



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

### FLASH REPORT

<b>Country:</b>	Romania
<b>Title:</b>	National equality body publishes annual activity report for 2018
<b>Date:</b>	22 May 2019
<b>Expert:</b>	Iordache, Romanita with the collaboration of Ionescu, Iustina
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Activity report and statistical data
<b>Grounds of discrimination:</b>	All grounds
<b>Field of application:</b>	All fields
<b>Source:</b>	National equality body
<b>Applicable law:</b>	Art. 22(2) of the Governmental Ordinance 137/2000

### **Content**

**Case/law/policy development:** Every year, the National Council for Combatting Discrimination presents its annual activity report to the Parliament according to its statutory duty. The report includes statistical data on the petitions received, a picture of the remedies provided by the NCCD, information on court cases (cases in which the NCCD decisions were challenged before the courts as well as cases in which the plaintiffs filed complaints directly before the civil courts and the NCCD was called in as expert). The report also provides key examples of cases. It also addresses awareness raising activities carried out by the institution and provides meaningful information on the personnel and budgetary allocations.

The report for 2018 states that out of the 822 petitions received (a significant increase compared to the 682 petitions received in 2017), the largest number of petitions received were on grounds of belonging to a social category (302) and the smallest numbers were on grounds of race (0) and HIV status (4). Also relevant is the number of petitions on grounds of gender (43), religion and beliefs (11), language (17), age (29), nationality (56), sexual orientation (13), disability (81), and ethnicity (52). As for the areas: 365 petitions were about access to employment, 160 were about access to public services, 177 on personal dignity, 50 on access to education, and 22 on access to public spaces.

In 2018 the NCCD found discrimination in 97 cases (a slight decrease compared with 2017 when the corresponding number was 112). Though discrimination was found in a lower number of cases, there was an increase in the remedies ordered by the NCCD: 86 fines, 56 warnings, 41 recommendations, 7 decisions to continue monitoring the situation and in 46 cases the perpetrators were ordered to publish briefs of the NCCD decision in the media. The highest fine applied in a case was of RON 30.000 (approx. € 6.300). The 86 fines issued in 2018 cumulatively amount to RON 475.000 (approx. € 100.000) as compared to the 2017 amount which was less than half (approx. € 44.000).

The report also provides information regarding the cases in which the NCCD decisions had been challenged before the courts according to Article 20 (9-10) of the Governmental

Ordinance 137/2000. In 2018, the NCCD had to defend its decisions before the administrative courts in 422 cases and in 138 cases the courts decided in favour of the NCCD, and against the NCCD in 37 cases, with remaining cases still pending at the time of writing. The success rate indicated by the NCCD is of 80% in 2018 (identical with the rate for 2017, compared to 86% in 2016).

Given the legal obligation of the NCCD to participate as expert institution in civil cases on grounds of the anti-discrimination legislation according to Article 27 of the Governmental Ordinance 137/2000, the institution reports participation in 862 cases, compared to 723 in 2017. While not providing information on the resolution of these civil cases, the report mentions that 1135 civil complaints had been admitted and 1382 were dismissed by the courts. The workload of the courts in discrimination case seems to be in an ascending trend.

In 2018, the annual budgetary allocation was of RON 5.704.000 (approx. € 1.200.000) with a small decrease compared to approx. € 1.300.000 in 2017. The executed budget was of RON 5.424.000 (approx. € 1.140.000). Out of the 96 staff positions needed, only 70 were budgeted but the institution had to function only with 64 employees, a situation similar to prior years when the human resources were not increased to match the needs generated by the increased workload and the increased mandate.

**Key points of analysis:** Compared with previous years, the activity report for 2018 indicates an increase in the number of petitions received, a significant increase in the number of sanctions issued and a significant increase in the number of cases filed directly before civil courts, in which the NCCD is called in only as expert. The situation regarding the number of NCCD decisions challenged before the courts and maintained is similar, the NCCD maintaining a reported 80% success rate. The allocated and the executed budget stagnate though the number of petitions received and of cases in which the NCCD has to participate in court proceedings increased significantly.

**Internet link source:** Report available in Romanian and English upon request.