



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

**20**  
DE ANI  
2002-2022



# 2022 ACTIVITY REPORT



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In the reporting year covered in this material, we celebrated 20 years since the establishment of the National Council for Combating Discrimination (N.C.C.D.). Established in 2002, N.C.C.D. *has been a key player in implementing the principle of equality and non-discrimination in the organisational culture of Romanian society. In the 2000's, Romania adopted a legislative and institutional framework in the field of preventing and combating discrimination, aiming to meet the specific requirements necessary for the country's integration into NATO and the EU. The implementation of the existing international standards in this field into a national legislation was not an easy process, especially because, at that time, Romania did not admit to having challenges in the area of discrimination.*

*Since then, over more than 20 years, Romania has undergone an intense process, not only of taking on-board legislation and standards in*

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*the field of non-discrimination, but also in terms of disseminating these, which is not an easy task. As a result of the work conducted, substantial knowledge has been accumulated in this specific area, case law has been created, people have become specialised, and Romania has become a good example to others. Throughout this process, N.C.C.D. has been an active and important player.*

*20 years mean a lot in the life of an institution and also if compared to the lifespan of a legislative framework; however, it may mean just a short time in terms of efforts made to properly raise awareness and inculcate the values that stand behind the principles of equality and non-discrimination among an entire society.*



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*The 2022 reporting year comes at a time of activity marked by multiple social crises, represented by the Covid-19 pandemic, the financial crisis, the energy price crisis and the war in Ukraine. In times of crisis, social tension tends to rise, leading to an increased level of hate speech and intolerance.*

*The report contains an overview of the petitions addressed to our institution, of the court related activity carried out, of the provision of expert opinions for the courts and of the projects and partnerships carried out by N.C.C.D. during the year under review.*

*We recommend the report as an analysis material and we look forward to your recommendations and suggestions.*

**Asztalos Csaba Ferenc, President**



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## I. Analysis of petitions received by N.C.C.D. during 2022

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CRITERIA	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Non- contagious chronic disease	0	0	6	2	3	2	4	2	0	1	6	9	9	5	8	10	6	8	8	13	18
Sexual orientation	1	5	6	9	6	7	6	6	4	8	3	13	9	3	8	17	13	13	11	11	13
HIV Infection	0	1	15	10	5	3	7	1	3	1	5	4	3	4	4	8	4	6	7	2	4
Language	0	2	1	2	2	7	11	13	16	10	43	38	27	27	25	12	17	20	26	13	26
Beliefs	4	12	23	19	8	10	14	13	4	2	15	14	13	4	20	6	22	15	24	98	12
Religion	2	9	9	11	8	12	15	6	6	5	5	11	18	14	7	12	11	17	138	26	13
Disadvantaged group	2	0	10	6	4	26	22	9	7	14	10	13	25	26	5	2	9	6	13	4	6
Age	6	11	14	17	10	10	24	10	9	16	5	18	21	22	31	31	29	35	38	37	30
Gender	3	14	13	9	11	22	32	9	18	15	21	31	46	28	29	19	43	29	30	53	68
Nationality	1	12	21	39	20	39	54	28	42	33	49	61	49	36	30	64	56	80	83	75	92
Disability	3	31	18	21	20	70	55	49	38	42	45	42	57	56	83	74	81	87	90	73	110
Ethnicity	34	66	45	85	69	82	62	62	54	62	61	66	42	61	81	53	52	48	92	49	71
Others	52	184	108	61	132	32	159	96	83	81	69	121	127	147	194	114	177	153	220	292	222
Race	0	0	1	1	2	0	0	2	1	0	0	3	2	1	3	2	0	1	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	302
<b>TOTAL</b>	<b>134</b>	<b>473</b>	<b>353</b>	<b>382</b>	<b>432</b>	<b>836</b>	<b>837</b>	<b>528</b>	<b>478</b>	<b>465</b>	<b>548</b>	<b>858</b>	<b>776</b>	<b>752</b>	<b>842</b>	<b>682</b>	<b>822</b>	<b>904</b>	<b>1039</b>	<b>1048</b>	<b>988</b>

DISTRIBUTION OF PETITIONS RECEIVED BY THE NATIONAL COUNCIL FOR COMBATING  
DISCRIMINATION DURING THE 2002–2022 PERIOD ACCORDING TO DISCRIMINATION CRITERIA

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FIELDS/YEARS	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Access to housing	8	2	2	2	7	10	6	0	4	4	9	15
Access to public facilities	15	12	14	10	11	22	27	22	21	45	90	20
Access to education	9	29	43	30	33	46	51	50	43	69	41	56
Personal dignity	76	115	123	105	92	149	144	177	163	364	263	239
Access to employment and profession	211	209	459	369	362	357	273	365	432	297	397	362
Others	36	35	67	79	69	78	27	48	60	42	0	0
Access to public services	110	146	150	181	178	180	154	160	181	218	248	296
TOTAL	465	548	858	776	752	842	682	822	904	1039	1048	988

DISTRIBUTION OF PETITIONS RECEIVED BY THE NATIONAL COUNCIL FOR COMBATING  
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FIELDS/CRITERIA	Non-contagious chronic disease	Sexual orientation	HIV/AIDS	Language	Beliefs	Religion	Disadvantaged group	Age	Gender	Nationality	Disability	Ethnicity	Others	Social category	Race	TOTAL
Access to housing		1					2	1		1	4	6				15
Access to public facilities						1				1	9	2	7			20
Access to education	4	1		1				4		2	10	10	9	15		56
Personal dignity	3	9	1	2	6	6		3	31	62	18	45	41	12		239
Access to employment and profession	9	2	2	4	4	3		16	30	1	13	5	35	237	1	362
Access to public services	2	0	1	19	2	3	4	6	7	25	56	3	130	38	0	296
administrative			1	18	2	3	2	2	5	14	29	1	71	19		167
banking										4	5	1	4			14
health								1	1	1	3		4			10
communication											1		2			3
social benefits													2			2
transportation										3	7		4	1		18
provision of facilities							2		1		4		21	16		43
legal				1				1		2	2	1	20	2		29
store/restaurants											3					3
accommodation	2									1	2					5
others													2			2
<b>TOTAL</b>	<b>18</b>	<b>13</b>	<b>4</b>	<b>26</b>	<b>12</b>	<b>13</b>	<b>6</b>	<b>30</b>	<b>68</b>	<b>92</b>	<b>110</b>	<b>71</b>	<b>222</b>	<b>302</b>	<b>1</b>	<b>988</b>

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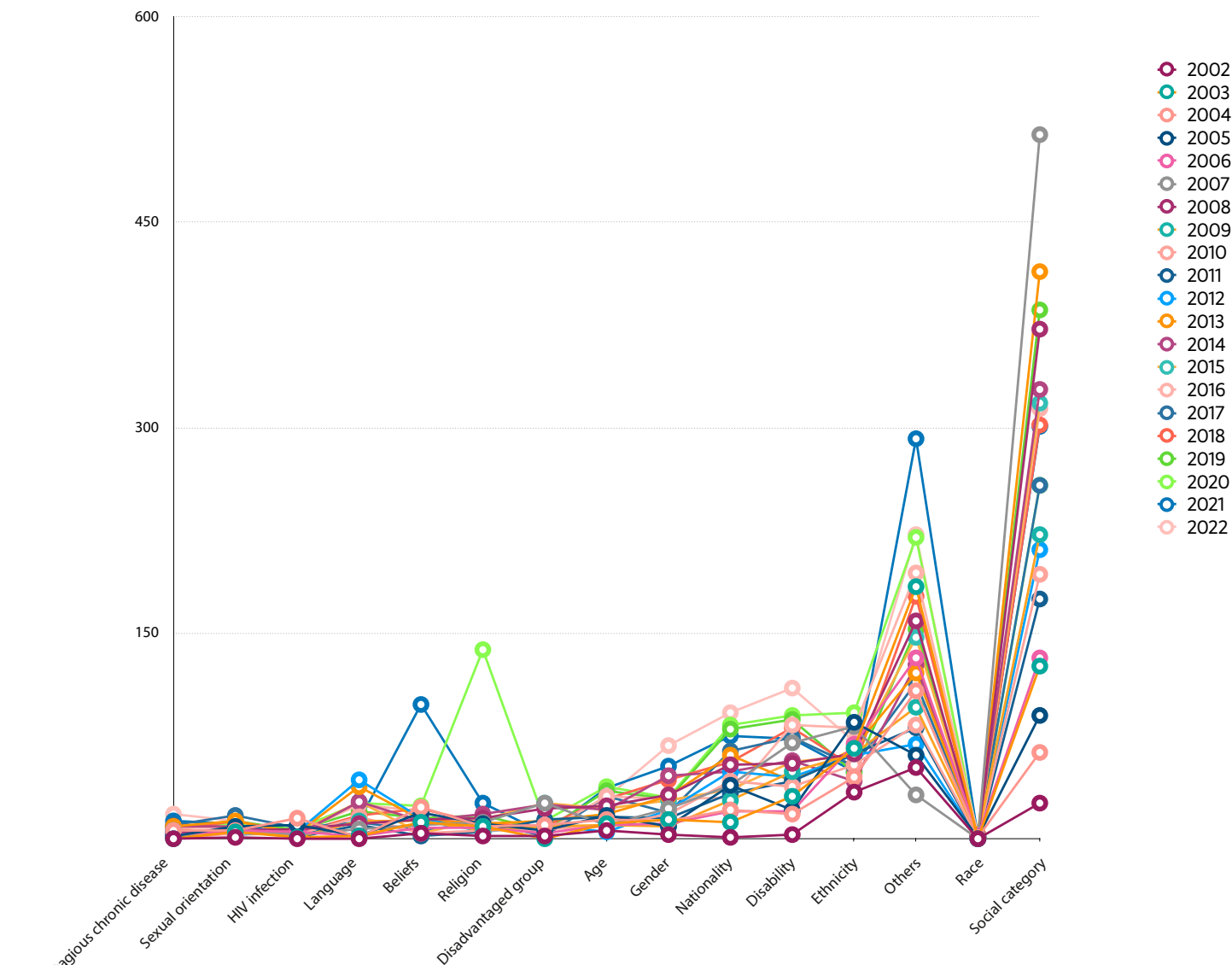
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THE EVOLUTION OF THE PETITIONS RECEIVED DURING THE 2002-2022  
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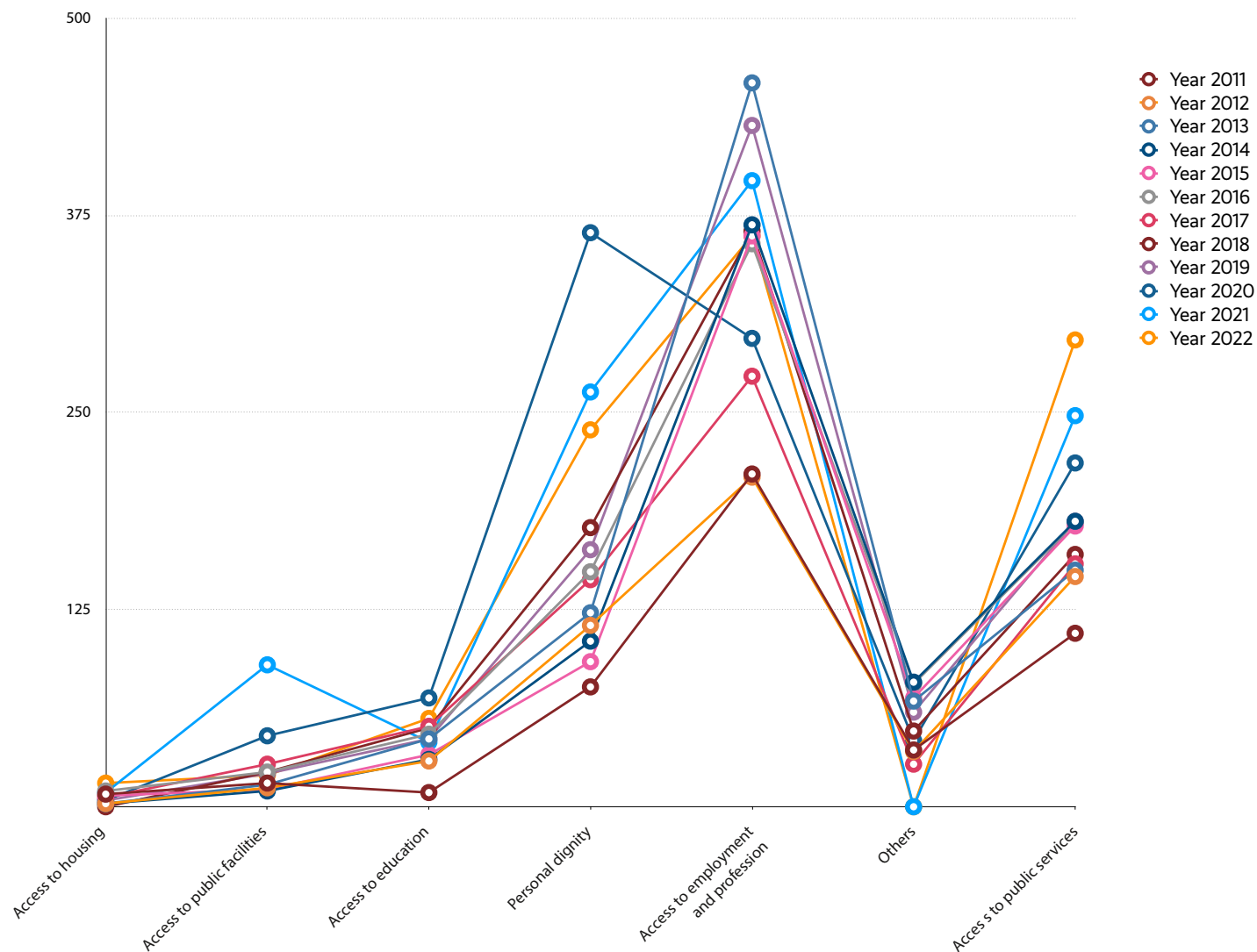
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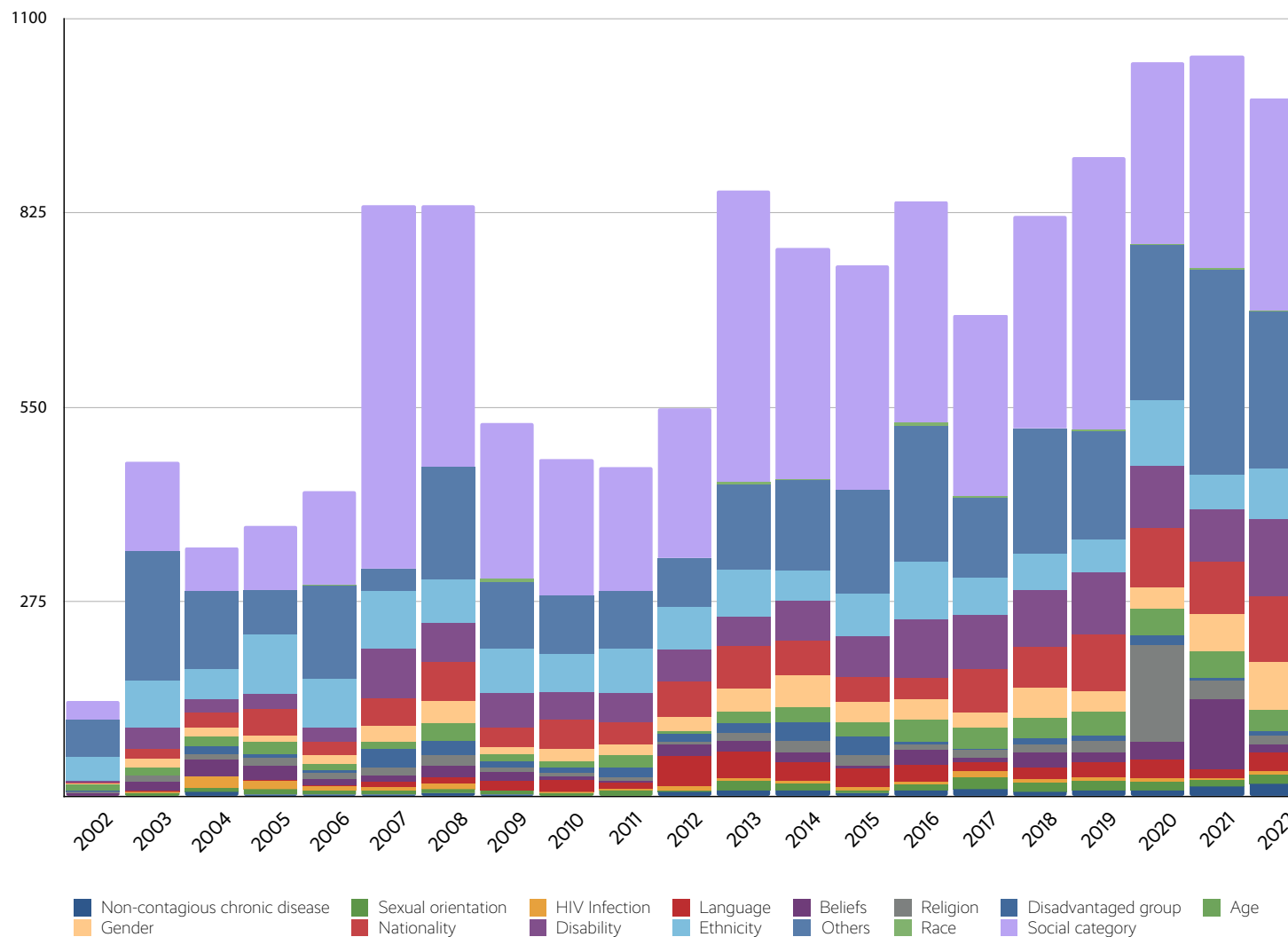
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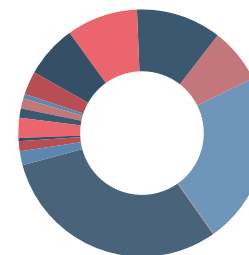
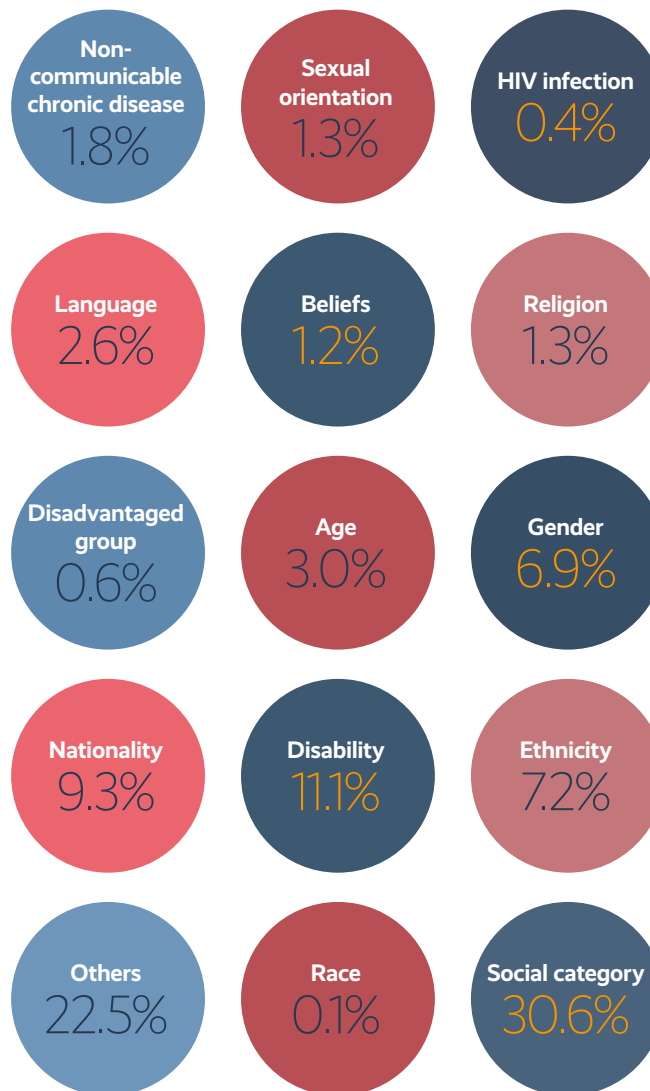
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CRITERIA	No. of cases in 2022
Non-contagious chronic disease	18
Sexual orientation	13
HIV Infection	4
Language	26
Beliefs	12
Religion	13
Disadvantaged group	6
Age	30
Gender	68
Nationality	92
Disability	110
Ethnicity	71
Others	222
Race	1
Social category	302
<b>TOTAL</b>	<b>988</b>

