

# OSCE Supplementary Human Dimension Meeting on Protection and Promotion of Human Rights: Responsibilities and Effective Remedies

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protecting human rights



**Human Rights, Redress and Remedies in case of Roma**  
A perspective of the National Council for Combating Discrimination from Romania  
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# National Council for Combating Discrimination

- According to the currently adopted law no. 324/2006, the National Council for Combating Discrimination is the public authority of the state that rules in matters of discrimination, is autonomous, under Parliamentary control and at the same time it is the guarantor of enforcement and substantiating the observance of the principle of non-discrimination, in accordance with the national legislation in force and with international covenants to which Romania is a party
- The National Council for Combating Discrimination is the national authority in Romania which investigate and sanctions facts or acts of discrimination; independently, without being railed or influenced by other institutions or public authorities
- In finding and sanctioning discrimination, the NCCD is working trough the Steering Board, the deliberative body of the Council. The members of the Steering Board (9 persons) are analyzing the complaints lodged before the NCCD and they are empowered to apply contravention sanctions
- In this regard, the Steering Board adopts Decisions, Instructions and Regulations which are legally binding
- The members of the Steering Board are empowered by the law to investigate acts or facts of discrimination



## Anti-discrimination legislation in Romania

- The anti-discrimination legal framework is provided through **Governmental Ordinance no.127/2000 on preventing and sanctioning all forms of discrimination**, modified and completed by **Law no.48/2002, G.O. no.77/2003, Law no.27/2004** and the latest **Law no.324/2006**.
- The current legal framework **is transposing** the provisions of **Council Directive no.2000/43/CE** regarding the **equal treatment** principle regardless **of race or ethnicity**, published in the Official Journal of European Communities (JOCE) no. L180 of 19 July 2000, as well as the provisions of **Council Directive no. 2000/78/CE** regarding the creation of a framework for **equal treatment, employment and occupation** of labor forces, published in the Official Journal of European Communities (JOCE) no. L303 of 2 December 2000.



## Existing standards in the anti-discrimination law

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimization
- Order to discriminate
- Discrimination based on 2 or more criteria's constitutes an aggravated circumstance
- Criteria's of discrimination: race, nationality, ethnic belonging, language, religion, social category, beliefs, sex or sexual orientation, age, disfavored category, non contagious chronic disease, HIV infection, appurtenance to a disfavored category, as well as any other criterion
- Affirmative measures (affirmative action not positive discrimination)
- Independent specialized institution under control of the Parliament
- Ex officio investigations
- Specialized assistance for victims of discrimination
- Mediation on discrimination cases
- Evidence/proof of discrimination by any means including audio, video recordings, statistics
- Shifting the burden of proof
- Sanctions starting from warnings to fines up to 2500 EU
- NGO's have locus standi positions before NCCD or Courts of law



## European Union references about racism in Romania

- **2005:** “The National Council for Combating Discrimination needs to work together with all relevant Romanian authorities in order to **demonstrate, at all levels, that the country applies a zero-tolerance policy on racism against Roma** or against any other minority or group and that this policy is effectively implemented”.
- **2006:** The law on preventing and combating all forms of discrimination was completed in line with the EU standards regarding the independence of the National Council for Combating Discrimination... But the “Romanian authorities **do not yet demonstrate at all levels that a zero-tolerance policy on racism against Roma** is applied”.



## Complaints lodged before the Council on racial/ethnic ground

Ground	2002	2003	2004	2005	2006
Race	0	0	1	1	2
Ethnic origin	34	66	45	85	69
National origin	1	12	21	39	20
Complaints not related to discrimination	52	184	108	61	132
Percentage complaints not related to discrimination	38,8%	38,9%	30,59%	15,96	30,5%
Total complaints lodged before NCCD	134	473	353	382	432
Percentage complaints on Racial/Ethnic ground	25,37%	13,95%	13,03%	22,51%	16,43%



