

# Activity Report





# Activity Report

**2019**



CONSILIUL NAȚIONAL PENTRU COMBATerea DISCRIMINĂRII







# Content

5	Foreword	19	<i>Classification of investigated cases depending on discrimination criteria</i>
7	Statistical data on petitions received and processed during 2019	20	<i>Decisions awarded for cases in 2019 according to discrimination criteria</i>
8	<i>Distribution of petitions received by NCCD during 2002-2019</i>	21	<i>Decisions awarded to cases received in 2019 according to discrimination fields</i>
9	<i>Processed cases during 2019</i>	22	<i>Findings made in 2019 according to discrimination criteria</i>
10	<i>Distribution of petitions received by NCCD in 2019 according to their area of origin</i>	23	<i>Findings made in 2019 according to discrimination fields</i>
11	<i>Distribution of investigations performed in 2019, per county</i>	24	<i>Proceedings initiated on self-notifications in 2019</i>
12	<i>Distribution of investigations performed in, 2019 per region</i>	25	<i>Amounts and number of fines issued in 2019</i>
13	<i>Distribution of investigations performed in, 2019 per region</i>	27	Legal representation activity of the National Council for Combating Discrimination
14	<i>Distribution of cases in 2019</i>	35	Prevention of discriminatory actions
15	<i>Classification of cases investigated depending on the urban or rural area where the alleged discrimination occurred</i>	39	Projects implemented with external funding
16	<i>Distribution of cases in 2019 according to discrimination criteria</i>	43	Discrimination-related issues in Romania reflected in international reports
17	<i>Distribution of cases in 2019 per discrimination fields</i>	49	National Council for Combating Discrimination in media
18	<i>Classification of investigated cases depending on the standing of the respondent as natural person or legal entity</i>	57	Financial and personal data



# Foreword

*The year 2019 represented a high intensity period for the activity of the Romanian National Council for Combating Discrimination, which is reflected in the current Activity Report issued by our institution.*

*This Report includes information on our activity related to processing complaints, issuing expert points of view for the courts and for citizens, the administrative proceedings activity, investigations and prevention.*

*During the year under review, the Council recorded the highest number of complaints, adopted the highest number of decisions since the institution was established (in 2002), undertaking a relevant and quality-based activity in administrative proceedings and issued a high number of expert points of view towards the courts.*

*We identify a significant number of complaints filed based on criteria such as disability, nationality, ethnicity, gender, age and language. The targeted areas of discrimination were access to employment and professions, protection of personal dignity, access to services and access to education.*

*During the reference year, the Council undertook a number of activities aimed at preventing discrimination, supporting training for various occupational groups, as part of projects which were mainly delivered in partnership with non-governmental organizations or public institutions.*

*We recommend this material for purposes of information, analysis, review and proposals for improvements of our institution's activities.*



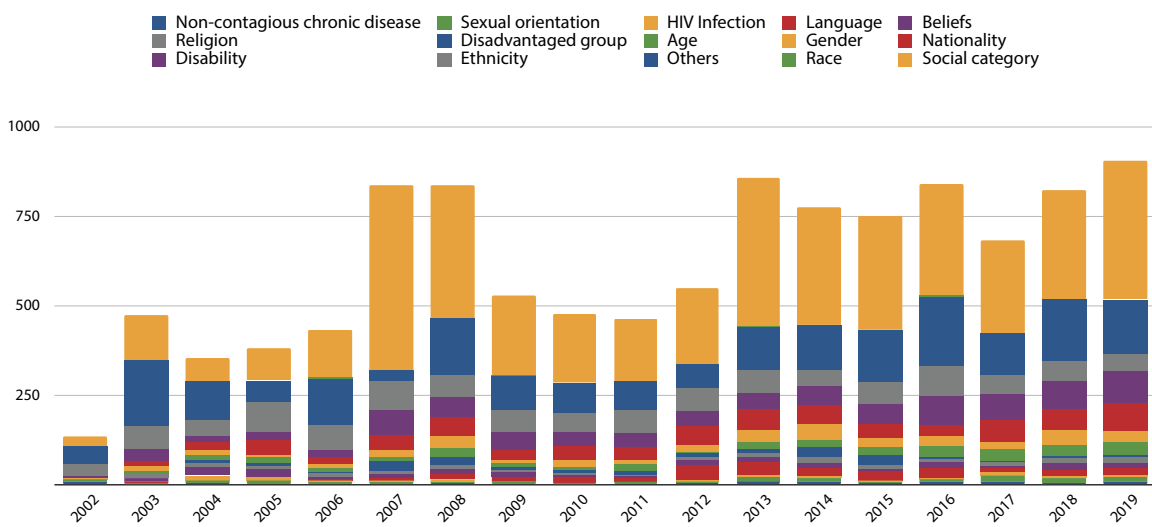






# Statistical data on petitions received and processed during 2019

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



■ Distribution of petitions received by NCCD during 2002-2019



Processed in 2019

**Casefile year**

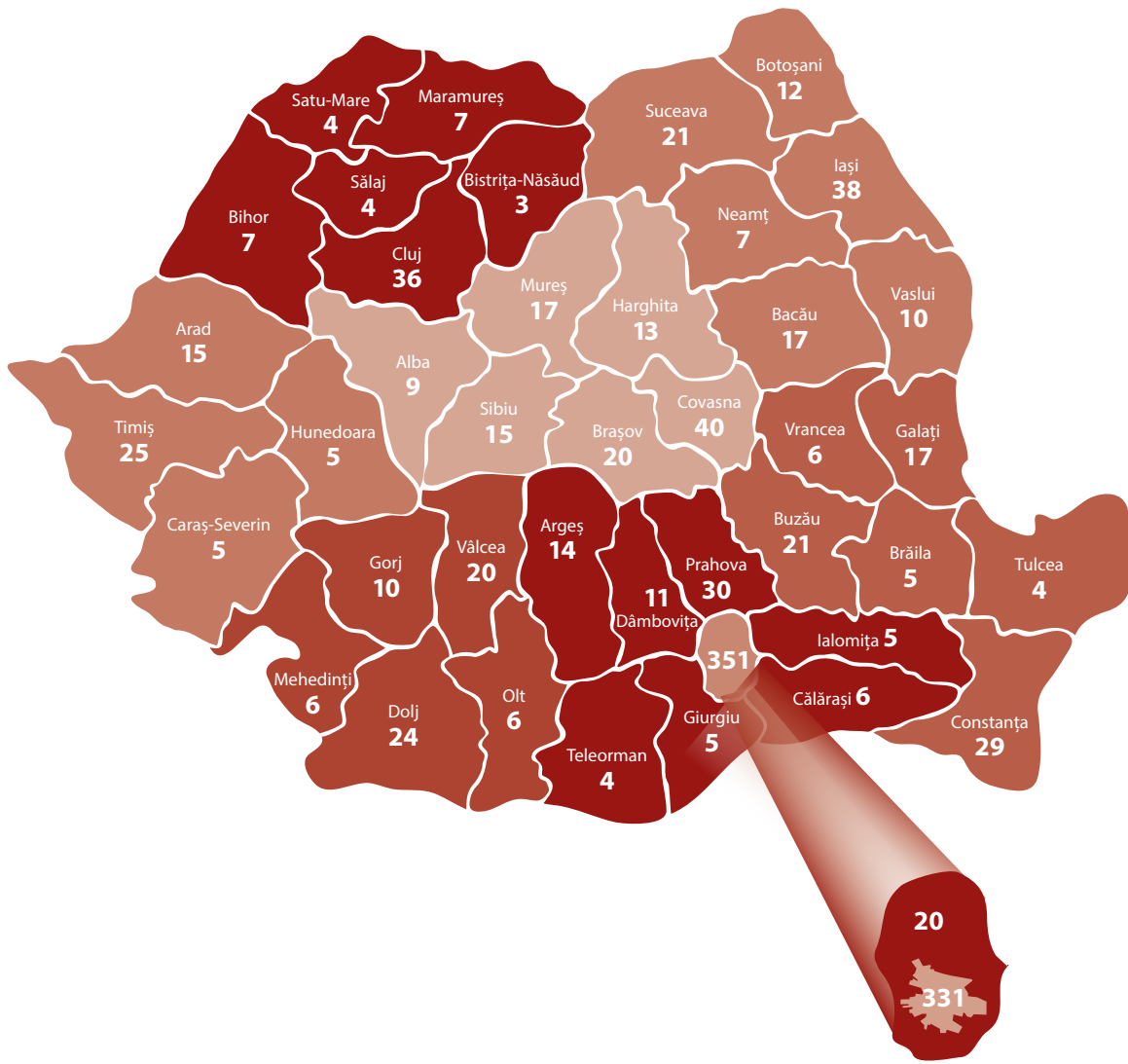
2017	138
2018	570
2019	369

FIELDS / CRITERIA	Criteria														
	Non-communicable chronic disease	Sexual orientation	HIV/AIDS	Language	Political	Religion	Disadvantaged category	Age	Gender	Nationality	Disability	Ethnicity	Others	Social category	Race
<b>Access to housing</b>											3	1			
<b>Others</b>	2				2			4		3	3		45	1	
<b>Access to public facilities</b>										4	9	3	5		
<b>Access to education</b>	1					1		1	1		16	3	10	10	
<b>Personal dignity</b>		13	2		6	14	3	4	8	49	14	29	17	3	1
<b>Access to employment and profession</b>	5		1		5	1		16	15	7	11	4	7	360	
<b>Access to public services</b>			3	20	2	1	3	10	5	17	31	8	69	12	
<b>administrative</b>				19	2	1	3	3	1	14	23	5	50	11	
<b>banking</b>								2		1			2	1	
<b>health</b>			3					1			1		5		
<b>phone</b>											1				
<b>transport</b>								4			4		3		
<b>legal</b>									4	2	2	3	9		
<b>store/restaurant</b>				1											
<b>accommodation</b>															

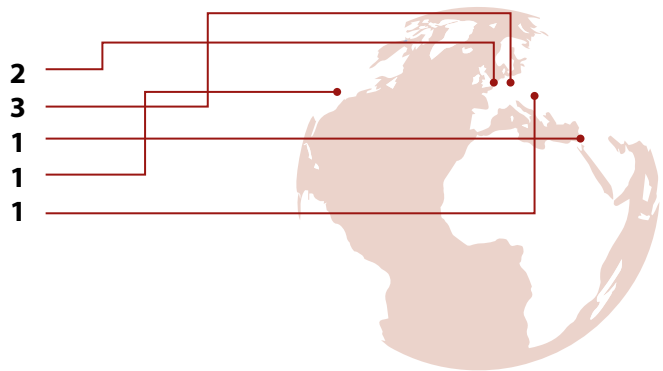
■ Processed cases during 2019



**TOTAL CASEFILES: 904**

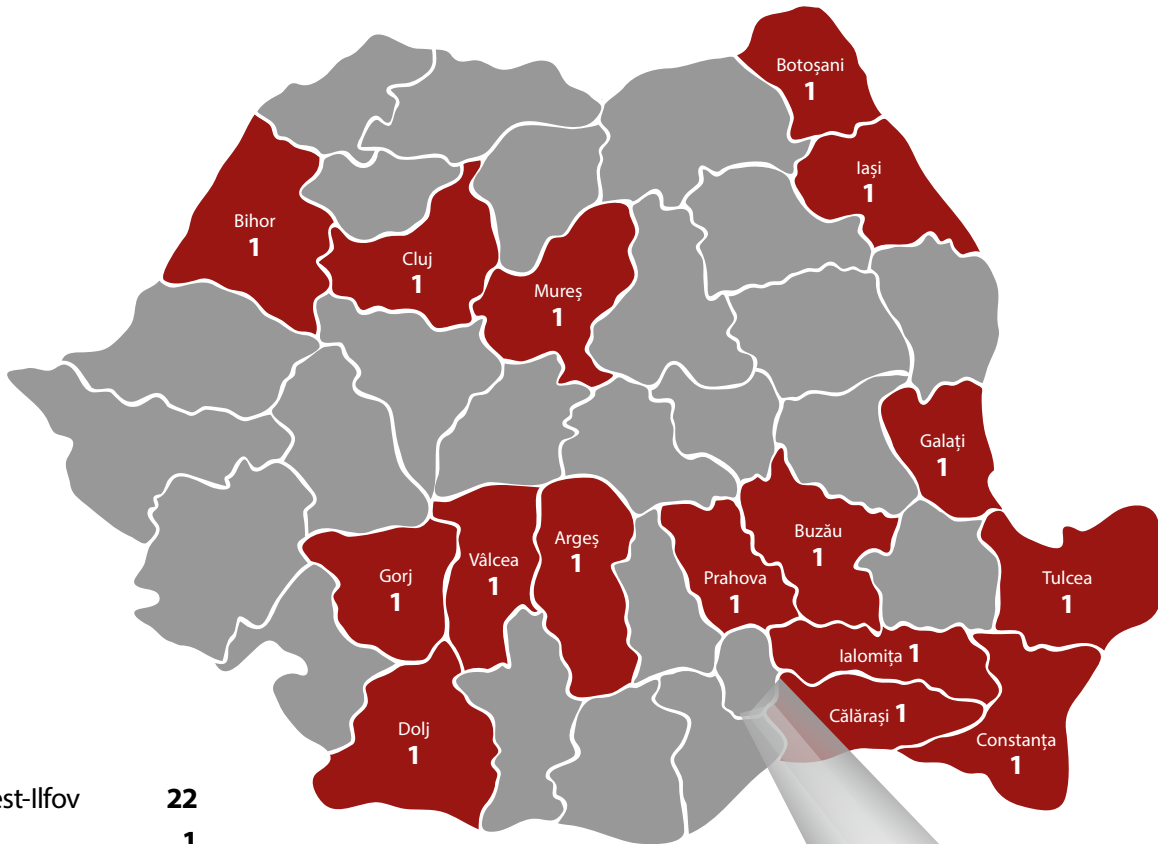


Belgium  
Germany  
Israel  
USA  
Hungary

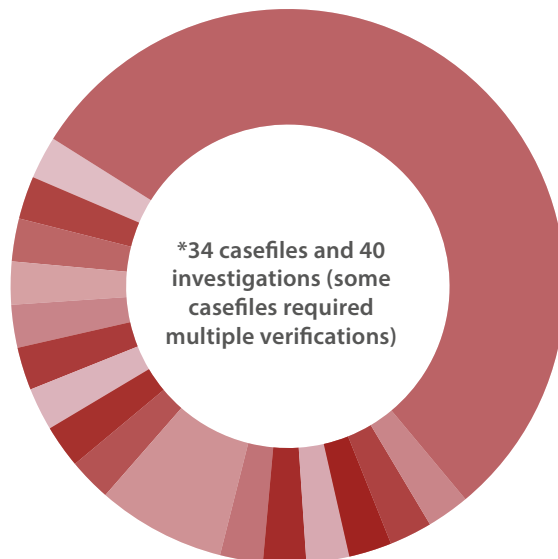


■ Distribution of petitions received by NCCD in 2019 according to their area of origin

