



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Romania
Title:	Draft bill aiming to abrogate Anti-discrimination Law is adopted by the Chamber of Deputies tacitly
Date:	1 March 2017
Expert:	Iordache, Romanița
<u>Context</u>	
Issue at stake:	Attempt to abrogate Romanian Anti-discrimination Law
Ground of discrimination:	All grounds
Source:	Legislation
Field:	Employment, social protection, social advantages, access to goods and services, education, housing, other
Applicable law:	Emergency Ordinance 137/2000 ratified by the Parliament as Law 48/2002

Content

Law development: After being fined by the NCCD for homophobic statements with RON 4000 (approx. € 900) on 13 May 2016, on 17 May 2016. Bogdan Diaconu, at that time, independent MP and President of the Party United Romania submitted a draft law calling for the repeal of the Law 48/2002 (which is the law ratifying the Emergency Ordinance 137/2000). The draft proposal has only one line: "By this law, Law 48/2002 with its subsequent amendments is repealed." In the explanatory memorandum supporting the draft, the independent MP invoked the alleged anti-Romanian character of the national equality body, its alleged control by the Hungarian Democratic Union, the allegation that it supports terrorism and presented the NCCD as working to nullify "Romanian values, traditional Christian values and the rights of Romanians in their own country."

The Government sent its opinion (advisory) supporting the rejection of the draft law on 28 October 2016 and the Legal Committee and the Human Rights Parliamentary Committee in the Chamber of Deputies rejected the bill on 8 November. Another negative opinion was filed by the Government on 24 February 2017.

In spite all rejections, on 28 February 2017 the bill was tacitly adopted due to the failure of the Chamber to discuss the bill in the plenary. Tacit adoption of bills means that drafts which are not discussed and rejected in time are considered adopted and move to the other chamber, the Senate.

In this case, the failure to reject the bill in time can be explained by a negligence on behalf of the secretariat of the Chamber of Deputies given that the bill was ready to be discussed since November but the deputies were busy with the elections, their mandate expired, a new Parliament was convened, and the parliamentary holiday started.

Now, it is up to the Senate to quash the bill though on the legislative history of the draft there is no timeline indicating a calendar. The Anti-discrimination Coalition announced its

intention to raise signatures in support of an appeal for the Senate to preserve the Anti-discrimination Law. The President of the NCCD interviewed in the media asked the senators to tackle this bill quickly and swiftly as the current situation erodes the work of the institution.

Key points of analysis: The draft law is an act of retaliation which was passed by the Chamber of Deputies due to negligence and an incoherent parliamentary calendar. Hopefully the Senate will reject the bill. Should the Senate adopt it instead of quashing it, the national equality body will still continue its existence and a part of its work. This will be possible because its establishment, structure, functioning and mandate are provided in a different act, the Government Decision 1194 from 27 November 2001. Still, the adoption of this bill would affect the part of the NCCD mandate linked to the Anti-discrimination Law, it would repeal the substantive provisions defining the forms and the protected grounds, the misdemeanours and the possibility to file civil cases before the courts as well as the legal standing recognized to NGOs.

Internet link source:

http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=15728. Accessed on 1 March 2017.