## Sanctions (warnings-fines) imposed by NCCD in 2002-2006

Total no. complaints	Total sanctions	Ground of discrimination	Percentage
<b>299*</b> by end of 2006	<b>60*</b>	<b>Ethnic origin (approx. 38%)</b>	<b>19%</b>
X	28	Age	
X	23	Sex	
X	9	Nationality	
X	8	Social status	
X	7	Religion	
X	2	Language	
X	4	Residence	
X	4	Sexual Orientation	
X	3	Disability	
X	3	HIV/Aids	
X	1	Beliefs	
X	1	Race	
Total: 1542 1774* by end of 2006	151* by mid 2006 *170 by end of 2006		Approx.10%





Sanctions imposed by NCCD consisting in warring or fines up to 1000 EU in 2002-2006

Total nr. Complaints	Total nr. sanctions	Ground of discrimination	Percentage
1774	170	On all grounds	In approx. 10% of the cases a sanction has been imposed
299	60	Ethnic origin	In approx. 19% of the cases a sanction has been imposed
Approx. 38% from the sanctions applied were related to Ethnic discrimination			





## Areas where ethnic discrimination occurred according to sanctions applied 2002-2006

Area of discrimination		Sanctions/Year			
		2002/03	2004	2005	Mid 2006
<b>Discriminatory adds in press (advertisement):</b>	<b>14</b>	<b>9</b>	<b>0</b>	<b>5</b>	<b>0</b>
<b>Discriminatory press articles related to Roma:</b>	<b>12</b>	<b>8</b>	<b>0</b>	<b>3</b>	<b>0</b>
<b>Denial of access to public places:clubs, pubs etc.</b>	<b>10</b>	<b>7</b>	<b>1</b>	<b>3</b>	<b>0</b>
<b>Hate speach (incitement to hatred):</b>	<b>13</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>6</b>
<b>Discrimination in sport (using racist slogans):</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>
<b>Employment (comercial relations):</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Residential segregation (replacement, wall):</b>		<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>Segregation in education:</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Denial of service in public places:</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Denial of aceess to stores:</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Discriminatory statistics of Police:</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Total no. of sanctions:</b>	<b>60</b>	<b>26</b>	<b>3</b>	<b>23</b>	<b>8</b>



## Cases solved by mediation-friendly settlement

Year	Case	Subject of complaint	Ground	Outcome
2003	D.P. vs. Club M	Denial of access into club	Ethnicity (Roma)	Roma are allowed to enter the club
2004	Roma Party Balteni vs. M.I. local councilor PRM	Hate speech against Roma and the Roma Party leaders	Ethnicity (Roma)	Public Apologies and friendly settlement
2005	I.V. vs. Private company (7 November pool)	Denial of access into swimming pool	Ethnicity (Roma)	Roma are allowed to enter the swimming pool The owner will adopt new accessible rules for access
2005	Romani CRISS vs. Anuntul.ro	Discriminatory adds in real estate filed on internet	Ethnicity (Roma)	Replacement of add, cooperation in avoiding similar adds, public apologies



## Sanctions applied on ethnic discrimination cases (Roma)

Nr. crt.	Petitioners	Offender	Sanction	State of Things
1.	Suceava Prefecture	Bucovina SEV (Suceava)	Fine of 2 millions lei	The publishing of an article with discrimination character addressed to Roma ethnicity.
2.	AVEN AMENZA	Ziua de Vest Timisoara	Fine of 2 millions lei	The publishing an article with discrimination character addressed to Roma ethnicity.
3.	MIP	MC (Ploiesti)	Fine of 2 millions	Declaration with discriminatory character addressed to Roma ethnicity.
4.	Romani Criss	Casablanca Bar	Fine of 2 millions	Denial of access due to Roma ethnicity in the bar. (At the bar entrance) was an announcement which mentioned "Roma group forbidden"/ No access for Roma group.
5.	R.C.	M.C.	Fine of 8 millions	Denial of access due to Roma ethnicity in the bar. At the bar entrance were 2 announcements: "We have the right to choose our clients" and "We don't serve Roma"
6.	R.C.	D.N.O. (Roman)	Warning	Denial of access of Roma group in disco. The bodyguard claimed that the bar owner would stated that "crows not allowed"
7.	Accept	Ziua (Bucuresti)	Fine of 2 millions	The publishing of an article with discrimination character addressed to Roma ethnicity.
8.	IJP Buzau	SC Beni Carmen (Buzau)	Fine of 4 millions	Denial of access of Roma group in the bar. At the bar entrance of SC B – CSNC association was posted an announcement that mentioned "Roma access forbidden".
9.	NCCD own observation	Karmine Disco (Cluj)	Fine of 5 millions	Denial of access of Roma group in the disco.
10.	NCCD own observation	Vox Disco (Focsani)	Warning	Denial of access of Roma group in the disco.



