidiscriminare.egalitate.md/>

- The instrument call File an online complaint: <http://antidiscriminare.egalitate.md/scrie-o-plangere/>
- The instrument called Submit Amicus Curiae: <http://antidiscriminare.egalitate.md/amicus-curiae/>
- A Guide to local governments in preventing and combating discrimination <http://antidiscriminare.egalitate.md/438-2/>
- A set of recommendations on the equality and non-discrimination working procedures of the local government: <http://antidiscriminare.egalitate.md/asistenta-la-distanta-domeniul-nediscriminarii-pentru-autoritatile-publice-locale/>
- Recommendations for revising and supplementing the internal acts issues by the local authorities in the field of prevention and fight against discrimination: <http://antidiscriminare.egalitate.md/asistenta-la-distanta-domeniul-nediscriminarii-pentru-autoritatile-publice-locale/>
- Teaching material “Training on non-discrimination and rights of people with disabilities”: <http://antidiscriminare.egalitate.md/information-materials/>
- Teaching material “Strengthening the institutional arrangements for prevention and fight against discrimination”: <http://antidiscriminare.egalitate.md/information-materials/>
- A whiteboard commercial spot to raise awareness for the online campaign: “Fii tu însuși! (Be yourself)” Ai dreptul!” (You have this right!): <http://antidiscriminare.egalitate.md/este-lansat-un-nou-spot-social-de-prevenire-fenomenului-de-discriminare-2/>

The project aimed at a broader representation of equality and non-discrimination principles at local level. The impact on the target groups is visible in the support provided to: the representatives of the local governments, for raising awareness and disseminate information on the applicability of the non-discrimination laws and the adjustment of documents and internal procedures to meet the principles of non-discrimination; to dedicated non-government organizations for disseminating the information and assisting citizens in reporting alleged facts of discrimination; and to the public in the online information campaign and the non-discrimination road show on legal instruments used in the fight against discrimination.

The main actions included:

A number of three training sessions aimed at capacity building for the civil society representatives and the independent experts to monitor the implementation of policies preventing and fighting discrimination and provide assistance to the victims of discrimination; boosting cooperation between the Moldovan non-discrimination and equality council (CPEDEE) and the local civil society organizations; creating stronger partnerships between the national systems of Moldova and Romania in the fight against discrimination.

Following the training sessions held with the non-government organizations and the non-discrimination experts, 6 representatives of the most active NGOs of the Republic of Moldova

were selected for the peer-to-peer exchange organized in Bucharest. This action entailed the participation to the meeting of the Romanian National Council for Combating Discrimination (NCCD) in charge with reviewing complaints and to a number of other meetings with Romanița Iordache, expert in the area of fighting discrimination and member of various NGOs, one representative of the National Agency for Equality of Opportunity (ANES), the National Agency for Disabled (ANPD), the NGOs that are actively involved in the fight against discrimination, and Remus Cernea, an independent MP (from the Romanian Chamber of Deputies) and an activist for the fight against discrimination.

In addition to the monthly conversations, the assistance provided over Skype and email discussions on the on-going discrimination cases, a number of priorities were seen as opportune by the representatives of the two partner Councils involved in the project implementation:

- Develop Public Policies and Advocacy by establishing guidelines in order to support the review of policy documents and pieces of legislation from the point of view of non-discrimination and equality;
- International cooperation and development of relationship with the European Network of equality bodies - EQUINET - and other institutions that promote the equality in the region (NCCD made constant efforts to include CPEDAE in EQUINET, the CPEDAE Activity Report was translated into English and disseminated to all EQUINET members, study tours to Croatia and Slovakia were organized)
- Practical recommendations on the development and implementation of Twinning Projects, including on the outcomes, based on NCCD experience.

