



CONSILIUL  
NATIONAL  
pentru COMBATEREA  
DISCRIMINĂRII

# 2024

## ACTIVITY REPORT





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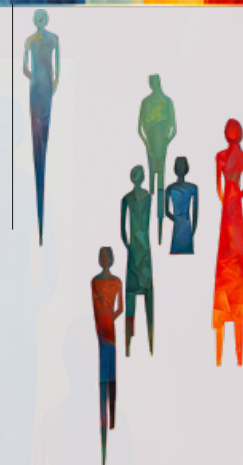
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*This report presents relevant information on the activity carried out by the National Council for Combating Discrimination (N.C.C.D.) in 2024. The report provides an overview of the N.C.C.D.'s lines of action, more specifically prevention, complaint resolution, legal assistance and administrative litigation, as well as national and international representation of the institution.*

*The number of complaints remained constant compared to previous years, and no relevant changes were reported in terms of areas and criteria of discrimination in 2024. The complaints reported acts of discrimination in the areas of access to work, access to education and services, and hate speech.*

*The most frequent discrimination criteria reported in the complaints were: disability, age, ethnic origin, nationality and social category.*

*Moral harassment as a form of discrimination is very present in the complaints, raising a number of issues of interpretation in practice, due to the very poor legal definition of this type of discrimination.*

*2024 precedes the year that will mark the end of a cycle for the N.C.C.D.'s Steering Board, with 6 members' terms coming to an end.*

*N.C.C.D. maintained its independence and institutional autonomy in 2024, and fulfilled its legal tasks. We note an acute shortage of human resources, which causes delays in the activities carried out by the institution.*

*We recommend the 2024 N.C.C.D. Activity Report for critical and constructive reading and analysis.*

**Asztalos Csaba Ferenc,**  
PRESIDENT





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CRITERIA	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
<b>Non-contagious chronic disease</b>	0	0	6	2	3	2	4	2	0	1	6	9	9	5	8	10	6	8	8	13	18	18	31
<b>Sexual orientation</b>	1	5	6	9	6	7	6	6	4	8	3	13	9	3	8	17	13	13	11	11	13	15	17
<b>HIV infection</b>	0	1	15	10	5	3	7	1	3	1	5	4	3	4	4	8	4	6	7	2	4	8	6
<b>Language</b>	0	2	1	2	2	7	11	13	16	10	43	38	27	27	25	12	17	20	26	13	26	13	7
<b>Personal beliefs</b>	4	12	23	19	8	10	14	13	4	2	15	14	13	4	20	6	22	15	24	98	12	23	27
<b>Religion</b>	2	9	9	11	8	12	15	6	6	5	5	11	18	14	7	12	11	17	138	26	13	18	12
<b>Disadvantaged group</b>	2	0	10	6	4	26	22	9	7	14	10	13	25	26	5	2	9	6	13	4	6	4	4
<b>Age</b>	6	11	14	17	10	10	24	10	9	16	5	18	21	22	31	31	29	35	38	37	30	31	24
<b>Gender</b>	3	14	13	9	11	22	32	9	18	15	21	31	46	28	29	19	43	29	30	53	68	37	34
<b>Nationality</b>	1	12	21	39	20	39	54	28	42	33	49	61	49	36	30	64	56	80	83	75	92	96	75
<b>Disability</b>	3	31	18	21	20	70	55	49	38	42	45	42	57	56	83	74	81	87	90	73	110	73	80
<b>Ethnicity</b>	34	66	45	85	69	82	62	62	54	62	61	66	42	61	81	53	52	48	92	49	71	58	50
<b>Other</b>	52	184	108	61	132	32	159	96	83	81	69	121	127	147	194	114	177	153	220	292	222	232	356
<b>Race</b>	0	0	1	1	2	0	0	2	1	0	0	3	2	1	3	2	0	1	1	1	1	5	4
<b>Disadvantaged group</b>	26	126	63	90	132	514	372	222	193	175	211	414	328	318	314	258	302	386	258	301	302	369	180
<b>TOTAL</b>	<b>134</b>	<b>473</b>	<b>353</b>	<b>382</b>	<b>432</b>	<b>836</b>	<b>837</b>	<b>528</b>	<b>478</b>	<b>465</b>	<b>548</b>	<b>858</b>	<b>776</b>	<b>752</b>	<b>842</b>	<b>682</b>	<b>822</b>	<b>904</b>	<b>1039</b>	<b>1048</b>	<b>988</b>	<b>1000</b>	<b>907</b>

Distribution of petitions received during the 2002–2024 period,  
according to discrimination criteria/fields



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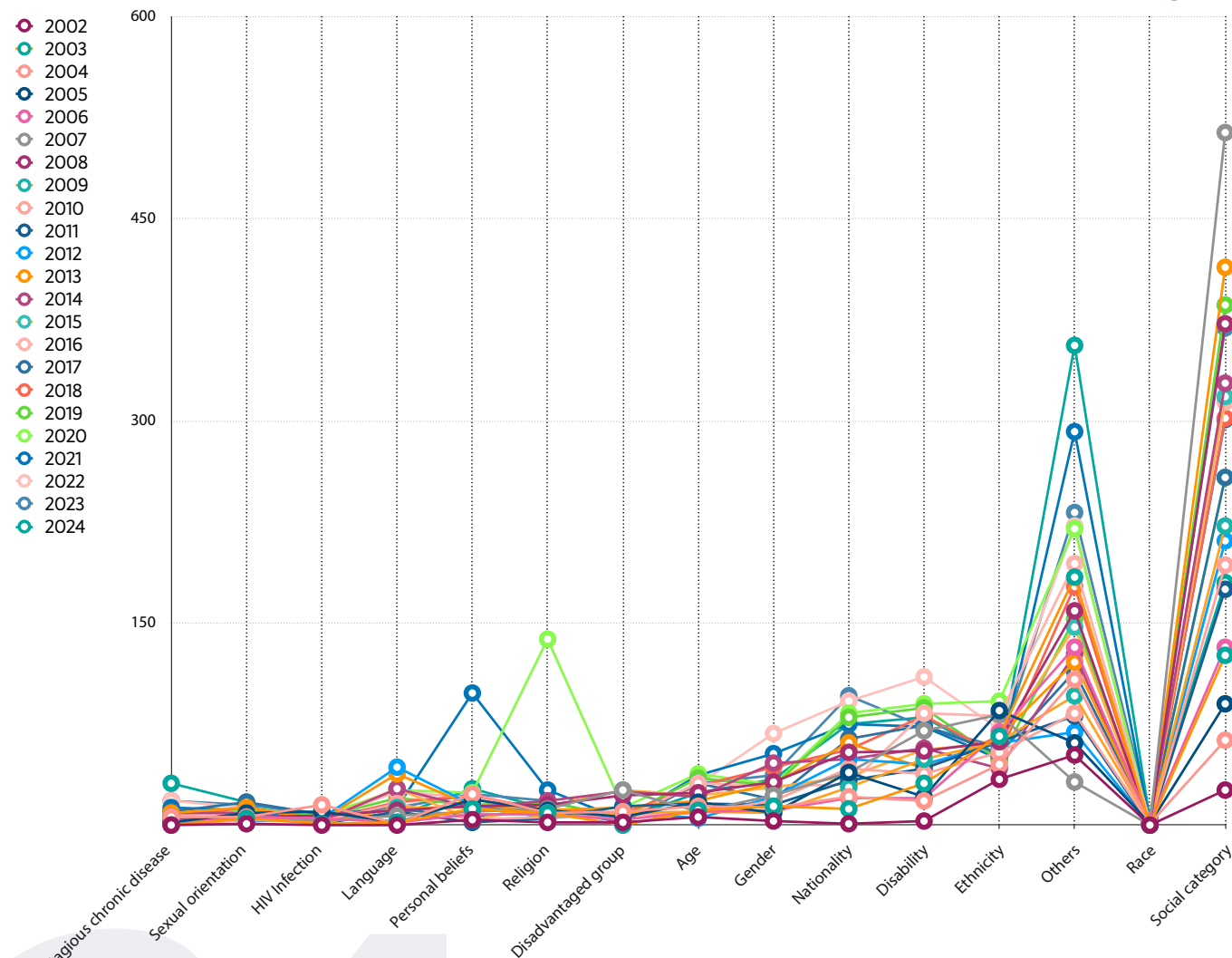
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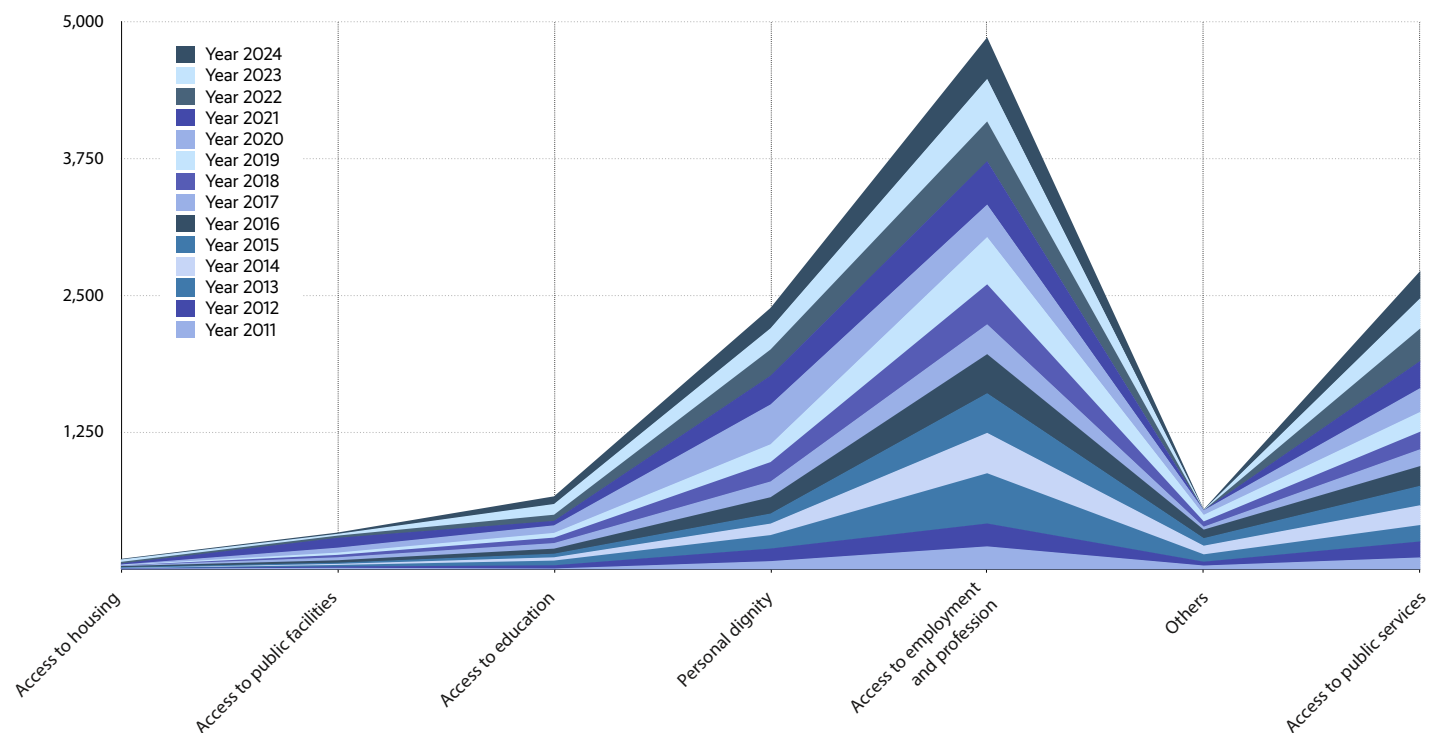
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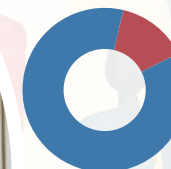
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RURAL

**138 / 14%**



EMAIL

**23**

URBAN

**750 / 86%**



Distribution of petitions received by N.C.C.D. in 2024 according to their area of origin





