



CONSILIUL NAȚIONAL
pentru **COMBATEREA**
DISCRIMINĂRII

2023

ACTIVITY REPORT



Content

5 Foreword

7 I Analysis of petitions received by N.C.C.D. in 2023

Distribution of petitions received by the N.C.C.D. during the 2002–2023 period according to discrimination criteria/fields

The evolution of petitions received by the N.C.C.D. during the 2002–2023 period according to each discrimination criterion

The evolution of petitions received by the N.C.C.D. during the 2011–2023 period according to each discrimination field

Distribution of petitions received by the N.C.C.D. in 2023 according to criteria and fields of discrimination

Distribution of petitions received by N.C.C.D. in 2023 according to criteria and fields of discrimination

Distribution of petitions received by N.C.C.D. in 2023 according to their area of origin

Distribution of petitions received by N.C.C.D. in 2023 per each county

Distribution of petitions received by N.C.C.D. in 2023 according to the applicant's profile

16 II Analysis of cases processed by N.C.C.D. in 2023

Distribution of cases processed in 2023 according to criteria and fields of discrimination



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



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

Proceedings brought on its own motion in 2023 by the members of the Steering Board per each discrimination field/criterion

Classification of the decisions issued by N.C.C.D.'s Steering Board in 2023 in accordance with the type of outcome

Types of discrimination found in 2023

Share of findings stating that act of discrimination had been found from the total number of decisions issued by N.C.C.D.'s Steering Board in the 2011–2023 period

Method for processing in 2023 those decisions where no act of discrimination had been found

Type of decision issued in 2023 reflected in accordance with each discrimination criterion

Type of decision issued in 2023 reflected in accordance with each discrimination field

Distribution of types of sanctions ordered in 2023 by the Steering Board per each discrimination criterion

Distribution of types of sanctions ordered in 2023 by the Steering Board per each discrimination criterion

Total administrative fines issued during the 2011–2023 period

Amount of fines imposed by the Steering Board and their number in 2023

The administrative fines imposed in 2023 according to each discrimination criterion/ field



Click on the
desired section
to jump
directly

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



31 IV Examples from the case law of N.C.C.D.'s Steering Board decisions

Equality in economic activity and in terms of employment and occupation

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

Right to personal dignity

38 V Activity of the Case Investigation Office

43 VI Activity undertaken by the Legal Directorate

Activities undertaken according to specific tasks entrusted

Non-specific activities of a legal nature

72 VII The issue of discrimination in Romania reflected in international reports

FRA 2024 REPORT

78 VIII National Council for Combating Discrimination in mass-media

The most significant articles that had been published in newspapers in 2023 and made a reference to the activity undertaken by our institution were as follows:

86 IX Financial and personnel data

The composition of the Steering Board



CONSILIUL NAȚIONAL
pentru COMBATEREA
DISCRIMINĂRII

2023 ACTIVITY REPORT

Foreword

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

The current report reflects the activity undertaken by the National Council for Combating Discrimination (N.C.C.D.) in 2023. The report is structured according to the areas of jurisdiction entrusted to our institution, which are classified into two main chapters: prevention and combating acts of discrimination.

The report contains statistical data and analysis on the number of petitions registered, how these were processed, the activity of providing expert opinions to the courts, the activity of communication and public relations, the activity of international relations as well as the economic and administrative activities.

During 2023, the Council fulfilled its tasks in accordance with the law, even though with an insufficient budget, and while exposed to a turnover of civil servants caused by significant discrepancies remuneration provided to public administration.

We submit this report for further analysis and proposals regarding the activity of the N.C.C.D.

Asztalos Csaba Ferenc,

President



CONSILIUL NAȚIONAL
pentru COMBATEREA
DISCRIMINĂRII

2023 ACTIVITY REPORT

I Analysis of petitions received by N.C.C.D. in 2023

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

ACTIVITY OF THE CASE
INVESTIGATION OFFICE

ACTIVITY UNDERTAKEN BY
THE LEGAL DIRECTORATE

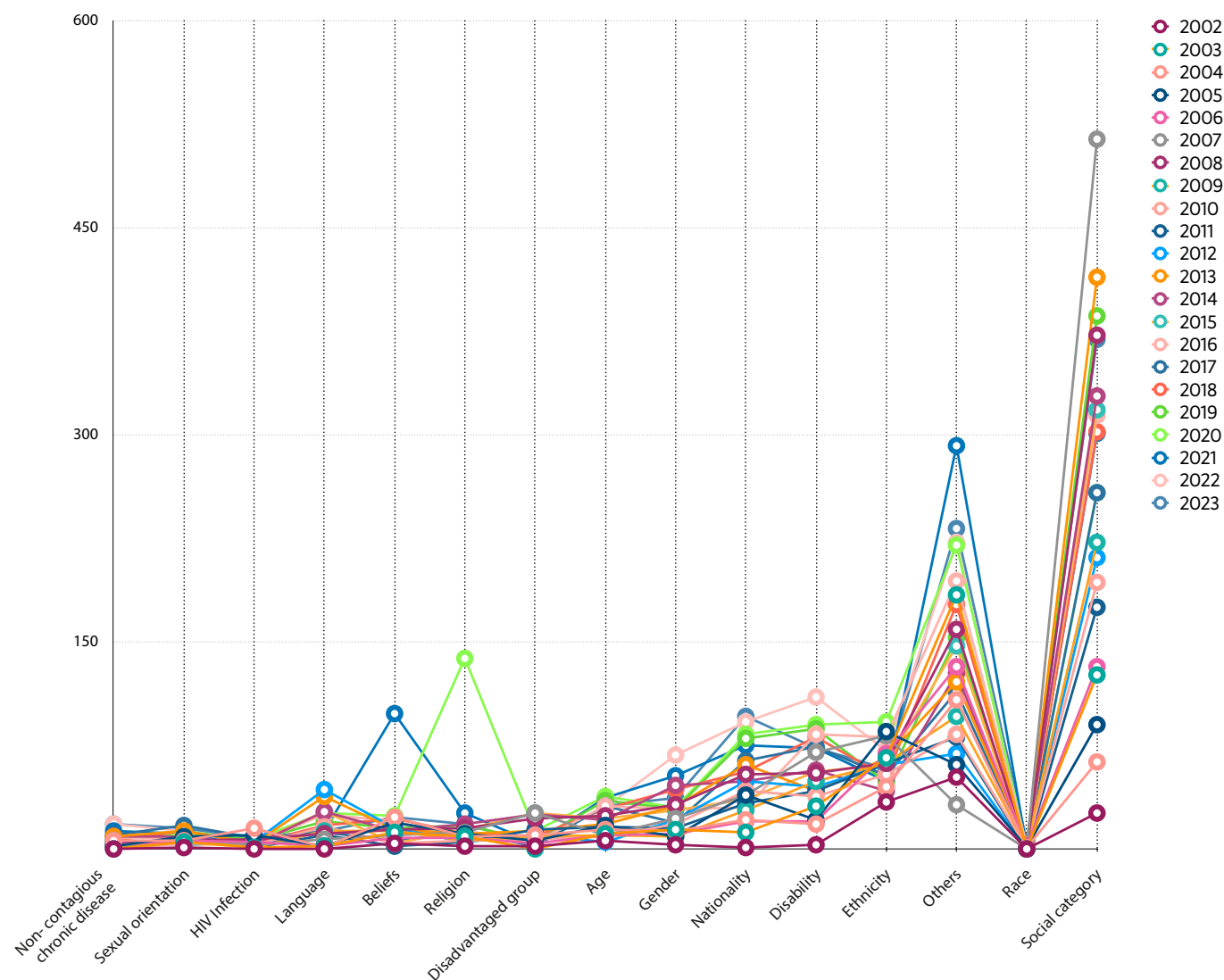
THE ISSUE OF DISCRIMINATION
IN ROMANIA REFLECTED IN
INTERNATIONAL REPORTS

NATIONAL COUNCIL FOR COMBATING
DISCRIMINATION IN MASS-MEDIA

FINANCIAL
AND PERSONNEL DATA

CRITERIA	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
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	18
Sexual orientation	1	5	6	9	6	7	6	6	4	8	3	13	9	3	8	17	13	13	11	11	13	15
HIV Infection	0	1	15	10	5	3	7	1	3	1	5	4	3	4	4	8	4	6	7	2	4	8
Language	0	2	1	2	2	7	11	13	16	10	43	38	27	27	25	12	17	20	26	13	26	13
Beliefs	4	12	23	19	8	10	14	13	4	2	15	14	13	4	20	6	22	15	24	98	12	23
Religion	2	9	9	11	8	12	15	6	6	5	5	11	18	14	7	12	11	17	138	26	13	18
Disadvantaged group	2	0	10	6	4	26	22	9	7	14	10	13	25	26	5	2	9	6	13	4	6	4
Age	6	11	14	17	10	10	24	10	9	16	5	18	21	22	31	31	29	35	38	37	30	31
Gender	3	14	13	9	11	22	32	9	18	15	21	31	46	28	29	19	43	29	30	53	68	37
Nationality	1	12	21	39	20	39	54	28	42	33	49	61	49	36	30	64	56	80	83	75	92	96
Disability	3	31	18	21	20	70	55	49	38	42	45	42	57	56	83	74	81	87	90	73	110	73
Ethnicity	34	66	45	85	69	82	62	62	54	62	61	66	42	61	81	53	52	48	92	49	71	58
Others	52	184	108	61	132	32	159	96	83	81	69	121	127	147	194	114	177	153	220	292	222	232
Race	0	0	1	1	2	0	0	2	1	0	0	3	2	1	3	2	0	1	1	1	1	5
Social category	26	126	63	90	132	514	372	222	193	175	211	414	328	318	314	258	302	386	258	301	302	369
TOTAL	134	473	353	382	432	836	837	528	478	465	548	858	776	752	842	682	822	904	1039	1048	988	1000

Distribution of petitions received by the N.C.C.D. during the
2002–2023 period according to discrimination criteria/fields



The evolution of petitions received by the N.C.C.D. during the 2002–2023 period according to each discrimination criterion

