



**CONSILIUL NAȚIONAL**  
pentru **COMBATEREA**  
**DISCRIMINĂRII**

# Activity report





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# Foreword

In 2020, Romania celebrated 20 years since the adoption of a special legislation on prevention and fighting all forms of discrimination. Throughout these years, legislation against discrimination managed to overcome the status of a formal condition for the integration of Romania in NATO and in the EU, thus becoming an effective area for protection of human rights.

After 20 years, Romania is currently acknowledged as having implemented a competitive legislation on prevention and sanctioning all forms of discrimination, a legislation that is interpreted and applied according to international standards, enshrined through the international treaties and conventions that Romania is a party to, as well as through the case-law of international courts.

An important role was played in the development in this area by NCCD, together with the judiciary, non-governmental organizations and Romanian citizens.

Data included in the current activity report demonstrate that prevention and sanctioning all forms of discrimination represents an ongoing process that renders new and difficult issues every time.

Thus, there were complaints recorded aimed at discriminatory actions in areas such as employment, access to services, access to education and protection of the right to human dignity. In terms of discrimination criteria, one may find that complaints

are to be identified based on criteria such as disability, gender, age, ethnic and national origin, respectively language.

The Council undertook an intense activity in terms of developing and submission of points of view for the courts to be used in those cases where potential acts of discrimination were tried.

The administrative litigation activity has been highly dynamic during this year, as well, with a series of interesting and relevant cases to be included in the specialised case-law.

2020 was a year dominated by the challenges posed due to the COVID-19 pandemics, and this was also true for the NCCD activity, which had to adapt to the newly created conditions, from the organizational point of view, as well as from the point of view of the new discrimination cases that the pandemic crisis has generated.

One may notice that, during the past year, we were the witnesses of increased tensions within the Romanian society, thus the hate speech and discriminatory speech were intensified, on the background of discontent created due to the restrictions and living conditions generated by the pandemic situation.

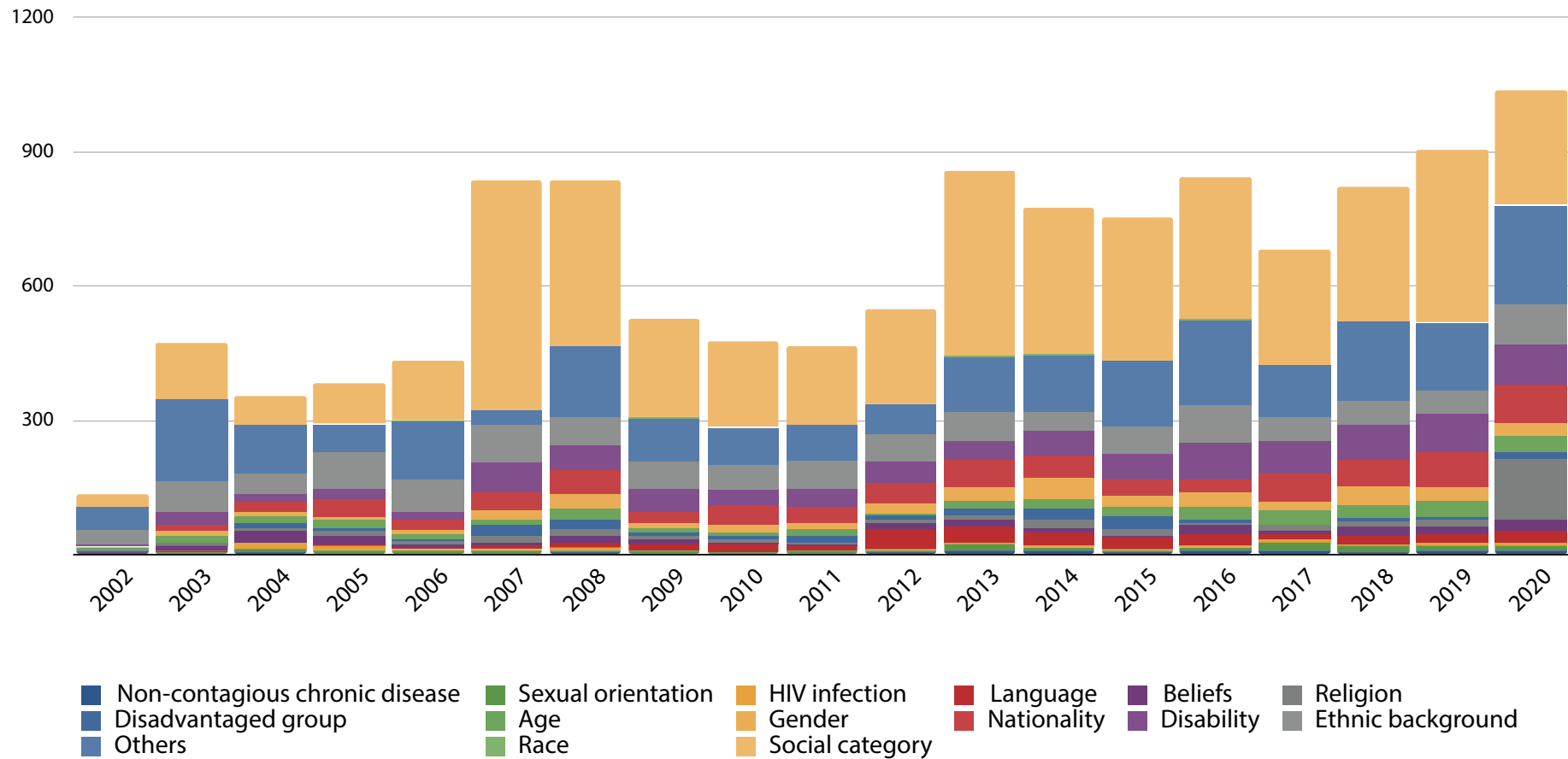
We recommend that this report should be used as a data source for an objective analysis, with the purpose of improving the activity of this institution.

*Csaba Asztalos Ferenc, **President***





# Statistical data on petitions received and processed during 2020



Distribution of petitions received in 2002-2020, according to criteria

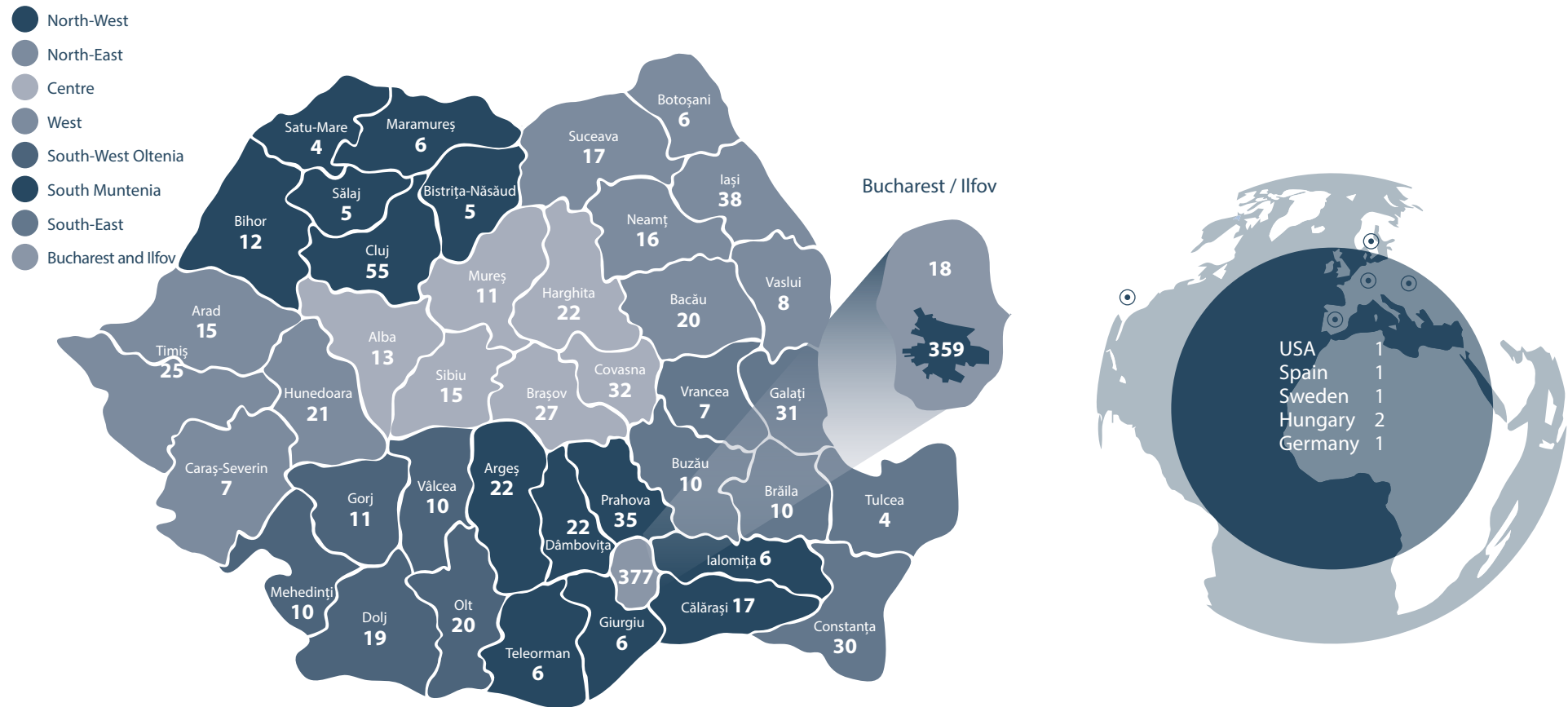
## I. Relevant data on petitions received in 2020

CRITERIA	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	TOTAL
Non-contagious chronic disease	0	0	6	2	3	2	4	2	0	1	6	9	9	5	8	10	6	8	8	89
Sexual orientation	1	5	6	9	6	7	6	6	4	8	3	13	9	3	8	17	13	13	11	148
HIV Infection	0	1	15	10	5	3	7	1	3	1	5	4	3	4	4	8	4	6	7	91
Language	0	2	1	2	2	7	11	13	16	10	43	38	27	27	25	12	17	20	26	299
Political	4	12	23	19	8	10	14	13	4	2	15	14	13	4	20	6	22	15	24	242
Religion	2	9	9	11	8	12	15	6	6	5	5	11	18	14	7	12	11	17	138	316
Disadvantaged group	2	0	10	6	4	26	22	9	7	14	10	13	25	26	5	2	9	6	13	209
Age	6	11	14	17	10	10	24	10	9	16	5	18	21	22	31	31	29	35	38	357
Gender	3	14	13	9	11	22	32	9	18	15	21	31	46	28	29	19	43	29	30	422
Nationality	1	12	21	39	20	39	54	28	42	33	49	61	49	36	30	64	56	80	83	797
Disability	3	31	18	21	20	70	55	49	38	42	45	42	57	56	83	74	81	87	90	962
Ethnicity	34	66	45	85	69	82	62	62	54	62	61	66	42	61	81	53	52	48	92	1177
Others	52	184	108	61	132	32	159	96	83	81	69	121	127	147	194	114	177	153	220	2310
Race	0	0	1	1	2	0	0	2	1	0	0	3	2	1	3	2	0	1	1	20
Social category	26	126	63	90	132	514	372	222	193	175	211	414	328	318	314	258	302	386	258	4702
<b>TOTAL</b>	<b>134</b>	<b>473</b>	<b>353</b>	<b>382</b>	<b>432</b>	<b>836</b>	<b>837</b>	<b>528</b>	<b>478</b>	<b>465</b>	<b>548</b>	<b>858</b>	<b>776</b>	<b>752</b>	<b>842</b>	<b>682</b>	<b>822</b>	<b>904</b>	<b>1039</b>	<b>11676</b>

Distribution of petitions received by NCCD in 2002-2020

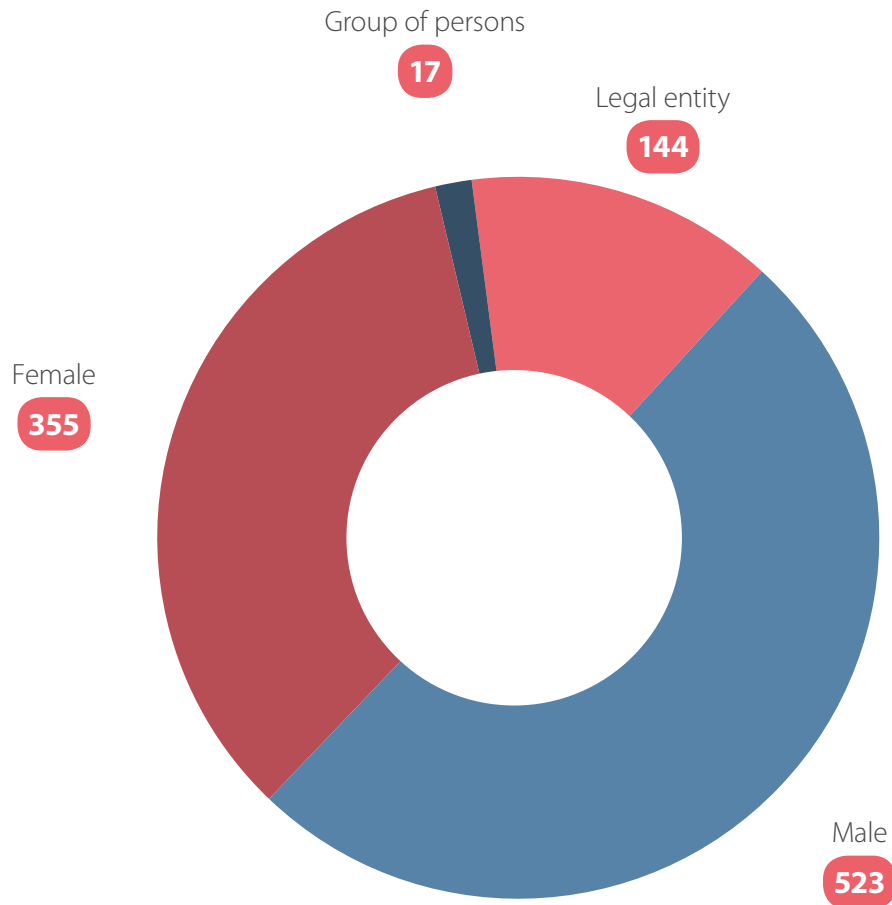
FIELDS / CRITERIA	Non-contagious chronic disease	Sexual orientation	HIV/SIDA	Language	Political	Religion	Disadvantaged group	Age	Gender	Nationality	Disability	Ethnicity	Others	Social category	Race	TOTAL
Access to housing												4				4
Others					1					1	2		38			42
Access to public facilities		1			2	1		13			4		24			45
Access to education	1			1			1	2	2	2	14	15	14	17		69
Personal dignity	2	9	5	4	8	131	5	2	13	60	19	64	29	12	1	364
Access to employment and profession	5	1	1		10	2	1	16	15	7	10	4	13	212		297
Access to public services			1	21	3	4	6	5		13	41	5	102	17		218
administrative				19	3	4	5	1		7	24	3	76	12		154
banking								4		4	3	1	5	1		18
health			1	2							5	1	8	1		18
phone													1			1
transport										1	8		4	1		14
legal							1			1	1		8	2		13
stores/restaurants																0
hotels																0
TOTAL	8	11	7	26	24	138	13	38	30	83	90	92	220	258	1	1039

Processing activities undertaken in 2020



### Distribution of petitions received by NCCD in 2020 according to their area of origin



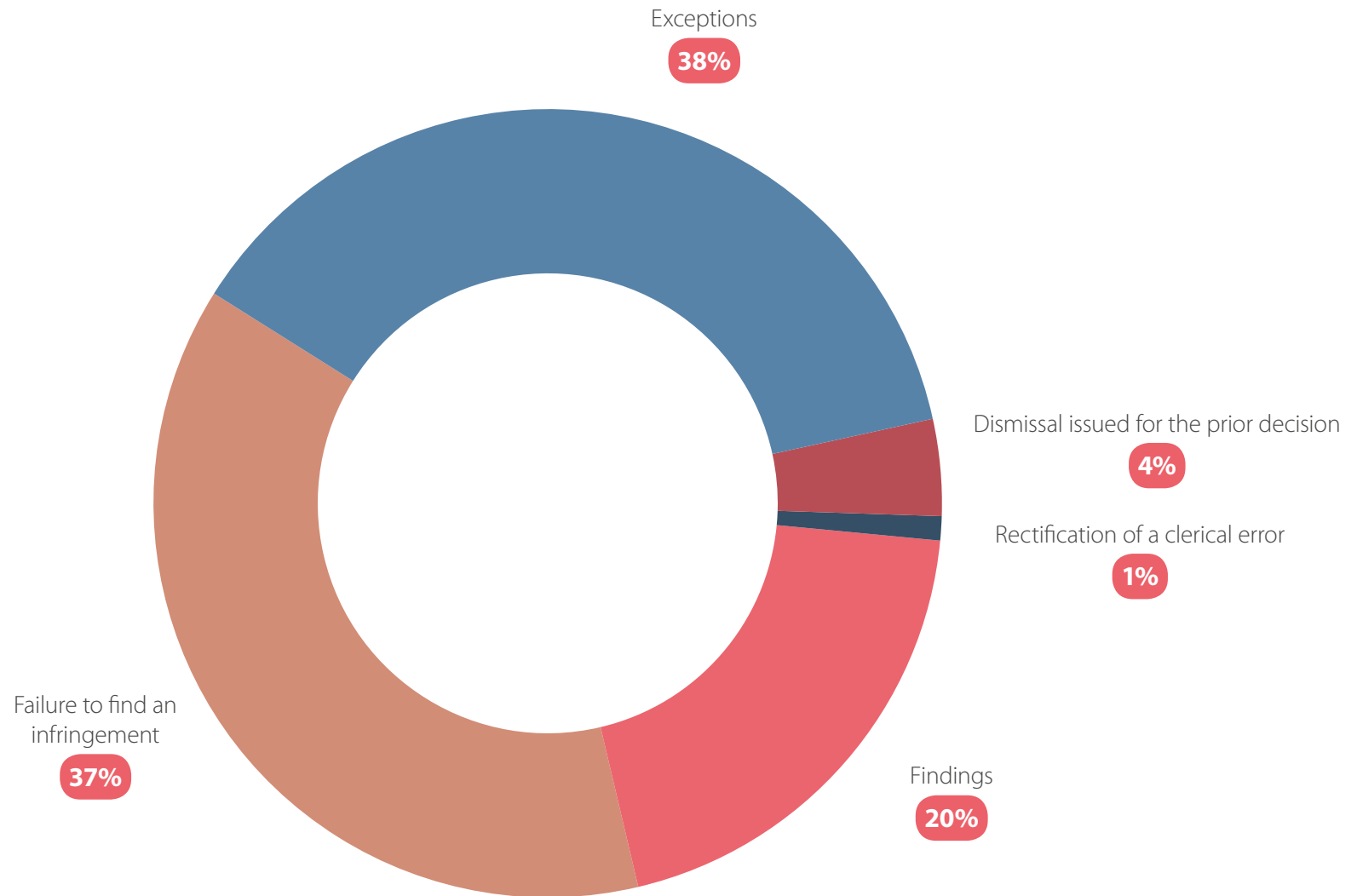


Distribution of petitions received in 2020



Area of origin for petitions received in 2020

## II. Processed cases pending in front of NCCD in 2020



Type of outcomes for the Decisions issued by the NCCD Steering Board in 2020

CRITERIA	Warning	Fine	Recommendation	Publication of a summary decision	Monitoring
Non-contagious chronic disease	1		1		
Sexual orientation		1			
Language	2	4	4		
Personal beliefs	1	2	1	1	
Religion	1	5	3	1	
Age	10	3	5		
Gender	10	5	7	1	
Nationality	12	27	13	3	1
Disability	11	13	13	2	3
Ethnicity	15	18	10	1	1
Other criteria	4	11	2	1	
Race	1	2	1		
Social category	28	18	12	3	2
<b>TOTAL</b>	<b>96</b>	<b>109</b>	<b>72</b>	<b>13</b>	<b>7</b>