The Project “Improve measures to fight discrimination at national level, with the broad participation of experts and civil society”

The Project called “Improve the measures to fight discrimination at national level with the broad participation of expert and civil society” brings together the expertise of two partners, namely the National Council for Combating Discrimination and the Council of Europe, and was implemented under the second component of the Program *RO 10 - Children and young people at risk and local and regional initiatives aimed at reducing disparities at national level and promoting social inclusion*: support to the cooperation among public authorities, the civil society and the private sector, with a view to reduce disparities at national level, focusing on the promotion of a non-discrimination mind-set that is inclusive at local level.

Project Promoter: National Council for Combating Discrimination

Partner: Council of Europe, through the Democratic Citizenship and Participation board

Funding Source: The 2009 – 2014 Financial Mechanism of the European Economic Area (EEA)

Budget allocated: 399,990 euros

Project implementation term: 32 months, from February 2014 through October 2016

Broad Project Objective

Identify means to prevent and fight discrimination in Romania.

Project Purpose

Contribution to the 2016 - 2020 national strategy for preventing and fighting discrimination, with a broad participation of all significant players and based on the relevant European standards (1). Contribution to awareness raising about the new challenges to non-discrimination in the Romanian society, both at national and local level (2).

Specific Objectives:

1. Research to identify the European good practices and prepare the relevant materials for disseminating the information;
2. Conduct a study regarding the perceptions, behaviours and expectations of the citizens with respect to the discrimination and the ways to fight discrimination;
3. Consultations with the institutions involved in the strategy implementation (ministries, other central and local authorities) and NGOs active in the field, as well as with representatives from the vulnerable groups and the professional categories;
4. Round tables organized at regional level with representatives from the local governments, NGOs involved at local/regional level, professional associations, aimed at identifying current problems and the best ways to address them.
5. Establish a working group and propose a draft strategy.
6. Classes on specific topics addressed to the representatives of professional categories involved in judicial and educational activities having an impact of the discrimination-related issues (school inspectors, teachers, magistrates and police officers);
7. A study tour organized at the European Court of Human Rights and the Council of Europe for a group of experts and magistrates;
8. A campaign organized for raising awareness (including through social media) about the discrimination in Romania;
9. Establish a platform/web portal to promote the specific actions of preventing and fighting against discrimination and the new national strategy in this area.

The project specific activities were carried out during the project implementation, with the following outcomes:

1. The survey/research “*Non-discrimination in the education system - examples of good practices in Europe*” conducted by European experts, which identified 28 good practices, as well as promising practices from several more experienced countries of the European Union. (Great Britain, Austria, Bulgaria, Hungary, Belgium, the former Republic of Macedonia, Germany, Netherlands, Greece, Sweden, Slovakia, the Czech Republic, Serbia, Slovenia, Spain) as well as from Armenia and Bosnia-Herzegovina;
2. The research report “*Perceptions and behaviours of the Romanian population with respect to the national strategy for preventing and combating discrimination*”, issued in 2015 by the TNS CSOP, the centre in charge with surveying the public opinion and the market; the survey was made on a sample of 1406 respondents and used the face-to-face interview;
3. The survey/research “*External assessment of the national strategy for implementing the measures on preventing and combating discrimination in 2007–2013*” conducted by European experts;
4. Five reports containing significant data reflecting the challenges and difficulties encountered in the effort to fight discrimination, protect vulnerable groups and provide equality of opportunity, by the local public authorities, non-government organizations and professional associations (data collected during the five regional round tables that took place in Timișoara, Iași, Cluj-Napoca, Sibiu and Craiova). One report containing the suggestions and comments issued by the central institutions and NGOs active in Romania in the field, on the initial 2017–2021 anti-discrimination draft strategy;
5. Draft Government Decision for passing the 2017–2021 national framework strategy on preventing and fighting discrimination called “*Equality, inclusion, diversity*”;
6. 525 people from professional categories such as magistrates, teachers, school inspectors, police, gendarmes and penitentiary officers were trained in the field of non-discrimination and equality of opportunity, by Romanian and European experts;
7. 14 magistrates selected by the National Institute of Magistrates from the highest level of the Romanian judiciary system became familiar with the standard procedures and institutional standards of the European Court of Human Rights, during a study tour to Strasbourg in 2015 which brought them useful experiences for their professional activity;
8. An audio and video commercial called “*Children don’t see any differences where there is no difference*” disseminated by the media in 2016 helped raising awareness among the citizens about the impact and consequences of discrimination actions; in accordance with a decision of the Romanian national audio-visual council in March 2016, the commercial created by this project contains a message of public interest;
9. The project website www.nediscriminare.ro in which, under the “*Jurisprudență*” heading, one can visualize the decisions issued in 2008–2015 in discrimination cases there were solved..