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

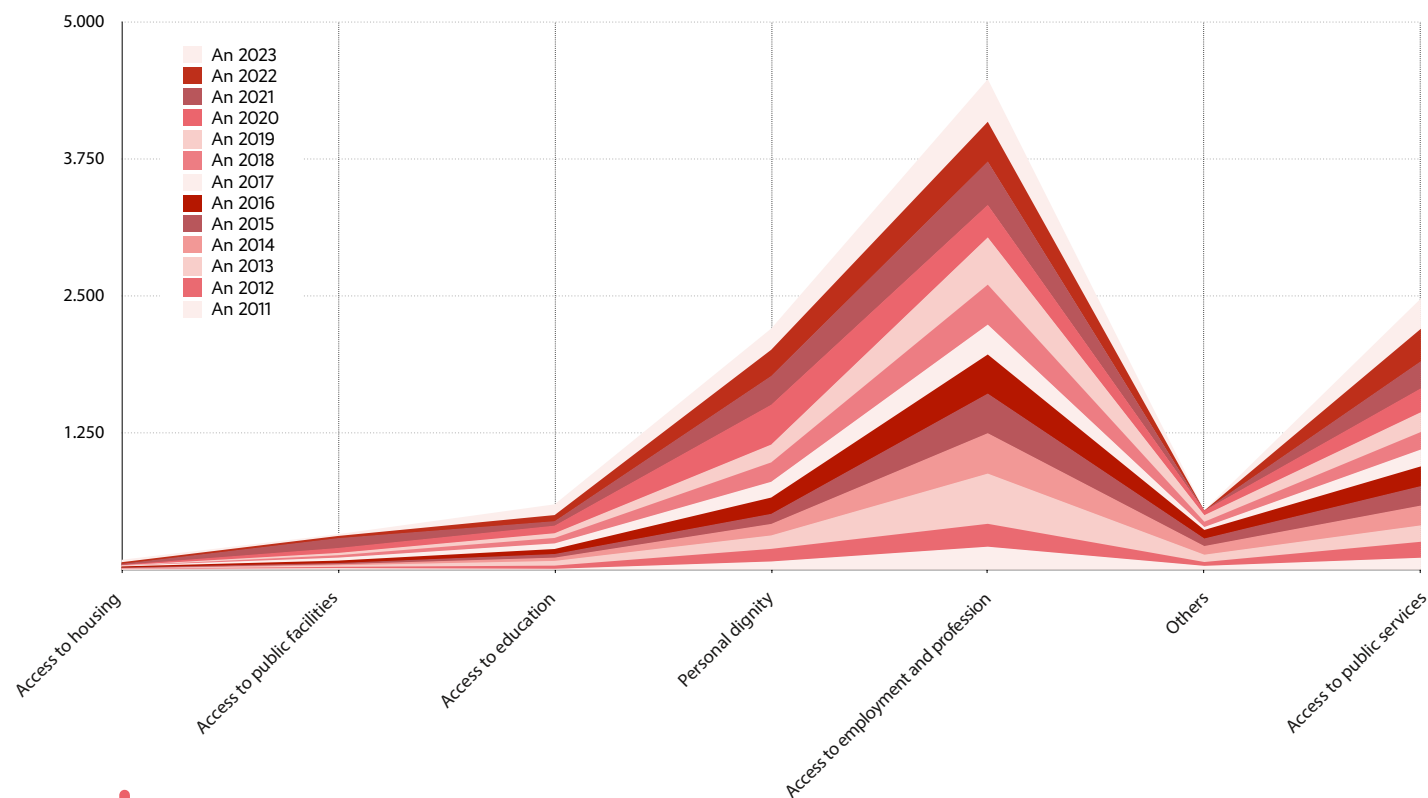
ACTIVITY OF THE CASE
INVESTIGATION OFFICE

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



The evolution of petitions received by the N.C.C.D. during the 2011–2023 period according to each discrimination field



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

FIELDS/CRITERIA	Non-contagious chronic disease	Sexual orientation	HIV Infection	Language	Beliefs	Religion	Disadvantaged group	Age	Gender	Nationality	Disability	Ethnicity	Others	Social category	Race	TOTAL
Access to housing		1				1	1	3			7	2	5	1	1	22
Access to public facilities	1			2					1	2	2	3	5			16
Access to education	5				1	1	0	1	2	6	15	9	5	53		98
Personal dignity	4	8	6		8	13	1	2	18	56	8	34	27	5	4	194
Access to employment and profession	3	2	1	2	7	2		12	14	12	8	4	42	280		389
Other													4			4
Access to public services	5	4	1	9	7	1	2	13	2	20	33	6	144	30	0	277
administrative	1			8	3	1	1	1		6	13	1	55	9		99
banking	1	1						6		5	1			1		15
health	1							1	2		4	4	9			21
communication													4			4
social benefits																0
transportation	1						1	2		1	9		3	1		18
provision of facilities	1				2			2		2	2		25	8		42
legal										6	2		27	11		46
store/restaurants			1					1			2	1	7			12
other					2								14			16
printing services		2														2
exhibitions, cinema		1		1												2
TOTAL	18	15	8	13	23	18	4	31	37	96	73	58	232	369	5	1.000

Distribution of petitions received by the N.C.C.D. in 2023
according to criteria and fields of discrimination



CONSILIUL NAȚIONAL
pentru **COMBATEREA**
DISCRIMINĂRII

2023 ACTIVITY REPORT

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

Distribution of petitions received by N.C.C.D. in 2023
according to criteria and fields of discrimination



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

Urban
849 / 86 %



Rural
138 / 14 %



Email
8 / 0.8 %



External
5 / 0.5 %



Distribution of petitions received by N.C.C.D.
in 2023 according to their area of origin



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

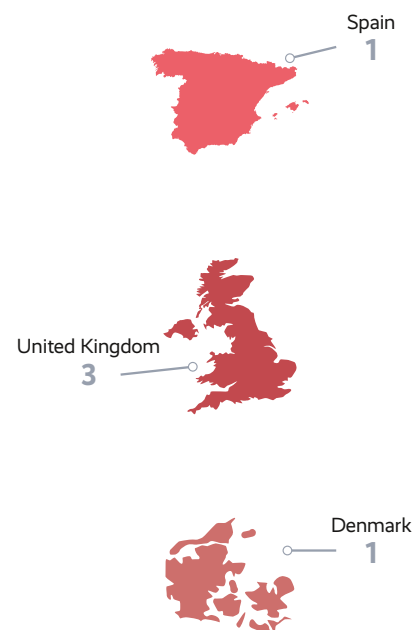
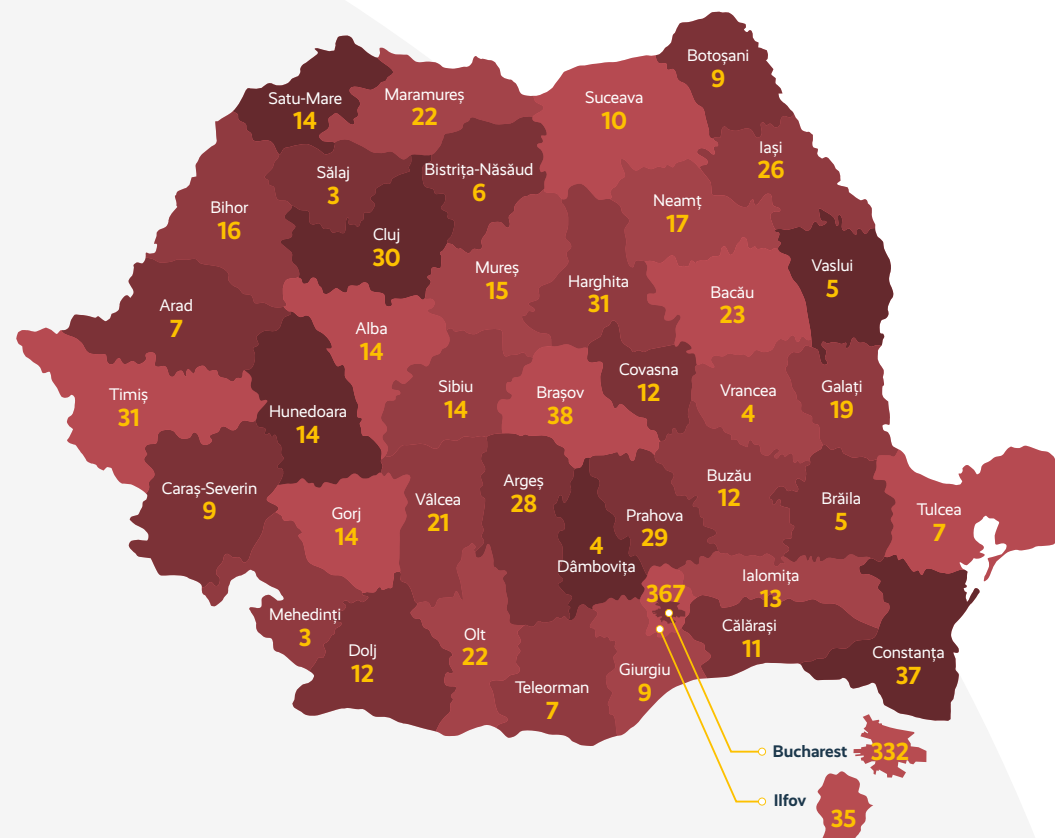
ACTIVITY OF THE CASE
INVESTIGATION OFFICE

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



Distribution of petitions received by N.C.C.D. in 2023 per each county



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

Male
456 / 45.6 %



Female
361 / 36.1 %



Legal entity
138 / 13.8 %



Group of persons
45 / 4.5 %



Distribution of petitions received by N.C.C.D. in 2023
according to the applicant's profile



CONSILIUL NAȚIONAL
pentru COMBATEREA
DISCRIMINĂRII

2023 ACTIVITY REPORT

II Analysis of cases processed by N.C.C.D. in 2023

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

Distribution of cases processed in 2023 according
to criteria and fields of discrimination



CONSILIUL NAȚIONAL
pentru **COMBATEREA**
DISCRIMINĂRII

2023 **ACTIVITY** **REPORT**

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

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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 NAȚIONAL
pentru **COMBATEREA**
DISCRIMINĂRII