Types of sanctions issued by the NCCD Steering Board in 2020 according to each discrimination criterion

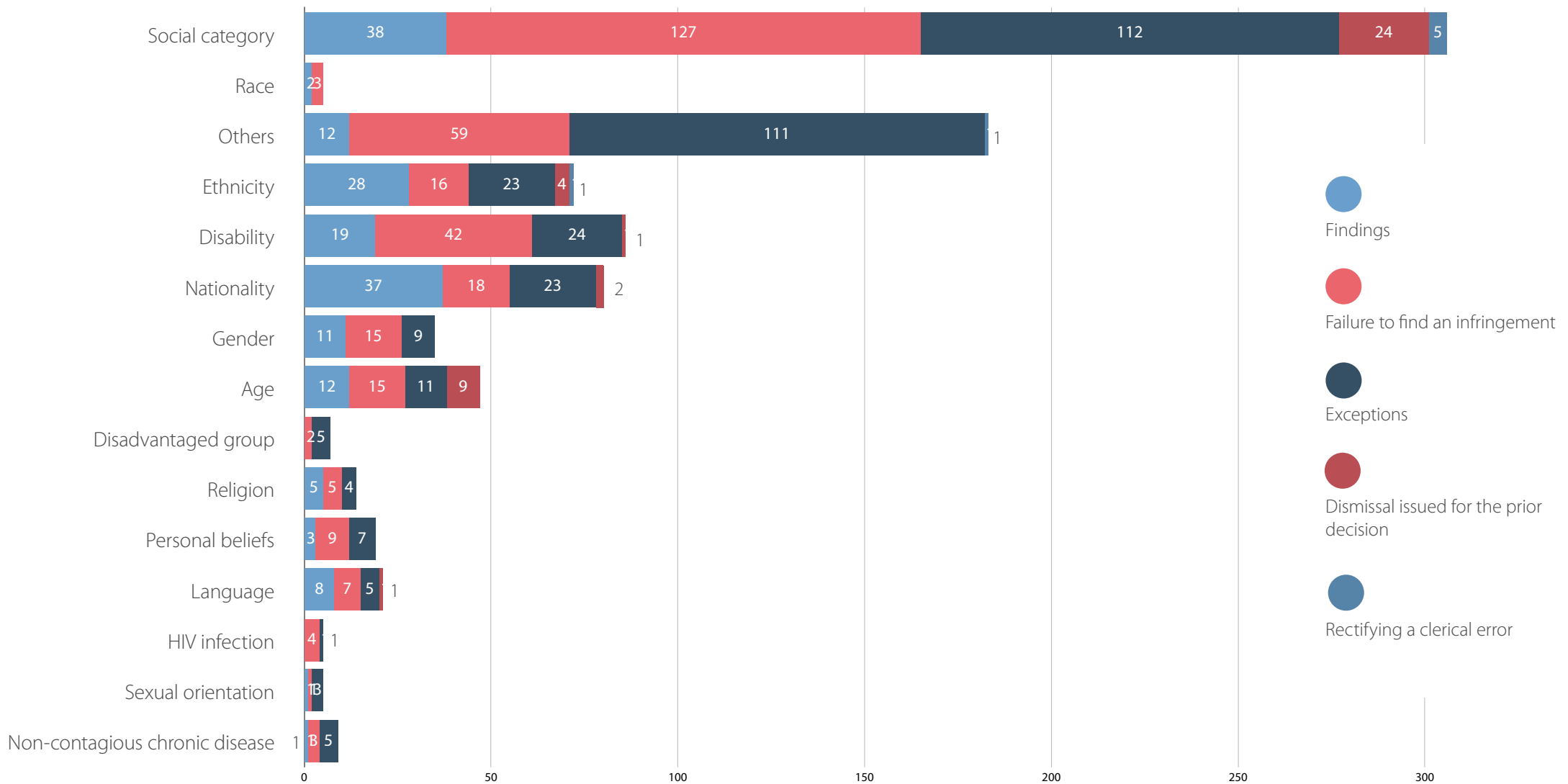
Discrimination fields	Warning	Fine	Recommendation	Publication of a summary decision	Monitoring
Access to employment and professions	35	21	20	3	
Access to education	3	14	6		3
Access to housing		1			
Access to public facilities	3	1	4	1	1
Access to public services	17	17	19	2	3
administrative	11	9	13		2
banking	5	3	2		1
health	1	3	2		
transport		2	2	2	
phone networks					
legal					
hotels					
restaurants					
stores					
Others	3		3		
Personal dignity	35	55	20	7	
<b>TOTAL</b>	<b>96</b>	<b>109</b>	<b>72</b>	<b>13</b>	<b>7</b>

Types of sanctions issued by the NCCD Steering Board in 2020 according to each relevant field



Discrimination CRITERIA	Findings	Failure to find an infringement	Exceptions	Dismissal issued for the prior decision	Rectifying a clerical error	TOTAL
Non-contagious chronic disease	1	3	5			9
Sexual orientation	1	1	3			5
HIV Infection	0	4	1			5
Language	8	7	5	1		21
Political	3	9	7			19
Religion	5	5	4			14
Disadvantaged group	0	2	5			7
Age	12	15	11	9		47
Gender	11	15	9			35
Nationality	37	18	23		2	80
Disability	19	42	24	1		86
Ethnicity	28	16	23	4	1	72
Others	12	59	111		1	183
Race	2	3	0			5
Social category	38	127	112	24	5	306
<b>TOTAL</b>	<b>177</b>	<b>326</b>	<b>343</b>	<b>39</b>	<b>9</b>	<b>894</b>

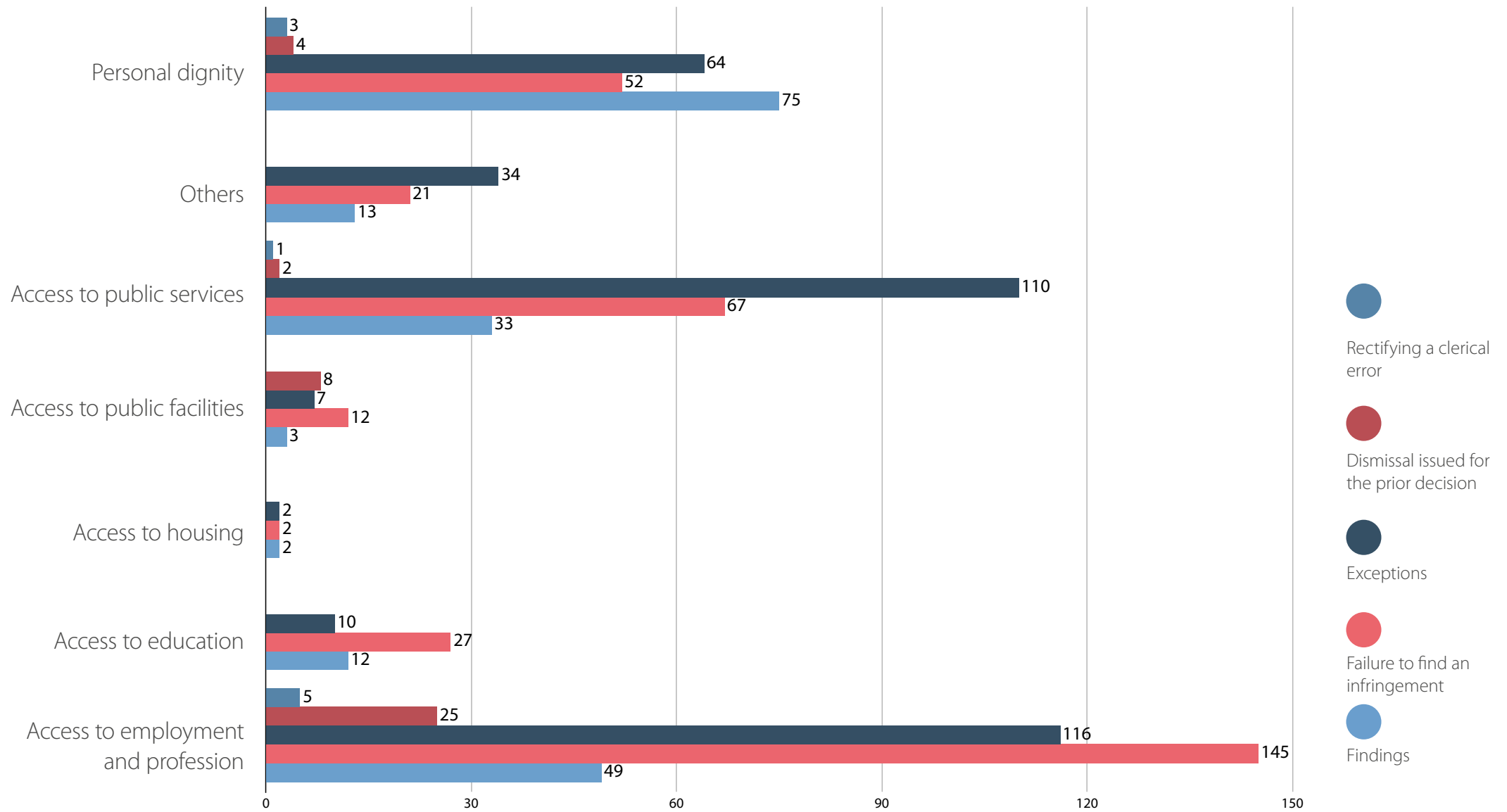
Distribution of outcomes in 2020 according to each discrimination criterion



Distribution of outcomes in 2020 according to each discrimination criterion

Discrimination fields	Findings	Failure to find an infringement	Exceptions	Dismissal issued for the prior decision	Rectifying a clerical error	TOTAL
<b>Access to employment and profession</b>	49	145	116	25	5	<b>340</b>
<b>Access to education</b>	12	27	10			<b>49</b>
<b>Access to housing</b>	2	2	2			<b>6</b>
<b>Access to public facilities</b>	3	12	7	8		<b>30</b>
<b>Access to public services</b>	33	67	110	2	1	<b>213</b>
<b>administrative</b>	21	53	70	1	1	<b>146</b>
<b>banking</b>	7	2	6			<b>15</b>
<b>health</b>	3	8	7			<b>18</b>
<b>transport</b>	2	4	2	1		<b>9</b>
<b>phone</b>	0		0			<b>0</b>
<b>legal</b>	0		23			<b>23</b>
<b>hotels</b>	0		0			<b>0</b>
<b>restaurants</b>	0		0			<b>0</b>
<b>stores</b>	0		1			<b>1</b>
<b>Others</b>	3	21	34			<b>58</b>
<b>Personal dignity</b>	75	52	64	4	3	<b>198</b>
<b>TOTAL</b>	<b>177</b>	<b>326</b>	<b>343</b>	<b>39</b>	<b>9</b>	<b>894</b>

