



CONSILIUL NATIONAL
pentru **COMBATEREA**
DISCRIMINĂRII

Activity
report

2021





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Foreword

The activity of the National Council for Combating Discrimination throughout 2021 reflects the realities of the Romanian society, influenced and determined by the COVID-19 pandemic crisis. The second year of COVID-19 pandemic brought a number of new challenges and tasks. The Council had to fulfil its tasks according to the law during a pandemic crisis, having to adapt its activity to the rules required in order to prevent and fight COVID-19.

This report presents N.C.C.D.'s activity according to its legal duties, which can be generally divided into two main categories: prevention and combating the acts of discrimination.

As regards the fight against the acts of discrimination, the Council registered 1,048 complaints in 2021, a record number for the 19 years since the institution exists. The areas associated with the highest number of complaints regarding potential acts of discrimination were: access to

employment and jobs (397), personal dignity (263) and access to public services (248).

As regards the criteria themselves, most of the complaints were directed against: social category (301), beliefs (98), nationality (75), disability (73) and ethnic origin (49).

The Council found that acts of discrimination were committed in 153 cases, especially in the areas of: access to employment and jobs (55), personal dignity (54), access to public services (27), access to education (11), access to public spaces (6).

By the end of 2021, 394 cases were still pending settlement on the docket of courts (in substance appeal). Thus, based on statistical data, the confirmation rate for the “judicial review” that N.C.C.D.'s decisions went through during 2021, compared to the number of settled cases (228 cases), was



maintained regularly at a rather high level – amounting to approx. 80%.

In 2021, N.C.C.D. was summoned in court, as an advisory body in its capacity as “specialised expert”, for a total number of approx. 3019 court cases whose subject was related to incurring tort liability (remedies for the victim) as a result of an infringement of the non-discrimination principle.

In 2021, through its Legal Directorate, N.C.C.D. designed and implemented the activities that were included in the scope of a number of inter-institutional partnerships, with the purpose of developing long-term cooperation in terms of information, education and raising awareness among various categories of employees of public institutions, in order to ensure and observe the right to avoid any discrimination.

During 2021, the Council initiated the implementation of the ProfsAgainstDiscrimination project financed by the European Commission through the REC-RDIS-DISC-AG-2020 Programme, in partnership with the Association Institute for Public Policies, over a period of 24 months.

The communication department performed the activities that result from the tasks assigned according to the law in relation to matters such as transparency and public relations, respectively the foreign relations activity. The administrative and economic activities were fulfilled by the specialized structure.

In the 19th year of its existence, N.C.C.D. had an intensive activity, with new challenges brought by the pandemic crisis, where the Council was called on to contribute in identifying a fair balance between ensuring a non-discriminatory exercise of fundamental rights and freedoms and the constitutional duty of the state to ensure public health and protection of life. Even in such conditions, the Council fulfilled its legal tasks, preserving its independent and autonomous nature.


We recommend that this report be reviewed, while expecting a constructive feed-back on the Council activity.



I Analysis of petitions received by N.C.C.D. in 2021



CRITERIA	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Non-contagious chronic disease	0	0	6	2	3	2	4	2	0	1	6	9	9	5	8	10	6	8	8	13
Sexual orientation	1	5	6	9	6	7	6	6	4	8	3	13	9	3	8	17	13	13	11	11
HIV Infection	0	1	15	10	5	3	7	1	3	1	5	4	3	4	4	8	4	6	7	2
Language	0	2	1	2	2	7	11	13	16	10	43	38	27	27	25	12	17	20	26	13
Beliefs	4	12	23	19	8	10	14	13	4	2	15	14	13	4	20	6	22	15	24	98
Religion	2	9	9	11	8	12	15	6	6	5	5	11	18	14	7	12	11	17	138	26
Disadvantaged group	2	0	10	6	4	26	22	9	7	14	10	13	25	26	5	2	9	6	13	4
Age	6	11	14	17	10	10	24	10	9	16	5	18	21	22	31	31	29	35	38	37
Gender	3	14	13	9	11	22	32	9	18	15	21	31	46	28	29	19	43	29	30	53
Nationality	1	12	21	39	20	39	54	28	42	33	49	61	49	36	30	64	56	80	83	75
Disability	3	31	18	21	20	70	55	49	38	42	45	42	57	56	83	74	81	87	90	73
Ethnicity	34	66	45	85	69	82	62	62	54	62	61	66	42	61	81	53	52	48	92	49
Others	52	184	108	61	132	32	159	96	83	81	69	121	127	147	194	114	177	153	220	292
Race	0	0	1	1	2	0	0	2	1	0	0	3	2	1	3	2	0	1	1	1
Social category	26	126	63	90	132	514	372	222	193	175	211	414	328	318	314	258	302	386	258	301
TOTAL	134	473	353	382	432	836	837	528	478	465	548	858	776	752	842	682	822	904	1039	1048

 DISTRIBUTION OF PETITIONS RECEIVED BY THE NATIONAL COUNCIL FOR COMBATING DISCRIMINATION DURING THE 2002–2021 PERIOD, ACCORDING TO DISCRIMINATION CRITERIA



FIELDS / YEARS	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Access to housing	8	2	2	2	7	10	6	0	4	4	9
Access to public facilities	15	12	14	10	11	22	27	22	21	45	90
Access to education	9	29	43	30	33	46	51	50	43	69	41
Personal dignity	76	115	123	105	92	149	144	177	163	364	263
Access to employment and profession	211	209	459	369	362	357	273	365	432	297	397
Others	36	35	67	79	69	78	27	48	60	42	0
Access to public services	110	146	150	181	178	180	154	160	181	218	248
TOTAL	465	548	858	776	752	842	682	822	904	1039	1048

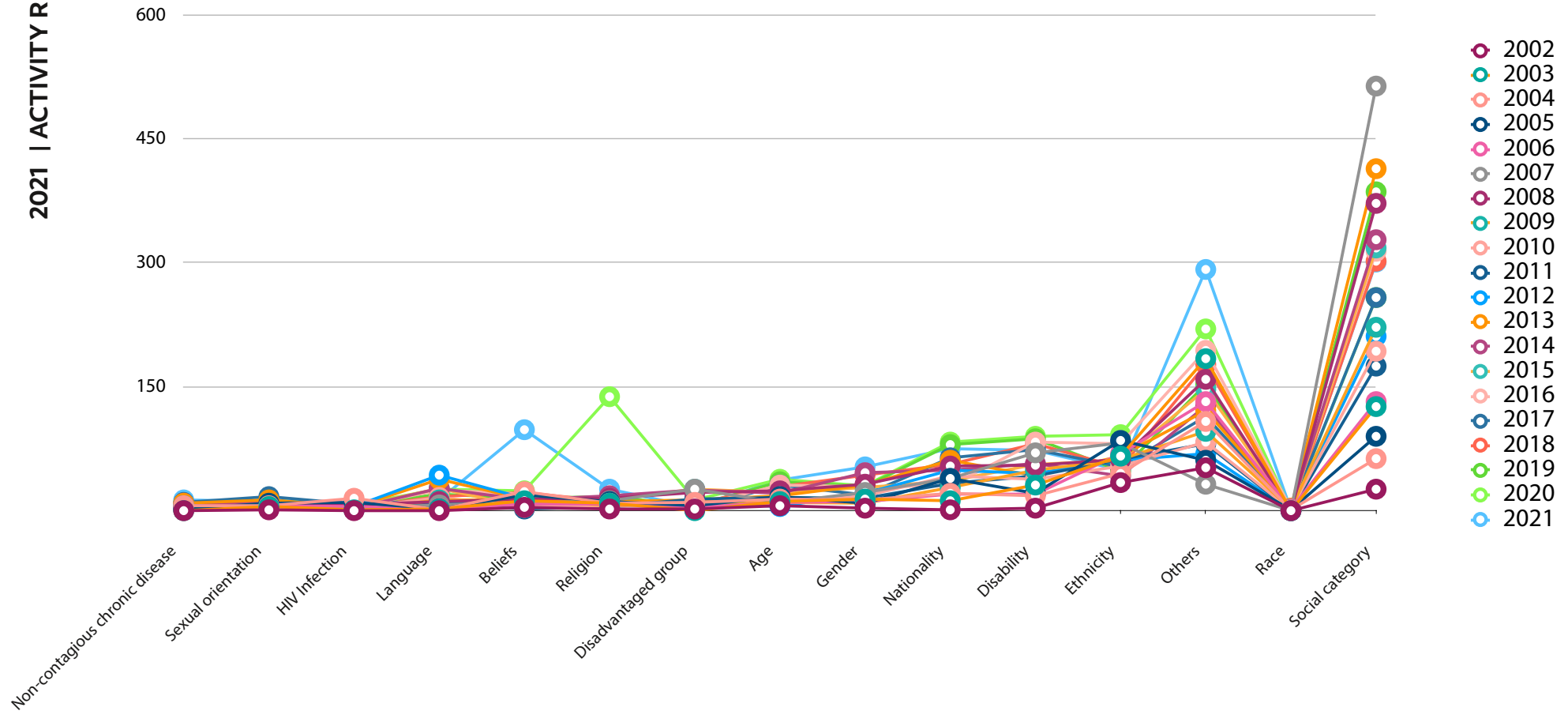


DISTRIBUTION OF PETITIONS RECEIVED DURING THE 2011-2021 PERIOD,
ACCORDING TO DISCRIMINATION FIELDS

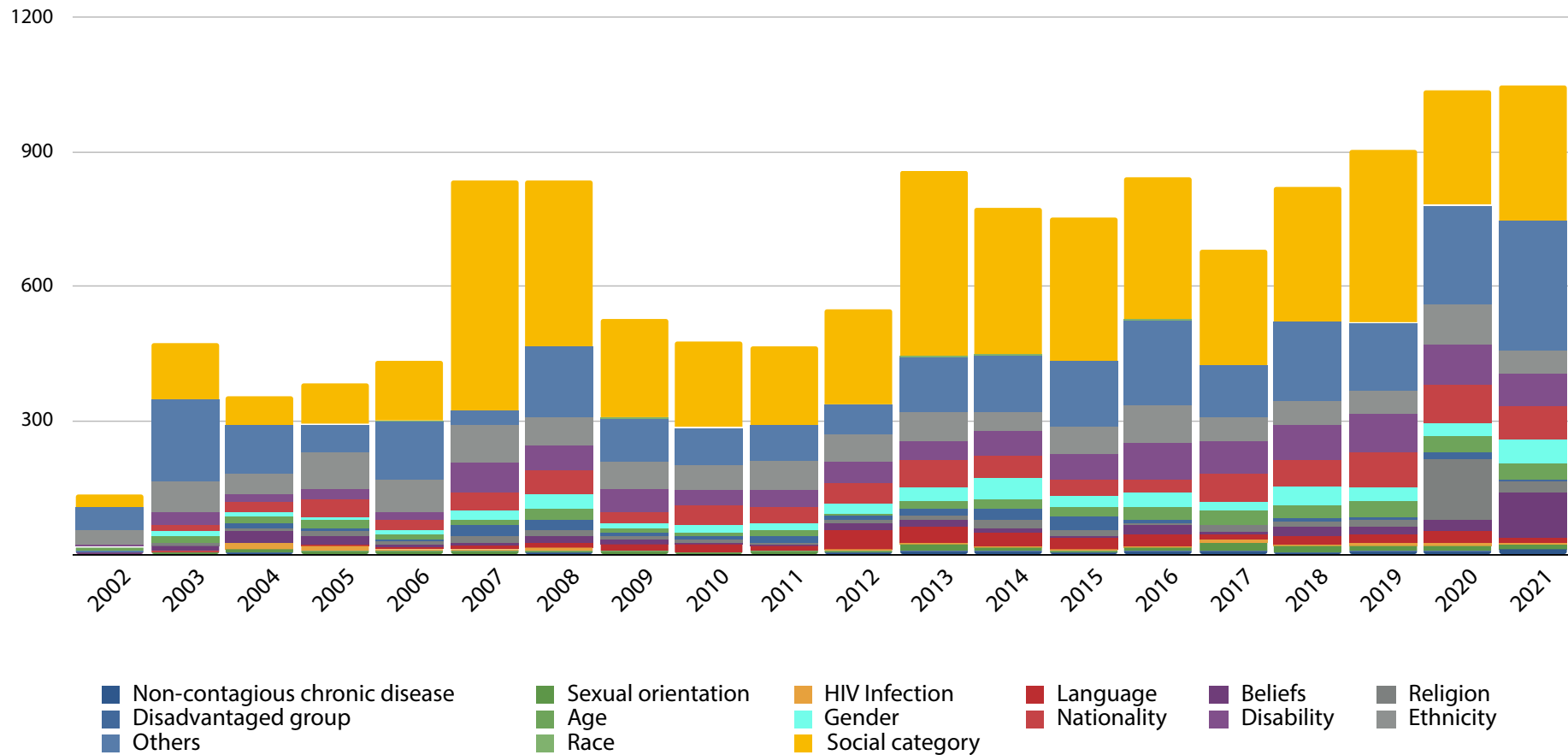


FIELDS / CRITERIA	Non-contagious chronic disease	Sexual orientation	HIV/AIDS	Language	Political	Religion	Disadvantaged group	Age	Gender	Nationality	Disability	Ethnicity	Others	Social category	Race	TOTAL
Access to housing						1	1		1		1	5				9
Access to public facilities					4	4		4	1	1	7	2	67			90
Access to education	2				3		1	3	2	1	6	2	13	8		41
Personal dignity		11		2	66	14		8	20	50	7	31	43	10	1	263
Access to employment and profession	10		1	2	20	5		13	27	14	10	2	32	261		397
Access to public services	1		1	9	5	2	2	9	2	9	42	7	137	22		248
administrative				5	3	1	2	7	1	7	20	4	85	14		149
banking			1			1				1	5		5			13
health	1			2					1		6	1	8	1		20
phone													1			1
social benefits													1			1
transport											5		2			7
provision of facilities				1							3	1	10	2		17
legal					1			2		1	1	1	22	5		33
stores/restaurants				1	1						2		3			7
TOTAL	13	11	2	13	98	26	4	37	53	75	73	49	292	301	1	1048

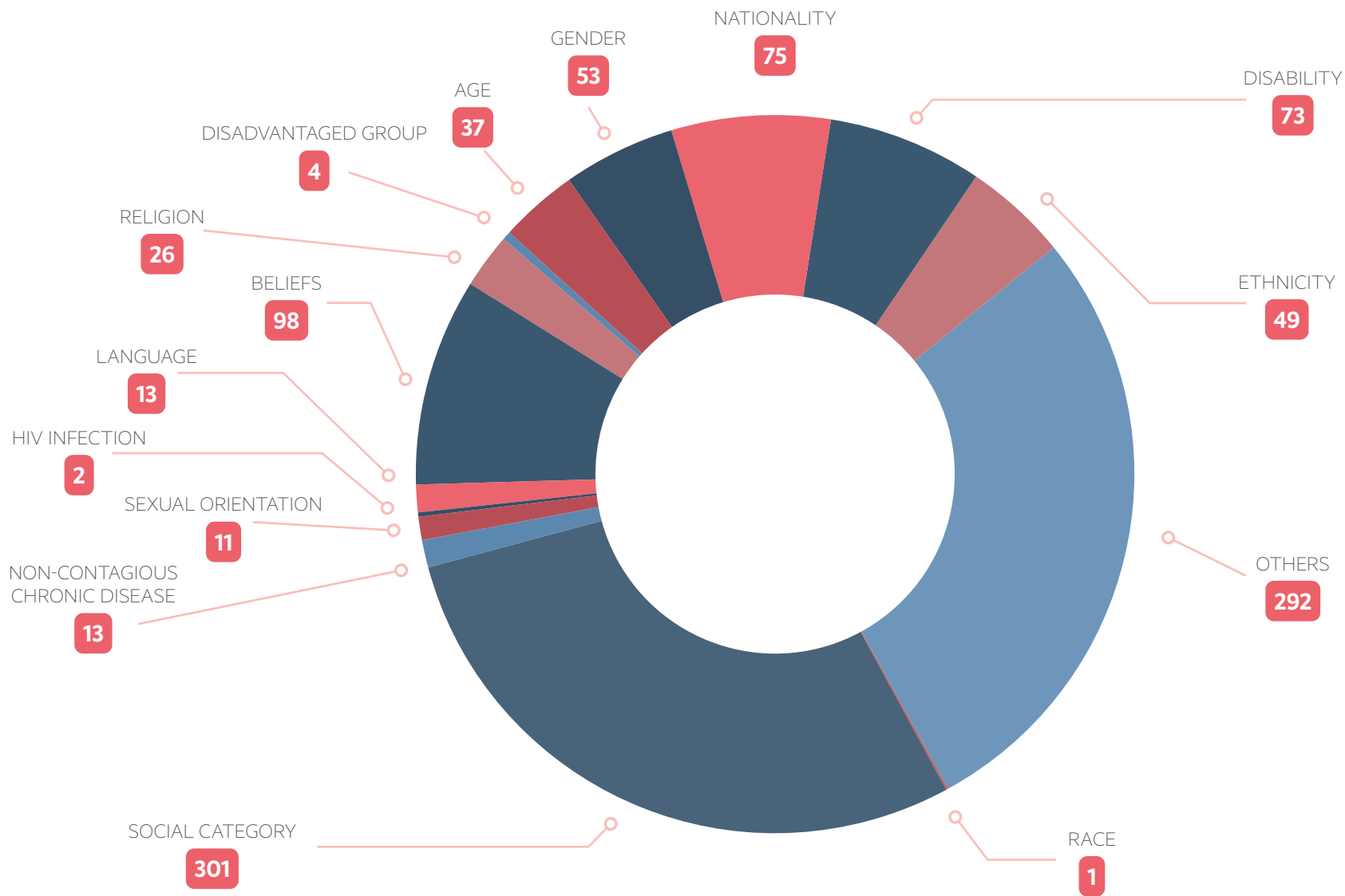
 DISTRIBUTION OF PETITIONS RECEIVED BY THE NATIONAL COUNCIL FOR COMBATING DISCRIMINATION IN 2021, ACCORDING TO DISCRIMINATION CRITERIA AND RELEVANT FIELDS