2023 ACTIVITY REPORT

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

ACTIVITY OF THE CASE
INVESTIGATION OFFICE

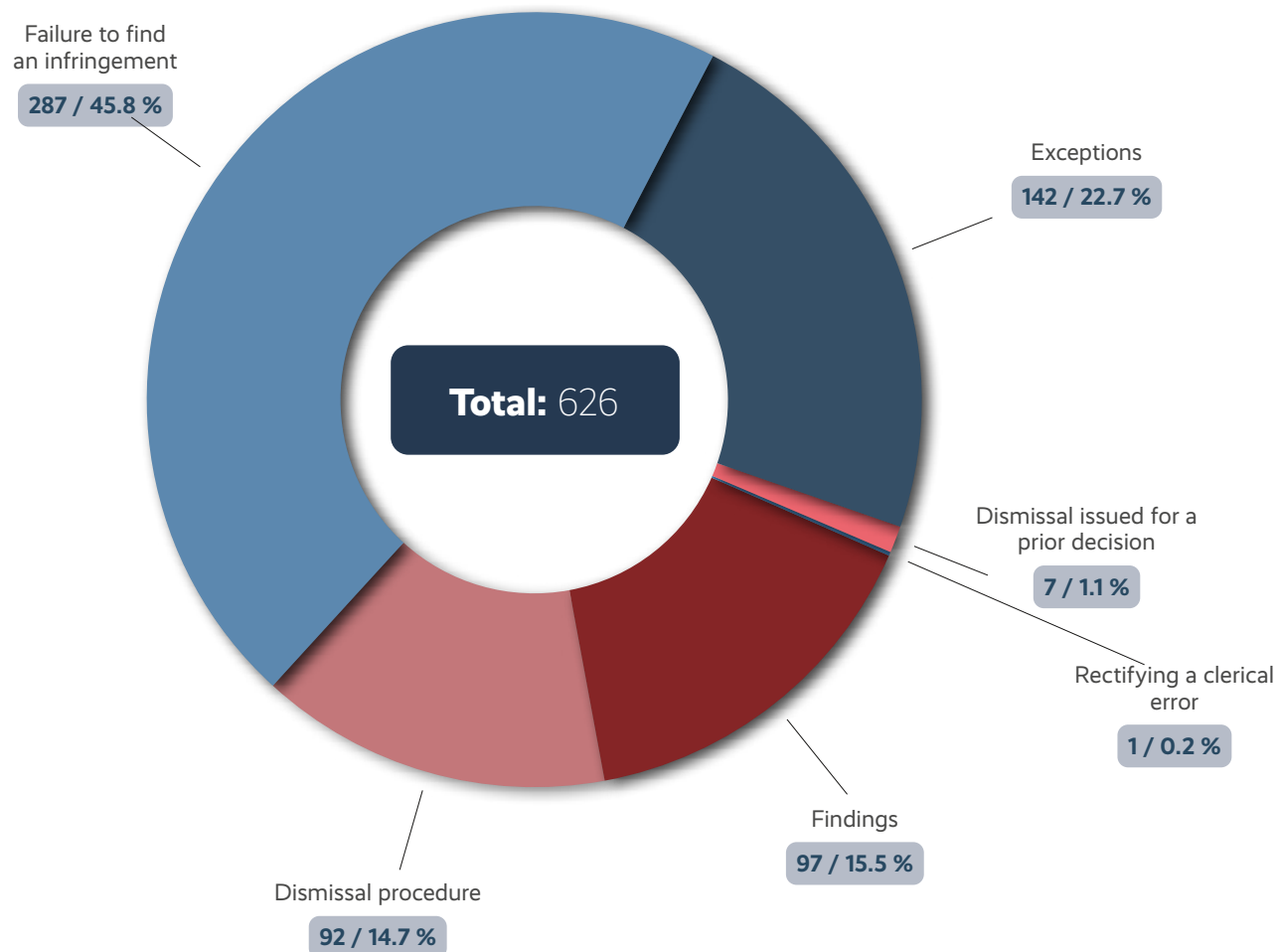
ACTIVITY UNDERTAKEN BY
THE LEGAL DIRECTORATE

THE ISSUE OF DISCRIMINATION
IN ROMANIA REFLECTED IN
INTERNATIONAL REPORTS

NATIONAL COUNCIL FOR COMBATING
DISCRIMINATION IN MASS-MEDIA

FINANCIAL
AND PERSONNEL DATA

Proceedings brought on its own motion in 2023 by the members
of the Steering Board per each discrimination field/criterion



Classification of the decisions issued by N.C.C.D.'s Steering Board in 2023 in accordance with the type of outcome

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

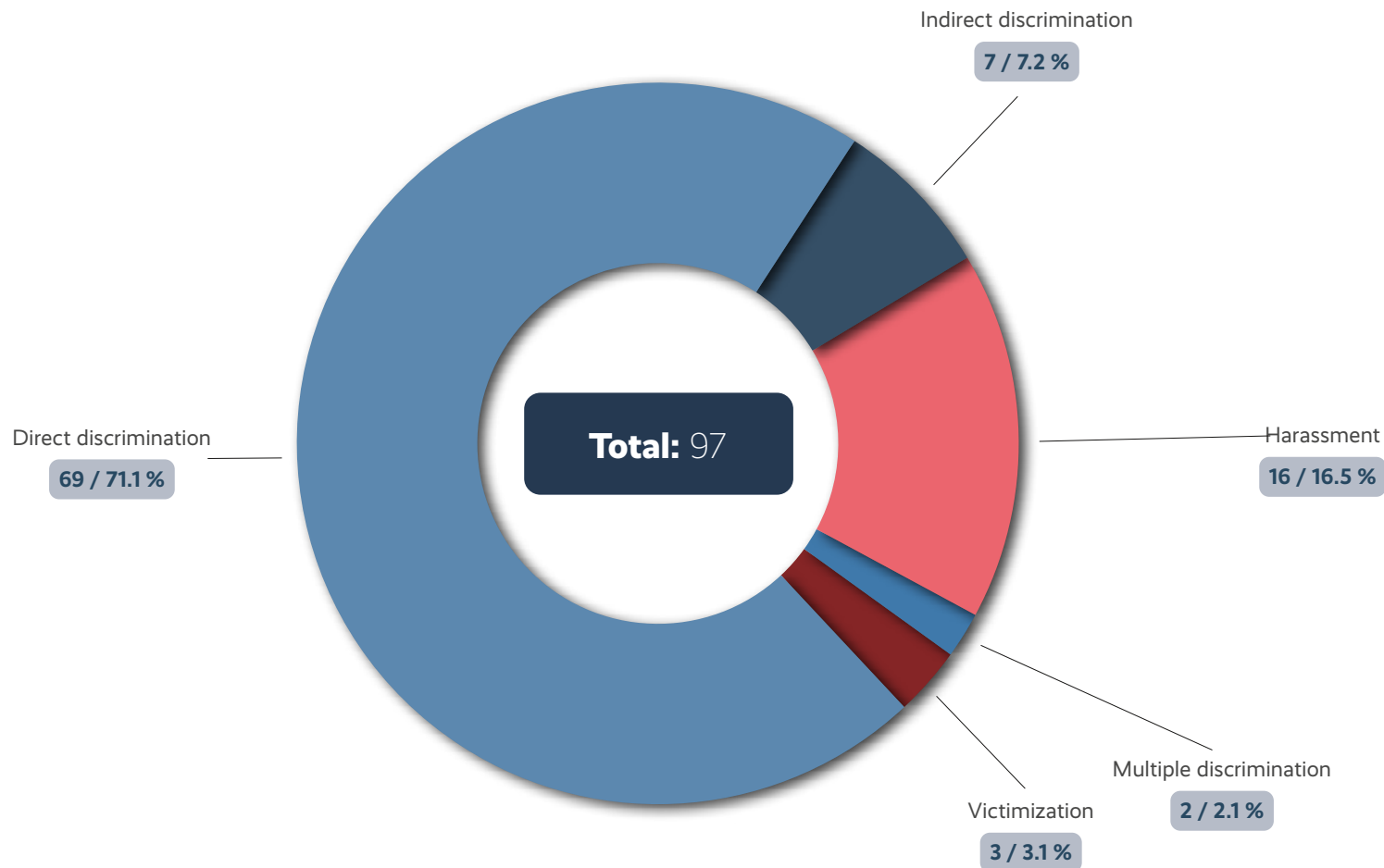
ACTIVITY OF THE CASE
INVESTIGATION OFFICE

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



Types of discrimination found in 2023



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

Share of findings stating that act of discrimination had
been found from the total number of decisions issued
by N.C.C.D.'s Steering Board in the 2011–2023 period



CONSILIUL NAȚIONAL
pentru **COMBATEREA**
DISCRIMINĂRII

2023 ACTIVITY REPORT

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

Method for processing in 2023 those decisions where
no act of discrimination had been found



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

Type of decision issued in 2023 reflected in accordance
with each discrimination criterion



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

Type of decision issued in 2023 reflected in accordance
with each discrimination field



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

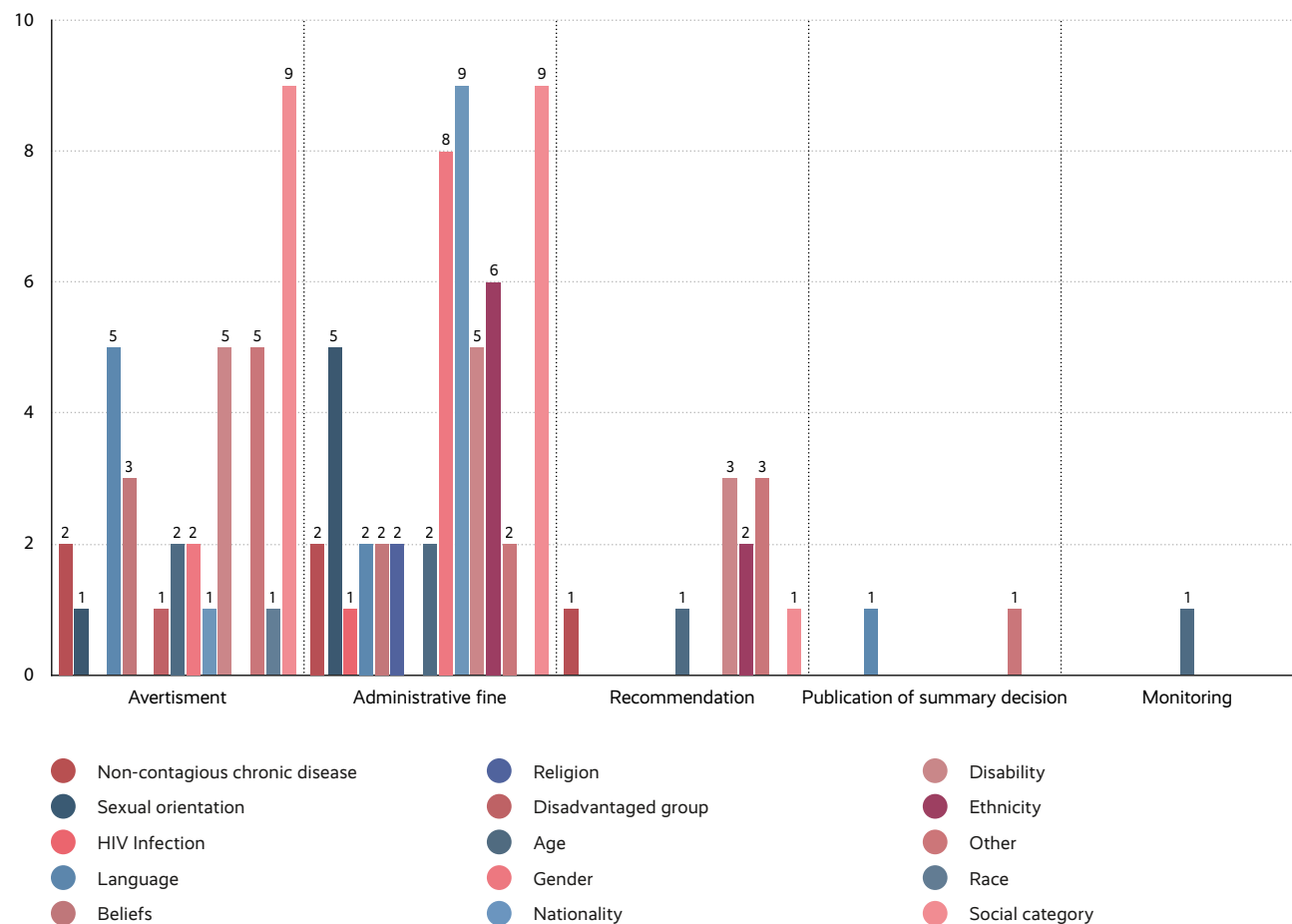
ACTIVITY OF THE CASE
INVESTIGATION OFFICE