Distribution of outcomes in 2020 according to each relevant field

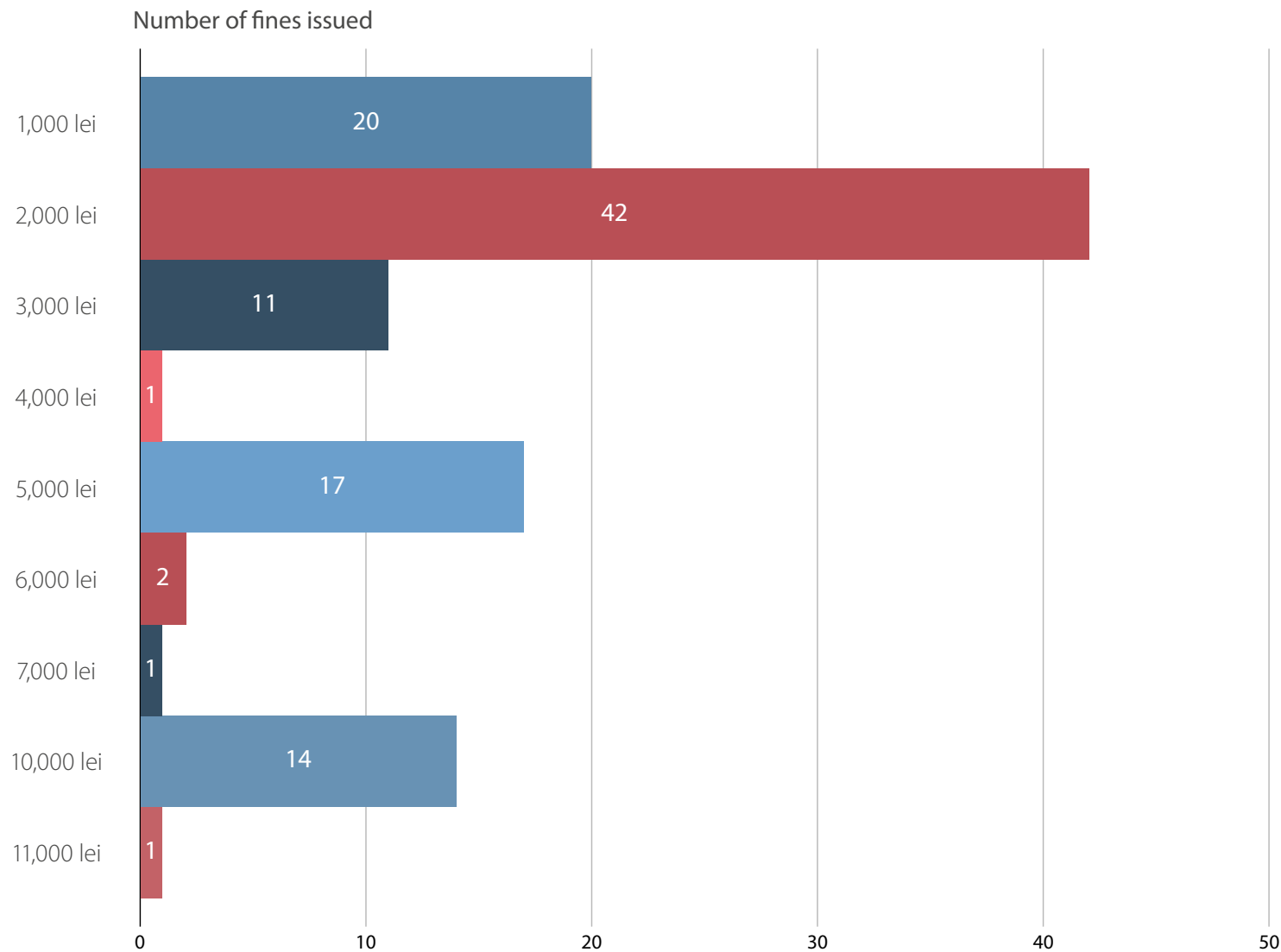


Distribution of outcomes in 2020 according to each relevant field

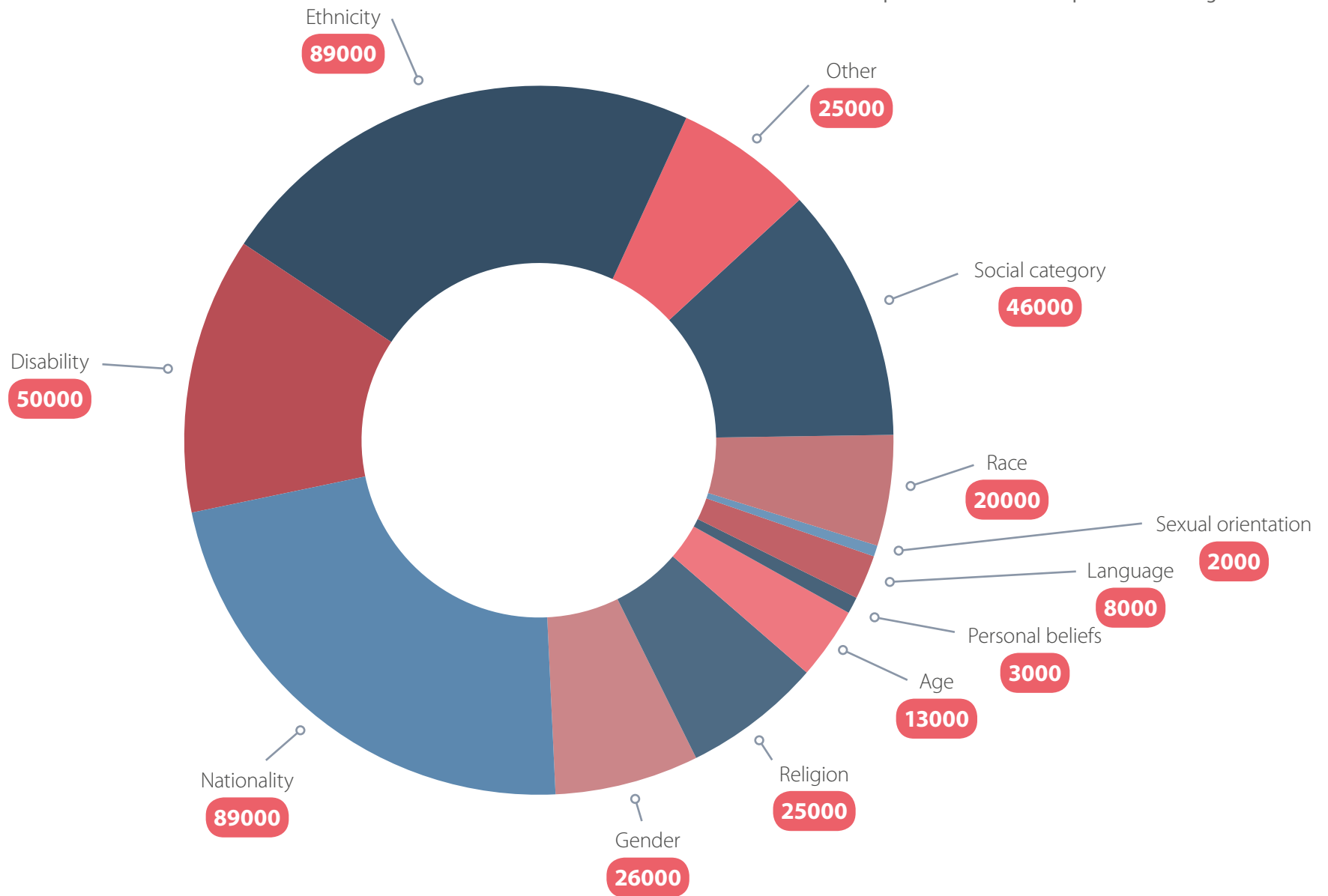


FIELDS / CRITERIA	Non-contagious chronic disease	Sexual orientation	HIV/AIDS	Language	Political	Religion	Disadvantaged group	Age	Gender	Nationality	Disability	Ethnicity	Others	Social category	Race	TOTAL
Access to housing											1					1
Others	1							2								3
Access to public facilities								1			2					3
Access to education											6	1	3	2		12
Personal dignity		1			2	4		2	3	28		25	5	4	2	76
Access to employment and profession					1			4	8	2	2	1	1	30		49
Access to public services				8		1		3		8	7	1	3	2		33
administrative				8		1				7	3	1	1			21
banking								3			2		1	1		7
health											1		1	1		3
phone																0
transport										1	1					2
legal																0
stores/restaurants																0
hotels																0
TOTAL	1	1	0	8	3	5	0	12	11	38	18	28	12	38	2	177

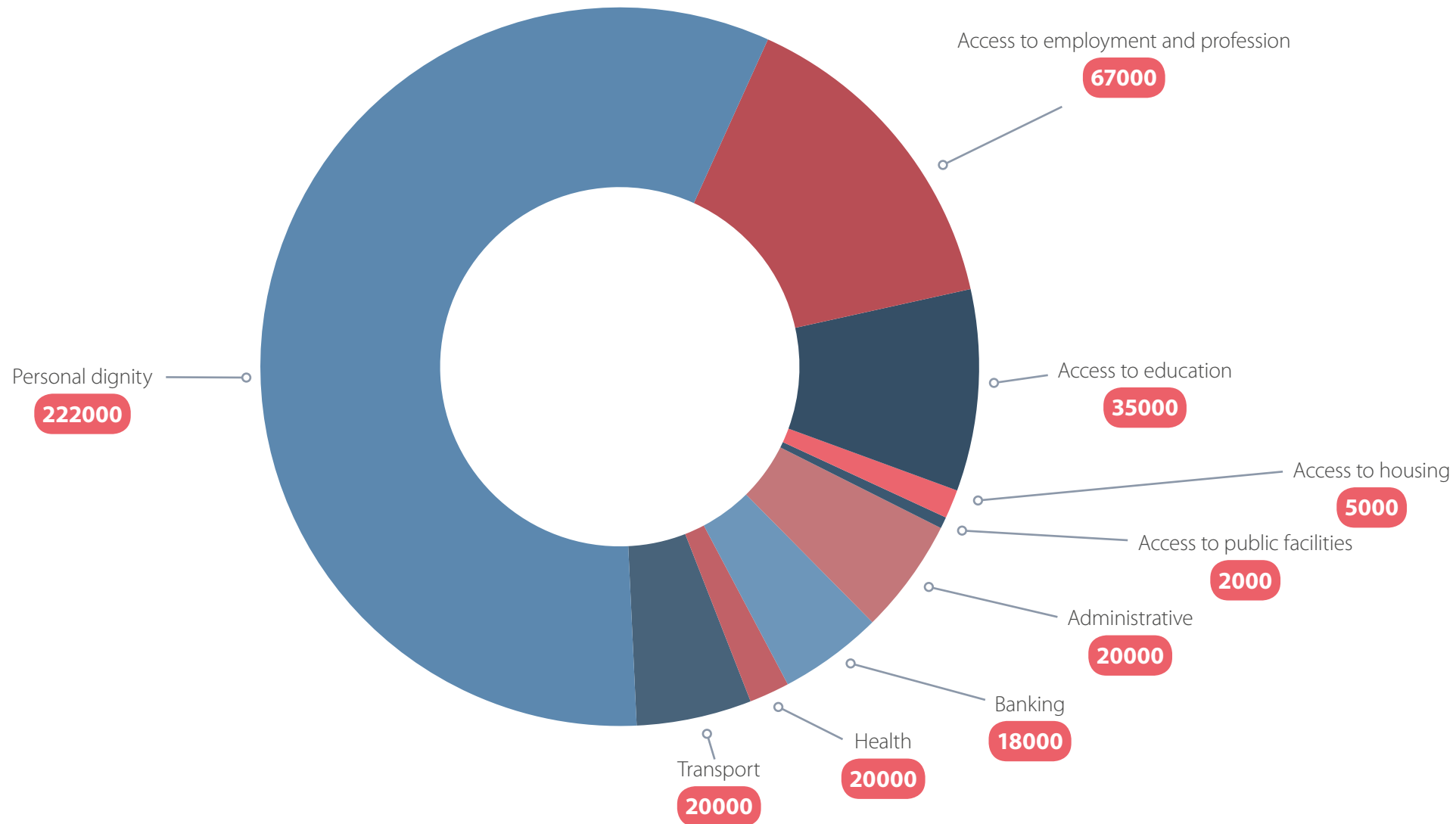
Status of outcomes in 2020 in terms of discrimination-related findings according to criteria and relevant fields



Amount of fines and the total number of fines issued by the NCCD Steering Board in 2020

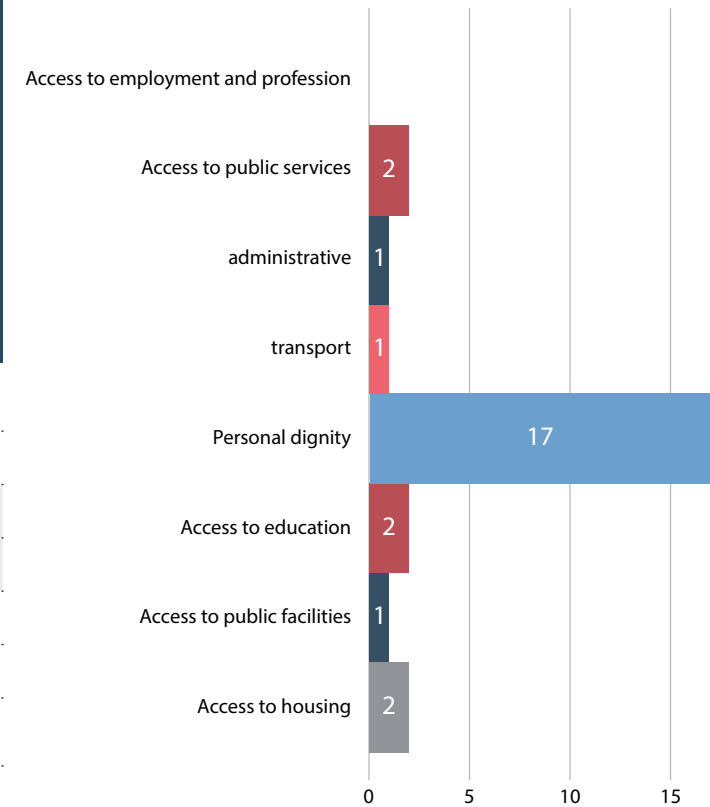
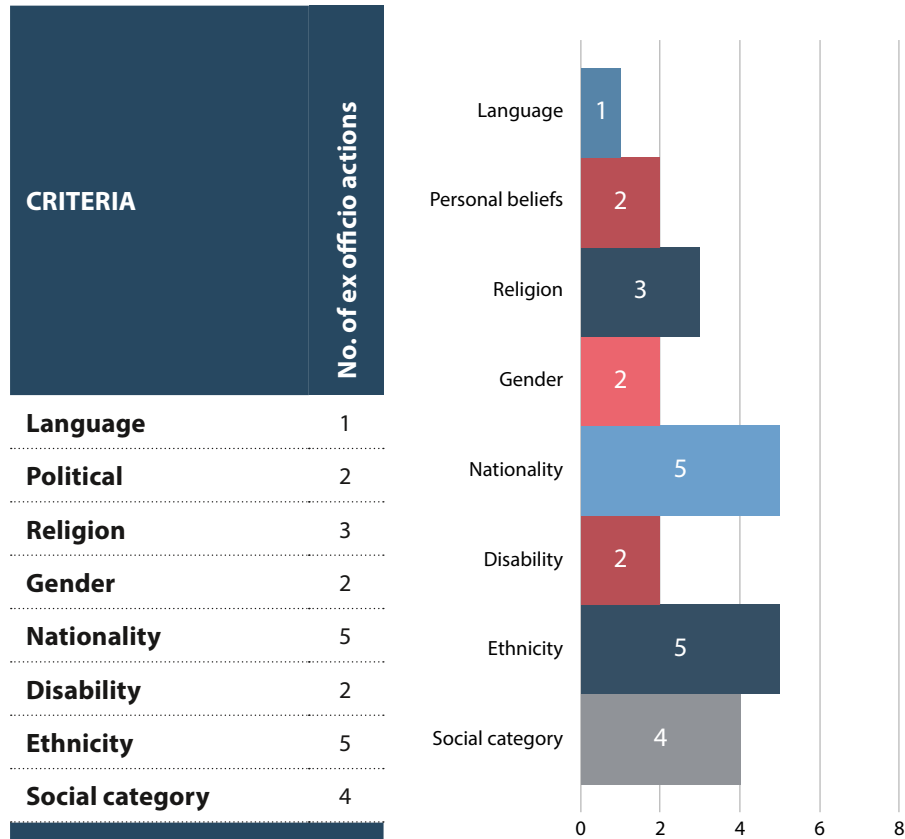


Total amount of administrative fines issued by the NCCD Steering Board in 2020 according to discrimination criteria



Total number of administrative fines issued by the NCCD Steering Board in 2020 according to relevant fields





Ex-officio actions taken in 2020



# Examples based on case-law on findings made by the NCCD Steering Board

## Indirect discrimination

Access to education. Criteria adopted to measure student performance in school.

The claimant believes that the regulations adopted by the respondents, public pre-university education institutions, whereby secondary education students who do not obtain a minimum annual grade above that established by the Ministry of National Education and Research may be obliged to transfer to another school, are discriminatory.

The provisions of the regulations subject to criticism stipulated as follows:

### National College X

*„Secondary education students shall cease to follow courses in the National College X in the following cases: their average conduct grade per semester is lower than 8 (eight), the annual average grades for the subjects Romanian Language and Literature or Mathematics are lower than 7 (seven), and they do not obtain the minimum grade 7 (seven) after the re-assessment which will be conducted during the resit period.”*

### National College Y

*„Students enrolled in class 5, 6, 7 who, at the end of the academic year, have not obtained the overall average grade of at least 8.50, average grades for the subjects Romanian Language and Literature and Mathematics of at least 8, and the overall average conduct grade of at least 9.50 shall be declared non-compliant with the school standards assumed under the educational agreement signed by the parent at registration and, consequently, they shall no longer study in this college, and shall have the obligation to transfer.”*

### National College Z

(...) this agreement shall be terminated in the following cases: the overall average grade for all subjects studied falls below 8.50, the average conduct grade falls below 10, the average grades for the subjects included in the national assessment fall below 7.00.”

The respondents showed that the establishment of performance criteria by setting minimum average grades has reasonable, relevant and legal grounds, while ensuring the right to education

for every student and guaranteeing the performance level agreed prior to the admission to pre-university education institutions.

The introduction of such standards in the Internal Regulations of the school is a method to foster competition among students, to motivate them so as to maintain the quality of education.

**The NCCD Steering Board finds that the goal to foster performance in a pre-university education institution is legitimate, as opposed to the creation of so-called „elite schools or high-schools”.**

The NCCD Steering Board finds that the pre-university education institutions do not have the legal right to establish by means of internal regulations different graduation grades than those established by the Framework Regulation on the organisation and functioning of pre-university education institutions, as approved by Order of the Ministry of National Education and Scientific Research no. 5079/2016. Such an action has discriminatory effects for students of other pre-university education institutions, which

comply with the above-mentioned Framework Regulation.

The respondents have available other methods and means to enhance school performance and to have students with good results in national and international school competitions, more specifically, they may organise extra-curricular activities, for example subject-specific clubs. During such extra-curricular activities, they may select students and impose standards so as to

ensure student competitiveness in national and international competitions.

Such strict regulations which impose students to obtain certain grades so as not to be expelled from the Colleges which were the object of the claim represent a form of school segregation.

Having regard to the rationale presented above, **the NCCD Steering Board finds no objective grounds, and finds that the conditions for**

**the act of indirect discrimination have been fulfilled, as provided by Ar. 2 (3) of GO 137/2000, as republished, on the prevention and sanctioning of all forms of discrimination. Each respondent was sanctioned with a fine in amount of RON 2,000.**

■ **Decision 392/2020**

## Direct discrimination

### Access to public services. Non-contagious chronic disease

The respondent refused to provide medical dental services to the claimant, on the grounds that she is an ICU nurse in a county hospital, in charge with treating patients infected with the SARS-CoV-2 virus.

Having examined the case, we found that the claimant did not fall under the definition provided by law, because all healthcare personnel working in the facilities which provide care for

such patients are properly equipped so as not to be considered direct contacts and, of course, so as to enable them to benefit from all services enjoyed by any citizen.

Consequently, the respondent had no legal grounds to deny the claimant dental services.

**The NCCD Steering Board found that the claimant had been subject to a form of direct discrimination, to different treatment, unlawfully linked to an illness-related criterion, a contagious disease, and such**

**treatment violated the rights of the claimant to equally benefit from medical services.**

**The respondent was sanctioned with a fine in amount of RON 1,000.**

■ **Decision 875/2020**



## Direct discrimination

### Access to education. Segregation

The claimant claims that all nine Roma students in the 5th grade were placed in one class in the local school, although the anti-segregation policies recommend that students should be mixed in different classes, so as to prevent ethnic segregation and to ensure equal access to quality education for all children.

**In this case, the NCCD Steering Board found that these are acts of discrimination pursuant to Art. 2 (4), Art. 11 (1) and Art. 15 of GO no. 137/2000 and the school principal was sanctioned with a fine in amount of RON 2,000, and the respective County School Inspectorate was sanctioned with a fine in amount of RON 4,000. At the same time, the NCCD**

**Steering Board order that all necessary steps be taken for the school to have in place and to implement an efficient de-segregation plan.**

■ **Decision 504/2020**

## Direct discrimination

### Access to education. Special educational need

The claimant, a non-governmental organisation, notices that students with special educational needs benefit from adapted curricula, however, they do not benefit from such accommodations for the national assessments, as they have to sit the exams in the same conditions as the students who studied the standard curriculum. The claimant claims lack of accommodation, of affirmative actions which should aim at ensuring equal opportunities for students with special needs in terms of access to high school education. More specifically, the claimant provides the example of special seats for Roma students.

The NCCD Steering Board finds that the circumstances of children with special educational needs oblige the state to adopt special measures to ensure access to the fundamental right to education. Student with special needs are confronted with different forms of discrimination in terms of access to education, starting from kindergarten until higher education.

**To compensate such disadvantages** accumulated by children with special needs and to ensure their access to exercise the right to high school and higher education, the NCCD Steering

Board finds that the state has the obligation to create special seats for this category of persons, as a method to safeguard the constitutional principle of substantive equality. Children with special educational needs are part of an underprivileged category, the system does not provide sufficient support personnel and, although they may have special skills, they do not have access to quality education and, consequently, to employment.

**The NCCD Steering Board found this was an act of discrimination pursuant to Art. 2 (1), Art. 2 (4), Art. 2 (9) and Art. 11 (1)**

**al GO no 137/2000 and sanctioned the Ministry of National Education with a warning. Also, the NCCD Steering Board recommends the identification of adequate**

**methods so as to create special seats for children with special educational needs.**

■ Note – the Ministry of National Education implemented the NCCD decision.

■ **Decision 202/2020**

## Direct discrimination

Criterion: „Disability”.  
Access to education

The claimants notify NCCD because their son, diagnosed with Asperger’s syndrome at the age of 3 years old, was sanctioned by the Teachers’ Board with a written reprimand and a lower conduct grade for misconduct.

The NCCD Steering Board noted that the school did not take all necessary measures in due time so as to avoid the situation where the student with Asperger’s would be subject to pressure and harassment, which triggered his reactions, which were sanctioned by the respondent.