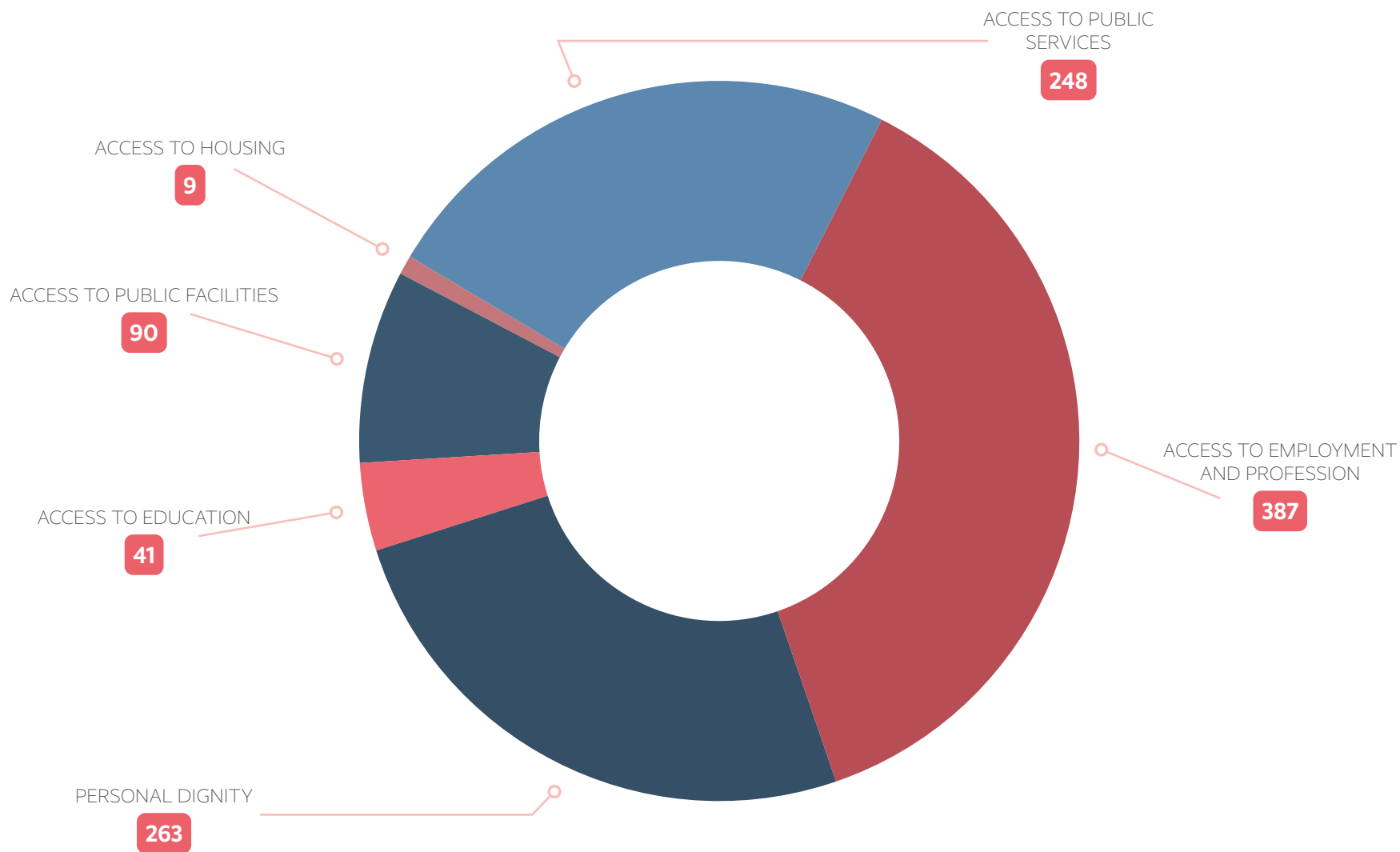
DEVELOPMENTS IN PETITIONS REGISTERED DURING THE 2002–2021
PERIOD ACCORDING TO EACH DISCRIMINATION CRITERIA



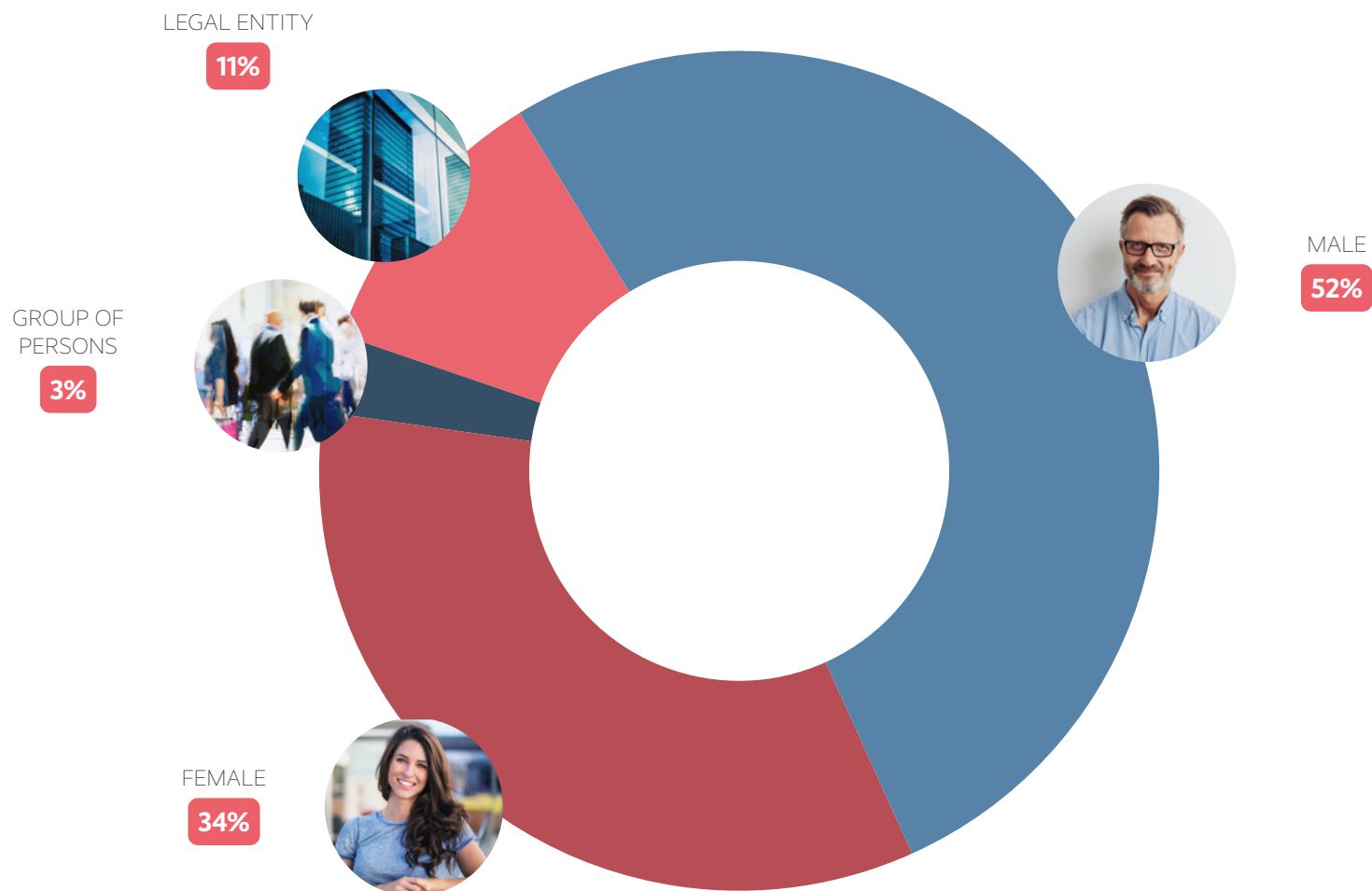
DISTRIBUTION OF PETITIONS RECEIVED DURING THE 2002–2021 PERIOD, ACCORDING TO DISCRIMINATION CRITERIA



DISTRIBUTION OF PETITIONS RECEIVED IN 2021 ACCORDING TO DISCRIMINATION CRITERIA



■ DISTRIBUTION OF CASES IN 2021 PER DISCRIMINATION FIELDS



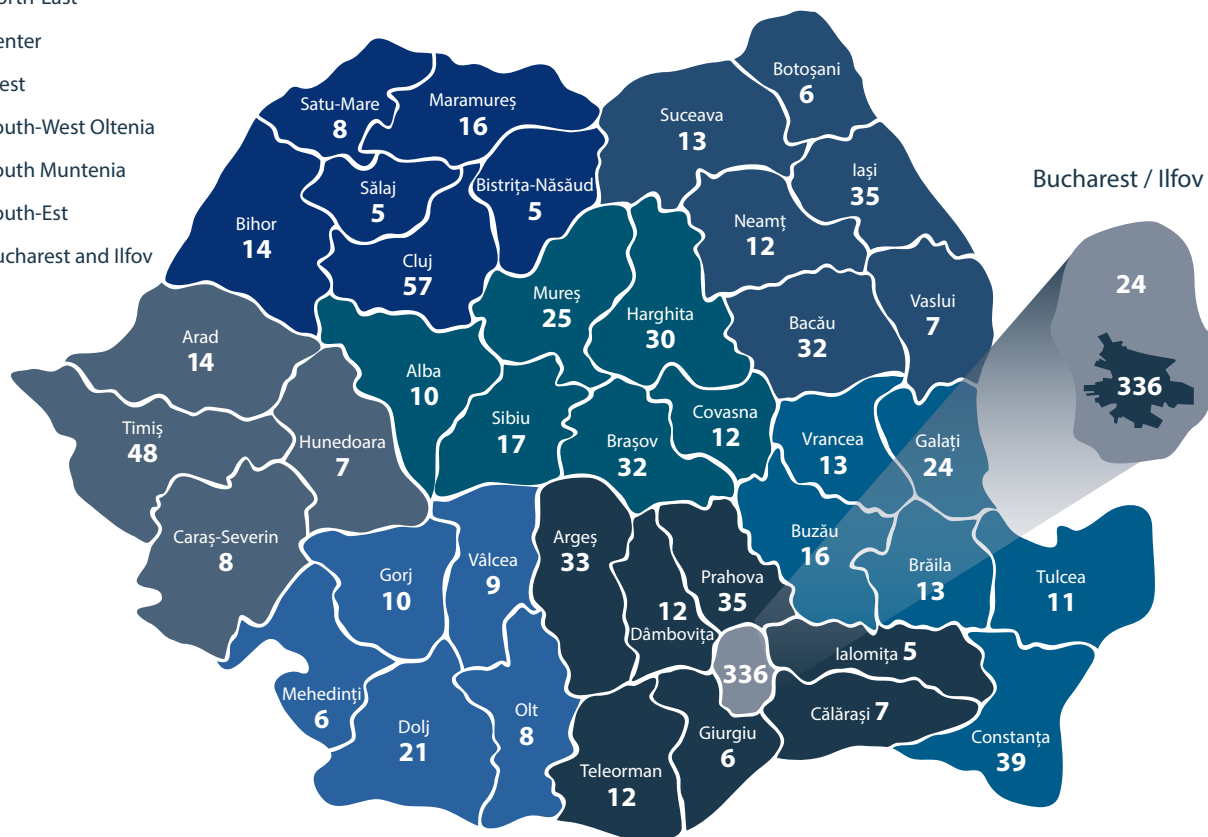
DISTRIBUTION OF PETITIONS RECEIVED BY N.C.C.D. IN 2021
ACCORDING TO THE PROFILE OF THE APPLICANT



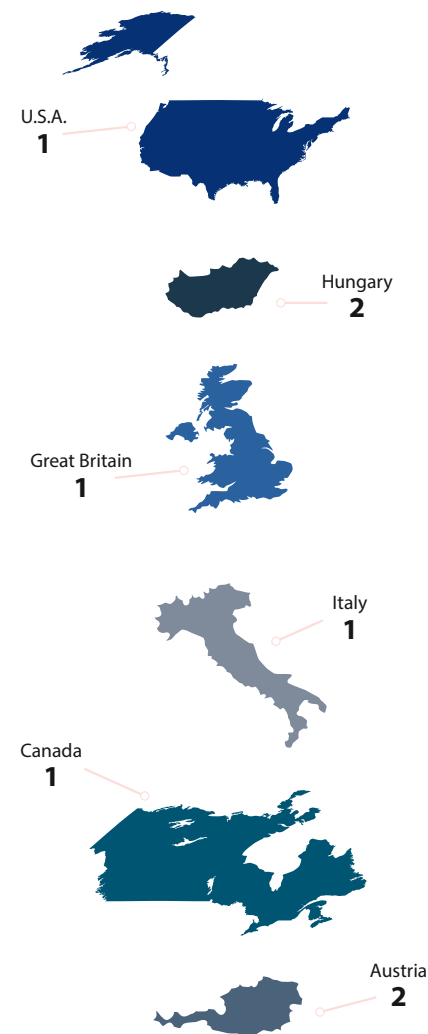
DISTRIBUTION OF PETITIONS RECEIVED BY N.C.C.D. IN
2021 ACCORDING TO THEIR AREA OF ORIGIN



- North-West
- North-East
- Center
- West
- South-West Oltenia
- South Muntenia
- South-East
- Bucharest and Ilfov

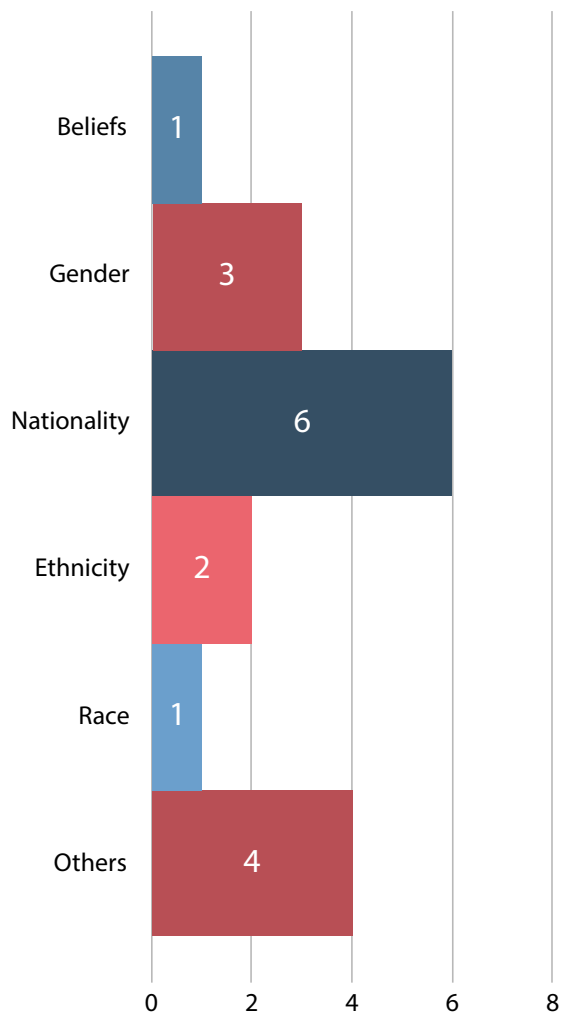


DISTRIBUTION OF PETITIONS RECEIVED IN 2021 PER EACH COUNTY





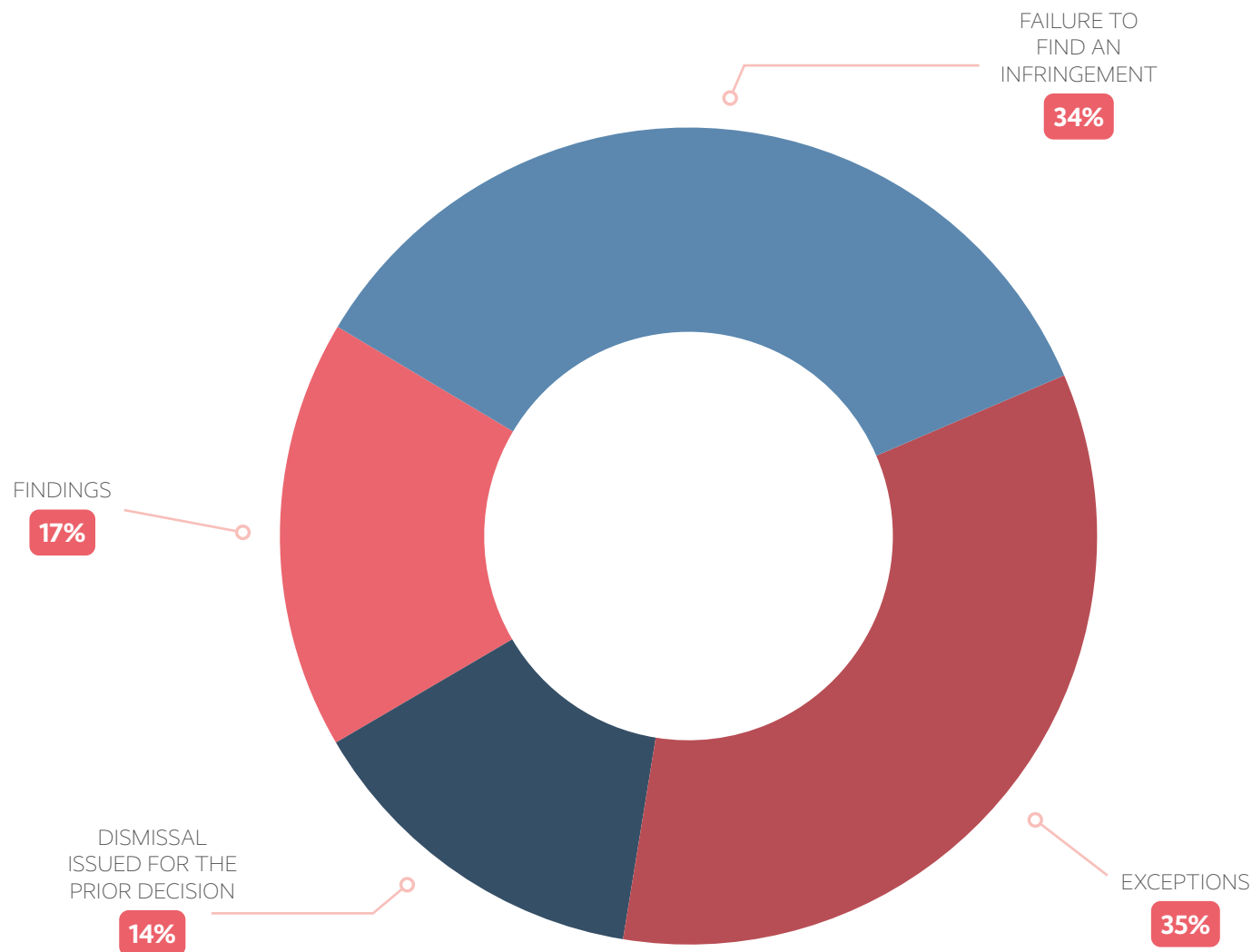
II Analysis of case processing based on the decisions issued by N.C.C.D.'s Steering Board