TOTAL CASEFILES: 40

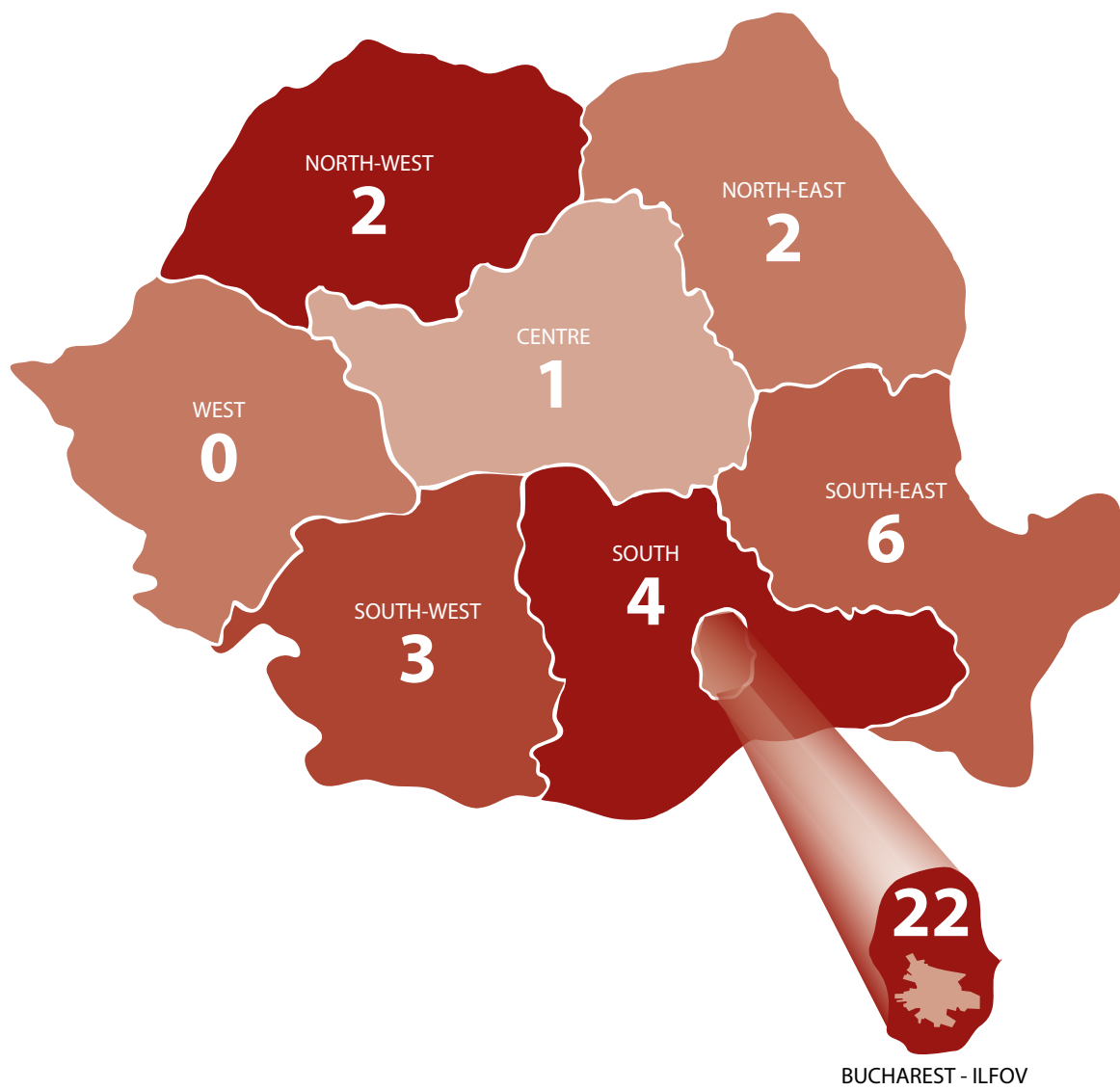


Bucharest-Ilfov	22
Argeș	1
Bihor	1
Botoșani	1
Buzău	1
Călărași	1
Cluj	1
Constanța	3
Dolj	1
Galați	1
Gorj	1
Ialomița	1
Iași	1
Mureș	1
Prahova	1
Tulcea	1
Vâlcea	1