DISTRIBUTION OF THE PETITIONS RECEIVED IN 2022  
ACCORDING TO DISCRIMINATION CRITERIA

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THE ISSUE OF  
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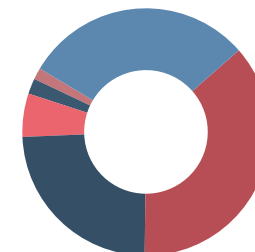
NATIONAL COUNCIL  
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FINANCIAL  
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DATA



CONSILIUL NATIONAL  
pentru COMBATEREA  
DISCRIMINĂRII

20  
DE ANI  
2002-2022



DISCRIMINATION FIELDS	No. of cases in 2022
Access to employment and profession	362
Access to public services	296
Personal dignity	239
Access to education	56
Access to public facilities	20
Access to housing	15
<b>TOTAL</b>	<b>988</b>

DISTRIBUTION OF THE CASES IN 2022 ACCORDING  
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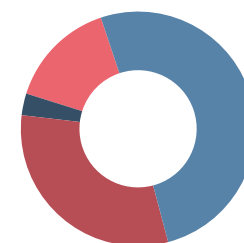
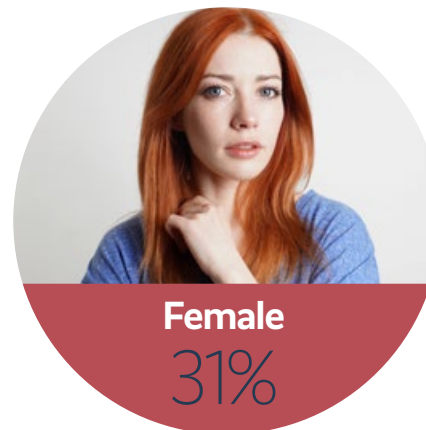
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pentru COMBATEREA  
DISCRIMINĂRII

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DE ANI  
2002-2022



Male	503
Female	308
Group of persons	28
Legal entity	149
<b>TOTAL</b>	<b>988</b>

DISTRIBUTION OF THE PETITIONS RECEIVED BY N.C.C.D.  
IN 2022 ACCORDING TO THE APPLICANT'S PROFILE



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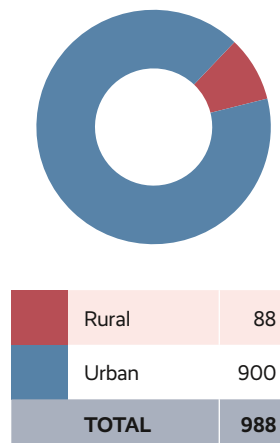
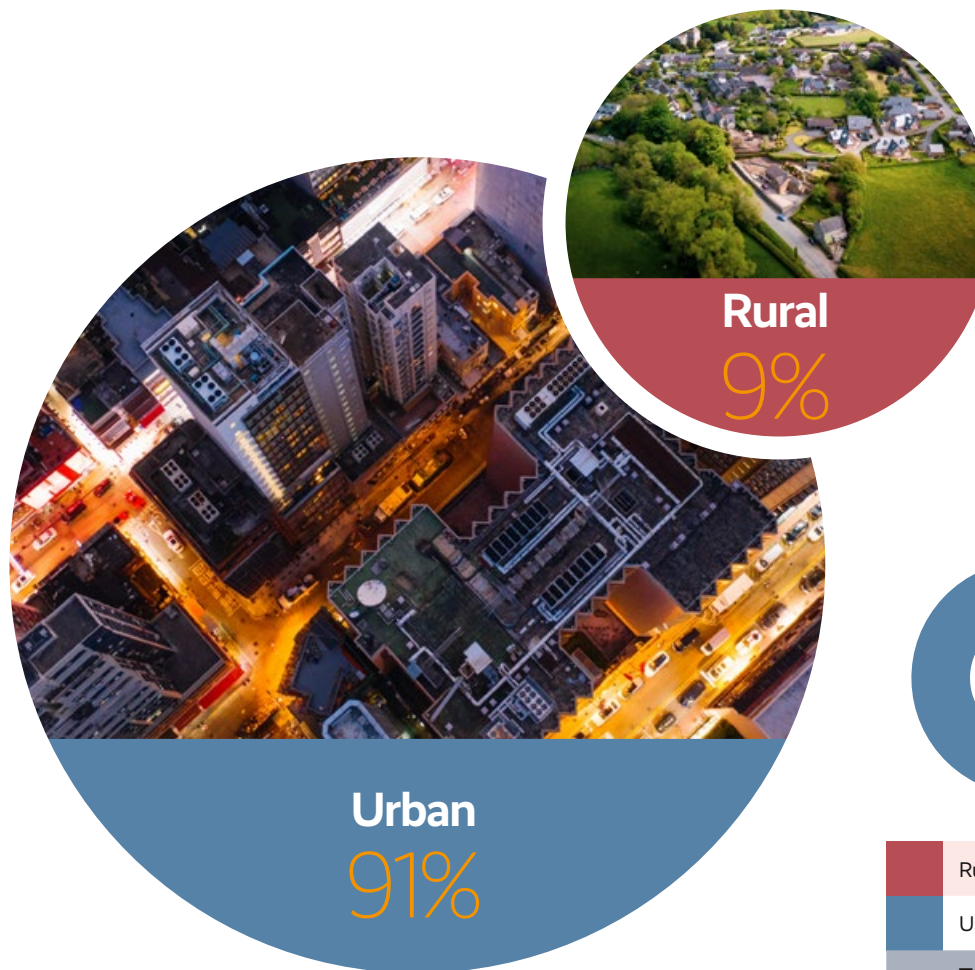
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AND PERSONNEL  
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pentru **COMBATEREA**  
**DISCRIMINĂRII**

**20**  
DE ANI  
2002-2022



DISTRIBUTION OF THE PETITIONS RECEIVED BY THE N.C.C.D.  
IN 2022 ACCORDING TO THEIR AREA OF ORIGIN

I. ANALYSIS OF PETITIONS RECEIVED BY N.C.C.D. DURING 2022

# 2022



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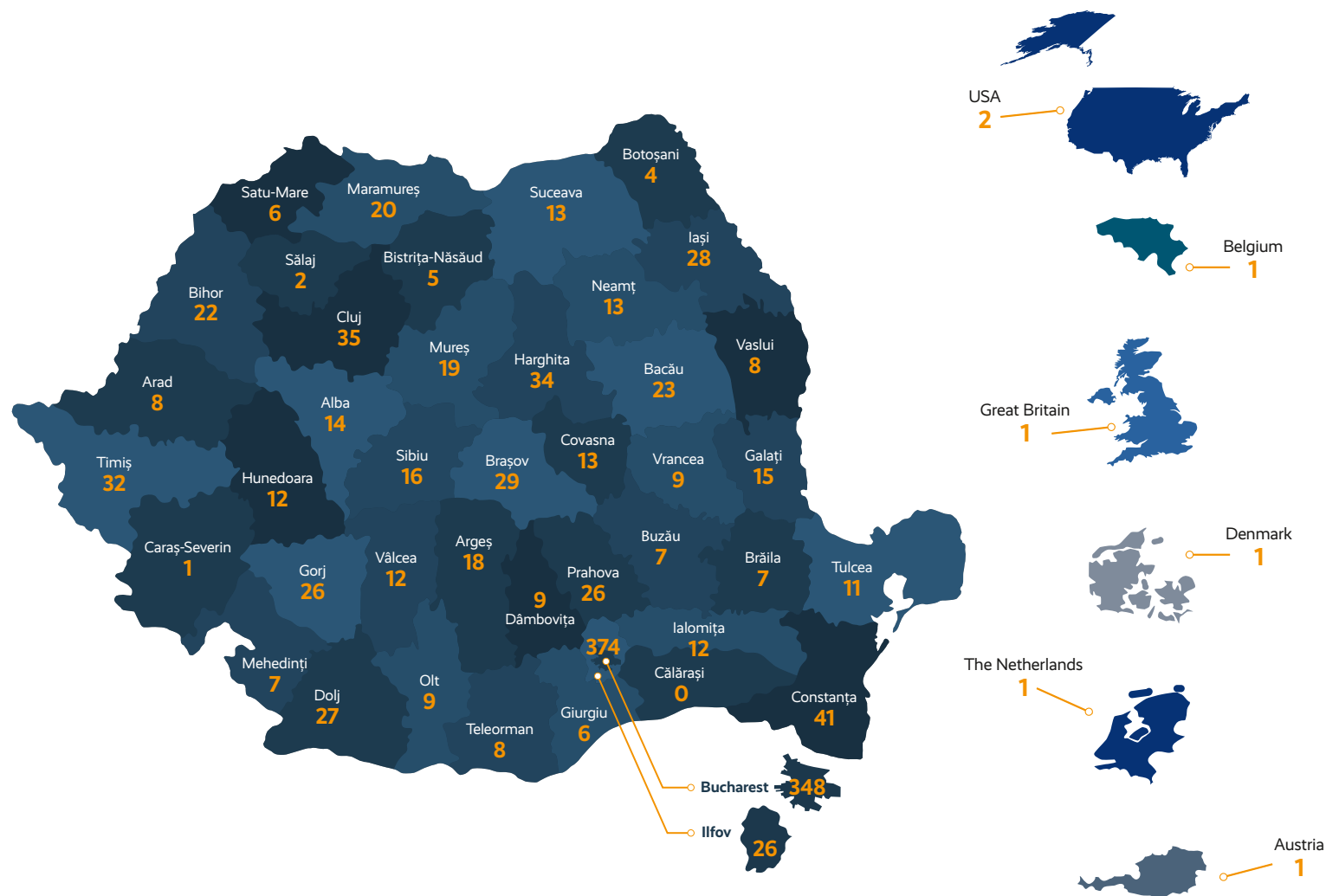
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DISTRIBUTION ON PETITIONS RECEIVED IN 2022 PER EACH COUNTY

I. ANALYSIS OF PETITIONS RECEIVED BY N.C.C.D. DURING 2022



# 2022 ACTIVITY REPORT

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

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## EXAMPLES FROM THE CASE LAW OF N.C.C.D. IN 2022 CONCERNING DISCRIMINATION IN AREAS PROTECTED BY LAW

## ACTIVITY OF THE CASE INVESTIGATION OFFICE

## ACTIVITY UNDERTAKEN BY THE LEGAL DIRECTORATE

## THE ISSUE OF DISCRIMINATION IN ROMANIA REFLECTED IN INTERNATIONAL REPORTS

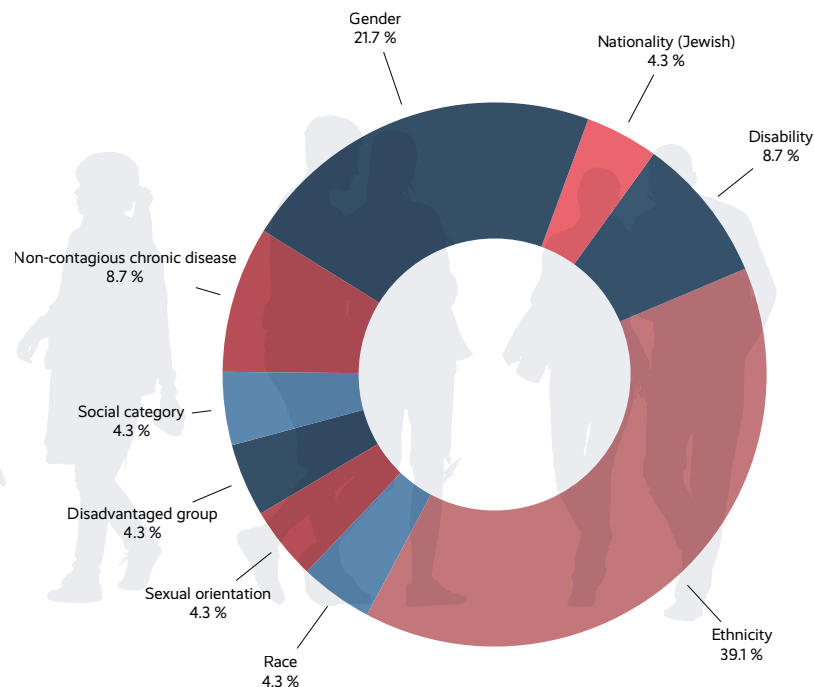
## NATIONAL COUNCIL FOR COMBATING DISCRIMINATION IN MASS-MEDIA

## FINANCIAL AND PERSONNEL DATA



CONSILIUL NATIONAL  
pentru COMBATEREA  
DISCRIMINĂRII

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CRITERIA	No. ex-officio notices
Social category	1
Non-contagious chronic disease	2
Gender	5
Nationality (Jewish)	1
Disability	2
Ethnicity	9
Race	1
Sexual orientation	1
Disadvantaged group	1
<b>TOTAL</b>	<b>23</b>