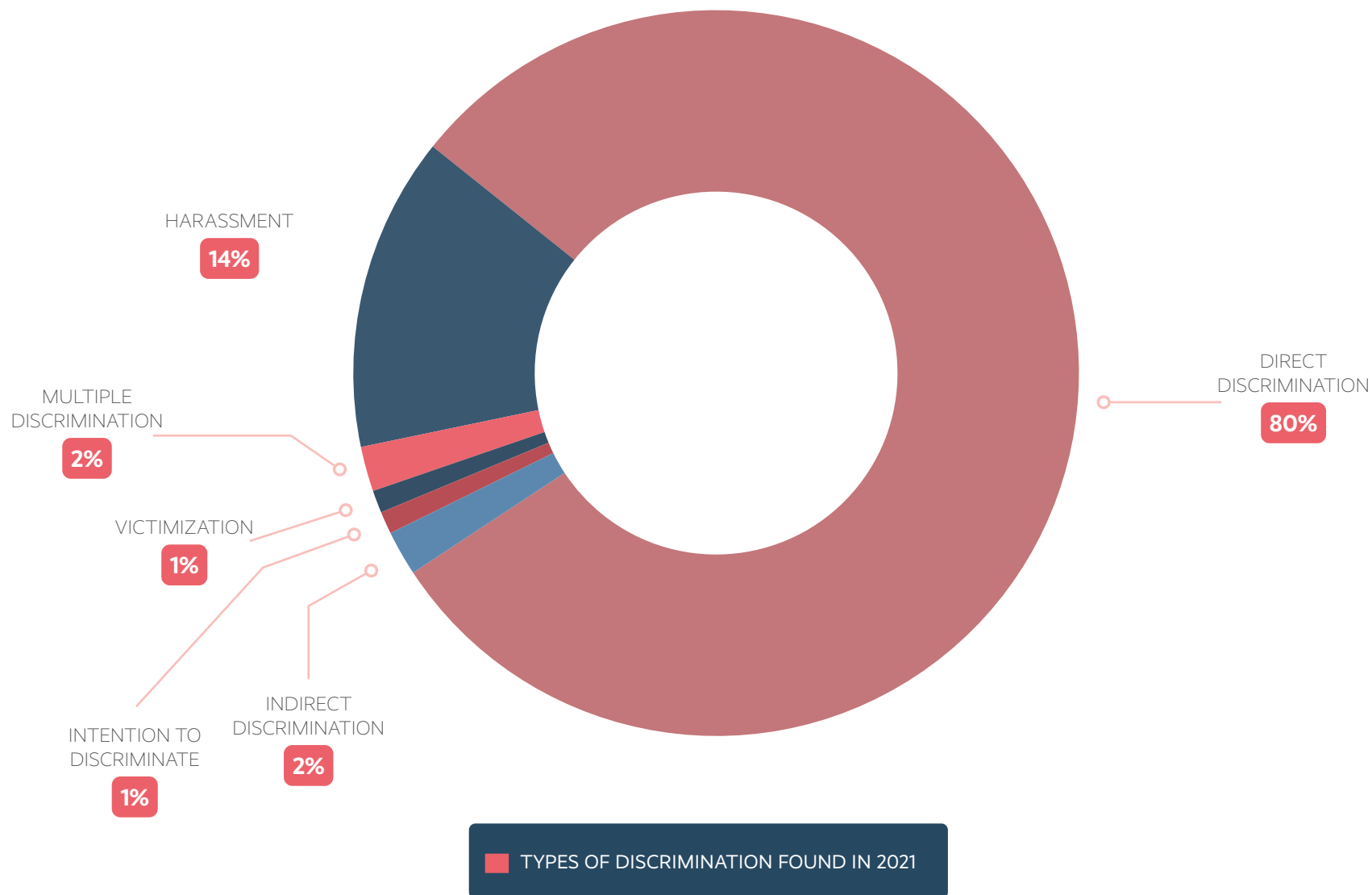
STEERING BOARD'S EX OFFICIO ACTIONS IN 2021
PER EACH DISCRIMINATION CRITERION

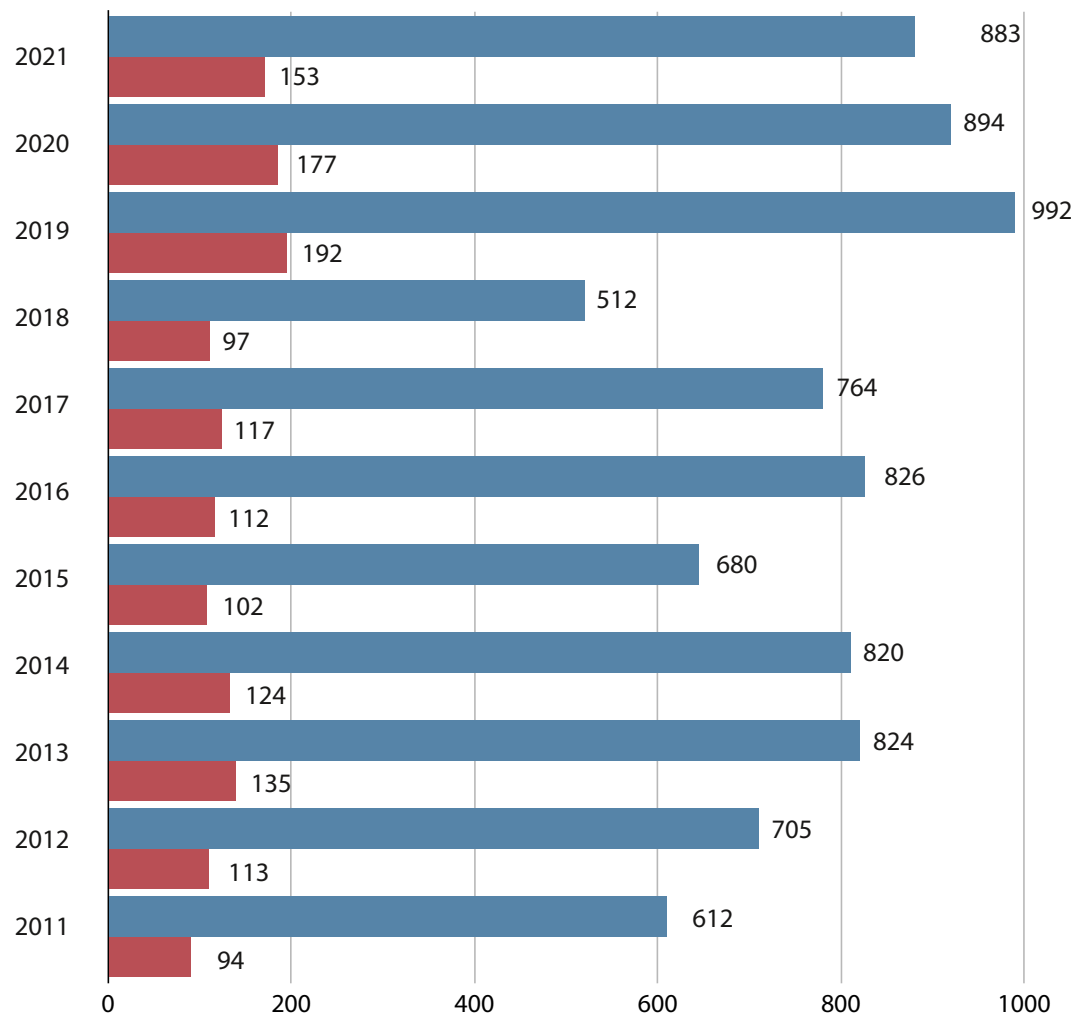


STEERING BOARD'S EX-OFFICIO ACTIONS IN 2021
PER EACH FIELD DISCRIMINATION

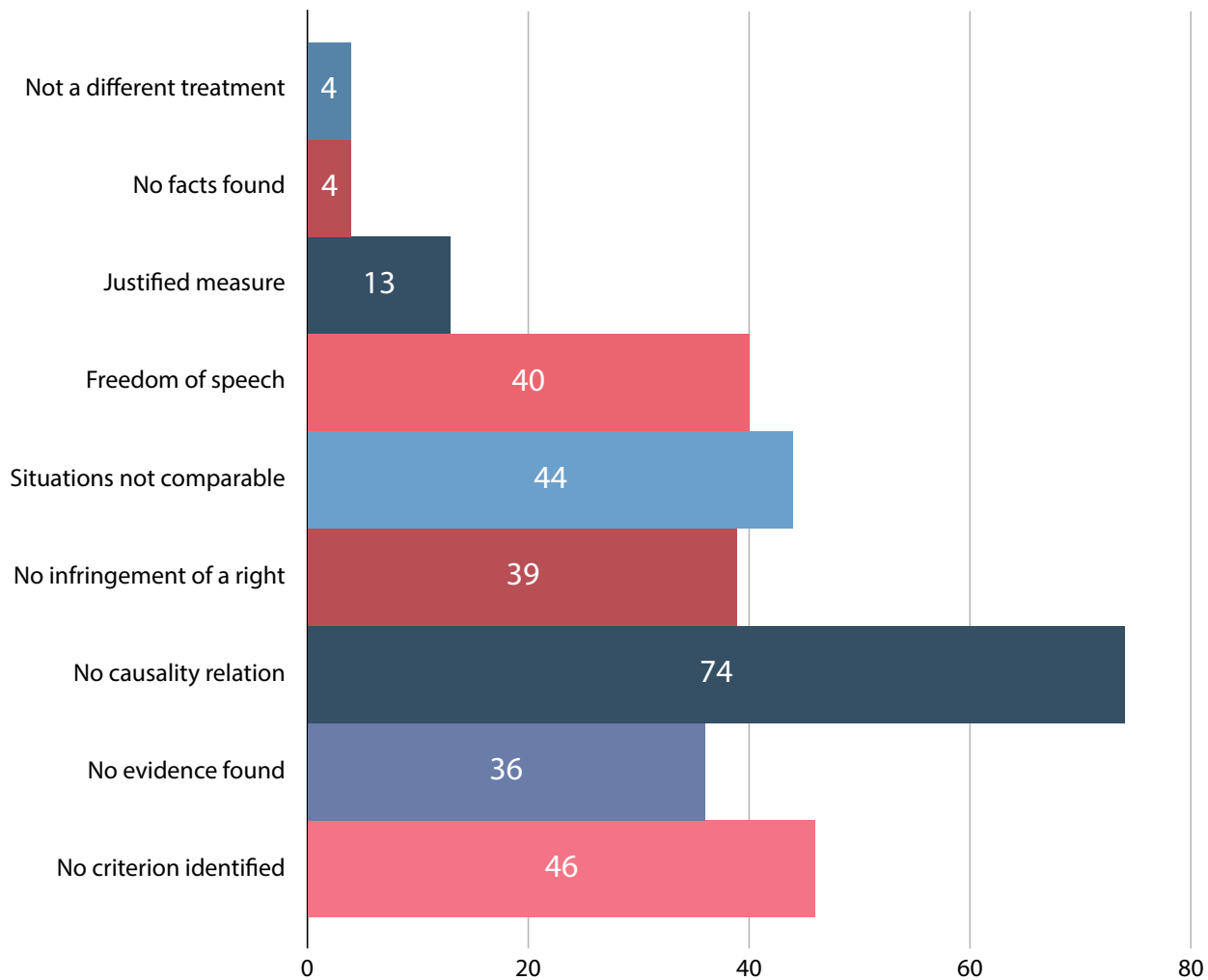


CLASSIFICATION OF THE DECISIONS ISSUED BY THE N.C.C.D.'S STEERING BOARD IN 2021 IN ACCORDANCE WITH THE TYPE OF OUTCOME





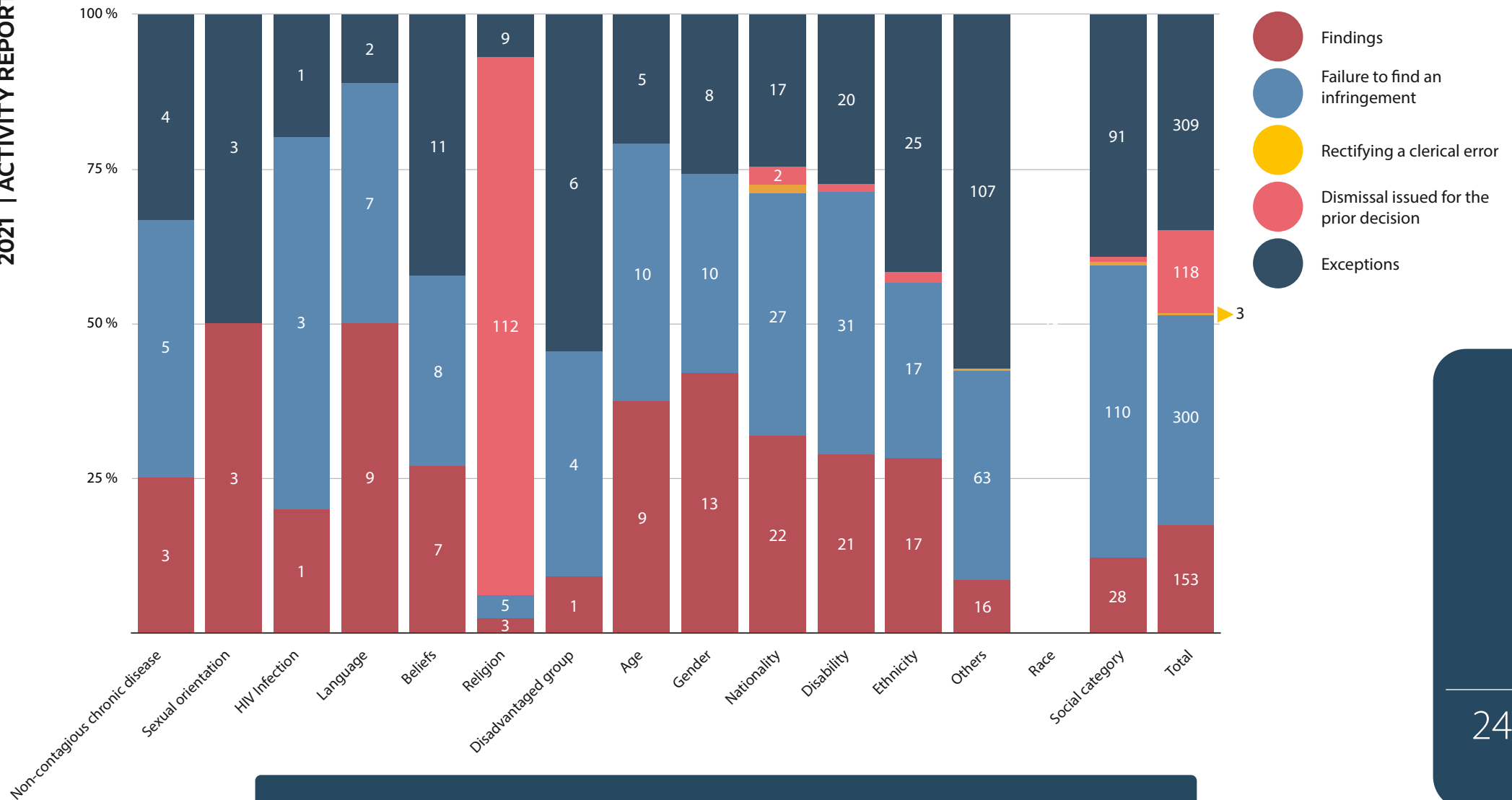
SHARE OF FINDINGS STATING THAT ACT OF DISCRIMINATION HAD BEEN FOUND FROM THE TOTAL NUMBER OF DECISIONS ISSUED BY N.C.C.D.'S STEERING BOARD IN THE 2011-2021 PERIOD

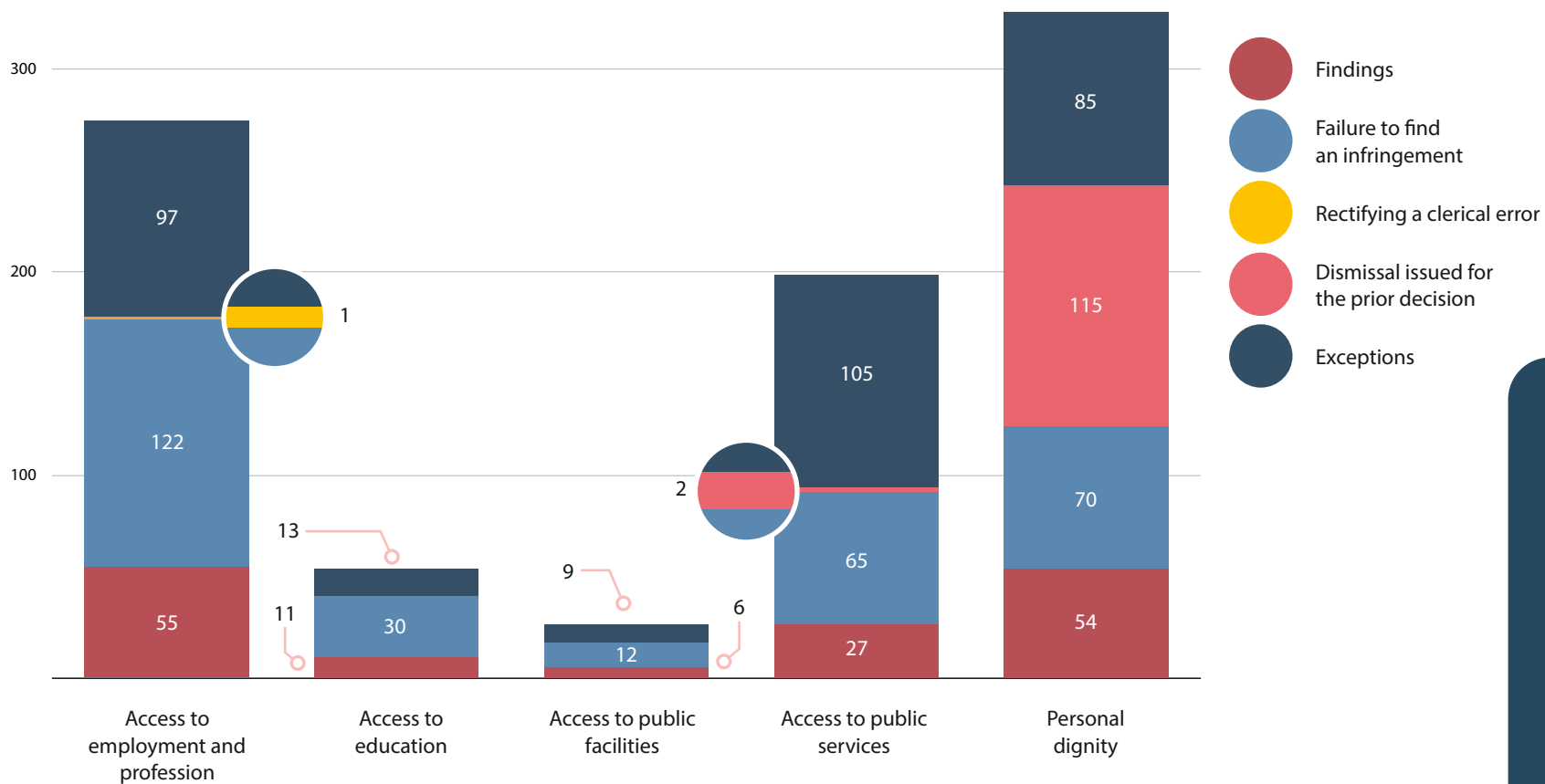


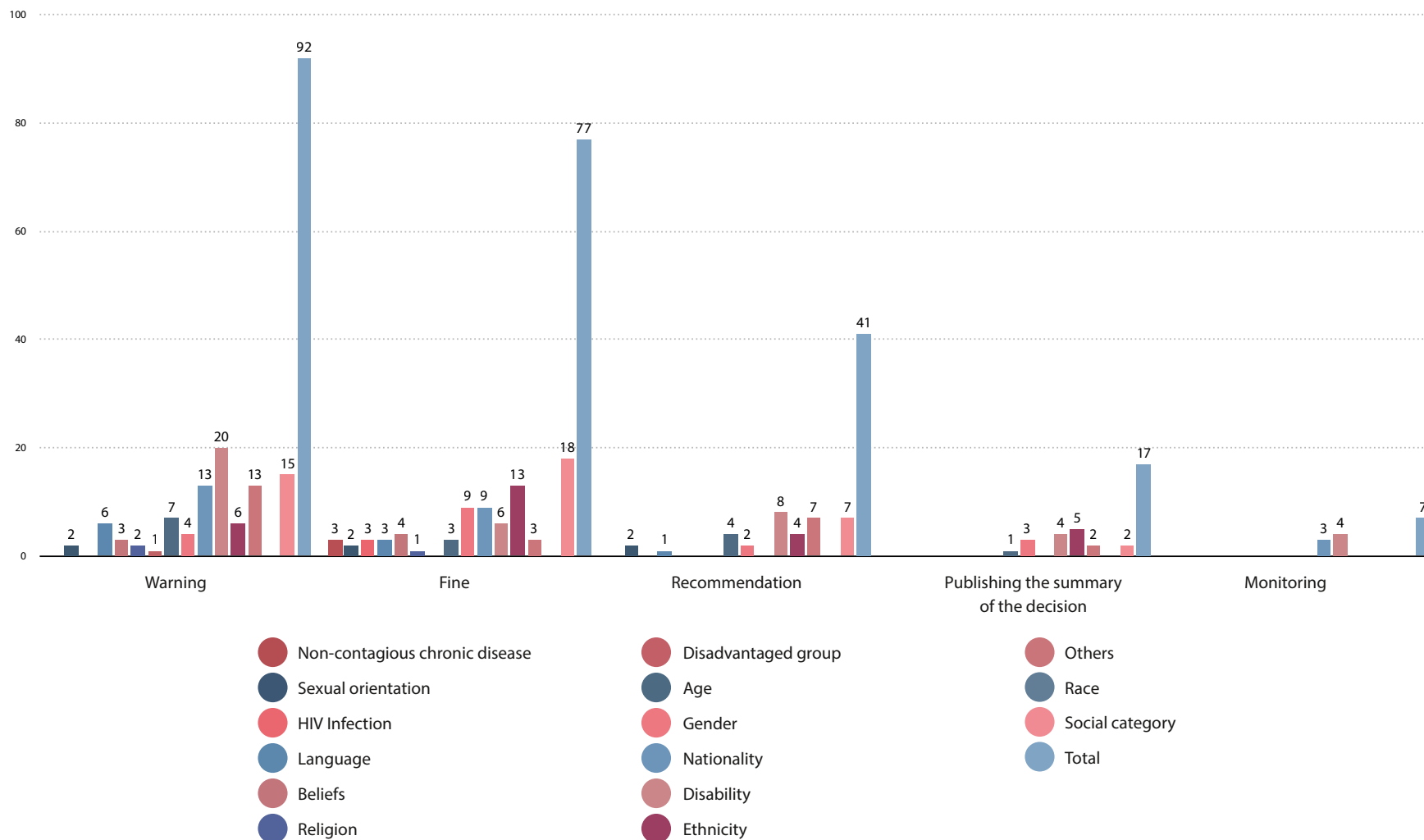
METHOD FOR PROCESSING IN 2021 THE DECISIONS WHERE
NO ACT OF DISCRIMINATION HAD BEEN FOUND