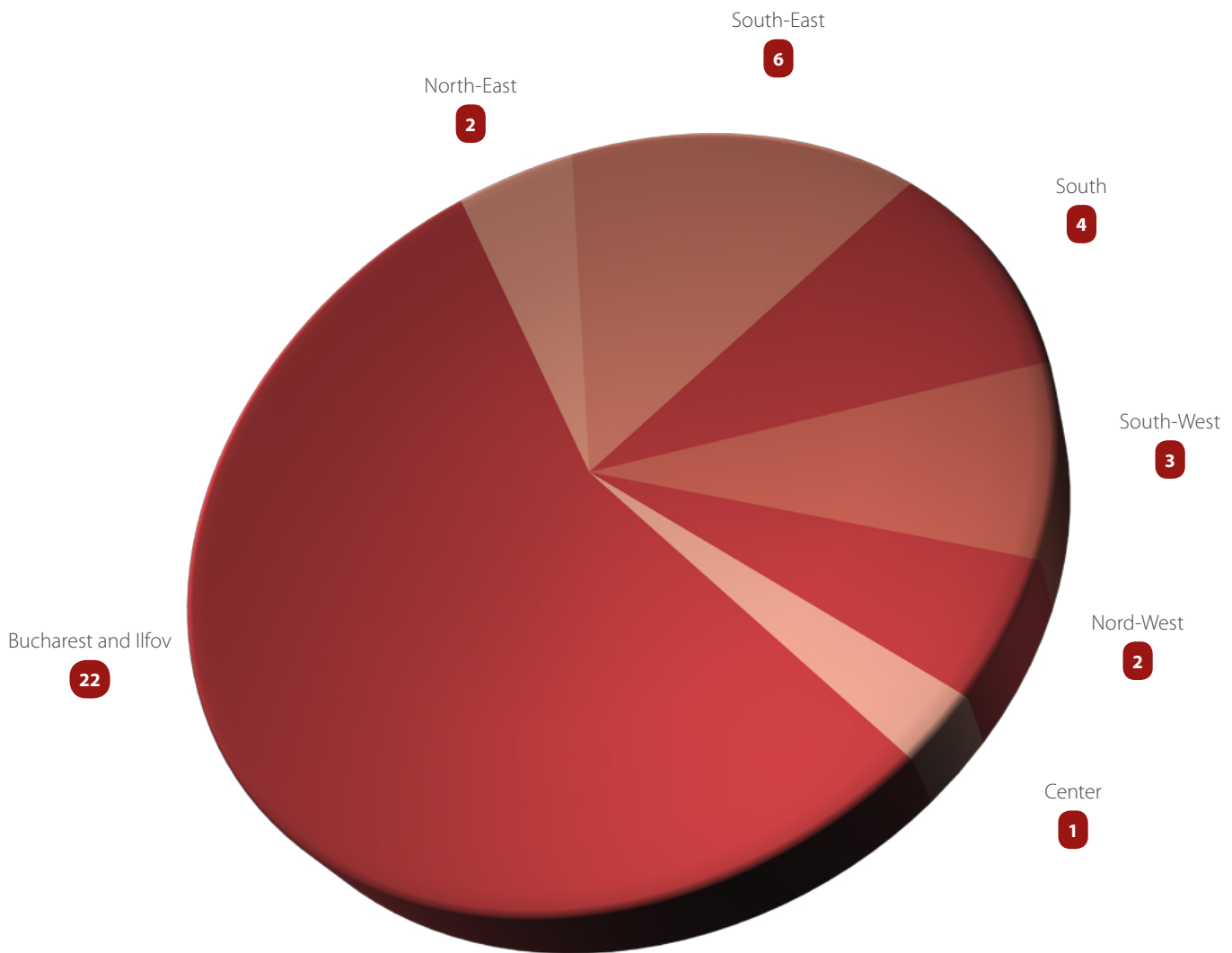


■ Distribution of investigations performed in 2019, per county

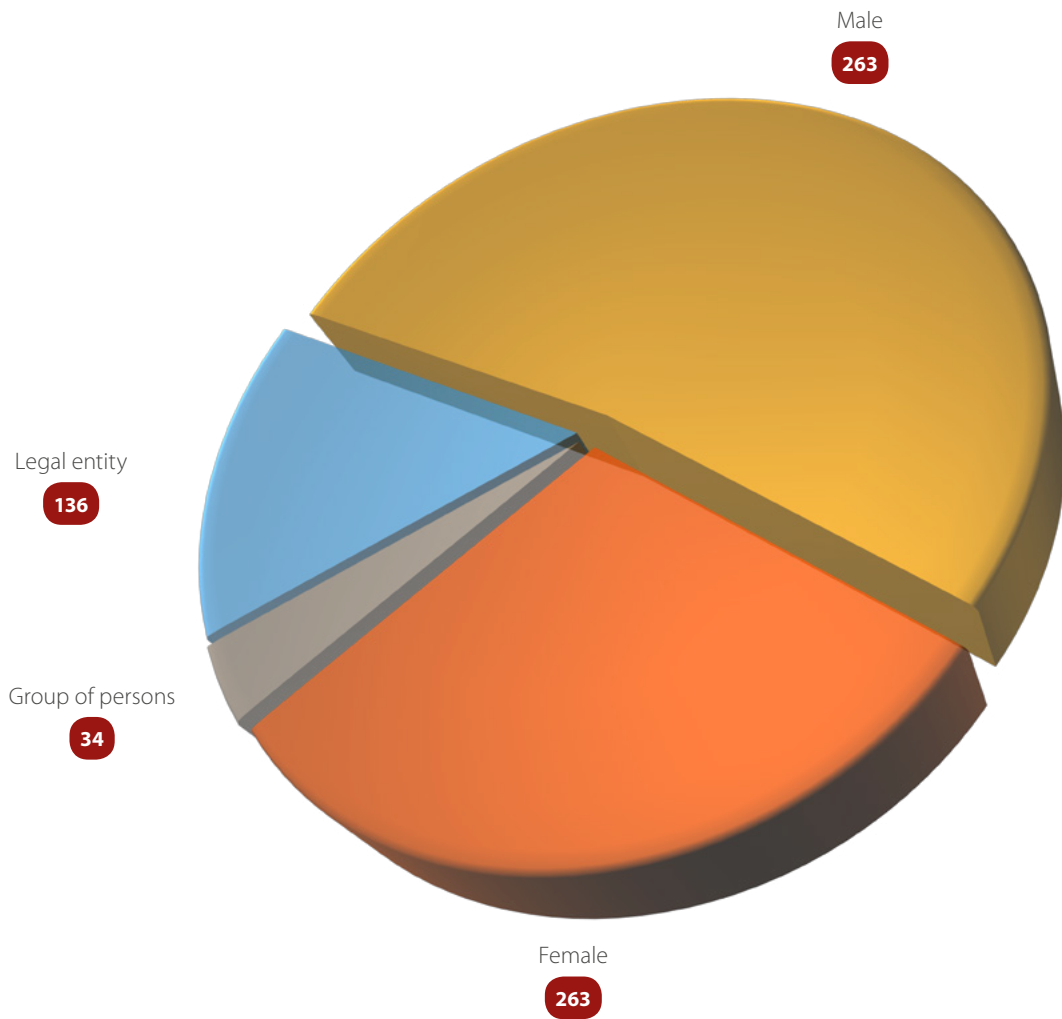




■ Distribution of investigations performed in 2019 per region



■ Distribution of investigations performed in 2019 per region



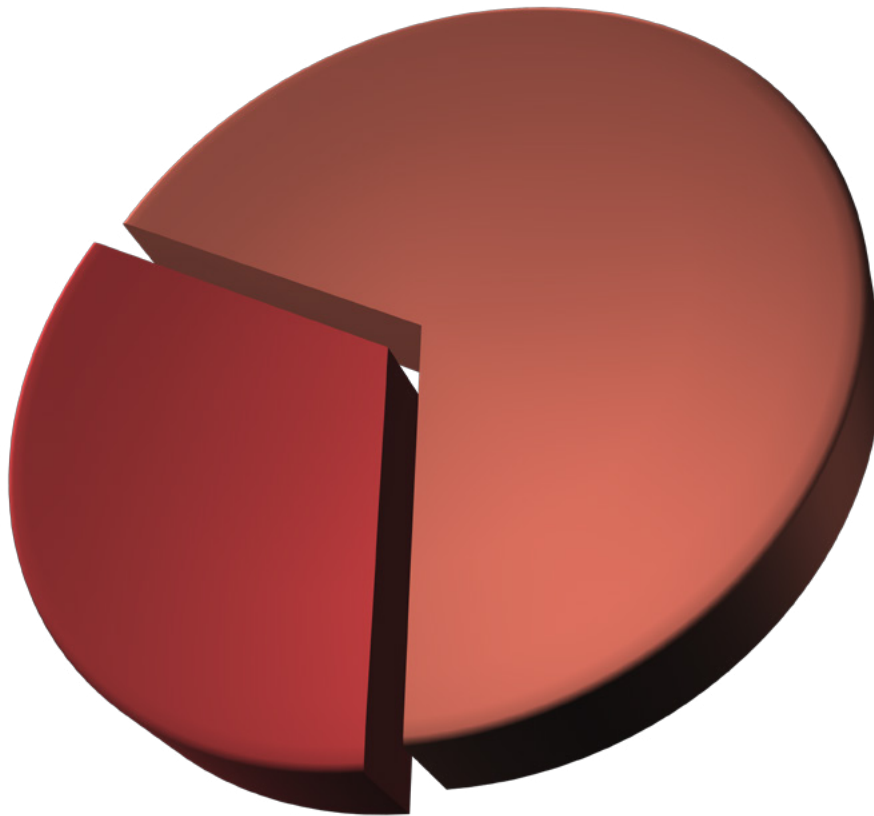
Rural



Urban

■ Distribution of cases in 2019





Rural

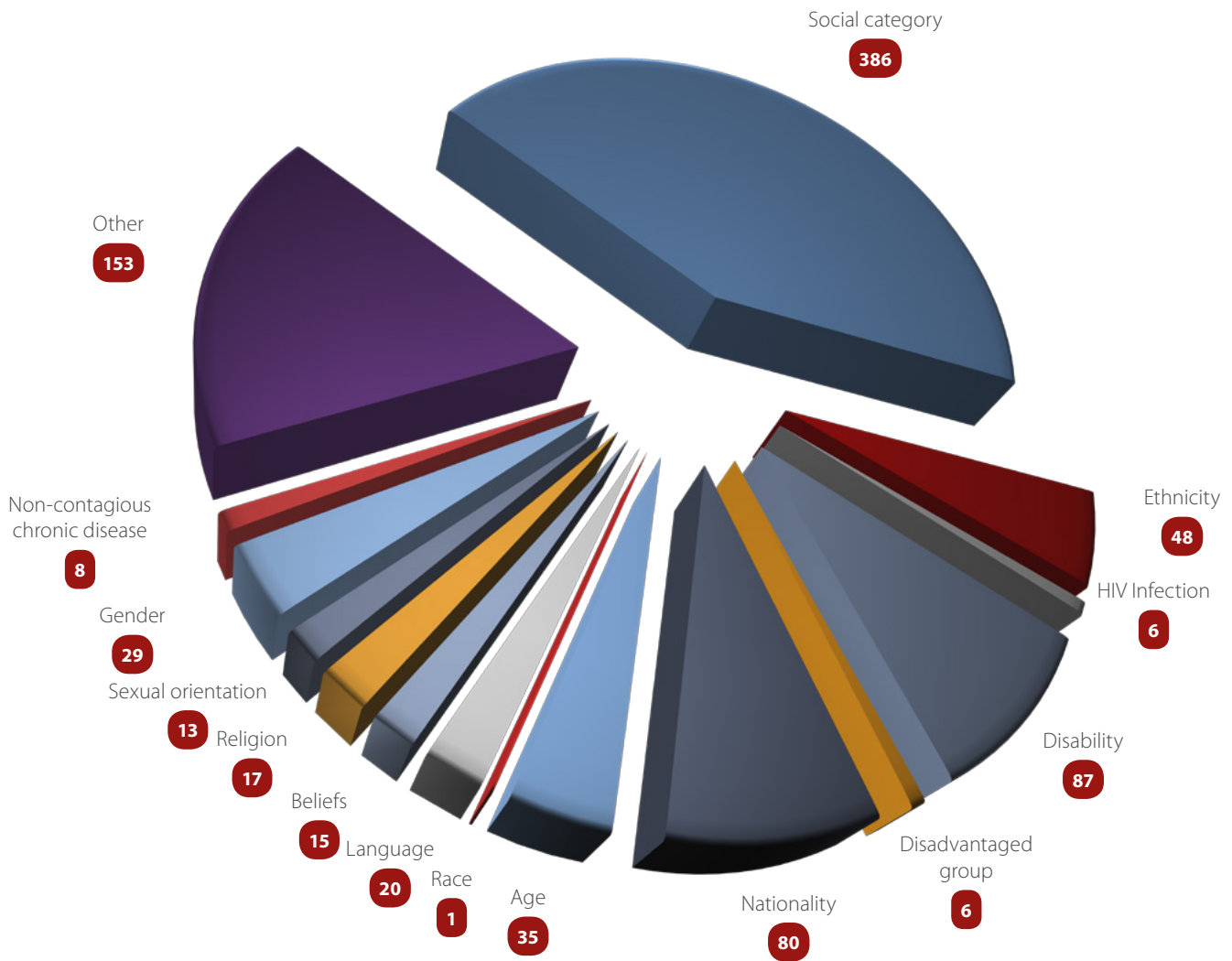


Urban

\*34 casefiles - two casefiles were investigated both in the rural and the urban area

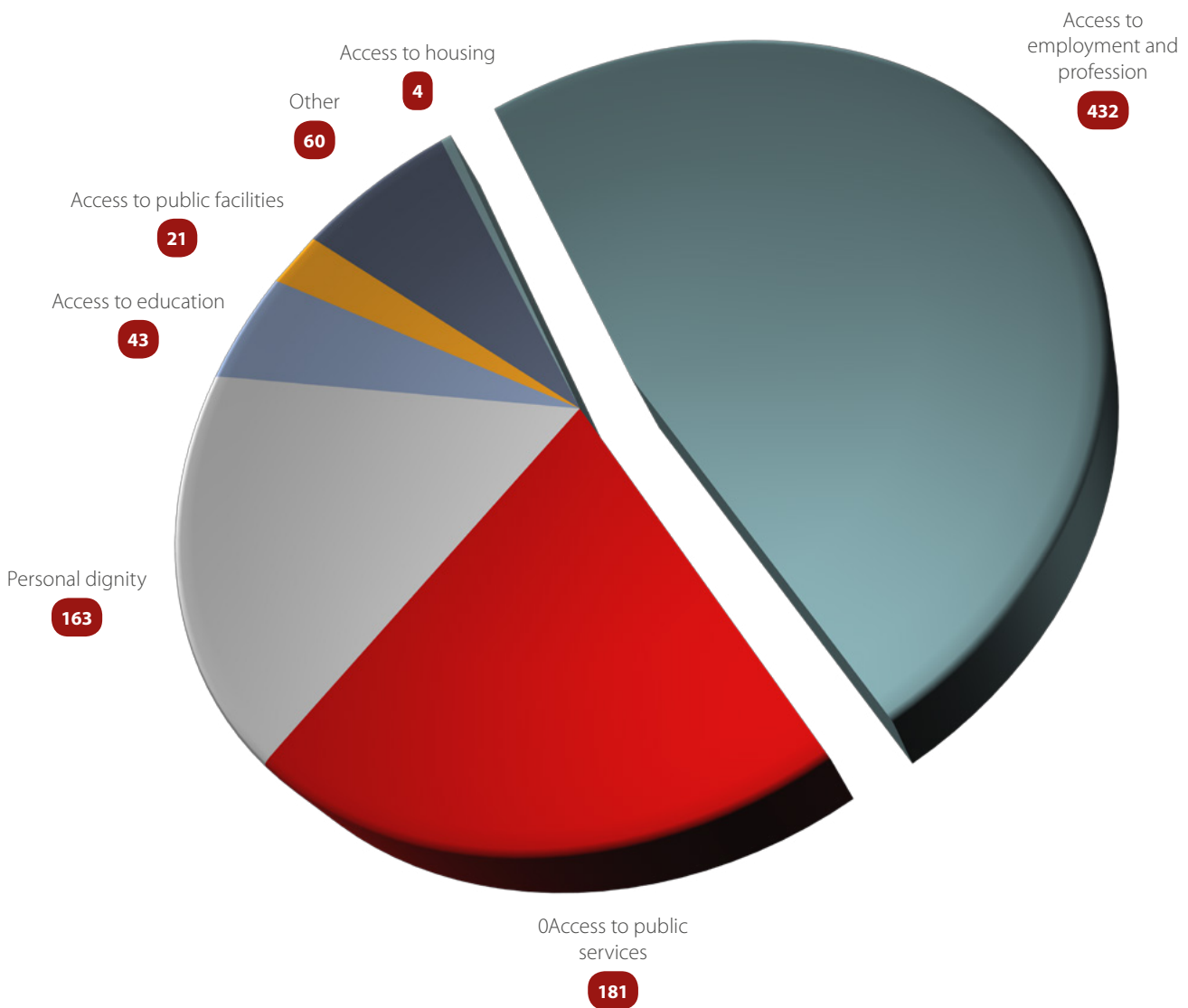
- Classification of cases investigated depending on the urban or rural area where the alleged discrimination occurred

**TOTAL CASEFILES: 904**



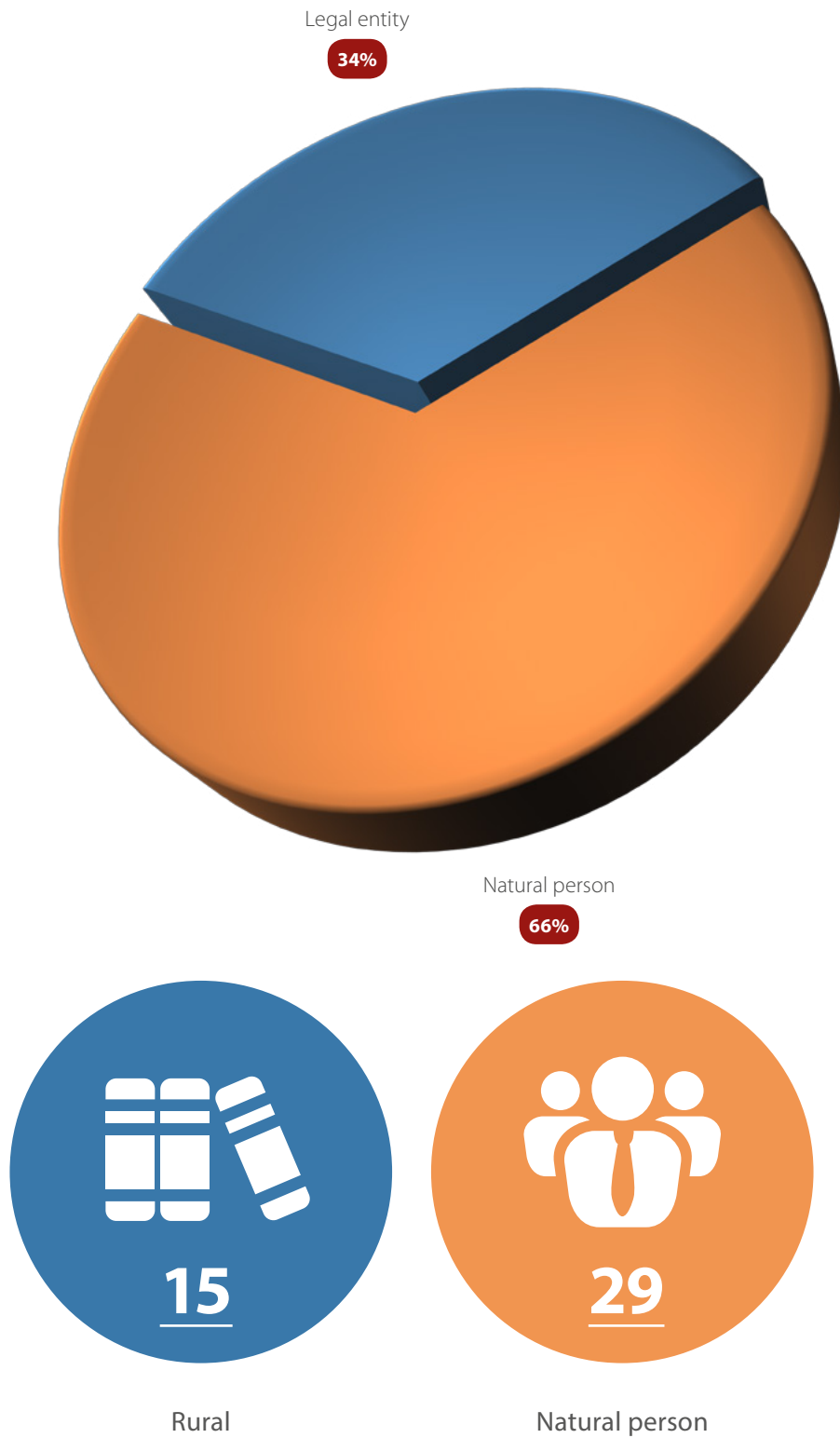
■ Distribution of cases in 2019 according to discrimination criteria