**direct discrimination against the student with special needs, pursuant to Art. 2 (1) and (5) corroborated with Art. 15 of GO no. 137/2000. The Board sanctioned the respondent with a fine in amount of RON 1,000.**

**The NCCD Steering Board noted that the respondent’s action represented an act of**

■ **Decision 172/202020**

## Indirect discrimination

Criterion „Other”. Access to education.

In fact, the claimant shows that for applicants who register in the admission competition organised by the Police School of Câmpina, a specific recruitment criterion is that they should *have*

*obtained an average conduct grade of at least 9 throughout their high school study period.*

The claimant shows that throughout the four high school years (2005-2009) her overall average conduct grade was 8,75, especially due to

an excessive number of absences, and not due to actions contrary to moral rules.

Her absences had been caused by family problems (her mother had serious mental illness issues), and the claimant was the only one who was able to take care of her family at that time, therefore

she had to miss school, and both her class master and the school principal had knowledge of this at the time.

The NCCD Steering Board notes that the claim, as it was ———formulated, reveals circumstances invoked by the claimant on the alleged discrimination against her due to the recruitment criteria imposed by the Police School, that the claimant believes she had been discriminated and that she requests that the recruitment criteria related to the average conduct grade of at least 9 throughout their high school study period should be changed.

For an action not to be considered discrimination, it should be objectively justified by a legitimate goal, it should be adequate, necessary and proportionate with the goal.

As regards the justification to impose the criterion of the minimum conduct grade, having regard to the specificity of police activity, and to their duties, as provided by law, we note that MAI and its main subordinated structures which employ police officers and agents should have flawless conduct, behaviour and integrity.

Having analysed the material presented in the case, the NCCD Steering Board found that this mandatory minimum conduct grade, without having analysed the reason why the grade was lower than requested, was not an adequate and necessary method to assess flawless conduct, behaviour and integrity so as to pursue a police career, therefore the minimum conduct grade criterion did not represent a real requirement in this case, and the measure to exclude candidates

with lower conduct grades during high school studies was disproportionate to the goal pursued.

**The NCCD Steering Board found that the act falls under the scope of Art. 2 (3) and of Art. 11 of GO no. 137/2000, indirect discrimination. At the same time, the Board recommends the respondents to make all efforts to ensure compliance with the principle of non-discrimination, by analysing the special circumstances faced by a candidate with a low conduct grade during high school, and to take all necessary steps to review the provisions of the Regulation, within 6 months after having received this decision.**

#### ■ Decision 475/2020

## Direct discrimination

### Criterion „Age”. Access to employment

The NCCD Steering Board analysed a potential act of discrimination committed by an employer against the claimant who was reinstated in the position held prior to her layoff. The NCCD

Steering Board noted the claimant was denied an extension of her employment as a researcher when she reach the retirement age. She was reinstated in the position held previously by

court decision, but after she turned 65, she was denied an extension of her employment. The reason invoked by the respondent was that the claimant had not achieved any special results in the past years, while she had not longer been its employee.

The NCCD Steering Board noted that the method used to assess her professional activity had not been adequate and justified, and created unfair treatment of the claimant.

**The NCCD Steering Board noted that the acts were discriminatory, pursuant to Art. 2 (4) and to Art. 7 (a) of GO 137/2000 and**

**sanctioned the respondent with a fine in amount of RON 1,000.**

■ **Decision 109/2020**

## Direct discrimination

### Personal dignity. Statement

Following a handball game in the junior championship (athletes aged 13-14 years old), the website [www.infobraila.ro](http://www.infobraila.ro) published the article: „*Christian team AHC defeated the Muslim team HC Dunărea Brăila (...)*”.

The NCCD Steering Board noted that the message of the article was of such nature as to incite to nationalist-chauvinistic propaganda,

to discrimination on the grounds of religious faith, and the comment tried to induce the idea that the victory of a team was determined by the religious convictions of its members. The aggravating element of this message was given by the fact that the participating teams were made of children, and their development as athletes and future adults should not be negatively influenced by such remarks which had the goal to incite to racial hatred and discrimination on the grounds of religious faith.

**Thus, the NCCD Steering Board noted that the act falls under the scope of Art. 26 (1) of GO 137/2000 and sanctioned the respondent with a fine in amount of RON 3,000 and the author of the article with a fine in amount of RON 2,000.**

■ **Decision 847/2020**

## Direct discrimination

Criterion: „Disability”.  
Access to education.

The NCCD Steering Board analysed the extent

to which a student diagnosed with Down syndrome was limited her right to education, by the refusal of the school to issue a new agreement to extend her studies.

The NCCD Steering Board noted that the school did not ensure an inclusive educational system at all levels, and disregarded the national and international provisions which stipulate that

persons with disabilities shall not be excluded from the mainstream educational system on disability grounds. The school did not provide reasonable accommodation of its educational conditions and did not create specialist support

services to provide psycho-pedagogical assistance according to the student's needs.

**Thus, the NCCD Steering Board noted that the act is discrimination, pursuant to Art. 2 (1) and (4), to Art. 4 and to Art. 11**

**(1) and (2) of GO 137/2000 and sanctioned the respondent with a fine in amount of RON 10,000.**

■ **Decision 799/2020**

## Direct discrimination

Criterion „Residence”.  
Access to employment.

The claimant, a dental practitioner, files and claim against a discriminatory job advertisement imposing a condition that the applicant's residence should be as close as possible to the employer's headquarters.

Having analysed the case, the NCCD Steering Board noted the fact that the introduction of

the „residence” criterion limits the participation of persons who do not live in the proximity of the dental facility.

Further, after the admission of the three applicants, based on the file selection, the respondent introduced another criterion based on the average grades obtained in the bachelor's degree examination, therefore creating the condition of objectivity in the selection of applicants, but the act of discrimination had been committed

against all potential applicants who did not apply for the job, discouraged by the residence criterion announced by the employer.

**Thus, the NCCD Steering Board noted that the act was discriminatory, pursuant to Art. 2 (1) and to Art. 6 (a) of GO 137/2000 and sanctioned the respondent with a fine in amount of RON 5,000.**

■ **Decision 738/2020**

## Direct discrimination

Criterion „Age” and „Gender”. Equal opportunities in economic activities and in employment and profession.

The claimant, employed for 19 years by the respondent, expressed her intention to continue her activity for another year after having reached

the legal retirement age. The management refused, without any motivation for such decision. The respondent showed that the decision not to

approve the application to extend the employment had been made by the manager, and the resolution had been made pursuant to factual circumstances and to the specific legislation applicable.

The NCCD Steering Board notes a differentiated

## Direct discrimination

Criterion: „Disability”. Equal opportunities in economic activities and in employment and profession.

The claimant claims that persons with disabilities are not enabled access to the swimming pool.

The NCCD Steering Board notes that the swimming pool is located on the upper floor of the Didactic Swimming Pool and the access of persons with locomotor disabilities is only possible on the ground floor. The inspection performed by AJPIS-Tulcea found several deficiencies, and requested remedial actions, deadlines, personnel in charge and implementation monitoring.

**Thus, the NCCD Steering Board found that**

treatment in terms of discrimination related to the period of extended employment for women, which discrimination is rooted in the different retirement age for men and women.

**The NCCD Steering Board noted that the act was discriminatory, pursuant to Art.**

**the failure to ensure access of persons with locomotor disabilities to the swimming pool is discrimination pursuant to Art. 2 (1) corroborated to Art. 10 (f) of GO no. 137/2000, and to Art. 21, Art. 62 and Art. 63 of Law no. 448/2006 and to Art. 9, Art. 19 and Art. 30 of the Convention on the Rights of Persons with Disabilities, because it created a difference on the grounds of „disability”, which had the effect of limiting equal exercise of the right of access to services.**

The NCCD Steering Board sanctioned the respondent with a fine in amount of RON 2,000. At the same time, the NCCD Steering Board ordered that the summary of the decision should

**2 (1) and to Art. 7 (a) of GO 137/2000 and sanctioned the respondent with a fine in amount of RON 1,000.**

### ■ Decision 174/2020

be published on their webpage for 3 months and recommended that the swimming pool should be accommodated within 6 months.

At the same time, the NCCD Steering Board applied the sanction of warning against the manager of the institution and recommended that the rights of persons with disabilities should be respected in the future in the exercise of professional duties.

### ■ Decision 263/2020



## Direct discrimination

### Personal dignity. Statements.

A series of articles published by the newspaper „*Justițiarul*” and by the webpage [www.justitiarul.ro](http://www.justitiarul.ro) compare the *Democratic Forum of Germans in Romania (F.D.G.R.)*, led by Klaus Iohannis, to a Nazi organisation, and there were countless attacks in the media, which were covered jointly by other journalists and TV channels.

The NCCD Steering Board noted that the respondent published a series of articles which promoted the idea that F.D.G.R. would be a continuator of

the Nazi ideology. Having regard to the nature of the case, the NCCD Steering Board analysed the boundaries between freedom of speech and the right to dignity.

**The NCCD Steering Board found that the differentiation created by the respondent is related to the ethnic background, more specifically the ethnicity of F.D.G.R. members, therefore the act of the respondent to post and keep those texts posted is discrimination pursuant to Art. 2 (1) and to Art. 15 of GO no. 137/2000, because it**

**created a difference on the grounds of being part of the German community and it had the goal and the effect of the limitation of equal exercise of the right to dignity.**

**Thus, the NCCD Steering Board sanctioned the respondent with a fine in amount of RON 3,000.**

#### ■ Decision 479/2020

## Direct discrimination

### Criterion „Religion”. Personal dignity.

NCCD acted on its own motion on the replacement of the name of the People’s Salvation Cathedral in Google Maps with the name „*People’s Stupor Cathedral*”, appreciating that the tag change is a breach of the dignity of the Christian Orthodox Community in Romania.

The NCCD Steering Board rejected the lack of passive legal standing of Google Bucharest because the opinion issued by the National Authority for Management and Regulation in Communications indicates that the company in Romania is a branch of Google Ireland Limited, which makes available Google services in EEA (European Economic Area) and Switzerland.

The NCCD Steering Board noted that the change of the Cathedral name in the application tag produces offensive effects against an entire community, more specifically the community of Orthodox Christians, having regard to the fact that the application produces effects at national/European/international level, as it can be accessed anywhere, and the general public cannot distinguish between Google Ireland



Limited or Google Bucharest S.R.L., seen in the public perception as Google.

**Thus, the NCCD Steering Board noted that the act subject to analysis fall under the**

**scope of Art. 2 (1) and (4), and Art. 15 of GO 137/2000 and sanctioned the respondent with a fine in amount of RON 10,000 and the obligation to publish in the media and**

**on the Google webpage in Romanian a summary of the decision.**

■ **Decision 517/2020**

## Direct discrimination

Criterion: „Disability” – ADHD. Field: Education

The complaint targets the rejection behaviour against a child diagnosed with an Autism spectrum disorder who participated in English classes, but the coordinating teacher no longer wanted to deliver such services because the child had an attention deficit, and the teacher considered that such classes are not adequate for the child.

The NCCD Steering Board noted that the student was accepted to the class and included in an

advanced group but, after his mother reported that he suffered from an Autism spectrum disorder, implicitly from attention deficit, the respondent decided not to accept the child, and justified that the student needs „one to one” classes.

The NCCD Steering Board indicated that persons with disabilities had been educated for a long period of time in segregated facilities, as special education, separated from the mainstream education. There was this conviction that only special schools can provide appropriate conditions, both in terms of teacher training and of meeting the needs of these

children. However, the practice showed that the options to integrate and include children with deficiencies in the mainstream education provides multiple benefits for equal opportunities.

**Thus, the NCCD Steering Board noted that the act is discrimination, pursuant to Art. 2 (4) and (4), to Art. 4 and corroborated to Art. 11 (1) of GO 137/2000 and sanctioned the respondent with a fine in amount of RON 3,000.**

■ **Decision 565/2020**

## Direct discrimination

Criterion: „Age”. Employment and profession

NCCD is notified on an act of discrimination committed by a limitation of the right to access the position of air traffic controller, due to the

use in the selection and recruitment processes, of methods to grant higher scores to applicants younger than 30 years old. Thus, the final scores

of applicants younger than 30 are increased by adding 0.67% for each year between the age of 18 to 30, while the scores of all other applicants are lowered by deducting 0.67%, for each year after the age of 30 years old.

The NCCD Steering Board noted that the discrimination which caused the different treatment was

based on the criterion of applicant's age. Thus, the scoring method against the „age” criterion is a method to provide higher scores for applicants younger than 30 years old. The NCCD Steering Board noted that this condition is not grounded, is not a genuine and relevant professional requirement, and the goal is not legitimate.

**The NCCD Steering Board noted that the act was discriminatory, pursuant to Art. 2 (1) and to Art. 6 of GO 137/2000 and sanctioned the respondent with a fine in amount of RON 11,000.**

■ **Decision 597/2020**

## Direct discrimination

Criterion: „Disability”. Access to public services denied.

The claimant and her underage daughter with locomotor disability, a wheelchair user, were humiliated by a taxi driver, who refused to take the order due to the daughter's disability.

The NCCD Steering Board noted that the refusal of taxi drivers/companies to transport person with

locomotor disabilities is discrimination, because it creates a difference on the grounds of disability, with the effect of limiting equal exercise of the right to benefit from the services provided by transport companies and of other rights of persons with locomotor disabilities provided by the national and European legislation.

**The NCCD Steering Board noted that the act is discrimination, pursuant to**

**Art. 2 (1) corroborated to Art. 10 (g) of GO 137/2000 and sanctioned the respondent with a fine in amount of RON 10,000.** The NCCD Steering Board also ordered the respondent to publish a summary of the decision in a local daily newspaper and recommended the respondent to make available at least one vehicle accommodated for the needs of persons with locomotor disabilities.

■ **Decision 598/2020**

## Direct discrimination

Criteria: „Motherhood” and „Gender” Employment and profession.

The claimant, an attorney-at-law which provided services for the bank – the respondent – claims that the respondent terminated her service

agreement before the 2-year duration lapsed, after being informed on her pregnancy.

The NCCD Steering Board notes that although the company had organisational changes,

the respondent concluded a service agreement with another (male) attorney-at-law.

The NCCD Steering Board noted that the respondent, as beneficiary and having specialist legal

knowledge, should have been aware of the legal duties deriving from their position, to safeguard equal opportunities and non-discrimination.

**Thus, the NCCD Steering Board noted that the act is discrimination, pursuant to Art. 2 (1) and to Art. 7(a) and (g) of GO 202/2002 corroborated with Art. 7 (1,**

**a), Art. 9 (1, b), Art. 10 (1) and (2) of Law 202/2002 and sanctioned the respondent with a fine in amount of RON 10,000, appreciated as effective, dissuasive and proportionate to the social danger.**

#### ■ Decision 622/2020

## Direct discrimination

### Criterion „Religion”. Access to public services.

The claimants notified NCCD after the *Agreement to establish certain measures for Easter celebration in 2020* was concluded between the Ministry of Internal Affairs (hereinafter called MAI) and the Romanian Orthodox Church (hereinafter called BOR), on 14.04.2020, as both the provisions and the effects of the Agreement were considered discriminatory by breaching the rights of the citizens who belong to other religious denominations recognised by law.

The NCCD Steering Board noted that the provisions of the Agreement represented an exemption from the rules imposed by the state of emergency

and from the restrictions provided by military ordinances although, a week before, other recognised religious denominations had celebrated Easter in isolation, without physical participation in the religious services, and complied with all the restrictions imposed by the state of emergency declared in Romania. Thus, Romanian Christian Orthodox citizens could benefit from support from all forces coordinated by MAI during the state of emergency, which carried out joint actions during the Easter holidays in 2020, while the citizen of other religious denominations celebrated in isolation, in compliance with the military ordinances provisions, and did not enjoy equal treatment by authorities.

The NCCD Steering Board noted that, although

this practice appears to be neutral, it actually touches upon a right, more specifically the right to facilitate liturgic practice during epidemics and to establish how the other recognised religious denominations may conduct their religious service or may celebrate, given the exceptional context of the pandemic.

Also, the NCCD Steering Board noted that the establishment of such measures had a legitimate goal, because it targeted religious practices and compliance with the rules imposed due to the pandemic, without applying more favourable rules or privileges under the general restrictions imposed by the state of emergency. The Romanian State did not conclude a similar agreement with the representatives of other

religious denominations, introducing a more favourable regime for the Christian Orthodox denomination, so as to facilitate liturgic practice despite de epidemics.

**The NCCD Steering Board noted that there was not objective justification, that and fact that such an agreement on the organisation of Easter celebrations during**

**the pandemic was concluded only with the Romanian Orthodox Church and the lack of an agreement on the participation to Easter celebrations in 2020 with all Christian denominations recognised by law is discrimination pursuant to Art. 2 (1) and to Art. 2 (4) of GO no. 137/2000.**

The NCCD Steering Board sanctioned the

respondent with a warning and recommended that in the future it should respect the obligation of equidistance towards all religious denominations recognised in Romania and to establish non-discriminatory rules in the exercise of the right to freedom of conscience.

#### ■ **Decision 684/2020**

## Direct discrimination

Criterion: „Disability”. Access to banking services.

The claimant, a blind person, notifies NCCD he was denied a loan to purchase products due to his disability, and was requested to present a power of attorney empowering a third party to represent him, although he was accompanied by his wife, his carer, and also has screen reader equipment.

Having analysed the case, the NCCD Steering Board noted that the Internal Regulations of the bank are leading to

different treatment of the blind persons. Thus, the claimant should have been allowed to use the screen reader so as to understand the agreement and the annexes to the agreement, as he was blind, therefore he should have been treated different from other persons. The solution to require the claimant to provide a power of attorney empowering a third party to conclude the loan agreement and its annexes is in breach of the provisions of the *Convention on the rights of persons with disabilities, ratified by Romania through Law no. 221/2010*.

**The NCCD Steering Board noted that the act was discriminatory, pursuant to Art.**

**2 (1) and to Art. 10 (d) of GO 137/2000 and sanctioned the respondent with a fine in amount of RON 10,000.**

#### ■ **Decision 671/2020**







# Activity of the Case File Investigation Department

Pursuant to the provisions of Art. 41 (1) of the Internal Procedure for solving claims and notifications *“The case file coordinator, having studied the claim and the evidence attached to it, shall issue a resolution to initiate the investigation, as appropriate”*. Thus, the case file subject to investigation, accompanied by the resolution of the case file coordinator, is submitted to the Case File Investigation Department of the Assistance Department, so as to check any unclear aspects and to collect information, witness statements and evidence necessary to solve that claim. After having performed this inspection, the investigation team draft an investigation report, attaching the documentation identified during the inspection.