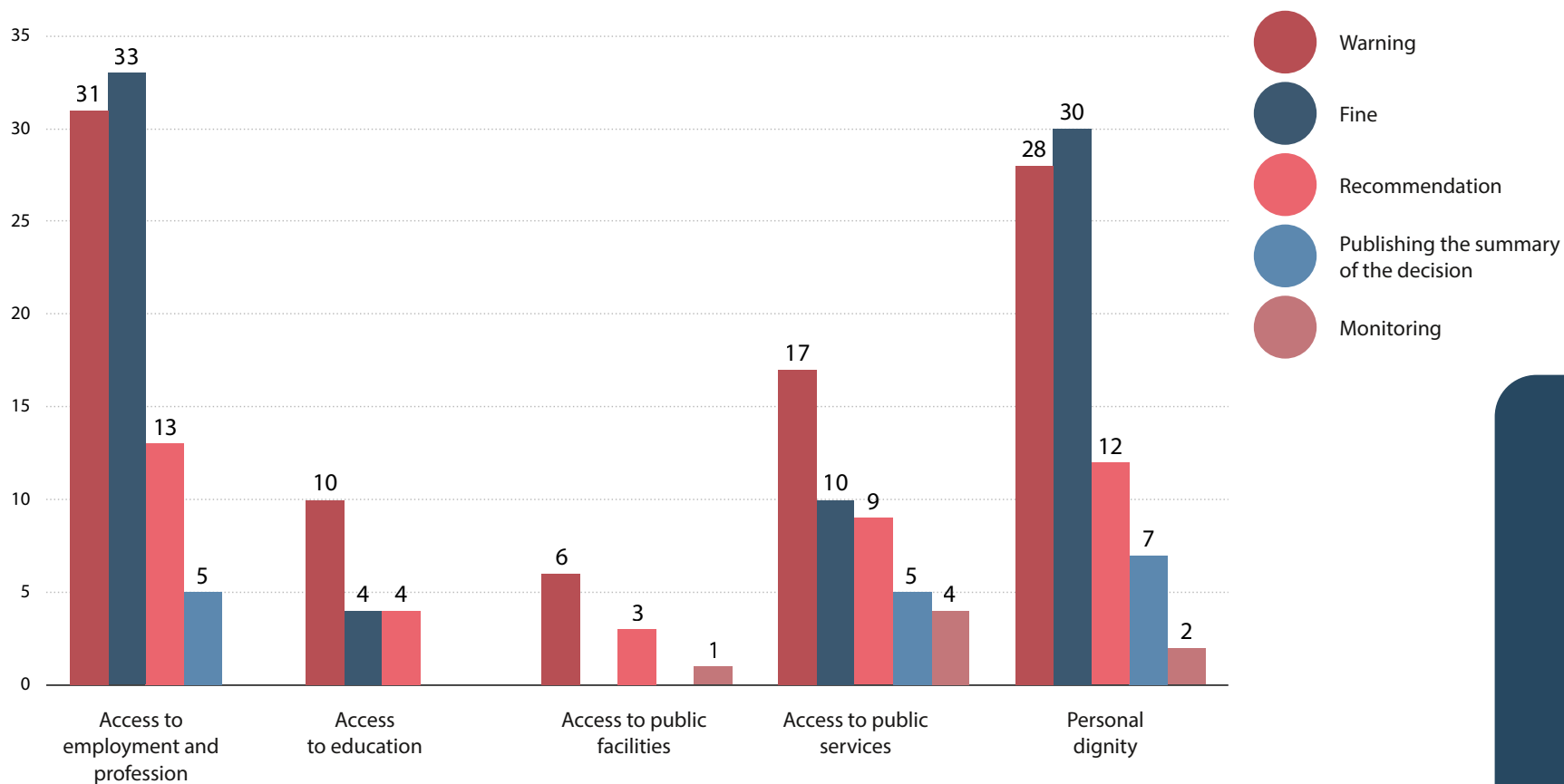
2021 | ACTIVITY REPORT



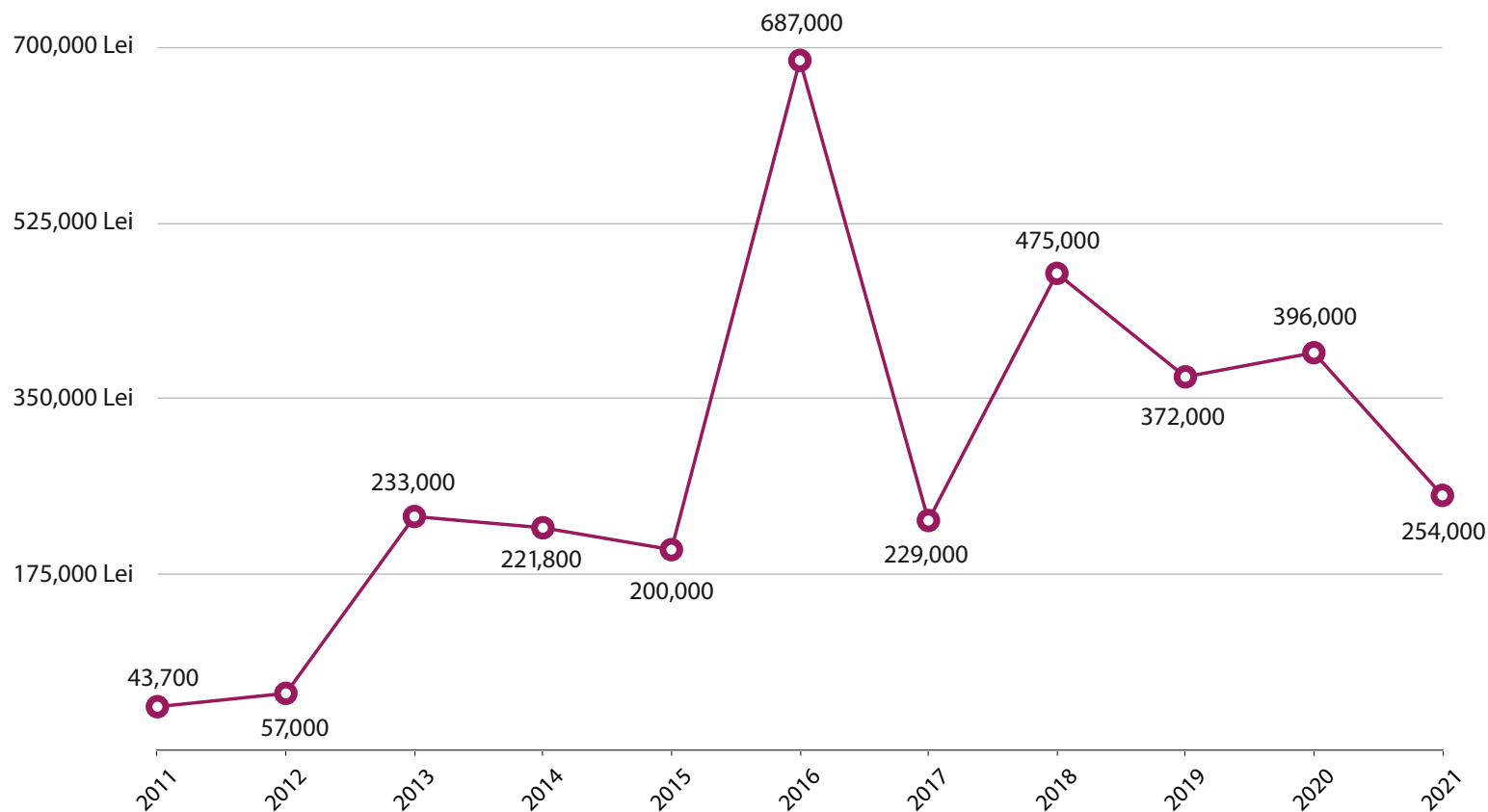




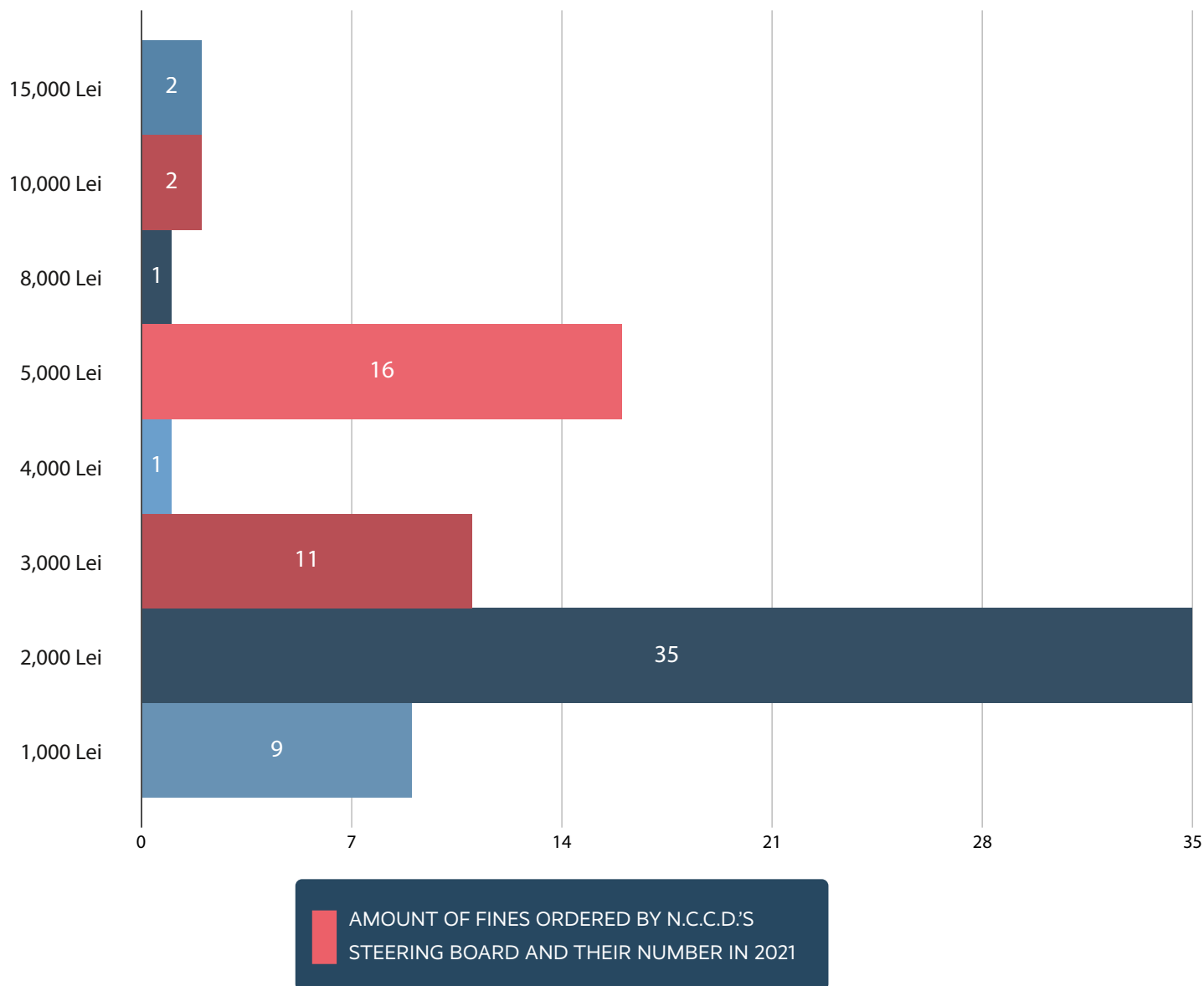
TYPES OF SANCTIONS ORDERED IN 2021 BY N.C.C.D.'S STEERING BOARD
PER EACH DISCRIMINATION CRITERION

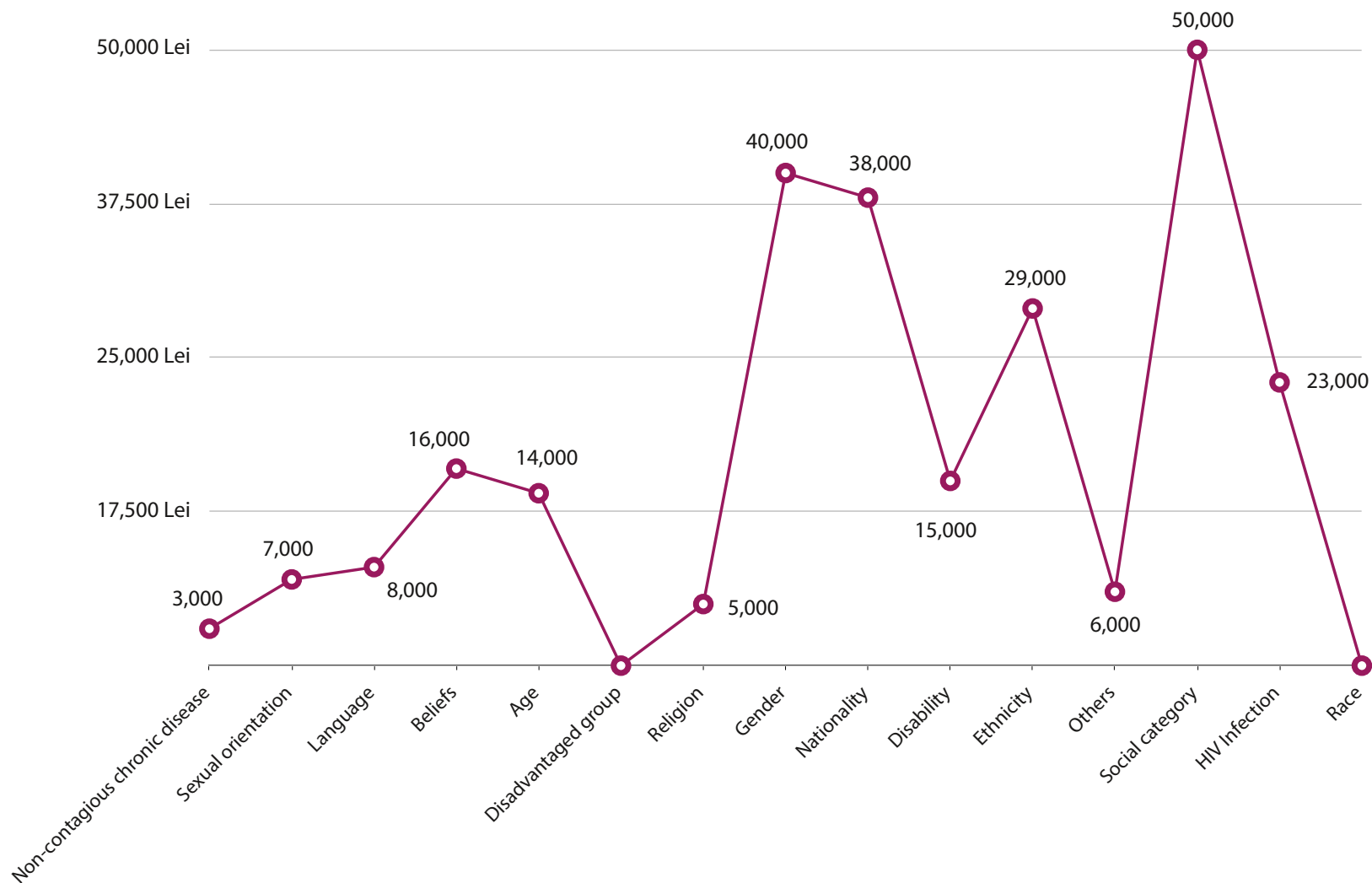


TYPES OF SANCTIONS ORDERED IN 2021 ACCORDING TO EACH DISCRIMINATION FIELD

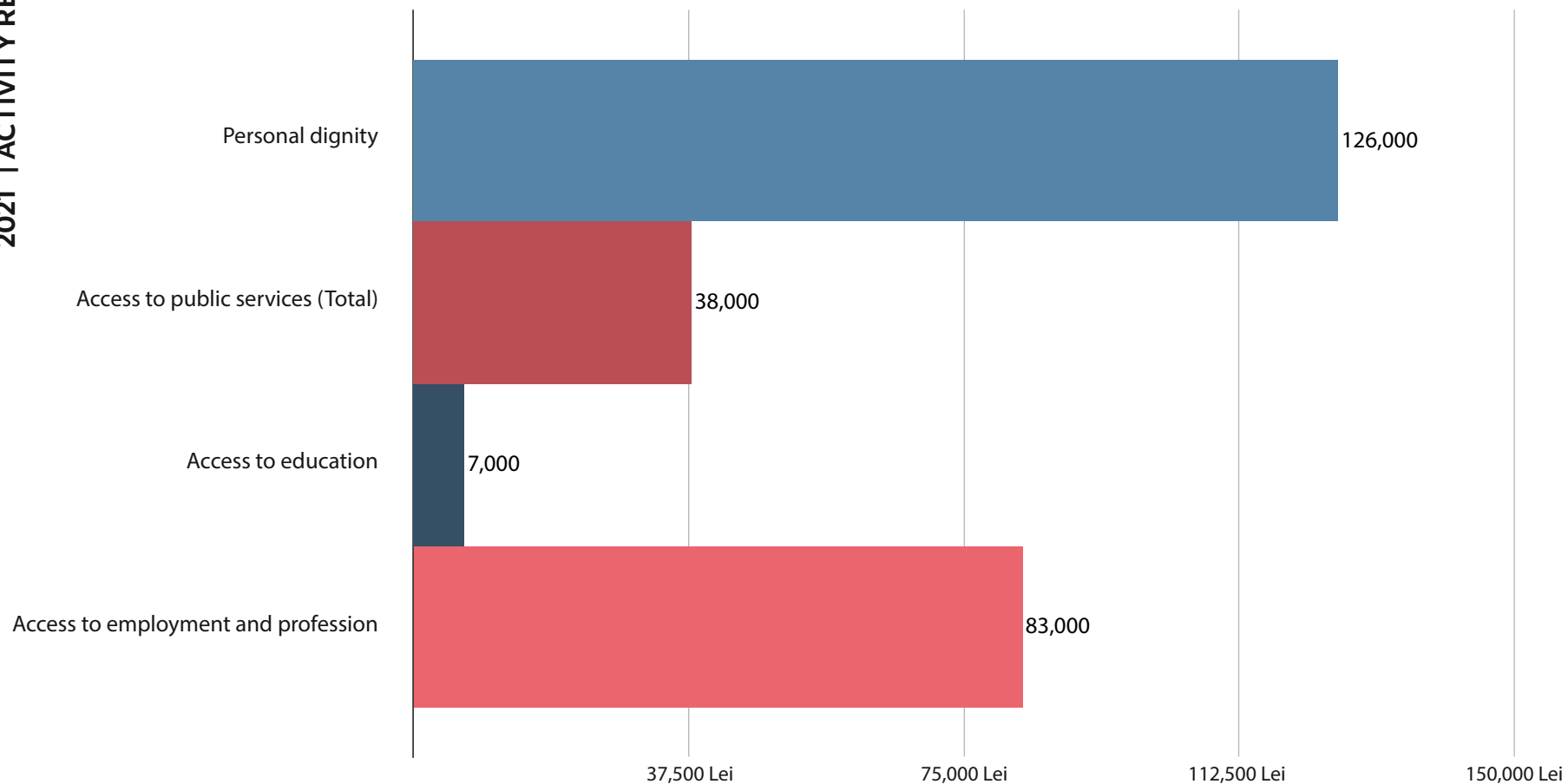


TOTAL FINES ISSUED DURING THE 2011-2021 PERIOD





■ DISTRIBUTION OF FINES ORDERED IN 2021 ACCORDING TO EACH DISCRIMINATION CRITERION



■ DISTRIBUTION OF FINES ORDERED IN 2021 ACCORDING TO EACH DISCRIMINATION FIELD



III Examples based on case-law of findings made by N.C.C.D.'s Steering Board



Equality in business activities and in matters regarding employment and professional activities

Decision No. 807 of 17 November 2021

The passive attitude of an employer in relation to the pressures exercised by the employees in order not to work together with a work colleague about whom they found out that had been diagnosed with HIV/AIDS, his being taken to a testing facility and the dissolution of the employment contract after the discovery of the medical diagnostic represents an act of discrimination.