PROCEEDINGS BROUGHT ON ITS OWN MOTION IN 2022 BY THE MEMBERS  
OF THE STEERING BOARD PER EACH DISCRIMINATION CRITERION

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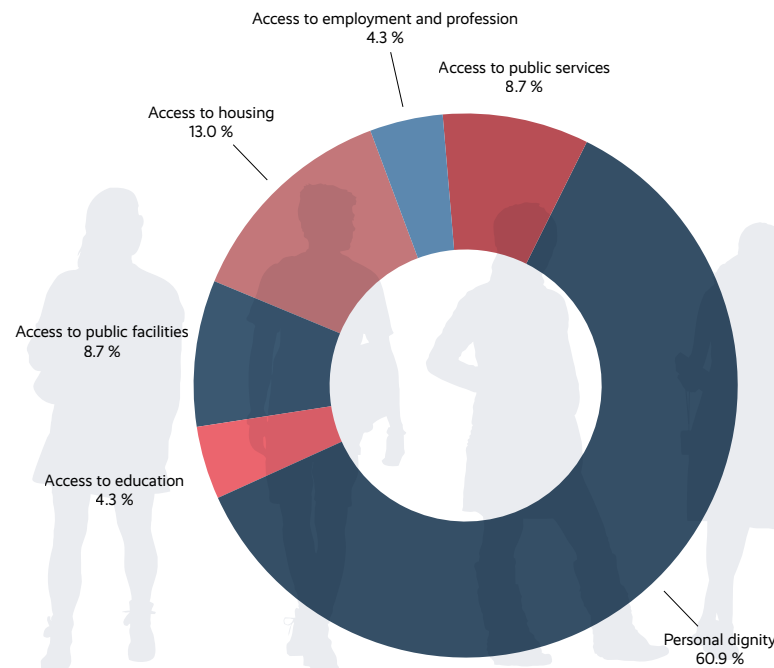
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FIELDS	No. ex-officio notices
Access to employment and profession	1
Access to public services	2
facilities	1
transportation	1
Personal dignity	14
Access to education	1
Access to public facilities	2
Access to housing	3
<b>TOTAL</b>	<b>23</b>

PROCEEDINGS BROUGHT ON ITS OWN MOTION IN 2022 BY THE MEMBERS  
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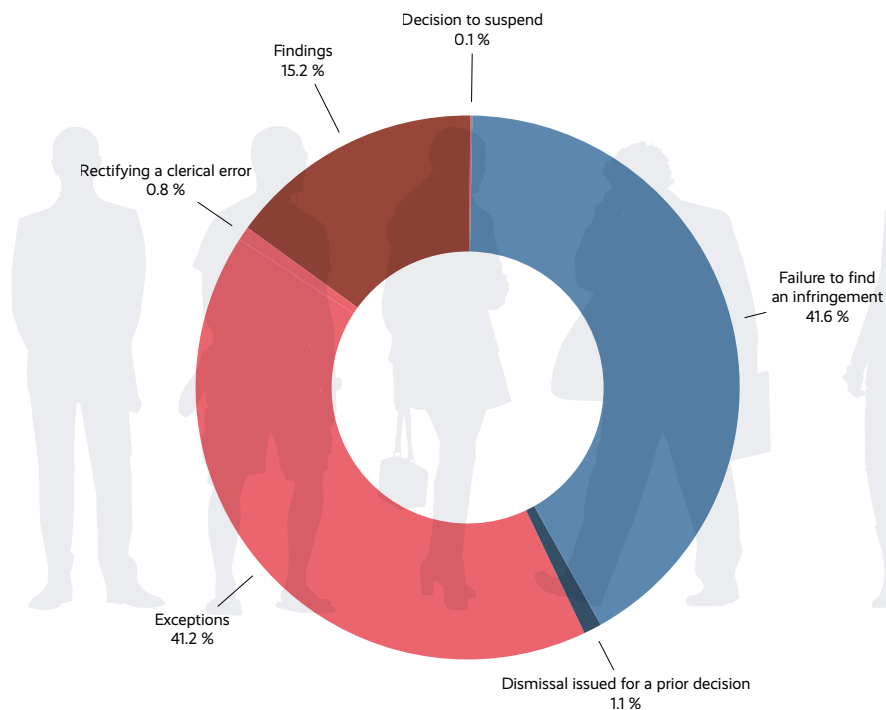
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TYPE OF DECISION	
Failure to find an infringement	351
Exceptions	348
Dismissal issued for a prior decision	9
Rectifying a clerical error	7
Findings	128
Decision to suspend	1
<b>TOTAL</b>	<b>844</b>

CLASSIFICATION OF THE DECISIONS ISSUED BY THE N.C.C.D. STEERING  
BOARD IN 2022 IN ACCORDANCE WITH THE TYPE OF OUTCOME



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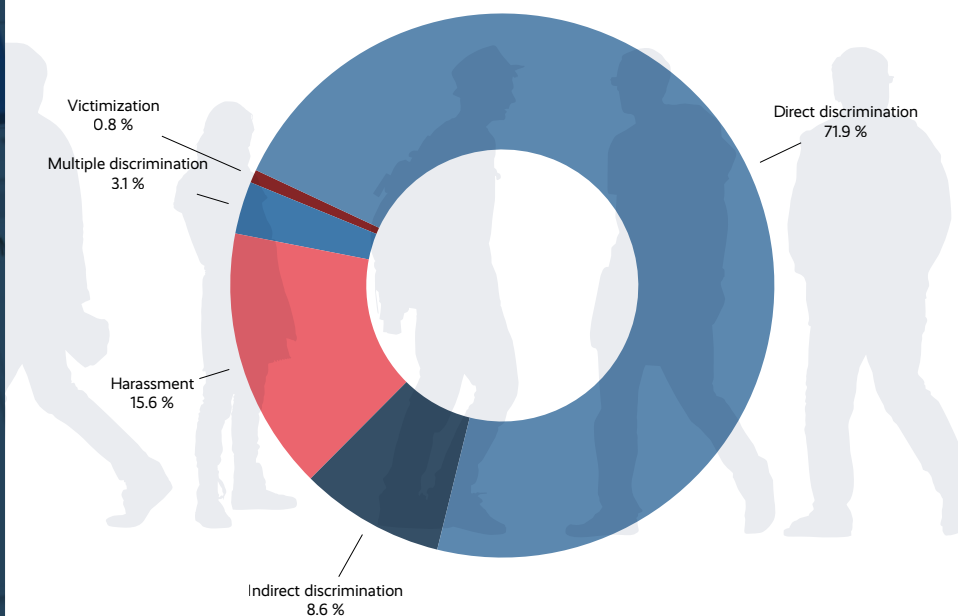
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TYPES OF DISCRIMINATION	
Direct discrimination	92
Indirect discrimination	11
Harassment	20
Multiple discrimination	4
Victimization	1
Propensity to discriminate	0
<b>TOTAL</b>	<b>128</b>

TYPES OF DISCRIMINATION FOUND IN 2022

# 2022 ACTIVITY REPORT

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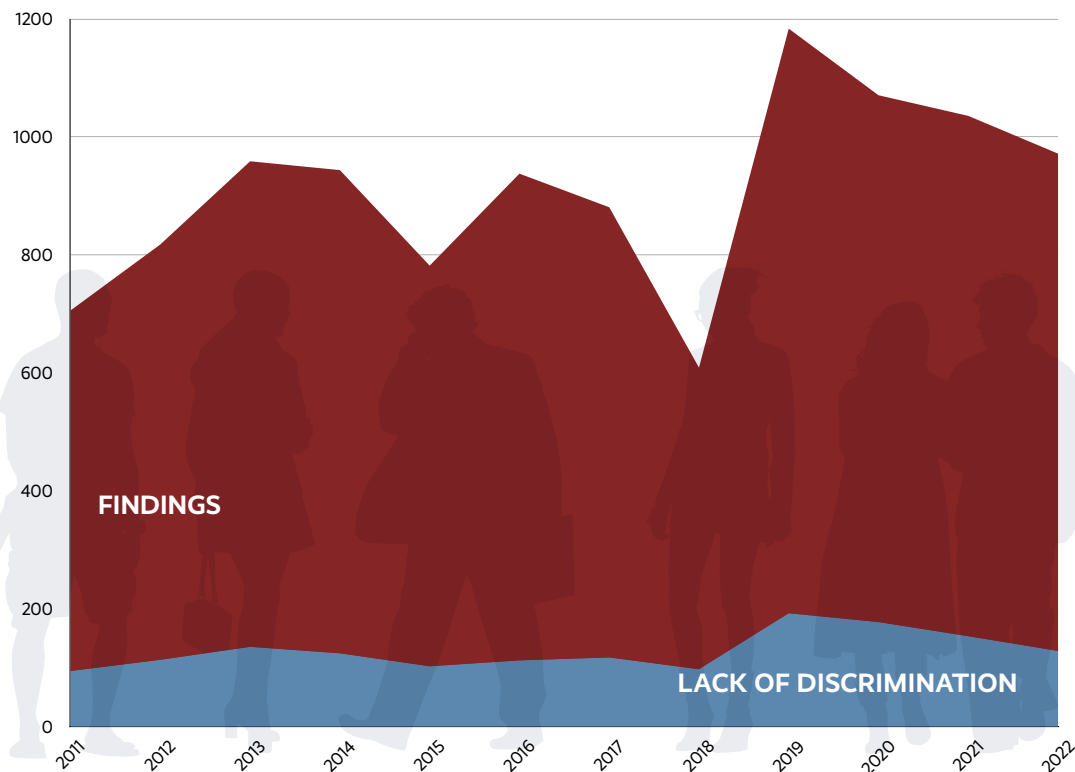
### FINANCIAL AND PERSONNEL DATA

# 2022



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SHARE OF FINDINGS STATING THAT ACT OF DISCRIMINATION HAD  
BEEN FOUND FROM THE TOTAL NUMBER OF DECISIONS ISSUED  
BY N.C.C.D. STEERING BOARD IN THE 2011-2022 PERIOD

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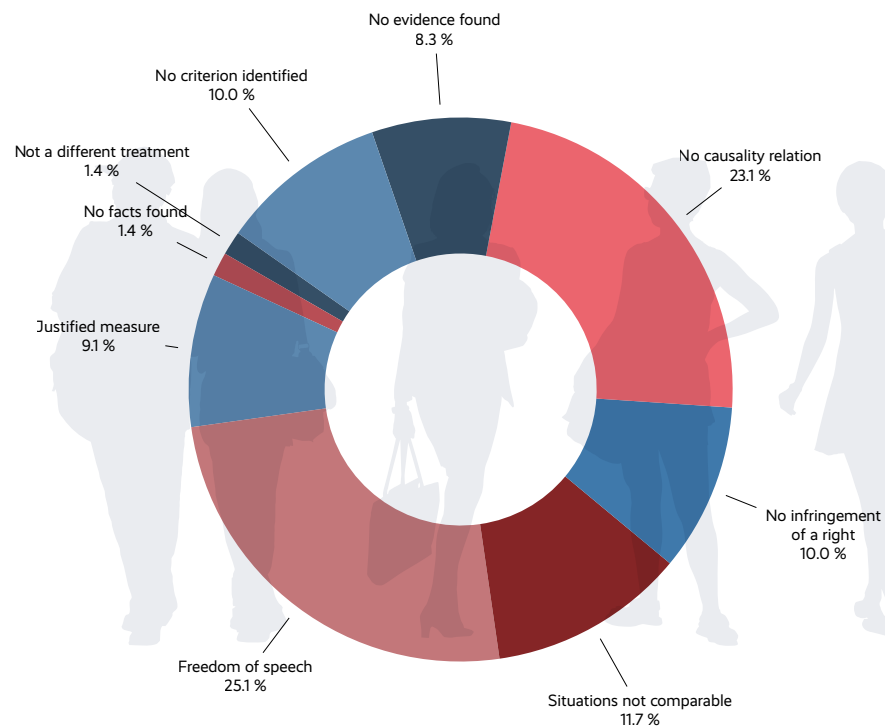
## NATIONAL COUNCIL FOR COMBATING DISCRIMINATION IN MASS-MEDIA

## FINANCIAL AND PERSONNEL DATA



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METHOD FOR PROCESSING	No. of decisions
No criterion identified	35
No evidence found	29
No causality relation	81
No infringement of a right	35
Situations not comparable	41
Freedom of speech	88
Justified measure	32
No facts found	5
Not a different treatment	5
<b>TOTAL</b>	<b>351</b>

METHOD FOR PROCESSING IN 2022 THOSE DECISIONS WHERE  
NO ACT OF DISCRIMINATION HAD BEEN FOUND

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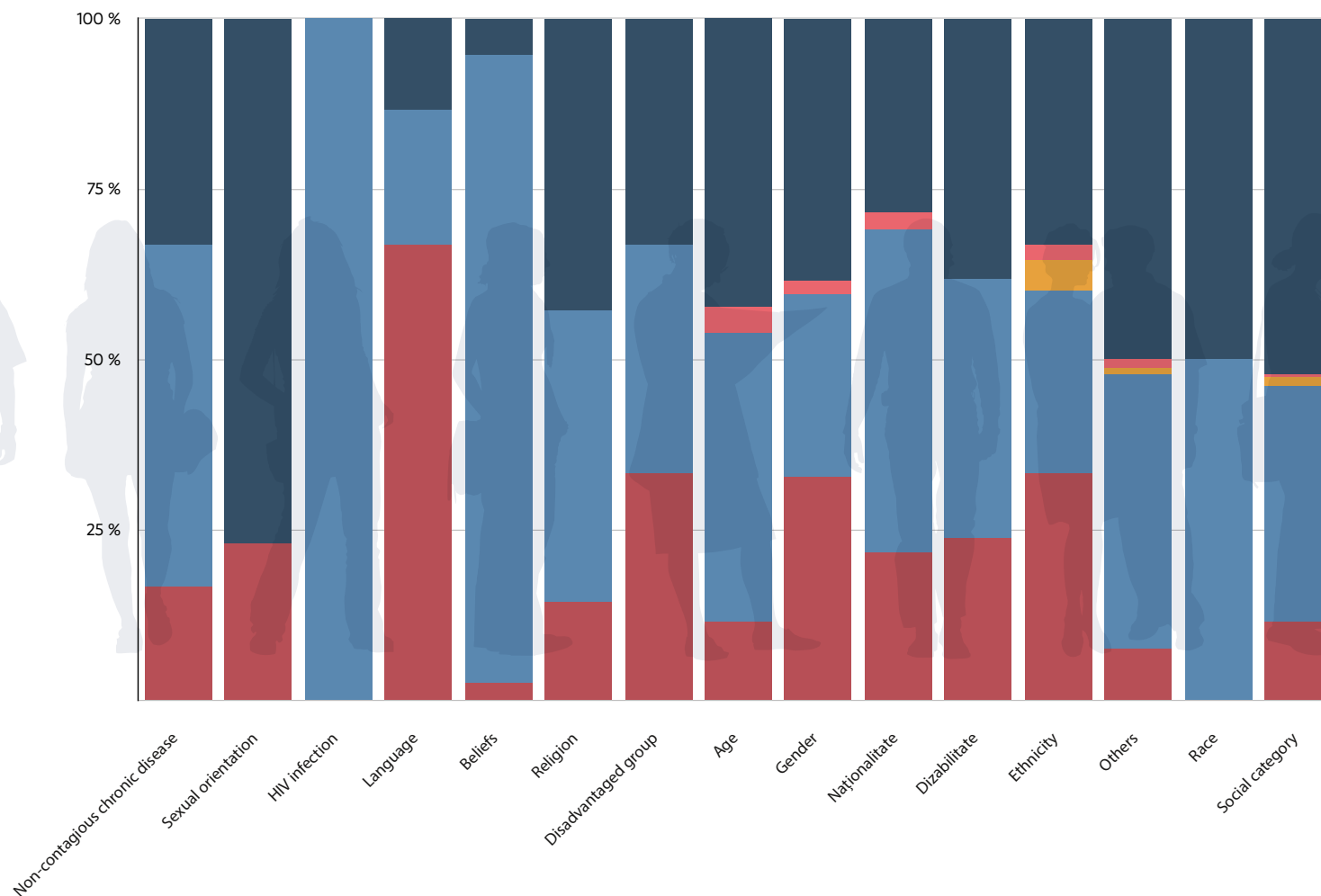
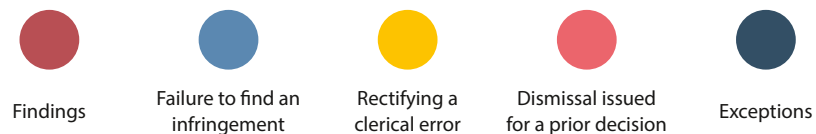
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TYPE OF DECISION ISSUED IN 2022 REFLECTED IN ACCORDANCE  
WITH EACH DISCRIMINATION CRITERION