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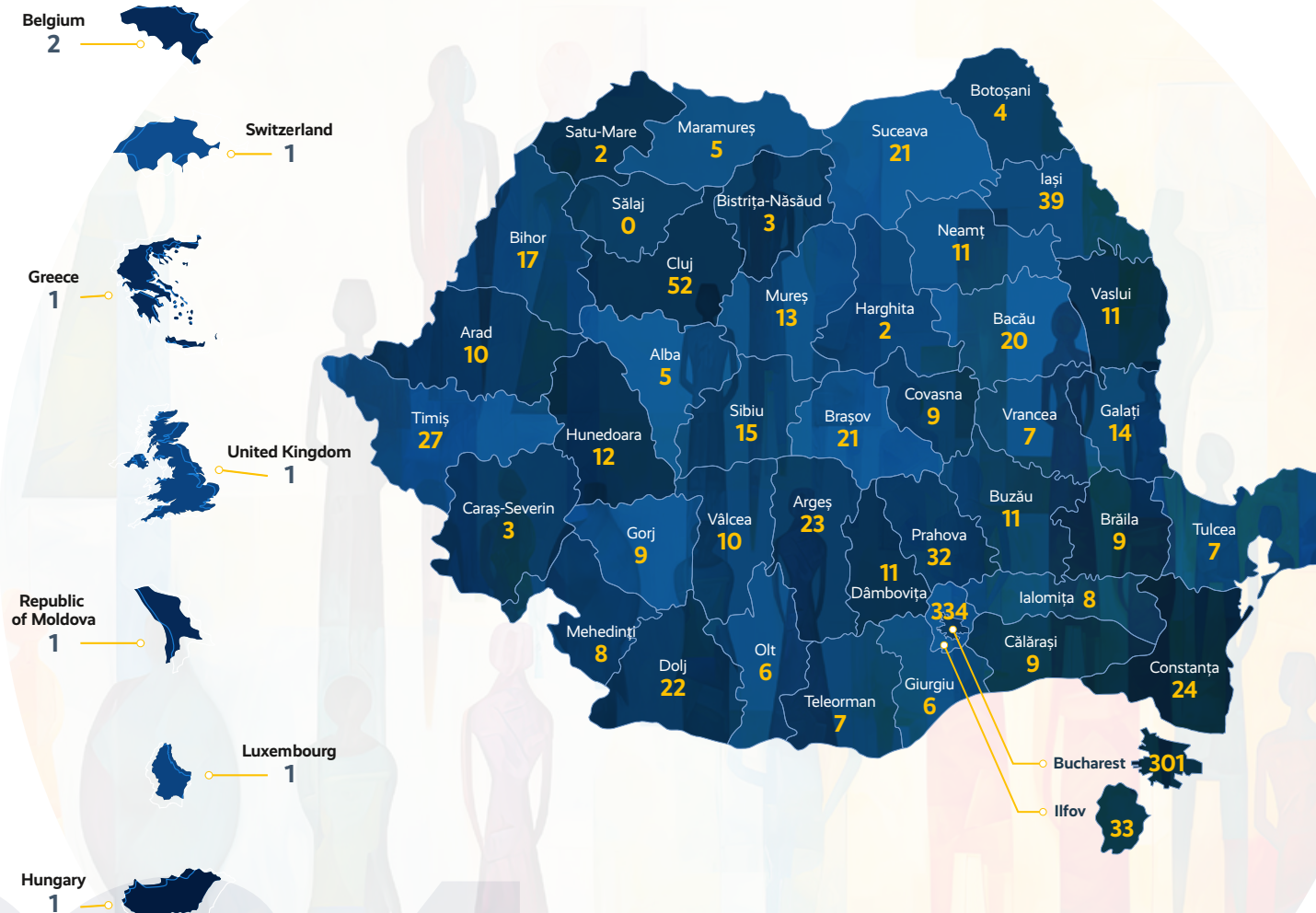
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GROUP OF  
 PERSONS

**29 / 3%**



FEMALES

**333 / 37%**



MALES

**458 / 50%**



LEGAL ENTITIES

**87 / 10%**

Distribution of petitions received by N.C.C.D. in 2024 according to the profile of the applicant





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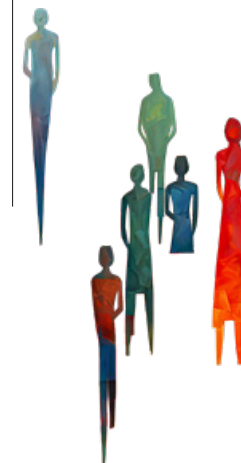
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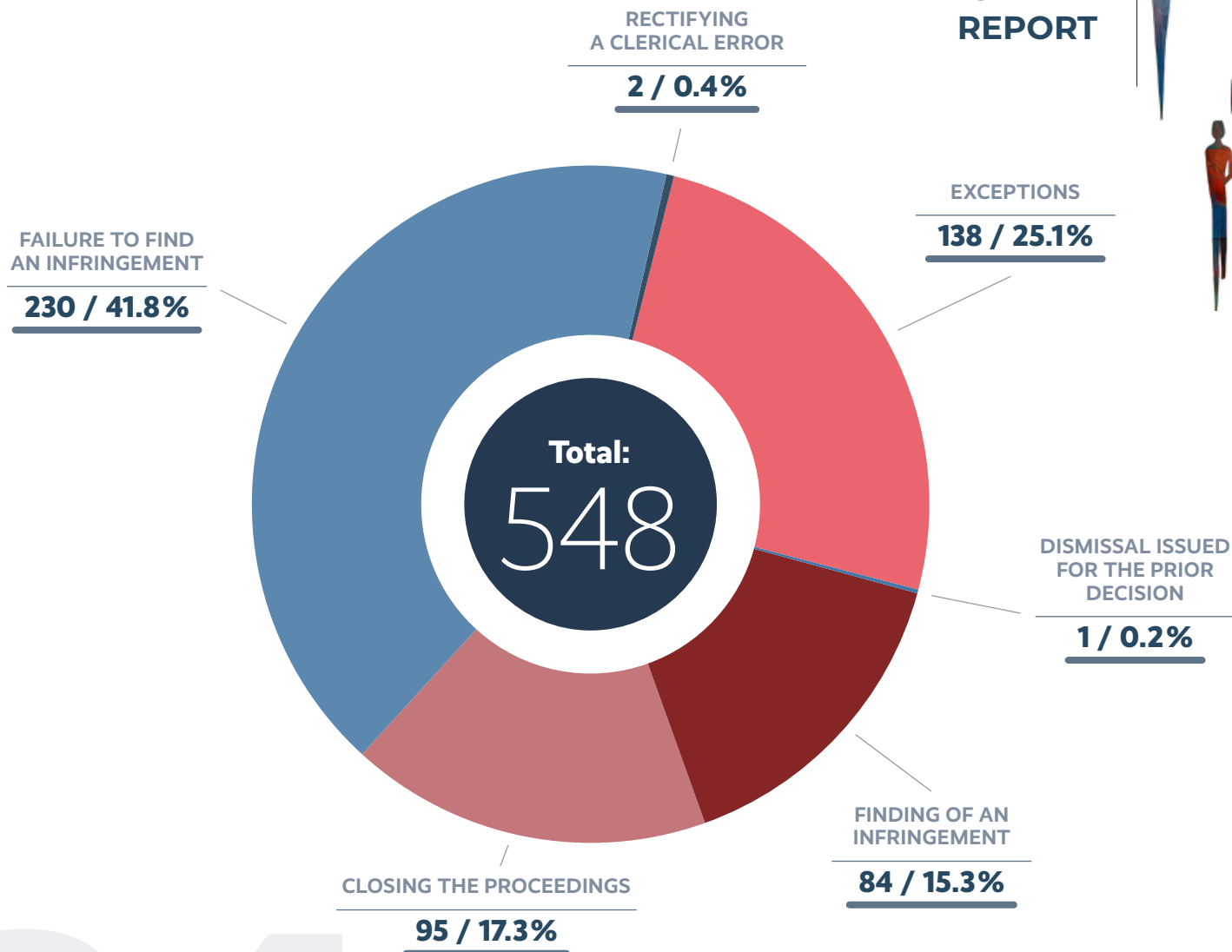
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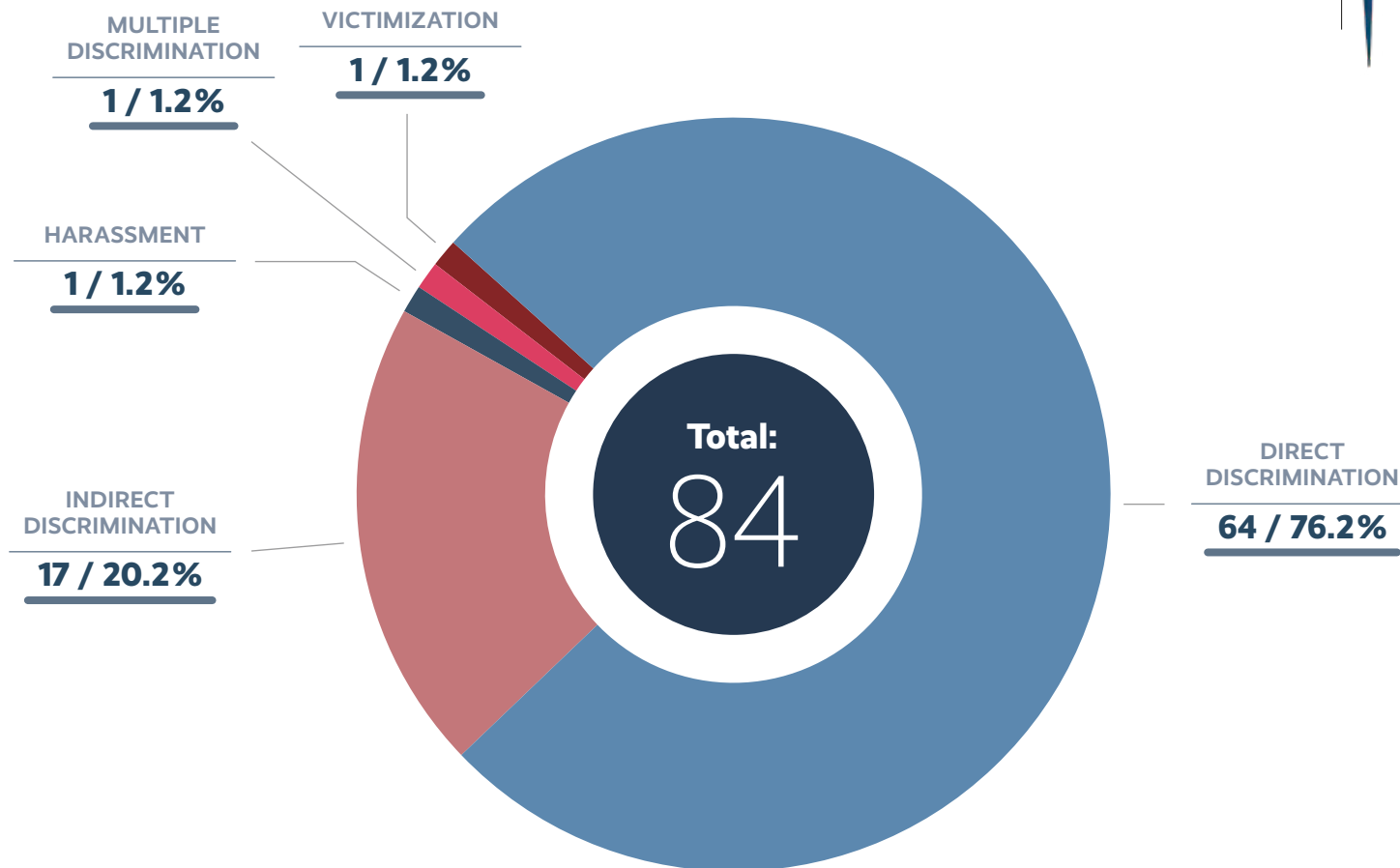
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Types of discrimination found in 2024