In 2020, in order to comply with the procedure for communicating summons and decisions issued by the NCCD Steering Board, the members of the Case File Investigation

Department received and communicated the above-mentioned documents by delivering them to the residence/headquarters of the parties which could not acquire them, through the Romanian Post Services or a different communication channel.

### Statistics on the case files investigated in 2020

In 2020, the NCCD Steering Board allocated 27 case files to the Case File Investigation Department. 29 investigations were performed pursuant to the resolutions of the case file coordinators, so as to fulfil the inspection goals (some case files required several trips), as follows:

- 11 in the municipality of Bucharest and in the Ilfov County,
- 1 in the North-West Region (Cluj County 1),

- 2 in the South-East Region (Galați County 2),
- 5 in the South Muntenia Region (Argeș County 1, Prahova County 1, Dâmbovița County 2 and Ialomița County 1),
- 4 in the North-East Region (Iași County 1, Neamț County 2, Suceava County 1),
- 2 in the South-West Oltenia Region (Olt County 1 and Gorj County 2) and
- 4 in the Centre Region (Covasna County 2, Brașov County 1, Sibiu County 1).

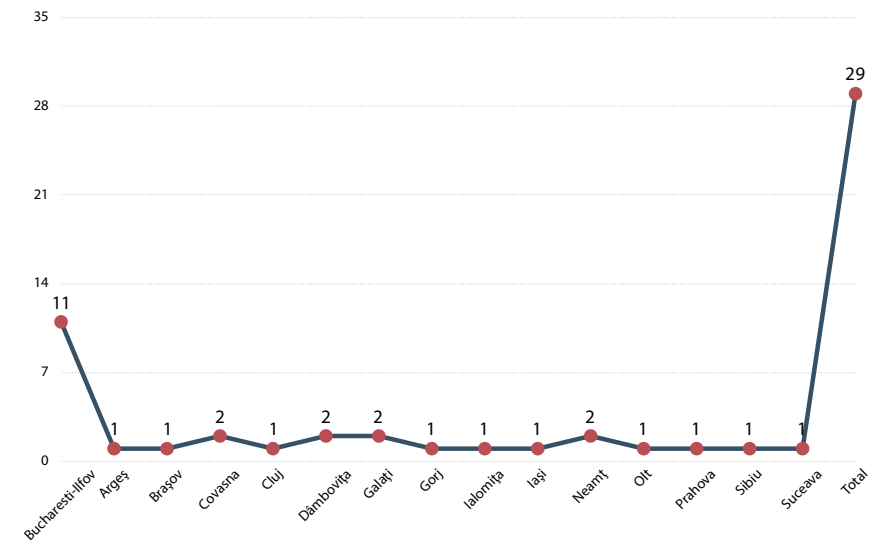
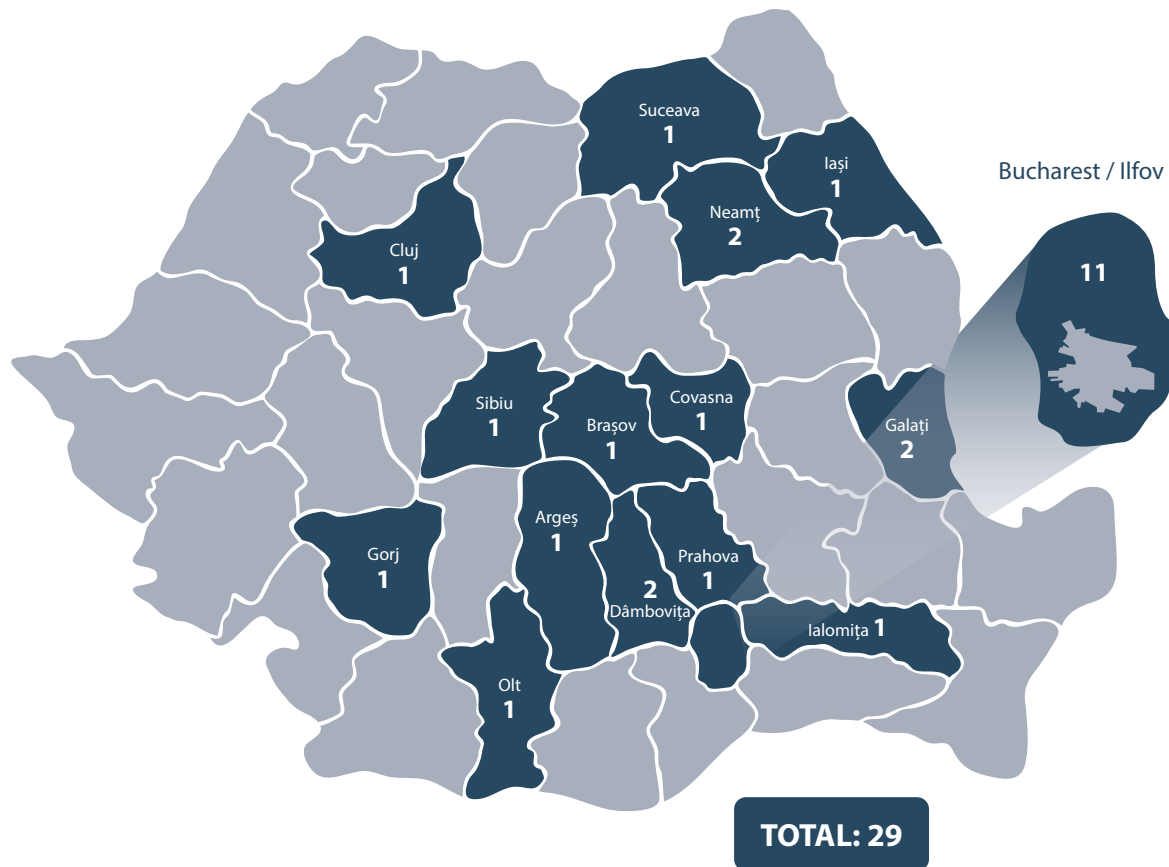
Of the total number of 27 case files investigated, in 23 case files (79% of the total) the alleged act of discrimination happened in urban settings, and in the other 6 (21% of the total) in rural settings.

In 16 of the case files investigated (53% of the total), the respondent was a legal person, and in 14 case files (47% of the total) the claimants were natural persons. In three of

the case files investigated, both natural and legal persons were complained against.

The discrimination criteria identified in the case files investigated are as follows: disability 7 (26%), ethnicity 3 (11%), professional category 3 (11%), nationality 2 (7%), motherhood 2 (7%), gender 1 (4%), social category 1 (4%), language 1 (4%), no criterion 7 (26%).

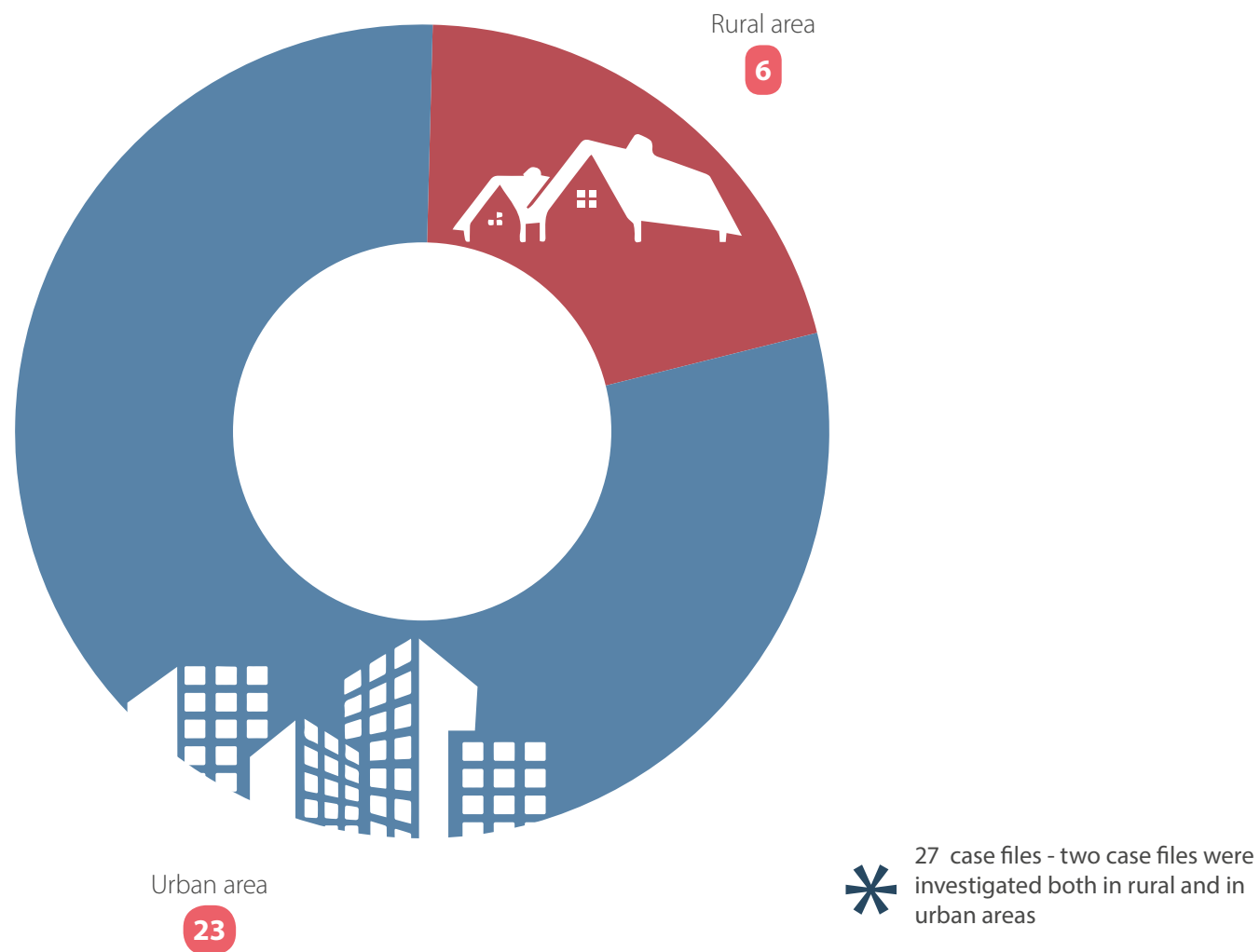
The investigations conducted in 2020 entailed discussions with 173 persons, an average of approximately 6 persons/investigation. Of them, 51 persons were in Bucharest and Ilfov County and 122 persons across the country.



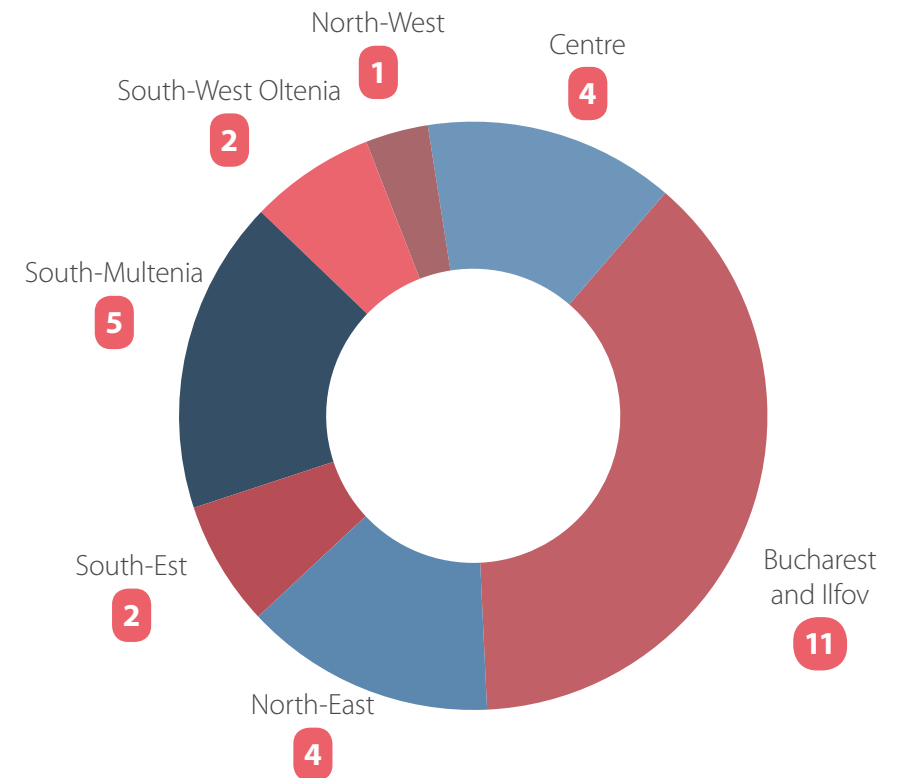
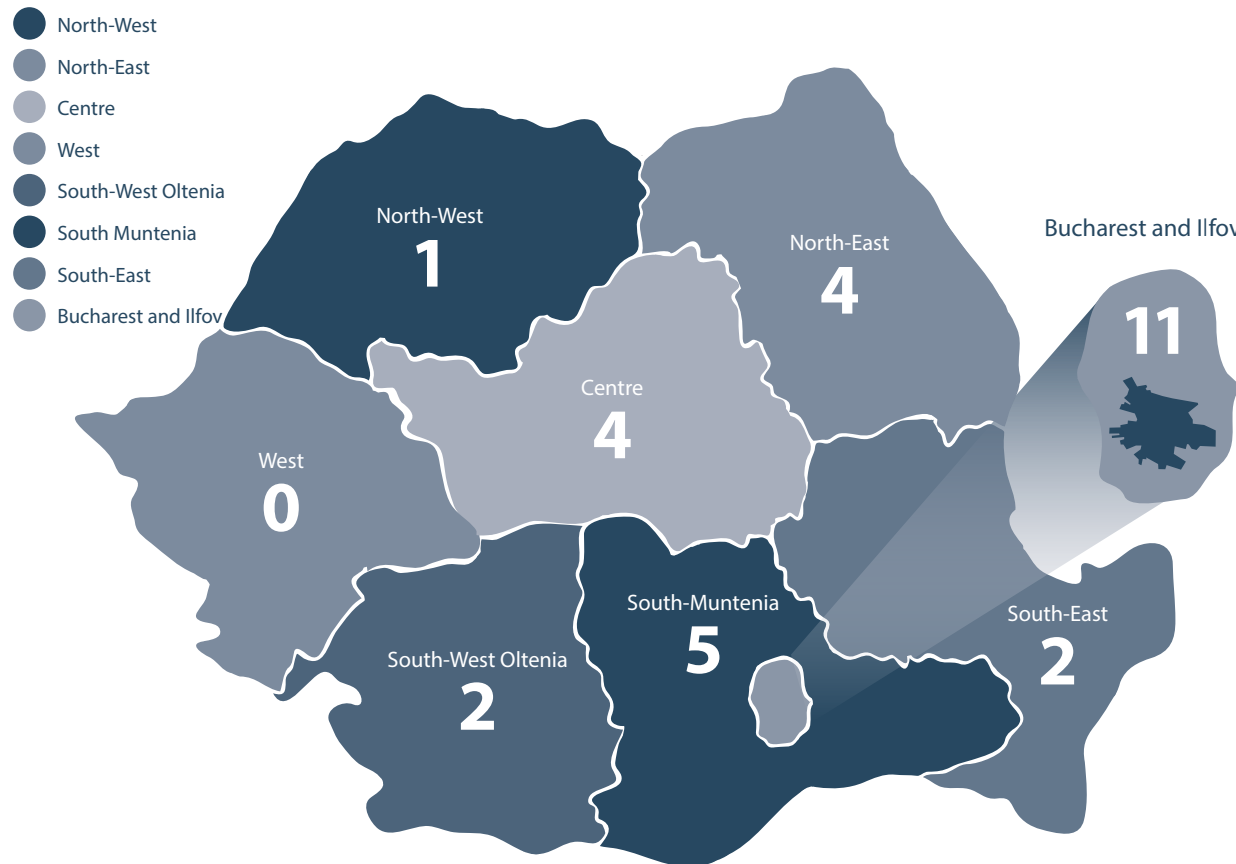
\* 27 case files and 29 investigations (some case files required more investigation)