A change in the initially proposed job, from technical operator into member of the staff responsible with cleaning and withdrawal of a work offer, during the trial period that had not been formally recorded, however recognised by the employer, following the HIV/AIDS diagnostic for the worker, represents an act of discrimination.

N.C.C.D.'s Steering Board found that acts of

discrimination were committed pursuant to [Art. 2 para .1](#) and [Art. 7 a\)](#) of the Anti-discrimination Law and ordered an administrative sanction against the employers by applying a fine amounting to **15,000 lei**, respectively **5,000 lei**.

Decision No. 723 of 06 October 2021

The supervisor's attitude towards the employee, expressed by using some offending expressions, an obscene and deprecating language, also on a social network that includes the company workers, respectively the members of the employee's own team, in relation to the employee's alleged sexual orientation, represents an act of discrimination.

The passive attitude of the employer in relation to the supervisor's attitude and lack of any action taken towards the degrading, humiliating and offensive framework built on the job represents an



endorsement of the discriminatory behaviour applied to work relations and an aggravating circumstance for discrimination.

N.C.C.D.'s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para 1](#), [Art. 2 para. 5](#) and [Art. 15](#) of the Anti-discrimination Law and ordered an administrative sanction against the employer and the supervisor by applying a fine amounting to **5,000 lei**, respectively **2,000 lei**.

Decision No. 269 of 03 March 2021

The employer's failure to provide an increased wage when the female worker returns from the maternity leave taken for the disabled child represents an act of discrimination.

The arguments brought in the sense that no discrimination could be found based on the gender criterion between the female employee and her male colleagues cannot be accepted as pregnancy and maternity cannot be separated from the female

gender, therefore, there is no need for comparability with the male workers.

The law-maker puts into place a protection that is aimed precisely at the special situation of the woman, when considering pregnancy and maternity. Similarly, the arguments according to which the wage can be increased based on a professional evaluation performed at individual level cannot be accepted as long as the criteria that underlay the employer's assessment were not transparent and as long as a limited number of employees were provided with wage growths.

N.C.C.D.'s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para. 1](#) and [Art. 7 b\)](#) of the Anti-discrimination Law and ordered an administrative sanction against the employer by applying a fine amounting to **5,000 lei**.

Decision No. 654 of 08 September 2021

The suspension from the hospital manager position, position which was taken based on professional



competence criteria following a competition, without any determining and genuine reasons, brings about the assumption of a differentiated treatment based on the criteria of non-political affiliation and represents an act of discrimination.

N.C.C.D.'s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para. 1](#) and [Art. 7 a\)](#) of the Anti-discrimination Law and ordered an administrative sanction against the employer by applying a fine amounting to **5,000 lei**.

Access to public administrative and legal services, to health services, to other services, goods and facilities

Decision No. 342 of 07 April 2021

The bank's refusal to grant a credit card based on the reasons that the applicant is over 64 years old, even if the applicant complied with the financial requirements related to the income level, represents an act of discrimination. Even if the aim of the bank would be to eliminate the risk of loan default that would result from the fact that, once the retirement age is reached, the income decreases, age may not

represent the only determining criterion for assessing and contracting, respectively not contracting, a loan-related product.

The bank had been previously sanctioned for having committed an act of discrimination based on the age criterion, as found by the decision no. 391/06.05.2020. N.C.C.D.'s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para. 1](#) and [Art. 10 h\)](#) of the Anti-discrimination Law and



ordered an administrative sanction against the service provider by applying a fine amounting to **5,000 lei**.

Decision No. 709 of 29 September 2021

Failure to provide accessibility facilities in underground stations for disabled persons, including visually impaired persons, represents an act of discrimination. O situation where a blind person suffered an accident without serious consequences, which, nevertheless, resulted in the person's fall between the underground tracks due to the lack of adapted markings near the side of the track raises the question of the duty stipulated by the national legislation regarding making accessible and the accommodation of transport means, as well as the right of disabled persons to benefit from transport services in safety conditions.

N.C.C.D.'s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para 1](#) and [Art. 10 h\)](#) and also [Art. 15](#) of the Anti-discrimination

Law and ordered an administrative sanction against the service provider by applying a fine amounting to **5,000 lei**.

Decision No. 211 of 10 February 2021

Failure to supply a banking service consisting from opening a personal bank account based on the reason that the applicant's country of origin is deemed as a high risk country, while individualized criteria are not being applied, represents an act of discrimination based on the nationality criterion.

The apparently neutral rules applied by the bank resulted in a disadvantage for foreign citizens legally residing in Romania.

The N.C.C.D. Board of Directors found that acts of discrimination were committed pursuant to [Art. 2 para. 1](#) and [Art. 10 h\)](#) of the Anti-discrimination Law and ordered an administrative sanction against the bank services provider by applying a fine amounting to **5,000 lei**.



Decision No. 435 of 20 May 2021 and Decision No. 385 of 12 May 2021

Editing and dissemination of information materials by a local public authority of information materials including information of public interest only in the language used by minority groups creates a differentiation based on the language criterion that limits the exercise of the right to access to information of public interest.

Similarly, failure to provide information of public

Access to education

Decision No. 62 of 20 January 2021

Assignment and establishment of school classrooms based on the results of a competition and defining the schedule of the classes for the elite classrooms

interest in a bi-lingual format on the web-page of a local public authorities or only in the language used by minority groups results in a differentiation based on the language criterion prone to infringe the right to access to public information.

N.C.C.D.'s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para .1](#) and [Art. 10 h\)](#) of the Anti-discrimination Law and ordered an administrative sanction against the local public authorities by applying a fine amounting to **4,000 lei**, respectively **2,000 lei**.

during the first half of the day compared to other classrooms represent an act of discrimination.

Setting up some elite classrooms and some other classrooms that are deemed weaker, from an educational perspective, brings about negative effects



on children's education. The school must provide equal opportunities to all students, without casting upon students at an early age a stigma associated with the sense of belonging or not belonging to an elite category.

N.C.C.D.'s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para. 1](#) and [4](#) and [Art. 11 para. 1](#) of the Anti-discrimination Law and ordered an administrative sanction against the school by applying a fine amounting to **2,000 lei**.

Decision No. 199 of 03 February 2021

Establishing and assigning seats based on the gender criterion (exclusively for girls) in sports fields, such as the fencing section, within a school with a sports profile, represent an act of discrimination.

Organizing a number of selections by applying mainly the gender criterion is justified in case of team-based sports, however, in case of individual-based sports, as is the case of fencing, the gender-based criterion is

not justified, while assignment of seats for girls only infringes the right to education for male students.

N.C.C.D.'s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para. 1](#) and [Art. 11 para. 1](#) of the Anti-discrimination Law and ordered an administrative sanction against the school by applying a fine amounting to **1,000 lei**.

Decision No. 320 of 24 March 2021

The refusal of a school to receive a student with special educational needs with a disability degree as a result of a transfer, a student who was awarded a school counselling certificate that allows him/her to participate in mainstream education, represents an act of discrimination.

The arguments related to the fact that the school already has children with special educations, that it is not possible to supplement their number in classrooms and that the extremely high effort that the teaching staff would be subjected to is not beneficial



for the school, the teaching staff and the education process, points out to the fact that disability represented the criterion for differentiation in analysing the request for transfer filed by the student, even if the student had received a recommendation for mainstream education from the school counsellor.

N.C.C.D.'s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para. 1, 5](#) and [Art. 11 para. 1](#) of the Anti-discrimination Law and ordered an administrative sanction against the school by applying a fine amounting to **2,000 lei**.

Decision No. 824 of 17 November 2021

Repeated statements made by a teacher during classes, in front of Roma children, by calling names such as “Gypsy girl”, “Gypsy slum”, “stinky Gypsy”, as well as stating that children should avoid Roma people as they steal and kill, and also moving the Roma

children to the back of the classroom represent acts of discrimination.

The statements made by the teacher in front of the students represent a publicly displayed behaviour, which is aimed at an infringement of dignity, building an intimidating, hostile, degrading, humiliating environment, targeting individuals based on the ethnic group affiliation criterion.

N.C.C.D.'s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para. 1](#) and [Art. 15](#) of the Anti-discrimination Law and ordered an administrative sanction against the teacher by applying a fine amounting to **2,000 lei**.



Freedom of movement, right to freely choose a place of residence and access to public places

Decision No. 668 of 15 September 2021 and Decision No. 809 of 17 November 2021

Enforcing a number of restrictions regarding access inside a restaurant for minors under the age of 10, respectively for children under the age of 12 and their companions based on the reason of preventing the spread of the SARS-COV-2 virus and on the right to select customers by virtue of Premium-type services aimed exclusively at adults represents an act of discrimination.

Imposing conditions on the access to services provided to the public, based on the age criterion and for a time interval during the day, without specifically analysing the situations, on a case by case basis, without establishing a number of specific, objective and justifiable criteria, e.g. by forcing the customers

to commit themselves to a proper behaviour for their children or by creating a number of areas laid out for family/non-family-type customers, creates an unjustified disadvantageous situation for customers with minor children, with ages below the threshold of 12 years old, respectively 10 years old.

N.C.C.D.'s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para. 1](#) and [Art. 10 f\)](#) of the Anti-discrimination Law and ordered an administrative sanction by issuing a warning against the company and a recommendation to amend its internal rules so that a fair access to such services could be provided to the public.

Decision No. 78 of 27 January 2021

Imposing access conditions to the cinema with the benefit of free of charge entry in accordance to the



law only in the case when a ticket is reserved by the disabled persons 5 days prior to the projection represents an act of discrimination.

Imposing the condition to ask for a reservation within a set time interval is disproportionate in relation to applying it to all persons with disabilities. In case of persons with mobility impairments, the seat is awarded free of charge and assigned, depending on availability, at the moment when the request is made. The disabled persons may ask for free of charge access and may benefit from such facilities without a prior reservation, to the extent to which there is no need for a specially designed place inside the cinema hall, provided that such seats are available at the moment when the request is made.

For the other disabled persons, there is no need for a reservation in advance, as they can have access to any available seat inside the cinema hall, as no accommodation of the environment conditions is required.

N.C.C.D.'s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para. 1](#) and [Art. 10 f\)](#) of the Anti-discrimination Law and ordered an administrative sanction by issuing a warning against the company and a recommendation to ensure equal opportunities in terms of access to the services provided for the general public.

Decision No. 252 of 24 February 2021

Failure to accommodate the stops and lack of access ramps for disabled person when embarking for the small boats providing waterway transport, subordinated to the public local authority represent an act of discrimination.

On the background of tasks entrusted by law to the local public authorities, the failure to accommodate, respectively to eliminate the obstacles and barriers that the persons with mobility impairments are confronted with, the equal access to facilities and locations that are available to the general public is hampered.



N.C.C.D.'s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para. 1](#) and [Art. 10 f\)](#) of the Anti-discrimination Law and ordered an administrative sanction by issuing a

Right to privacy

Decision No. 274 of 03 March 2021 and Decision No. 721 of 29 September 2021

The statements made during a taped interview regarding the lack of professionalism of women, in general, references made to a refusal to make business with women or to discuss with women, in general or, especially with women about politics and limiting their assessment only to physical appearance, presence and physical traits result in an infringement of dignity based on the gender criterion, create a degrading, offensive environment and represent an act of discrimination.

Also, the statements made on a national TV station

warning against the public local authority and a recommendation to accommodate the ship stops that provide services to the public within a 6 month period.

regarding the lack of physical abilities from women, in general, the lack of competence from women and their status as “slaves to the men” represent an act of discrimination, as a form of differentiation based on the gender criterion and resulting in an infringement of dignity based on the gender criterion and in creating a degrading and offensive environment against women.

N.C.C.D.'s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para. 1](#) and [Art. 15](#) of the Anti-discrimination Law and ordered an administrative sanction against the author of these statements by applying a fine amounting to **15,000 lei**, respectively **10,000 lei**.



Decision No. 44 of 20 January 2021

Statements made during a video material posted on a social network which support the idea that Romanian citizens only exert features such as “scum, idiots, traitors, cowards, filthy, dirty, illiterate, wretched, drug-addicts, retarded” or that they represent “an inferior people” and “the most backward” or “the most retarded people in Europe”, as well as similar references made toward Romanian citizens from different minority groups represent an act of discrimination.

Such statements of a general nature pass on a message of incitement to hatred and intolerance, as such labelling contributes to creating a hostile and defaming environment against Romanian citizens.

N.C.C.D.’s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para. 1](#) and [Art. 15](#) of the Anti-discrimination Law and ordered an administrative sanction against the author

of such statements by applying a fine amounting to **8,000 lei**.

Decision No. 551 of 14 July 2021

Statements made during a taped interview regarding the Hungarian people, in general, by referring to the fact that Hungarians are “frustrated people, and these frustrations make it impossible for them to stand anyone else by their side” represent an act of discrimination.

Presenting lack of tolerance as a feature of an entire nation, without making a distinction between people who are actually promoting racial hatred and those who do not accept such an ideology is prone to create a hostile, offensive environment against a community of persons living in Romania.

N.C.C.D.’s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para. 1](#) and [Art. 15](#) of the Anti-discrimination Law and ordered an administrative sanction against the author



of such statements by applying a fine amounting to **5,000 lei.**

Decision No. 802 of 03 November 2021

The statements made during a televised press conference by introducing a person mainly through the perspective of the ethnic group that the person belongs to, by using the term “Gypsy” as a form of incitement or challenge and by inducing the idea of superiority compared to that person represent an act of discrimination.

Such expressions led to general statements, to insults and also to the creation of an intimidating and hostile framework, based on the ethnic group affiliation criterion. In this case, the courts found that the use of terms such as “Gypsy” and “ugly Gypsy” represents an act of discrimination.

N.C.C.D.’s Steering Board found that acts of discrimination were committed pursuant to [Art. 2 para. 1](#) and [Art. 15](#) of the Anti-discrimination Law and ordered an administrative sanction against the author of such statements by applying a fine amounting to **5,000 lei.**





IV Activity of the Case File Investigation Office



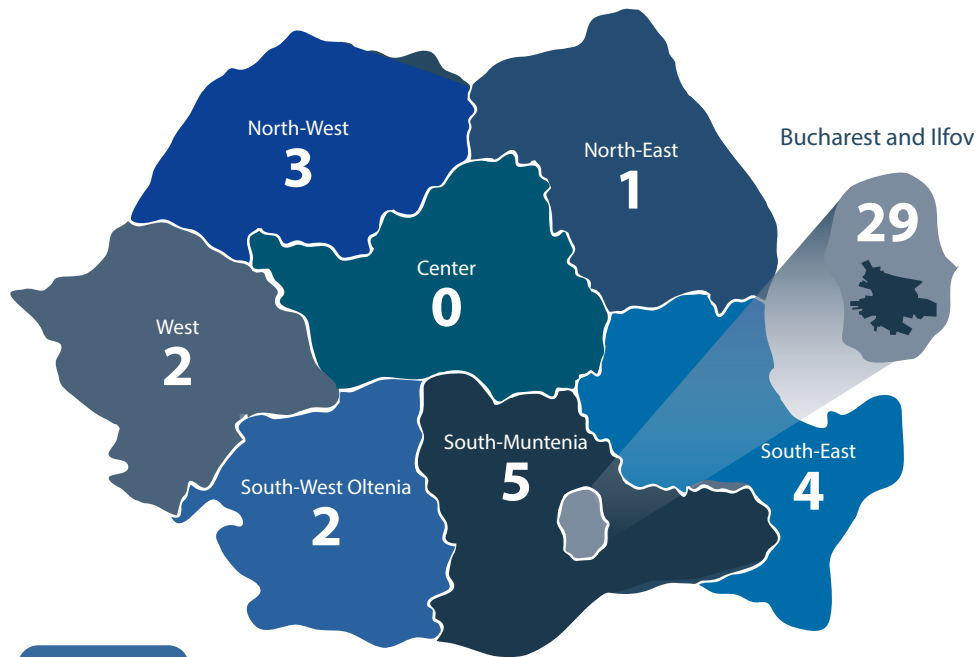
In 2021, the Case File Investigation Office continued to centralize cases where administrative fines had been issued and also to follow up on the current phase of proceedings related to N.C.C.D.'s decisions taken in the above-mentioned cases. In such cases where the N.C.C.D. decisions were not challenged in front of courts having jurisdiction, the Case Investigation Office notified the competent tax authorities, in order to enforce the decisions taken by the Steering Board where administrative fines had been issued.

In 2021, the Case File Investigation Office received 68 files from the N.C.C.D.'s Steering Board in order to notify the fines to the competent tax authorities. Also, the Legal Affairs, Litigation and Expert Reports Unit sent 18 files to the Investigation and Review Unit/Case Investigation Office for the same purpose, as a result of N.C.C.D.'s decisions being rendered final and enforceable.