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Share of findings stating that an act of discrimination had been found from the total number of decisions issued by the N.C.C.D.' Steering Board in the 2011–2024 period



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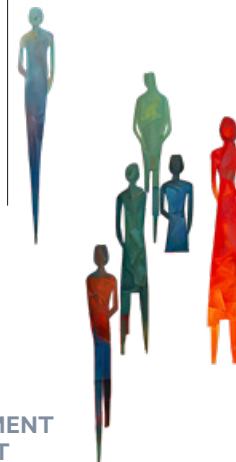
NO EVIDENCE  
FOUND

**38 / 13.2%**

NO CAUSALITY  
RELATION IDENTIFIED

**42 / 14.6%**

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NO INFRINGEMENT  
OF A RIGHT

**29 / 10.1%**

NO CRITERION  
IDENTIFIED

**36 / 12.5%**

NOT A DIFFERENT  
TREATMENT

**5 / 1.7%**

NO FACTS FOUND

**15 / 5.2%**

SITUATIONS NOT  
COMPARABLE

**42 / 14.6%**

JUSTIFIED  
MEASURE

**42 / 14.6%**

FREEDOM  
OF SPEECH

**38 / 13.2%**

Method for processing those decisions where no act of discrimination had been found in 2024





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Type of decision issued in 2024 reflected in accordance with each discrimination criterion

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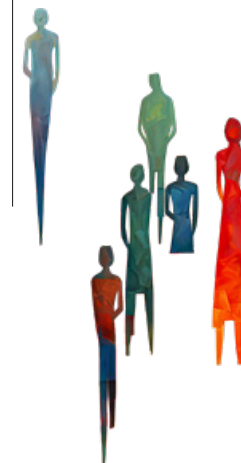
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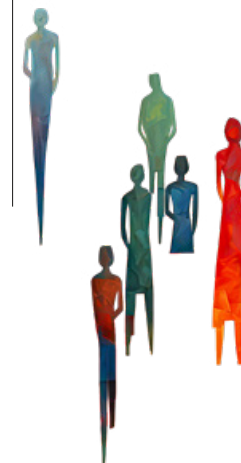
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Type of decisions issued in 2024 presented in accordance with each discrimination field

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**Total  
sanctions**

**84**

Types of sanctions ordered in 2024 by the Steering Board per each discrimination criterion



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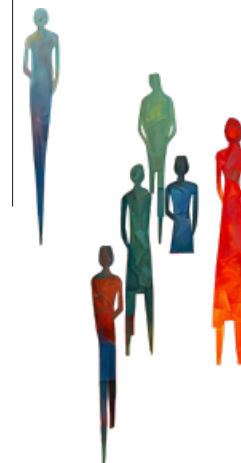
**Total  
sanctions**

**84**

Types of sanctions ordered in 2024 by the Steering Board per each discrimination field

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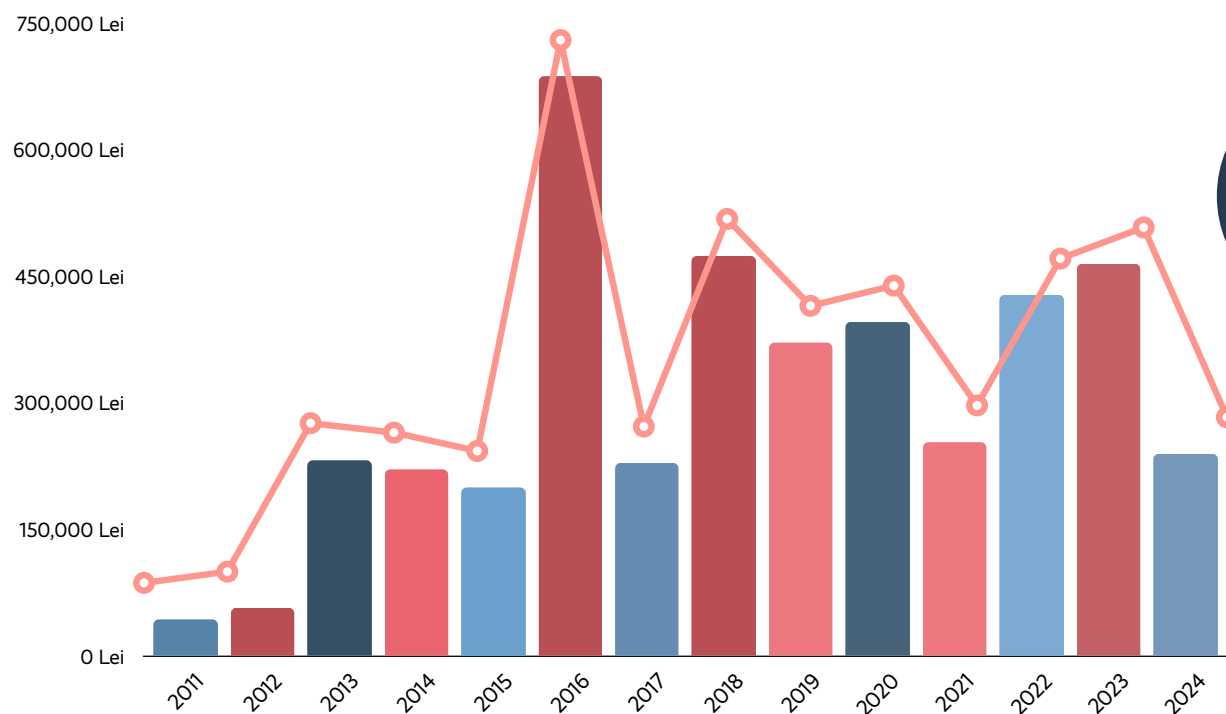
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**Total amount  
of fines  
240,000  
Lei**

Total fines issued during the 2011– 2024 period



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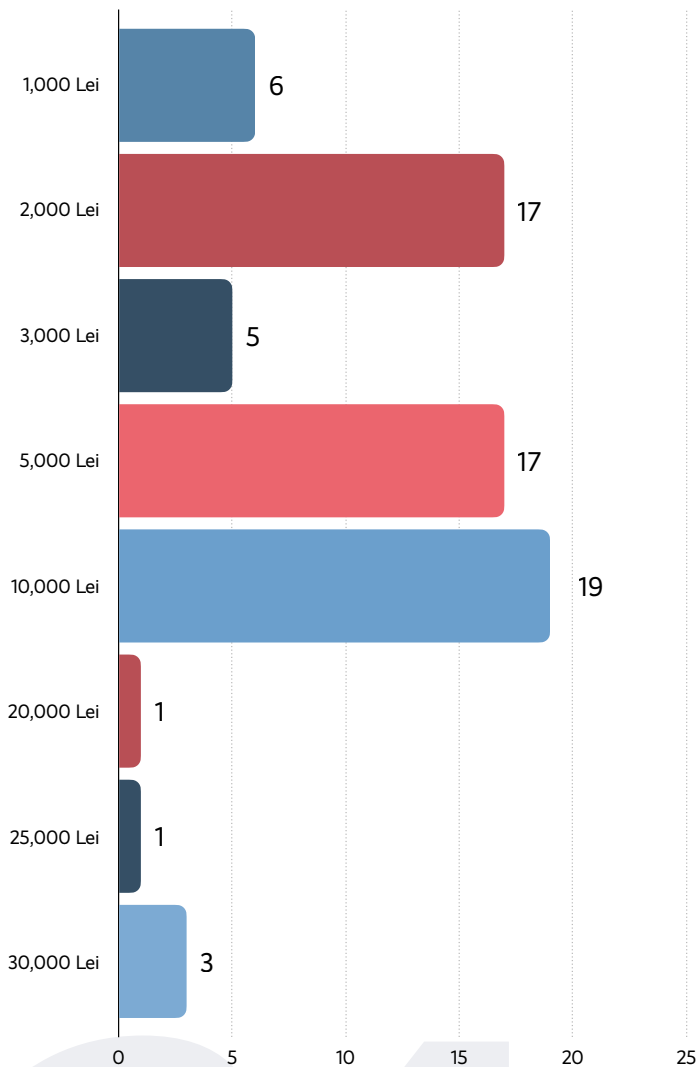
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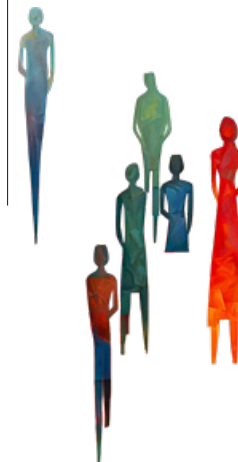
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Amount of fines imposed by the Steering Board and their number in 2024

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Total fines

39



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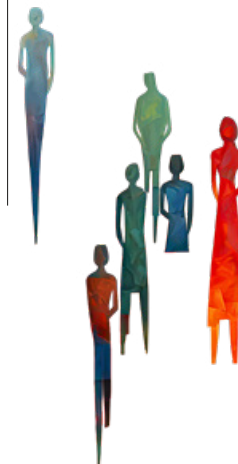
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Fines imposed in 2024 per each discrimination criterion/field

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# IV Examples based on case-law of findings made by the N.C.C.D.' Steering Board





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## EQUAL OPPORTUNITIES IN ECONOMIC ACTIVITIES AND IN EMPLOYMENT AND PROFESSION

### DECISION A

A mother, diagnosed with Class 2 obesity and chronic thyroid disease after returning from parental leave, applied for a job in a county police inspectorate. The Medical Committee declared her unfit according to the standard criteria introduced by Order No. 107/2014 issued by the Minister of National Defence, the Minister of Internal Affairs, the Minister of Justice, the Director of SRI, the Director of SIE, and the Director of the STS.

In this case, the N.C.C.D. Board found that the non-contagious chronic illness of the petitioner did not prevent her from holding a non-operative position with the Police Inspectorate. Consequently, the Board found that the petitioner was subject to differentiated and discriminatory treatment and sanctioned the respondents who signed the order with a warning, pursuant to Art. 2 (1) in conjunction with Art. 6 of GO 137/2000, as republished.

### DECISION B

A person who intended to enrol for a PhD admission competition, without a prior written agreement signed by a PhD supervisor, requested that the N.C.C.D. Board should issue a decision on the discriminatory nature of the admission methodology. The petitioner claimed





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that the right to education cannot be restricted in the case of those persons who do not obtain such an agreement signed by a supervisor before the admission competition.

In this case, the N.C.C.D. Board appreciated that, unlike other higher education studies, doctoral studies require scientific compatibility between the doctoral student and the PhD supervisor, and they are individual research studies, which set an upper limit of eight doctoral students who may be simultaneously guided by a single supervisor. Consequently, the N.C.C.D. Board found that, pursuant to the university autonomy principle, each doctoral school is free to decide whether PhD candidates should present a supervisor's prior agreement.

## **ACCESS TO PUBLIC AND LEGAL SERVICES, HEALTHCARE SERVICES AND OTHER SERVICES, GOODS AND FACILITIES**

### **DECISION A**

A commercial bank refused to transfer the amount of money resulting from a real estate transaction to the account of a Romanian citizen with an Arabic name. Moreover, the same citizen benefited from the services of another commercial bank for the same type of transaction.

The N.C.C.D. Board appreciated that the action taken by the respondent was unjustified and discriminatory. Consequently, the Board found the occurrence of an act of discrimination,





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pursuant to Art. 2 (11) and to Art. 26 (1) of GO no. 137/2000 on preventing and sanctioning of all forms of discrimination, as further amended and supplemented, republished, in conjunction with Art. 8 of GO no. 2/2001 on the legal regime of contraventions, as further amended and supplemented, and sanctioned the bank with a RON 5,000 fine.

## DECISION B

“The asking price of the owner is EUR40,000. For citizens of Roma ethnicity, the asking price if EUR 38,000, and the agency fee is lowered by 50 %”, read the text of an online advertisement placed by a petitioner, a Romanian citizen of Romanian ethnicity.