National Council
for Combating Discrimination
in the newspapers



Monitoring period: January - December , 2016

148 articles that were monitored refer to NCCD activity

National publications that were subject to monitoring: *Adevărul, Cotidianul, Cronica Română, Curentul, Curierul Național, Evenimentul Zilei, Gazeta Sporturilor, Gândul, HotNews, Jurnalul Național, Mediafax, Prosport, România Liberă, Ziare.com.*

NCCD was most often mentioned in the following publications: *Adevărul, HotNews, Mediafax, România Liberă, Gândul.*

The main articles in the newspapers, during the monitoring activity, which referred to the penalties issued by NCCD:

■ **The fact of punishing pupils for not wearing an uniform in a form of indirect discrimination**

The National council for Combating Discrimination decided that any punishment for pupils not wearing a school uniform, such as a low degree in behaviour or unmotivated absence, is indirect discrimination, despite the fact that the school in-house regulations may require pupils to wear an uniform. The school in question was fined by 1000 lei and was issued the recommendation to revise its in-house rules and remove the discriminatory measures.

■ **A bank fined over refusal to release a card based on the digital print.**

NCCD Steering board ordered a 70,000 lei fine on a bank that refused to issue to a person suffering from a walking disability a card based on the print as signature. According to NCCD, the refusal to issue a bank card under those circumstances is an act of discrimination. NCCD recommended the bank to establish procedures for people with walking disabilities, allowing them to use the print as signature.

■ **NCCD started an *ex-officio* investigation on a high-school in Timișoara which imposed a number of criteria for the admission of children to the preparatory class.**

The investigation was generated by NCCD in the case of Carmen Sylva High-School in Timișoara after the media reported that the children were admitted based on some criteria related to the parents' or grandparents' background with the school. NCCD decided that the selection criteria for the admission to the preparatory class used by Carmen Sylva Pedagogical High-School in Timișoara were discriminatory, and the approval of the respective criteria by the School Inspectorate of the Timiș County fell under the provision of article 2 paragraph 4 of the Ordinance. A fine of 4000 lei was issued for the inspectorate and a fine of 2000 lei - for the high-school itself.

■ **Ruling of the High Court of Cassation and Justice: Traian Băsescu must pay a fine for proving injurious to the image of Roma people.**

The High Court of Cassation and Justice rejected the appeal filed by Traian Băsescu to challenge the NCCD resolution to issue a fine in his case for the statement about traveling Roma people he had made six years earlier, in Ljubljana, by saying that "traditionally, many of them live from what they steal".

■ **A fine of 3,000 lei for the MD who humiliated a young girl in Covasna.**

The Emergency Child Hospital in Cluj-Napoca was fined 2000 lei by NCCD, in the case of the teenager from Covasna who, while being admitted to the hospital, was humiliated by a doctor because she didn't speak Romanian. The doctor himself was fined 1000 lei. According to NCCD, the violation of the right of children and their family to be informed about their health situation and medical record in a respectful manner and in their native language, or in a language they know, is an act of discrimination.

■ **The capital city hall, fined by 10,000 lei by NCCD over the scoring established for the people with disabilities in the process of social housing awarding.**

The Bucharest City Hall was fined by NCCD 10,000 lei for considering only four points for the people with disabilities in calculating the score based on which the priority short-list awarding social housing is decided, compared to the revolutionaries getting 15 points. According to NCCD, this is an act of discrimination.

