

The practice of the National Council for Combatting Discrimination

A. Cases concerning alleged discriminatory treatment based on Roma ethnicity against individuals:

Years	2010	2011	2012	2013	2014	2015	2016	2017	2018
Complaints concerning access to places and public services	7	20	9	15	11	20	19	14	11
Roma complaints	54	62	61	66	42	61	81	53	52

B. Case-law concerning discriminatory statements from journalists and politicians.

In the period 2012-2018, NCCD applied 10 sanctions for discriminatory statements made by journalists:

- **2012** – sanctioned the journalist G.C. and A. newspaper, by a fine amounting to 1,000 lei for discriminatory statements against Roma in the editorial "Gypsy putsch". The NCCD decision was not appealed in the court;
- **2014** - sanctioned the journalist C.T.P., by a fine amounting to 2,000 lei for the publication of an article in the newspaper G., that undermined the dignity of Roma people and created an atmosphere degrading and offensive to Roma people. The NCCD decision was not appealed in the court;
- **2014** - sanctioned the TV presenter, M.R., by a fine amounting to 3.000 de lei for inciting to hatred against sexual minorities; the penalty came after Mrs. R. posted, in April, on her blog, a text demanding homosexuals to stop showing in public, because they are not "normal". The NCCD decision was not appealed in the court;
- **2014** – sanctioned the TV presenter, R.B., by a fine amounting to 5,000 de lei for statements made regarding the citizens of the Republic of Moldova; in a show of 20 January, broadcasted by B.TV, Mr. B launched a series of accusations against the Republic of Moldova, stating that this country is "European leader" in terms of alcohol consumption, prostitution and illiteracy; in addition to the fine of 5,000 lei, the TV producer was forced to publish the summary of NCCD's decision in two national newspapers; The NCCD decision was upheld by the Bucharest Court of Appeal.
- **2014** – sanctioned the TV presenter R.D. by a fine amounting to 1,000 lei, for a series of unfounded, degrading and humiliating accusations brought to the mayor of Baia Mare; moreover, NCCD decided that the show performed by Mr. D. "exceeded the limits of freedom of expression and created a degrading and humiliating atmosphere" to Baia Mare mayor. The NCCD decision was upheld by the Cluj Court of Appeal.
- **2016** - Sanctioning with a warning and also recommending to avoid the use of such language in the future, the newspaper K. for articles published on the website, entitled "The 1000 psychopaths who were at Antena 3's protest, are not representing the old people in Romania!" and "Live from Antena 3: 10 things from the most embarrassing protest in Romanian history ". The NCCD decision was not appealed in the court;
- **2016** – Sanctioning by fine amounting to 10,000 lei the moderators M.M. and D.B. for comments on the performance of national football team Romania's representative in the

friendly match with Congo, which created a hostile, degrading, demeaning atmosphere to persons of a different color. The NCCD decision was not appealed in the court;

- **2017** – NCCD sanctioned a journalist with a fine in the amount of 5,000 lei for the discriminatory statements: “Hungarians would have entered Europe, fraudulently, they are not Europeans, they are not loved by others and Romania would be fine without Hungarians.” The NCCD decision was upheld by the Bucharest Court of Appeal.
- **2018** – NCCD decided that the association created by the journalist C.T.P., during a TV show, between the prime-minister V.D. and the pavian monkey, represents harassment and violates the right to dignity. The behavior of the show's moderator, C.P., as well as its lack of reaction, represented discrimination. The facts of the two journalists exceeded the freedom of expression in accordance with the Romanian legislation and the jurisprudence of the European Court of Human Rights. They were sanctioned with a fine in the amount of 1,000 lei each. The NCCD decision was annulled by the court.
- **2018** – NCCD decided that the article posted on the internet page www.timesnewroman.ro with the title “ D.’s whore, assaulted by PSD, ...”, creating a hostile, degrading, humiliating atmosphere for women PSD members is discrimination and violates their right to dignity. The sanction of the contravention fine in the amount of 5,000 lei was applied for I. M. SRL, which administers the publication, 5,000 lei for the author of the article, 3,000 lei for the chief editor and 3,000 lei for the administrator of I. M. SRL and the obligation to publish on www.timesnewroman.ro a summary of the judgment in this case (for a period of 30 days) as well as in two national newspapers. The NCCD decision was upheld by the Bucharest Court of Appeal.