The Board appreciated that the unfavourable treatment of the majority population, compared with persons belonging to the Roma ethnicity relies on the respondents' personal considerations regarding likely behaviours related to their ethnic origin and individual features, which places such a manner of wording in the category of discrimination against persons who do not belong to the Roma ethnicity. At the same time, the Board notes that the possible affirmative measure cannot be adopted by an individual, given that the lower price offer cannot contribute to equal opportunities between the disadvantaged category, namely the persons belonging to the Roma ethnicity, and the majority population, Romanian citizens of Romanian nationality.

In this case, the N.C.C.D. Board sanctioned the real estate agency with a fine in amount of RON 10,000, pursuant to Art. 26 (1) of GO no. 137/2000, as republished.





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## DECISION C

A person with visual impairment tried to enter an outdoor pool facility with the guide dog. Despite the fact that the visually impaired person explained the pool reception staff that the legislation allows it, the person who banned their access indicated that the pool was private property and did not have to comply with legal provisions.

In view of the express refusal of the pool employee to allow the petitioner access, the Board explained that any service provider should make every effort to ensure that the access and, implicitly, the integration of persons with special needs is effectively achieved. Also, N.C.C.D. sanctioned the private operator with a fine in amount of RON 2,000 pursuant to Art. 2 (1) in conjunction with Art. 10 (f) and (h) of GO no. 137/2000 preventing and sanctioning of all forms of discrimination, as republished. The provisions of Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities also apply in the case.

## RIGHT TO PERSONAL DIGNITY

## DECISION A

The N.C.C.D. Board sanctioned the antisemitic hate speech and dangerous speech generated in the social media by a leader of the neo-legionarism community. Moreover, in various online posts, the person subject to the sanction used numerous stereotypes about Jews, who were associated with bolshevism, communism, conspiracy theories on a totalitarian world





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government, or the murder of Jesus Christ, the founder of Christianity, stereotypes which are internationally identified with the promotion of antisemitism, as defined by the International Holocaust Remembrance Alliance (IHRA).

The Board appreciated that the promotion of antisemitic messages is incompatible with free speech and democracy and sanctioned the respondent with a fine in amount of 5,000 RON pursuant to Art. 15 GO no. 137/2000 preventing and sanctioning of all forms of discrimination, as republished, and to the national legislation on combating antisemitism.

#### DECISION B

The N.C.C.D. Board acted on its own motion in the case of a press release published by a trade union organisation, a reaction to an interview given by a female defendant, while waiting for a court to rule on her custodial sentence. In the press release, the trade union organisation uses defamatory rhetoric against motherhood, implying that a woman should not take steps to have children while waiting for a court sentence: “if she cared so much about the fate of her child, E.U. should have anticipated the consequences of the fact that the offences







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she had committed foretold her status as a person deprived of her liberty, especially after she was indicted before the court, and that such status would make her relationship with a potential child difficult.” Despite this, U. chose to have a child. And then who is to blame for any gaps in the psycho-emotional development of her daughter? The Romanian State or her own decisions?”.

The content of the press release differentiates between women deprived of their liberty, who are mothers, and other persons deprived of their liberty, representing a behaviour which is likely to undermine their dignity, to create an intimidating, hostile, degrading, humiliating, offensive atmosphere against women deprived of their liberty who are mothers.

The N.C.C.D. Board sanctioned the trade union organisation with a fine in amount of RON 5,000, pursuant to Art. 2 (1) and to Art. 15 of GO no. 137/2000.

## DECISION C

Several persons, and the Romanian Patriarchate reported the offensive content of an art exhibition organised in Bucharest. Although the exhibition was artistically designed to reflect the antithesis between light and shadows, the N.C.C.D. Board appreciated that certain exhibits go beyond freedom of artistic creation and are offensive for Christians. The main exhibit which supported the decision reached by N.C.C.D. was an icon in the Byzantine tradition, used as a liturgical object by several religious cults in our country, whose consecrated form was modified by the artist.

The elements of originality were limited by an offensive reversal of the artistic message related





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to the Mother of God, as follows: from the virginal mother to a transvestite man of vulgar appearance, from the simple attire, which is an iconographic indication of the pure life of the Mother of God, to the ostentatious display of a quasi-naked body covered with tattoos, from the femininity par excellence of the Mother of God to the image of a man crossdressing as a woman, from the humble posture of the Mother of God to the debonair appearance of the crossdresser, etc.

The N.C.C.D. Board appreciated the content of the exhibition as offensive pursuant to Art. 13 (2) of Law no. 489/2006 on religious freedom and to Art. 2 (4) in conjunction with Art. 15 of GO no. 137/2000 preventing and sanctioning of all forms of discrimination, as further amended, supplemented and republished, and sanctioned the artist with a warning, and the curator, the organiser and the host of the exhibition with a fine in amount of RON 5,000 each.







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# V Activity of the Legal Directorate

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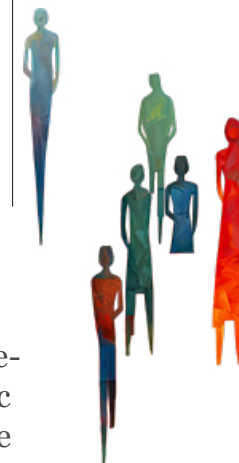
# ACTIVITIES UNDERTAKEN ACCORDING TO SPECIFIC TASKS ENTRUSTED

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

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

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





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EXAMPLES BASED ON  
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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 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 the N.C.C.D.' Steering Board fall under the jurisdiction of administrative proceedings courts (Courts of Appeal, operating as first instance courts, respectively the High Court of Cassation and Justice, as an appellate court), as stipulated by art. 20, para. (9) and (10) of O.G. no. 137/2000, republished, in conjunction with art. 6 of the Law on administrative proceedings no. 554/2004.

The time-limit within these jurisdictional-administrative documents may be appealed against is 15 days since their service, otherwise they become enforceable.

## ■ THE CONFIRMATION RATE FOR THE “JUDICIAL REVIEW” THAT N.C.C.D. DECISIONS WERE SUBJECTED TO DURING 2024

During 2024, the competent courts (the Courts of Appeal and High Court of Cassation and Justice) had a total number of **570** cases on their docket, whose subject was the judicial review and due diligence procedure applied to C.N.C.D decisions adopted pursuant to art. 20 of G.O. No. 137/2000, republished.





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As a result of the judicial review and due diligence proceedings, in 2024, the courts settled 246 of the total number of pending cases, by **confirming the decisions issued by the Council**, either on **the merits of the case and/or during the appeal, thus rejecting 191 complaints lodged against the N.C.C.D. decisions, and respectively by admitting 55 claims.**

By the end of 2024, **435 cases were still pending settlement on the docket of courts** (on the merits of the case/on appeal).

**Thus, based on statistical data, the confirmation rate for the “judicial review” that N.C.C.D. decisions went through during 2024, compared to the number of settled cases, was relatively high, at 78 %.**

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

- The statistical data at issue are related to court judgements regarding all the N.C.C.D. decisions under challenge, no matter which was the final decision taken, either meaning that a discrimination had been found and administrative sanctions were taken, or that a discrimination had not been found, which is the equivalent with a rejection of the petition in question.
- The N.C.C.D. decisions that had not been challenged in court add up to the number of N.C.C.D. decisions that were rendered final, deemed lawful and reasoned, as no challenge had been brought against these (as such these are not taken into consideration in the percentage that is strictly calculated in relation to the N.C.C.D. decisions that had





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been upheld following the challenge brought in court, a percentage that is presented in these statistical data)

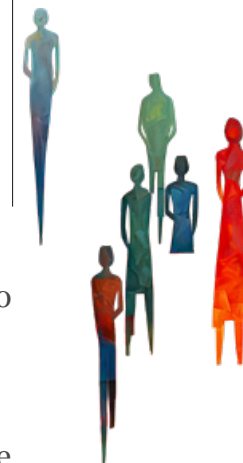
- The percentage of upholding in court the N.C.C.D. decisions, throughout 2024, as lawful and reasoned, compared to the number of cases on trial was maintained at a relatively high degree, around 78 %. In order to accurately reflect the ratio of cases won vs. lost cases, this percentage is also compared, within the N.C.C.D. statistical data, to the number of proceedings tried from among those whose subject was to challenge the N.C.C.D. decisions in court, instead of comparing them to the total number of decisions adopted by the Council. This is how one may clearly grasp the most objective and rigorous percentage that should prove the genuine share of N.C.C.D. decisions that had been quashed or, as applicable, uphold, as a result of a judicial review actually implemented (cases under trial on the merits/appeal).

## ■ STATISTICAL DATA FOR JUDICIAL PROCEEDINGS BROUGHT IN ORDER TO TRIGGER TORT LIABILITY

### 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 per the assumption of some direct or indirect discrimination,





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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.

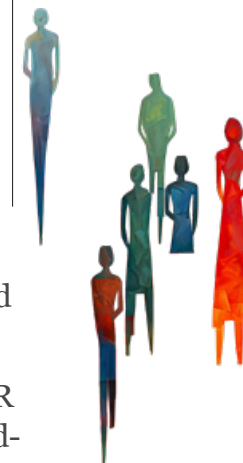
Thus, through G. O. no. 137/2000, the national lawmaker established tort liability, alongside administrative-misdemeanour-based liability in the non-discrimination sector, shaped as a remedy that consists from forcing the “discriminatory agent” to repair the inflicted harm, by reinstating the previous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

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

The Council’s legal standing in such proceedings in such cases brought in court, *de jure*, is that of an ‘*institution monitoring discrimination cases*’, ‘*legal consultant*’, ‘*expert*’ in the non-discrimination field; thus the Council does not operate under a passive legal standing, therefore being protected from the operative part of the rulings issued in such 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





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of key legal know-how 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 that have material and territorial jurisdiction in Romania.

During such proceedings, the expert-advisory body (N.C.C.D.), through the specialized staff within the Legal Directorate, may issue, on its own motion, “guidelines-framework points of view” with the purpose of referring national and Community anti-discrimination legislation, respectively the technical and legal mechanism for interpretation and implementation specific to such legislation or, as applicable, based on the express request of the court (and to the extent to which the Council is presented with all factual and legal issues, including the written evidence and testimonies taken in the judicial case), “expert reports - specialised legal opinions”, essentially procedural documents that operate as ‘judicial advice’ in the area of equality of rights and non-discrimination.

■ **REPORTING STATISTICAL DATA:**

**In 2024, N.C.C.D. was summoned in court, as an advisory body in its capacity as “specialised expert” in a total number of approx. 2899 new court cases (added to those cases whose settlement continued from the previous year), whose**





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subject was related to incurring tort liability (remedies for the victim) as a result of an infringement of the non-discrimination principle.

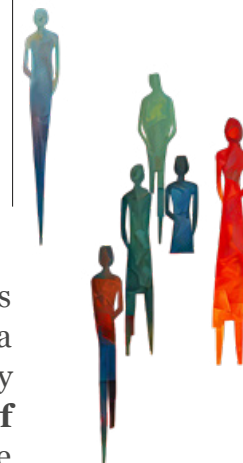
**The cases which were settled during 2024 in relation to the cases where proceedings were brought directly in court** (including the cases initiated in previous years, yet processed during the current year) **can be statistically categorized depending on their subject, as follows:**

approx. <b>2322</b> proceedings concerning 'financial claims'	approx. <b>1382</b> approx. 621 proceedings under the category "other claims" (labour litigation, rescission of administrative documents, termination of contracts, denial of the claim, other claims - other than emoluments/wage related claims etc.).
--	---

**The decisions issued during 2024 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, where trials continued in 2024), to which N.C.C.D. participated as a 'specialised expert' are reported as follows:**

approx. <b>1623</b> decisions admitting the claim	approx. <b>2435</b> decisions rejecting the claim
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As a conclusion, in 2024, the National Council for Combating Discrimination, through its specialized legal counsellors 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 **1623 cases in favour of the victims of discrimination**, 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.).