TOTAL CASEFILES: 904



■ Distribution of cases in 2019 per discrimination fields

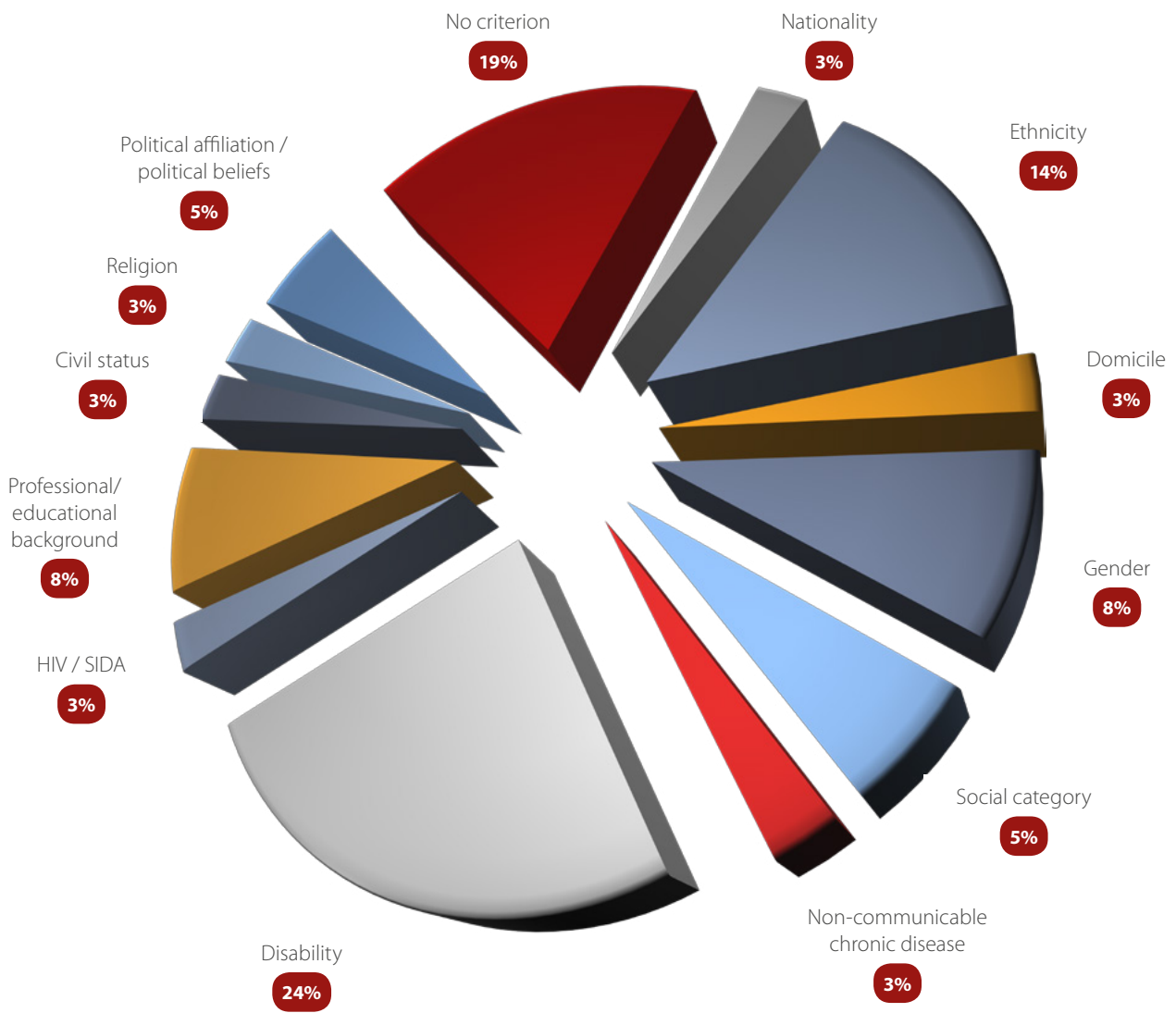




■ **Classification of investigated cases depending on the standing of the respondent as natural person or legal entity**

\*6 casefiles had respondents included in both categories

TOTAL CASEFILES: 37



■ Classification of investigated cases depending on discrimination criteria

\*Three casefiles operated with 2 discrimination criteria each





## Resolution activities undertaken in 2019

The tables report on all decisions taken by the Steering Board in 2019 (including the decisions with more than one claim), depending on discrimination criteria and fields.

Criteria						
	Case is valid	Case is not valid	NCCD is not the competent institution to determine the case	Accepting a plea for lack of active/passive legal standing/premature proceedings	Discontinuation/no subject/lack of evidence/delayed proceedings/no criterion	Rectifying a clerical error
Non-contagious chronic disease	1	4			2	
Sexual orientation	4	5	1	1	4	
HIV Infection	2	3			4	
Language	8	11		1	2	
Beliefs	5	8		4	1	
Religion	4	3	1	1	1	
Disadvantaged group	1	5		1	1	
Age	5	19	5	3	5	
Gender	11	11	2	1	11	1
Nationality	29	20	5	2	15	1
Disability	27	42	14	5	23	
Ethnicity	20	20	10	1	18	1
Others	23	89	66	2	39	2
Race	2	1				
Social category	50	175	100	2	49	3
<b>Total</b>	<b>192</b>	<b>416</b>	<b>204</b>	<b>24</b>	<b>175</b>	<b>8</b>

■ Decisions awarded for cases in 2019 according to discrimination criteria

Discrimination fields						
	Case is valid	Case is not valid	NCCD is not the competent institution to determine the case	Accepting a plea for lack of active/passive legal standing/premature proceedings	Discontinuation/no subject/lack of evidence/delayed proceedings/no criterion	Rectifying a clerical error
<b>Access to employment and profession</b>	67	206	99	2	68	4
<b>Access to education</b>	16	33	4	1	12	
<b>Access to housing</b>						
<b>Access to public facilities</b>	8	13	1		5	
<b>Access to public services</b>	<b>35</b>	<b>76</b>	<b>58</b>	<b>4</b>	<b>35</b>	<b>1</b>
<b>administrative</b>	25	61	34	3	24	
<b>banking</b>	4	3			1	1
<b>health</b>	1	2		1	4	
<b>transport</b>	5	6	2		2	
<b>phone</b>		1	1		1	
<b>legal</b>		2	21		3	
<b>accommodation</b>						
<b>restaurant</b>						
<b>store</b>		1				
<b>Others</b>	2	31	23	2	13	
<b>Personal dignity</b>	64	57	19	15	42	3
<b>Total</b>	<b>192</b>	<b>416</b>	<b>204</b>	<b>24</b>	<b>175</b>	<b>8</b>

■ Decisions awarded to cases received in 2019 according to discrimination fields

## Resolution activities undertaken in 2019

The tables report on all decisions taken by the Steering Board in 2019 (including the decisions with more than one claim), depending on discrimination criteria and fields

Criterion / Total number of findings 2019	Fine	Recommendation	Warning	Monitoring	Publication of a summary decision
<b>Non-contagious chronic disease</b>		1	1		
<b>Sexual orientation</b>	1	2	7		
<b>Language</b>	3	4	4	1	
<b>Beliefs</b>	7	1	3		2
<b>Age</b>	4	1	1		1
<b>Disadvantaged group</b>	1				
<b>Religion</b>	2	3	2		1
<b>Gender</b>	8	6	4		1
<b>Nationality</b>	18	9	15		1
<b>Disability</b>	13	17	13	3	3
<b>Ethnicity</b>	13	3	9		4
<b>Others</b>	8	13	16	1	2
<b>Social category</b>	30	18	27		4
<b>HIV Infection</b>		1	2		
<b>Race</b>	3	1			
<b>Total</b>	<b>111</b>	<b>80</b>	<b>104</b>	<b>5</b>	<b>19</b>

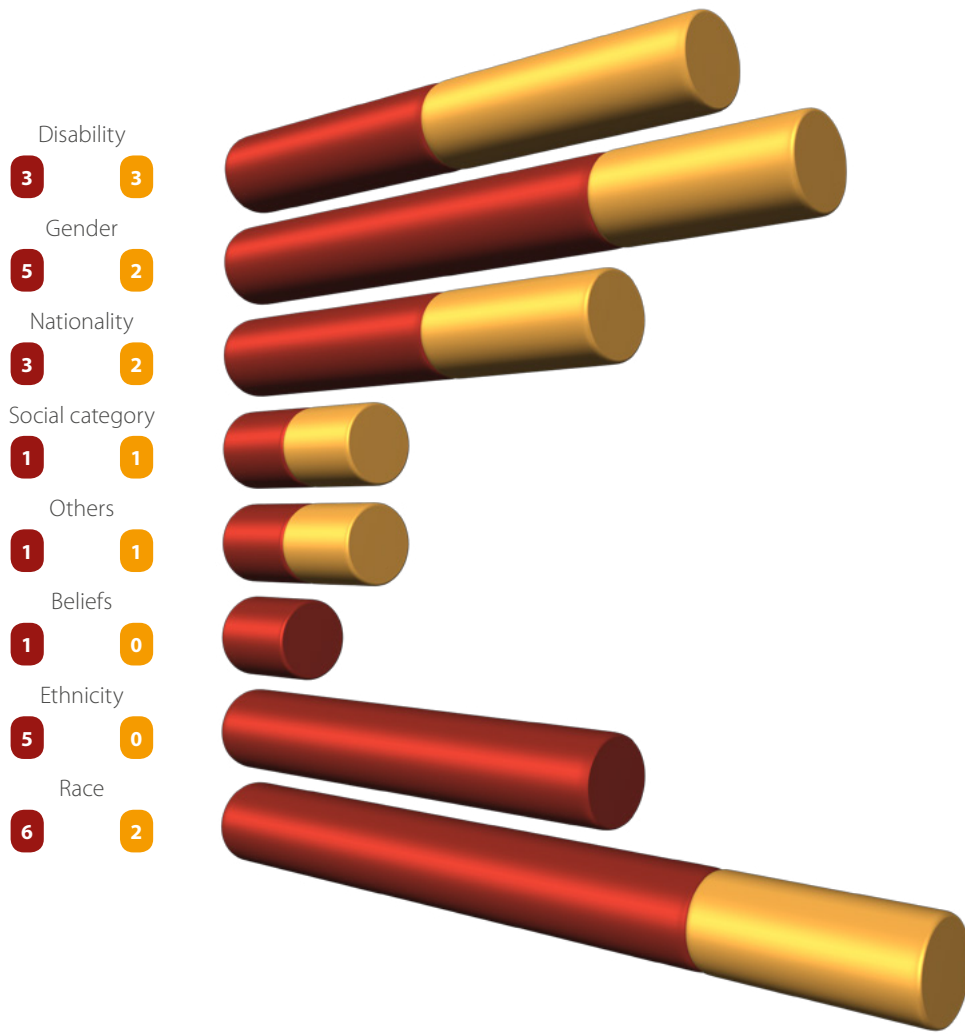
### ■ Findings made in 2019 according to discrimination criteria

All sanctions have been taken into consideration, including the cumulated sanctions (e.g., warning and recommendation, fine and recommendation etc.)