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



**Distribution of types of sanctions ordered in 2023
by the Steering Board per each discrimination criterion**



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

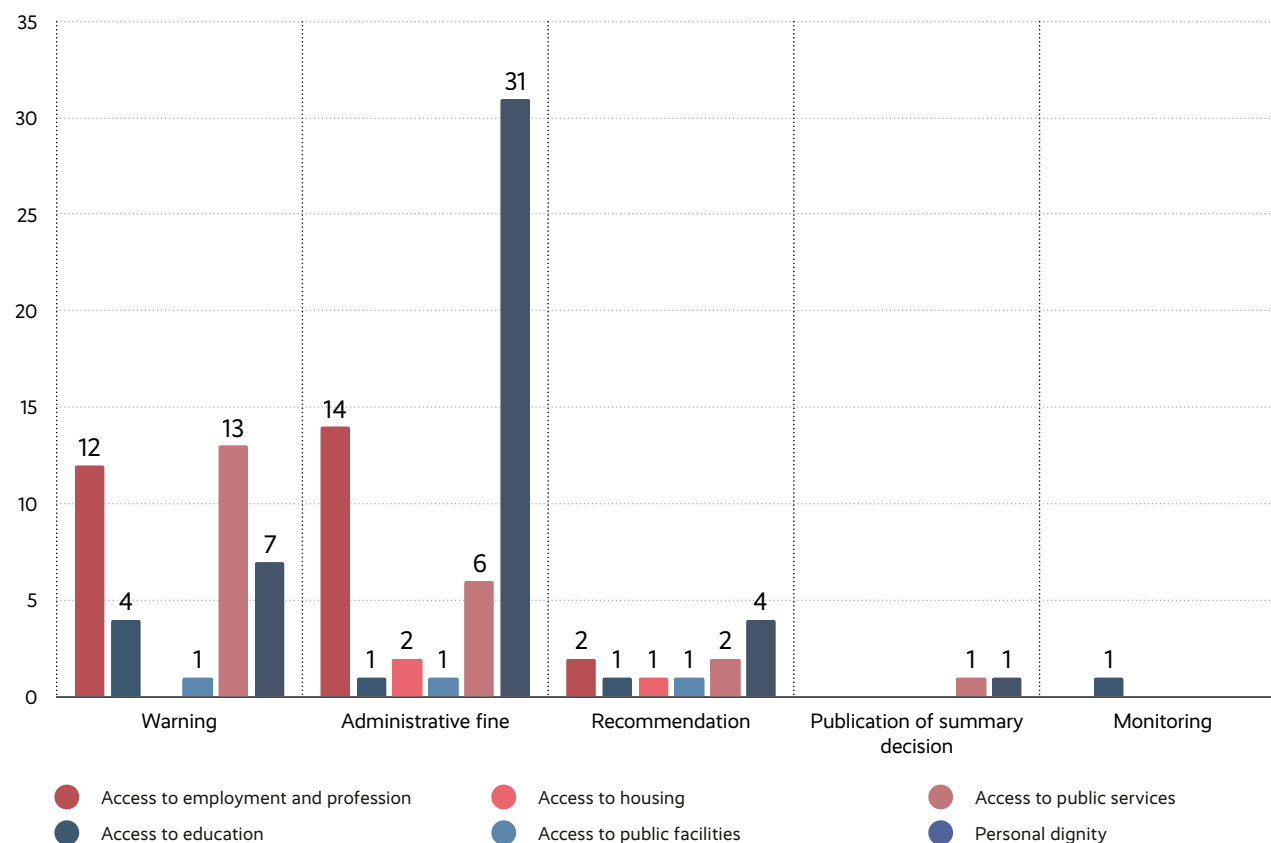
ACTIVITY OF THE CASE
INVESTIGATION OFFICE

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



**Distribution of types of sanctions ordered in 2023
by the Steering Board per each discrimination criterion**



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

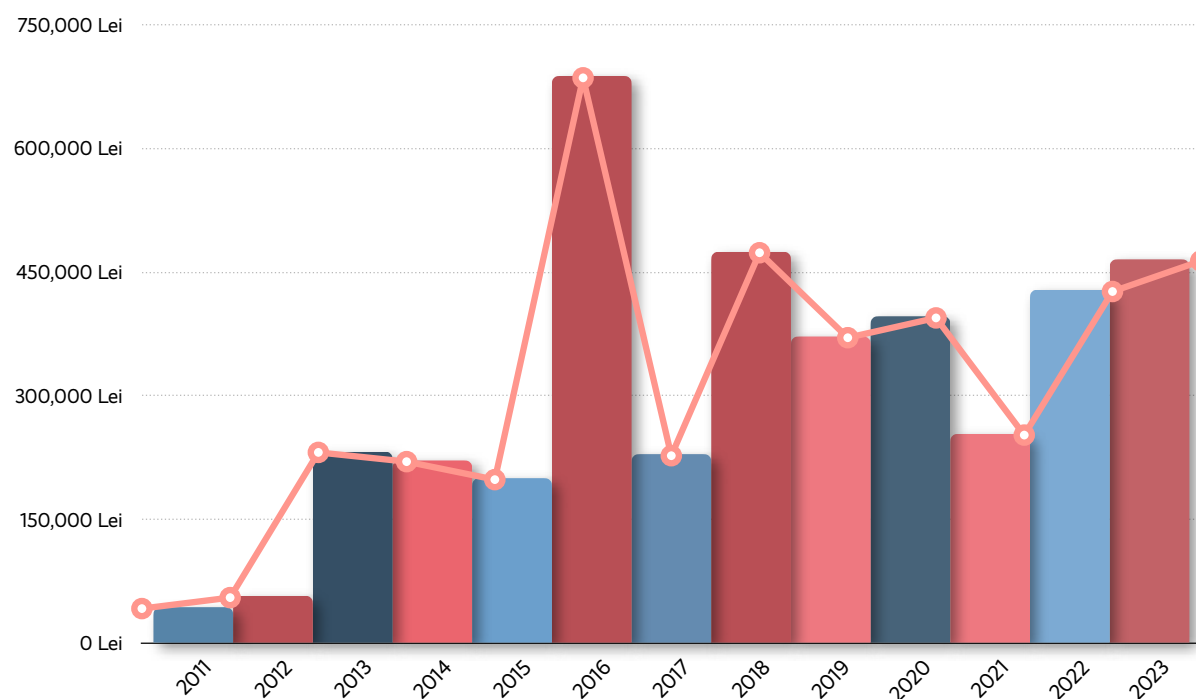
ACTIVITY OF THE CASE
INVESTIGATION OFFICE

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



**Total administrative fines
issued during the 2011–2023 period**



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

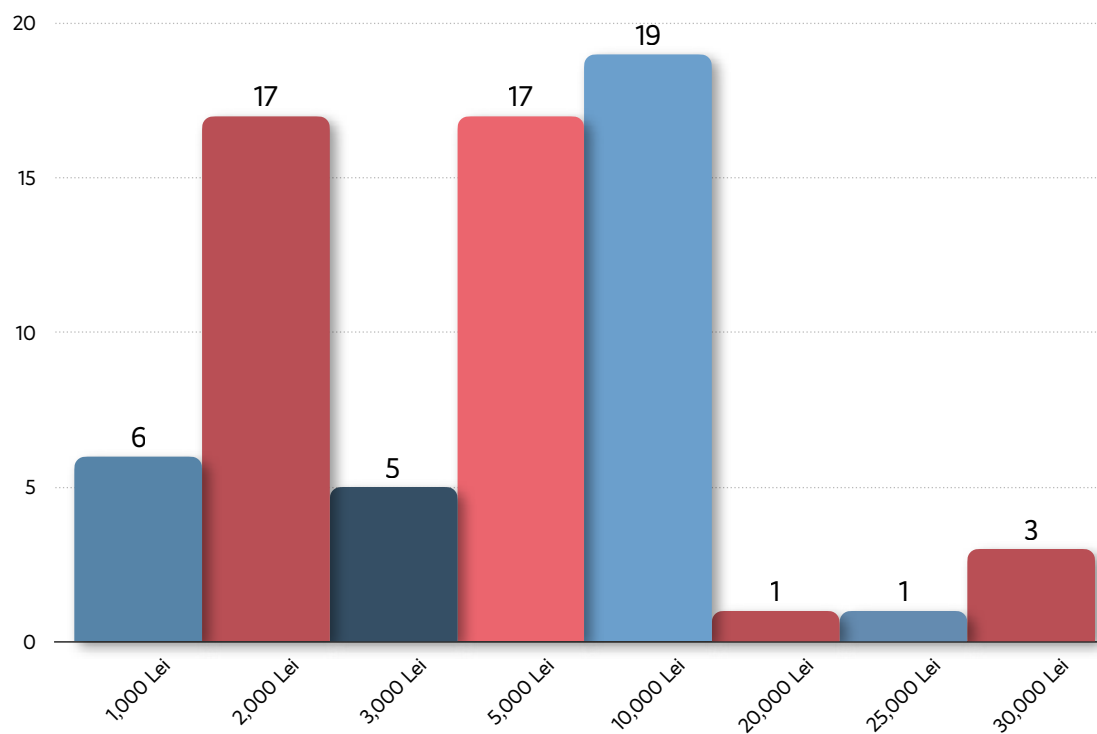
ACTIVITY OF THE CASE
INVESTIGATION OFFICE

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



Amount of fines imposed by the Steering Board and their number in 2023



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

The administrative fines imposed in 2023 according
to each discrimination criterion/ field



CONSILIUL NAȚIONAL
pentru COMBATEREA
DISCRIMINĂRII

2023 ACTIVITY REPORT

IV Examples from the case law of N.C.C.D.'s Steering Board decisions

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



Equality in economic activity and in terms of employment and occupation

DECISION A

The exclusion of men's option to apply for a position of cashier in a public institution was considered by the N.C.C.D.'s Steering Board a gender-based/sex-related exclusion form, aimed at restricting the rights of equal access to the labour market, as enshrined in article 23 of the Charter of Fundamental Rights of the European Union.

Pursuant to the provisions of article 2 para. (1) of G.O. no.137/2000, as well as to the provisions of art. 7 and art. 9 of Law No. 202 of 19 April 2002 (republished) on equal opportunities and treatment between women and men, the N.C.C.D.'s Steering Board found an act of discrimination and sanctioned the public institution with a warning.

DECISION B

A petitioner informed the N.C.C.D. that he had been harassed following his candidature for a position as CEO of the respondent company. In 2021, the N.C.C.D.'s Steering Board issued a warning to sanction the harassment exerted by the president of the respondent company. Subsequently, the company informed the petitioner that his position in the company would be dismantled, and this resulted into an emotional state of mind and a hostile environment for the petitioner, as he had been working in the company for almost 30 years, dealing with the most sensitive legal matters.

In this case, the N.C.C.D.'s Steering Board held that the respondent had applied a disparate treatment to the petitioner, in response to the petition that the latter

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



submitted to the NCCD in relation to the violation of the non-discrimination principle, a treatment which meets the substantial elements of the act of victimisation provided for in article 2 para 7. of the G.O. no. 137/2000 and, therefore ordered an administrative fine amounting to 2,000 RON.