By capitalising on its jurisdictional status as guarantor of compliance with and implementation of non-discrimination principles on Romanian territory in all areas of social life and in relation to all criteria of discrimination that are subordinated to the principle of non-discrimination, the N.C.C.D. either directly settles hundreds of cases every year in the field of non-discrimination, or participates as a judicial expert by virtue of law for all the courts at national level in thousands of cases every year, concerning equal opportunities and non-discrimination matters, in particular for the most vulnerable categories of persons, such as: disabled people, chronically ill, disadvantaged categories, social categories exposed to vulnerability depending on their socio-professional background, age, nationality or ethnicity, etc.





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## ■ PROMOTING, MONITORING AND SUPPORTING EQUAL TREATMENT FOR EU WORKERS:

Promoting, monitoring and supporting equal treatment for EU workers is in the remit of the Office for Promotion, Monitoring and Support of Equal Treatment of Workers in the EU (B.P.M.S.E.T.L.U.E.), currently the Unit for Promotion, Monitoring and Support of Equal Treatment of EU Workers (C.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*, which transposed Directive 2014/54/EU into national law.

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

As in previous years, the Council, through its C.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 from the national specialized body in favour of Romanian citizens who are EU workers,





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as well as activities related to the field of prevention through participation and debates in meetings and seminars organized in this specific area.

Thus, for example, a reply was provided in relation to a request from an EU worker, a Romanian citizen who was in litigation on the territory of Norway with a Norwegian institution, NAV (Norwegian Agency for Labour and Welfare), one of the Norwegian national institutions with jurisdiction over the implementation of Directive 2014/54/EU. Although N.C.C.D.C. does not have the authority to settle a complaint against an institution that does not operate on Romanian soil, information was provided on the mechanisms and bodies involved in the process of settling the disputes in question.

Also, representatives from the Legal Directorate - C.P.M.S.S.E.T.T.L. U.E. attended and provided information within the Rainbow families on the Move cluster that envisaged promoting best practice on the rights of rainbow families, with a focus on the freedom of movement principle.

## ■ 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 undertaken in relation to such documents that comply with the legal conditions imposed in order to operate. During these proceedings, compliance with the legal provisions in force is verified, both in terms of the legal documents of the entity, as well as in terms of the other measures that are to be taken by the management or by the departments, when exercising their specific tasks.





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In 2024, a total of 537 documents were submitted for endorsement, as well as 12 Partnership Agreements concluded with public and private entities.

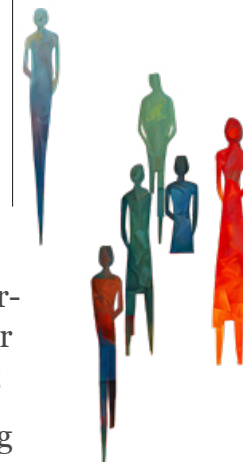
The basic principle of this activity is to provide the procedural and legal framework for the actions undertaken by the institution in relation to various natural persons and legal entities, including public procurement activities; in relation to the latter activity, the following documents were drafted and monitored:

<b>19</b>	<b>123</b>	<b>102</b>
contracts	direct procurement procedures concluded through the SICAP system	notices issued in the electronic system

**■ PARTNERSHIP AGREEMENTS**

In 2024, 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 providing information, education and raising awareness among various categories of employees in public institutions, in order to ensure compliance with the right to avoid any discrimination, as follows:





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- Partnership between N.C.C.D. – National Authority for the Protection of Disabled Persons' Rights, with the purpose of collecting and monitoring the indicators proposed for the implementation of the UN Convention on the Rights of Persons with Disabilities;
- Partnership between N.C.C.D. – Acting Works Association, with the aim of delivering the project 'În stradă – Vocea locuirii' ;
- Partnership between N.C.C.D. – Acting Works Association, with the aim of delivering the project 'United against bullying. Educational intervention in schools';
- Partnership between N.C.C.D. – One World Romania Association, with the aim of organizing 'One World Romania International Human Rights and Documentary Film Festival' 17<sup>th</sup> edition
- Partnership between N.C.C.D. – National Agency of Civil Servants, with the aim of improving inter-institutional cooperation in order to nominate participants to the training sessions for the development of advanced digital skills of civil servants and for the development of leadership skills;
- Framework agreement between N.C.C.D. – “Babes - Bolyai” University of Cluj-Napoca, which provided students from the History and Philosophy Department with the opportunity to participate to internships;
- Partnership between N.C.C.D. – Multifunctional Schengen Training Facility, aimed at institutional cooperation between the two institutions on the matters related to non-discrimination and the implementation of this principle in the work of law enforcement agencies;





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- Partnership between N.C.C.D. – National Institute for Administration, aiming at inter-institutional co-operation in the area of training for public administration;
- Partnership between N.C.C.D. – Publishing House for artists painting with their mouth and feet, with the aim of developing the capacity to become aware and understand the principles of non-discrimination, equal opportunities and the rights for people with disabilities;
- Partnership between N.C.C.D. – University of Bucharest, which provided students from the Psychology and Educational Science Department with the opportunity to participate to internships;
- Co-operation agreement between N.C.C.D. – Technical University of Timisoara with the aim of inter-institutional co-operation in the area of training and strategic development in the area of diversity, equity and inclusion;
- Framework agreement between N.C.C.D. – University of Bucharest, which provided students from the Law School and from the Political Sciences Department with the opportunity to participate to internships.

## ■ ACTIVITIES UNDERTAKEN BY TERRITORIAL STRUCTURES

In 2024, more than 152 persons approached the territorial N.C.C.D. structures in Buzău and Târgu Mureș to request legal and specialist advice on various circumstances they considered discriminatory. The acts entailed mostly situations based on the criterion of ethnicity, potential workplace discrimination, including sexual harassment at the workplace, discrimination in public areas, access to services etc.





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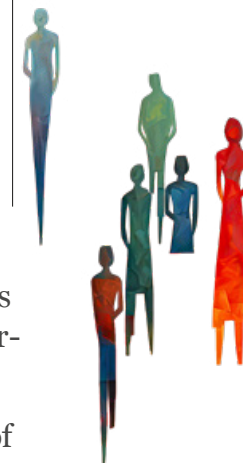
Breakdown by area of distribution for legal and specialist advice related to possible acts of discrimination, lodged with territorial structures:

Access to employment and profession <b>41</b>	Personal dignity <b>26</b>	Access to education <b>18</b>
Access to public facilities <b>21</b>	Job-related harassment <b>15</b>	Equal opportunities between women and men <b>12</b>
other areas <b>19</b>		

Distribution according to criteria for requests of legal counselling and specialised advice in relation to potential acts of discrimination at the level of territorial structures:

Social category <b>11</b>	Personal beliefs <b>10</b>	Ethnicity <b>42</b>
Disability <b>8</b>	Age <b>26</b>	Sexual orientation <b>4</b>
Gender <b>14</b>	Political affiliation <b>17</b>	Religion <b>1</b>
Other criteria <b>19</b>		





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The territorial structures within the Legal Directorate of N.C.C.D. carried out numerous actions to promote the principles of equal opportunities and non-discrimination in the territory, including the role played by N.C.C.D.

We mention below some of the exponential actions undertaken by the Legal Directorate of N.C.C.D. through their territorial structures, in order to prevent discrimination:

- Action organised on the International Roma Day, in cooperation with Buzău Prefecture, and Râmnicu Sărat City Hall; ;
- Action organised in cooperation with Buzău Municipality Police, Juvenile Crime Prevention Department and Buzău Prefecture, with a target group consisting of students from high schools in Buzău and in the towns belonging to Buzău County;
- Action organised in partnership with Buzău Prefecture to foster the inclusion of Romanian citizens belonging to the Roma minority, according to the norms imposed by the Romanian Government's strategy for the inclusion of Romanian citizens belonging to the Roma minority for the period 2022 – 2027, with the participation of several local institutional and non-governmental human rights actors;
- Action organised on the International Roma Day in Râmnicelu, a locality in Râmnicu Sărat Municipality. The action was carried out in the local secondary school, with the participation of Buzău School Inspectorate, the City Hall of Râmnicu Sărat Municipality, Buzău Prefecture, community church representatives, County Office for Roma;
- Action organised at the Buzău County Council headquarters, in partnership with the County School Inspectorate, when the National Rromani Olympiad was organised, bringing together Roma students from all over the country;





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- Action organised at the Buzău County Council headquarters, in partnership with the County School Inspectorate, with the goal to improve access to education. The main objectives of this activity were to create educational programmes adapted to the diverse educational needs, to encourage participation in early childhood education of underprivileged children by promoting equal opportunities and treatment, to ensure a safe, tolerant, inclusive and diverse educational environment;
- Action organised during the national Olympiad for children with disabilities, which took place in Buzău municipality, on 14-17.05.2024. Special high schools for students with disabilities from all over the country were present for the event;
- Action organised at the Buzău County Council headquarters, with the participation of the Employment Agency, Public Health Directorate, Population registration Directorate. The main objectives of this activity were: to improve access to the labour market by adapting training programmes and support services, public-private partnerships, ensuring equal treatment; to improve access to healthcare by ensuring fair and non-discriminatory access to quality healthcare services; to improve access to services of general public interest by ensuring fair and non-discriminatory access to any service provided by authorities or by any public institution; to train public officials through specialist training programmes to understand the need to deliver fair and non-discriminatory public services.

In order to raise awareness on the bullying phenomenon, information materials were developed and disseminated to schools in the territory, to explain this phenomenon and the links with the principles of non-discrimination and equal treatment, with a special focus on its





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effects on behaviours and on the intellectual and educational development of students within the educational system, and on prevention means.

The N.C.C.D. Board was also informed to enable possible ex officio actions after the online publication of articles or of job advertisements which may involve cases of discrimination on various grounds: nationality, ethnic origin, gender, age etc.

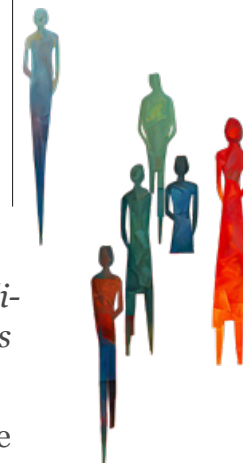
## NON-SPECIFIC ACTIVITIES OF LEGAL NATURE

Throughout 2024, 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:

### ■ DEVELOPMENT AND SUBMISSION OF POSITION ELEMENTS:

- Upon request by the Ministry of Foreign Affairs, by the Permanent Representation of Romania to the European Union and by Equinet, comments were submitted on the draft Directive on standards for equality bodies in the EU, a Directive approved in 2024.