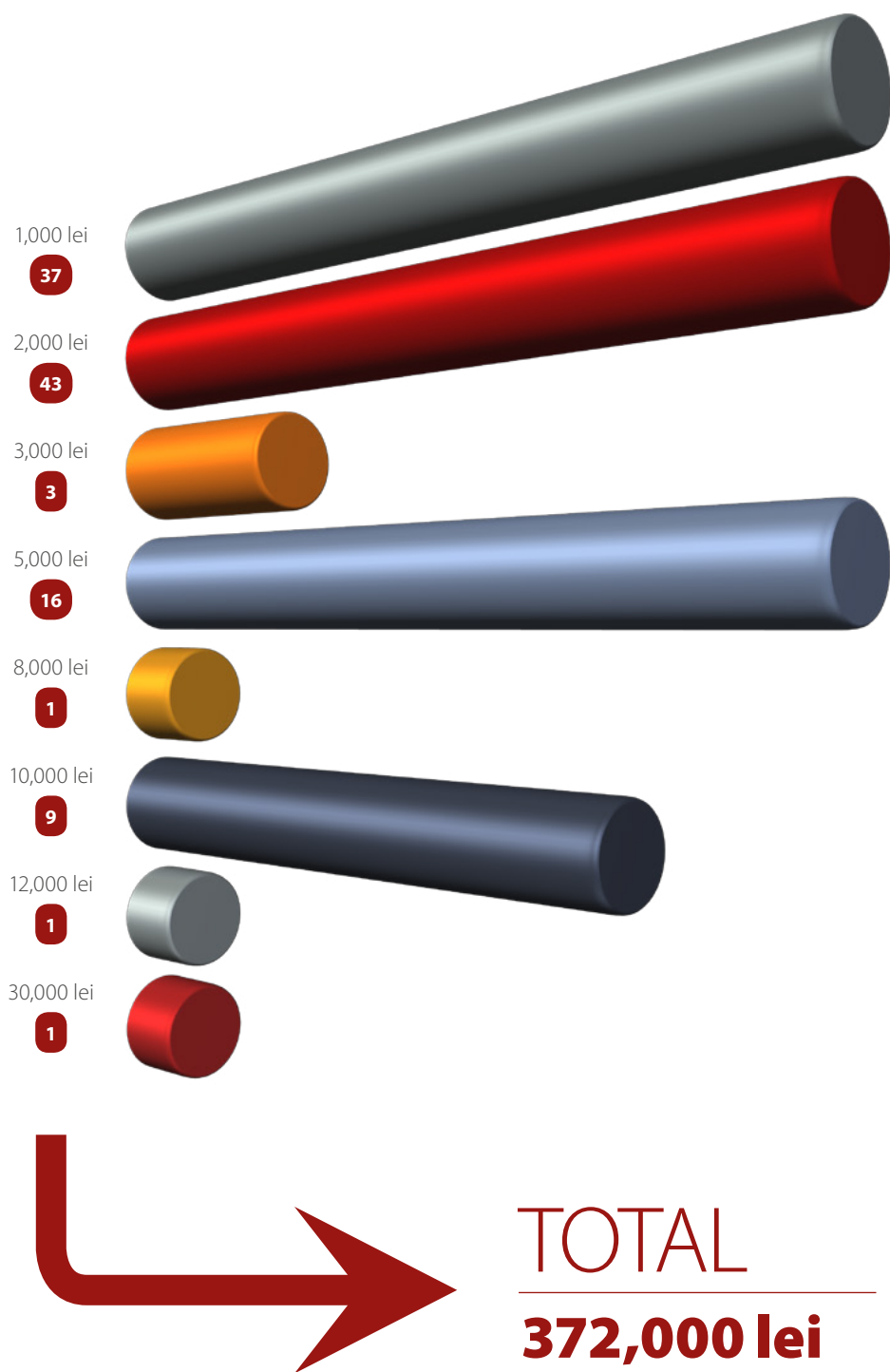
Field / Total number of findings 2019	Fine	Recommendation	Warning	Monitoring	Publication of a summary decision
<b>Access to employment and profession</b>	41	28	37		6
<b>Access to education</b>	9	11	8	1	1
<b>Access to housing</b>					
<b>Access to public facilities</b>	4	2	3		
<b>Access to public services (Total)</b>	16	22	24	4	4
<b>administrative</b>	9	16	21	3	1
<b>banking</b>	2	4	2		
<b>health</b>			1		
<b>transport</b>	5	2		1	
<b>legal</b>					
<b>restaurant</b>					
<b>accommodation</b>					
<b>Others</b>		1	2		
<b>Personal dignity</b>	41	16	30		8
<b>Total</b>	<b>111</b>	<b>80</b>	<b>104</b>	<b>5</b>	<b>19</b>

■ Findings made in 2019 according to discrimination fields

all sanctions have been taken into consideration, including the cumulated sanctions (e.g. warning and recommendation, fine and recommendation)



■ Proceedings initiated on self-notifications in 2019



■ Amounts and number of fines issued in 2019







# Legal representation activity of the National Council for Combating Discrimination

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

Under exceptional circumstances (optional and due to circumstances), based on the direct request of the NCCD's President, the activity of representing the National Council for Combating Discrimination interests in front of the courts may also be provided, in cases related to discrimination actions, by those members of the Steering Board who were awarded a degree in Law.

Pursuant to the provisions of art. 20 of G. O. no. 137/2000 R, in conjunction with the provisions of the "*Internal procedure for processing petitions and complaints*", published in the Official Journal, Part. I no. 348 of 06.05./2008, adopted pursuant to art. III, para. 1 – Chapter IV of G.O. no. 137/2000R, petitions whose subject is related to discriminatory actions are settled by the National Council for Combating Discrimination through a **decision – 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 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 NCCD 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 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.

### Confirmation rate for the "judicial review" applied to the decisions issued by the Steering Board during 2019

During 2019, the competent courts (the Courts of Appeal and the High Court of Cassation and Justice) had a total number of **495 cases** pending settlement, whose subject was the legal verifications and due diligence procedure applied to NCCD decisions adopted pursuant to art. 20 of G.O. No. 137/2000, republished.

Following the legal verifications and due diligence procedure applied to NCCD decisions during 2019, the courts ruled in favour of the Council during the first instance and/or appeal phase of the proceedings in **169 cases, while in 39 cases the proceedings brought against these decisions were admitted**.

By the end of 2019, **354 cases were still pending** in front of the courts (first instance/appellate courts).

**Thus, based on statistical data, the confirmation rate for the “judicial review” that NCCD decisions went through during 2019, compared to the number of settled cases, was rather high - approx. 82%.**

## 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 against 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 mandatory summon to the Council.

Thus, through G. O. no. 137/2000, the national lawmaker established tort liability, alongside administrative-misdemeanour 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 situation, by removing all harmful consequences of the illegal discriminatory action.

By regulating the judicial 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 “*judicial consultant monitoring discrimination cases*”, “*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 NCCD 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 key legal know-how required (theory and practice) in the area of equality of rights and non-discrimination.

The participation of NCCD 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 (NCCD) may issue, *ex officio*, “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 2019, NCCD was brought to court, as an advisory body - “specialised expert”, in order to submit a number of “specialised points of view” (procedural documents operating as “judicial advice”) for a total number of approx. 763 new cases (associated to proceedings brought during the current year as well as during the previous year, where the trial went on during 2019), whose subject was related to incurring tort liability (remedies for the victim) as a result of an infringement of the non-discrimination principle.

The cases which were settled during 2019 can be statistically categorized depending on their subject, as follows:

- approx. 1263 proceedings on “emoluments”;
- approx. 1736 proceedings with a subject included in the category “other requests” (labour litigation, rescission of administrative documents, termination of contracts, denial to answer requests, claims - other than financial rights/wage related claims etc.).

The decisions taken during 2019 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 2019), to which NCCD participated as “specialised expert” are reported as follows:

- approx. 346 decisions admitting the cases;
- approx. 823 decisions rejecting the cases.

## Legal endorsement and contracting activity

In January-December 2019, 603 documents (letters, letters of empowerment, administrative orders, explanatory memoranda, partnership agreements, protocols etc.) were subjected to the endorsement procedure.

During 2019, 201 public procurement procedures were initiated and concluded:

- Public procurement contracts – 16;
- Annual Public Procurement Plan – 5;
- Direct procurement procedures – 180.

## Activity of the Investigation and Review Unit

According to the provisions of art. 41 para. (1) of the Internal Procedure for the settlement of petitions and notifications, “the case handler shall take the decision to investigate, if applicable, following the review of the petition and the attached evidence.” Thus, the case subject to investigation, accompanied by the decision taken by the case handler is sent to the Investigation and Review Unit within the Legal Affairs Department, in order to clarify any issues and also in order to collect information, witness testimonies and evidence required in order to process the claim. After this review, the investigative team is filling in an investigation report to

be attached to the documentation resulting from the review.

### **Statistical state of the cases investigated by the Investigation and Review Unit in 2019**

In 2019, the Steering Board assigned 34 files to the Investigation and Review Unit. In order to comply with the decisions taken by the case handlers and to achieve the goals of the inspection activity, 40 investigations were performed (some of the cases requiring more than one trip), distributed as follows: 22 in Bucharest city and Ilfov county, 2 in North West region (Cluj county 1, Bihor county 1), 6 in South East region (Tulcea county 1, Galati county 1, Buzau county 1, Constanta county 3), 4 in South Muntenia region (Arges county 1, Prahova 1, Calarasi 1 and Ialomita county 1), 2 in North-East region (Iasi county 1, Botosani county 1), 3 in South West Oltenia region (Dolj county 1, Valcea county 1 and Gorj county 1) and 1 in Centre region (Mures county 1).

From a total of 34 cases subject to verifications, in 26 cases (representing 72% of the overall number) the alleged discrimination act took place in the urban area, while in the remaining 10 cases (representing 28% of the overall number), it took place in the rural area. In 15 of the cases under investigation (representing 34% of the overall number), the respondents fell in the category of legal entities, while in 29 cases (representing 34% of the overall number), the respondents were natural persons. In six of the cases under investigation, the respondents were natural persons, as well as legal entities.

As regards the discrimination criteria, the state of play of the investigated cases is the following: disability 9 (23%) ethnicity 5 (14%), gender 3(8%), occupational/educational background 3(8%), social category 2(5%), political affiliation/beliefs 2(5%), nationality

1(3%), religion 1(3%), non-contagious chronic disease 1(3%), HIV/AIDS 1(3%), civil status 1(3%), domicile 1(3%), no criterion 7(19%), – (three of the files operated two discrimination criteria).

During the investigations performed in 2019, interviews were organized with 237 persons, with an average of approximately 6 persons/ investigation. Among those, 105 persons were from Bucharest and Ilfov county and 132 persons from the rest of the country.

### **Conclusions:**

#### **Compliance with the mandate:**

While performing the investigative activities, the agents assigned to investigate the complaint must comply with the goals set by the case handler through its decision in terms of the notified issues (such objectives aiming at, as applicable, discussions with the respondents, with the claimant, in case some further clarifications may be brought, respectively with the witnesses).

In reasoned situations, the case handler may order ad-hoc investigations Throughout 2019, no situations that could have required an extension of the initial mandate were identified.

#### **Issues that may lead to a failure in achieving the goal**

While undertaking their inspection activity, the agents working for the Legal Affairs Department are hindered, in most of the cases, by the witnesses' reluctance to confirm or deny the facts described by the claimants in their petitions.

A high number of actions are related to the professional environment, most of the time the superiors of the claimants being accused

in these cases, the reluctance is caused by the fear of repercussions that may reflect upon them, as the witnesses are quite often designated by the claimants from among the colleagues who have a direct contact with the superiors subject to complaints and who might have information on a relevant behaviour and attitude for the case reviewed by NCCD.

This issue could be remedied by introducing such witnesses among the ranks of persons protected from “any adverse treatment, as a reaction to a complaint or judicial proceedings (or due to cooperation with investigations undertaken in cases of complaints and judicial proceedings) related to an infringement of the principle of equality of treatment and non-discrimination.”

### **Risks:**

The NCCD investigative teams were also confronted with conflictual situations arising from the parties’ (claimants and respondents) lack of understanding in relation to the role of the investigative team and from the belief that the latter intends to hamper the case or that, through the questions asked, would favour the other party of the case; however, in most of the cases, the members of the investigative team were able to establish a fair professional relation with the persons able to provide relevant information, explanations and evidence in order to draft the investigative report. We must underline the fact that, in many of these cases, the investigative team visits the domicile of the claimant or of the defendant, in the case of natural persons, thus exposing themselves to risks of physical abuse that are inherent during such inspection activities.

Nevertheless, one of the inherent risks associated with the inspection activity that the investigative team is confronted with is the threat that criminal complaints would

be filed, as the party delivering such threats hopes to influence the manner in which the investigation takes place by intimidating the team assigned to verify the substance of the claim.

There were also cases in which the defence counsel for one of the parties, ignoring the civil proceedings rules (that NCCD procedure must be read in conjunction with), insisted on participating to hearing the witnesses indicated in the Steering Board decision, without any witnesses requesting this, sometimes even when the witnesses expressed their wish to be heard without any party or any of their representatives being present.

## **Buzău Territorial Unit**

In 2019, more than 120 persons reported to the Buzău Territorial Unit, asking for legal support for issues related to discriminatory situations. The problems at issue were various, however the most frequent were the ones related to:

- Job-related discrimination, including sexual harassment, harassment and abuses from superiors;
- Ethnicity-related criterion, including discrimination in public areas, discrimination related to access to certain public spaces, access to services, discrimination during employment;
- Social inclusion, refusal to apply certain orders or regulations by some institutions;
- Discrimination in the school-based environment, including bullying, as well as student segregation, and also lack of tolerance expressed by students, teachers or parents of students;
- Discrimination expressed in posts in public media, especially Facebook.

One may include among prevention activities directed against discrimination:



information campaigns using leaflets, cooperation with NGOs and the Buzau County Prefect's Office, Buzau Labour Inspection, information campaign in Buzau Jobs Fair and in Buzau Agriculture College.

## Mureş Territorial Unit

In 2019, Mures Territorial Unit organized 34 audiences and specialised advisory meetings to persons interests in the areas regulated by G.O. 137/2000 and in other areas associated with complaints and petitions of discriminations based on language, ethnicity, disability, communicable diseases, age, inclusion into a disadvantaged social category.