II. ANALYSIS OF CASE PROCESSING BASED ON THE DECISIONS ISSUED BY N.C.C.D.'S STEERING BOARD

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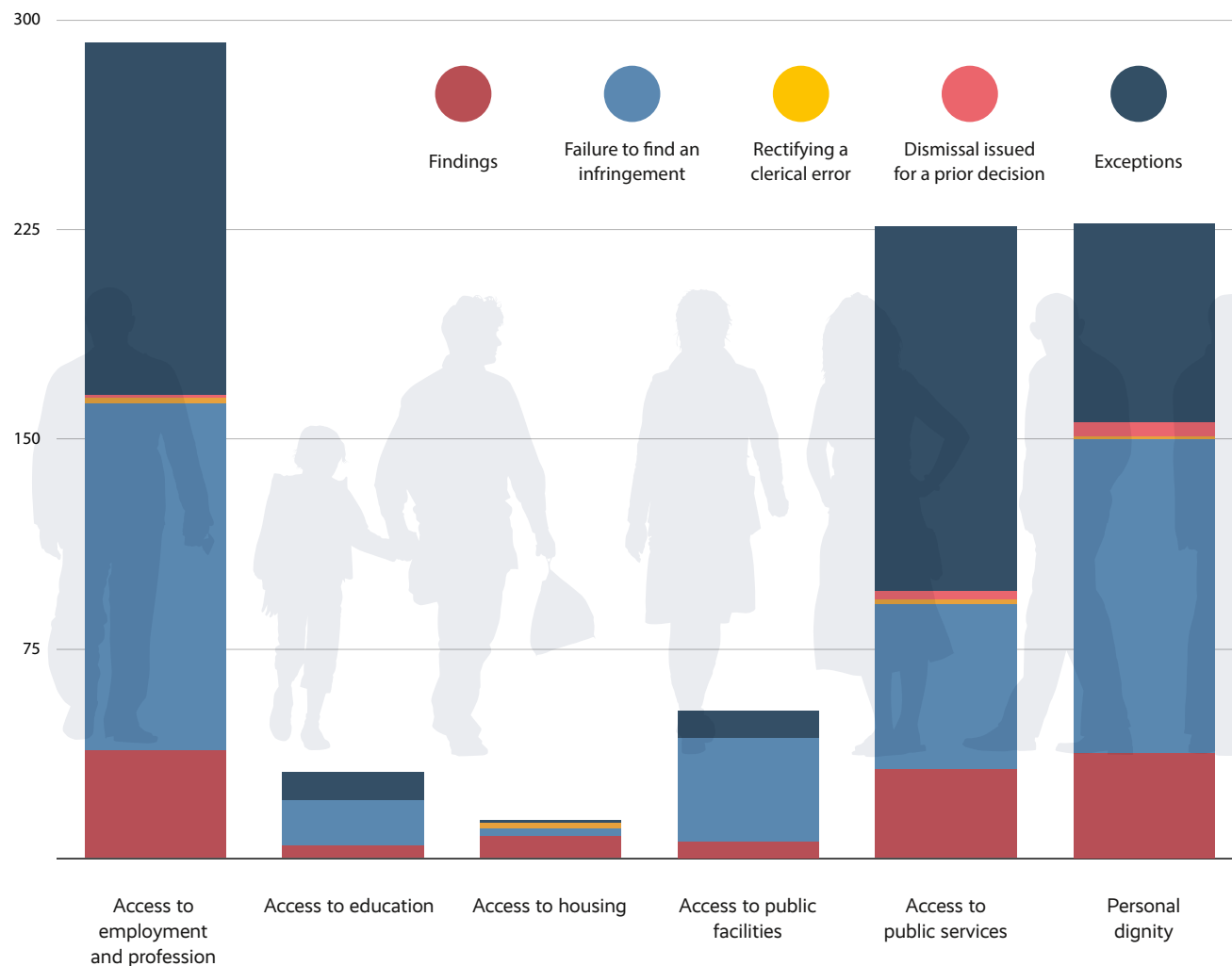
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TYPE OF DECISION ISSUED IN 2022 REFLECTED IN  
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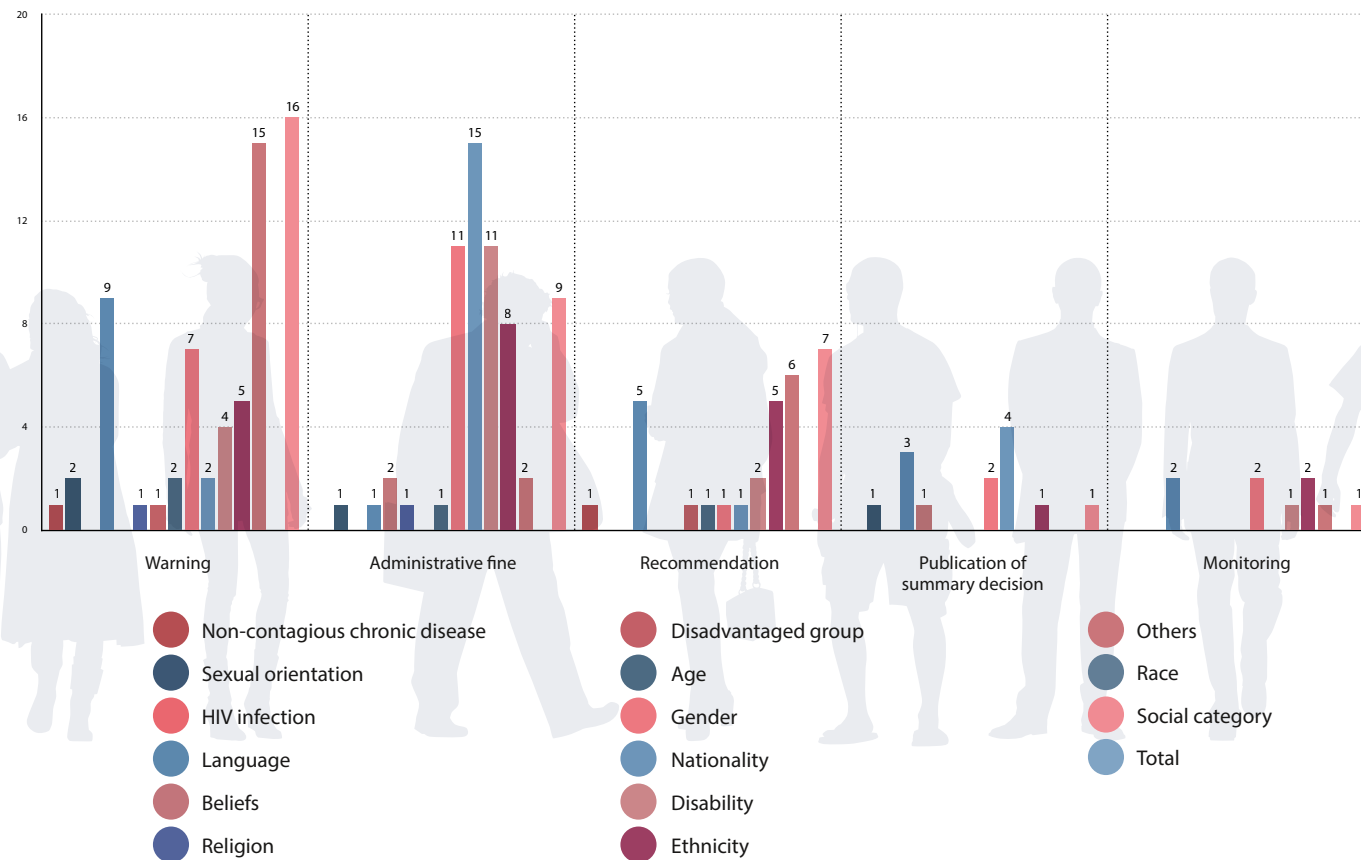
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II. ANALYSIS OF CASE PROCESSING BASED ON THE DECISIONS ISSUED BY N.C.C.D.'S STEERING BOARD

DISTRIBUTION OF TYPES OF SANCTIONS ORDERED IN 2022 BY THE  
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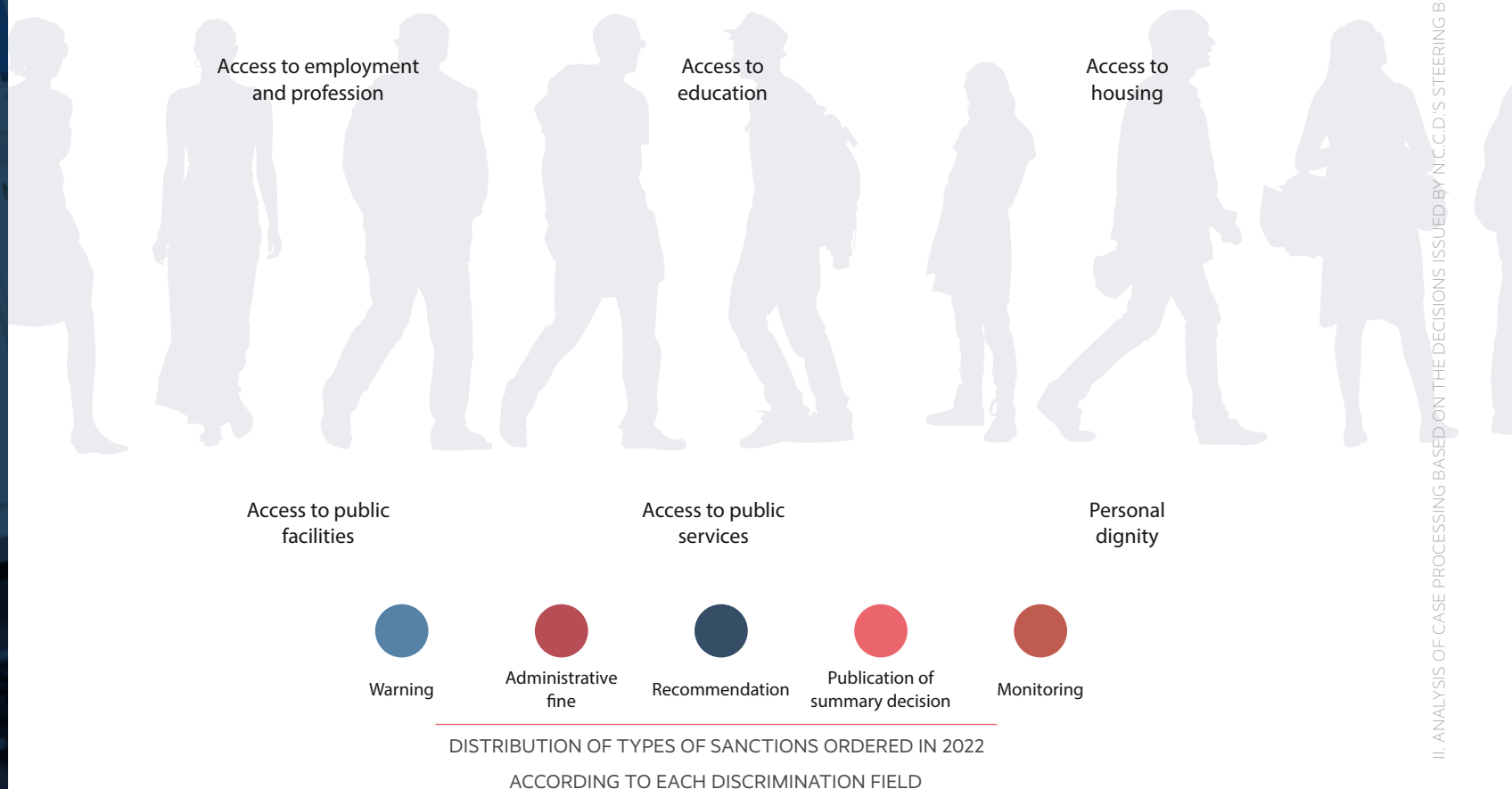


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II. ANALYSIS OF CASE PROCESSING BASED ON THE DECISIONS ISSUED BY N.C.C.D.'S STEERING BOARD

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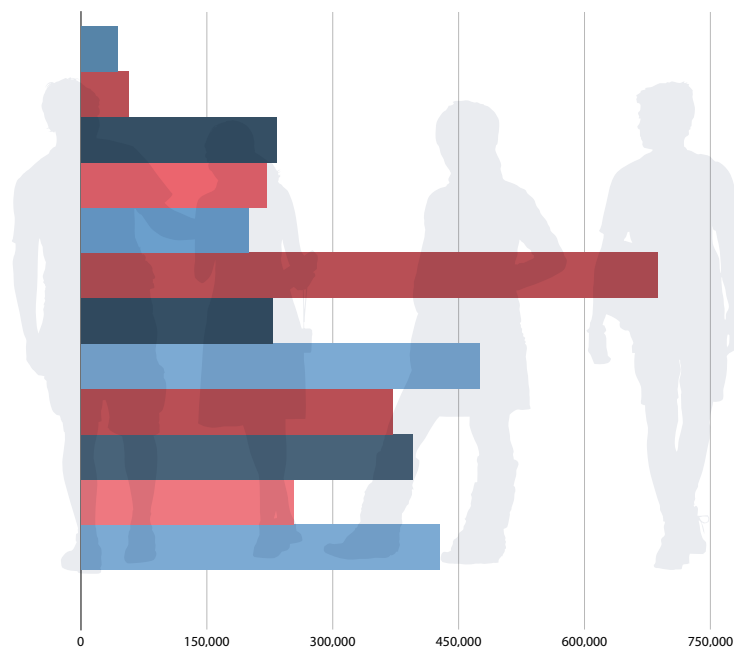
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Year	Total no. of fines (Lei)
2011	43,700
2012	57,000
2013	233,000
2014	221,800
2015	200,000
2016	687,000
2017	229,000
2018	475,000
2019	372,000
2020	396,000
2021	254,000
2022	428,000
<b>TOTAL</b>	<b>3,596,500</b>

TOTAL ADMINISTRATIVE FINES ISSUED DURING THE 2011-2022 PERIOD

II. ANALYSIS OF CASE PROCESSING BASED ON THE DECISIONS ISSUED BY N.C.C.D.'S STEERING BOARD

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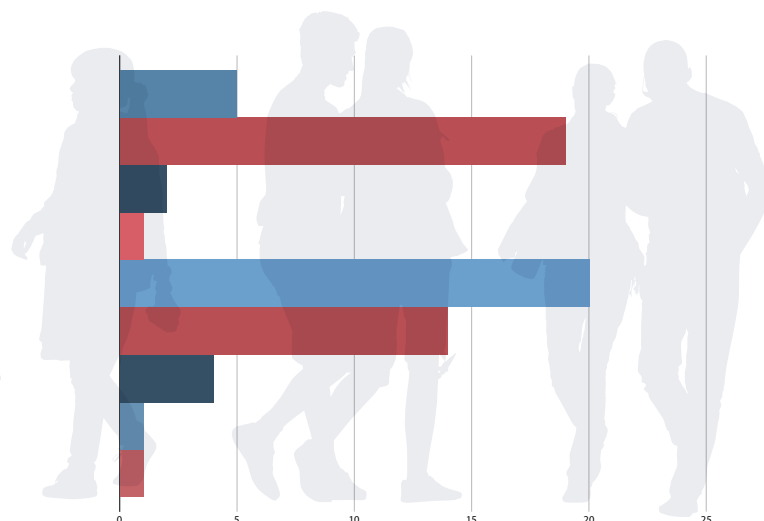
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Value of the fine (Lei)	No. of fines	Total (Lei)
1,000 lei	5	5,000
2,000 lei	19	38,000
3,000 lei	2	6,000
4,000 lei	1	4,000
5,000 lei	20	100,000
10,000 lei	14	140,000
20,000 lei	4	80,000
25,000 lei	1	25,000
30,000 lei	1	30,000
<b>TOTAL (Lei)</b>		<b>428,000</b>