### Distribution of investigations conducted in 2020, by county

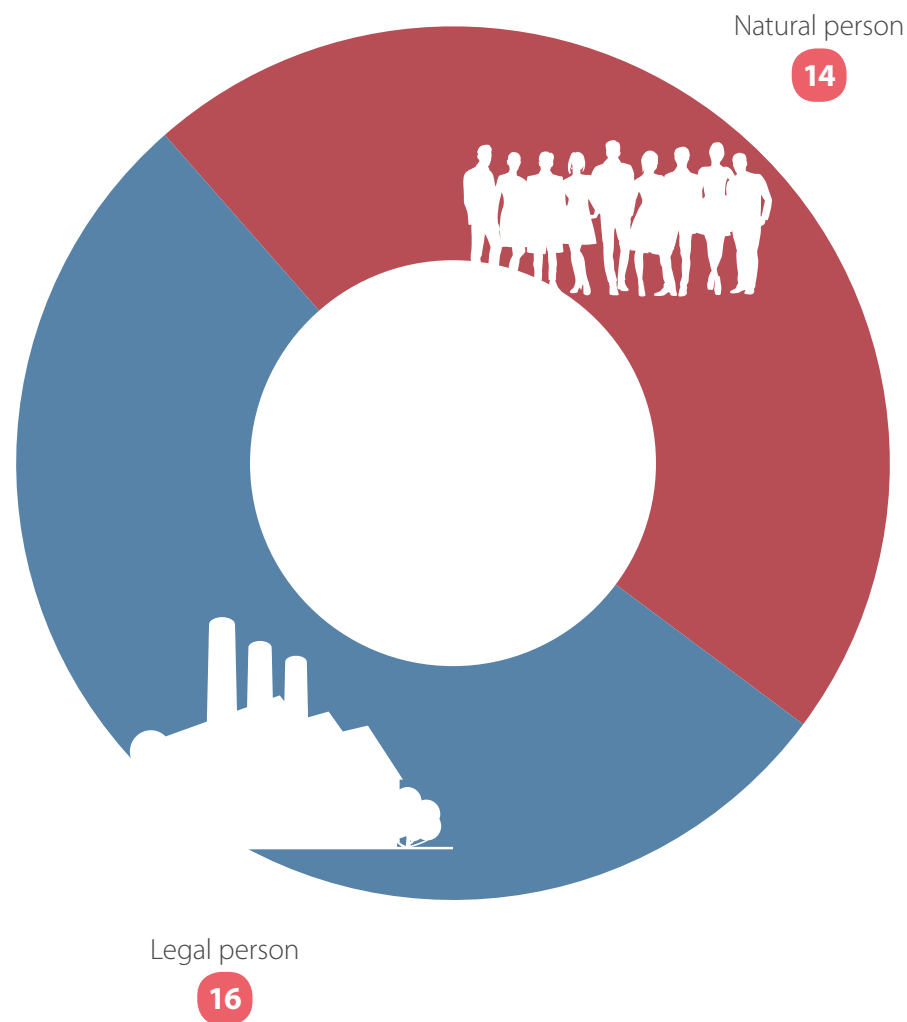




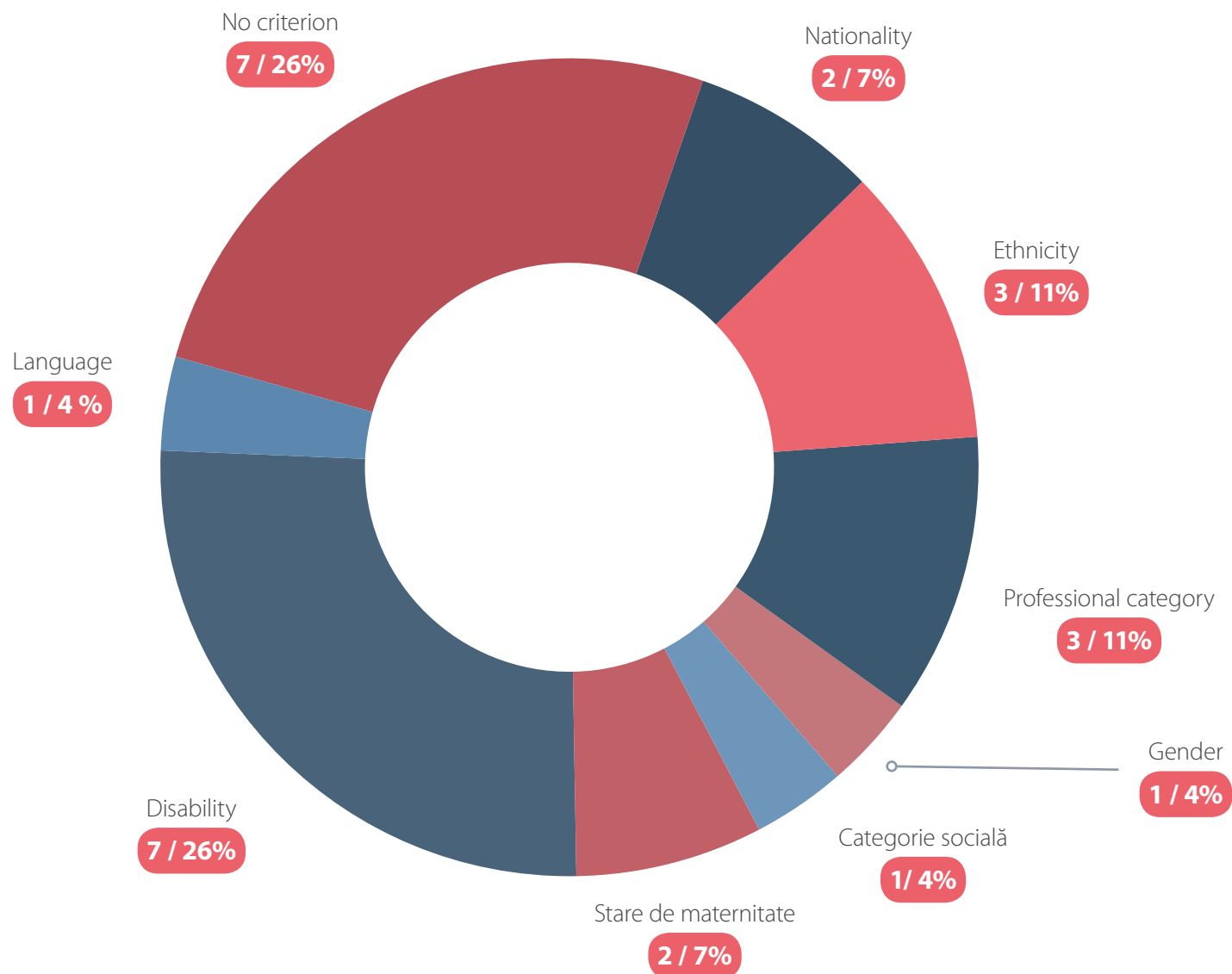
Distribution of case files investigated by rural or urban settings where the alleged discrimination occurred



Distribution of investigations conducted in 2020, by development region



Distribution of case files investigated by respondent: natural or legal person



Distribution of case files investigated by discrimination criteria



# Legal representation of the interests of the National Council for Combatting Discrimination

**The Dispute, Legal and Expert Reports Department of the Legal Directorate of NCCD provides the National Council for Combatting Discrimination legal assistance and representation in disputes arising from the lawfulness and groundedness checks applied to the decisions made by the NCCD Steering Board and *in genere*.**

As an exception (depending on circumstances and optional), upon express request by the NCCD President, the interests of the Council may be represented in court in discrimination cases by members of the NCCD Steering Board who earned a diploma in law.

Thus, as stipulated by the provisions of Art. 20 of GO no. 137/2000 corroborated with the provisions “*Internal Procedure for solving claims and notifications*”, published in the Official Journal, Part I no. 348 of 06.05./2008, adopted pursuant to Art. III (1) - Chapter IV

of GO no. 137/2000, the complaints on acts discrimination shall be solved by the National Council for Combatting Discrimination by “**decision**” – **and administrative-jurisdictional act**.

Legal disputes arising from the above-mentioned complaints are solve in an administrative framework, following a special procedure which includes the fundamental characteristics of the special administrative jurisdiction: jurisdiction is optional and free, functional independence of jurisdictional activity, compliance with the

principles of ensuring the right to defence and the guarantee of equality of arms.

The lawfulness and groundedness test applied to the NCCD Steering Board decisions falls under the jurisdiction of administrative courts (courts of appeal, as first instance courts, and the High Court of Justice, as second appeal court), as regulated by the provisions of Art. 20 (9) and (10) of GO no. 137/2000, as republished, corroborated with Art. 6 of the Administrative Law no 554/2004.

The legal deadline to file a complaint against administrative-jurisdictional acts is 15 days after the communication, otherwise they become enforceable. ■

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## The Graduation Rate of the “judicial examination” on the NCCD Steering Board decisions in 2020

In 2020, the competent courts (Courts of Appeal and the High Court of Justice) were presented with **523 cases** involving lawfulness and groundedness check applied to NCCD decisions adopted pursuant to Art. 20 of GO no. 137/2000, as republished.

Following the lawfulness and groundedness check applied to NCCD decisions adopted in 2020, the courts confirmed the Council’s decisions in first instance or in second appeal, in **190 cases, and admitted the actions filed against such decisions in 49 cases**.

At the end of 2020, **484 cases were still pending** before courts (first instance/second appeal).

**Thus, according to statistics, although the graduation rate for the “judicial examination” on the NCCD decisions in 2020 for**



the 239 cases brought before the court registered a slight decrease compared to

the previous year (when the graduation

rate was approx.) 82%), it still maintained a high level – approx. 80%. ■

## Statistics on the legal actions initiated on civil liability

### Preliminary note:

**Pursuant to Art. 27 of GO no. 137/2000, any person who believes himself/herself discriminated may file an application with the court to obtain damages and to re-establish the status quo prior to the act of discrimination or to annul the circumstances created by discrimination, according to common law.**

The person has the obligation to prove the existence of acts which enable the assumption of direct or indirect discrimination, and the person targeted by the complaint has the burden of proof, namely has to demonstrate that the acts are not discrimination.

The Council must be summoned for court proceedings.

Therefore, by GO no. 137/2000, the national law-maker intended to include in the field of

non-discrimination both the administrative liability and the civil liability, as a remedy consisting in the obligation of the “discriminator” to remedy the damages caused, and reinstating the previous status quo, by removing all damaging consequences of the discriminatory unlawful act.

By regulating the legal procedure of “civil sanction” in the field of non-discrimination, under the exclusive jurisdiction of the common-law court, the law maker intended that the civil proceedings initiated to “recover the damage caused by acts of discrimination” should be conducted with participation in court actions of the National Council for Combatting Discrimination.

The Council participates *de jure* of the Council in such cases brought before the courts, having a special standing as “*monitor of discrimination cases*”, “*legal advisor*”, “*expert*” **in the field of non-discrimination, therefore, without having passive legal standing, thus being**

**protected by the binding obligations imposed by the court decisions ruled in such cases.**

Such legal standing of NCCD, pursuant to Art. 27 of GO no. 137/2000 is based on its function as a guarantor of compliance with and enforcement of the principle of non-discrimination, pursuant to the national legislation in force and to the international documents to which Romania is party, and to its status as specialist body - holder of the fundamental (theoretical and practical) legal knowledge in the field of equal rights and non-discrimination.

The legal standing of NCCD, pursuant to Art. 27 of GO no. 137/2000 is the same in all cases brought before the court, regardless their concrete object (employment conflict, annulment of administrative acts, termination of agreements, refusals to solve certain complaints or other claims, financial rights etc.), which target *de lato*



sensu the principle of non-discrimination, brought before all courts which have subject-matter and territorial jurisdiction, across the country.

**In such circumstances, the expert advisory body (NCCD), through the specialist staff of the Legal Directorate, may issue,**

*ex officio*, “framework opinions”, meant to present the national and European discrimination legislation, and the technical and specific legal mechanism to construe and enforce such legislation or, as applicable, upon express request by the court (and insofar as they are provided with access to all facts and legal aspects involved,

including written evidence and witness statements administered before the court), “expert reports - specialist legal opinions”, essentially activities amounting for “legal advice” in the field of equal rights and non-discrimination.. ■

## Statistical Results:

In 2020, NCCD was summoned by the court as an advisory body - “specialist expert” to provide “specialist opinions” (contribution to proceedings as “legal advice”) for a total number (both cases brought to court in 2020 and during the previous year, where proceedings continued in 2020) of approx. **1533** new cases (double than the previous year), involving civil liability (damages paid to the victim) following the violation of the principle of non-discrimination.

Statistical distribution of cases brought before the court where decisions were ruled in 2020, by subject:

- approx. 972 cases on “financial rights”;
- approx. 686 actions included in the category

“other claims” (employment conflicts, annulment of administrative acts, agreement termination, refusal to solve a complaint, claims - other than salary/financial rights - etc.).

The solutions ruled in 2020 by courts vested to adjudicate in civil cases on non-discrimination matters (cases brought to court in 2020 and during the previous year, where proceedings continued in 2020) where NCCD participated as “specialist expert” go as follows:

- approx. 653 cases admitted;
- approx. 941 cases dismissed;

## Conclusions on the statistical results of

## the legal actions initiated on civil liability in non-discrimination matters

An analysis of the data retrieved from NCCD statistical statistics indicates that, in 2020, this autonomous public institutions with administrative duties, pinions, in its capacity as “expert/monitor of discrimination cases”, formulated and administered specialist opinions in approximately **1533** court cases (filed directly with courts across the country) claiming damages for victims of discrimination, together with civil liability in non-discrimination matters.

This was the active and positive contribution of the National Council for Combatting Discrimination in 2020, pursuant to its institutional mission and

to its capacity as expert *ope legis*, **to hundreds of legal proceedings in favour of victims of discrimination**, who therefore benefitted

from compensation proportionate to the damages suffered due to breaches of the non-discrimination principle (in most cases - salary matters,

but other related matters as well: employment conflicts, annulment of administrative acts, agreement termination etc. ■

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## Legal opinions and agreements, partnerships and public procurement

The facts concerned mainly aspects related to The Legal Directorate issues legal opinions on the acts which fulfil the lawfulness requirements to produce legal effects.

The procedure entails a compliance check to find whether the legal documents of the entity and all other measures to be taken by the management or by the departments, in the exercise of their specific duties, comply with the legal provisions

in force. **680 documents** were subject to such opinions in 2020.

The core principle in this activity is to ensure the legal and procedural framework for the activities carried out by the institution in relation with different natural and legal persons; 21 agreements, 91 direct public procurement procedures using SEAP and 284 notifications in

the electronic system were drafted/performed and are being monitored.

In 2020, the Legal Directorate developed and performed lawfulness checks on 4 inter-institutional partnerships with a view to develop long-term cooperation to inform, educate and raise awareness among different categories of public employees, to ensure respect for the right to non-discrimination.e. ■

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## Activities undertaken by territorial structures

In 2020, 250 persons came to the territorial NCCD structures in Buzău and Târgu Mureş to request legal and specialist advice on various cases they considered discriminatory; following consultations, the local legal advisors initiated and submitted to the main headquarters a number of **16 files**.

The facts concerned mainly aspects related to possible workplace discrimination, including moral harassment and abuse by hierarchical superiors, the limitation of rights due to the measures ordered by authorities during the SARS-COV 2 pandemic, discrimination on ethnic grounds, including possible discrimination in

public spaces, access to services, discrimination of claimants by civil servants employed by public institutions etc.

Alternately, the institution addressed questions on the refusal by certain institutions to enforce orders or regulations, discrimination in school

settings, including bullying and discrimination of students during online learning, due to the lack of access to IT resources and to the lack of tolerance, both from peers and from teachers

and parents of other students or discrimination in public posts, especially on Facebook etc.

The NCCD Steering Board was also informed to enable possible ex officio actions after the online

publication of articles or of job advertisements which may involve cases of discrimination on the following grounds: ethnicity, gender and disability. ■

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## Student internships in 2020

Compared to previous years, NCCD provided a small number of internships for students, solely due to the measures imposed by the state of emergency and the state of alert to combat the effects of the COVID-19 pandemic, pursuant to the legal provisions in force. The institutional partners were the Faculty of Law and the Faculty

of Political Sciences – specialisation International Relations and European Studies - University of Bucharest.

NCCD internship mentors presented the participating students information on the concept of discrimination, types of discrimination, the NCCD

structure and operations, NCCD organisation chart, duties, complaint resolution procedures, sanctions applied, programmes implemented to prevent and combat discrimination and the appeal procedure against NCCD decisions before the court. ■

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## Activities to promote, monitor and support equal treatment for EU workers

The activities to promote, monitor and support equal treatment for EU workers undertaken by the Department for the Promotion, Monitoring and Support Equal Treatment for EU Workers. (B.P.M.S.E.T.L.U.E.) within the Legal Directorate of NCCD, set up according to Law no. 106/2017 *on measures facilitating the exercise of rights conferred on workers in the context of freedom*

*of movement for EU workers* transposing in Directive 2014/54/EU in the national legislation.

This NCCD department coordinates at national level the activities to promote, monitor and support equal treatment for all EU workers and for their family members who exercise their rights in Romania, without discrimination on nationality

grounds, to support EU workers and their family members to defend their rights; this department is the National Contact Point for preventing and Combatting discrimination in matters of free movement of EU workers, for the purposes of cooperation and exchange of information with other National Contact Points.

To provide a clearer picture, we illustrate with two summaries of cases received in 2020, which involved requests for support from the specialist national body in the field:

- The case which involved a request for support from a Romanian citizen which complained of discriminatory treatment in a EU Member State (Denmark) in the employment process. In exercising its duties as a Contact Point appointed pursuant to Directive 2014/54/EU, NCCD,

through B.P.M.S.E.T.L.U.E., requested the support of the National Contact Point in that Member State, so as to indicate the institution which has jurisdiction to solve such cases of discrimination committed in Denmark. Further, in order to solve the “request for support”, NCCD, through B.P.M.S.E.T.L.U.E., provided assistance to the Romanian claimant, by making available the information thus obtained and by recommending the use of institutional leverage available to the

institutions in charge in the respective Member State.

The case concerning a request from the National Contact Point of another state (Serbia), regarding a possible act of discrimination committed in Romania, targeting the criterion of dual nationality. To solve this request, NCCD, through B.P.M.S.E.T.L.U.E., provided the specialist information on the possible legal mechanisms to solve the respective case. ■





# Prevention of acts of discrimination



## The new Human Rights Journal (Noua Revistă de Drepturile Omului)

Cooperation between the International Study Centre and the National Council for Combatting Discrimination continued in 2020 by quarterly publications in “Noua Revistă de Drepturile Omului” (The New Human Rights Journal) of materials on Combatting discrimination, promoting the principle of equal opportunities, of NCCD case-law, of studies and other specialist articles.

This collaboration continued due to the beneficial impact the publication of such materials proved to have on society, and on our institution, thus capitalising on the expertise

acquired in the field of human rights, preventing and Combatting discrimination.



**International Human Rights Documentary  
Film Festival  
– One World România, 13<sup>th</sup> edition**

This International Human Rights Documentary Film Festival intended to provide public access to Romanian and international documentaries on human rights, to facilitate debates on possible violations of such rights and on how they can be reported, and to encourage the production of new documentaries in the field, to ensure prevention of discriminatory acts in all walks of life.

Due to the pandemic, all festival events were broadcasted live on Facebook. More than **100 foreign and Romanian guests** - film

directors, producers, actors, experts and human rights activist - supported the festival and made possible this cultural events.