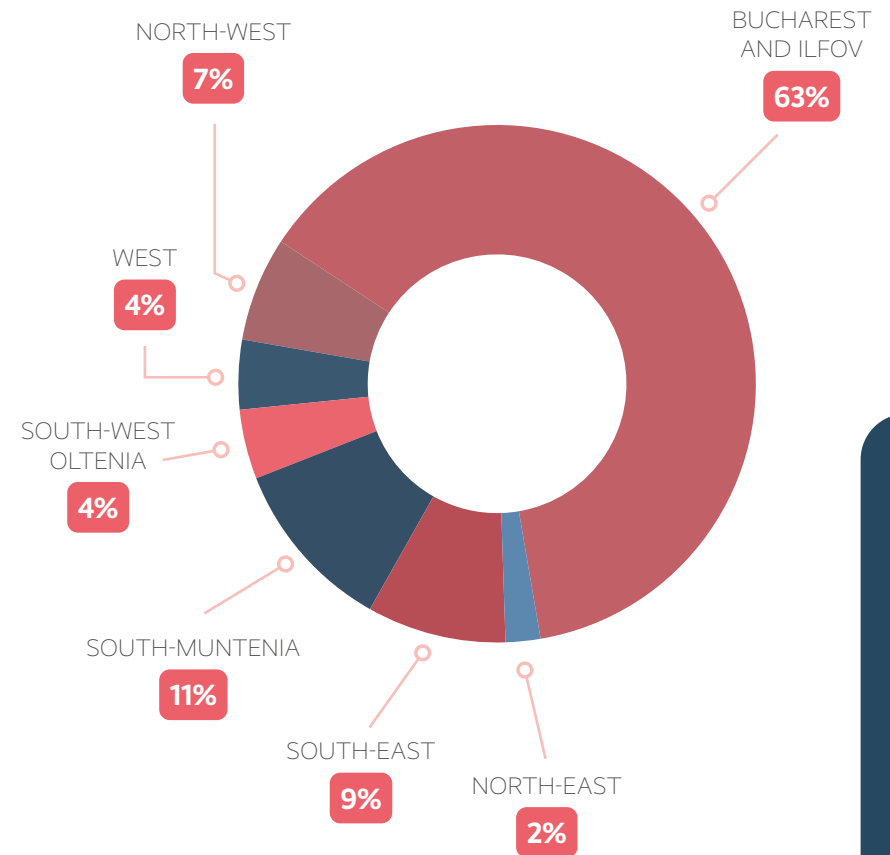


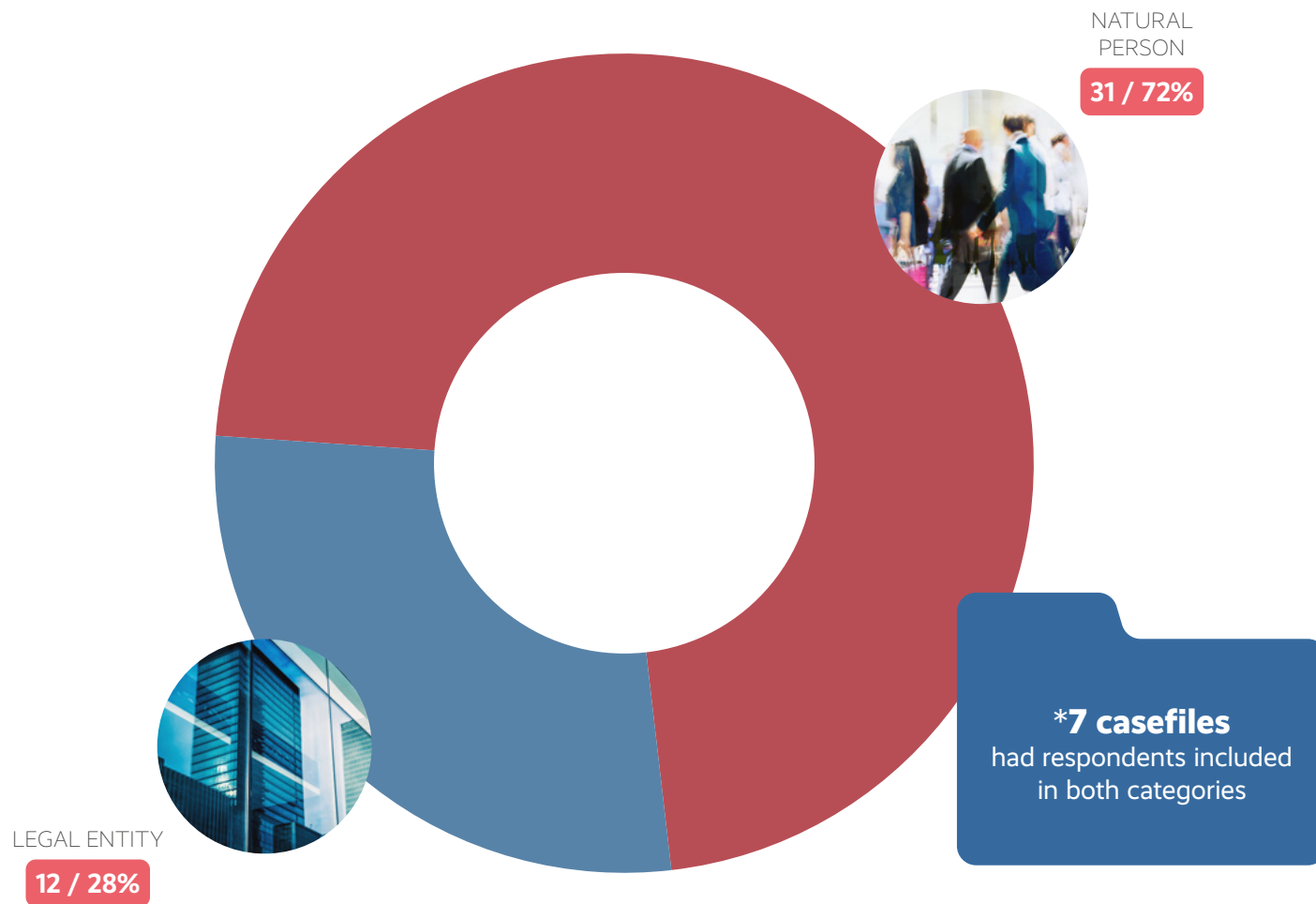
CLASSIFICATION OF THE INVESTIGATED FILES ACCORDING TO THE RURAL OR URBAN ENVIRONMENT IN WHICH THE ALLEGED ACT OF DISCRIMINATION TOOK PLACE



***36 casefiles and
46 investigations**
(some casefiles required
multiple verifications)

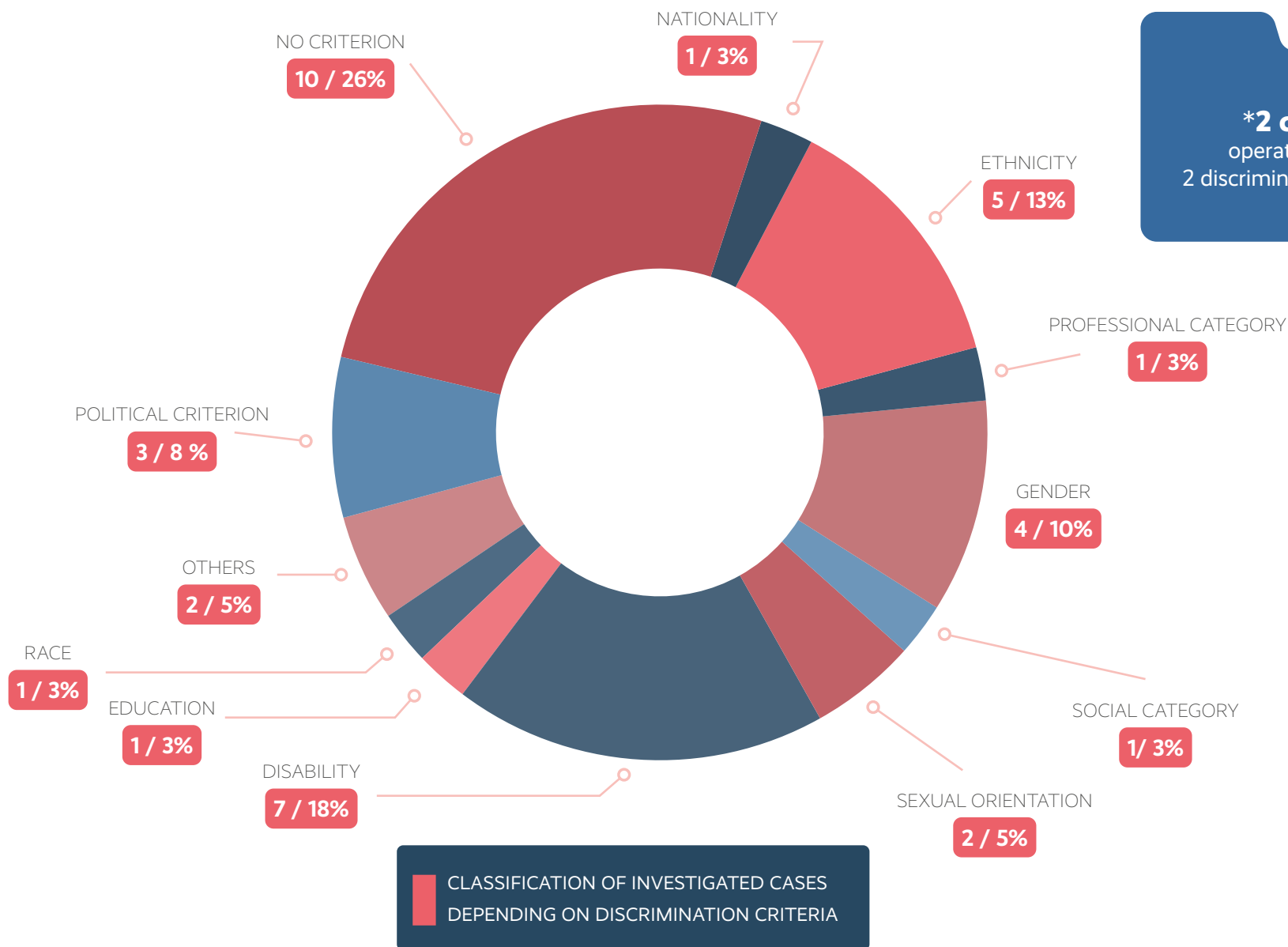
DISTRIBUTION OF INVESTIGATIONS PERFORMED
IN 2021 PER DEVELOPMENT REGION





***7 casefiles**
had respondents included
in both categories

CLASSIFICATION OF INVESTIGATED CASES DEPENDING ON THE
STANDING OF RESPONDENT AS NATURAL PERSON OF LEGAL ENTITY





V Activity of the Legal Directorate



ACTIVITIES UNDERTAKEN ACCORDING TO SPECIFIC TASKS ENTRUSTED TO THE INSTITUTION

Legal representation of the National Council for Combating Discrimination

Legal assistance and representation of the interests of the National Council for Combating Discrimination, in litigations whose subject is included in the scope of legal verifications and due diligence procedure applied to decisions taken by the Steering Board, as well as in general, is provided by the Legal Affairs, Litigation and Expert Reports Department within the Legal Directorate of the Council.

As stipulated by art. 20, para. (9) and (10) of O.G. no. 137/2000R, in conjunction with the provisions of the “Internal procedure for processing petitions and complaints” published in the Official Journal, Part. I no. 348 of 06.05./2008, adopted pursuant to art. III, para. 1 – Chapter IV of G.O. no. 137/2000R, petitions whose subject is related to discriminatory

actions are settled by the National Council for Combating Discrimination through a ‘decision’, which is a jurisdictional-administrative document.

The activity of settling disputes which represents the subject of the above-mentioned petitions is achieved within a jurisdictional administrative framework, following a specific special procedure which includes the fundamental characteristics of the special administrative jurisdiction: optional and gratuitous nature of jurisdiction, functional independence of the jurisdictional authority, compliance with the principles of ensuring the right to defence and safeguarding the adversarial nature of the proceedings.

The lawfulness and groundedness test applied to the decisions of N.C.C.D.’s Steering Board fall under the jurisdiction of administrative proceedings courts (Courts of Appeal, operating as first instance courts, respectively the High Court of Cassation and Justice, as second appeal court), as stipulated by art. 20, para. (9) and (10) of O.G. no. 137/2000,



republished, in conjunction with art. 6 of the Law on administrative proceedings no. 554/2004.

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

The confirmation rate for the “judicial examination” that N.C.C.D.’s decisions were subjected to during 2021

During 2021, the competent courts (the Courts of Appeal and the High Court of Cassation and Justice) had a total number of 475 cases on their docket, whose subject was the legal verifications and due diligence procedure applied to N.C.C.D. decisions adopted pursuant to art. 20 of G.O. No. 137/2000, republished.

Following the lawfulness and groundedness check applied to N.C.C.D. decisions adopted in 2021, the

courts confirmed the Council’s decisions in first instance or in second appeal in 181 cases, while in 47 cases the proceedings brought against these decisions were admitted.

By the end of 2021, 394 cases were still pending before courts (first instance / second appeal).

Thus, based on statistical data, the confirmation rate for the “judicial review” that N.C.C.D. decisions went through during 2021, compared to the number of settled cases, was rather high - amounting to approx. 80%.

Conclusions regarding the confirmation rate for the “judicial review” applied to the N.C.C.D. decisions:

In order to accurately reflect the share of won cases vs. lost cases, this percentage is also compared, within the N.C.C.D. statistical data, to the number of proceedings tried from among those whose subject was to challenge the N.C.C.D. decisions in court, instead of comparing them to the total number of decisions adopted by the Council.



The statistical data at issue are related to court judgments regarding all the N.C.C.D. decisions under challenge, no matter which was the final decision taken, either meaning that a discrimination had been found and administrative sanctions were taken, or that a discrimination had not been found, which is the equivalent with a rejection of the petition in question.

The percentage of N.C.C.D. decisions challenged in court, compared to the total number of decisions adopted on a yearly basis by the Council amounted to 25%, during the measured period/period under statistical assessment. The percentage of decisions that had not been challenged in court represents the share of N.C.C.D. decisions that were rendered final as lawful and reasoned as no challenge had been initiated (these are not part of the percentage calculated strictly related to the N.C.C.D. decisions that had been uphold following the challenge in court, the percentage that is presented in the current statistical data).

The percentage of upholding in court the N.C.C.D. decisions, throughout 2021, as lawful and reasoned,

compared to the cases on trial amounted/was maintained at a high level, approx. 80%, while the quashed decisions registered a low level, of approx. 20%, on a regular basis. We reiterate that, in order to accurately reflect the share of won cases vs. lost cases, this percentage is also compared, within the N.C.C.D. statistical data, to the number of proceedings tried from among those whose subject was to challenge the N.C.C.D. decisions in court, instead of comparing them to the total number of decisions adopted by the Council. This is how one may clearly grasp the most objective and rigorous percentage that should prove the genuine share of N.C.C.D. decisions that had been quashed or, as applicable, uphold, as a result of a judicial review actually implemented (cases under trial on the merits/appeal).

Statistical data for judicial proceedings brought in order to trigger tort liability

Pursuant to art. 27 of G.O. No. 137/2000R, the person who considers himself/herself discriminated against may submit to the court a claim for damages



and remedies in order to re-establish the status quo prior to the discrimination act or to cancel the situation created by the discrimination act, according to common law. The interested person must prove the existence of some facts that allow the assumption of some direct or indirect discrimination, while the person against whom the claim was made must prove that the facts in question do not represent a form of discrimination.

The Council must be summoned for court proceedings.

Thus, through G. O. no. 137/2000, the national lawmaker intended to include in the field of non-discrimination both the administrative liability and the civil liability, shaped as a remedy consisting from forcing the “discriminatory agent” to repair the inflicted harm, by reinstating the previous status quo, by removing all harmful consequences of the discriminatory unlawful act.

By regulating the legal proceedings for “civil law sanctions” in the field of non-discrimination, which

fall under the exclusive jurisdiction of common-law courts, the lawmaker’s purpose was to make sure that the proceedings whose subject was “remedy of harm incurred by discriminatory acts and facts”, following the tort liability pathway, should be tried in court with the procedural participation of the National Council for Combating Discrimination.

The Council’s de jure participation to court proceedings in such cases is achieved under a special standing of ‘institution monitoring discrimination cases’, ‘legal advisor’, ‘expert’ in the field of non-discrimination, thus, without a passive legal standing, therefore being protected by the binding obligations imposed by the court decisions ruled in such cases.

Such legal standing of N.C.C.D. pursuant to art. 27 of G.O. No. 137/2000 is based on its function as a body safeguarding the compliance with and the enforcement of the principle of non-discrimination, according to domestic legislation in force and the international documents that Romania is a party to, and as a specialised body - holder of the fundamental



(theoretical and practical) legal expertise required in the field of equal rights and non-discrimination.

The legal standing of N.C.C.D., pursuant to art. 27 of G.O. No. 137/2000R is applicable to all cases, regardless their concrete object (labour litigation, annulment of administrative documents, termination of contracts, refusals to solve certain complaints or other claims, financial rights etc.) which are *lato sensu* associated with the principle of non-discrimination, brought before all courts with material and territorial jurisdiction from all over Romania.

During such proceedings, the expert-advisory body (N.C.C.D.), through the specialized staff within the Legal Directorate, may issue, on its own motion, “guidelines-framework points of view” with the purpose of referring national and Community anti-discrimination legislation, respectively the technical and legal mechanism for interpretation and implementation specific to such legislation or, as applicable, based on the express request of the court (and to the extent to which the Council is presented with all factual and legal issues,

including the written evidence and testimonies taken in the judicial case), “expert reports - specialised legal opinions”, essentially procedural documents that operate as ‘judicial advice’ in the area of equality of rights and non-discrimination.

Reporting statistical data

In 2021, N.C.C.D. was summoned to court, as an advisory body - “specialised expert”, for a total number of approx. 3019 court cases whose subject was related to incurring tort liability (remedies for the victim) as a result of an infringement of the non-discrimination principle.

The cases which were settled during 2021 can be statistically categorized depending on their subject, as follows:

- approx. 2394 proceedings on “financial rights”;
- approx. 621 proceedings with a subject included in the category “other claims” (labour litigation, rescission of administrative documents,



termination of contracts, denial of the claim, other claims - other than salary/financial rights etc.).

The decisions taken during 2021 by the courts hearing cases on incurring tort liability in non-discrimination matters (cases associated with proceedings brought during the current year, as well as previous cases whose trial continued in 2021), to which N.C.C.D. participated as 'specialised expert' are reported as follows:

- approx. 1049 decisions admitting the cases;
- approx. 1399 decisions rejecting the cases.

In 2021, the National Council for Combating Discrimination, through its specialized legal staff within the Legal Directorate, contributed actively and in a positive manner, in accordance with its institutional mission and its standing as expert by virtue of the law, to settling more than one thousand cases in favour of the victims of discriminations, who, accordingly, benefited from remedies that were proportional in

size with the damage incurred as a result of infringements of the non-discrimination principle (in most of the cases - in the area of wage-related policies, as well as in other related areas: labour litigation, rescission of administrative documents, termination of contracts etc.)..

Promoting, monitoring and supporting equal treatment for EU workers

Through this Unit, N.C.C.D. coordinates at national level the promotion, monitoring and support of equal treatment for all workers within the European Union and for the members of their families who exercise their rights in Romania, without discriminating based on their nationality, supports the EU workers and the members of their families in defense of their rights and provides the activity of the national contact point as regards prevention and combating discrimination in terms of the freedom of movement for EU workers, in order to cooperate and exchange information with the counterpart contact points from the other European Union Member States.



The Council, through its B.P.M.S.E.T.L.U.E., when exercising its tasks as the contact point designated pursuant to art. 4 of Directive 2014/54/EU, provided (by phone, mainly due to the objective reason associated with the existing pandemic situation in 2021), specialized assistance for the applicants, translated into providing the technical-administrative information that are useful to capitalizing the competent institutional leverage available inside the Member States where Romanian citizens were confronted or might have been confronted with potential discriminatory or disadvantageous treatments due to their citizenship or other specific features.

Representatives of the Legal Directorate - B.P.M.S.E.T.L.U.E. attended the online meetings of Equality Bodies designated as contact points pursuant to art.3 of Directive 54/2014/EU, where the latest round of news regarding the rights of EU citizens and of their family members were discussed. Also, the working group within EQUINET contributed to drafting a survey on freedom of movement of

European Union Workers and, later on, to drafting a working document on the limits of jurisdiction for equality bodies, campaigns, research and best practice examples. Information may be retrieved on the



website <https://equineteurope.org/2021/freedom-of-movement-equality-bodies-tackling-discrimination-of-union-workers/>.

Later on, EQUINET organized an online training session that was attended also by representatives of ELA, SOLVIT and other European bodies, training



session that was also attended by representatives within the Unit.

Legal counselling, contracting and public procurement

The legal counselling activity within the National Council for Combating Discrimination is undertaken by the Legal Directorate and it is applicable to the documents that fulfil the lawfulness conditions required in order to have legal effects. During this proceedings, compliance with the legal provisions in force is checked, both for the legal documents of the entity, as well as for the other measures that are to be taken by the management or by the departments, when exercising their specific tasks. A total number of 819 documents were sent to be endorsed from the legal point of view, throughout 2021.