AMOUNT OF ADMINISTRATIVE FINES IMPOSED  
BY THE STEERING BOARD AND THEIR NUMBER IN 2022

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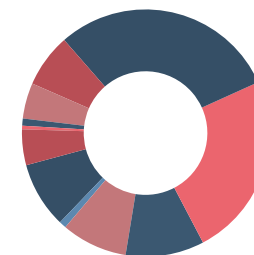
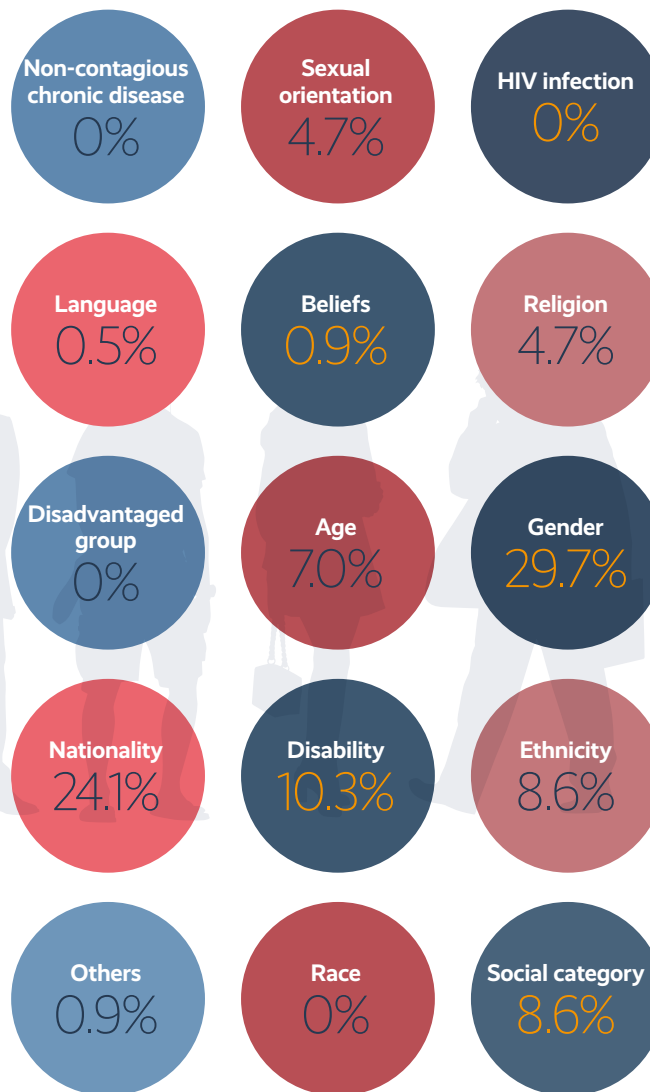
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Field /Total no. of findings in 2021	Administrative fine (Lei)
Non-contagious chronic disease	0
Sexual orientation	20,000
HIV infection	0
Language	2,000
Beliefs	4,000
Religion	20,000
Disadvantaged group	0
Age	30,000
Gender	127,000
Nationality	103,000
Disability	44,000
Ethnicity	37,000
Others	37,000
Race	0
Social category	37,000
<b>TOTAL</b>	<b>428,000</b>

THE ADMINISTRATIVE FINES IMPOSED IN 2022 ACCORDING  
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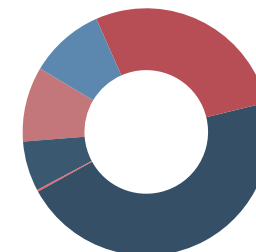
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Field/Total no. of findings in 2022	Aministrative fine (Lei)
Personal dignity	196,000
Access to employment and profession	119,000
Access to public services	42,000
Access to housing	42,000
Access to public facilities	28,000
Access to education	1,000
<b>TOTAL</b>	<b>428,000</b>

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## Equality in economic activity and in terms of employment and occupation

### DECISION A

The conduct of the representatives of the company towards the employee who has been reinstated in the position she held prior to her dismissal by court order, manifested, *inter alia*, by the failure to provide her with a proper work desk, with the computer she previously owned, lack of access to the company's computer system or failure to attend operational meetings, constitutes an act of discrimination.

N.C.C.D.'s Steering Board considered that the company's actions led to the creation of an intimidating, degrading or hostile environment in the workplace and that personal dignity was violated on the basis of gender.

N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 1](#), [Art. 2 para. 5](#), [Art. 7 b\)](#) of the anti-discrimination law and [Art. 10 para. 8](#) of the Law no. 202/2002 on equal treatment between women and men and ordered an administrative fine against the employer amounting to **25,000 LEI**.

### DECISION B

The conduct of the manager, namely the company shareholder towards a female employee, which led to strained employment relations, termination of the employment relationship by agreement, hindering the process of payment of outstanding salary



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entitlements, as well as labelling her as ‘mentally disabled’ and using wording explicitly alluding to sexual acts with workers, constitutes harassment.

N.C.C.D.’s Steering Board considered that the attitude towards the employee after the termination of her employment was such as to create an intimidating, degrading or hostile environment, which infringed her personal dignity on the basis of her gender.

N.C.C.D.’s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 5](#) of the anti-discrimination law and imposed an administrative fine against the respondent amounting to **20,000 lei**.

## DECISION C

Creating public pressure in the local community by accusing, blaming and instilling a sense of insecurity regarding the employing foreign workers from third countries at a local bakery and starting a social media group to oppose migrants constitutes an act of discrimination by association on the basis of racial origin.

N.C.C.D.’s Steering Board considered that the actions created by the respondent parties led to the impairment of the normal exercise of entrepreneurial activity and the creation of a hostile environment towards the person who employed foreign workers, by associating them with their racial or national origin.

N.C.C.D.’s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 1](#), [Art. 15](#) and [Art. 10 h](#)) of the anti-discrimination law and [Art. 2](#) of the Labour Code and imposed an administrative fine against each respondent amounting to **10,000 LEI**.

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## DECISION D

The dismissal of an employee by removing the position in question, in the absence of any justification from the employer, in view of the vulnerable situation in which the employee concerned found herself, in the light of her chronic illness, her classification as disabled and her age of over 50, constitutes multiple acts of discrimination.

The employer did not indicate that persons in similar situations were subject to the same legal consequences, without a causal link to certain personal characteristics such as health or age.

N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 paragraph 1](#), [Art. 2 paragraph 6](#) and [Art. 7 a\)](#) of the anti-discrimination law and imposed an administrative fine against the employer amounting to **10,000 lei**.

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

## DECISION A

The passive attitude of a national sports structure which led to the adoption of a position of non-acceptance of an athlete with a disability in relation to procedural issues concerning his accompanying person and the impossibility of participating in

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international sporting events constitutes an act of discrimination according to the criterion of disability.

N.C.C.D.'s Steering Board considered that, in the absence of concrete steps, which would have been possible in the context of Law no. 448/2006 on the rights of persons with disabilities, the right to participate in sports competitions was denied to the disabled person who was entitled to a companion.

N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 1, 4 and 5](#) and [Art. 10 h](#)) of the anti-discrimination law and imposed an administrative fine against the sports body amounting to **10,000 lei**.

## DECISION B

The conduct of the representatives of a banking company, governed by internal rules for the approval and the opening of bank accounts in LEI and in foreign currency, namely restricting access to the foreign currency account and subsequently closing the account, on the ground of nationality of a third-party country, even if the person in question is a national of a country potentially placed on a list of countries posing a reputational risk, constitutes an indirect act of discrimination on grounds of nationality.

N.C.C.D.'s Steering Board considered that the banking company could have provided exceptions in its internal regulations with regard to foreign nationals residing legally on Romanian territory, in accordance with national regulations on the legal status of foreign nationals.

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N.C.C.D.'s Steering Board found the existence of the act of discrimination pursuant to the provisions of [Art. 2 para. 1](#) and [Art. 10 d\)](#) of the anti-discrimination law and imposed an administrative fine against the banking company amounting to **10,000 lei**.

## DECISION C

The awarding of a high score for eligibility criteria that relate to permanent residence or residence in the locality in question, or for criteria related to professional activity and level of education, in particular a PHD, a master's degree, university studies, technical or secondary education when awarding a social housing, constitutes an act of discrimination.

N.C.C.D.'s Steering Board considered that, although certain justifications can be found for the criteria adopted, there is no proportionality between the means chosen and the aim pursued by granting social housing, thus indirectly affecting people living in informal settlements covered by Law no. 151/2019, as well as people with no education or with a low level of education who belong to marginalised communities, economically and socially vulnerable groups, such as, for example, Roma communities.

N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 3](#) and [Art. 10 h\) and g\)](#), [Art. 15](#) of the anti-discrimination law and imposed an administrative fine against the respondent amounting to **5,000 lei**.

## DECISION D

Penalizing persons who received fines during the previous calendar year due to anti-social behaviour, as part of the process of awarding points for social housing purposes



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constitutes an act of discrimination. Similarly, it is considered an act of discrimination to penalize persons whose minor children do not attend school, to penalize persons for lack of education, lack of legal marriage, lack of income or lack of a previous rental contract.

N.C.C.D.'s Steering Board considered that the establishment of neutral criteria entail the existence of objective justification, a legitimate aim and proportionality ratio between the means used and the aim pursued. Penalization on the basis of these criteria may constitute a double sanction. The lack of definition of anti-social behaviour may allow misinterpretation. Criteria such as non-attendance at school may particularly affect families living in informal settlements and lacking the means to support their children at school. Education or income criteria particularly affect people from economically and socially disadvantaged groups, including Roma communities.

N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 3 and Art. 10 h\)](#) of the anti-discrimination law and imposed an administrative fine against the respondent amounting to **5,000 lei**.

## Access to education

### DECISION A

The exclusion of 5<sup>th</sup> grade secondary school pupils from the award of merit scholarships on the basis of their year of study constitutes discrimination. Similarly, the exemption of rural pupils enrolled in a school other than their home school from the award of a social grant on the basis of their course of study constitutes an act of discrimination.



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N.C.C.D.'s Steering Board considered that the regulations adopted in the field of education have led to different treatment of persons in similar situations, in the absence of an assessment method of students for the award of merit scholarships.

It was also noted that there was a lack of reasoning as to the grounds for excluding certain categories of pupils from the award of a social grant, which constituted a failure to adequately consider the needs of vulnerable categories of persons who are in different situations in relation to the opportunities to effectively access and benefit from the educational process.

N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 1](#), [Art. 2 par. 3](#), [Art. 10 h](#)) and [Art. 11 para. 1](#) of the anti-discrimination law and imposed an administrative fine against the respondent amounting to **10,000 lei**.

## DECISION B

The rejection of candidates on the basis of the medical scales established for admission to military, intelligence, public order and security, police, prison administration education institutions in relation to the diagnosis of chronic autoimmune thyroid disease constitutes an act of discrimination.

N.C.C.D.'s Steering Board considered that the rejection of a candidate on the basis of the diagnosis in question fell within the criterion of non-contagious chronic disease and that the measure of rejection was not objectively justified by the achievement of a legitimate aim. N.C.C.D. held that, according to the specialized board of the Ministry of Health, chronic autoimmune thyroiditis with normal thyroid function does not affect the ability to work, regardless of the type of activity.

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N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 1](#) and [Art. 6](#) of the anti-discrimination law and imposed an administrative sanction of issuing a warning against the respondent and recommended the elimination of the criterion of chronic autoimmune thyroiditis from the admission competition.

## DECISION C

A school regulation which includes the possibility of expulsion of pupils because of their parents' behaviour is discriminatory.

N.C.C.D.'s Steering Board considered that all children enrolled at the school have the same rights in terms of access to education, regardless of their parents' behaviour. A pupil cannot be deprived of the right to education because his or her parents hold certain views or behave in a way that puts him or her in conflict with the school unit. Therefore, such a regulation creates an unacceptable discrimination of pupils by association with parental behaviour, for which children cannot be sanctioned by expulsion.

N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 1](#) of the anti-discrimination law and imposed an administrative sanction of issuing a warning against the respondent and recommended the elimination of the discriminatory regulations.

## DECISION D

The introduction of provisions in the regulations governing the organisation and conduct of school sports competitions which make the participation of pupils conditional on non-membership of sports clubs constitutes discrimination.

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N.C.C.D.'s Steering Board noted that, sometime after the adoption of the regulations in question, they were amended and those conditions were removed. However, during that time, the effect was to discourage potential candidates from participating in school competitions.

N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 1](#) and [Art. 11 para. 1 and 2](#) of the anti-discrimination law, imposed an administrative sanction of issuing a warning against the respondent party because in the specific case under review the possibility of participation in the competition was offered to students, and recommended to avoid in the future the regulation of similar discriminatory conditions.

## Freedom of movement, freedom to choose one's residence and access to public facilities

### DECISION A

Denying access of a group of people, including children belonging to the Roma minority to the swimming pool constitutes an act of discrimination.

N.C.C.D.'s Steering Board considered that the imposition of restrictions in terms of access to services intended for the general public, including access to the swimming pool, must be objectively justified in order to achieve a legitimate aim, and the means chosen must be proportionate to the aim pursued. Conditioning access to services offered to the public on the basis of membership of an ethnic group is prohibited.

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N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 1](#) and [Art. 10 f\)](#) and [Art. 15](#) of the anti-discrimination law and imposed an administrative fine against the company amounting to **10,000 lei** on the company.

## DECISION B AND DECISION C

Limiting the access to the services offered by supermarket stores to a blind person accompanied by a guide dog intended for persons with such a disability, or refusing access to the store to such persons constitutes act of discrimination.

Pursuant to the provisions of Article 5 of Law No. 448/2006 on the rights of persons with disabilities, the public or private legal person has the obligation to adapt the conditions of entry and stay for persons with disabilities, including for persons requiring a guide dog.

N.C.C.D.'s Steering Board considered that the company did not include within their specific regulation the provisions in place for the situation of disabled customers and that the staff was not properly trained to deal with customers, including disabled people.

N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 1](#) and [Art. 10 f\)](#) and [Art. 15](#) of the anti-discrimination law and imposed an administrative fine against the commercial company amounting to **5,000 lei**, and an administrative fine of **2,000 lei** and an administrative fine of **4,000 lei** against the company providing security services for the shop.



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## DECISION D

Imposing restrictions on access to a restaurant for children under the age of 6 and their accompanying persons on the grounds of preventing the spread of SARS-COV-2 and the right to select the clients constitutes an act of discrimination.

Referring to its own case law (Judgment No. 668 of 15.09.2021 and Judgment No. 809 of 17.11.2021), N.C.C.D. has considered that, with regard to restricting access to services offered to the public on the basis of age, without analysing situations in concrete terms, on a case-by-case basis, without establishing a set of specific, objective and justified criteria, for example by imposing a commitment on customers to ensure appropriate behaviour for their children or by creating special facilities, a situation of unjustified disadvantage is created for customers with underage children.

N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 1](#) and [Art. 10 f\)](#) of the anti-discrimination law and imposed an administrative sanction of issuing a warning against the company and recommended to change the restaurant's policy to ensure fair access to the services offered to the public.

## DECISION E

Denying access to a store on the ground of refusal to wear a protective mask in circumstances where not wearing a mask is justified on medical grounds constitutes an act of discrimination.

N.C.C.D.'s Steering Board took into account the fact that the person whose access was denied was suffering from allergic bronchial asthma, with a recommendation to be



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exempted from wearing a protective mask, as the neuropsychic mechanism of the asthmatic crisis was known and proved by medical documents. Although these documents were presented to the shop representatives and security staff, they were not taken into consideration. The refusal based on the legislation on measures ordered in the context of the Covid-19 pandemic cannot be upheld in the light of the particular medically proven situation.

N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 1](#) and [Art. 10 f\)](#) and [Art. 15](#) of the anti-discrimination law and imposed an administrative fine against the company amounting to **2,000 lei**.

## The right to personal dignity

### DECISION A

Publication within a period of more than 60 days of press articles which consistently generated offensive or disparaging comments, remarks or phrases, without any censorship, among which “bloody Machedonian”, “every Machedonian steals” “greedy specimen”, “Cyban lepers”, “baboon”, “retard face”, “when the Machednians will disappear . . . the pollution will decrease”, “filthy, thieving Machedonians”, “chimpanzees of Machedonians”, “filthy Machedonians and Gypsies run the city...”, “cretinous Machedonian”, “race of upstarts”, “allogenic rag”, “good Machedonians are the dead and buried ones”, “mutant”, “Machedonian scum”, constitute an act of discrimination.

N.C.C.D. took into account the fact that the impugned statements envisaged the ethnic origin, political affiliation and physical appearance, constituting multiple discrimination.

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Although the denigrating nature of the statements was brought to the attention of the respondent, no action was taken to remove them, which constituted passive conduct that had the effect of creating a degrading and offensive environment and undermining human dignity.

N.C.C.D.'s Steering Board found the existence of acts of discrimination pursuant to the provisions of [Art. 2 para. 1, 4, 6](#) and [Art. 15](#) of the anti-discrimination law and imposed an administrative fine against the media service provider amounting to **10,000 lei**.

## DECISION B

Chants by supporters at sporting events, namely “Out, out with the Hungarians from the country”, and “stinking Hungarians” constitute an act of discrimination.

N.C.C.D. found that those chants represent a conduct aimed at undermining dignity and creating a hostile, degrading and humiliating atmosphere directed against ethnic Hungarians.