■ **PRU leader, fined by NCCD for discrimination against the LGBT community.**

Bogdan Diaconu, head of the United Romania Party (Partidul România Unită - PRU) was fined 4000 lei by the National Council for Combating Discrimination over discriminatory statements about the LGBT community (lesbians, gay, bisexual and transgender) in Romania. In a public speech, PRU leader said that "No homosexual parade is to take place in Bucharest anymore! In my capacity as General Mayor of the city, I will not allow any more gay parades on the streets of Bucharest. I defend the Christian and traditional values of the Capital City and I will not allow Bucharest become Sodom and Gomorrah".

■ **Buzdugan and Morar, fined by the National Council for Combating Discrimination for their racist "jokes" about the football players of the national team of Congo.**

NCCD decided to fine Daniel Buzdugan and Mihai Morar of the Radio Zu station by 5,000 lei each, for several racist "jokes" they made during the football match between

Romania and Congo; NCCD retained that, by their statements, the two hosts “created a hostile, degrading and humiliating atmosphere for the African people”.

■ **Fines for the Ministry of Health and Ministry of Labour.**

The Steering board of the National Council for Combating Discrimination decided to fine the Ministry of Health by 2.000 lei and the Ministry of Labour, Family, Social Protection and the Elderly by 2,000 lei, for breaching the law on children’s rights, namely the UN Convention on the rights of persons with disabilities.

■ **NCCD fined the city hall of Sibiu.**

The National Council for Combating Discrimination fined the Sibiu City Hall by 500 lei for having refused to promote “infrastructure investments (water supply, sewerage, roads etc.) benefiting the vulnerable group represented by the Roma community, in other words the suggestion that the mayor made about the Roma community needing to move to the rural outskirts of Sibiu County”.

■ **A newspaper that posted advertisements with wordings such as “looking for family to support me “no Gypsies and other ethnic groups”, fined 14,000 lei.**

The National Council for Combating Discrimination decided unanimously to issue a 14,000 lei fine to a newspaper for publishing discriminatory advertisements for the Roma people. The advertisements published by the respective newspaper included: “looking for a family to support me ... no Gypsies or other ethnics”; “selling apartment, yard in common, no Gypsies”; selling apartment ... no Gypsies in the yard”.

■ **The Ministry of National Defence will not segregate men and women in schools, after being fined for discrimination.**

The schools of the Ministry of National Defence will not have separate places for women and men in the school year 2017-2018, after the National Council for Combating Discrimination issued a warning to the army that such a practice was discriminatory; the ministry challenged the penalty but lost the trials.

■ **Two of the member organizations of the Coalition for Family fined for homophobic billsteering board advertising in Bucharest.**