11	Romani Criss	General School Cehei	Warning	The creation of unequal educational conditions for Roma children towards the majority. In fact, students of Roma ethnicity were learning separately from the majority of children in another building and in inferior conditions.
12	Romani Criss	Piata de la A la Z, Family T	Warning	The publishing of announcements with discriminatory character stating that persons of Roma ethnicity were forbidden to rent that house.
13	Romani Criss	MP	Fine of 2 millions	The publishing of articles with discriminatory character addressed to Roma ethnicity.
14	NCCD own observation	Guinness Pub and Greece Pub	Warning	Denial of the access in public places.
15	NCCD own observation	Monitorul de Vrancea SA	Warning Warning	The publishing of an announcement with discriminatory character which forbade the admittance of Roma persons in the building.
16	Roma Party	CM	Warning	The publishing of an article with discriminatory character addressed to Roma ethnicity.
18	Romani Criss, AMP	Bamboo Club	Warning	Denial of access of a Roma group in a club
19	M.C	S.C. Nibia S.R.L	Warning	Refusal of serving the petitioner and the people who joined him on the ground of being gypsy
20	Romani Criss	Anuntul Telefonc	Fine of 7 millions	The publishing of an announcement with discriminatory character addressed to Roma ethnicity
21	Romani Criss	Publisher	Warning	The sending for publication of an announcement with discriminatory character addressed to Roma ethnicity.





22	Ex officio and Pro Europa League	M.I.	Fine of 5 millions ROL	Statements with discriminatory character performed during a public speech.
23	Agentia IMPREUNA	Duval Impex 2001 SRL	Warning	Denial of access of 2 young Roma persons in ASE by a bodyguard hired by Duval Impex
24	NCCD own observation	FC Steaua Bucuresti	Fine of 40 millions ROL	The shouting of slogans with discriminatory character by the "STEAUA" supporters addressed to RAPID supporters and team.
25	NCCD own observation	G.S	Fine of 20 millions ROL	Passive behavior towards the discriminatory attitude and instigation to discrimination of the STEAUA supporters.
26	AMP Catavencu	G.P	Warning	Statements with discriminatory character addressed to Roma ethnicity.
27	AMP Catavencu	E.N	Warning	Statements with discriminatory character addressed to Roma ethnicity.
28	Romani Criss	O.B	Warning	Publishing of an article with discriminatory character addressed to Roma ethnicity.
29	Romani Criss	E-jobs	Fine of 4 millions ROL	Apparition of an announcement with discriminatory character on E-jobs site.
30	Romani Criss	S.C.Adrasim S.R.L	Fine of 20 millions ROL	The publishing of an announcement with discriminatory character on E-jobs site.
31	R.M	G.L	Warning	Discriminatory statements addressed to Roma ethnicity
32	Romani Criss	Gazeta de Nord Vest	Warning	Discriminatory statements addressed to Roma ethnicity
33	Ex officio NCCD	S.A	Fine of 15 millions ROL	Discriminatory statements addressed to Roma ethnicity