DECISION C

The employee of a municipality refused to support the candidacy of the future mayor during the election campaign, an attitude which resulted in harassment from behalf her employer, manifested by the refusal to apply the court decision that ordered the reinstatement on her previous position, depriving her of several wage-related rights, as well as of the instruments required to carry out the duties in her job description. Even more, the respondent has demonstrated his attitude of harassment towards the petitioner on social media, by posting deprecating photos and texts.

Considering that the criterion of discrimination is represented by her political beliefs, and also the process of victimization directed against the employee, the N.C.C.D.'s Steering Board sanctioned the respondent, in his capacity as mayor, with an administrative fine amounting to 10,000 RON, pursuant to the provisions of article 2 para. 1) and art. 26 para. 1) of G.O. no. 137/2000 on the prevention and sanctioning of all forms of discrimination, as subsequently amended and supplemented, republished, in conjunction with the provisions of Article 8 of G.O. no.2/2001 on the legal system of administrative offences, as subsequently amended and supplemented.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



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

DECISION A

Charging additional fees for additional boarding and disembarking services to individuals with locomotor disabilities has been deemed by the N.C.C.D.'s Steering Board as a serious act of discrimination leading to a limitation of the right to free movement. Thus, the additional charge imposed on the petitioner, who is unable to travel alone and depend on the wheelchair, represents, applying the disability criterion, an act of discrimination which affected the petitioner's right to benefit from the services offered by the respondent companies on equal terms with other persons, and as such the provisions of *Regulation (EC) No 1107/2006 of the European Parliament concerning the rights of disabled persons and persons with reduced mobility when travelling by air* were not observed.

Pursuant the provisions of article 20 para. 2 of G.O. no. 137/2000 the N.C.C.D.'s Steering Board found an act of discrimination and imposed on each of the 3 companies against which petitions were submitted an administrative fine amounting to 30,000 RON each, as the amount of the penalty is proportionate to the material benefits brought over the years by overcharging in a discriminatory manner the persons with locomotor disabilities when boarding and disembarking from aircraft.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



DECISION B

A severely disabled individual with a personal assistant applied for a free parking space pursuant the provisions of *Law No. 448/2006 on the protection and promotion of the rights of persons with disabilities*. The local public authority could not offer her the parking space, to which the petitioner was entitled, as it failed to reserve 4% of the total number of parking spaces for persons with disabilities.

The N.C.C.D.'s Steering Board imposed against the local public authority an administrative fine of 2,000 RON pursuant to the provisions of art. 65, para. (1) of Law no. 448/2006, in conjunction with art. 20. para. 2) of G.O. 137/2000.

DECISION C

A 74-year-old petitioner filed a request to a commercial bank for an extension of the SRC (self-regulated overdraft) contract. After assessing the petitioner's creditworthiness, the bank refused to renew the credit limit granted on the grounds that the petitioner did not meet the age limit condition.

Following the bank's express refusal based on the age criterion, the Steering Board found that the act referred to it meets the substantial elements of an act of discrimination and represents an administrative offence under the provisions of article 2 para. (1) in conjunction with art. 10 letter d) of G.O. no. 137/2000, republished, therefore imposing an administrative fine of 5,000 RON against the respondent.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



Right to personal dignity

DECISION A

Following the petition submitted by a public institution tasked with providing equal opportunities between women and men, the Steering Board of N.C.C.D. sanctioned the sexist and violent speech of a journalist who presented women as “stupid”, namely willing “to be slapped from time to time”.

The Steering Board finds that the debate on domestic violence as a subject of general interest must be conducted in accordance with the facts and responsibilities inherent during the exercise of freedom of speech, subject to the condition that the journalist acts in good faith, provides reliable information and under no circumstances contributes to or perpetuates societal attitudes of blaming the victims of domestic violence.

Although journalists enjoy a wide freedom of expression, the law imposes not only accountability for statements made to the public, but also the possibility for the state to intervene and sanction the speech that perpetuates sexist clichés and generates hatred or violence. Therefore, the N.C.C.D.’s Steering Board sanctioned the journalist with an administrative fine of 25,000 RON, taking into account both the provisions of article 14 of Directive 2004/113/EC and of article 25 of Directive 2006/54/EC, which determine that sanctions must be effective, proportionate and dissuasive, and the provisions of article 21 para. (3) of G.O no. 2/2001, art. 2 para. 1 in conjunction with article 15 of G.O no. 137/2000.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.’S STEERING
BOARD DECISIONS

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



DECISION B

An advertising campaign for funeral products and services centred on the hyper-sexualisation of women, where these appear scantily covered by a sheet, ribbon or dressed in underwear, while one of the images suggests a sexual act between two models lying in a coffin, has led to a complaint from a non-governmental organisation.

The N.C.C.D.'s Steering Board considered that the exploitation of women's image for financial gains in the context of this advertising campaign was likely to undermine dignity and to create an intimidating, hostile, degrading, humiliating and offensive atmosphere against women. Thus, the respondents' actions represent an act of discrimination, since they have created a distinction based on gender which has the effect of restricting the exercise, on equal terms, of dignity for women.

The N.C.C.D.'s Steering Board sanctioned both the funeral parlour and the trading company which carried out the publicity campaign with an administrative fine of 20,000 RON each, pursuant to Article 2 para. 1 in conjunction with Art. 15 of G.O. no. 137/2000.

DECISION C

A patient refused to be seen by an Arab doctor, insulting him in front of other patients and medical staff. The petitioner states that when the respondent became (verbally) aggressive and agitated, he stopped attending his consultation, stopped touching him and tried to calm him down. However, the complainant insulted him: "f*** you, you are an Arab, go to your country".

The N.C.C.D.'s Steering Board assessed the patient's behaviour as an incitement to racial hatred and that as detrimental to the dignity of the petitioner, therefore sanctioning the respondent with a warning under Articles 15 and 20 of G.O.137/2000.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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 NAȚIONAL
pentru COMBATEREA
DISCRIMINĂRII

2023 ACTIVITY REPORT

V Activity of the Case Investigation Office

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



REPORT ON THE ACTIVITY OF THE CASE INVESTIGATION OFFICE IN 2023

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 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 2023, 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.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



STATISTICAL SITUATION OF CASES INVESTIGATED BY THE CASE INVESTIGATION OFFICE IN 2023

In 2023, the Steering Board assigned 24 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 24 investigations were carried out, distributed as follows: 7 in Bucharest and Ilfov county (6 in Bucharest, 1 in Ilfov county), 2 in the Sud-Est region (2 in Vrancea county), 4 in the Sud-Muntenia region (2 in Argeş county, 1 in Prahova county, 1 in Teleorman county), 5 in the Nord-Est region (1 Iaşi county, 1 in Bacău county, 1 in Suceava county, 2 in Neamţ county), 3 in the Nord-Vest Region (2 in Cluj county, 1 in Satu Mare county), 2 in the Sud-Vest Oltenia region (2 in Vâlcea county) and 1 in the Vest county (1 in Hunedoara county).

Out of the 24 cases investigated, within 20 of them the alleged discrimination took place in urban areas and 4 in rural 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, 3 disability, 1 gender, 1 age, 1 sexual orientation, 2 political criticism, 1 non-contagious chronic disease, 1 beliefs, 1 trade union membership, 8 no criterion – 1 case had 2 discrimination criteria.

A total of 183 people were interviewed during the investigations conducted in 2023, with an average of approximately 8 people/investigation. Of these, 39 persons were from Bucharest and Ilfov county and 144 persons from the rest of the country.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



SUMMARY OF PROCEDURAL DOCUMENTS SERVED IN 2023

During 2023, in order to carry out the procedure for service of decisions issued by the National Council for Combating Discrimination, the members of the Case Investigation Office were asked to serve a number of 3 decisions issued by the Steering Board and 5 summons by means of serving these directly at the residence/headquarters of the parties, by posting the notices at their residence/headquarters or by e-mail.

Statistical data of the files received by the Case Investigation Office in 2023 for the purpose of informing the competent tax authorities in relation to the administrative fine ordered in such cases.

In 2023, the Case Investigation Office continued to centralise the files where fines were ordered and to follow-up on the procedural status of the decisions issued such files. If the decisions were not contested before the competent courts, the Case Investigation Office notified the competent tax authorities about the decisions of the Steering Board where fines were ordered, in order to be enforced.

In 2023, the Case Investigation Office received 45 cases from the Council's Steering Board in order to communicate the fines to the competent tax authorities. In addition, the Litigation and Expert Report Unit forwarded 24 files to the Inspection and Analysis Unit / File Investigation Office for the same purpose, as a result of N.C.C.D. decisions being rendered final.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



INTERNSHIPS

In 2023, 19 students out of which 15 from the University of Bucharest and 4 from the Academy of Economic Studies, completed their internship within the Council's Support office.

During this activity, the trainees became acquainted with specific activities of petitions' resolution, from a procedural point of view as well as from the perspective of analysing the merits of the cases.

Thus, they participated in various hearings, they carried out practical activities starting from the phase of building up files on the basis of petitions received, they drafted procedural documents arising from the summoning activity, from communication of other documents required in order to comply with the principle of adversarial proceedings, etc., and they were provided with examples and specific cases arising from the activity of petitions' resolution.

At the end of the internship period, the students received certificates for their activity within the Council's Support office. There is a growing interest among students enrolled in higher education institutions to carry out internships with the National Council for Combating Discrimination, as the number of applications is constantly increasing.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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 NAȚIONAL
pentru COMBATEREA
DISCRIMINĂRII

2023 ACTIVITY REPORT

VI Activity undertaken by the Legal Directorate

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



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 the provisions of art. 20 of G.O. 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

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



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 G.O. 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 2023

During 2023, the competent courts (the Courts of Appeal and the High Court of Cassation and Justice) had a total number of **575 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 2023, the courts ruled in favour of the Council during the first instance and/or appeal phase of the proceedings in **180 cases, while in 63 cases the proceedings brought against these decisions were admitted.** By the end of

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



2023, 423 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 2023, circumscribed to the cases under review (233 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 78%.

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

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 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 uphold following the challenge in court, the percentage that is presented in the current statistical data).

The percentage of upholding in court of the N.C.C.D.’s decisions, throughout 2023, as lawful and reasoned, compared to the cases on trial, was recorded/maintained at a relatively high level, approximately 78%. 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

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.’S STEERING
BOARD DECISIONS

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



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 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.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



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 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

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.’S STEERING
BOARD DECISIONS

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



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 2023, **N.C.C.D. was summoned to court**, as an advisory body – “specialised expert”, for a total number of approx. 2653 new court cases, additional to the court cases carried on from the previous year, 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 2023 in court cases brought directly to court (including cases brought in previous years but tried during the current year) are statistically classified according to their subject matter as follows:

- **approx. 2759 proceedings on “emoluments”;**
- **approx. 1389 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.).**

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



The decisions taken during 2023 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 2023), to which N.C.C.D. participated as ‘specialised expert’ are reported as follows:

- **approx. 1769 decisions admitting the cases;**
- **approx. 2892 decisions rejecting the cases.**

In conclusion, in 2023, 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 **approximately of 1769 of 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.).