Taking into account the case-law on the matter and the provisions of the Regulation for the organisation of the sporting competition in question, N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 1](#) and [Art. 15](#) of the anti-discrimination law and imposed an administrative fine against the sports club of amounting to **10,000 lei**.

## DECISION C

The associations created in press articles between certain bacteria or diseases and their description in relation to female persons that held positions of elected public dignity are not protected by the right to free expression and constitute an act of discrimination.

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Taking into account the essential role that the press plays in a democratic society, including through the presentation of topics of public interest in politics which may include a degree of exaggeration or provocation, N.C.C.D.'s Steering Board found the existence of denigrating and humiliating language against women, including offensive images generated by a local conflict.

Freedom of expression entails responsibilities, including the obligation to avoid expressions which gratuitously offend others, which interfere with their rights and which do not contribute to a form of public debate capable of advancing human relations.

N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 1](#) and [Art. 15](#) of the anti-discrimination law and imposed an administrative fine against the online media service provider amounting to **10,000 lei**.

## DECISION D

The making of a video promoting alcoholic beverages featuring a man and a woman in which an intimate act with sexual connotations is staged and the woman is slapped on the forehead and labelled a “fool” constitutes an act of discrimination.

N.C.C.D. found that the message presented in the video promotes prejudice against women in the society, which are likely to induce negative attitudes towards women based on unacceptable gestures, going beyond the sphere of freedom of expression.

N.C.C.D.'s Steering Board found the existence of the acts of discrimination pursuant to the provisions of [Art. 2 para. 1](#) and [Art. 15](#) of the anti-discrimination law and imposed an administrative fine against the respondent party amounting to **10,000 lei**.

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## DECISION E

Changing the tag of the People's Redemption Cathedral within a web application with global impact that provide detailed geographical location information with the tag "Cathedral of fooling the people" constitutes an act of discrimination by association with religious affiliation.

N.C.C.D.'s Steering Board noted that the situation created implicitly induced a causal link between the religious affiliation of certain communities of persons and led to the infringement of the right to human dignity.

N.C.C.D. found that the main entity that provide and manage the web services in question, established in another State, was responsible for the passive attitude in the management of the situation created by the modification of the tag in question, while the natural person who made the modification in question was responsible for the action of modification which produced public effects.

N.C.C.D.'s Steering Board found the existence of acts of discrimination pursuant to the provisions of [Art. 2 para. 4](#) and [Art. 2 para. 1](#) and [Art. 15](#) of the anti-discrimination law and imposed an administrative fine against the web service provider amounting to **10,000 lei** and an administrative fine amounting to **10,000 lei** against the individual that operated the change.





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## IV. Activity of the Case Investigation Office



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In 2022, the Case 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 N.C.C.D.'s 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 2022, the Case Investigation Office received 38 files from N.C.C.D.'s Steering Board in order to notify the fines to the competent tax authorities. Also, the Legal Affairs, Litigation and Contracts Unit sent 12 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.

A total of 42 investigations were conducted (some of the cases requiring several trips). Out of the 38 cases investigated, 31 were in urban areas and 5 in rural areas. A total of 203 persons were interviewed during the investigations conducted in 2022, with an average of approximately 5 persons/investigation. Of these, 43 persons were from Bucharest and Ilfov county and 160 persons from the rest of the country.

## Report on the activity of the Case Investigation Office in 2022

Pursuant to the provisions of Article 41 para. (1) of the Internal Procedure for the handling of petitions and complaints, "The person responsible of the case shall, by resolution, order an investigation, if appropriate, after analysing the complaint and the attached evidence". Thus, the casefile under investigation together with the resolution

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issued by the person responsible, is forwarded to the File Investigation Office, within the Department of assistance for the Steering Board, in order to verify certain unclear aspects and to collect information, witness statements and evidence necessary to resolve the complaint in question. Once the investigation has been conducted, the investigation team draws up an investigation report to which it attaches the documentation resulting from the inspection.

In 2022, in order to carry out the procedure for service of summons and decisions issued by the Steering Board of the National Council for Combating Discrimination, the members of the Case Investigation Office received and communicated the above-mentioned documents by going to the domicile/headquarters of the parties who could not reach them, by means of the Romanian Post Office or another communication channel.

As well, in order to carry out the enforcement procedure, the members of the Case Investigation Office forward the decisions issued by the Steering Board which have established a fine and which have become final, to the specialized departments within the territorial administrative units and county administrations of public finance in whose area the offenders are based.

## Statistical situation of cases investigated by the Case Investigation Office in 2022

In 2022, the Steering Board assigned 38 files to the Case Files Investigation Office. In order to comply with the resolutions given by the persons in charge with the case and to achieve the objectives of the investigations, a total of 42 investigations were carried out (some of the cases required several trips), distributed as follows: 18 in Bucharest and Ilfov county (17 in Bucharest, 1 in Ilfov county), 7 in the Sud-Est region (2 in Galați

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county, 2 in Buzău county, 1 in Brăila county, 1 in Constanța county, 1 in Tulcea county), 6 in the Sud-Muntenia region (2 in Argeș county, 2 in Prahova county, 1 in Dâmbovița county, 1 in Ialomița county), 4 in the Nord-Est region (1 Iași county, 1 in Bacău county, 1 in Suceava county, 1 in Vaslui county), 3 in the Nord-Vest Region (2 in Cluj county), 2 in the Sud-Vest Oltenia region (1 in Dolj county, 1 in Gorj county), 1 in the Centru region (1 in Sibiu county) and 1 in the Vest county (1 in Caraș Severin county).

Out of the 38 cases investigated, within 31 of them the alleged discrimination took place in urban areas and 5 in rural areas - two cases were investigated in both rural and urban areas. In 9 of the cases investigated, the respondent party was classified as a legal person, in 20 of the files the complainants were natural persons and in 9 of the files investigated both natural and legal persons were complainants. As regards the discrimination criteria the situation of the investigated cases is as follows: 6 ethnicity, 4 disability, 4 social category, 3 gender, 3 age, 2 sexual orientation, 1 political criticism, 1 green certificate, 1 non-contagious chronic disease, 1 race, 1 return from parental leave, 1 religion, 11 no criterion - 1 case had 2 discrimination criteria.

A total of 203 people were interviewed during the investigations conducted in 2022, with an average of approximately 5 people/investigation. Of these, 43 persons were from Bucharest and Ilfov county and 160 persons from the rest of the country.

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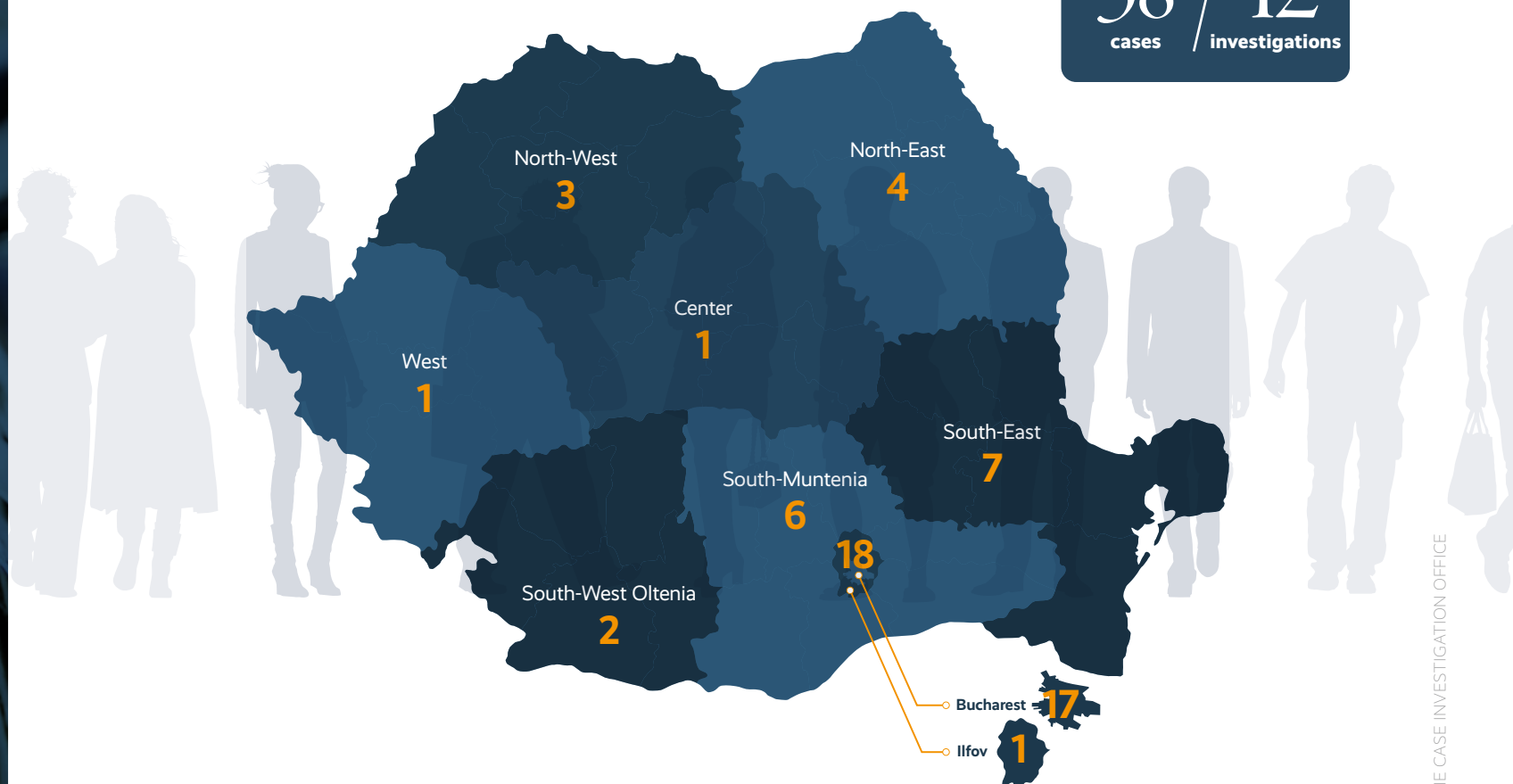
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38 / 42  
cases / investigations



DISTRIBUTION OF INVESTIGATIONS CONDUCTED IN 2022  
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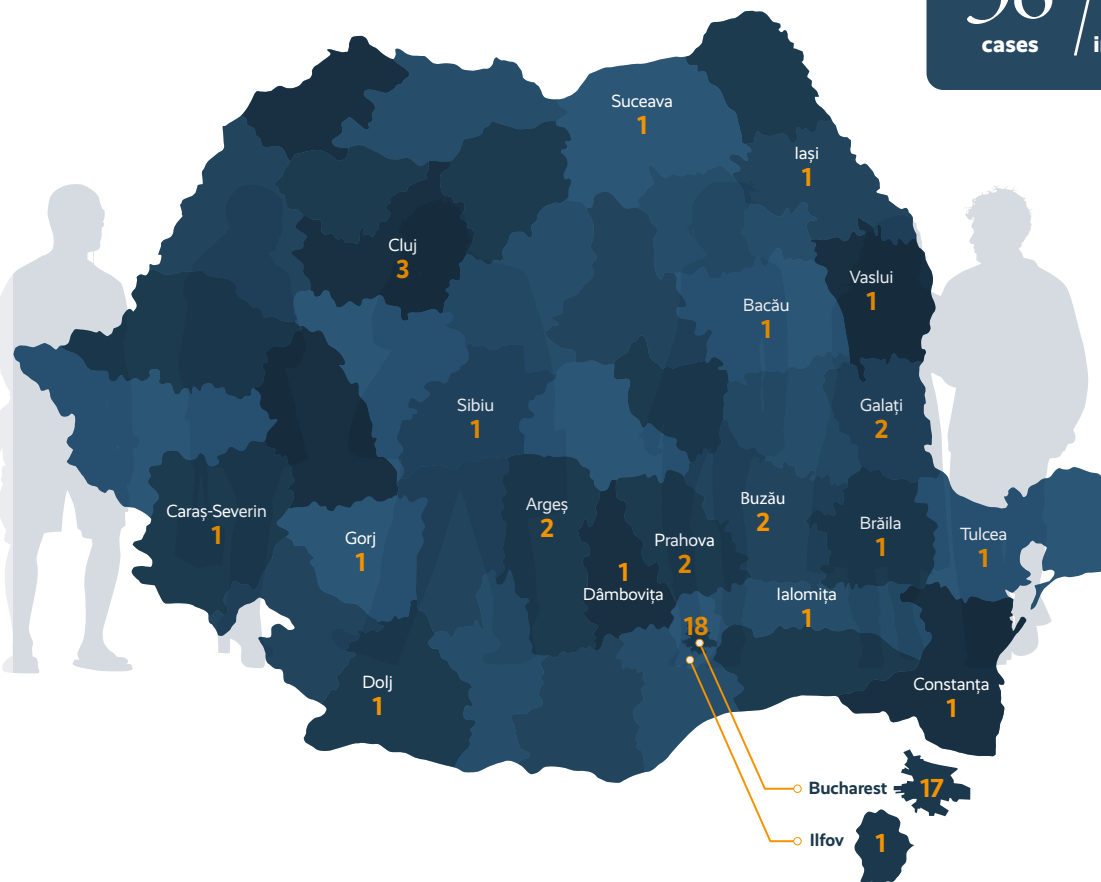
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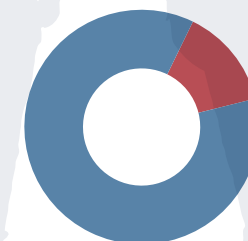
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# 2022



38 / 42  
cases / investigations

Two of the cases were  
investigated in both  
rural and urban areas.



Rural	31
Urban	5
<b>TOTAL</b>	<b>36</b>

CLASSIFICATION OF CASES INVESTIGATED ACCORDING TO THE RURAL OR  
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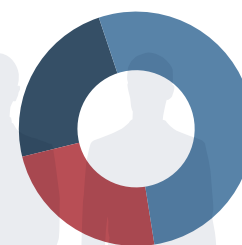
Natural person  
53%



Legal entity  
24%



Both natural person  
and legal entity  
24%



Natural person	20
Legal entity	9
Both natural person and legal entity	9
<b>TOTAL</b>	<b>38</b>

CLASSIFICATION OF CASES INVESTIGATED DEPENDING ON THE STANDING  
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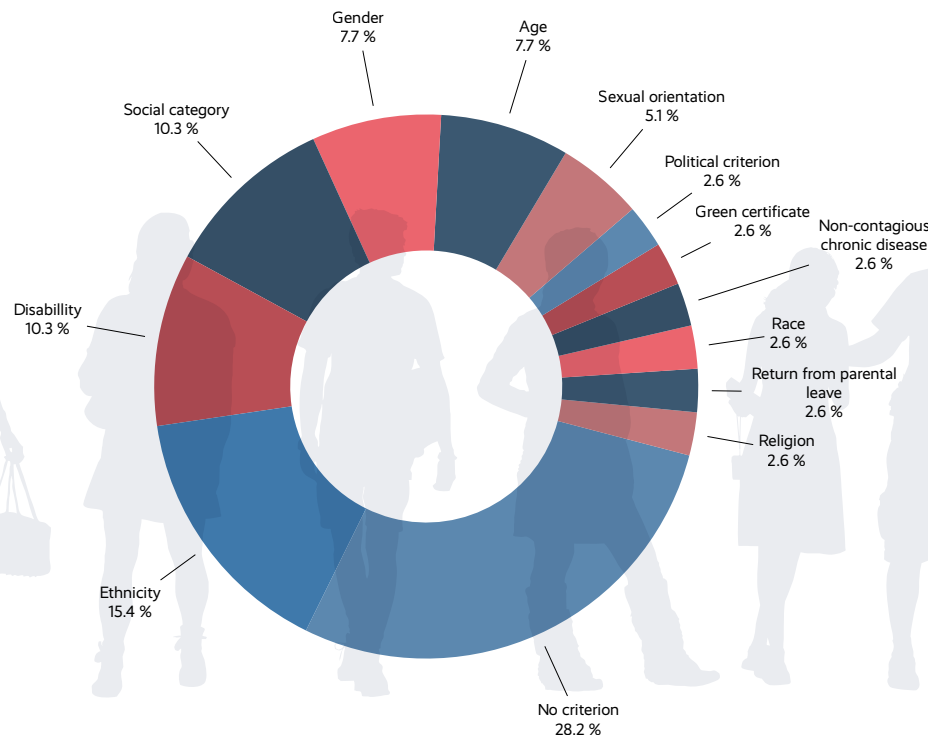
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CRITERIA	No. of cases
Ethnicity	6
Disability	4
Social category	4
Gender	3
Age	3
Sexual orientation	2
Political criterion	1
Green certificate	1
Non-contagious chronic disease	1
Race	1
Return from parental leave	1
Religion	1
No criterion	11
<b>TOTAL</b>	<b>39</b>



1 case file had two  
discrimination criteria

CLASSIFICATION OF CASES INVESTIGATED ACCORDING TO DISCRIMINATION CRITERIA



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IV. ACTIVITY OF THE CASE INVESTIGATION OFFICE



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## V. Activity undertaken by the Legal Directorate



## ACTIVITIES UNDERTAKEN ACCORDING TO SPECIFIC TASKS ENTRUSTED

### THE LEGAL REPRESENTATION OF THE NATIONAL COUNCIL FOR COMBATING DISCRIMINATION INTERESTS

Legal assistance and representation of the interests of the National Council for Combating Discrimination, both 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 Contracts Unit (LALCU) 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 Bulletin, Part. I no. 348 of 06.05./2008, adopted pursuant to art. III, para. 1 – Chapter IV of G.O. no. 137/2000R, the 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 is subordinated to the key features of the special administrative jurisdiction: optional and gratuitous nature of jurisdiction, functional

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independence of the jurisdictional authority, compliance with the principles of ensuring the right to defence and safeguarding the adversarial nature of the proceedings.