Petitions and complaints received:

Throughout 2019, 14 complaints/petitions were received by the Mures Unit, among which:

- Complaints/petitions on potential discriminatory facts based on ethnicity – 3
- Complaints/petitions on potential discriminatory facts based on language – 3
- Complaints/petitions on potential discriminatory facts based on chronic non-communicable disease – 2
- Complaints/petitions on potential discriminatory facts based on age and gender – 2
- Complaints/petitions on potential discriminatory facts based on victimization – 1
- Other - 3

## Providing an internship facility for students

During 2019, the National Council for Combating Discrimination, through its Legal

Affairs Department - Unit for Legal Affairs, Litigation and Contracts, provided the students of the following universities with the practical training internships:

### University of Bucharest - Law School

- • 11.03 – 29.03.2019 (3 students);
- • 01.07 – 19.07.2019 (8 students);
- • 11.11 – 29.11.2019 (4 students).

### “Titu Maiorescu” University - Law School (2 students)

### “Dimitrie Cantemir” Christian University - Faculty for Legal and Administrative Sciences

- • 22.07 – 09.08.2019 (one student);
- • 02.09 – 20.09.2019 (5 students).

### National School for Political and Administrative studies (1 student)

### University of Bucharest - Faculty for Political Sciences

- • 11.03 – 29.03.2019 (one student);
- • 01.07 – 19.07.2019 (3 students);
- • 11.11 – 29.11.2019 (3 students).

### University of Bucharest – Faculty for Sociology and Social Assistance

- 22.07 – 09.08.2019 (3 students);

Based on the above mentioned data, we may conclude that, in 2019, NCCD provided practical training internships for a total number of **34 students**.

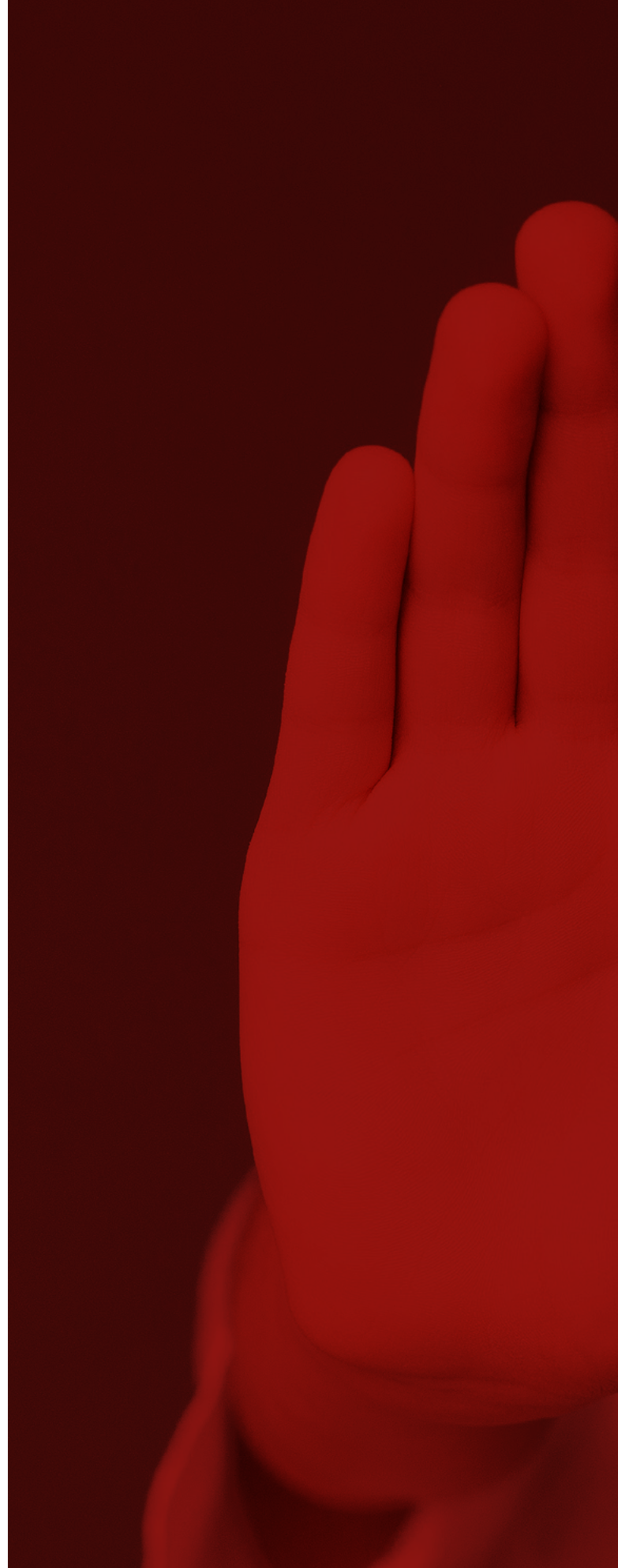
During this activity, the NCCD trainers presented the students with information on the concept of discrimination, types of discrimination, organization and operation

of NCCD, the organizational chart, tasks, the procedure for processing petitions, sanctions issued, programmes organized for the purpose of preventing and combating discrimination as well as the procedure for challenging the NCCD decisions in court proceedings.

Also, during their internship, the students had the opportunity to attend the court sessions next to the NCCD legal counsel in those case file whose subject was the repeal of NCCD decisions.

Some practical exercises were organized during the internship, so that the students raise their awareness on the negative effects of discrimination.

By the end of the internship, the participating students were handed over practical internship certificates from NCCD, by the Legal Affairs Department, 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 of discriminatory actions

## SUMMER SCHOOL – RISK GROUPS AND SOCIAL SERVICES. RIGHT TO NON-DISCRIMINATION

### 11<sup>th</sup> edition

The 11<sup>th</sup> edition of the Summer School was organized in Mamaia resort, Constanta county, in cooperation with Carusel Association, for a target group made up from 40 Bachelor and Master's degree students in sociology, social assistance, psychology, pedagogical psychology, pedagogy, medical sciences, as well as from fields of study such as political sciences, journalism, communication, public administration, law, biology, chemistry or theology.

The purpose of the project was to help improving the quality of life for vulnerable and marginalised groups by capacity building for young professionals able to provide support services and to ensure the implementation of the right to non-discrimination.

The “Summer School - Risk Groups and Social Support Services. Right to non-discrimination” - 11<sup>th</sup> edition represented a continuation of NCCD efforts made for training

young professionals aiming at a career in the social sector and also other categories of young people in other areas of education, for a better understanding of the vulnerable groups status, in order to encourage a positive attitude and to acquire information and knowledge to be used for an improvement in the quality of life for marginalised persons.

This project contributed (from a strictly technical perspective, but also in terms of an improvement of general and individual mindsets) to the vocational training of participants which should result, in the future, in an enhanced employability (in the social, political, administrative, legal, economic, health sectors etc.) and it would bring about a number of improvements in the support services aimed at vulnerable groups. Moreover, they will be able to determine a change in attitude also among their families, friends and co-workers, which should translate into a larger scale change of mindset.

## Literary creation and painting competition “Equality and non-discrimination”

### 12<sup>th</sup> edition

Already a traditional form of cooperation between the National Council for Combating Discrimination, the “Dimitrie Cantemir” Christian University, Bucharest, the European Centre for Promoting Non-Discrimination and Equal Opportunities - NEDES 2014+ and the Bucharest City School Inspectorate, the project “**Promoting the right to non-discrimination and equal opportunities in pre-university education in Bucharest – Equality and non-discrimination**”,

was organized in April-October 2019 and promoted by 22 lower secondary schools and high schools in Bucharest, as well as in other counties (Constanța, Timiș, Giurgiu, Dâmbovița, Ilfov), through leaflets, posters and fliers distributed by the members of the research team.

The target group was made up of students with ages ranging from 6 to 19 years old, while the main activities were: raising awareness



on this competition in lower secondary schools and high schools in Bucharest and in the country, selection of the best literary works in order to be published as part of one collection, selection of the best drawings in order to be published in a desk calendar for 2019-2020 and awarding prizes for the best works.

This literary creation and art competition was supported by NCCD with the purpose of increasing awareness and information

among students on human rights, on the principle of equal opportunities and on the right to non-discrimination.

The drawings awarded with a prize were published in a 2019-2020 desk calendar, bearing both the project title, as well as the names of partner-institutions, while the other creations participating to this competition were published in a collective work entitled “The magic of good thoughts.

## International Conference on Non-Discrimination and Equal Opportunities – NEDES

### 13<sup>th</sup> edition

The issue of non-discrimination and equal opportunities represents nowadays an important human rights basic principle. The research and development project “Methods for promoting principles of non-discrimination and equal opportunities in the current Romanian society” - 13<sup>th</sup> edition brought together the National Council for Combating Discrimination in a partnership with “Herastrau” Lower Secondary School and the European Centre for Promoting Non-Discrimination and Equal Opportunities - NEDES 2014+.

#### Cooperation objectives:

Developing the knowledge and understanding capacity for the principles of non-discrimination and equal opportunities between women and men, as well as between various other categories.

Developing the knowledge and understanding capacity for citizenship principles and values: equal opportunities, tolerance, non-discrimination.

Capacity building in implementing the principles of equal opportunities in areas such as law, economy, society, education, politics, entrepreneurship etc.

## NEW HUMAN RIGHTS REVIEW

Cooperation between the Centre for International Studies and the National Council for Combating Discrimination continued also during 2019 through a quarterly publication in the “New Human Rights Review” of articles on combating discrimination, promoting the principle of equal opportunities, NCCD case-law, studies and other specialised materials.

This improved cooperation is due to the beneficial impact that publishing 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.







## Projects implemented with external funding

## “Partnership for equality of LGBTI persons”

The project implemented by the ACCEPT Association in a partnership with the National Council for Combating Discrimination (NCCD), “Partnership for equality of LGBTI persons in the EU, NCCD developed a checklist on the duties that the Romanian state must abide by in order to ensure protection against LGBTI discrimination occurring in employment, financed from the Rights, Equality and Citizenship 2014-2020 programme of the European Union” was continued in 2019, and it ended on 31 December 2019.

Based on best practice identified during the mutual exchange of information and knowledge with the European experts, as well as based on the lessons learned during

the training sessions for professionals (issued that they are confronted during their daily activities, gaps in terms of information and training sessions etc.), and also on a literature review including the obligations that are relevant for human rights Family protection and protection against hate crime. Also, a number of awareness raising actions were undertaken among general population in respect of observance of rights included in the LGBTI group.





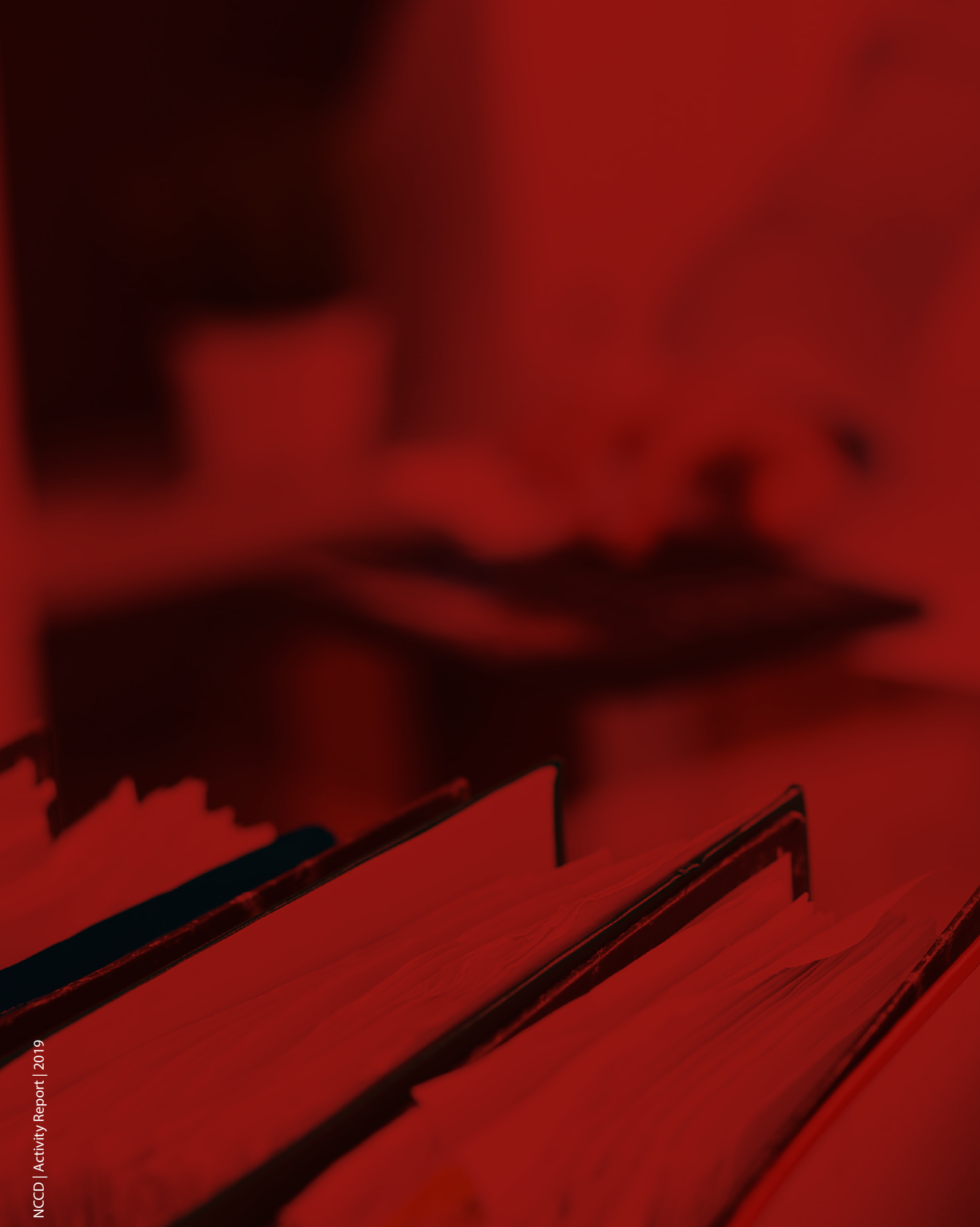
## 10 years of implementing the EU Framework Decision on racism and xenophobia in Romania: challenges and new approaches regarding hate crime actions” – NoIntoHate2018

In 2019, the National Council for Combating Discrimination, in a partnership with the Institute for Public Policies, continued the implementation of the NoIntoHate2018 project financed from the Rights, Equality and Citizenship 2014-2020 programme of the European Union. In August-December 2019, 8 training sessions were organized (2 for police officers, 1 for gendarmes and 5 for magistrates), including a number of 94 persons, while in January-February 2020, 4 more training sessions were to be organized (1 for gendarmes and 3 for magistrates), for another 50 persons.