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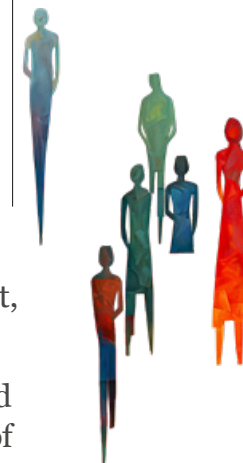
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- Upon request by the Ministry of Labour, comments were submitted *on the draft directive on the implementation of the principle of equal treatment between persons irrespective of their religion or belief, disability, age or sexual orientation (Art. 19)*;
- Upon request by the Ministry of Labour, position elements were submitted within the Sectoral Interinstitutional Working Group for Transposition on the correct and complete transposition of ***DIRECTIVE (EU) 2023/970 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms***;
- Upon request by the Ministry of Labour, specific contributions were submitted on certain articles of the Revised European Social Charter (RESC), in line with the comments by the European Committee of Social Rights (ECSR);
- Upon request by the Prime Minister Chancellery, representatives of the Legal Directorate participated in the working group on the harmonisation of the legislation in force with the provisions of ILO Convention No. 190 on eliminating violence and harassment in the world of work, contributing to amendments to some legislative norms;
- Upon request by the Prime Minister Chancellery, N.C.C.D. representatives participated in the meeting with the European Economic and Social Council (EESC) representatives from the group on Fundamental Rights and Rule of Law, on the following topics: freedom of association and freedom of assembly, fundamental rights of the social partners, freedom of expression and freedom of the media, the right to non-discrimination, the rule of law. The participants represented public institutions in the fields of judiciary,





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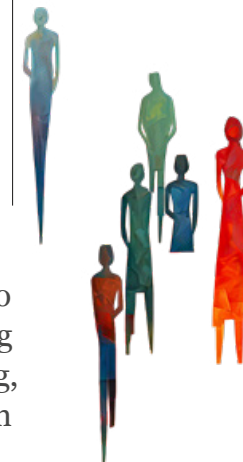
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internal affairs, migration, social dialogue, social and economic inclusion, employment, equality and non-discrimination, Roma, and fundamental rights;

- Upon request by the National Agency for Equal Opportunities between Women and Men, contributions were submitted for the National Report on the implementation of the Beijing Declaration and Platform for Action and of the outcomes of the 23rd Special Session of the UN General Assembly;
- Upon request by the National Agency for Equal Opportunities between Women and Men, representatives of the Legal Directorate participated in the Sectoral Interinstitutional Working Group for the transposition of Directive (EU) 2024/1385 on combating violence against women and domestic violence;
- Upon request by the Ministry of Education, contributions were provided on the 11th consultation on the implementation of the 1960 UNESCO Convention against discrimination in education and of the questionnaire concerning the implementation of the Convention;
- Upon request by the Ministry of Foreign Affairs, comments were submitted on the Draft Recommendation of the Committee of Ministers on equal rights for intersex persons, in view of the ninth plenary meeting of the **Steering Committee on Anti-Discrimination, Diversity and Inclusion/CDADI** of the Council of Europe;
- Upon request by the Ministry of Foreign Affairs, comments were submitted on the FRA consultation on the role of fundamental rights, including of the EU Charter of Fundamental Rights/ CFREU, in the process of drafting national legislation;





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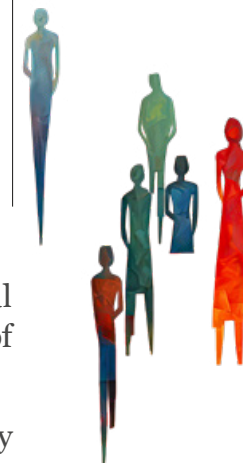
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- Upon request by the Ministry of Labour, as part of the process of Romania's accession to the Organisation for Economic Co-operation and Development, in view of the meeting of the Employment and Social Affairs Committee (ELSAC) and of Romania's hearing, rationale was formulated on strengthening the fight against discrimination based on sexual orientation and gender identity..
- Upon request by the Representation of Romania, comments were provided on the ***CoE Recommendation on the impact of artificial intelligence systems, their potential to promote equality, including gender equality, and the risks that may arise from a non-discrimination perspective***, as well as on the PRES HU survey on intersectional discrimination;
- Upon request by EIGE - the European Institute for Gender Equality, contributions were submitted on the update of the EIGE Gender Equality Index and on the EIGE Study on institutional mechanisms for gender equality.

■ **INTERNATIONAL 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 level, the Council took part of various research actions organized at European level by providing answers to questionnaires.





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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”, on the background of the entry into force of the Directive in June or of the Work Plan for 2025;
- The two online meetings of the *Policy Formation* cluster which envisaged the issue of involving/coordinating the national strategies on vulnerable groups by equality bodies, and also a *survey* on the strategies that led to the publication of Equinet – European Strategies – replacement and renewal;
- **Online meeting** of the *Cluster on Artificial Intelligence*;
- LGBTIQ Equality sub-group online *meetings*, where the latest news and developments in supporting LGBTIQ people were discussed.

## ■ PREVENTION ACTIVITIES IMPLEMENTED WITH EXTERNAL FUNDS

Alongside the steps taken to coordinate with European institutions and organisations, the Legal Directorate carried out promotion and prevention activities, under specific anti-discrimination projects drafted and implemented with civil society partners.





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In 2024, the Board, through the Legal Directorate, further implemented activities under the project ***“Strengthening access to justice for victims of discrimination and hate crime”, as a partner of the Anti-Discrimination Coalition organisations (CAD)***, by producing two thematic reports in two key areas, education and healthcare, which covered the relevant N.C.C.D. case law and the response of the institutions and public authorities responsible with the implementation of various legal instruments in the field of anti-discrimination in Romania, and a set of recommendations.

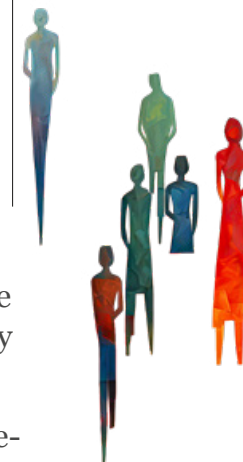
## ■ INTERNSHIPS PROGRAMS

Also, in terms of activities that are related to promoting the principle of non-discrimination and equal treatment, N.C.C.D. provides internships Law School students and other students.

Thus, during 2024, the Legal Directorate - Legal Affairs and Litigation Unit provided internships for students at national level, as follows:

University of Bucharest – Law School <b>11 students</b>	Nicolae Titulescu University – Law School <b>1 student</b>	Academy of Economic Studies of Bucharest – Law School <b>1 student</b>
University of Bucharest – Faculty of Political Science <b>3 students</b>	Babeş-Bolyai University – Faculty of History and Philosophy <b>4 students</b>	





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

Some practical exercises were organized during the internships, so that the students' awareness on the negative effects of discrimination should be raised.

By the end of the internships, the participating students were handed over practical internship certificates from N.C.C.D., by the Legal Directorate, which represent a proof that they manifested an interest in the activity of the institution, that they complied with the practical training schedule and the indications provided by their trainers, that they studied the recommended materials and that they asked for further information in order to grasp the complexity of the phenomenon of combating discrimination.

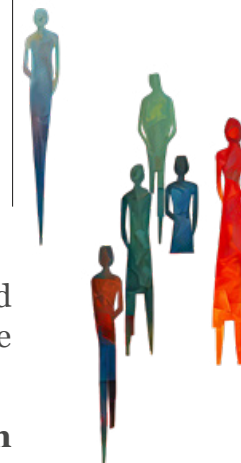
#### ■ PREVENTION ACTIVITIES AT NATIONAL LEVEL

The cooperation between the Centre for International Studies and the Council for Combating Discrimination continued in 2024 by quarterly publications in "Noua Revistă de Drepturile Omului" (The New Human Rights Journal) of materials on combating discrimination, promoting the principle of equal opportunities, of N.C.C.D. case law, of studies and other specialist articles. This



<https://www.revistad drepturile-omului.ro>





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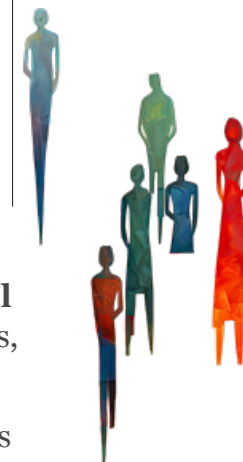
collaboration continued due to the beneficial impact the publication of such materials proved to have on society, and on our institution, thus capitalising on the expertise acquired in the field of human rights, prevention and combating discrimination.

**The 17<sup>th</sup> edition of the International Documentary and Human Rights Film Festival One World Romania** took place on 5 – 14 April 2024, with movies available online and nationwide from 15 to 30 April 2024, and was organised by One World Romania Association.

**The 17<sup>th</sup> edition of the International Documentary and Human Rights Film Festival One World Romania** took place in 4 movie theatres in Bucharest: Cinema Elvire Popesco, Cinemateca Eforie, Cinema Union, Cinema Muzeul Țăranului Român (High School Days) on **05–14 April**, and online, on **15 – 30 April**, with a total audience of **7758** spectators (of which approximately **400** participated in the warm-up activities and **734** were online viewers).

Alongside documentary screenings, **meetings with film directors and civil society members**, the festival included three key components: **education** (High School Jury, Library Documentation, High School Days), **community** (Adopt a documentary, KineDok) and **industry** (Work-in-Progress, Civil Society Pitch, Balkan Watchers, KAS- Konrad-Adenauer-Stiftung programmes).





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**The pilot edition of the High School Days programme brought 900 high school students** to the movie theatre, many of them at their first encounter with documentaries, with other **224 students participating in civic and media workshops**.

The theme proposed this year was **“Choose!”**, and the festival categories revealed various types of contemporary choices made by both individuals and communities.

The continuity of this project means a chance to develop initiatives with proven impact, a real contribution on the local cultural stage, investment in the development of young generations and support for active creators, but also in the development of good practices and representation and links with the international industry.

**“Student Guidance Class - The Philosophy of Diversity in My School”**, a prevention action implemented in partnership with Pecica Secondary School no.2, which included a training session for teachers on the 19th and 20th of June, with the active participation of 23 teachers.

Despite the great interest showed by teachers for this activity, due to logistics, the number of participants was limited. Therefore, there were initiatives, also supported by the Arad County School Inspectorate, to further organise such prevention activities in schools across the entire county.





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## RELATED INTERINSTITUTIONAL LEGAL CORRESPONDENCE ACTIVITIES

The Legal Directorate within the National Council for Combating Discrimination carries out specialist legal activities to provide institutional input on a number of technical and legislative projects initiated by the Government or by the Parliament of Romania.

More specifically, in 2023, such non-specific legal activities carried out by the N.C.C.D. Legal Directorate included the development and communication of various specialist responses submitted both to competent institutions (ministries, the Government or the Parliament of Romania) and to third party applicants, according to the following statistical breakdown:

- A number of eight specialist opinions on draft legislation initiatives in the legislative process, which either directly concerned or touched upon the field of non-discrimination;
- A number of seven specialist responses to various parliamentary questions addressed pursuant to the Senate and the Chamber of Deputies Regulations, whereby the head of the institution was asked to provide answers regarding various aspects under the remit of the institution or under the field of competence *lato sensu*.
- A number of 48 legal specialist responses on various questions submitted to N.C.C.D. related to different legislative, legal, procedural, statistical aspects in the field of non-discrimination.





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

- Presenting contributions, either of technical-administrative nature (on the appropriateness of the written observations submitted 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 following cases::
  - ◆ Reference for a preliminary ruling, C-491/21, DEPABD before CJEU;
  - ◆ Reference for a preliminary ruling C-630/22, Kirchliches Krankenhaus, information and analysis of the order for removal, following withdrawal of the preliminary reference by the national court;
  - ◆ Joined Cases C-112/22 and C-223/22, CU and Others, foreign preliminary references;
  - ◆ Reference for a preliminary ruling, Case C-441/23, Omnitel Comunicaciones e.a., analysis of the written observations submitted by the participants to the proceedings;
  - ◆ Reference for a preliminary ruling C-5/24, referred to the Court of Justice of the European Union (CJEU) by an Italian court;





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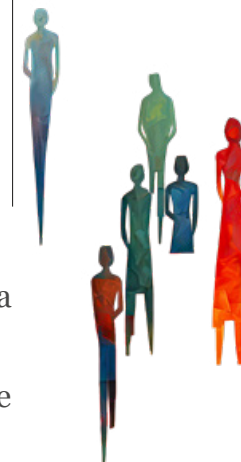
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- ♦ Case C-760/23, Shanov. This case was referred to the Court of Justice of the European Union (CJEU) by a Bulgarian court;
- ♦ Case C-491/21, Directorate for Personal Records and Database Administration, analysis of the CJEU judgement;
- ♦ Case C-38/24, Bervidi. This case was referred to the Court of Justice of the European Union (CJEU) by an Italian court;
- ♦ Case C-762/23, Bucharest Court of Appeal;
- ♦ Case C-531/23, Loredas, analysis of the foreign preliminary reference and of the written observations submitted by the participants in the proceedings before the CJEU;
- ♦ Case C-394/23 (foreign reference for a preliminary ruling);
- ♦ Case C-543/23, CP (foreign reference for a preliminary ruling);
- ♦ Joined Cases C-623/22 and C-626/22, Simons, Whitbeck, Conger and Melby and Others, foreign references for a preliminary ruling;
- ♦ Case C-417/23, Slagelse Almennyttige Boligselskab Afdeling Schackenborgvænge, foreign reference for a preliminary ruling;
- ♦ Case C-441/23, Omnitel Comunicaciones e.a, foreign reference for a preliminary ruling;