The legal verifications and due diligence procedure 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, namely the High Court of Cassation and Justice, as an appellate 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 time-limit within these jurisdictional-administrative documents may be appealed against is 15 days since their service, otherwise they become enforceable.

## THE CONFIRMATION RATE FOR THE “JUDICIAL REVIEW” THAT THE DECISION ISSUED BY N.C.C.D.’S STEERING BOARD WERE SUBJECT TO DURING 2022

During 2022, the competent courts (the Courts of Appeal and the High Court of Cassation and Justice) had a total number of **595 cases** on their docket, whose subject was the legal verifications and due diligence procedure applied to N.C.C.D.'s decisions adopted pursuant to art. 20 of G.O. No. 137/2000, republished.

Following the legal verifications and due diligence procedure applied to N.C.C.D.'s decisions during 2022, the courts ruled in favour of the Council during the first instance and/or appeal phase of the proceedings **in 201 cases, while in 69 cases the proceedings brought against these decisions were admitted.**

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By the end of 2022, **403 cases were still pending settlement on the docket of courts** (on the merits of the case/appeal).

**Thus, based on statistical data, the confirmation rate for the “judicial review” that N.C.C.D.’s decisions went through during 2022, circumscribed to the cases under review (270 cases),** although registering a slight decrease in the percentage of confirmation of the decisions of N.C.C.D. by judicial review, **remained at a relatively high level - approximately 75%.**

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

In order to accurately reflect the share of won cases vs. lost cases, this percentage is also **compared, within N.C.C.D. statistical data, to the number of proceedings tried from among those whose subject was to challenge N.C.C.D.’s 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 judgements regarding all the N.C.C.D.’s 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.’s decisions challenged in court, compared to the total number of decisions adopted on a yearly basis by the Council amounted to 28%, 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.’s 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.'s decisions that had been upheld 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.'s decisions , throughout 2022, as lawful and reasoned, compared to the cases on trial**, although registering a slight decrease in the percentage of confirmation by judicial review of the decisions of N.C.C.D. (a decrease influenced by objective factors, starting with the change in the composition of the Steering Board during the statistical reference period, a circumstance which *per se* requires a reasonable period of *sui-generis* professional adaptation), **was recorded/maintained at a relatively high level, approximately 75%**. We reiterate that, in order to accurately reflect the share of won cases vs. lost cases, this percentage is also compared, within 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.'s 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.'s 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

### Introductory note:

Pursuant to art. 27 of G.O. No. 137/2000R, the person who considers himself/herself discriminated may submit to the court a claim for damages and remedies in order to re-establish the situation prior to the discrimination act or to cancel the situation



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created by the discrimination act, according to the general rules of the 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 case is settled by serving a summons to the Council.

Thus, through G. O. no. 137/2000, the national lawmaker established tort liability, alongside administrative-misdemeanour-based liability in the non-discrimination sector, shaped as a remedy that consists of forcing the “discriminatory agent” to repair the inflicted harm, by reinstating the previous situation, by removing all harmful consequences of the illegal discriminatory action.

By regulating the legal proceedings for “civil law sanctions” in the area of non-discrimination, which fall under the exclusive jurisdiction of general 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 consultant*’, ‘*expert*’ in the non-discrimination sector, thus, without a passive legal standing, therefore being protected from the operative part of the court decisions issued in these cases.

Such a participation of N.C.C.D. to the court proceedings based on art. 27 of G.O. No. 137/2000 is based on its position as a body safeguarding the compliance with and the implementation of the principle of non-discrimination, according to domestic legislation in force and the international documents that Romania is a party to, and

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as a specialised body - owner of the paramount legal expertise required (theory and practice) in the area of equality of rights and non-discrimination.

The participation of N.C.C.D. to the court proceedings based on art. 27 of G.O. No. 137/2000R is applicable to all cases, no matter their specific subject (labour litigation, rescission of administrative documents, termination of contracts, denial to answer requests or other claims, emoluments etc.) which are *lato sensu* associated with the principle of non-discrimination, brought in front of 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 2022, **N.C.C.D. was summoned to court**, as an advisory body - “specialised expert”, for a total number of approx. 4392 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 decisions issued during 2022 in court cases brought directly to court**

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(including cases brought in previous years but tried during the current year) are statistically classified according to their subject matter as follows:

- approx. 4758 proceedings on “emoluments”;
- approx. 1734 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 emoluments/wage related claims etc.).

The decisions taken during 2022 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 2022), to which N.C.C.D. participated as ‘specialised expert’ are reported as follows:

- approx. 2696 decisions admitting the cases;
- approx. 3619 decisions rejecting the cases.

In conclusion, in 2022, 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 **two thousand five hundred 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

The activity of promotion, monitoring and support of equal treatment for all workers within the European Union are included in the scope of work of the Office for Promoting, monitoring and supporting equal treatment for EU workers (B.P.M.S.E.T.L.U.E.) within the Legal Directorate of N.C.C.D., set up following the entry into force of *Law 106/2017 on certain measures to improve the exercise of rights conferred in the context of the free movement of workers within the European Union* and which transposed Directive 2014/54/EU into national law.

Through this unit, N.C.C.D. coordinates at national level the activity of promotion, monitoring and support of equal treatment for all UE workers 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 defence 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.

As in previous years, The Council, through its B.P.M.S.E.T.L.U.E. office, has undertaken, apart from some of the non-specific activities of a legal nature derived from the activities of this Office, a series of specific activities both for specific situations which required specialist support in favour of Romanian citizens who are EU workers from the national body in the field of reference, as well as related to the field of prevention through participation and debate in meetings and seminars in the specific field.



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Thus, for example, representatives from the Legal Directorate - B.P.M.S.E.T.L.EU office attended the MoveS Seminar, organized by the MoveS Network in Romania and Italy. The MoveS Network is a network of independent experts from EU Member States whose task is to provide the European Commission with high quality legal, analytical and organisational support in the field of social security coordination and free movement of workers within the EU. The seminar focused on issues of interest in the field of posting of workers, with emphasis on the practical implementation of legislation and cooperation between administrative authorities, with a focus on Romania and Italy, recent developments in EU legislation in the field of free movement of workers and coordination of social security systems, labour law issues (current situation, recent case law, challenges) and the role and impact of the European Labour Authority on the application of free movement rules.

In addition, in the exercise of the tasks of this department and in order to fulfil its specific missions, significant contributions were made by completing the questionnaire for the Network of Legal Experts, MoveS.

## 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.

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A total number of **781 documents** were sent to be endorsed from the legal point of view, throughout 2022.

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, were drafted and followed-up a number of:

- 18 contracts,
- 326 direct procurement procedures made through the SICAP electronic system
- 231 notices issued in the electronic procurement system

## PARTNERSHIP AGREEMENTS

In 2022, 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. – SCHENGEN MULTIFUNCTIONAL TRAINING CENTRE**, on the subject of institutional collaboration between the two parties in the field of non-discrimination and the implementation of this principle in law enforcement activities;

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- **PARTNERSHIP AGREEMENT BETWEEN N.C.C.D. – NATIONAL AGENCY FOR ROMA**, on the subject of collaboration for the fulfilment of the common measures of the G.O. no. 560/2022 for the approval of the Romanian Government Strategy for the inclusion of Romanian citizens belonging to the Roma minority for the period 2022-2027;
- **PARTNERSHIP AGREEMENT BETWEEN N.C.C.D. – DEPARTMENT FOR INTERETHNIC RELATIONS**, on the subject of collaboration of the two partners for the implementation of the strategic objectives, as well as the implementation of the measures provided for in the Romanian Government Strategy for the inclusion of Romanian citizens belonging to the Roma minority for the period 2022-2027;
- **PARTNERSHIP AGREEMENT BETWEEN N.C.C.D. – NATIONAL COMPANY OF ELECTRIC ENERGY TRANSPORT - TRANSELECTRICA S.A.**, on the subject of collaboration between the parties in the context of the organization and implementation of an awareness campaign for employees of CNTEE Transelectrica S.A. on human rights and equal opportunities in order to prevent and combat discrimination;
- **FRAMEWORK AGREEMENT BETWEEN N.C.C.D. – UNIVERSITY OF BUCHAREST**, which ensured the participation of students from the Faculty of Law and the Faculty of Political Sciences in internships.

## ACTIVITY OF THE LOCAL STRUCTURES

Throughout 2022, more than **174 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 and as a result of this activity, the legal counsellor drafted and sent **22 cases** to the main

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headquarters. These circumstances were mainly related to 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, which has sought, within the framework of working groups, to solve the problems of social inclusion of minors and the application of the principles of non-discrimination, promoted by O.G. no. 137/2000, actualized.

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 online environment, which raise the issue of potential discrimination cases, based on the following criteria: ethnicity, gender and age.

## NON-SPECIFIC ACTIVITIES OF A LEGAL NATURE

Throughout 2022, 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 Program implemented by the European Union Agency for Fundamental Rights (FRA) entitled “Anti-racism in policing in the EU: challenges and promising practices”, answers were provided to a questionnaire on discrimination on the grounds of racial or ethnic origin in the police activity;
- Related to the FRA report “Overview of recorded antisemitic incidents 2011-2021” comments were provided in relation to the data included in this report;
- Related to the “Fundamental rights implications of the war in Ukraine within the EU, Short thematic report, Romania”, comments were submitted;
- Related to the “Annual Work Plan of the European Union Agency on Fundamental Rights (FRA) for 2023”, comments and observations were submitted;
- Related to the Annual Report of the European Union Agency for Fundamental Rights, comments were submitted;
- Related to DG JUST Study to support the preparation of a possible EU initiative to address potential gaps in the legal protection against discrimination on grounds of racial or ethnic origin, at the request of Milieu Consulting, answers were provided to the questionnaire on Directive 2000/43/EC;
- Related to the European Commission Recommendation on measures for the effective integration of Roma people, proposals were made on reporting on issues of discrimination on grounds of ethnic origin;

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- Related to the UNESCO, “Roadmap against racism and discrimination”, a response was provided for the questionnaire;
- Related to the United Nation Organization’s Special Rapporteur on the right to the highest attainable standard of physical and mental health, Racism and the right to health, answers were provided to the questionnaire;
- Related to the “Universal Periodic Review-UPR” of the United Nation Organization, Romania evaluation cycle, comments and contributions were provided;
- Related to the Council of Europe, GREVIO, “Report on legislative and other measures implementing the provisions of the Istanbul Convention in Romania”, comments were provided;
- Related to the report of the Council of Europe Steering Committee on anti-discrimination, diversity and inclusion entitled “The impact of artificial intelligence on equality, gender equality and discrimination”, comments were provided;
- Related to the Council of Europe, the Advisory Committee of the Framework Convention for the Protection of National Minorities, Romania’s monitoring cycle, comments were provided;
- Related to the report of EQUINET and European Parliamentary Research Service entitled “Strengthening the role and independence of equality bodies - local/regional presence” answers to the questionnaire were provided;
- Related to the EQUINET’s report “Redress in Discrimination Cases: Sanctions and Remedies”, answers to the questionnaire were provided;

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- Related to the EQUINET “Reasonable Accommodation Survey, Romania, answers to the questionnaire were provided;
- Related to the EQUINET “Research Project on Climate Change and Equality Bodies” answers to the questionnaire were provided;
- Related to the EQUINET evaluation of the 2021 Work Plan, the 2019-2022 Strategy, the 2022 Work Plan and preparation of a new strategy, comments were provided;
- Related to the European Commission’s “Annual report on the application of the EU Charter of Fundamental Rights”, a reply to the questionnaire was provided;
- At the request of the Ministry of Labour and the Permanent Representation of Romania to the EU, comments were made on the *Proposal for a Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, COM (2008) 426* for the Working Party on Social Questions at EU level;
- On the Status of implementation of measures of a general nature in the ex-execution of the judgment of the European Court of Human Rights in the M.C. and A.C. case, comments were submitted for the Ministry of Foreign Affairs, Government Agent Directorate;
- Related to the request of the Government of Romania, in relation to the “Evaluation of anti-Semitism, xenophobia, racist and hate speech for certain vulnerable groups, 2021-2022”, comments were provided;
- Related to the Ministry of Labour and the start of the ratification procedure

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of the International Labour Organisation Convention No. 190 on violence and harassment, position papers were formulated;

- Related to the Ministry of Labour and the cases of non-compliance in the implementation of the Revised European Social Charter of the Council of Europe, comments were provided;
- Related to the Legislative proposal Pl-x no. 405/2022 to supplement the Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, comments were provided.

## EXTERNAL REPRESENTATION

At European level, within the *Legal Working Group*, *Policy Formation Group*, *Cluster on Artificial Intelligence*, *Cluster: Rainbow Families on the Move*, *LGBTIQ Equality Subgroup* and *Workers' Rights Working Group*, through its staff assigned from the Department, the Council took part of various research actions organized at European level by providing answers to questionnaires.

Also, the staff of the Legal Directorate attended 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:

- online meetings of the *Legal Working Group*, which focused on issues such as “actio popularis” or actions by equality bodies in discrimination cases where there is no identifiable victim;
- online *Cluster Meeting: Rainbow Families on the Move*, which focused on the protection of Rainbow Families on the Move, conditions, challenges and



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opportunities, how equality bodies protect the rights of Rainbow Families on the Move, as well as the presentation of the European Commission's legislative initiative on mutual recognition of parenthood;

- online meetings of *the Cluster on Artificial Intelligence*;
- The two online meetings of the *Policy Formation* cluster, which envisaged discussions on the remit of equality bodies in relation to hate crime, the role of equality bodies in monitoring EU funding and reasonable accommodation to ensure access and participation of disabled people in employment and service provision;
- online conference organized by the Council of Europe „*Good Practices on Improving Relations Between Police Representatives and the Roma Communities*”;
- online conference organized by the Council of Europe „*The role of Equality Bodies and National Human Rights Institutions in advancing Roma women's access to justice*”;
- online conference organized by the Council of Europe „*Taking stock of progress made on enhancing Roma women's access to justice*”;
- online conference organized by the European Commission „*Study to support the preparation of a legislative proposal on binding standards for equality bodies (DG JUST)*”;
- Online Seminar organized by Equinet – *Equality bodies contributing to national equality strategies – focus on NAPARs and Roma strategic frameworks*;
- Online Webinar organized by Equinet – „*Exploring Positive Action as a means to fight structural discrimination in Europe*”;

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- Online Seminar organized by Equinet – „*Equality bodies tackling racism and discrimination against people of African descent*”;
- Online Workshop on Racial Equality organized by Milieu Consulting;
- Council of Europe, 14<sup>th</sup> Dialogue Meeting with Roma and Traveller Civil Society, online;
- Seminar organised by the Academy of European Law ERA, „*Applying EU Anti-Discrimination Law*”, at Bucharest

## 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 2022, the Council continued 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. Ten (10) training sessions for 200 teachers at national level were completed, a Practical Guide on combating discrimination in the classroom was elaborated and distributed at national level, as well as a series of concrete and specific recommendations in the framework of public policies. The results of the project and the public policy recommendations were presented at the closing conference.