The basic principle of this activity is that it provides the procedural and legal framework for the actions taken by the institution in relation to various natural persons and legal entities, including the public

procurement; in relation to the latter, a number of 24 contracts, 313 direct procurement procedures made through the SICAP electronic system and 213 notices issued in the electronic procurement system were drafted and followed-up.

Partnership agreements

In 2021, through its Legal Directorate, N.C.C.D. designed and implemented the activities that were included in the scope of a number of inter-institutional partnerships, with the purpose of developing long-term cooperation in terms of information, education and raising awareness among various categories of employees of public institutions, in order to ensure and observe the right to avoid any discrimination, as follows:

Partnership agreement between N.C.C.D. - Special Telecommunications Service (STS), on the subject of training the STS staff on the topic of prevention and combating discrimination against various vulnerable groups as part of the ongoing activity of this institution.



Partnership agreement between N.C.C.D. - Democratic Union of Tatars, where the Department experts participate to interactive sessions with the pupils and the teaching staff from the Tatarian minority group in Romania.

Framework agreement between N.C.C.D. - National University for Defense Studies 'Carol I', based on which the Council provided internships for the students of the Department for Security and Defense Studies within the Legal Directorate.

Framework agreement between N.C.C.D. - "Dimitrie Cantemir" Christian University, based on which internships were provided for the students of the Department for Law and Administrative Sciences.

Activity of local structures

Throughout 2021, more than 280 persons reported to the headquarters of the local structures of N.C.C.D. in Buzau and Targu Mures, asking for specialized

legal counselling services, regarding various situations that were deemed discriminatory; as a result of this activity, the legal counsellor drafted and sent 11 cases to the main headquarters. These circumstances were mainly related to situations related to a restriction of rights due to the measures taken by the authorities on the background of the pandemic resulted from the SARS - COV 2 virus, situations that were underlain by the ethnicity criterion, situations related to potential discrimination at work, including on-the-job sexual harassment, discrimination in the public space, access to services etc.

Incidentally, a number of actions were undertaken in order to raise awareness of the public on the issues of discrimination, its effects and consequences, as well as the role played by N.C.C.D. in this context. The aim was for the public services to be provided to all citizens without any discrimination, by displaying information materials in institutions that are used on a regular basis by the citizens (Mayor's Office, local police, Tax Administrations, hospitals, Citizens' Database of Civil Records etc.)



A genuine impact resulted from the cooperation with the Prefect's Institution of Buzau county, as part of the "Information, Education, Justice" project, which was aimed at training and education of vulnerable groups, as well as of civil servants at county level, as regards the principles of non-discrimination and equal access to courts.

Also, the N.C.C.D.'s Steering Board was informed in order to potentially initiate proceedings on its own motion regarding the fact that a number of media articles or job advertisements were issued in the on-line environment, which raise the issue of potential discrimination cases, based on the following criteria: ethnicity, gender and age.

NON-SPECIFIC ACTIVITIES

Throughout 2021, the Legal Directorate undertook multiple activities of legal nature, independent from the specific tasks that were aimed at domestic level, as well as actions at international level, as follows:

Drafting and submitting position papers

Related to the current state of debates organized within the EU Working Group for social issues regarding the Proposal for a

Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, COM (2008) 426, following the request of the Ministry of Labour and of the Permanent Representation of Romania to the EU.

Related to the requirement for the Romanian State to implement a number of general measures when enforcing the judgment issued by the European Court of Human Rights in cases X and Y versus Romania (applications nos. 2145/16 and. 20607/16), following the request of the Ministry of Foreign Affairs, the Department for the Government Agent.

Related to the delivery of a legal study on the positive



action measures undertaken by the EU Member States, following the request from the European Network of Equality Bodies (EQUINET).

Related to the delivery of a review paper within OSCE regarding the role played by equality bodies in addressing the problems that the Roma communities are facing, “Mapping the capacity building needs of Equality Bodies and National Human Rights Institutions in better addressing Roma and Sinti issues within their work”, following the request from OSCE/ODIHR Contact Point for Roma and Sinti Issues.

Related to the draft Report on Romania and legislative or similar measures to implement the Istanbul Convention, developed by the Group of Experts on actions against violence against women and domestic violence (GREVIO) within the Council of Europe, following the request of the National Agency for Equal Opportunities between Women and Men.

Related to the development of Report on racism, xenophobia and racial discrimination in Romania, part of a European study requested by the LIBE Committee within the European Parliament, following the request from the Centre for Studies on Democracy in Bulgaria.

Related to the delivery of a review paper on measures for fighting hate crime and hate speech in Romania, following the request from the Danish Institute for Human Rights.

Related to EU data and information gathering as part of the Institutional Mechanisms for Gender Equality and Gender Mainstreaming, following the request from the experts of the European Institute for Gender Equality (EIGE).

Related to the new European Union Mechanism of the rule of law applicable to the EU Member States, the contribution to the national report, following the request from the Ministry of Justice.



External representation

At European level, within the Legal Working Group, Policy Formation Group and Workers' Rights Working Group, through its staff assigned from the Department, the Council participated to various research actions organized at European level, such as: developing the Affirmative Action Survey, based on which the Report on affirmative actions implemented by the Member States is to be finalized, research on access to health in Romania, a best practice collection delivered as part of the Cluster on Equality Mainstreaming.

Also, the staff of the Legal Directorate participated to a series of meetings organized at external level, which were highly relevant for the area of interest and also representative in terms of a harmonious implementation of specific legislation:

- Meeting of the Freedom of Movement Cluster Publication Taskforce: the EQUINET Freedom of Movement Cluster was established in 2018 for the capacity building of equality bodies which

undertake new tasks and in order to support their ability to reach a full potential. During this meeting, the representatives of the Legal Affairs Department brought their contribution through the analysis and interpretation of questionnaires sent by all European countries, as well as through other documents if reference, an activity that was concluded through the development by Romania of the Challenges and Ways Forward chapter in this publication;

- the EQUINET training session, “Equality Bodies & Freedom of Movement of EU Workers”, which brought together national stakeholders relevant for equal opportunities in Europe as well as other European partners specialized in freedom of movement, all of that meant to build capacity of the above mentioned institutions in terms of providing effective protection against discrimination of European Union workers who are working in another European country than their country of origin, as well as to their families. The training was delivered by the representatives of the Czech Ombudsman, the



- European Commission, EURES – European Labour Authority, the Greek Ombudsman, ECAS – Your Europe Advice;
- the Together towards Roma Equality European conference: Implementing the EU Roma Strategic Framework, organized under the leadership of the Council of Europe, having as contributors representatives of the equality bodies from all European countries, of the Fundamental Rights Agency and of the most important human rights non-governmental organizations in Europe;
 - the “Tackling institutional racism – the potential of equality bodies” EQUINET conference, focused on the examination of institutional racism in Europe, on identifying the manner in which the equality bodies may effectively address the issue of racism and on identifying the obstacles that the equality bodies and other stakeholders playing an important role in combating racism are facing with and also on identifying solutions in this respect;
 - the training session organized by the European Law Academy ERA, “Applying EU

Anti-Discrimination Law”, for law professionals, which addressed a number of matters on key concepts in the anti-discrimination legislation, criteria that are forbidden by the EU legislation, the burden of proof principle in discrimination cases, the role of the EU Charter of Fundamental Rights and the caselaw at European and national level in non-discrimination matters;

- the seminar organized by the Council of Europe, “Good practices on improving relations between police representatives and the Roma Communities”, aimed at police officers, representatives of public authorities and civil society organizations related to initiatives and actions taken in different member States of the Council of Europe which targeted an improvement of relations between the Roma communities and the police as well as initiatives adopted at community-based or local police in various municipalities;
- plenary session 87 of the European Commission against Racism of the Council of Europe,



for the debate session regarding the measures taken against racism and the role of law enforcement authorities, such as police, through vocational training actions organized in the field of non-discrimination;

- the workshop organized by the European Labour Authority, “Assistance and services to seasonal workers and employers” was focused on the rights and obligations of workers, potential vulnerabilities of cross-border workers regarding underpaid work or precarious living conditions, generated by language barriers, the temporary nature of their work or poorly drafted contracts.

Prevention activities organized from external funds

Besides the activities organized in the European area, the Legal Directorate undertook the related promotion and prevention activities, by developing

and implementing specific projects in the antidiscrimination field, together with the partners from the civil society.

Thus, during 2021, it initiated the implementation of the ProfsAgainstDiscrimination project financed by the European Commission through the REC-RDIS-DISC-AG-2020 Programme, in a partnership with the Association Institute for Public Policies, over a period of 24 months.

The projects includes activities that are related to:

- analysis of national legislation on implementation of non-discrimination principle and delivery





of three national surveys among teachers, parents and County School Inspectorates on the existence of discrimination phenomenon; National based surveys among teachers, par-



ents and County School Inspectorates
<https://www.cncd.ro/wp-content/uploads/2021/09/Sondaj-Parinti-Discriminarea-in-scoli.pptx>



<https://www.cncd.ro/wp-content/uploads/2021/09/Sondaj-Reprezentanti-Discriminarea-in-scoli.pptx>



<https://www.cncd.ro/wp-content/uploads/2021/09/Sondaj-Profesori-Discriminarea-in-scoli.pptx>

- raising awareness and raising the capacity to identify, combat and report discrimination cases in schools, at national level, through training sessions organized for a number of 200 teachers and the delivery of a Practical guideline for combating discrimination in classrooms;



Study on perceptions and effectiveness of anti-discrimination instruments in the area of education



<https://www.cncd.ro/wp-content/uploads/2021/09/Studiu-privind-perceptiile-si-eficienta-instrumentelor-antidiscriminare-in-domeniul-educatiei.pdf>

- addressing the gaps in practice and legislation through a number of specific recommendations for public policies. The project outcomes, as

well as the public policies, are to be presented as part of a conference.

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

Also, starting from 2021, the Council, through the Legal Directorate, is a partner of the Anti-discrimination Coalition Organizations (CAD) for a new project which is aimed to facilitate access to information and justice for persons vulnerable to discrimination. The Anti-discrimination Coalition will be providing legal counselling and representation in court, as well as in relation to policy and institutional decision-makers. “Strengthening access to justice for victims of discrimination and hate crime” addresses two serious issues that the victims of discrimination are confronted with in Romania: lack of visibility and difficult access to justice. These problems often result in failure of sanction and impunity for the authors of discrimination and of hate crime.



The project “*Strengthening access to justice for victims of discrimination and hate crime*” shall increase the degree of involvement among communities and citizens that are vulnerable to discrimination and hate crime through advocacy and self-representation actions coordinated by CAD, in order to achieve some systemic change of the regulatory framework in order to gain effective access to courts and proper remedies. This objective shall be supported through a high number of activities, one of such activities being the provision of legal counselling for 300 victims of discrimination and hate crime.

Among these, six strategic litigations cases shall be chosen and supported, six trails for persons that might lead to systemic changes for entire communities through impactful decisions of courts that address a general problem. Such an example is supporting an individual case in front of the European Court of Human Rights in a case where the discriminated person is not able to find justice in national courts. Also, in order to help training a new generation of legal experts specialized in

the area of equality and non-discrimination, the project partners shall organize a legal incubator in order to provide vocational training to five young legal experts who are part of the groups protected against discrimination.

Internships

Also in terms of activities that are related to promoting the principle of non-discrimination and equal treatment, N.C.C.D. provides internships to Law School students. Thus, during 2021, the Legal Directorate provided internships for students at national as well as international level, as follows: University of București – Law School (11 students), “Titu Maiorescu” University – Law School (1 student); University of Vienna – Law School (1 student), Università Roma TRE – Faculty of Political Sciences (1 student), National University for Defense Studies ‘Carol I’ – Department for Public and Intercultural Communication in the Area of Security and Defense (1 student).



As part of this activity, the N.C.C.D. practical trainers delivered relevant information to the participating students regarding the activity of the institution, the processing of complaints and especially on the activity in courts.

Prevention activities at national level

The cooperation between the Centre for International Studies and the Council for Combating Discrimination continued also during 2021 through a quarterly publication in the “New Human Rights Review” of articles on combating discrimination, promoting the principle of equal opportunities, N.C.C.D. caselaw, studies and other specialised materials.

This continued cooperation is due to the beneficial impact that the publication of such materials proved to have over society, as well as over our own institution, thus capitalizing on the experience acquired in the area of human rights, prevention and combat against discrimination.

THE INTERNATIONAL HUMAN RIGHTS & DOCUMENTARY FILM FESTIVAL – ONE WORLD ROMÂNIA, 14TH EDITION

The International Human Rights & Documentary Film Festival – One World România, 14th edition – of the One World Romania Festival benefited from a public of 4,800 spectators watching more than 70 movies, during 17 days, among which 3,300 actual projections and face-to-face events (50-70% of the projection rooms capacity) and 1,500 during the on-line projections.

The public was introduced to 74 documentaries produced in 25 countries, while 70 of the movies were also available for on-line watching on the festival website, as pay-per-view. The movies were divided into 13 sections, which included 83 movie projections and special events. The debates, the workshops, the concerts, the performances, the dialogue with the guests tackled in depth the topics of these movies or approached them from a different angle, by bringing together more than 90 guests in the off-line or on-line



environments: film-makers, the International Jury, the Highschool Students' Jury, experts, human rights activities, artists etc.

A number of 20 special events were added to the festival agenda, among which workshops, debates, master-classes, dialogues with the festival guests, theatre plays, performances and concerts.

The 14th edition of the festival took place in 6 cinemas and outdoor locations in Bucharest. The movie projections and related events took place in Elvira Popesco Cinema and its garden, Eforie Cinematheque, the Peasant's Museum Cinema, the Hungarian

Cultural Institute of Bucharest, the Cinema room of UNATC and J'ai Bistrot and it was present during 568 radio and TV broadcasts, articles published in the print media and in social media.

This International Human Rights & Documentary Film Festival was meant to provide access for the public to quality Romanian and international documentaries, to facilitate domestic debates on human rights and to encourage production of new documentary movies (<https://www.oneworld.ro/ro/festival>).





VI Discrimination-related issues in Romania reflected in international reports

1. Antisemitism: General presentation of antisemitic incidents recorded in the European Union in 2010–2020



https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-antisemitism-overview-2010-2020_en.pdf



- The report delivered by FRA provides an overview of antisemitic incidents, as recorded from formal and informal sources by the European

Union (EU) Member States and by international organizations.

- The antisemitic incidents and hate crimes infringe the fundamental rights, especially the right to human dignity, the right to equality of treatment and freedom of thinking, conscience and religion.
- Through the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, 11 EU Member States have undertaken the obligation to punish any form of condoning, denial or trivialisation of certain crimes committed against a person or a group of persons that have been defined by reference to race, colour, religion, descent or national or ethnic origin, when such behaviour is manifested publicly and in a manner prone to incite to violence or hatred against such group or against a member of the group.
- In 2020, while monitoring the transposing and implementation of the Framework-Decision,



the European Union brought infringement proceedings against **Romania**. The European Commission noted that Romania had criminalized incitement to hatred only against a group of persons defined by a reference to race, colour, religion, descent or national or ethnic origin, however not also when this is directed against an individual member of such a group. Moreover, Romania did not succeed in properly defining the hate speech and failed to incriminate incitement to acts of violence.

- The General Prosecutor's Office and the Police recorded 18 antisemitic incidents in 2020, compared to 16 incidents in 2019.
- Based on the data provided by the Criminal Investigation Department of the Ministry of Internal Affairs, there were three cases involving an antisemitic behaviour in 2020, compared to two such cases in 2019 and seven cases in 2018.
- **The National Council for Combating Discrimination monitors**, investigates and sanctions discrimination cases that were underlain by antisemitism. Most of the discrimination

cases involving an antisemitic behaviour refer to using or the intention to use fascist symbols. In 2020, there were 15 notifications regarding acts of discrimination based on an antisemitic behaviour, 14 of these were processed during the same year. In four of these cases, discrimination was proven.

2. Fundamental rights report – 2021



https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-fundamental-rights-report-2021_en.pdf



The report drafted by FRA point out to the unprecedented developments and challenges that the Member States were confronted in 2020 in terms of fundamental rights, especially, on the background of the Covid-19 pandemic. We report



here the key conclusions of this report in relation to Romania, as these emerge from its chapters.

Emergency measures: the impact on fundamental rights

Starting from the spring of 2020, in order to limit the spread of the virus, most of the EU Member States, **Romania** included, formally declared a state of emergency or used some other equivalent of an emergency legislation.

This affected the fundamental rights and allowed the governments to impose restrictions with an impact on freedom of movement, including on travelling within EU and inside the countries, on the freedom of assembly, on the right to private and family life, on the right of access to goods and services or on the right to work and run a business, among others.

Throughout 2020, Romania notified, based on article 15 ECHR, that it exercises its right to apply a temporary exemption from the obligations enshrined in the Convention.

Impact of pandemic situation on fundamental rights during everyday life

HEALTH

Physical access to doctors and health services, including hospitals, was limited, at least in the beginning of the pandemic crisis. The non-urgent medical treatment, including surgeries, was postponed quite often. In **Romania**, the number of hospitalized patients with cancer declined by 46% between 2019 and 2020.

The pandemic situation exerted a serious pressure over health workers, threatening their right to life and the right to health. A number of COVID-19 hospitals in **Romania** temporarily suspended their activity, as many of the health workers were either sick or placed under quarantine.

EDUCATION

Almost all EU Member States closed down their school until the end of March 2020. This led to an unprecedented switch to the on-line education, in order to ensure continuity to the educational process.



In **Romania**, 25% of the children did not have access to online education, as stated by a survey delivered by the Save Our Children NGO.

Promoting nation-wide equality

A number of Member States submitted initiatives in order to improve their equality policies. Romania introduced the concept of **on the job “moral harassment”** in its anti-discrimination law. The Labour Code was also amended, in order to include anti-discrimination provisions.

The pandemic crisis brought about some positive developments

The disproportionate impact of the COVID-19 pandemic over the elderly focused the public attention on the living conditions and the special challenges that the former are facing.

The equality and human rights bodies promoted the equal treatment for the elderly and also analysed cases involving discrimination against such persons – for example, in the case of Romania, as regards access to employment, services and political participation (as

this transpires from the N.C.C.D. decisions in this respect).

Implementation of the legal framework against racism, xenophobia, antisemitism and related intolerance

The European Commission launched infringement proceedings against **Romania**, stating that its legislation does not implement the provisions of the Framework-Decision in its entirety and with accuracy.

Romania has made efforts to improve its legal framework on combating racism in 2020, focusing on racism against Roma. Specifically, Romanian initiated a bill of law on combating and prevention of anti-Gypsy attitudes.

Anti-Gypsy attitudes and discrimination

Anti-Gypsy attitudes are still widely spread. According to an FRA survey in 2019, almost half of the general population in EU-27 countries indicated that they would be uncomfortable having Roma people as their neighbours.



Recent national surveys regarding the attitudes of the public towards Roma confirms the high levels of intolerance emphasized by the FRA survey. In Romania, 7 out of 10 persons do not trust the Roma, while 2 out of 3 Romanian think that Roma are dangerous. At the same time, 7 out of 10 respondents feel that the Government should invest in high quality education in order to support Roma inclusion.

In terms of **positive developments**, the fact that, on 15 December 2020, Romania adopted a legislation specifically combating anti-Gypsy attitudes is underlined. It was the first EU country doing so.

Depicting Roma and nomadic people as scapegoats during the pandemic crisis

Bias towards Roma and nomadic people, levels of discrimination and harassment against them increased in certain EU countries during the COVID-19 pandemic. This became especially visible during the first wave, when the anti-Roma rhetoric in certain countries, among which **Romania** was included, presented the Roma as a general threat to the overall population.

The media reports which treated the Roma as the scapegoats for the spread of the virus also emerged in a number of media outlets. In **Romania**, for example, the town of Tandarei was quarantined in 2020 as a precautionary measure. A press agency reported this issue in racial terms, claiming that 800 Roma had just returned from abroad, brought the illness and refused to be isolated. The same narrative was presented also by the news TV stations, during prime time.