The sessions were delivered by NCCD and IPP experts, as well as by a European expert in the area of hate crime and they included presentations of general non-discrimination concepts (forms of discrimination, sanctions, procedures for filing claims and processing them), the national and European legislation and the CJEU and ECHR case law on hate crimes, the practical level of involvement of law enforcement agencies in evaluating, recording and populating a database on hate crimes, as well as practical information on how hate turns into a crime (reasons, substantial elements and methods for identification).

The projects has an overall budget of: 242,840.51 EUR







# Discrimination-related issues in Romania reflected in international reports



## E.C.R.I. Report on Romania (fifth monitoring cycle)<sup>1</sup>



ECRI (European Commission against Racism and Intolerance of the Council of Europe) published on 5 June 2019 its report on Romania (fifth monitoring cycle). In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified. During this exercise, ECRI's country monitoring deals with all member States of the Council of Europe on an equal footing. The work takes place in 5-year cycles, covering 9-10 countries per year.

The fifth round country-by-country reports focus on four topics common to all member States: (1) Legislative issues, (2) Hate speech, (3) Violence, (4) Integration policies and a number of topics specific to each one of them.

We submit below the findings and recommendations issued by ECRI in respect of NCCD activity:

- In its previous report, ECRI recommended that the authorities prohibit discrimination by association: announced intention to discriminate and inciting and aiding another to discriminate as per its GPR No. 7 para. 6. The authorities informed ECRI that discrimination by association is applicable through case law based on the jurisprudence of the European Court of Justice (ECJ). While ECRI confirms this, it notes that the rest of the recommendation has not been implemented and these gaps remain. On

the other hand, article 2 (2) of G.O. no. 137/2000 prohibits ordering someone to discriminate. ECRI notes that the terminology might generate confusion as the wording used in Romanian is 'order', hence, implying a hierarchical position, and not 'instruction', which has a wider application. The authorities brought the case law of the National Council for Combating Discrimination to ECRI's attention, which confirms that the term is interpreted broadly in order to avoid limiting the prohibition of discrimination to hierarchical relations.

- ECRI takes note of the fact that Romanian legislation provides for easily accessible judicial and/or administrative proceedings, including conciliation, in discrimination cases, while victims of discrimination may apply to the relevant state body, the NCCD, the People's Advocate Ombudsperson (hereafter the Ombudsperson) or the court. These provisions are in line with recommendations in ECRI's GPR No. 7, para. 10 and 12.
- Article 27 (4) of the Anti-discrimination Law shifts the burden of proof, as per GPR No. 7 para. 11. With regard to GPR No. 7 para. 13, while Article 18 of the Antidiscrimination Law holds the NCCD responsible for monitoring the conformity of all laws and administrative provisions with the prohibition of discrimination, it does not grant the latter powers to initiate proceedings before the Constitutional Court concerning their constitutionality. The possibility of bringing cases of discrimination triggered by laws or ordinances before the Constitutional Court is currently assigned to the Ombudsperson (Article 146 of the Constitution).

<sup>1</sup> <https://rm.coe.int/fifth-report-on-romania-romanian-translation-/168094c9e7>

- In this year, also, ECRI takes note of the fact that, while the NCCD does not have legal standing to bring a case before the courts, it is subpoenaed as intervening party in all cases of discrimination filed directly with the court. According to this report, this has contributed to straining further the already limited resources of the NCCD and generated a serious backlog.
- Both the Ombudsperson and the NCCD lack the financial and human resources necessary to carry out their mandates effectively. The ban on recruitment in the public administration had a further negative impact (the NCCD has 64 staff out of 97 posts available) and this has resulted in reduction on their activities, in particular with respect to awareness-raising. ECRI recommends that the authorities allocate both institutions sufficient financial and human resources, including funding for awareness-raising campaigns regarding non-discrimination and equality.
- ECRI mentions hate speech and its effects, as well. Although the applicable anti-discrimination legislation does not explicitly define hate speech, ECRI notes with satisfaction the resolute stance of the National Council for Combating Discrimination (NCCD) in such cases (providing as an example a number of sanctions issued by NCCD).
- ECRI takes note of the fact that victims of hate speech are often confused regarding the legal safeguards as well as the competence of institutions - such as the NCCD and the law enforcement bodies – to investigate their cases. ECRI is concerned about the relatively low level of awareness among the general public about their rights and their access to justice despite the fact that one of ECRI's priority recommendations to the authorities in the last report concerned conducting information campaigns about both the legislation on the fight against racism and the competent bodies that provide assistance and/or redress. In this respect, ECRI regrets to note that the authorities have still not adopted the draft 'National Strategy on Equality, Inclusion, Diversity (2018-2022)', which envisages measures related to awareness-raising for different target groups as well as enhancing coordination between institutions dealing with hate crimes, including hate speech.
- There are several studies showing that intolerance and discrimination towards LGBT persons are widespread in Romanian society. The opinion poll conducted by the NCCD revealed that LGBT persons are the fifth most unwanted group after persons living with HIV, drug addicts, persons with disabilities and Roma. ECRI considers that these low numbers of cases before the NCCD may signify a problem of under-reporting of discrimination among the LGBT community.
- ECRI welcomes the project called 'Equality of LGBT persons' which is being developed by the NCCD with a view to improving the capacity of Romanian authorities to prevent and combat discrimination based on sexual orientation and gender identity. ECRI is of the opinion that such initiatives would be instrumental to fight the deeply-rooted stigma and bias against LGBT persons and to increase their social acceptance.
- ECRI recommends that the authorities allocate both institutions sufficient

financial and human resources, including funding for awareness-raising campaigns regarding non-discrimination and equality.

## Fundamental Rights Report 2019<sup>2</sup>

Fundamental Rights Report 2019 reviews significant developments in this field, by identifying the achievements, as well as the areas of interest that have not been dealt with yet.



### Antisemitism in the EU is widespread and normalised

More than 70 years after the Holocaust, widespread antisemitism affects Jewish people in all areas of life in the EU, as evidenced by FRA's second survey on discrimination and hate crime against Jews in the EU, which was published in 2018. The first antisemitism commissioner was appointed in April 2018.

In June 2018, the Romanian Parliament unanimously adopted the IHRA (International Holocaust Remembrance Alliance) working definition of antisemitism, and a bill introducing criminal sanctions for antisemitic acts (*Law no. 157/2018 on some measures preventing and combating antisemitism*).

### Access to justice

The report mentions that about two thirds of EU Member States, among which Romania, as well, adopted the Victims' Rights Directive (2012/29/EU). Advances and developments include, among others, improving the rights of crime victims to participate in proceedings (e.g. the victim's right to be heard); enhancing victims' rights to financial compensation (e.g. by enlarging the scope of crimes for which financial compensation is available); and facilitating victims' rights to information (e.g. through awareness-raising initiatives and training).

In 2018, the Parliament in Romania adopted three new laws modifying existing legislation on violence against women. One introduces a definition of gender-based violence to the Romanian legal order; another criminalises any form of harassment, including sexual and psychological harassment in public or in private. The third law expands the definition of domestic violence to also include psychological, physical, spiritual and social violence, and it explicitly states that religion, culture or custom cannot justify any form of domestic violence.

### Country report on non-discrimination<sup>3</sup>

#### Transposition and implementation at national level of Council Directives 2000/43 and 2000/78 in Romania



The country report on non-discrimination, reviewing the transposition and implementation at national level of Council Directives 2000/43 and 2000/78 was published in October 2019.

<sup>2</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2019-fundamental-rights-report-2019\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-fundamental-rights-report-2019_en.pdf)

<sup>3</sup> <https://op.europa.eu/ro/publication-detail/-/publication/1ea6a084-f49d-11e9-8c1f-01aa75ed71a1/language-en/format-PDF>

## U.S. Department of State Report on Human Rights Practices<sup>4</sup>

- The report stipulated that NCCD is the government institution responsible for applying domestic and European Union antidiscrimination laws, which reports to the Parliament.
- Observers generally regarded the NCCD as effective, but some criticized it for a lack of efficiency and political independence, as well as of adequate resources.
- The report takes note of the fact that NCCD fined employers for antiunion discrimination, although it lacks the power to order reinstatement or other penalties. In 2018 the NCCD issued fines in 19 cases involving access to employment and profession, which includes antiunion discrimination and collective bargaining agreement infringement.
- Discrimination in employment or occupation occurred with respect to: gender, disability, and HIV status. Discrimination against Roma and migrant workers also occurred. With respect to employment discrimination, the NCCD processed 365 cases in 2018 and 278 in the first half of 2019. NCCD addressed cases in both the public and private sectors.
- In terms of discrimination, the report takes note of the fact that women and men enjoy equal rights, however segregation by profession still exists, with women overrepresented in lower-paying jobs. Also, women experienced discrimination in marriage, divorce,



child custody, employment, credit, pay, owning or managing businesses or property, education, the judicial process, and housing.

- While the law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, this remains a problem.
- Discrimination against Roma continued to be a major problem. Romani groups complained about police harassment and brutality. Both domestic and international media and observers reported societal discrimination against Roma.
- Ethnic Hungarians continued to report discrimination related mainly to the use of the Hungarian language.

<sup>4</sup> <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/romania/>









# National Council for Combating Discrimination in media



## Monitoring period: January-December 2019

- **295 news items refer to NCCD's activity.**
- **95 news items refer to the activity of the President of NCCD.**
- **National media subject to monitoring: Adevărul, Cotidianul, Curentul, Curierul Național, Evenimentul Zilei, Gazeta Sporturilor, Gândul, G4Media, HotNews, Jurnalul Național, Mediafax, Newsweek, Prosport, România Liberă, Ziare.com.**
- **NCCD was most often mentioned in: HotNews, Adevărul and Evenimentul Zilei.**

The most significant articles published by the media in 2019, referring to our institution's activity, were the following:

### Olguța Vasilescu, sanctioned for her discriminatory statement against President Iohannis

The National Council for Combating Discrimination issued a **warning** for Olguta Vasilescu (the Minister of Labour at that moment)

for her statement, „as a German, to discuss about gassing required a lot of guts”, made in respect of President Klaus Iohannis.

### Radu Banciu sanctioned for his statements against Serena Williams

The National Council for Combating Discrimination found that the statement “Serena Williams looks like the monkeys at the Zoo, with their red bottom. If you put some trousers over that bottom, it looks exactly as Serena Williams looks like on the tennis

court”, made by Radu Banciu, represents discrimination and an infringement of the right to dignity. Thus, NCCD applied a **fine amounting to 8,000 lei** against the TV producer.

### Kindergarten and kindergarten teacher fined for moving a girl suffering from autism to another classroom during a school inspection

The National Council for Combating Discrimination applied a **fine amounting to 1,000 lei** against a kindergarten in Bucharest, after little girl suffering from autism

spectrum disorder was locked in an empty classroom during a school inspection. The kindergarten teacher was sanctioned with a **warning**.



## Minister of Education sanctioned for her proposal to establish 'special classrooms'

NCCD decided that the statements made by the Minister of Education, Mrs. Ecaterina Andronescu, about the children with special needs were discriminatory and sanctioned her with a **warning**, recommending that she should refrain in the future from statements that result in discriminatory effects.

She had stated that: "We currently have divided pupils with learning disabilities, let us call them this way, in two categories.

"Some of them are sent to special school, others are in regular schools, integrated in normal classrooms. There, unfortunately, we are able to provide to a little extent support teachers for children integrated in regular classrooms and then we end up creating difficulties for the teachers. I was thinking we could assign more in one place and have support teachers there. This means that I would like to be able to provide support teachers also to those integrated in general education schools.

## Deputy Mayor Aurelian Bădulescu fined for statements against Jews

Deputy Mayor of Bucharest city, Aurelian Bădulescu, was fined **with an amount of 5,000 lei** for the statements made against a member of the Jewish minority (the president of the Center for Monitoring and Combating Anti-Semitism in Romania, who criticised Mr. Bădulescu's intention to place Marshal Antonescu's bust in Bucharest).

He had stated that: "(...) obviously you are

a stranger to this nation consequently from the history of the Romanian people (...). My recommendation is to go back from where you came (...). I won't express my highest consideration, as it would be normal, because you cannot enjoy my consideration. However, I am glad that people like you are concerned with topics such as those dealt by your excellency, of course, as a guest in my country".

