



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

NEWS REPORT

Country: Romania
Title: Attacks against the Romanian equality body (NCCD)
Date: 31 October 2018
Expert: Iordache, Romanița

Context

Issue at stake: Politicians declare intention to close down NCCD
Ground of discrimination: All grounds
Source: Miscellaneous – online petitions and statements of MPs
Field: Other – national equality body
Applicable law: -

Content

Policy development: In the context of the failed constitutional referendum which sought to redefine family, and of a draft bill on civil partnership which is publicly supported by the NCCD, there are more and more calls in the public space targeting the NCCD. The Vice-president of the Liberal Party Ben Oni Ardelean as well as other politicians asked for the institution to be closed down. He specified that “the NCCD is a Gestapo type institution which does nothing else but trying to oppress any form of freedom of expression as well as belief and religious freedom” and that “the abolition of this institution is absolutely necessary and vital to the health of public opinion, so that people can express themselves publicly”.

Besides the criticisms of the NCCD as “policeman of political correctness” by conservative politicians, an on-line petition also collects signatures against the institution and gathered 1500 signatures since May.¹ In this petition, several reasons are put forward to justify the call to dismantle the NCCD. The critics are upset that the institution asked the President, a Liberal Senator, the spokesman of the Orthodox Church to present themselves for hearings when petitions were filed against these persons. Such a request of inviting alleged perpetrators to come and present their opinions and the evidence they have is however an application of the legal procedure. Criticisms are also related to the fact that the institution signed a partnership with ACCEPT, an LGBT NGO, and they developed together a set of trainings for judges, prosecutors, lawyers, teachers, medical doctors and social assistants. Also, the position of the NCCD in the Coman case both before the CJEU and the Romanian Constitutional Court is criticised. The pro-active position of the President of the NCCD Mr. Csaba Asztalos is defined as “a threat against social peace”.

Key points of analysis: The NCCD was established as national equality body in 2002 in an attempt to meet the political criteria during the negotiations for Romania’s accession

¹ Petition available at 2018 - https://www.petitieonline.com/petitie_pentru_desfiintarea_consiliului_national_pentru_combaterea_discriminarii_cnccd.

to the EU. The internal regulations provide that when a petition is filed, the accused perpetrator is summoned as a part of the hearings to ensure impartiality and adversarial principle of the proceedings. This means that the NCCD observed the procedural requirements when inviting alleged perpetrators to present their own opinions and justifications in response to complaints received. The GO 137/2000 provides for a specific set of remedies in cases of discrimination and sanctions issued by the NCCD as provided in the Governmental Ordinance 137/2000 can be challenged before the courts.

Internet link source:

Interviews of Ben Oni Ardelean - <https://psnews.ro/ben-oni-ardelean-vrea-desfiintarea-cncc-ului-e-o-institutie-de-tip-gestapo-opresez-exprimarea-libera-exclusiv-236421/>.

Article on the dynamic: https://romaniailibera.ro/politica/motivele-pentru-care-se-cere-desfiintarea-cncc-757261?fbclid=IwAR2_PPBZEsT9-ZMNgRFEFp8vOogHk6NZIsRS5YaKjdWAC1-soed-0TRSIGY.