The activity of promotion, monitoring and support 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.) currently known as the Unit for Promoting, Monitoring and Supporting Equal Treatment

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



for EU workers (U.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 U.P.M.S.E.T.L.U.E. unit has undertaken, apart from some of the non-specific activities of a legal nature derived from the activities of this unit, 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.

Thus, for example, representatives from the Legal Directorate – U.P.M.S.E.T.L.U.E. unit attended and provided expertise within the Rainbow families on the Move cluster that envisaged the promotion of the good practices related to the rights of rainbow families enfacing the principle of the freedom of movement.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



Legal counselling, contracting and public procurement

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

A total number of 593 documents were sent to be endorsed from the legal point of view, throughout 2023.

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:

- 16 contracts,
- 213 direct procurement procedures made through the SICAP electronic system
- 212 notices issued in the electronic procurement system.

Partnership agreements

In 2023, 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

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



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. and the 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. and the 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;

Partnership agreement between N.C.C.D. and the National Agency for the 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. and the 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. and the 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;

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

Partnership agreement between N.C.C.D. and the One World Romania Association, on the subject of organizing the 16th edition of the “One World Romania International Documentary and Human Rights Film Festival”;

Partnership agreement between N.C.C.D. and the North-West Regional Development Agency, on the subject of implementation of European funds allocated to the North – West Regional Programme 2021-2027, in terms of the application of horizontal favoured conditions, namely CO 3 “An effective application and implementation of the EU Charter of Fundamental Rights”, as well as of the anti-discrimination principle and legislation;

Partnership agreement between N.C.C.D. and the 2nd District Local Authority Police, on the subject of training of 2nd District Local Authority Police staff in the area of equality and non-discrimination, development of European values and principles, through the implementation and promotion of policies in the field of human rights protection and respect;

Partnership agreement between N.C.C.D. and the Acting Works Association, on the subject of carrying out the project “On the streets. Stories about housing in/justice”;

Partnership agreement between N.C.C.D. and the Publishing House ‘Artists Painting with Mouth and Foot’, on the subject of developing the capacity of knowledge and understanding of the principles of non-discrimination, equal opportunities and rights of people with disabilities;

Cooperation agreement between N.C.C.D. and the National Institute for Statistics and the General Secretariat of the Government, on the subject of regular collection of data and metadata of the set of national sustainable development indicators 2030, as part of the monitoring mechanism of the NSSD 2030;



Framework agreement between N.C.C.D. and the University of Bucharest which ensured the participation of students from the Faculty of Law and the Faculty of Political Sciences in internships.

Framework agreement between N.C.C.D. and the “Nicolae Titulescu” University from Bucharest which ensured the participation of students from the Faculty of Law.

Activity of the local structure

Throughout 2023, more than 260 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. 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.

The distribution by fields of discrimination of the requested submitted at the local structure for specialized legal counselling services regarding various situations that were deemed discriminatory:

- Access to employment and profession (60);
- Personal dignity (33);
- Access to education (15);
- Access to public facilities (47);
- Moral harassment at the workplace (43);
- Other fields (62).

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



The distribution by criteria of discrimination of the requested submitted at the local structure for specialized legal counselling services regarding various situations that were deemed discriminatory:

- Social category (15);
- beliefs (55);
- ethnicity (49);
- disability (27);
- age (20);
- chronic disease (15);
- sexual orientation (16);
- gender (33);
- other criteria (61).

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 Buzău county, and also with the County School Inspectorate, the Territorial Labour Inspectorate, the General Directorate for Social Assistance and Child Protection, which

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



followed the working groups on equal opportunities, minors' issues, social inclusion, non-discrimination principles, promoted by O.G. no. 137/2000, actualized.

As regards the phenomenon of bullying, information materials were produced and sent to schools in the country, with particular emphasis on the effects generated in terms of the behavioural manifestation and the intellectual and educational development of pupils within the education system, as well as on the means of prevention.

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: nationality, ethnicity, gender and age.

Non-specific activities of a legal nature

Throughout 2023, 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

- Following the request of the Ministry of Foreign Affairs, of the Permanent Representation of Romania to the EU and of EQUINET (occasionally), comments were made on the proposals for Directives on standards applicable to equality institutions in the E.U.;



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

- Following the request of the Ministry of Labour, contributions were drafted to three reports on International Labour Organisation conventions, namely on the application of the principles of the right to organise and collective bargaining, including the comments made by the Committee of Experts on the Implementation of Conventions and Recommendations, on equal pay, including the direct request made by the Committee of Experts on the Implementation of Conventions and Recommendations, and on discrimination in employment and occupation, including the direct request and comments made by the Committee of Experts on the Implementation of Conventions and Recommendations;
- Contributions on examples of practice were submitted in respect to the Interim Report drafted by the LGBTIQ Equality Subgroup on the LGBTIQ Strategy;
- Following the request of the MEA, contributions were drafted for the Artificial Intelligence Study of the Council of Europe;
- Following the request of the MEA, comments were submitted on the draft Opinion on Romania of the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities;
- Following the request of the Ministry of Labour and the Permanent Representation of Romania to the EU, comments were submitted on the *draft Directive on implementing the principle of equal treatment between persons, irrespective of religion or belief, disability, age or sexual orientation*.
- Following the request of the DAE, position papers were submitted to the Social Questions Working Party (SQWP) on the *proposal for a Council Decision authorising the ratification by Member States of the ILO Convention (No 190) on violence and harassment*;



- Contributions were submitted at the request of the Directorate for European Affairs and Human Rights within the Ministry of Justice, in relation to the Study on “Preventing and Combating Hate Speech in Times of Crisis;
- Contributions and statistical data were drafted and submitted for the CVM Report;
- Comments were submitted on the proposal of the Ombudsman on combating online anti-Semitic, racist and xenophobic expressions and hate speech;
- Comments were submitted on the Advisory Committee’s Fifth Opinion on the Framework Convention for the Protection of National Minorities.

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 “equality standards of equality bodies”, EQUINET’s intervention in a case before the CJEU or the Work Plan for 2024;
- online meetings of the *Cluster on Artificial Intelligence*;

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.’S STEERING
BOARD DECISIONS

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



- the two online meetings of the Policy Formation cluster which envisaged discussions on the provisions contained in the European Commission's proposed Guidelines on standards for equality bodies in terms of making recommendations, but also in terms of identification and categorisation the problems in education policies faced by EU countries and how equality bodies can intervene to solve them;
- the High Level Conference on LGBTIQ Equality in the European Union which focused on the progress registered in the implementation of the LGBTIQ Equality Strategy 2020 – 2025;
- the 8th meeting of the LGBTIQ Equality Subgroup where the latest news and progress in supporting LGBTIQ people were discussed.

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 2023, 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)

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



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 and other students.

Thus, during 2023, the Legal Directorate – Legal Affairs and Litigation Unit provided internships for students at national as well as international level, as follows:

- University of Bucharest – Law School (11 students);
- “Titu Maiorescu” University – Law School (3 students);
- University of Bucharest – Faculty of Political Sciences (2 students);
- University of Bucharest – Faculty of Sociology and Social Work – 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.

At the end of the internship, the participating students received from N.C.C.D. internship certificates, within Legal Directorate, the 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

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.’S STEERING
BOARD DECISIONS

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



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 2023 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.



Click on the image to access the site.

The International Human Rights and Documentary – One World Romania, 16th edition, was organized in Bucharest between March – April 2023.

More than 6000 participants attended the screenings of 35



Click on the image to access the site.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.’S STEERING
BOARD DECISIONS

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



feature and short documentaries within One World Romania Festival, at the activities held in the **10 days of physical festival, from 31 March to 9 April**, in Bucharest and in the **21 days of online festival, all over the country, from 10 to 30 April**.

This year's edition also brought closer the civil society. The **related events** dedicated especially to them were attended by 12 NGOs and national personalities, 22 international filmmakers present in Bucharest, over 100 guests from the film industry, 32 institutional partners, 6 corporate partners, 27 media partners and 75 volunteers.

One World Romania International Documentary and Human Rights Film Festival has made and continues to make a significant contribution to the development of film culture and education in the context of an insufficient offer of projects dedicated to documentary film and human rights in Romania.

One World Romania represents, for a large part of the local audience, the only opportunity to watch a curated and coherent selection of documentary films that have already been screened in important international festivals or that have just appeared on the global market.

Thus, through the quality of the films and the themes addressed, the project contributes to educating the public about human rights documentary film, a type of film that does not receive exposure in Romania.

Every year, One World Romania hosts Romanian documentaries in national or international premieres, promoting the local cultural potential and Romania's image among internationally renowned filmmakers, as well as collaborations between local and foreign filmmakers in terms of funding or distribution of such projects.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



RELATED INTER-INSTITUTIONAL LEGAL CORRESPONDENCE ACTIVITIES

The National Council for Combating Discrimination carries out, through the Legal Directorate, specialised legal activities through which it provides institutional input on a number of technical-legal and legislative initiatives initiated at governmental and/or parliamentary level.

With regard to such non-specific legal activities, during 2023, the Legal Directorate of the NCCD has developed and communicated to the relevant institutions (ministries, the Romanian Government or the Romanian Parliament) a series of specialist responses, as well as to third party applicants, statistically reported as follows:

A total of 10 expert opinions on various legislative drafts or proposals in the legislative process, which either directly concerned the field of non-discrimination or presumed a tangential link with the field of reference;

A number of 9 expert answers on various parliamentary questions raised under the terms of the Rules of Procedure of the Senate or the Chamber of Deputies, as the case may be, in which the head of the institution was questioned on various issues relating to the work of the institution or to the field of competence *lato sensu*;

A number of 35 legal expert answers on various questions addressed to the NCCD on various legislative, legal, procedural, statistical etc. issues in the field of non-discrimination.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



EXPERT LEGAL INPUT THROUGH REPRESENTATIVES OF THE C.N.C.D. – LEGAL DIRECTORATE – S.C.J.E., DESIGNATED AS MEMBERS OF THE EU LITIGATION WORKING GROUP (“EULWG”) OF THE GOVERNMENT AGENT OF ROMANIA, EXEMPLI GRATIA:

- Expression of contributory positions, either of technical-administrative nature (on the appropriateness of the formulation of written observations by the Romanian State, in relation to the area of activity of the member institutions), or legal counselling (on the substance of preliminary requests), in the working meetings of the “GLCUE” on cases:
 - ♦ Preliminary ruling C-491/21, Directorate for Personal Records and Database Administration of the Ministry of the Interior;
 - ♦ Preliminary ruling case C-356/21, TP, foreign preliminary request;
 - ♦ Reference for a preliminary ruling C-574/20, Finanzamt Österreich, foreign reference for a preliminary ruling;
 - ♦ Preliminary ruling case C-4/23, Accept Association, brought by First Instance Court of the 6th district of Bucharest;
 - ♦ Reference for a preliminary ruling C-284/22, Familienkasse Bayern Nord, foreign reference for a preliminary ruling;
 - ♦ Case C-562/22, JD, foreign reference for a preliminary ruling;