34	P.C.	Tg. Frumos City Hall	Warning	The obstruction of the right of developing an economic activity on grounds of ethnicity.
35	Ex officio NCCD	SC Miercurea Ciuc	Fine of 5 millions ROL	Hockey S.C Miercurea Ciuc club supporters shouted "gypsies out from this country" to Steaua Bucuresti supporters and players team.
36	Pro Europa League	Rich Life store	Fine of 15 millions ROL	Posting the inscription "Access forbidden to Roma persons" at the store entrance from Cluj –Napoca.
37	Romani Criss	Autorii anunturilor incriminate	Fine of 4 millions ROL	The publishing of an announcement with discriminatory character addressed to Roma ethnicity
38	Agriculture National Museum	P.S.	Fine of 10 millions	The publishing of an article with discriminatory character addressed to Roma ethnicity.
39	Ex officio NCCD	D.B	Warning	The publishing of an article with discriminatory character addressed to Roma ethnicity.
40	Valea Jiului newspaper	O.M	Warning	Publishing statistics on Official Press Releases by Hunedoara Police Inspectorate including the ethnicity only for Roma offenders.
41	Ex officio NCCD	National	Warning	The publishing of articles with discriminatory character
42	Ex officio NCCD	Romania Libera	Warning	The publishing of articles with discriminatory character
43	Ex officio NCCD	Evenimentul Zilei	Warning	The publishing of articles with discriminatory character
44	Ex officio NCCD	Monitorul de Bucuresti	Warning	The publishing of articles with discriminatory character



45	Ex officio	Adevarul	Warning	The publishing of articles with discriminatory character
46	Ex officio	Ziarul	Warning	The publishing of articles with discriminatory character
47	Ex officio	Ziua	Warning	The publishing of articles with discriminatory character
48	Romani Criss	M T	Warning	The publishing of an article with discriminatory character addressed to Roma ethnicity.
49	Roma party	D B A	Warning	The publishing of an article with discriminatory character addressed to Roma ethnicity.
50	Romani Criss	M T	Warning	The publishing of an article with discriminatory character addressed to Roma ethnicity.
51	B F	B G	Warning	The petitioner was abused due to her ethnicity
52	Ex officio NCCD	N B	Fine of 6 millions ROL	Affecting human dignity due to Roma ethnicity
53	Ex officio NCCD	A.E.	Warning	Segregation of Roma in School no.1 of Macin, respectively the formation of divided classes for Romanian students of Roma ethnicity
54.	Romani CRISS	T. I.	Fine of 100 RON	Discriminatory Article published on Noua Dreapta (New Right)'s web site against Roma minority
55.	Romani CRISS	N.C.	Fine of 150 RON	Discriminatory Article published on Noua Dreapta (New Right)'s web site against Roma minority
56.	Romani CRISS	P.M .	Warning	Discriminatory Article published on Noua Dreapta (New Right)'s web site against Roma minority
57.	Romani CRISS	New Right organization	Fine of 2000 RON	Publisment on the web site of New Right of several discriminatory articles against Roma minority
58.	Ex officio NCCD	C.N.	Warning	Discriminatory statements published in media regarding Roma origin of mr. M.V.
59.	Ex officio and ERRC	C.V.T.	No sanction due to imunity.	Discriminatory public discourse against Roma on Romanian Radio Station.
60.	Liga Pro Europa	Municipality Sfântu Gh.	Reccomendation	Existing wall deviding the Roma community from the majority, builet around 1980.





## Initiatives on Roma issues in 2006-2007

- **NCCD is cooperating with NGO's in general and Roma NGO's in particular in anti-discrimination related matters, in several projects aiming to prevent and combat ethnic discrimination**
- **NCCD is participating together with Roma NGO's in providing training sessions on anti-discrimination issues for Roma**
- **NCCD is providing training session on anti-discrimination with emphasis on ethnic discrimination for Police officers, public servants, judges and prosecutors**
- **Currently NCCD is providing partnership with Roma NGO's in several PHARE projects on anti-discrimination**
- **NCCD has been involved in promoting and implementing public campaigns for combating racism and ethnic discrimination in football in 2005 and 2006**
- **Under PHARE Twinning Program, NCCD initiated raising awareness campaigns and information sessions about discrimination and ethnic discrimination in particular**
- **NCCD has organized on behalf of the Romanian authorities the 21th meeting of the Council of Europe MG-S-ROM (Group of Specialists on Roma and Travelers Issues) in Bucharest on 2-3th May 2006**



# National Council for Combating Discrimination

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