# Projects implemented with foreign funds

## **“10 Years of Implementation of the EU Framework Decision on racism and xenophobia in Romania: new challenges and approaches on hate crime” – NoIntoHate2018**

The project NoIntoHate2018 was implemented for a period of 18 months in partnership with Association Public Policy Institute, and ended in March 2020. Throughout the project duration, the project team organised training on non-discrimination

(general concepts, reporting procedure and the elements of an act of discrimination), national legislation and CJEU and ECtHR and case-law on hate crimes, the actual involvement of law enforcement institutions in the appraisal,

record-keeping and registration in a database of all hate crimes; there were 144 beneficiaries (96 magistrates, 24 police officers, 24 gendarmes).

## **“Fight Class-Room Discrimination - Teacher’s Guide” – ProfsAgainstDiscrimination**

Starting with 01 December 2020, the National Council for Combatting Discrimination, in partnership with the Association Public Policy Institute, is implementing the project ProfsAgainst- Discrimination financed by the European Commission under the Programme REC-RDIS-DISC-AG-2020, a 24-month project.

The project activities include:

1. analysis of the national legislation on the implementation of the principle of non-discrimination and three national surveys

among teachers, parents and County School Inspectorates on the existence of discrimination cases;

2. awareness raising activities to increase the capacity to identify, combat and report cases of discrimination in schools, at national level, by training sessions for 200 teachers and by the development of a Practical Guide to Fight Class-Room Discrimination;
3. analysis of gaps in legislation and practice by various concrete and specific public policy

recommendations. The project outcomes and the public policy recommendations will be presented in a conference.

The projects benefits from a total budget of EUR 269,559.75 (80% EU funding and 20% co-financing).



# The issue of discrimination in Romania as reflected by international reports

of person with physical, sensory, intellectual and mental disabilities, this remains a problem.

- Discrimination against Roma continued to be a major problem. Groups of Roma complained of police harassment and brutality. Both the media and national and international observers reported social discrimination against Roma.
- Hungarians continues to report cases of discrimination related mainly to the use of the Hungarian language. In several counties with a significant share of Hungarian population, governmental institutions such as the public health directorates or the police inspectorates did not provide information on COVID-19 precautions and measures in Hungarian.
- There are still few official reports on incidents of discrimination against trade unions. It is difficult to prove in court that employers laid off employees in retaliation for trade union activities. The National Council for Combatting Discrimination (NCCD) fined employers for anti-union discrimination actions, although it does not have the capacity to order the reinstatement of rights or other sanctions, and usually the employee have to file an action in court



## US Department of State – the Human Rights Reports

The Report mentions that NCCD is the governmental institution in charge with the enforcement of national and EU legislation against discrimination, under parliamentary control.

- According to observers, NCCD is equally effective, although some criticised the lack of efficiency and political independence of the institution.
- Discrimination in employment was based

on the following criteria: gender, disability and HIV. There were also cases of discrimination against Roma and migrant workers. NCCD investigated cases of employment discrimination both in the public and in the private sectors. During the COVID-19 pandemic, the media reported several cases of healthcare personnel discriminated by neighbours, and denied access to local stores. Following the media reports, there was a wave of public support for the healthcare staff involved.

- Although the law bans the discrimination

to obtain the reinstatement of rights. The law bans public authorities, employers or organisation to interfere with, to limit or to prevent trade unions to mobilise, to develop internal regulations or to select representatives.

Pursuant to law, women and men enjoy equal rights. Women were subject to acts of discrimination in matters such as marriage, divorce, child custody, employment, loans, wages, ownership or administration of businesses or property, education, legal proceedings and housing, access to pension and retirement rights. The law provides for equal pay for equal work, but there are wage differences between men and women of 3.5%, according to EU data. There was segregation by profession, with women overrepresented in low paid jobs, and work-related discrimination cases were reported. ■

<https://www.state.gov/wp-content/uploads/2021/03/ROMANIA-2020-HUMAN-RIGHTS-REPORT.pdf>



## FRA - Second survey on LGBTI persons in the EU

The online survey conducted by FRA at EU level draws on 140,000 responses from across 30 countries – the then 28 EU Member States (including the United Kingdom), Serbia and North Macedonia. The results from the survey present the largest international LGBTI survey of its kind.

We present below the results of the survey conducted in Romania.

### Openness about being LGBTI

- 81% of the participants in the survey avoid often or always holding hands with their same-sex partner in Romania. For the EU-28, it is 61%;
- 44% in Romania avoid often or always certain locations for fear of being assaulted. For the EU-28, it is 33%.
- 25% are now often or always open about being LGBT in Romania. For the EU-28, it is 47%.

## Discrimination

- 23% felt discriminated against at work in the year before the survey in Romania. For the EU-28, it is 21%.
- Discrimination affects many areas of life, such as going to a café, restaurant, hospital or to a shop. Overall, in Romania in 2019 45% felt discriminated against in at least one area of life in the year before the survey. For the EU-28, it was 42%.

## Harassment & violence

- 43% in Romania say they were harassed the year before the survey. The EU-28 is 38%.
- 1 in 5 trans and intersex people were physically or sexually attacked in the five years before the survey, double that of other LGBTI groups.
- 15% in Romania had been attacked in the 5 years before the survey. For the EU-28, it is 11%.

## Reporting of hate-motivated violence and discrimination

- 4% went to the police in Romania to report

physical or sexual attacks. It is 14% across the EU-28.

- 8% reported their discrimination experiences to an equality body or another organisation in Romania; for the EU-28, it is 11%.

## Intolerance and prejudice

- 50% in Romania say that LGBTI prejudice and intolerance has dropped in their country in the last five years. It is 40% across the EU-28.
- 25% in Romania say that prejudice and intolerance have risen. This is 36% for the EU-28.

12% in Romania believe their national government effectively combats prejudice and intolerance against LGBTI people. For the EU-28, it is 33%.

## Schooling

- Among young people (18-24), less people (41%) hide being LGBT at school. In 2012, it was 47%.
- 44% of LGBTI students (15-17 years old) in Romania say were hiding being LGBTI at school. This was 30% in the EU-28.

- 51% of LGBTI students (15-17 years old) in Romania say that in school someone often or always supported, defended or protected their rights as an LGBTI person. This was 48% in the EU-28.
- 52% of LGBTI teenager respondents (15-17 years old) in Romania say their peers or teachers have often or always supported LGBTI people. In the EU-28, this was 60%.
- 12% of LGBTI of teenager respondents (15-17 years old) in Romania say their school education at some point addressed LGBTI issues positively or in a balanced way. In the EU-28, this was 33%. ■



[https://fra.europa.eu/sites/default/files/fra\\_uploads/lgbt-survey-country-data\\_romania.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/lgbt-survey-country-data_romania.pdf)



## FRA - Implications of COVID-19 pandemic on Roma and Travellers communities

The report presents cases of discrimination regarding the implications of the measures adopted due to the COVID-19 pandemic on the Roma and travellers communities in Romania.

### Lockdown

In Romania, several localities were under lockdown, for various periods during the state of emergency and state of alert, to confine outbreaks of Covid-19. Although there is no official data of the specific situation of Roma in these localities, there are a few cases where large Roma communities were obviously affected, as shown by media reports, such as the town of Țândărei

(approximately 15% of the 13,200 inhabitants are Roma), the village of Toflea (approximately 5,000 of the 6,000 inhabitants are Roma), and the Postă neighbourhood in the city of Buzău, with several thousand Roma inhabitants. In all these cases, the outbreaks of Covid-19 were associated with the relatively high number of persons returning from abroad in the first days of the pandemic. There is no information on how many of these persons were Roma.

**Țândărei case** was the most visible at national level, due to the size of the town and to the fact that the lockdown decision was made by the Government, and not at the county level. The case is mentioned in the April 2020 report of the National Agency for Roma, which signals the prevalent narrative that Roma returning from abroad are to be blamed for the outbreaks. The situation in Țândărei was presented in mass-media in racial terms. The main narrative, initiated by a news agency, was that 800 Roma have returned from abroad, brought the disease and are refusing isolation, being a threat for everybody. The same narrative was presented on television, including prime-time television, prompting a public warning from the audio-visual arbiter, National Audiovisual Council.



The narrative became viral on social media. One leading political sciences researcher and professor was sanctioned by the **National Council for Combatting Discrimination** for distributing an image with racist content, related to the Țândărei case.

## Closure of schools

In Romania, all schools were closed for the period of March-September 2020, a measure enacted by the Government Decision on declaring the state of alert, and implemented through Order of the Minister of Education. All students, including university students, completed the 2019-2020 academic year using distance learning over the Internet. The provision was criticized by researchers, UNICEF, and civil society, because it discriminates against children from socioeconomically disadvantaged backgrounds, because they do not have the necessary equipment and access to Internet. All critical voices are mentioning Roma among the most disadvantaged groups.

## Negative public reactions targeting Roma and Travellers

In Romania, the National Agency for Roma reported

that “Roma are currently in an extreme situation, especially in terms of the risk of racial hatred fuelled by the media and the online environment. The Agency submitted a series of complaints to the **National Council for Combatting Discrimination** but they highlight that “the online environment continues to promote defamatory articles and posts that contribute to creating a negative image of Roma, especially those returning from abroad, considered as the main culprits for the spread of the virus in Romania”.

The FRA material mentions that the **National Council for Combatting Discrimination** sanctioned four discriminatory or hate statements against Roma during the state of emergency, including: a local newspaper, a member of the Parliament, a former president of Romania, and a university professor.

In Romania, the prejudices against Roma are surfacing in the time of emergency, according to human rights activists and specialists. In an interview in media, the **president of the National Council for Combatting Discrimination** speaks about the rise of hate speech and racism targeting Roma in mass-media and on social networks.

A group of human rights NGOs voiced their concerns about the Roma minority becoming a scapegoat of the pandemic, quoting cases of alleged abusive behaviour by the Police, as well as many situations of discriminatory discourse and hate speech in mass-media articles and statements of public persons.

Another group of civic NGOs expressed solidarity with the Roma community, showing several situations when the local public authorities and/or mass-media have used racist arguments against poor communities affected by the pandemic. The case of the city of Țândărei is a vivid example of the problem. The city was placed in quarantine after a spike in the number of Covid-19 cases. Immediately, the mass-media incorrectly blamed the local Roma community, a situation mentioned by Roma activists, by the president of the **National Council for Combatting Discrimination**, or even by more neutral media reports.

Video footage of policemen shouting at a group of rounded-up Roma men lying on the ground while an officer repeatedly beats one of them has outraged human rights activists. The involved policemen are investigated by the prosecutors.

In Romania, the public perceptions on Roma remain largely negative during the Covid-19 pandemic, and there are no visible positive narratives regarding Roma communities. ■

[https://fra.europa.eu/sites/default/files/fra\\_uploads/ro\\_report\\_covid-19\\_impact\\_on\\_roma\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/ro_report_covid-19_impact_on_roma_en.pdf)



## Coronavirus COVID-19 outbreak in the EU - Fundamental Rights Implications

This document was commissioned by FRA for the project “Coronavirus COVID-19 outbreak in the EU – fundamental rights implications”. Although the document does not necessarily reflect the official position of the FRA, it is made available for information purposes only and analyses the impact of the COVID-19 pandemic in the EU, and it does not constitute legal advice or legal opinion.

The material presents the **impact of the COVID-19 pandemic in Romania on certain national or ethnic communities.**

The document mentions that harassment of certain national or ethnic communities is marginal, at most isolated incidents. There is only one Coronavirus-related case, of alleged discriminatory statements against Romanian citizens returning from abroad.

On 26 February, a group of football fans forced a young man of Asian origin to step down the subway, on the ground of being infected with SARS-Cov-2. This is the only reported incident of such nature.

On 18 March, mass-media reported about an incident in Bujoreni, Vâlcea County, between the members of the local Roma community and the majority population. Apparently, the Roma were

returning from abroad, and failed to respect the self-isolation measures. The incident is showing that the new crisis has the potential to fuel the already existing prejudices against Roma. ■



[https://fra.europa.eu/sites/default/files/fra\\_uploads/romania-report-covid-19-april-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/romania-report-covid-19-april-2020_en.pdf)





# Activities associated with institutional representation



## National-level representation:

The NCCD representatives are members in the following programmes/committees:

**Monitoring Committee for the Technical Assistance Operational Programme**

**Administrative Capacity Operational Programme**

**Competitiveness Operational Programme**

**Human Development Operational Programme**

**National Programme for Rural Development**

**Operational Programme for Fisheries and Maritime Affairs**

**Steering Committee for the Management of 2021-2027 Partnership Agreement**

## European-level representation:

### Fundamental Rights Agency (FRA)

Fundamental Rights Agency of the European Union (FRA) provides counselling for the EU institutions and the national governments on fundamental rights, especially in the following areas: discrimination, access to justice, racism/xenophobia, data protection, victims' rights and children's rights.

The President of the National Council for Combatting Discrimination (NCCD), Mr. Asztalos Csaba Ferenc, was nominated by Romania as a full member of the Management Board for the EU Fundamental Rights Agency (FRA).

The management board of the agency defines the priorities, approves the budgets and monitors the activities of the agency. The board is made up from independent experts who

are appointed by each national government, two representatives of the European Commission and one representative of the Council of Europe.

### European Commission, Directorate-General for Justice and Consumers

This department of the European Commission is responsible for the EU policy in justice, consumer protection and gender equality matters.

Mr. Istvan Haller, member of the NCCD Steering Board, has been a participant to the following working groups: High Level Group on Non-discrimination, Equality and Diversity, since 2015 up to date, and the Subgroup on Equality Data within the High Level Group on Non-discrimination, Equality and Diversity, since 2018 up to date.

## European Commission against Racism and Intolerance (ECRI), Council of Europe

European Commission against Racism and Intolerance (ECRI) is a monitoring body on human rights, specialized in issues related to the fight against racism, discrimination (based on race, ethnic/national origin, colour, nationality, religion, language, sexual orientation and gender identity), xenophobia, anti-semitism and intolerance all over the European continent.

Mr. Cristian Jura, member of the NCCD Steering Board, was elected in the ECRI Board in 2019.

ECRI is made up from 47 members appointed based on their independence, impartiality, moral probity and knowledge in dealing with racism, discrimination, xenophobia, antisemitism and intolerance-related issues. Each member state

of the Council of Europe appoints a person who should serve as an ECRI member.

## European Network of Equality Bodies (EQUINET)

National Council for Combating Discrimination is a member of the European Network of Equality Bodies (EQUINET). EQUINET is an international not-for-profit association which implemented an electronic system for management of knowledge, aiming at creating a relevant source for legislation and policies in this area, as well as the development of a batch of instruments and procedures which should allow the focus of the dialogue to the priorities of the members of this organization.

Another facet of the EQUINET activities is aimed at the implementation of the network-based approach, which encourages contacts among participants, at all levels,

through face-to-face interaction or electronic communication. The contacts are maintained at the level of the annual General Assembly or at working group level, as well as through the implementation of a regular training scheme, with the support of the secretariat of the organization.

## Activity of the Equinet Legality Group

The staff of the Legal Department ensured international representation of the institution for the events organized in an online format by EQUINET in 2020, as well, by providing a number of reviews, answers and case studies on infringements of the right to non-discrimination against persons living in Romania, as follows:

**Round table entitled „Future of legislation on equality in Europe”**

EQUINET organized an online round table, together with Mrs. Alice Bah Kuhnke, member of the European Parliament, about the future of legislation on equality in Europe. The key objective was related to discussing the EU legal framework on equality matters and its implementation, as well as promoting the adoption of the Horizontal Directive. The round table brought together members of the European Parliament and representatives of equality bodies in order to assess the current status of the legal framework and to identify methods for improvement of this framework.

- The Compendium: European Court of Human Rights case-law on article 14, which provides a detailed review of the recent case-law of this Court in relation to article 14, was published at the end of 2020.



As part of the Working Group, the representatives of the Legal Department contributed to HUDOC monitoring, in order to develop the case-law of the European Court of Human Rights (ECtHR), including an enhanced review of article 14 of the European Convention of Human Rights (ECHR) and of the issues placed at the forefront of legal matters and theory of equality.

- Intervening party - third party intervention before the ECtHR

For the first time since the EQUINET network was established, through its Equality Law Working Group, Equinet submitted a third-party intervention before the European Court of Human Rights (ECtHR) in the case of Franc TOPLAK v. Slovenia and Iztok MRAK v. Slovenia, now pending before the second section of the ECtHR. The cases concern the accessibility of polling

stations to persons with disabilities in wheelchairs.

NCCD representatives provided information from Romania on the following relevant issues for ensuring the right to vote for persons with disabilities without any discrimination: NCCD case-law, legislation and practice across national courts.

### **Activity of the EQUINET Working Group on freedom of movement**

In 2020, the two key objectives for the meetings of this group consisted of:

- determining the format of the Report on equality bodies and freedom of movement that is to be published, whose purpose is to underline the relevance and value of national equality bodies, designated according to art. 4 of Directive 2014/54/EU, for the protection of rights

of workers throughout the European Community, by underlining specific methods to acquire support and assistance;

- identifying a number of practical solutions (e.g. Capacity building, specialised counselling provided in individual cases, information campaigns), that the European Labour Authority, SOLVIT, EURES and ECAS might provide to the equality bodies in order to support their activities.



A photograph of chess pieces on a board, with a dark king piece standing and several light-colored pawns and a king piece lying on their sides. The image is overlaid with a dark blue gradient.

# National Council for Combatting Discrimination in print media

## Monitoring period: January-December 2020

# 573

monitored news items refer to NCCD's activity;

# 190

monitored news items refer to the activity of the President of NCCD;

**National publications that were included in the monitoring exercise:** Adevărul, Cotidianul, Curentul, Curierul Național, Evenimentul Zilei, Gazeta Sporturilor, Gândul, G4Media, HotNews, Jurnalul Național, Libertatea, Mediafax, Newsweek, Prosport, România Liberă, Ziare.com.;

**NCCD was most often mentioned in:** HotNews, Ziare.com, Adevărul and Gândul.

**The most significant articles published by the print media in 2020, that made reference to our institution's activity, were the following:**

Târgu Secuiesc Municipality sanctioned for discrimination based on ethnic criteria

NCCD sanctioned the Târgu Secuiesc Municipality with an administrative fine amounting to 2,000 lei for discriminatory actions, as the administrators of the institution's Facebook page had posted information of public nature in Hungarian language only.