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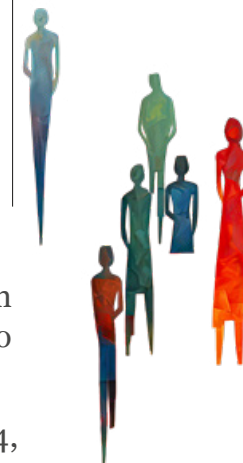
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- ♦ Case C-258/24, Katholische Schwangerschaftsberatung, foreign reference for a preliminary ruling;
- ♦ Reference for a preliminary ruling C C-312/24,, referred to the Court of Justice of the European Union (CJEU) by an Italian court;
- ♦ Case C-350/24, foreign reference for a preliminary ruling;
- ♦ Case C-356/24, foreign reference for a preliminary ruling;
- ♦ Case C-5/24, Pauni, foreign reference for a preliminary ruling;
- ♦ Case C-257/24, Städteregion Aachen, foreign reference for a preliminary ruling from a German court to the Court of Justice of the European Union;
- ♦ Joined Cases C-212/24, C-226/24 and C-227/24, L.T. and Others - foreign references for a preliminary ruling;
- ♦ Cauza C-543/23, Gnattai, foreign reference for a preliminary ruling;
- ♦ Case C-350/24, Crédit Agricole Corporate & Investment Bank, reference for a preliminary ruling;

Analysis on the relevance of filing written observations in the foreign case C-522/24, Ministero della difesa, submitted to the Court of Justice of the European Union by an Italian 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, N.C.C.D. representatives, which are members of the *Working*





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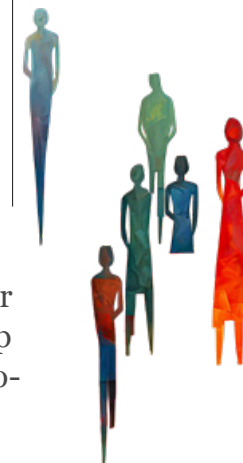
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*Group of Romania's Government Agent for the Court of Justice of the European Union, in consensus with all other Working Group members, appreciated that it was not relevant to submit written observations in the above-mentioned case.*

- Analysis on the relevance of filing written observations in the foreign case C-757/24, Gemeinde Wien submitted by an Austrian 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, N.C.C.D. 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 other *Working Group* members, appreciated that it was not relevant to submit written observations in the above-mentioned case.
- Specialist legal opinion on case C-762/23, where Bucharest Court of Appeal referred the following questions to the Court of Justice for a preliminary ruling: *“Must the second subparagraph of Article 19(1) TEU (read in conjunction with Article 2 TEU) be interpreted as meaning that the principle of judicial independence precludes the repeal, in respect of Romanian judges with 20 consecutive years' service in the judiciary, of the right to receive, on retirement or on termination of service for other reasons not attributable to them, a sum equal to seven gross monthly seniority allowances, in the event that the exercise of that right to remuneration is suspended prior to repeal, on a continuous basis and for a prolonged period, for reasons connected principally to the need to eliminate an excessive budget deficit (the legislature expressly invokes the threshold of 3 % of gross domestic product laid down in the Treaty on the Functioning of the European Union)?”*





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- Active participation of the full members of the N.C.C.D. Legal Directorate in the regular quarterly meetings of the *Romanian EU Litigation Working Group (EUCLG)*, set up under the coordination of the Government Agent for the Court of Justice of the European Union (CJEU).







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# VI Discrimination-related issues in Romania reflected in international reports

# 2024





# FRA 2024 REPORT

## ■ FUNDAMENTAL RIGHTS REPORT 2024

### Fundamental Rights Report 2024 | European Union Agency for Fundamental Rights

The Fundamental Rights Report 2024 discusses topics such as the cost-of-living, democracy and fundamental freedoms and fundamental rights concerns at the EU's external borders.

The report is a timely review of the most pressing threats to fundamental rights in Europe. Also, it analyses the application of the EU Charter of Fundamental Rights. While the report only focuses on these key issues, 2023 was yet another year of multiple threats to fundamental rights and freedoms. Threats to democratic values and civic space, such as online hatred and disinformation, pose serious challenges to fundamental rights. Similarly, rising racism and related forms of intolerance.



<https://fra.europa.eu/en/publication/2024/fundamental-rights-report-2024#:~:text=FRA's%20Fundamental%20Rights%20Report%202024%20analyses%20the%20year's,external%20borders%20and%20migration%2C%20and%20threats%20to%20democracy.>

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National human rights institutions and other independent bodies were consulted or provided lawmakers recommendations on the EU Charter of Fundamental Rights. The Report mentions that in Romania, the National Council for Combating Discrimination dealt with



a petition against a local authority for hiring only women for the job of cashier. It found that men were discriminated against in the job listing, contrary to Article 23 of the Charter (equality between women and men).

The Report also notes that the Bucharest municipality's local council based a proposed decision on setting up centres for adults with disabilities, among other provisions, on Article 26 of the Charter (social integration of people with disabilities).

Romania, alongside other member states, is mentioned as one of the countries which organised training courses for public officials on the application of the EU Charter of Fundamental Rights.





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## ■ ADDRESSING RACISM IN POLICING

### NATIONAL LEGAL FRAMEWORKS AGAINST NON-DISCRIMINATION APPLICABLE TO THE POLICE

The national legal frameworks largely reflect the EU law. Overall, 26 EU Member States have explicitly included the prohibition of discrimination on grounds of race or ethnicity in their constitutions. Several countries, Romania among them, include references to non-discrimination, including in policing, in their criminal codes.

National strategies against racism, including actions against racism in policing. The strategies differ significantly in their scopes, and whether they are evaluated and their impact monitored. In other Member States, such as Czechia, Greece, **Romania** and Sweden, measures included in the strategies encompass community policing practices, training on non-discrimination, including on racial and ethnic grounds, and improving responses to hate crime.



<https://fra.europa.eu/en/publication/2024/addressing-racism-policing>





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Police training varies widely among the EU Member States in terms of content, periodicity and duration. This makes it difficult to identify comparative and conclusive trends and draw any analytical conclusions, including on its effectiveness. In addition, information regarding whether related training is mandatory or optional, and which parts of the police force are targeted, remains incomplete. Racism-specific training appears to be part of pre-service training in several Member States, including **Romania**. The Report also notes that training specifically concerning ethnic or racial profiling is provided for police forces.

The examples of existing practices demonstrate the different approaches of the Member States. Dedicated training with a specific focus on discrimination, racism and xenophobia takes place in Austria, Cyprus, France, Greece, Italy, Luxembourg, Malta, Poland, **Romania**, Slovakia and Spain. This training covers, for example, attitudes and behaviour through reflection on one's own bias and stereotypes, the ethical dimension, intercultural communication skills and diversity more broadly. Some Member States have developed specific training addressing certain forms of racism. Belgium, Germany and **Romania**, for example, have specific training on the Holocaust and antisemitism. This training mostly connects historical events with human rights violations to better identify today's risks of human rights violations.





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## ■ LGBTIQ EQUALITY AT A CROSSROADS: PROGRESS AND CHALLENGES

FRA's third LGBTIQ survey shows that people still experience hate-motivated violence and discrimination. Trans and intersex people face even greater victimisation. Yet, signs of progress show that the EU's and Member States' efforts can positively affect people's lives. More LGBTIQ people are open about their sexual orientation, gender identity, gender expression and sex characteristics.

The survey shows that across most of the survey countries – except Cyprus, Slovakia, Luxembourg, **Romania** – and almost all LGBTI categories – except intersex respondents – the share of survey respondents who felt discriminated against in employment (looking for a job or at work) slightly decreased in 2023 (19 %) compared with 2019 (22 %).

In terms of sexual orientation, respondents who identify as lesbian (42 %) and pansexual (45 %) reported the highest rates of discrimination, followed by gay respondents (36 %). Higher rates of discrimination are reported



<https://fra.europa.eu/en/publication/2024/lgbtiq-equality-crossroads-progress-and-challenges>





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by lesbian respondents in most countries but particularly Lithuania (56 %), Bulgaria (54 %), **Romania** (49 %) and Slovakia (48 %).

In education (as either a student or a parent), the highest proportions of respondents with discrimination experiences in the EU are observed in Lithuania (34 %), Bulgaria (31 %), Cyprus and **Romania** (both 30 %). The lowest proportions are in Finland (6 %), the Netherlands (7 %) and Sweden (9 %). Similar patterns are observed for discrimination experiences in the health system.

The survey asked respondents whether they experienced physical or sexual attacks because they are LGBTIQ. The survey questionnaire did not define forms of physical or sexual violence, allowing respondents to mention any experience that they would consider a physical or sexual attack or both.

Thus, the highest rates of physical or sexual attacks motivated by the victim being LGBTIQ are observed in Bulgaria (19 %), North Macedonia and Serbia (both 17 %) and Germany, France, Latvia, Poland and **Romania** (all 16 %). The lowest rates are observed in Sweden (7 %), Malta, Portugal and Slovenia (all 8 %) and Estonia and Finland (both 9 %).

The overall 12-month prevalence rate of hate-motivated violence because of the victim being LGBTIQ is 5 %. The highest and lowest rates of physical or sexual attacks motivated by the victim being LGBTIQ are observed in similar countries as for the 5-year period (i.e. Bulgaria, North Macedonia and Romania at 8 % each, and Portugal and Sweden at 2 % each).





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Among respondents who experienced an incident of hate-motivated violence only 18 % reported it to any authority or organisation. The highest reporting rates are observed in Cyprus and Finland (both 29 %), the Netherlands and Portugal (both 28 %) and Ireland (26 %). The lowest rates of reporting are observed in Luxembourg (5 %), Hungary (6 %), Romania (9 %) and Czechia and Malta (both 11 %).







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## ■ MONITORING PERIOD: JANUARY– DECEMBER 2024

# 130

articles under  
monitoring refer to  
N.C.C.D'S activity

# 29

articles under  
monitoring refer to the  
activity of the N.C.C.D.  
President

**National publications that were included in the monitoring exercise:** 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:** G4Media, Ziare.com and Evenimentul Zilei.

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## **MOST SIGNIFICANT ARTICLES PUBLISHED BY THE MEDIA IN 2024 ON THE ACTIVITY OF THE INSTITUTION:**

### **■ ART SAFARI EXHIBITION SANCTIONED**

N.C.C.D. sanctioned with a fine in amount of RON 5,000 the Bucharest Municipality Museum, the ArtSociety Cultural Center Foundation and the curator of the exhibition “Nymphs and Zombies – Ondine’s Hope and Baraka’s Despair” organised by Art Safari in the summer of 2023, which displayed reinterpretations of scenes and paintings specific to Christianity in which religious symbols were presented in an offensive manner. The artist Paul Baraka was issued a warning for the works he exhibited, including an installation in which Jesus is crucified in boxer shorts and wearing antlers, and an oil painting on canvas using elements from the icon of the Virgin Mary and the Child.





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## ■ THE MINISTRY OF EDUCATION SANCTIONED FOR DISCRIMINATING AGAINST STUDENTS WHO INTEND TO PARTICIPATE IN OLYMPIADS

N.C.C.D. sanctioned the Ministry of Education with a warning for refusing a 7th grade student's participation in the Latin Olympiad organised for 10th grade students. The National Council for Combating Discrimination recommended that the Ministry of Education should amend the specific regulations on the organisation of national Olympiads, so as to allow lower-grade students to participate in Olympiads organised for students in higher grades.

## ■ THE MINISTRY OF EDUCATION, ACCUSED OF DISCRIMINATION AND VIOLATION OF THE RIGHT TO EDUCATION, AFTER PROPOSAL TO GRANT SCHOLARSHIPS ONLY TO PUBLIC SCHOOL STUDENTS

The Ministry of Education submitted N.C.C.D. a request for opinion on the GEO amending and supplementing the Pre-university Education Law no. 198/2023 and the Higher Education Law no.199/2023. N.C.C.D. communicated the Ministry of Education that granting scholarships only to public school students is discriminatory and violates the right to education of children who choose to study in denominational or private schools.