## Prime Minister's counsellor fined with a 1,000 lei fine

The Prime Minister's counsellor, Darius Vâlcoş, was **sanctioned with a 1,000 lei fine**, for having published a personal medical file of a protester on his personal Facebook account, calling him "crazy".

When specifying the sanction, the Steering Board took into consideration the social danger posed by this action, which results, among others, from the status of the respondent, and also the fact that, later on, the respondent deleted the discriminatory statements from his Facebook account.

## Footballer fined for racist statements

A footballer playing for Universitatea Craiova team, Nicusor Bancu, was sanctioned with a **fine amounting to 10,000 de lei** for his racist statement made against the Dutch

black player Bradley de Nooijer. He called the Dutch defender "a stinky nigger" **during the game between Universitatea Craiova - FC Viitorul.**

Also, NCCD issued a decision sanctioning also the Universitatea Craiova club with the same

amount for the passive attitude manifested in dealing with their own player's gesture.

## Ludovic Orban, sanctioned for his statement about "the sows climbing up in the trees"

PNL President, received a **warning** for his statement in respect of people working in the administration, whom he compared with "the sows climbing up the tree": "As long as we are confronted with a labour market crisis, as long as many developers fail to develop their business or investors who would like to invest in Romania do not take such a decision precisely because they are not able to find qualified staff, we allow ourselves to keep the offspring planted by

PSD, by ALDE and by the other parties, all the incompetent people, *all the red necks, all the sows who are climbing up in the trees* currently populating our administration(...)".

The Liberal party leader was also sanctioned with a warning for his statement, according to which: "The PSD government is like the Gypsy killing the working horse in order to steal its horseshoes."

## Member of the Chamber of Deputies fined with 2,000 lei for hate speech

NCCD found that the statement of Mr. Nicolae Bacalbaşa, member of the Chamber of Deputies, „*nevertheless, I do not understand taking and accepting the rude behaviour of an individual who, for me, personally, is **Untermensch – as we have already a German president**, – who talks, after the vote cast by myself and my colleagues, about shameful decisions*” represents discrimination and hate speech, by using a formula known to have been part of the language used by Fascist leaders (Heinrich Himmler).

Also, the statement made by Mr. Bacalbaşa for a TV station in Galaţi, reading as follows: "(referring to the Romanian president, editor's note) *Because, when you despise the Romanians, you cannot apply a rule called democracy to a structure that you despise. I cannot blame him, either. Germany infiltrated for decades, as, even if Hitler was in power for only 12 years, the German people, until the seventies, was pro-Hitler, up to a 70% degree.*"

*"I was glad when the discussion between Mrs. Dăncilă and the current female Fuhrer of Germany, Frau Merkel, who controls the entire politics of Europe through fake parties, you know, who are all derived from EPP, meaning based on ethnic criteria, maybe non-German but strictly serving the interests of this country and Mrs. Dăncilă did not give in. If you want, this is also an answer for the above-mentioned Klaus Werner"* represents a discrimination hate speech, by collectively blaming a community for the actions of the Nazi regime, respectively by labelling the leaders of the community in question as Nazis.

For the above presented actions, NCCD applied the sanction of a **fine amounting to 2,000 lei** to Mr. Nicolae Bacalbaşa.

## President of PPMT fined for the Nazi salute and for infringing human dignity of a national minority

The National Council for Combating Discrimination sanctioned the president of the Hungarian Popular Party in Transylvania (PPMT), Mr. Csomortanyi Istvan, with a **fine amounting to 5,000 de lei**, for

having appeared in a photo (Posted on the Facebook page of the Cluj branch of PPMT) while giving Hitler salute, thus infringing human dignity of a national minority and the memory of the victims of the Nazi regime.

## 4<sup>th</sup> District Mayor sanctioned for discrimination

The Bucharest 4<sup>th</sup> District Mayor, Mr. Daniel Băluță, was sanctioned with a **warning** after having discriminated against a local counsellor with a dual citizenship, Romanian and French.

The mayor made the following statement: “Having a dual citizenship, including the

French one, (...) I am convinced that you are highly preoccupied by the interests of the Romanian state”.

“When you will learn to read and write well in Romanian, as this is a major gap in understanding, this is called functional illiteracy, this is how it is called.”

## Mayor of Focsani city sanctioned with 2,000 lei

The Mayor of Focsani city, Mr. Cristi Misăilă, was sanctioned with a **warning** for issuing a press release which made references to the ethnic origin of persons who had been late in paying their household bills.

Also, the conclusion was reached that

maintaining some racist remarks on his social media page represents, in a similar, a discrimination and an infringement of the right to dignity. For the above action, the mayor was sanctioned with a **fine amounting to 2,000 lei**.

## Ministry of National Education sanctioned for discrimination against Hungarian students

The Ministry of National Education was sanctioned **with a fine amounting to 2,000 lei** for failing to provide special Romanian language curricula and handbooks for students in classrooms having Hungarian as a mother tongue, during the school year.

Also, NCCD recommended the Ministry of National Education to immediately take all

necessary measures in order to implement the provisions of the Law on National Education no. 1 of 2011, in respect of teaching Romanian language and literature for students in classrooms having Hungarian as a mother tongue, for the purpose of ensuring their constitutional right to learn Romanian language, the official language of the country.

## CFR CLUJ club fined for its decision to deny accreditation for a journalist

The National Council for Combating Discrimination **fined** CFR Cluj with **5,000 lei** for their refusal to award an accreditation during the previous season to journalist Daniel Pop and

to his colleagues from Maramureş Jurnal, as a result of a complaint submitted by the Sports Press Association.

## Pride Romania Association sanctioned for defaming Orthodox religion during a theatrical performance

The Pride Romania Association was fined **with a fine amounting to 2,000 lei** for having defamed the Orthodox religion during a theatrical performance,

organized as part of the Cluj Pride week, in order to promote the LGBT community, after the actors appeared in monastic clothes and ate over a painting of Jesus.

## Taxi driver sanctioned for having refused a ride for a person with autism

The National Council for Combating Discrimination sanctioned a taxi driver with **a fine amounting to 1,000 lei** for his refusal to

provide transport for a person with autism. The taxi company was also fined **with 1,000 lei**.

## The transfer regulation in Romanian handball is discriminatory

NCCD issued a sanction against the Romanian Handball Federation, **by applying a warning**, finding that article 14 of the Regulation of the Statute and Transfer of Handball Players represents “a direct discrimination

based on the citizenship criterion against handball players, citizens of an European Union member State” and demanded FRH to amend the regulation in order to eliminate such discriminatory criteria.

## Company fined for discrimination and infringement of the women’s right to dignity

A company was fined with **5,000 lei** by the National Council for Combating Discrimination due to an advertising poster depicting a

woman with her legs opened, accompanied by the slogan “opened 24/7”.

## Mayor’s office in a Harghita commune, sanctioned for discrimination based on ethnic criteria against Romanians

The Mayor’s office of Ciumani commune, Harghita county, **was sanctioned with a warning** for failing to publish a newsletter

in Romanian language, as the locality is inhabited by Hungarians within a percentage of 98.89% .

Times New Roman lost in front of the Bucharest Court of Appeal the case against the National Council for Combating Discrimination related to the article entitled “Dragnea’s whore, under the assault of PSD members”

NCCD had issued a sanction in 2018 against Times New Roman for the article “Dragnea’s whore, under the assault of PSD members” with a fine amounting to 16,000 lei, as follows:

5,000 lei for the company managing this publication, 5,000 lei for the author of the article, 3,000 lei for the chief editor and 3,000 lei for the Director of Infant Media SRL.

NCCD initiated proceedings on its self-notification after the General Mayor of Bucharest stated that Orban used to sit in his Deputy Mayor office “which looked like a niggers’ bar”

The National Council for Combating Discrimination brought proceedings on its own motion after Gabriela Firea stated, during a TV recorded intervention, **that Ludovic**

**Orban’s office, while he used a Deputy Mayor, looked** “like a niggers’ bar, filled with booze, cigarettes, stinking individuals”.

NCCD opens a case on its own motion following the statements made by the Mayor of Iași

NCCD opened a case on its own motion after the statements made by the Mayor of Iasi, Mr. Mihai Chirică, who told a local publication during an interview that “the Congolese, the Somalis, the Syrians and other nations getting down a tree will come all over us”.

“The key resource for a country that wants to survive is education. If we do not invest in education, we can bid ‘Farewell!’. This means that the Congolese, the Somalis, the

Syrians and other nations just getting down a tree will come all over us, will conquer us and they will become our bosses. They will lead us, you will definitely end up having a Congolese running the Iasi Municipality, there are also some Romanians of this kind, they behave like some Congolese, and they will want to govern us. Because there is no focus placed on education”, stated Mr. Mihai Chirica.

NCCD initiated a case on its own motion against the statement of USR Botoșani Vice-President regarding the Roma

The National Council for Combating Discrimination brought proceedings on its own motion as a result of statements made by the vice-president of USR Botoșani, Mr. Adrian Hobjilă, regarding the Romani groups in the Old Centre of the town: “We have a solution

to take the Roma out of the Old Center, we rearrange everything. No matter how much it costs us, it is worth taking the Roma out of the Old Center. We have solutions. First you need to clean and then you can do something over there.”









# Financial and personal data

## Payments made in 2019

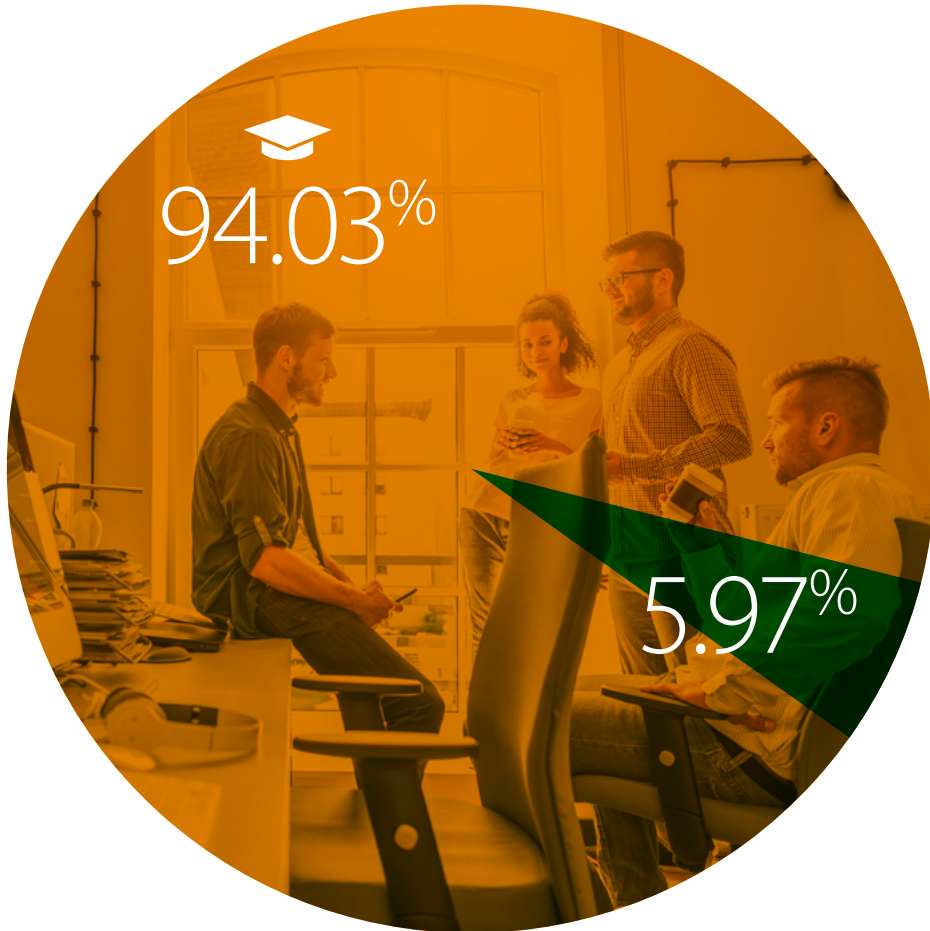
		Thousands lei	
	Budget code	Allocated	Used
STATE BUDGET	51.01		
<b>Staff expenditure</b>	10	6,442	6,381
<b>Goods and services</b>	20	905	884
<b>Transfers</b>	55	5	5
<b>Projects funded through external grants</b>	58	190	90
<b>Other expenses</b>	59	132	129
<b>Capital expenditure</b>	71	12	12
<b>Payments associated with previous years</b>	85		-10
<b>Total</b>		<b>7,686</b>	<b>7,491</b>
EXTERNAL GRANT	51.08		
<b>Projects funded from external funds</b>	56	57	0
<b>Projects funded from external funds</b>	58	679	360
<b>Total</b>		<b>736</b>	<b>360</b>
<b>Total NCCD budget</b>		<b>8,422</b>	<b>7,851</b>



- The organizational chart of NCCD includes 96 positions approved, 75 of which were funded in 2019, by the end of the year there were 64 positions effectively occupied.



- The average age of the employees is 44 years



- The share of employees with higher education is 94.03%, the remainder have attained a higher secondary education level.









CONSILIUL NAȚIONAL PENTRU COMBATAREA DISCRIMINĂRII

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