The project's results can be found on the Council website

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<https://www.cncd.ro/proiecte/proiectul-combaterea-discriminarii-in-clasa-ghid-pentru-profesori-profsagainstdiscrimination/>



Also, during 2022, the Council, through the Legal Directorate, carried on the implementation of the activities of the project “**Strengthening access to justice for victims of discrimination and hate crime**” in its capacity of partner of the *Anti-discrimination Coalition organizations (CAD)*

### INTERNSHIPS PROGRAMS

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 2022, the Legal Directorate provided internships for students at national as well as international level, as follows:

- University of Bucharest– Law School (6 students);
- “Titu Maiorescu” University – Law School (1 student);

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- “Spiru Haret” University – Faculty of Legal and Administrative Sciences (1 student);
- Bucharest Academy of Economic Studies - Faculty of Law (1 student);
- University of Bucharest - Faculty of Political Sciences (5 students);
- Within the master’s programme “Equal Opportunities Policies in the European and Romanian context” (5 students);
- 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, N.C.C.D. practical trainers delivered relevant information to the participating students regarding the activity of the institution, the processing of petitions and especially on the activity in courts.

During the internship, practical exercises in the field of non-discrimination were also conducted, so that students became aware of the negative effects of discrimination on people.



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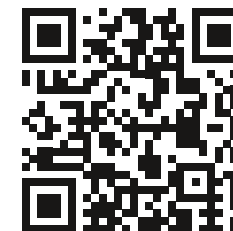
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At the end of the internship, the participating students received from N.C.C.D. internship certificates, which attested that they showed interest in the institution's field of activity, that they followed the internship programme and the instructions given by the instructors, that they studied the recommended materials and that they requested information that would help them understand the complexity of the phenomenon of combating discrimination.

## PREVENTION ACTIVITIES AT NATIONAL LEVEL

The cooperation between the Centre for International Studies and the Council for Combating Discrimination continued also during 2022 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.'s case law, studies and other specialised materials. <http://www.revistadrepturileomului.ro/>

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 ROMANIA, 15<sup>TH</sup> EDITION

The International Human Rights & Documentary Film Festival – One World Romania, the 15th edition benefited from a public of 3700 spectators watching more than 70 movies, during the 19 days festival, among which 3,000 actual projections and face-to-face events and 700 during the on-line projections.

The public was introduced to 73 documentaries produced in 44 countries, while 32 of the movies were also available for on-line watching on the festival website, as pay-per-view. The movies were divided into 15 sections, which included 84 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 80 guests in the off-line or on-line environments: film-makers, the International Jury, the High school Students' Jury, experts, human rights activities, artists etc.

A number of 24 special events were added to the festival agenda, among which workshops, debates, master-classes, dialogues with the festival guests, theatre plays, performances and concerts.

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The 15<sup>th</sup> edition of the festival took place in 9 cinemas and outdoor locations in Bucharest. The movie projections and related events took place in Elvira Popesco Cinema, Eforie Cinematheque, the Peasant's Museum Cinema, Arcub Gabroveni, the National Museum of Art of Romania, The Legacy Bucharest, the Czech Centre, Văcărești natural park, the headquarters of "Decât O Revistă".

Information about the festival was picked up by more than 400 publications and media portals, reaching more than 530,000 readers.

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>).





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## VI. The issue of discrimination in Romania reflected in international reports



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## U.S. State Department Human Rights Report 2022

### ROMANIA – UNITED STATES DEPARTMENT OF STATE

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 control. According to the observers, N.C.C.D. is equally effective, even if some of them criticized the institution's lack of efficiency and political independence;

- According to the law, women and men have equal rights, including those provided by family, religious, personal status and nationality laws, and related laws to work, property, inheritance, employment, access to credit and owning or managing business or property. Women suffered discrimination in areas such as marriage, divorce, child custody, employment, credit, pay, owning or managing business or property, education, the judicial process and housing.
- Segregation by profession existed, with women over-represented in low-paid jobs. Discrimination in employment, access to pensions and retirement was reported.

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- Discrimination against Roma people continued to be an issue. The NGOs reported that Roma people were often denied access to certain public places or refused access to certain service. Roma also experienced reduced access to government services, lack of jobs, high school attrition rates and inadequate health services. Roma people faced discrimination in the criminal justice system, with some lawyers refusing to defend Roma, while police, prosecutors and judges stereotyped Roma negatively.
- Ethnic Hungarians continued to report discrimination acts mainly related to the use of the 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 native language in those municipalities where their minority group represents at least 20% of the population.
- According to the 2011 census, the Jewish population was 3,271. Jewish community representatives, however, said the Jewish population was about 7,000. Acts of anti-Semitism occurred during the year. According to the same report, most antisemitic hate speech on social media included Jewish conspiracy theories.
- The law bans discrimination by state and non-state actors based on sexual orientation, gender identity or expression, or sexual characteristics. The law does not recognise LGBTQI+ couples and their families. NGOs reported that social discrimination against the persons belonging to the LGBTQI+ community was common but severely under-reported. Access to adequate psychological and health services was also limited because some psychologists refused to accept transgender patients and some health professionals discriminated against them. Intersex individuals faced several challenges, including extreme social stigma

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and frequent mistrust of doctors, which discouraged them from seeking medical treatment.

- Although the law prohibits discrimination against people with physical, sensory, intellectual and mental disabilities, this remains an issue. Persons with disabilities were not able to gain access to education, health services, public buildings and transport on an equal basis with others. Streets, buildings and public transport remained largely inaccessible to people 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 living with HIV or AIDS have been denied 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 remained minimal. It is difficult to legally prove that employers dismissed employees in retaliation for union activities.
- The Government failed to effectively apply the law, though the sanctions were proportional to those applied for similar infringements when the enforcement was successful. The National Council for Combating Discrimination (N.C.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.

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- Discrimination in employment was based on gender, disability and HIV criteria. There were also cases of discrimination against Roma and migrant workers. N.C.C.D. investigated cases of employment discrimination in both the public and private sectors.







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## VII. National Council for Combating Discrimination in mass-media

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Monitoring period: January – December 2022

257

**news articles  
monitored refer  
to the N.C.C.D.'s  
activity**

88

**news articles  
monitored refer  
to the activity of  
the institution's  
president**

**National news media subject to monitoring:** Adevărul, Cotidianul, 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 within the following publications: Adevărul, Evenimentul Zilei and Libertatea.

2022



The most significant articles that had been published in newspapers in 2022 and made a reference to the activity undertaken by our institution were as follows:

### ■ George Buhnici sanctioned for discrimination following statements against women

N.C.C.D. decided to impose an administrative fine against George Buhnici amounting to 20,000 lei for discrimination following statements made against women during the TV show “XNS”, broadcast on Antena TV.

The sanctioned statement was:

*“And I’ve seen some very good looking girls here. But I’ve also seen girls who don’t look very good. And I wouldn’t want to be interpreted, we’re at a festival, we can blame everything, but seriously, go to the gym girls!”*

*“We come to the seaside to see skin; I wish that skin didn’t have stretch marks. So, if you invested in the gym as much as you invest in tattoos, I think we’d all be better off. I encourage everyone to hit the gym for a bit. Because why? If you want to come to the seaside, show me skin, and you definitely want to make friends, you’d have to convince me with something other than cleavage. Can we agree that it’s normal to look at boobs and buttocks? That’s what I want to see at sea!” said Buhnici in an interview with Antena Stars.*

*“I’m lucky to have a wife who looks like a minor. This is the chance of a lifetime. I swear. Look at her!” How old do you think she is?”(...) Well, if I tell you her real age, you’ll understand that she’s underage, because if you subtract what you gave her by what she is, she’s underage.”*

## ■ **Diana Șoșoacă and Mihail Neamțu were sanctioned for discriminatory statements against Raed Arafat**

Diana Șoșoacă received an administrative fine amounting of 5,000 lei, following her discriminatory statements:

*“Why doesn’t Mr Raed Arafat go to his native country”, “he speaks about himself in the third person, probably from the language of his native country”, “I don’t know how Mr Raed Arafat passed his citizenship exam” and “traitors have no place in Romania” constitute acts of discrimination.*

Neamțu Mihail was sanctioned with a warning for the discriminatory statements: *“you speak Romanian badly enough that I don’t feel represented by you”, “I feel represented as a Romanian, by the one who speaks Romanian correctly”, “I hope you know Romanian correctly, it is still a condition to be Romanian”.*

## ■ **Traian Băsescu received an administrative fine for statements linking ethnicity and criminality**

The statements posted by Traian Băsescu linking ethnicity and criminality (*“the gypsy clans have returned home and seem to categorically refuse to respect the laws of the country”, “the mafia-type gypsy groups”*) are an act of discrimination and violate the



right to dignity, and in this context the former president received an administrative fine amounting to 5,000 lei.

## ■ N.C.C.D. condemns Viktor Orbán's statements in Tuşnad

Following the visit to Tuşnad of the Prime Minister of Hungary, Viktor Orbán, N.C.C.D. publicly condemned his statements, which it described as hate speech, and noted that the message conveyed created a hostile, degrading and humiliating atmosphere for certain categories of people based on nationality and race.

With regard to the legal liability of the respondent, the Council accepted the plea of immunity from jurisdiction of Viktor Orbán, given his status as Prime Minister of Hungary in a foreign State, Romania.

## ■ Olivia Steer fined with 5,000 lei for statement comparing COVID deaths to Holocaust

The post published by Moisesescu Olivia Venturia (former Steer): *"The question of the evening: the Jews gassed at Auschwitz had comorbidities, didn't they?"* is an act of discrimination and violates the right to dignity, and N.C.C.D. imposed an administrative fine amounting to 5,000 lei for this statement.

## ■ Mihai Bendeac fined as a result of appearance in a commercial

The advertising spot promoting a wine brand, "Diary of a bachelor", containing messages that prejudice respect for human dignity on the basis of gender, constitutes an

act of discrimination, and as such the actor Mihai Bendeac received an administrative fine amounting to 10,000 lei.

## ■ Ministry of Education sanctioned after the abolition of rural scholarships for high school students

The Ministry of National Education has received an administrative fine amounting to 10,000 lei for the order that eliminated the social benefits given to students attending a school in a locality other than their place of residence.

## ■ Cluj Municipality was sanctioned after banning people with dirty clothes from public transport

N.C.C.D. sanctioned with a warning the Municipality of Cluj-Napoca, through Mayor Emil Boc, for provisions in a Local Council Decision which disadvantage people without financial possibilities, living in poverty, by limiting their access to public transport.

## ■ National Paralympic Committee President fined by N.C.C.D.

The statement of the President of the National Paralympic Committee, Sally Wood Lamont, to the Paralympic athlete Theodor Matican: *“he will not participate until he proves to me that he knows how to ski (...)”* is an act of discrimination and violates the right to dignity, and the National Paralympic Committee President received an administrative fine amounting to 1,000 lei.

At the same time, the National Paralympic Committee's restriction of access to the 2021 Tokyo competition (para-cycling) for the Paralympic athlete Theodor Matican, by refusing to provide the disabled athlete with an accompanying person at the competition, constitutes an act of discrimination which infringes the right of the disabled person to take part in sporting competitions. The National Paralympic Committee received an administrative fine amounting to 10,000 lei.

#### ■ A Lukoil petrol station in Dâmbovița county was fined 5,000 lei following a posted advertisement

N.C.C.D. decided that the display of an advertisement/message in a public place, namely a Lukoil petrol station in Bungetu, Dâmbovița County, referring to certain physiological characteristics of women in a denigrating/offensive manner towards women: *“With respect, please do not change tampons or OB in the station; shame on you for carrying your mess”* constitutes discrimination and violates the right to dignity. An administrative fine amounting to 5,000 lei was imposed on Lukoil.

#### ■ Commercial operator fined by N.C.C.D. for denying access to Roma people to the beach

The National Council for Combating Discrimination imposed an administrative fine of 10,000 lei on a commercial company, which denied a group of Romanian citizens belonging to the Roma minority from entering the swimming pool, as an act of discrimination.



## ■ Emanuel Gongu, PSD local elected representative, fined for degrading two deputy mayors of Focșani

The PSD local councillor, Emanuel Gongu, received an administrative fine amounting to 2,000 lei, following statements made against two deputy mayors of Focșani during a meeting of the local council.

*“D. and T. don’t have children, they don’t know what it means to be a parent. We know what it means to be a parent. These two individuals do nothing for the children of others. This is giving power to a heartless, soulless, evil-guided man in life,”* Emanuel Gongu said during that meeting.

## ■ How we recognise discrimination. A practical guide for teachers

The National Council for Combating Discrimination and the Institute for Public Policy have published a practical guide for primary and secondary school teachers to help them identify situations of discrimination or bullying at school.

The guide contains examples of discrimination, both at school and at professional level, based on the criteria set out in the anti-discrimination legislative framework, as well as examples of measures or actions that can be taken by teachers and others to ensure that the principle of non-discrimination is respected in schools.



## ■ The High Court of Cassation and Justice quashes the administrative fine received by Iohannis from N.C.C.D. for statements made about the Székely Land

The High Court of Cassation and Justice admitted President Klaus Iohannis' request to quash the administrative fine amounting to 5,000 lei that he had received in May 2020 from the National Council for Combating Discrimination, following statements he made about a draft law on the autonomy of Székely Land.

## ■ Radu Banciu fined for inciting hatred against ethnic Hungarians

The High Court of Cassation and Justice has issued a final decision regarding Radu Banciu's anti-Hungarian speech during a broadcast three years ago, following which the National Council for Combating Discrimination imposed on him an administrative fine amounting to 5,000 lei.

## ■ Gheorghe Funar remains unpunished after calling Hungarian "the language of horses"

The High Court of Cassation and Justice upheld the decision of the Cluj-Napoca Court, which annulled the administrative fine of 2,000 lei imposed by N.C.C.D. to former Cluj mayor Gheorghe Funar, for having called the Hungarian language "the language of horses" during the 2014 election campaign.

The judges reasoned that, while in the case of another ethnic minority the association with a bird obviously has strong offensive connotations, in the case of the animal

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referred to in the phrase (the horse), which enjoys a positive appreciation in the collective consciousness, no grounds can be identified for the use of the phrase “horse language” to promote ethnic intolerance.

## ■ The High Court of Cassation and Justice has definitively rejected the Mayor of Iasi’s appeal against a fine imposed by N.C.C.D..

Judges at the High Court of Cassation and Justice upheld the 10,000 lei administrative fine imposed on Iasi Mayor Mihai Chirica in early 2020 by the National Council for Combating Discrimination, after he claimed that *“the Congolese, Somalis, Syrians and other nations that have come down from the tree will come after us”*.

## ■ Cluj journalist Romeo Couți won a lawsuit against the wife of the director of TVR Cluj and N.C.C.D. . The decision issued by High Court of Cassation and Justice is final

TV journalist Romeo Couți won his lawsuit against the wife of the director of TVR Cluj and the National Council for Combating Discrimination. The High Court of Cassation and Justice annulled the decision issued by N.C.C.D. and rejected the complaint filed for harassment three years ago. The director’s wife accused Romeo Couți of discriminatory and harassing actions and treatment against her.

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## ■ The civil servant made to work alone in an office without internet has definitely won his case with the Municipality of Mihălășeni

Mihălășeni Mayor's Office has received an administrative fine amounting to 1,000 lei from the National Council for Combating Discrimination because of the treatment of a civil servant. The sanction was challenged in court but was upheld by the judges.





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

99

POSITIONS  
APPROVED

76

POSITIONS  
FUNDED  
IN 2022

45 years

AVERAGE AGE

95.95%

HIGHER EDUCATION

4.05%

SECONDARY EDUCATION

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## Payments made in 2022

Thousands LEI			
	Budget code	Allocated	Used
<b>STATE BUDGET</b> 51.01			
Staff expenditure	10	8,254	8,168
Goods and services	20	1,083	1,026
Transfers	55	12	10
Projects funded through external grants	58	290	159
Other expenses	59	129	124
Capital expenditure	71	10	9
Payments associated to previous years	85		
<b>Total</b>		<b>9,769</b>	<b>9,496</b>
<b>EXTERNAL GRANT</b> 51.08			
Projects funded from external funds	56	57	0
Projects funded from external funds	58	360	276
<b>Total</b>		<b>417</b>	<b>276</b>
<b>TOTAL N.C.C.D. Budget</b>		<b>10,186</b>	<b>9,772</b>

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## COMPOSITION OF THE STEERING BOARD

Csaba Ferenc Asztalos,  
PRESIDENT

Cătălina Olteanu,  
MEMBER

Horia Grama,  
MEMBER

Adrian Diaconu,  
VICE-PRESIDENT

Claudia Popa,  
MEMBER

Cerasela Bănică,  
MEMBER

Maria Lazăr,  
MEMBER

Cristian Jura,  
MEMBER

Radu Babuș,  
MEMBER

Maria Moța,  
MEMBER

Istvan Haller,  
MEMBER



VIII. FINANCIAL AND PERSONNEL DATA

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**CONSILIUL NAȚIONAL**  
pentru **COMBATEREA**  
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*Thank you!*