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## ■ ROMATSA, SANCTIONED WITH A FINE OF RON 50,000 FOR ACTS OF DISCRIMINATION IN THE RECRUITMENT OF TRAFFIC CONTROLLERS

N.C.C.D. sanctioned Romatsa R.A. with a fine in amount of RON 50,000 for refusing to employ traffic controllers who graduated the Higher School of Civil Aviation and hold an air traffic controller (ATC) license, choosing instead to employ solely unqualified personnel, for in-house training.

## ■ THE MAYOR OF URZICENI FINED FOR DISCRIMINATION IN THE CASE OF THE WOMAN WHO GAVE BIRTH IN FRONT OF THE HOSPITAL

The mayor of Urziceni was sanctioned with a fine in amount of RON 10,000 for his statements about the woman who gave birth in front of the Municipal Hospital last year. Even though he indicated that the event occurred in front of the hospital in Urziceni was regrettable, the mayor chose to mention that it was a woman “*with disabilities*” belonging to the Roma ethnicity, who “*doesn’t know up from down*”.





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## ■ VICTOR CIUTACU WAS SANCTIONED FOR THE DECLARATIONS REGARDING THE DEATH OF THE JOURNALIST IULIA MARIN

TV broadcaster Victor Ciutacu was sanctioned with a fine in amount of RON 10,000 for the manner in which he presented the death of journalist Iulia Marin: *“Those people are mentally impaired, and I won’t say more, they were producing media releases”*.

N.C.C.D. reached the conclusion that Mr. Ciutacu’s statements on RTV go beyond the limits of freedom of expression and can be defined as hate speech, creating a hostile, degrading, humiliating atmosphere, first of all towards the memory of the deceased journalist, but also towards citizens who suffer from mental disorders and are striving to remain integrated in society and to manage their mental disorders.

## ■ ARCHBISHOP TEODOSIE OF TOMIS SANCTIONED FOR HIS DISCRIMINATORY STATEMENTS ABOUT WOMEN

Archbishop Teodosie of Tomis was sanctioned with a warning by the National Council for Combating Discrimination for his controversial statements made in 2021. During a local radio broadcast, archbishop Teodosie claimed that women cannot become priests and that this is not a form of discrimination, but a consequence of „condition” of the woman, justified, in his opinion, by religious traditions and by the writings of St. John Chrysostom. He added that, according to Church teachings, women bear the “weaknesses” of the original sin and highlighted that if Eve had not sinned, childbirth would not have been painful.

N.C.C.D. appreciated that these statements are discriminatory, as they perpetuate stereotypes and biases about women, strengthening the perception that they are inferior to men.





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*„This is not discrimination, it is about the status of men and women. Of course, no woman can be a priest, and then is this discrimination? Why? Because such is her condition. She cannot pledge to perpetual praying, because she has this condition of her weaknesses.*

*How can that be discrimination? Such is the woman. She originated sin and, now we see her powerless, because, as saint John Chrysostom teaches us, God had other means by which to multiply humankind, by the power of the word of God Himself, Who says before sin: ‘Be fruitful and multiply and fill the earth and subdue it’. They knew no intimacy before sin, they were covered in holy spirit, our ancestors, and then hear me, the woman was told: in pain you shall bring forth children. Had she not sinned, she wouldn’t have known childbirth pain”, stated archbishop Teodosie.*

## ■ UDMR MAYOR OF SFÂNTU GHEORGHE SANCTIONED FOR DISCRIMINATION

The National Council for Combating Discrimination ruled on a new sanction against the UDMR mayor of Sfântu Gheorghe, Antal Arpad, for discrimination on ethnic grounds against Romanians. The decision was issued following a notification by the Civic Association for Dignity in Europe, reporting that the mayor had organised a photography exhibition in the centre of the city, with explanations displayed solely in Hungarian.

N.C.C.D. established that the mayor’s actions amount to ethnic discrimination, and sanctioned Sfântu Gheorghe Municipality with a fine in amount of RON 2,000 for the offences committed by the mayor.





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## ■ CAS CLUJ SANCTIONED FOR DISCRIMINATING AGAINST WOMEN LAWYERS

N.C.C.D. sanctioned the Health Insurance House (CAS) Cluj with a warning for the “discriminatory enforcement of the provisions of GEO no. 158/2005 and of GEO no. 96/2003 in the case of women exercising liberal professions (lawyers) who apply for parental leave.”

N.C.C.D. requested that the Health Insurance House Cluj should submit within 3 months (through the Ministry of Health and the Ministry of Labour) a proposal on a unified interpretation of the national legal provisions, in line with the European Union legislation which takes precedence over national laws, in order to recognise the right to parental leave for women working in liberal professions.

## ■ USR DEPUTY IULIAN BULAI LOST THE LAWSUIT AGAINST N.C.C.D. FOR THE POST IN WHICH HE STATED THAT VIRGIN MARY WAS A “SURROGATE MOTHER”

The High Court decided that the USR deputy Iulian Bulai shall pay a fine in amount of RON 3,000 after the National Council for Combating Discrimination sanctioned him with a fine for having written on a social network that Virgin Mary was a “*surrogate mother*”. Iulian Bulai included these statements in a Christmas post deploring the fate of abandoned children in Romania. In the statement of reasons, N.C.C.D. appreciated that his position as a member of the Parliament entails greater responsibility in exercising freedom of expression. The Supreme Court reduced the fine from RON 5,000 to RON 3,000, and the decision is final.





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## ■ JUSTICE REJECTS DEPUTY ALEXANDRU MURARU'S APPEAL FOR ANNULMENT AGAINST THE N.C.C.D. DECISION RULED IN THE VIKTOR ORBAN CASE

The Court of Appeal of Iași rejected PNL Deputy Alexandru Muraru's appeal for annulment against a decision ruled by the National Council for Combating Discrimination which established that the Hungarian Prime Minister Viktor Orban enjoys jurisdictional immunity in the case of his statements made in 2022 at Băile Tușnad. PNL Deputy Alexandru Muraru notified N.C.C.D. in 2022 against the "racist" discourse delivered by Viktor Orban.

In November 2022, the National Council for Combating Discrimination "publicly condemned the statements made by the Hungarian Prime Minister, qualified as hate speech, and found that the message conveyed created a hostile, degrading and humiliating atmosphere towards certain categories of persons on the grounds of their nationality and race".

However, as regards the legal liability of the respondent, the N.C.C.D. Board admitted the plea of immunity in the case of Viktor Orbán, given his position as Prime Minister of Hungary, visiting Romania, a foreign country. In March 2022, Alexandru Muraru filed an appeal for annulment against the N.C.C.D. decision





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## ■ FINAL DECISION: THE SEGREGATION WALL IN BAI A MARE SHALL BE BROUGHT DOWN. THE CITY HALL DEFEATED BY A JOURNALIST

The District Court of Baia Mare ruled on a final decision that the segregation wall from Baia Mare be brought down, and the city hall lost the lawsuit against journalist Mugur Vărzariu, after 12 years. In 2011 the National Council for Combating Discrimination sanctioned the City Hall of Baia Mare Municipality with a fine in amount of RON 6,000.

## ■ THE COURT RULED ON DIANA ȘOȘOACĂ'S STATEMENTS REGARDING RAED ARAFAT

Senator Diana Șoșoacă was sanctioned with a warning following statements she made two years ago against Secretary of State Raed Arafat, for which the National Council for Combating Discrimination imposed a fine in amount of RON 5,000. The senator appealed against the fine, and the Bucharest Court of Appeal annulled it. The judgement ruled by the Bucharest Court of Appeal was appealed against by Arafat and by N.C.C.D., and the Supreme Court replaced the fine with a warning. The senator's statements were as follows: *"Why doesn't Mr. Arafat go to his native country", "He speaks of himself in the third person, that is probably an influence of his mother tongue", "I don't know how Mr. Raed Arafat passed his citizenship test", "There's no place for traitors in Romania".*



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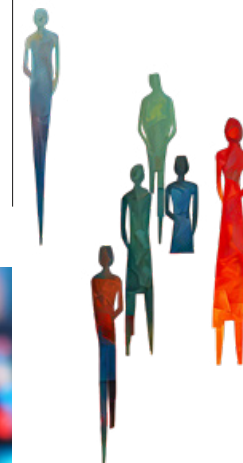
## ■ FINE IN AMOUNT OF RON 25,000 RULED AGAINST RADU BANCIU FOR OFFENSIVE STATEMENTS ABOUT WOMEN, ANNULLED AT FIRST INSTANCE

The Bucharest Court of Appeal ruled in favour of journalist Radu Banciu in the lawsuit brought against the National Council for Combating Discrimination and annulled the decision imposing a RON 25,000 fine against him. This is not a final judgment and an appeal may be lodged against it.

The case started from a TV show in 2022 where Radu Banciu stated that women “are so stupid that most of them actually want this”, “99 % of the women I met wanted to be smacked every now and then”, “I am looking forward for my man to get home and knock me out. Or punch me in the liver every evening...”



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Budget execution 2024

thousand lei

	Budget code	Allocated	Actually used
<b>STATE BUDGET</b>	51.01		
Staff-related expenditure	10	9727	9599
Goods and services	20	1463	1350
Financial transfers	55	11	10
Projects funded from external grants	58	0	0
Other expenses	59	155	149
Capital expenditure	71	6	1
Payments associated with previous years	85		-1
<b>Total</b>		<b>11362</b>	<b>11108</b>
<b>EXTERNAL GRANT</b>	51.08		
Projects funded from external funds	56	57	0
Projects funded from external funds	58	20	10
<b>Total</b>		<b>77</b>	<b>10</b>
<b>Total</b>		<b>11439</b>	<b>11118</b>





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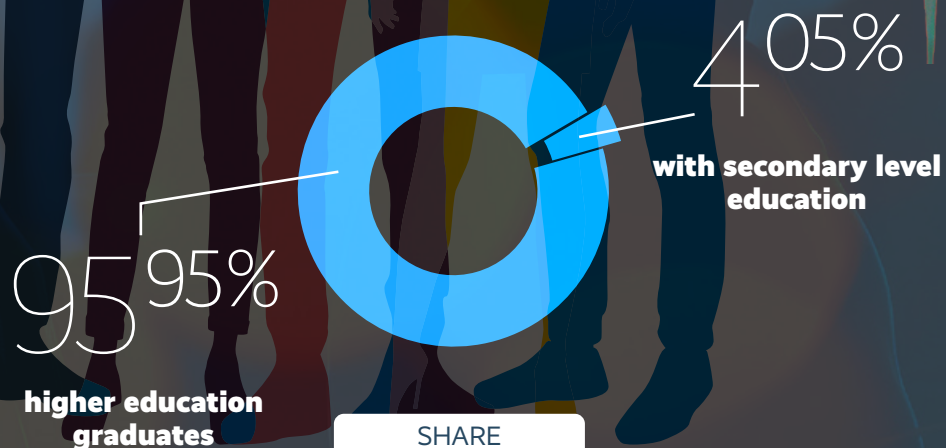
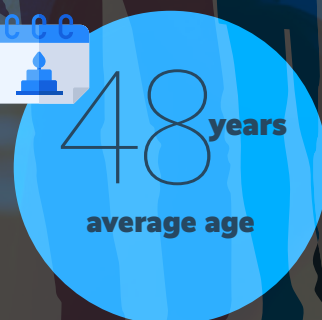
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Csaba Ferenc Asztalos

**PRESIDENT**

Adrian-Nicolae Diaconu

**VICE-PRESIDENT**

Claudia Sorina Popa

**MEMBER**

Cătălina Olteanu

**MEMBER**

Claudia-Cerasela Bănică

**MEMBER**

Maria Moța

**MEMBER**

Cristian Jura

**MEMBER**

Radu Babuș

**MEMBER**

Horia Grama

**MEMBER**

Cătălin Raiu

**MEMBER**

Radu Săvulescu

**MEMBER**





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Thank you