Târgu Mures mayor sanctioned for hate-speech

Mr. Dorin Florea, the mayor of Targu Mures, was sanctioned by NCCD with an administrative fine amounting to 10,000 lei, after having posted on Facebook a number of messages

alleging that the state should decide who should have children, making a specific reference to Roma people, in relation to whom he stated that *they are only giving birth to children in order to get a state-sponsored allowance and that* they represent a problem for Romania. NCCD found that such a message represents an infringement of the right to dignity, which belong to a social group, respectively to an ethnic group, thus representing a form of hate-speech and going beyond the limits of freedom of speech.

Bank sanctioned for refusing to open a bank account to a blind person

NCCD sanctioned a commercial bank with an administrative fine amounting to 3,000 lei for having



refused to open a bank account to a blind person, and they motivated their refusal by the fact that the blind person is not able to read the contract. NCCD stipulated that the banks must provide alternate possibilities for the disabled persons, for example, a contract written by using the Braille language.

## President Klaus Iohannis sanctioned for his statements about the Székely Land

National Council for Combatting Discrimination applied an administrative fine to President Klaus Iohannis amounting to 5,000 lei, a decision that was taken as a result of statements made by the head of the state on the topic of the bill of law on autonomy of the Székely Land.

„Jó napot kívánok, PSD! (Have a good day, PSD) It is incredible, dear

*Romanians, what is happening in the Romanian Parliament. PSD helped UDMR pass through the Lower Chamber of the Parliament a bill of law that provides a large degree of autonomy to the Székely Land. It is incredible how far things went with this PSD! It is incredible the type of agreements that may be reached within the Romanian Parliament! While us, myself, the Government, the other authorities are fighting for the lives of Romanians, while we are fighting to get rid of this pandemic situations, PSD, the great PSD, is fighting inside the secret rooms of the Parliament, so that Transylvania could be given away to the Hungarians. Jó napot, Ciolacu! (Good afternoon, Ciolacu). What did the leader in Budapest, Viktor Orban, promise you in exchange for this agreement? You can see here, dear Romanians, this is what a toxic majority means, the PSD toxic majority. That is why, my fellow citizens, one may easily understand, I hope, why I wanted*

*to have early elections in place. I do not want any more that the important problems of the nation should be decided by PSD. I do not want anymore that this toxic PSD majority decide against Romania and against Romanians. Something like this is unacceptable, and as long as I am the President of Romania, such a law will never enter into force. Thank you!”*

NCCD deemed that this statement of the head of the state actually represents an act of discrimination and an infringement of the right to dignity based on the ethnic original/national criterion.

## Călin Popescu Tariceanu sanctioned for having used the word “Führer” against President Iohannis

President of ALDE, senator Călin Popescu-Tariceanu, was sanctioned by the National Council for



Combatting Discrimination with an administrative fine amounting to 2,000 lei for the statements made on his social media page against President Klaus Iohannis:

“As I am absolutely convinced that I am one of the bad politicians, I would like to provide some pieces of advice: He should turn down the threats, as he is not a Fuhrer yet, he is, for the moment, the President of Romania”.

## Google sanctioned for changing the name of the National Cathedral

The National Council for Combatting Discrimination issued a sanction against the company Google Romania, respectively an administrative fine amounting to 10,000 lei, as the name of the location on Google Maps where the National Cathedral is situated was changed into the “Cathedral of stupidity”.

## A teacher sanctioned after grading a student with an F, for having refused to enter a church

NCCD decided to issue an administrative fine amounting to 2,000 lei against a teacher who graded a student with an F for having refused to enter a church and called her “a Pagan Gypsy”. The Council deemed that the attitude of this teacher represents a form of multiple discrimination and an infringement of the right to dignity.

## Caramitru sanctioned after having named the Romanian Orthodox Church “a demonic cult”

NCCD issued an administrative fine amounting to 5,000 lei against the former USR member, Mr. Andrei Caramitru, after having categorized BOR as a “criminal organization and a demonic cult”; the Council

deemed that such statements represents a discriminatory action and an infringement of the right to dignity.

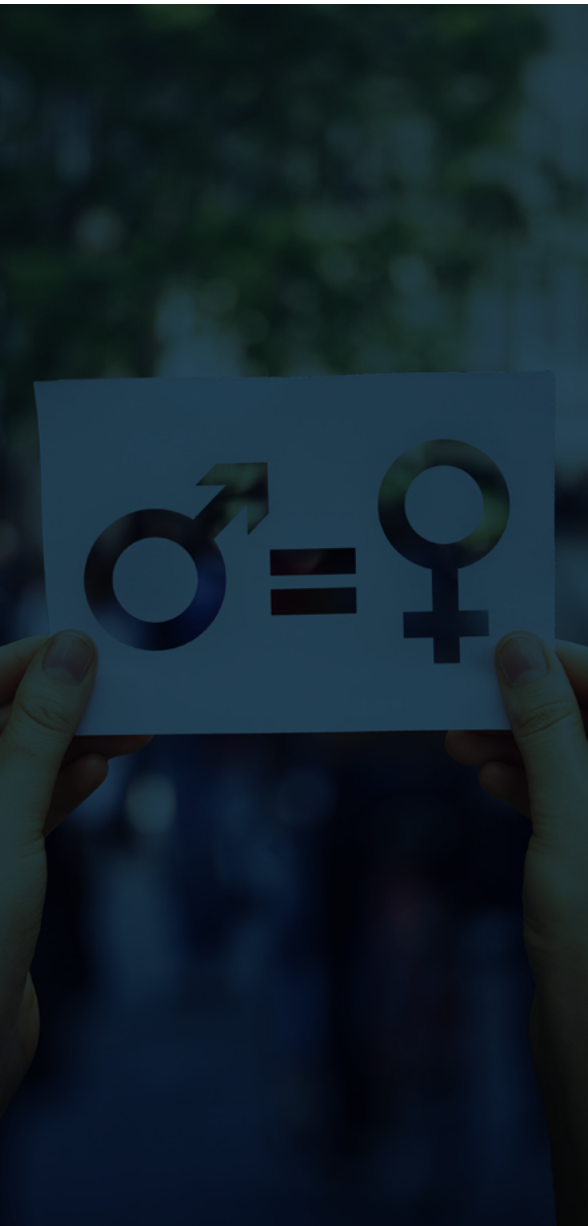
The message that was published on the social media page by Mr. Andrei Caramitru was the following: “Today I formally denounce the BOR organization. I was baptised as an Orthodox. I am not an atheist, I am a man of spirit. However, this entire thing called BOR is nothing more but a criminal organisation, an obsolete, retarded, corrupt organization. At the same time, orthodoxy as a Christian rite has become a criminal Russophile nightmare. Which keeps us outside the civilized world. And has NO connection whatsoever with the Bible and with faith. NONE. This is an ISIS. A demonic cult. This is why, people, I AM NEVER GOING TO STEP INSIDE AN ORTHODOX CHURCH. Whoever has their weddings, baptism celebration etc. organized there - I am not coming

anymore. And I will never interact with any member of this organization. Period.”

## Cristian Tudor Popescu, sanctioned for his newspaper article, “Satan wearing cassocks”

NCCD reached the conclusion that the text “Satan wearing cassocks” published by Cristian Tudor Popescu on the republica.ro portal goes beyond the limits of the freedom of speech and represents a discriminatory action, by infringing the right to dignity. Cristian Tudor Popescu was sanctioned with an administrative fine amounting to 5,000 lei.

*“Daniel, the BOR leader, demonstrates that Romanian orthodoxy is still at the level of the Egyptian cult a couple of thousand years ago. Well, even lower, as the priests in Thebes had enough knowledge*



*in astronomy so that they could calculate the eclipses. In order to fool people, Daniel the charlatan does not need Mathematics or Logic either, he would give it to you straight away, as a shout to the cattle he shepherds: listen to what I am telling you, because they forbade the pilgrimages to St. Dimitri's relics in October 1989, Communism was about to fall in a couple of months."*

Oreste Teodorescu sanctioned for an infringement of the right to dignity during a TV broadcast

NCCD decided that the statement made on the Realitatea TV station, during the segment hosted by Oreste Teodorescu, having as a guest Mr. Marius Pascan, where UDMR was compared to the new coronavirus, which "enters the body of the host

and then, after having multiplied its anti-national gene, is able to take control of political decisions", represents a discriminatory action and an infringement of the right to dignity. In this case, an administrative fine amounting to 2,000 lei was applied against Oreste Teodorescu and Marius Pașcan.

Deputy Mayor of Bucharest sanctioned for his statements on the LGBT community

The Deputy Mayor of Bucharest city, Mr. Aurelian Badulescu, was sanctioned with an administrative fine amounting to 2,000 lei for a statement which was aimed at the LGBT community: "Well... The abnormality and the homosexuality and the queers, we are turning them all now into progressive figures. (...) As you are a woman, I think you should stop from this line of speech about the queers (...) Ok, and how

should I call them? Homosexual, progressive people? Can I call them procurators?"

Tismaneanu sanctioned for a post with racist meanings

The political scientist Vladimir Tismaneanu received an administrative fine amounting to 5,000 lei from NCCD after having published a photograph on Facebook that was presenting a number of birds (crows) sitting on a fence, and the image was accompanied by the comment: "Tandarei Airport. All flights have been cancelled."

Traian Basescu sanctioned for discriminatory statements against the Roma

Discriminatory statements of the former president of Romania, Traian



Basescu, against persons of Roma origin:

“Look, I think that even here, this was proven once more, that Romanians’ kindness and tolerance result in damaging their interests, in the end. That is because we artificially called them Roma people around 1991 (...). Now all that you can see here, as you know,

Also happens abroad, and there everyone talks about Romanians. This minority has built a deplorable image to the Romanian people. It is the time to say this and, in the end, to give up using this made-up label of Roma. They are Gypsies. This is the ethnic group that we are talking about. And this is how we should call them! The groups of Gypsies should understand that their way of living cannot be tolerated” were sanctioned by NCCD with an administrative fine amounting to 6,000 lei.

Nicolae Bacalbasa, PSD MP, sanctioned for statements against Roma

Mr. Nicolae Bacalbasa, PSD MP, received an administrative fine amounting to 6,000 lei for a Facebook post which stated

„No!... Let us be clear about this!!! The Chinese have caught the virus from the bats, we’ll catch it from our crows.”

Administrative warning issued for the Ministry of Internal Affairs as a result of different rules applied for participation to Easter celebrations

The National Council for Combatting Discrimination issued an administrative warning against the Ministry of Internal Affairs, for having failed to conclude an agreement with all

Christian religious groups recognized according to the Romanian law, in relation to the participation to Easter celebrations, on the background of the pandemic situation.

The NCCD Steering Board issued a recommendation to the Ministry of Internal Affairs so that this institution should observe, for the future, its duty to act equidistant in relation to all religious groups recognized in Romania and should establish non-discriminatory rules in exercising the right to freedom of conscience.

Driver sanctioned for having forced a Roma girl to get off the mini-bus. Similar sanction issued for the mayor

The National Council for Combatting Discrimination issued an

administrative fine amounting to 1,000 lei against a driver who forced a Roma girl to get off the school mini-bus, while the mayor of the Petrachioaia municipality was sanctioned with a 3,000 lei fine for having forbidden the student in question to use the same mini-bus for a 30-day period.

Segregation case against Roma students sanctioned in Iasi

NCCD assessed that segregation of Roma students enrolled in the 5th grade of the Dagata school, in Iasi county, represents a discriminatory action and an infringement of the right to dignity, therefore the Council sanctioned the headmaster of the educational unit with an administrative fine amounting to 2,000 lei and the Iasi County School Inspectorate with a fine amounting to 4,000 lei. The NCCD Steering Board also recommended that a

school desegregation plan should be developed in the Iasi county.

## FRF sanctioned for chant slogans during the football match between Romania and Spain

NCCD decided to issue a sanction against the Romanian Football Federation consisting from an administrative fine amounting to 5,000 lei for the discriminatory chant slogans against the Hungarian community which occurred during the Romania-Spain football match in September 2019.

## Dinamo sanctioned for xenophobic chant slogans

NCCD applied an administrative fine of 5,000 lei against FC Dinamo and PCH, as a result of the chant slogans from the supporters participating

to the football match in December 2019, with Sepsi Sfântu Gheorghe.

The chant slogans of the Dinamo Bucharest 1948 supporters (“Out, out, take the Hungarians out of the country, respectively “Hungary sucks our d...k”) represent a discriminatory action and an infringement of the right to dignity for Romanian citizens members of the Hungarian minority group.

## Sanction against ROMATSA for imposing an age-related criterion for traffic controllers

The Romanian Administration for Aerial Traffic Services (ROMATSA) was sanctioned with an administrative fine amounting to 11,000 lei. NCCD decided that introducing and using an age-related criterion, during the recruitment procedure for an aerial traffic controller position, without having applied the test of an

objective justification (as such, the criterion should aim at a legitimate purpose, should be adequate and necessary, respectively should be proportional with the stated aim) represents a direct discriminatory action which infringed the right to equal treatment in terms of employment.

## Sanction for a taxi company in Târgu Mureș city, as one of the employees refused to provide a ride to a child in a wheelchair

A taxi company in Targu Mures city was sanctioned by NCCD with an administrative fine amounting to 10,000 lei, after one of the employees refused to provide a ride to a child in a wheelchair. The refusal of the driver to provide a ride to a disabled child in a wheelchair represents a direct discriminatory action, which



infringed the right to equal access to services.

NCCD issued a decision according to which a maximum age limit imposed in order to conclude an insurance policy for travelling abroad represents a discriminatory action

NCCD decided that imposing a maximum age limit in order to conclude an insurance policy for travelling abroad represents a discriminatory action and applied, accordingly, a sanction consisting from an administrative warning.

Forbidding the songs with Turkish/Balkan influence in the public areas of

Timisoara represents a discriminatory action

NCCD established the fact that the intention to forbid in an express manner any broadcast and performance of songs with Turkish/Balkan influences (“manele”) in the public areas of Timisoara city, manifested by the Mayor’s Office of Timisoara city, represents a discriminatory action and an infringement of the right to dignity. An administrative warning was issued.

Liviu Dragnea, former PSD leader, sanctioned for calling the #rezist protesters “rats”

NCCD decided to issue a sanction against Liviu Dragnea, an administrative warning for the statements regarding the anti-Government protesters (“pitiful tools of these secret police officers”, “we are cleaning the country from the garbage spread by

these rats”, “there were four rats who were asking all kinds of questions”).

Three colleges in Brasov sanctioned for having conditioned the possibility to continue education by attaining certain average grades

Three high school in Brasov - “Andrei Saguna” national College”, “Doctor Ioan Meșotă” National College and “Grigore Moisil” National College were fined by NCCD with 2,000 lei each for the provisions included in their internal regulations, according to which the students who failed to attain an average grade of at least 8 should have transferred out of the educational institution.

Mayor of Iasi sanctioned for discriminatory statements

The Mayor of Iasi, Mr. Adrian Chirica, was sanctioned by the National Council for Combatting Discrimination with an administrative fine amounting for 10,000 lei, after having stated that “Congolese, Somalis, Syrian people and other nations Who have just gotten off the tree will be coming over us and will be conquering us and they will become our leaders”; these statements were deemed to be discriminatory and an infringement of the right to dignity.

Vice-president of USR Botosani organization, Adrian Hobjila, sanctioned for his statements regarding the Roma ethnic group

Vice-president of USR Botosani, Mr. Adrian Hobjila, received a sanction consisting from an administrative fine amounting to 10,000 lei as a



result of his statement: “We have a solution in taking the Roma out of the Old Centre, we will rearrange everything. No matter how much it costs us, it is worth taking the Roma out of the Old Centre. We have solutions. First you need to clean up and then you can do something over there.”

### Alka sanctioned for a sexist campaign

NCCD sanctioned with an administrative fine amounting to 10,000 lei a company that manufactures sweets, Alka, for its publicity campaign where the products were promoted by using photographs with women, accompanied by messages that had a sexual streak. NCCD explained that the manner used by Alka to advertise itself promotes a degrading and offending image of women and represents an infringement of the right to dignity of women, promoting sexism and their objectification.

### Papaya Advertising sanctioned for discriminatory statements

The representative of Papaya Advertising was sanctioned by an administrative fine amounting to 2,000 lei after having published on its Facebook page an employment offer that stipulated “we do not hire members of the PSD party”.

### Five political parties were issued an administrative warning for failure to observe the principle of gender equality

NCCD issued an administrative warning for failure to observe gender equality in terms of participation to elections for the European Parliament against the following political parties: USR, PSD, PMP, PNL and UDMR.

### NCCD: Elimination of students from their school-based assessment due to a body temperature above 37.3 degrees Celsius is a discriminatory action

Following the request from the National Ombudsman, the National Council for Combatting Discrimination issued a point of view in relation to the solution adopted by the Ministry of Education and decided that the elimination of students from their school-based assessment due to a body temperature above 37.3 degrees Celsius is a discriminatory action. This solution results in discriminatory effects and an adequate remedy would consist from separate rooms where these students should take their exams.





# Financial and personal data

The organizational chart of NCCD includes:

96

of which in 2020

positions

72

By the end of the year  
there were

positions received funding

68

positions occupied

44

years

Average age of the employees

94,12 %

higher education graduates

Share of  
employees

5,88 %

with  
secondary level  
education



## Payments made in 2019

thousand lei

	Budget code	Allocated	Actually used
STATE BUDGET	51.01		
Staff-related expenditure	10	7,480	7,372
Goods and services	20	885	833
Financial transfers	55	5	5
Projects funded from external grants	58	139	86
Other expenditure	59	80	77
Capital expenditure	71	20	19
Payments associated with previous years	85		-268
<b>Total</b>		<b>8,609</b>	<b>8,124</b>
EXTERNAL GRANT	51.08		
Projects funded from external funds	56	57	0
Projects funded from external funds	58	332	106
<b>Total</b>		<b>389</b>	<b>106</b>
<b>Total NCCD budget</b>		<b>8,998</b>	<b>8,230</b>



**CONSILIUL NAȚIONAL**  
pentru **COMBATEREA**  
**DISCRIMINĂRII**

Thank you