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

- ♦ Case C-284/22, Familienkasse Bayern Nord, referred to the Court of Justice of the European Union (CJEU) by a German referring court;
- ♦ Case C-518/22, Reference to the Court of Justice of the European Union (CJEU) from a German national court;
- ♦ Case C-630/22 Kirchliches Krankenhaus, Reference to the Court of Justice of the European Union (CJEU) by a German national court;
- ♦ Case C-650/21, Landespolizeidirektion Niederösterreich et Finanzamt Österreich, foreign reference for a preliminary ruling;
- ♦ Case C-333/23 (PPU), referred to the CJEU by a German national court;
- ♦ Case C-642/21, Public Prosecutor's Office attached to Bihor District Court and Others
- ♦ Case C-314/23, CP, foreign reference for a preliminary ruling;
- ♦ Case C-349/23, foreign CP, foreign reference for a preliminary ruling;
- ♦ Case C-518/22, foreign preliminary reference;
- ♦ Case C-394/23, referred to the Court of Justice of the European Union (CJEU) by a referring court in France;
- ♦ Case C-644/21, Cluj District Court and others;
- ♦ Case C-441/23. This case was referred to the Court of Justice of the European Union (CJEU) by a referring court in Spain;



- ♦ Case 2018/2253 – Incorrect application and transposition of certain provisions of Directive 2012/27/EU on energy efficiency;
- ♦ Case 2021/0342 – Non-transposition of Directive 2020/1504 amending Directive 2014/65/EU on markets in financial instruments;
- ♦ Case 2021/0496 – Non-transposition of Directive (EU) 2019/2162 on covered bond issuance and public oversight of covered bonds and amending Directives 2009/65/EC and 2014/59/EU;
- ♦ Case 2021/0091 – Non-transposition of Directive (EU) 2019/879 amending Directive 2014/59/EU as regards the loss-absorbency and recapitalisation capacity of credit institutions and investment firms and Directive 98/26/EC;
- ♦ Case 2022/2130 – Failure to comply with the obligations imposed by Regulation (EU) 2021/784 on the prevention of dissemination of terrorist content online
- ♦ Joined Cases C-623/23 and C-626/23, Melbán and Others, foreign references for a preliminary ruling from the Court of Justice of the European Union by a Spanish national court;
- Analysis on the relevance of filing an application to organise the oral phase of the proceedings in case C-4/23, Asociația Accept (Accept Association). Following the analysis conducted by the Working Group of Romania's Government Agent for the Court of Justice of the European Union, Romania's Government Agent for the Court of Justice of the European Union proposed that an application to organise the oral phase of the proceedings in case C-4/23, Asociația Accept was not relevant. In this context, NCCD representatives, which are members of the

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



Working Group of Romania's Government Agent for the Court of Justice of the European Union, reiterated the legal position they had presented on case C-4/23, Asociația Accept, pending before CJEU.

- Analysis on the relevance of filing written observations in the foreign case C-408/23, Anwaltsnotarin. This was submitted to the Court of Justice of the European Union (CJEU) by a German referring court. Following the analysis on the relevance of filing written observations in this foreign case, in light of the legal grounds and of the impact a CJEU judgment ruled in this case would have on Romania, NCCD representatives, which are members of the Working Group of Romania's Government Agent for the Court of Justice of the European Union, in consensus with all others Working Group members, appreciated that it was not relevant to submit written observations in the above-mentioned case.
- Analysis on the relevance of filing written observations in the foreign case C-417/23, Slagelse Almennyttige Boligselskab Afdeling Schackenborgvænge, submitted to the Court of Justice of the European Union by a Danish referring court. Following the analysis on the relevance of filing written observations in this foreign case, in light of the legal grounds and of the impact a CJEU judgment ruled in this case would have on Romania, NCCD representatives, which are members of the Working Group of Romania's Government Agent for the Court of Justice of the European Union, in consensus with all others Working Group members, appreciated that it was not relevant to submit written observations in the above-mentioned case.
- Analysis on the relevance of filing written observations in the foreign case C-441/23. This was submitted to the Court of Justice of the European Union (CJEU) by a Spanish referring court. Following the analysis on the relevance

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



of filing written observations in this foreign case, in light of the legal grounds and of the impact a CJEU judgment ruled in this case would have on Romania, NCCD representatives, which are members of the Working Group of Romania's Government Agent for the Court of Justice of the European Union, in consensus with all others Working Group members, appreciated that it was not relevant to submit written observations in the above-mentioned case.

- Analysis on the CJEU notice and arguments supporting the Court's decision to proceed to judgment without an Opinion of the Advocate General and without a hearing in the foreign case C-631/22, CNN.
- Analysis on the relevance of filing written observations in the foreign case C-531/23, Loredas. This was submitted to the Court of Justice of the European Union (CJEU) by a Spanish referring court.
- Analysis on the order ruled by CJEU in the case C-333/23, Habonov, which found that the request for a preliminary ruling is manifestly inadmissible.
- Analysis on the judgment ruled by the Court of Justice of the European Union in the case C-353/22, European Commission v Kingdom of Sweden – infringement proceedings concerning the failure to transpose, upon the expiry of the period prescribed, Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons. The EU Court found that Sweden had failed to fulfil its obligations under EU law, by having failed to adopt and to notify, upon the expiry of the period prescribed in the reasoned opinion, all national transposition measures. The Member State was ordered to pay a lump sum

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



in the amount of EUR 8 500 000; CJEU did not impose any penalty payment, as transposition in full was notified before the ruling.

Initial analysis on the implementation by the Working Group of Romania's Government Agent for the Court of Justice of the European Union of the CJEU judgement ruled in the foreign case C-113/22 submitted to the Court of Justice of the European Union (CJEU) by a Spanish referring court.

- Specialist legal opinion on case C-4/23, Mirin, where Judecătoria Sectorului 6 Bucureşti (First Instance Court of the 6th District of Bucharest) referred the following questions to the Court of Justice for a preliminary ruling: “Does the fact that Article 43(i) and Article 57 of [Law No 119/1996] do not recognise changes in civil status made in another Member State by means of the procedure for legal recognition of gender to entries concerning gender and first name by a transgender man who has dual nationality (Romanian and of another Member State) and require a Romanian citizen to bring, from the outset, separate judicial proceedings in Romania against the local Public Service for Personal Records and Civil Status – proceedings which have been held to lack clarity and foreseeability by the [ECtHR] ([judgment in X and Y v. Romania]) and which may lead to a decision contrary to that taken by the other Member State – constitute an obstacle to the exercise of the right to European citizenship (Article 20 [TFEU]) and/or the right of citizens of the Union to move and reside freely (Article 21 [TFEU] and Article 45 of [the Charter]) in conditions of dignity, equality before the law and non-discrimination (Article 2 [TEU]; Article 18 [TFEU], and Articles 1, 20 and 21 of [the Charter]), respecting the right to private and family life (Article 7 of [the Charter])?”

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



- Does the departure of the [United Kingdom] from the European Union affect the answer to the above question, in particular where (i) the procedure for changing civil status was commenced before Brexit and was completed during the transition period, and (ii) the impact of Brexit means that the person cannot benefit from rights attached to European citizenship, including the right to free movement and residence, except on the basis of Romanian identity or travel documents in which that person appears with a female gender and first name, contrary to the gender identity that has already been legally recognised?”

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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 NAȚIONAL
pentru COMBATEREA
DISCRIMINĂRII

2023 ACTIVITY REPORT

VII The issue of discrimination in Romania reflected in international reports

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



FRA 2024 REPORT



Scan the
QR code to access
the link

ANTISEMITISM IN 2022 – OVERVIEW OF ANTISEMITIC INCIDENTS RECORDED IN THE EU

[https://fra.europa.eu/sites/default/files/fra_uploads/
fra-2023-antisemitism-update-2012-2022_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-antisemitism-update-2012-2022_en.pdf)

This report provides an update on the latest figures on antisemitism, reflecting the incidents available at the time of drafting and providing an overview of trends from 1 January 2012 to 31 December 2022, or the period for which country-level data is available.

Following the unanimous adoption of the Council Declaration on the fight against antisemitism, the European Commission set up a Working Group on Antisemitism in 2018. In May 2023, representatives of the Member States and of Jewish communities and other stakeholders met in Romania to support the implementation of the strategy and to coordinate Member States efforts to fight antisemitism and foster Jewish life.

The Prosecutor's General Office has been collecting statistics on the motivation of incidents reported since 2018. Available statistical data report on bias motivation, without detailing by type of bias (e.g., antisemitism), as we detail in this section.

The Prosecutor's General Office has registered 51 cases of alleged antisemitism in 2022, compared to 31 cases in 2021. The



Click on the image to access the site.

2023 ACTIVITY REPORT

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



overall trend suggests an increase in the number of incidents between 2012 and 2022. The data provided by the Prosecutor's General Office indicate that, of the 51 new case files registered in 2022, 16 cases fell under the Government Emergency Ordinance no. 31/2002 (ban on promotion of fascist symbols and personalities), 16 cases fell under the Article 369 (incitement to hatred or discrimination) of the Criminal Code, 8 cases fell under Law no. 157/2018 combating antisemitism), 4 cases fell under Article 282(1) (d) of the Criminal Code on grounds of antisemitism and 4 cases fell under the Article 297(2) of the Criminal Code on grounds of antisemitism.

The Criminal Investigation Directorate of the Ministry of Internal Affairs provided data on cases solved pursuant to Law no. 157/2018 on measures to combat and prevent antisemitism. The law bans acts of antisemitism, such as the dissemination of antisemitic materials. According to such data, 7 complaints were registered in 2022, compared to 4 complaints in 2021, 3 complaints in 2020, 2 complaints in 2019 and 7 complaints in 2018.

The National Council for Combating Discrimination monitors, investigates and rules on penalties in cases of discrimination on grounds of antisemitism. Most cases of discrimination involving antisemitic behaviour raise concerns due to the use or intent to use fascist symbols.

STRATEGY OR ACTION PLAN FOR COMBATING ANTISEMITISM

In 2021, Romania adopted the National Strategy for Preventing and Combating anti-Semitism, Xenophobia, Radicalization and Hate Speech (2021–2023). The Strategy uses the IHRA definition, and national authorities consulted with Jewish communities during the Strategy drafting process. An Interministerial Committee on strategy

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



implementation oversight was appointed. The first monitoring report was available in December 2021, a second reports was published in May 2022 and a final implementation report was presented in May 2023.

The Strategy includes specific measures to combat antisemitic hate speech, hate crimes and discrimination; online antisemitism; to ensure security and protection of Jewish communities; to foster Jewish life and to preserve Jewish heritage; to foster education; research; and Holocaust remembrance.



Scanează codul QR
pentru a accesa
link-ul

FUNDAMENTAL RIGHTS OF OLDER PEOPLE: ENSURING ACCESS TO PUBLIC SERVICES IN DIGITAL SOCIETIES

<https://fra.europa.eu/en/publication/2023/older-people-digital-rights>

Two major transformations are shaping Europe's future: demographic ageing and the digital transformation of everyday life, including the digitalisation of public and private services.