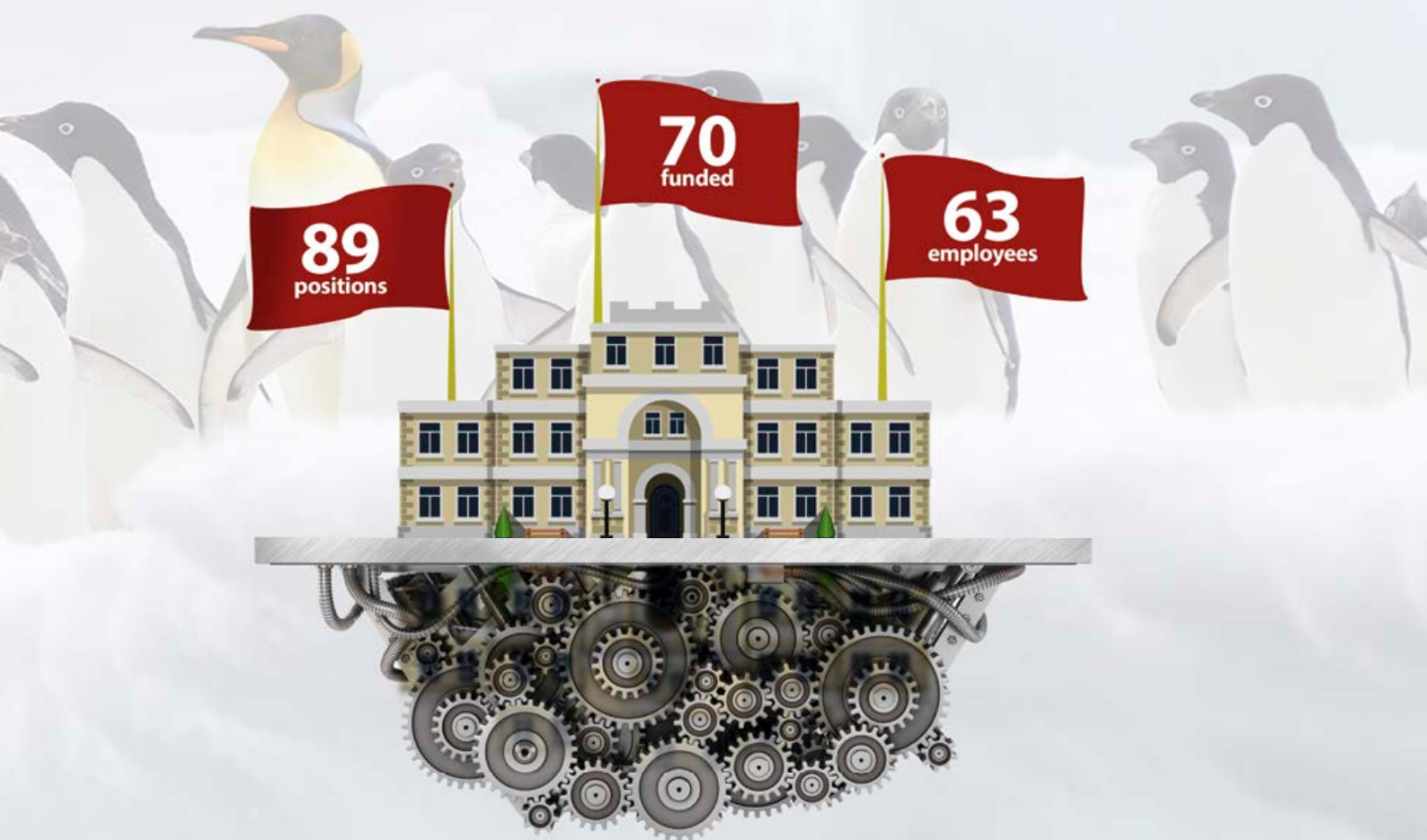
Pro-Vita and the Alliance for Romanian Families, involved in the initiative for changing the way that the family is defined by the Constitution, were fined by 1000 lei each by the National council for Combating Discrimination.

In 2013, these organizations used banners with messages like “Would you imagine your baby girl being a lesbian? Could you picture your boy a homosexual?” pointing at the George Coşbuc Bilingual High-School holding, at the time, an optional class about diversity making references, inter alia, to African-Americans and sexual minorities and planning a gay parade.

The final decision was issued by the Higher Court, after both organizations challenged the NCCD decision. .