In 2011-2018, NCCD applied 12 sanctions for discriminatory statements made by politicians:

- **2011** - Sanctioning by warning the former President of Romania for the claim concerning the monarchy "If anyone with disabilities would win the elections, what would you do? Stay with him head of state? ". The NCCD decision was not appealed in the court;
- **2013** - Sanctioning by warning the senator G.V.F., for statements made in the press conference at the headquarters of the Social Democratic Party, "(...) You are not complete without raising a child (...) "I will honestly say that I have family friends who could not have naturally biological children for health reasons and have adopted (...) a parent is more attentive, more sensitive to life of others because he is thinking of her own children (...); the NCCD decision was not appealed in the court;
- **2013** - Sanctioning by fine amounting to 8,000 lei the independent deputy G.B., for discriminatory statements about the religious belief of persons belonging to Christian Baptist Cult; the NCCD decision was not appealed in the court;
- **2013** - Sanctioning by fine amounting to 3,000 lei C.V.T. (member of the European Parliament) for offenses against A.C, a former party member, which created a degrading, humiliating atmosphere on gender and ethnic grounds; the NCCD decision was not appealed in the court;
- **2014** – Sanctioning by fine amounting to 600 lei the then President of Romania, for the statement made about roma people "very few want to work" and "many of them traditionally are living from stealing", given the statement’s discriminatory and undermining effect on the the right to dignity of Roma people; the NCCD decision was not appealed in the court;

- **2015** – Sanctioning of a fine amounting to 2,000 lei the politician G.F. after he said during a TV program that Hungarian is "horse language" and can not be used in Romania; the NCCD decision was not appealed in the court;
- **2018** - The statement of the former prime-minister M.T. "If that flag [hungarian] is waving in the wind, all those responsible for it are waving next to it," represents discrimination and violates the right to dignity, NCCD applying the sanction of the contravention warning, considering that Mr. M.T. apologized publicly for these statements. The NCCD decision was not appealed in the court;
- **2018** - The statement of the Senator Ș.N., addressed to the deputy C.C. "I have a picture in which you have anal sex", represents discrimination and violates the right to dignity. NCCD applied the sanction of the contravention warning against the senator, considering the mitigating circumstances of the crime: there was a challenge from the lady deputy, and the sanctioned statement intervened in a dialogue in which the two sides brought mutual accusations and offenses. The NCCD decision was not appealed in the court;
- **2018** - NCCD decided that the statement of the prime minister V.D., during an interview: "I think these people are autistic and do not see and hear what is visible to all people of good faith" was within the limits of freedom of expression and does not constitute discrimination. The NCCD decision was not appealed in the court;
- **2018** – NCCD sanctioned with a fine in the amount of 2,000 lei the president of Romania, for using the term "criminal", as it represents discrimination and violates the right to dignity of persons who are in judicial proceedings without being convicted. The use of the term "defendants' festival" by the chief prosecutor of the National Anticorruption Directorate (DNA) does not exceed the freedom of expression, according to the ECHR jurisprudence in this field. The NCCD decision was appealed and it is pending;
- **2018**- NCCD sanctioned V.D.B. with a fine in the amount of 2.000 lei for posting on his social media page a video material representing a montage that suggested that the German Democratic Forum in Romania is a Nazi organization. Also, the video montage suggested that the president of Romania was the leader of a Nazi organization. Another politician, L.P.. was sanctioned with contravention warning for stating that the German Democratic Forum might be the successor of a Nazi organization. The NCCD decision was appealed and it is pending;
- **2018** – NCCD sanctioned the mayor and the Local Council of Alba Iulia with a fine in the amount of 5.000 lei for the eviction of 200 people from a block in Alba Iulia, without providing them with alternative living conditions. The NCCD decision was appealed and it is pending.

C. Projects to support non-discrimination in and through sport events:

- In 2011 NCCD, in partnership with the Policy Center for Roma and Minorities, the Romanian Federation Sport for All, the Municipal Association Sport for All, the National Authority for Sport and Youth, Bucharest City Hall, the Bucharest CSI, Romanian Basketball Federation and the Municipal Department for Youth and Sport of Bucharest organized in Bucharest a running of diversity „Vivicitta”, under the slogan „*United through sport*”.

- In 2011, on the International Day of fight for the elimination of racial discrimination, NCCD in partnership with the Policy Center for Roma and Minorities, MFA, the Policy Center for Roma and Minorities, RFF and the Dutch Embassy organized a friendly football game in order to increase the level of awareness on the issue of racism, discrimination and violence; over 50

representatives of civil society, of central government and diplomatic members accredited in Bucharest, of the mass-media, of Romanian politicians and the Romanian Football Federation which were joined by a group of eight children from School no. 136 from Ferentari.

- On 9 November 2018, the Conference “*Tools to combat racism and racial discrimination and ensure the equality in sport – ECRI GPR 12*”, attended by representatives of the Council of Europe, European Commission against Racism and Intolerance (ECRI), Enlarged Sport Agreement, UEFA, FIFA, FIFPro (International Union of football players), CIO, sports federations, Youth and Sports Ministry, NCCD, the National Agency for Equal Opportunities, as well as well-known specialists in Sport Law, represented an opportunity to present the ECRI General Policy Recommendation no. 12 on Combating Racism and Racial Discrimination in the Field of Sport, as well as some examples of good practices in Romania and Europe.