At the same time, digital transformation in the EU is proceeding fast: the European Commission, through its European Digital Decade Policy Programme, is working towards having 100% of key public services online across the EU by 2030. A considerable challenge now facing the EU and Member States is to address digitalisation from a fundamental rights perspective and ensure equal access to digital information and services for the rapidly growing group of older persons in all their diversity.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



SOCIAL AND DIGITAL INEQUALITIES

While many have benefited from using information and communication technology (ICT), not everyone has the same motivation, opportunities and skills to access and use it. Digital inequalities reflect and can even exacerbate social inequalities for those lacking access to the internet or digital skills. For instance, people with low incomes can be digitally excluded, for example from using digital public or private services, as they may not have the means to pay for the necessary devices, internet access or support. It is often assumed that support comes from the social environment, such as family members or friends, which is not always the case.

Consequently, some people or groups profit more from digital opportunities because they have earlier and better access to ICT or support. In the COVID-19 crisis, digital inequality was of particular concern for older persons and people with lower education levels or health problems.

We note major gaps among Member States, in terms of necessary skills for the elderly to participate in digitalising societies.

The report indicates that Romania grants equal access to public services that are undergoing digitalisation in particular areas by addressing it in specific laws in combination with non-discrimination legislation. Also, in Romania, three separate regulations address digitalising

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



Click on the image to access the site.



public services, however, none of them provides any specific measures or provisions to ensure equal access.

Almost half of the Member States' authorities – 13 out of 27 (Romania among them) – plus North Macedonia and Serbia have received complaints related to discrimination in access to digital public services, although the majority do not specifically address age as a protected characteristic or older persons as a group at heightened risk.

Nine Member States specifically mention older persons as a population group that may be at risk of digital exclusion (Belgium, Croatia, Finland, Ireland, Lithuania, Luxembourg, Poland, Romania and Slovakia).

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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 NAȚIONAL
pentru COMBATEREA
DISCRIMINĂRII

2023 ACTIVITY REPORT

VIII National Council for Combating Discrimination in mass-media

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



MONITORING PERIOD: JANUARY–DECEMBER 2023

236

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

87

new articles monitored refer to
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 in the publications: Libertatea, Ziare.com and Gândul.

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



The most significant articles that had been published in newspapers in 2023 and made a reference to the activity undertaken by our institution were as follows:

RADU BANCIU, A JOURNALIST, FINED FOR STATEMENTS THAT THAT ARE DETRIMENTAL TO WOMEN'S DIGNITY

The National Council for Combating Discrimination ruled on a fine in amount of RON 25,000 to be paid by the journalist Radu Banciu after he stated on a TV show that women like to be beaten.

“Well, as far as I know, at least all women I’ve known, well, 99% of them wanted this, just spank them every now and then. Right? Just to make them see there is authority there. But they never say that in real life. They just say it in the intimacy of a couple.”

OLIVIA STEER SANCTIONED FOR INFRINGING THE RIGHT TO DIGNITY OF THE PROFESSIONAL CATEGORY OF DOCTORS

The National Council for Combating Discrimination ruled on a fine in amount of RON 5,000 to be paid by the former TV anchor Olivia Steer for infringing the right

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



to dignity of the professional category of doctors, after a Facebook post during the pandemic stating that COVID patients are “killed by the deadly WHO protocols, with the criminal complicity of front-line heroes”.

“If you are not outraged that Covid patients die in ICU units under bed restraints, suffocated, starved and thirsty, killed by the deadly WHO protocols, with the criminal complicity of front-line heroes and then cynically declared dead due to Covid, then don’t join the protest! If you don’t mind that you are denied the right to protest illogical and unconstitutional government measures which are not supported by scientific evidence, in the name of a flu with a 99.7% cure rate, don’t come to University Square at 1pm today! If you couldn’t care less about the fact that after a lifetime of paying insurance you are denied access to hospitals for your chronic or acute illnesses, in the name of a flu with a 99.7% cure rate, don’t join today at 1pm. If you put on two or three masks every day, disinfected your hands every hour, still had Covid and now you blame those who do not comply with some crazy measures imposed for a flu with a 99.7% cure rate, do not come! If you don’t understand why countries of the world (India, China) have given up the pandemic hysteria and resumed normal life, without masks and without distancing and without an increase in disease incidence, don’t come to University Square today at 1pm!”

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.’S STEERING
BOARD DECISIONS

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



AIRPORT FINED FOR CHARGING A WOMAN WITH LOCOMOTOR DISABILITY ADDITIONAL FEES

The National Council for Combating Discrimination ruled on a fine in amount of RON 30,000 to be paid by each of the following: Sibiu International Airport, Air Bucharest Transport Aerian and Menzies Aviation Romania.

This decision was ruled following a complaint filed by a person with a with locomotor disability who had to pay for the assistance services she requested upon boarding at the Sibiu airport and landing at the destination airport (Egypt). NCCD argued that persons with locomotor disabilities have the right to be assisted, free of charge, while boarding or disembarking aircraft at all airports and that charging additional fees for this service constitutes discrimination.

MINISTRY OF EDUCATION ACCUSED OF DISCRIMINATION IN THE CASE OF CHILDREN DENIED ENROLMENT IN PREPARATORY CLASS

Following the petition lodged by a parent whose child was denied enrolment in preparatory class, NCCD ruled that a decision to refuse enrolment on age grounds is discrimination and issued an administrative warning against the Ministry of Education. Also, NCCD recommended that the discriminatory rule should be amended and that the change should be monitored for a 2-month period.



INTELLIGENCE SERVICES, THE MINISTRY OF DEFENCE, THE MINISTRY OF JUSTICE AND THE MINISTRY OF INTERNAL AFFAIRS SANCTIONED ON GROUNDS OF DISCRIMINATION

The National Council for Combating Discrimination issued a warning against the Intelligence services, the Ministry of Defence, the Ministry of Justice and the Ministry of Internal Affairs following a complaint by a candidate to the Police School in Câmpina who was rejected on the grounds that he suffers from chronic autoimmune thyroiditis, a disease included on the list of conditions that preclude employment/admission to military, intelligence, public order and national security units/institutions.

In addition to the sanction, NCCD established that the inclusion of the condition on this list was unfounded and recommended that it should be removed.

SCHOOL IN VÂLCEA SANCTIONED FOR SEGREGATION

NCCD ruled on a fine in amount of RON 2,000 to be paid by a school in Vâlcea County, after having established that this school engaged in indirect discrimination when using student ethnicity and domicile as criteria for student assignment to classrooms.

The NCCD's Steering Board recommended that the school comply with the Framework Order no. 6134/2016 banning school segregation in pre-university educational facilities and ruled on a 6-month monitoring period to remedy the discrimination situation.



STB DRIVERS FINED FOR FAILURE TO ENSURE ACCESS IN THE BUS FOR A PERSON WITH LOCOMOTOR DISABILITIES

The National Council for Combating Discrimination ruled on an act of discrimination for limiting the access of a person with locomotor disabilities to public transport services.

The decision concerned an incident in 2022, when a person with locomotor disabilities who intended to use the STB public transport facilities was not provided with access to the bus, because the driver failed to make the ramp available, and later motivated that he had not noticed the person. Later on, on the same bus route, another driver denied the person access to the public transport facility and used licentious, abusive words against her and to her mother, who accompanied her.

The NCCD's Steering Board ruled on an administrative fine in amount of RON 1,000 against the first driver, who apologised for the incident and, implicitly, to the complainant, explaining the circumstances of certain manoeuvres which did not allow him adequate visibility.

The NCCD's Steering Board ruled on an administrative fine in amount of RON 3,000 against the second driver, who not only denied access, but also displayed improper behaviour and was verbally abusive.

BIANCA DRĂGUȘANU IMPOSED A RON 10,000 FINE FOR STATEMENTS ABOUT SHORT WOMEN

NCCD established that the statement: "Take, for example, Kim Kardashian. I think that she would be so much cooler if she were taller, at least 10-15 cm taller, but she



has these shapes I very much want myself and I am working on it. It's just that she's sort of a midget... I believe that if you are not tall, you are not really a human being!" violates the limits of freedom of expression and seriously undermines the dignity of women in general and of short persons in particular and ruled on an administrative fine in amount of RON 10,000 against Bianca Drăgușanu.

FUNERAL PARLOUR AD WITH WOMEN WEARING LINGERIE IN COFFINS FINED FOR DISCRIMINATION

A funeral parlour in Galați published, for three consecutive years, a calendar exposing images with women wearing lingerie or almost naked, some even simulating sexual intercourse, in or on coffins. After the media published the images in 2022, the Centre for Curriculum Development and Gender Studies: FILIA filed a complaint with the National Council for Combating Discrimination. In 2023, NCCD ruled that the public display of those images is discrimination and that both the funeral parlour and the advertising design company which created the calendar shall pay a fine in amount of RON 20,000.

GEORGE BUHNICI LOST THE CASE WITH NCCD

In 2022, the National Council for Combating Discrimination ruled on an administrative fine in amount of RON 20,000 to be paid by George Buhnici for his statements related to women with stretch marks on the beach. The renowned tech vlogger challenged in court the NCCD decision but lost the case before the Court of Appeal. The court decided to reduce the fine to the amount of RON 3,000. This is not a final judgment and an appeal may be lodged against it.



CONSILIUL NAȚIONAL
pentru COMBATEREA
DISCRIMINĂRII

2023 ACTIVITY REPORT

IX Financial and personnel data

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

Payments made in 2023

Thousands LEI

	Budget code	Allocated	Used
STATE BUDGET	51.01		
Staff expenditure	10	9,101	9,006
Goods and services	20	1,273	1,101
Transfers	55	11	10
Projects funded through external grants	58	10	8
Other expenses	59	130	129
Capital expenditure	71	6	6
Payments associated to previous years	85		-11
Total		10,531	10,249

EXTERNAL GRANT	51.08		
Projects funded from external funds	56	57	0
Projects funded from external funds	58	261	6
Total		318	6

Total N.C.C.D. Budget		10,849	10,255
------------------------------	--	---------------	---------------



N.C.C.D.'S STAFF COMPRISES:



approved
positions

99



positions
funded

77



positions
occupied

76

the share of staff
with secondary education

3.95%



the share of staff with
higher education

96.05%

the
average age
46
years

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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



The composition of the Steering Board

Csaba Ferenc Asztalos

PRESIDENT

Cristian Jura

MEMBER

Adrian-Nicolae Diaconu

VICE-PRESIDENT

Radu Babuș

MEMBER

Claudia Sorina Popa

MEMBER

Horia Grama

MEMBER

Cătălina Olteanu

MEMBER

Cătălin Raiu

MEMBER

Claudia-Cerasela Bănică

MEMBER

Radu Săvulescu

MEMBER

Maria Moța

MEMBER

FOREWORD

ANALYSIS OF PETITIONS
RECEIVED BY N.C.C.D. IN 2023

ANALYSIS OF CASES PROCESSED
BY N.C.C.D. IN 2023

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

EXAMPLES FROM THE CASE LAW
OF N.C.C.D.'S STEERING
BOARD DECISIONS

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

2023

ACTIVITY
REPORT

Thank you