As an answer to such attitudes, the **National Council for Combating Discrimination** issued sanctions against a local newspaper, against a government official, against a former President of Romania and against a university teacher.

Alleged police violence-related incidents were also reported in Romania. The NGOs reported a disproportionate use of force by the police when they enforced the quarantine measures. A video recording shows police officers handcuffing and beating 8 men in Bolintin-Vale. The Prosecutor's Office opened an investigation.

Few progress made in closing educational gaps

In Romania, the **High Court of Cassation and Justice** upheld the decision of the **National Council for Combating Discrimination** in a case on segregation matters. In 2016, N.C.C.D. found that a school in Iasi placed Roma children to a disproportionate extent in a separate building, which was in disrepair and poorly equipped. The court issued a fine and ordered the school to draft a de-segregation plan.

The digital gap increases the educational gap

In Romania, an estimation shows that 32% of all students enrolled in pre-university education do not have any or have low access to on-line education. Funds were allocated for procurement and distribution of IT equipment and/or Internet access among the vulnerable communities.

The efforts of the health system are focused on emergency response, instead of long-term solutions

The unfavourable living conditions and limitations

of access to health services undermine the health of Roma and nomadic people communities.

On an average, 74% of the Roma in the nine EU Member States surveyed by FRA in 2016 stated that they are covered by medical insurance, while only 54% answered this in **Romania**.

3. Coronavirus pandemic in the EU - implications on fundamental rights: launch of the vaccines and equal access in the EU - Newsletter no. 7



https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-coronavirus-pandemic-eu-bulletin-vaccines_en.pdf



The elderly

In Romania, some concerns emerged according to which the opportunity



of vaccination for a high number of young people classified as essential workers reduced opportunities for the elderly and for persons with chronic diseases, who might be facing serious challenges when registering for the vaccination process.

Persons with disabilities

Some national vaccination programmes, such as the one in Romania, include disabled people as a separate priority group. Romania also lists close contacts, family members, caretakers or guardians for the disabled persons as priority groups.

Persons deprived from their freedom

Only one third of the EU Member States – Romania included – define the inmates as a priority group in their national vaccination strategies, according to the evidence collected by FRA.

Homeless people

Romania added the homeless people (without limiting this category to persons placed in shelters) as

a priority group to the amendments brought to its national vaccination strategy.

Persons without a legal residence or persons with an unclear status

Romania added migrants living in centres and all the other categories of migrants as a priority group in its national strategy updated in January.

Information campaigns for the general population

Most of the Member States developed and implemented dedicated information campaigns about vaccines in March and April. The national campaigns for Romania started in March 2020.

Online registration for vaccination

Online registration platforms are available in almost all EU Member States. In Romania, pre-registration was open for everyone.

Vaccination locations

All Member States administered vaccines in health



institutions or in dedicated vaccination centres that were established in conference centres, sports arenas or schools. Some Member States, including Romania, also established temporary vaccination points, such as mobile options for vaccination.

Vaccination of persons with impaired mobility or of people who live in remote areas

A number of Member States implemented mobile vaccination facilities in order to reach out to people with impaired mobility, to people living in remote areas or to other population groups. In Romania, by the end of April 2021, mobile units were used exclusively for the units supplying care in residential areas.

4. Country Report - Non-discrimination, transposition and implementation at national level of Council Directives 2000/43 and 2000/78 on combating discrimination in Romania, reporting period 1 January 2019 – 31 December 2019

In 2020 the **Country Report - Non-discrimination, transposition and implementation at national level of Council Directives 2000/43 and 2000/78 on combating discrimination in Romania, reporting period 1 January 2019 – 31 December 2019** was published; it was drafted by the Directorate-General for Justice and Consumers (European Commission), Human European Consultancy, Migration Policy Group, Universiteit Utrecht, author: Iordache, Romanița.

The above-mentioned report represents an intricate review of legislative changes and limitations in this



area, of the N.C.C.D. mandate, as well as of items of visibility, vulnerability and practice of the institution.

The full report (in English) may be retrieved by using the following link :



<https://op.europa.eu/en/publication-detail/-/publication/79cd-1fe7-f7c7-11ea-991b-01aa75ed71a1/language-en/format-PDF>.

5. U.S State Department Report on Human Rights 2021



<https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/romania/>

The report specifies that N.C.C.D. is the governmental institution responsible for the enforcement of domestic law and EU law in combating discrimination matters, having been placed under Parliamentary purview.

- According to the observers, N.C.C.D. is equally effective, even if some of them criticized the lack



- of effectiveness and political independence of the institution.
- Discrimination in employment was based on the following criteria: gender, disability and HIV. Also, there were cases of Roma and migrant workers discrimination. N.C.C.D. investigated cases of employment-based discrimination both in the public, as well as in the private sector. When the COVID-19 pandemic was triggered, mass media reported a number of cases when the members of the medical staff were discriminated against by the neighbours and denied access in local stores. As a result of media reports, there was a wave of public support for the medical staff in question.
 - According to the law, women and men enjoy equal rights. The women suffered from discrimination in areas such as marriage, divorce, child custody, employment, loans, payment, ownership or management of businesses or assets, education, judicial proceedings and housing, access to pension and retirement. There were cases of employment-based discrimination reported.
 - The discrimination against Roma continued to represent an issue. It was reported that the Roma were denied access or services in some public spaces. Also, the Roma had low access to governmental services, were confronted with lack of jobs, high rates of school exhaust and improper health services.
 - The Hungarian ethnics continued to report discrimination mainly related to the use of Hungarian language. The Hungarian ethnics reported that the Government failed to apply the law that stipulates that the ethnic minority groups have the right to interact with the local authorities by using their mother tongue in those municipalities where their minority group represents at least 20% of the population.
 - Even if the law forbids discrimination of persons with physical, sensory, intellectual and mental impairments, this is still a problem. Persons with disabilities were not able to gain access to education, health services, public buildings and transport on a par with other persons. The streets, the public buildings and the mass transit system remained



largely inaccessible to persons with disabilities. Discrimination of disabled children in the educational sector represented an issue due to the lack of proper training for teachers in relation to inclusion of children with disabilities and to the lack of investments in order to make schools accessible.

- People with HIV/AIDS were hampered in gaining access to regular health care and dental care, as in some cases the medical staff refused to treat them.
- Official reports on discrimination incidents against trade unions were minimal. It is difficult to demonstrate in court that the employers sacked their employees in retaliation for union activities. The Government failed to effectively apply the law, nevertheless, the sanctions were proportional to those applied for similar infringements when the enforcement was successful. The National Council for Combating Discrimination (C.N.C.D.) issues fines against the employers for anti-union discrimination, even if it does not have the power to order reinstatement or other sanctions and the employees

are normally forced to ask for a court order in order to be reinstated. The law forbids the public authorities, the employers or the organizations to intervene, limit or prevent the trade unions from organizing, drafting internal rules and selecting representatives.





VII National Council for Combating Discrimination in print media



Monitoring period:
January-December 2021

282

news items refer to
N.C.C.D. activity;

119

news items refer to
the activity of the
President of N.C.C.D.;

National publications subject to monitoring: **Adevărul**, **Cotidianul**, **Curentul**, **Curierul Național**, **Evenimentul Zilei**, **Gazeta Sporturilor**, **Gândul**, **G4Media**, **HotNews**, **Jurnalul Național**, **Libertatea**, **Mediafax**, **Newsweek**, **Prosport**, **România Liberă**, **Ziare.com**.

N.C.C.D. was most often mentioned in: **Ziare.com**, **Newsweek** and **Evenimentul Zilei**.



The most significant articles published by the print media in 2021 that made reference to the activity of our institution were the following:

A COMPLAINT IS FILED TO N.C.C.D. AGAINST
ARCHBISHOP TEODOSIE FOR HIS STATEMENT
RELATED TO THE ROLE OF WOMEN INSIDE THE
CHURCH

N.C.C.D. **decided not to issue a sanction against Archbishop Teodosie** of Tomis Archdiocese for his statements made during the “Confessional Dialogue” broadcast, according to which women do not acquire important roles inside the Church due to their „weakness condition”. The Council found that, pursuant to religious freedom and to the principle of autonomy of religious movements recognized by the Romanian state, it is up to the former to assess and apply their own rules when a member of the clergy, while expressing their religious freedom and freedom of conscience, may infringe the fundamental human rights, in this case the women’s right to dignity.

NCCD. INITIATED PROCEEDINGS ON ITS OWN MOTION
IN THE CASE OF THE PSD COUNTY COUNCILLOR, MR.
IOAN MICU, WHO STATED ABOUT MRS. CLOTILDE
ARMAND THAT ‘IN FRANCE SHE WOULD HAVE BEEN
KIDNAPPED AND RAPED FOR DAYS IN A ROW’

N.C.C.D. initiated proceedings on its own motion in relation to the statement issued by the PSD county councillor, Mr. Ioan Micu, who wrote in a comment to a Facebook post related to the waste crisis in the First District of Bucharest, where Mrs. Clotilde Armand is a mayor, that ‘in France she would have been kidnapped and raped for days in a row’. As a result of these statements, the National Council for Combating Discrimination initiated proceedings on its own motion, considering that the PSD elected official overstepped the boundaries of freedom of speech and infringed human dignity.

N.C.C.D. issued a decision to **sanction counsellor Ioan Micu by an administrative fine amounting to 3,000 RON** ordering him to publish a summary of this decision in the mass media.



BANK FINED FOR THE REFUSAL TO PROVIDE A LOAN TO A 69 YEAR OLD MALE

Following a petition submitted to N.C.C.D. by a 69 year old male, who complained against the fact that he had requested ING Bank to issue a credit card (based on the reason that it was required in order to rent a car during holidays) and he was refused based on the reason that he was above 64 years old, the Council **issued an administrative fine against the bank amounting to 10,000 lei.**

The Steering Board considered that, when contracting a credit product, age cannot represent the only risk evaluation credit to be taken under scrutiny. Loans cannot be rejected to natural persons above 65 years of age based only on this reason of age, instead other risk criteria should be analysed.

N.C.C.D.: FORBIDDING ACCESS INSIDE THE STORE FOR PEOPLE WHO ARE NOT WEARING A MASK DOES NOT REPRESENT AN ACT OF DISCRIMINATION, EVEN FOR PEOPLE WHO ARE ENTITLED TO DO SO FOR MEDICAL REASONS

Following a notice submitted by a person from Arad, who informed about the fact that a security guard did not allow him inside a store, based on the reason that he was not wearing a protective mask, even if he was in possession of a medical certificate allowing him not to wear a mask, the National Council for Combating Discrimination reached the decision that forbidding access inside the store for a person not wearing a protective mask does not represent an act of discrimination. The Council decision was based on the fact that the certificate in question had been issued by the General Practitioner, instead of an occupational health physician.



IULIAN BULAI, MP, SANCTIONED AFTER
HAVING STATED THAT THE VIRGIN MARY
WAS A “SURROGATE MOTHER”

The National Council for Combating Discrimination issued an administrative fine amounting to **5,000 lei** against Mr. Iulian Bulai, USR MP, for a Facebook posting which described the Virgin Mary as a “surrogate mother”. (*Jesus comes from “a very odd family, with a surrogate mother and a father who accepts paternity without having contributed to it”*) The Council found that Iulian Bulai’s post ‘infringes human dignity of Christians by creating a hostile, degrading and humiliating environment for the latter’. N.C.C.D. considered, when reasoning this sanction, that the MP status of Mr. Iulia Bulai should involve a higher sense of accountability when exercising his freedom of speech.

Bacau Court of Appeal admitted the proceedings brought by the USR MP, Mr. Iulian Bulai, who brought an appeal against the decision of the National Council for Combating Discrimination

TRAIAN BĂSESCU SANCTIONED AFTER
HAVING STATED, ABOUT THE HUNGARIANS,
THAT THEY ARE A “FRUSTRATED PEOPLE”

The former President of Romania, Mr Traian Băsescu, was sanctioned with an administrative fine amounting to 5,000 lei, for discrimination and an infringement of the right to dignity, after having stated about the Hungarians that “they are a frustrated people, and such frustrations make it „impossible for them to stand anyone else next to them”. The statements made against the Hungarian community were issued on the background of a scandal related to Sri Lankan workers from the Ditrau baker’s shop.

ANDREI CARAMITRU FINED FOR AN OFFENDING
POST ON FACEBOOK

As a result of an *ex officio* notification, the National Council for Combating Discrimination decided to issue a sanction against Mr. Andrei Caramitru, the former counsellor of USR President, Dan Barna, by applying



an administrative fine amounting to 3,000 lei for discriminatory statements posted on the Facebook page, against the PSD voters, whom he described as “stupid as hell and they do not know how to do anything”

„Who casts a vote for PSD?... Those who have failed. Lost somewhere in a village, without any money, with no friends, no education, without a proper job. Retired people who hate the young people and the ‘changes’ around them – filled with so much hatred that even their families are running away from them...”

And they cast hysterical votes, so that they should punish the global conspiracy, the elite led by Soros and Bill Gheitz, punish the ‘sexo-marxists’ from their towns where they work in the IT sector, punish the intellectuals. They would like actually to punish all those who have not failed as they did. Because they are convinced that everything is a big conspiracy – which wants them to be poor, somehow. Someone has something against them, you know...

Lazy and stupid. However, they come in large numbers. This is why we should go out voting each

and every time, otherwise we will end up really bad”, Andrei Caramitru wrote on Facebook.

**MAYOR SANCTIONED BY N.C.C.D. FOR
DISCRIMINATION AGAINST ROMANIANS WHO
ARE NOT SPEAKING HUNGARIAN LANGUAGE**

N.C.C.D. **issued an administrative fine amounting to 2,000 lei** against the Mayor of Sfântu Gheorghe, Mr. Antal Arpad, for having committed an act of discrimination based on ethnic criteria against the Romanian citizens who do not speak Hungarian, as he introduced knowledge of Hungarian language as a criterion in order to take up a number of positions within Sfântu Gheorghe Municipality. N.C.C.D. ordered that the Mayor publish a summary of the N.C.C.D. decision on the internet page of the municipality.

**BUCHAREST COURT OF APPEAL UPHOLDS THE
FINE ISSUED AGAINST MR. JOHANNIS FOR HIS
STATEMENTS REGARDING THE SZÉKELY LAND**

The Bucharest Court of Appeal rejected the claim initiated by President Klaus Iohannis in order to



quash the 5,000 lei fine received in 2020 from the Council for Combating Discrimination, pointing out to the fact that immunity is not applicable in the case of statements made by Mr. Klaus Iohannis. The head of state had been sanctioned for his statements made on the background of a proposal for a bill on the autonomy of the Székely Land.

As regards the 2,000 lei fine received in 2018 for having used the expression ‘some offenders’ in relation to the politicians who are trying to discredit the DNA, President Klaus Iohannis won the proceedings brought against N.C.C.D. in front of the Bucharest Court of Appeal in order to challenge that decision.

VLADIMIR TISMANEANU WON THE PROCEEDINGS BROUGHT IN FRONT OF THE FIRST INSTANCE COURT AGAINST N.C.C.D., AS THE LATTER HAD FINED HIM FOR A POST WITH RACIAL MEANINGS

The Bucharest Court of Appeal quashed the decision issued in 2020 by the Council for Combating Discrimination, pursuant to which historian Vladimir Tismăneanu received a 5,000 lei fine 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.” The decision is not final, as an appeal on a point of law could be brought against it.

BUCHAREST COURT OF APPEAL REJECTED THE CLAIM TO QUASH THE FINE RECEIVED BY THE FORMER DEPUTY MAYOR OF BUCHAREST

The Bucharest Court of Appeal rejected the claim submitted by the former Deputy Mayor of Bucharest, Mr. Aurelian Bădulescu, seeking the quash of the decision issued by the Council for Combating Discrimination. Pursuant to the above-mentioned decision issued by N.C.C.D., the former Deputy Mayor of Bucharest was fined with 2,000 lei for defaming statements against Hungarians living in Harghita, Covasna and Mureș counties. The former Deputy Mayor stated: “These Hungarians are not as brave as you might think and they are rather soft in some other parts, meaning that they perform very poorly on the reproductive side”



ICCJ UPHELD THE FINE ISSUED FOR INSULTS CAST AGAINST THE AROMANIANS

Mr. Radu Banciu, TV producer, lost the case against the National Council for Combating Discrimination and the Association of Aromanian Women. The High Court of Cassation and Justice (ICCJ) rendered a final judgment in this case related to a 2,000 lei fine, that he had received from N.C.C.D. for having offended the Aromanian community during a TV broadcast in 2017.

ALBA IULIA MUNICIPALITY AND THE LOCAL COUNCIL LOST IN FRONT OF THE FIRST INSTANCE COURT THE CASE WHERE THEY CHALLENGED A N.C.C.D. DECISION, AFTER HAVING EVICTED MORE THAN 200 ROMA.

The Bucharest Court of Appeal rejected the proceedings brought by the representatives of the Municipality and of the Local Council. This judgment was appealed in front of the High Court of Cassation and Justice. N.C.C.D. decided to sanction the Alba Iulia Municipality and the Local Council with a fine amounting to 5,000 lei for each institution, following

the complaint filed by the Pro Europa Party of the Roma regarding the forced eviction of around 200 Roma people who were renting apartments in a building in Alba Iulia, which was to be demolished in order for a parking lot to be built.

REACTION OF N.C.C.D. PRESIDENT, MR. CSABA ASZTALOS, ON THE BACKGROUND OF THE PANDEMIC SITUATION

The President of the National Council for Combating Discrimination, Mr. Asztalos Csaba, stated that the rights and freedoms can only be limited through a piece of law, while the adoption of the green certificate for the HoReCa businesses or for access to public institutions based on an administrative document, such as a Government Decision, is not lawful.

He stated, however, that the state takes such measures in order to preserve public health and by observing certain rules and in this case these measures are not discriminatory anymore.



VIII Financial and personal data



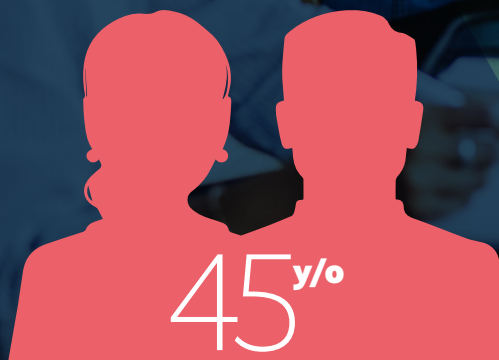
The organizational chart of N.C.C.D. includes:



of which in 2021



by the end
of the year



THE AVERAGE AGE
OF THE EMPLOYEES



94.37%
higher education

5.63%
higher secondary
education level



Payments made in 2021

thousand lei

	Budget code	Allocated	Actually used
STATE BUDGET	51.01		
Staff-related expenditure	10	7,676	7,618
Goods and services	20	852	833
Financial transfers	55	11	10
Projects funded through external grants	58	388	90
Other expenses		93	92
Capital expenditure	71	11	11
Payments associated with previous years	85		-14
Total		9,031	8,640
EXTERNAL GRANTS	51.08		
Projects funded from external funds	56	57	0
Projects funded from external funds	58	643	359
Total		700	359
Total N.C.C.D. budget		9,731	8,999





COMPOSITION OF THE STEERING BOARD

Csaba Ferenc Asztalos,
PRESIDENT

Maria Lazăr,
MEMBER

Cătălina Olteanu,
MEMBER

Cristian Jura,
MEMBER

Horia Grama,
MEMBER

Adrian Diaconu,
VICE-PRESIDENT

Maria Moța,
MEMBER

Claudia Popa,
MEMBER

Istvan Haller,
MEMBER



CONSILIUL NAȚIONAL
pentru COMBATEREA
DISCRIMINĂRII

Thank you!

Activity
report

2021