Financial and Staff Data

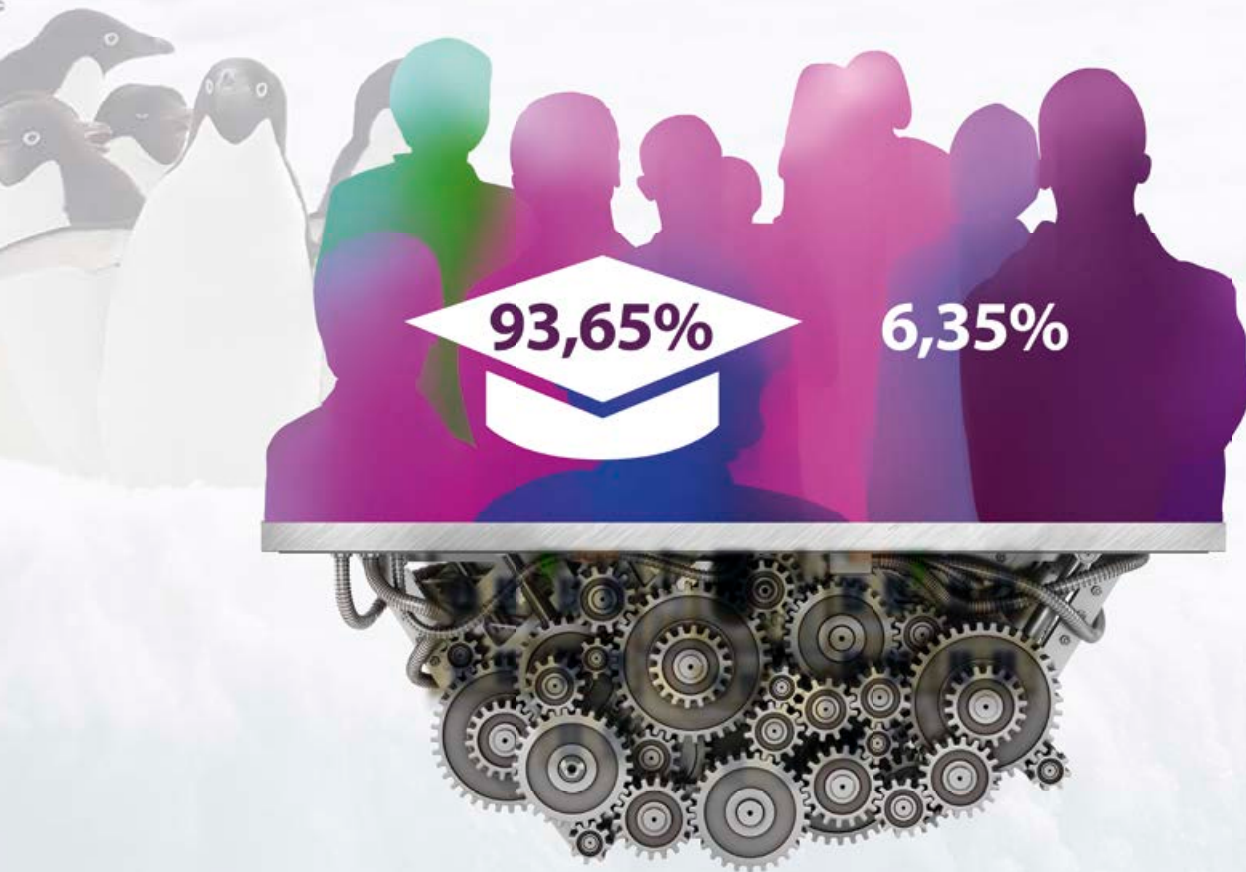
	Budget Code	Allocated	Spent
	51.01		thou lei
Staff Expenditures	10	4.099	3.927
Goods and Services	20	972	862
Transfers	55	10	5
Projects financed from foreign funds	56	14	8
Other expenditures	59	164	153
Capital expenditures	71	59	58
Payments on behalf of previous years	85		-14
Total		5.318	4.999
Non-refundable foreign fund	51.08		
Projects financed from foreign funds	56	623	622
Total NCCD Budget		5.941	5.621



NCCD working staff includes 89 positions, of which 70 were funded in 2016, with only 63 employees at the end of the year.



The average age of employees is 41.




The share of employees having graduated a higher education institution is 93.65%, with the remaining 6.35 % being high-school educated.



CONSILIUL NAȚIONAL PENTRU COMBATEREA DISCRIMINĂRII





*“A royal penguin, an
Adelie penguin and
a Fiordland penguin
walk into a bar...To be
continued next year :)”*



CONSILIUL NAȚIONAL PENTRU COMBATERICA DISCRIMINĂRII

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