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NEWS REPORT

Country:	Romania
Title:	First case of multiple discrimination against Romani women sanctioned by the Romanian national equality body
Date:	23 January 2018
Expert:	Iustina Ionescu
<u>Context</u>	
Issue at stake:	Multiple discrimination against Romani women in public discourse.
Ground of discrimination:	Sex, ethnic origin
Source:	National equality body
Field:	Other
Applicable law:	Anti-discrimination Law: Government Ordinance No.137/2000 on preventing and sanctioning all forms of discrimination (<i>Ordonanța Guvernului nr.137/2000 privind prevenirea și sancționarea tuturor formelor de discriminare</i>)

Content

Case: On 6 February 2017, journalist Victor Ciutacu commented on anti-corruption and anti-government protesters in Victoriei Square (Piața Victoriei) in a political talk show. Amongst the protestors was an opposition party leader who brought his six-month-old child to the protest. Mr Ciutacu implied that such parents are irresponsible. To illustrate his remark, Mr Ciutacu compared the protestor's behaviour with what he called typical Romani women behaviour. Allegedly, Romani women involve their babies in situations with the police to prevent them from enforcing the law in Roma communities. Mr Ciutacu said "what if a crazy person came, took their baby and threw it to the ground? (...) the same way gypsy women wearing (traditional) skirts throw their new-borns when the gendarmes arrive to cut their illegal electricity connection."

Decision of the Court: The National Council for Combating Discrimination (*Consiliul Național pentru Combaterea Discriminării*) addressed the case in Decision No.484 of 6 September 2017. The case was brought to the Council by E-Romnja, a Romani women's organization. The national equality body decided that Mr Ciutacu's statement was discriminatory on the grounds of sex and ethnic origin. The Council imposed a written warning, the lowest possible sanction. The Council justified this low sanction by stating that limitations of the freedom of expression should not be disproportionate. Furthermore, Mr Ciutacu was a first-time offender. It was also ordered that the respondent should publish the decision in a national newspaper

Key points of analysis: This decision is important because it is the first case where the national equality body finds multiple discrimination against Romani women. According to the National Council for Combating Discrimination, besides ethnic origin, the gender dimension is clear in the case due to the reference to Romani women's traditional skirts. The decision raises issues regarding how multiple discrimination is sanctioned. Article

2(6) of the Anti-discrimination Law stipulates that multiple discrimination is an aggravating circumstance. At the same time, the long-standing jurisprudence of the national equality body is that sanctions for discriminatory public statements rarely involve more than a written warning. The national equality body did not explain how they balanced these two opposing approaches to sanctioning to ensure effective, proportionate and dissuasive sanctioning.

Internet link source: N/A

On 21 September 2017, the National Council for Combating Discrimination communicated the case to the parties.