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FLASH REPORT

Country:	Romania
Title:	Refusal to host conference due to the presence of a trans activist sanctioned by the NCCD
Date:	10 July 2020
Expert:	Iordache, Romanița
<u>Context</u>	
Issue at stake:	Cancelling of public conference by local public center due to the presence among the speakers of a trans activist
Grounds of discrimination:	Transgender, Sexual orientation
Field of application:	Goods and services
Source:	National equality body
Applicable law:	Article 2(1), Article 10(e) and Article 15 of the Governmental Ordinance 137/2000

Content

Case development: In the context of a conference organised on 24 February 2019 in Focsani by a group of young activists for high school students (15-19 years old), entitled 'Women Talk', the head of the conference venue, the Popular Atheneum Focsani, Mr. V.G. decided to withdraw the approval to organise the event in the building. The reason for the decision issued three days before the actual event, was the presence on the list of speakers for the conference of Mr. Patrick Braila, a trans man, who is a trans activist and the co-president of the NGO ACCEPT. Mr. V.G. confirmed with the organising team and with the journalists the fact that he received calls complaining about the presence of the trans activist from local leaders, including the local archbishop of the Orthodox Church, the head of the county school inspectorate, the dean of the local bar and one of the leaders of the Coalition for Family (the group which advocated for the a constitutional referendum for amending the definition of 'family' in 2018). He also indicated that the reason for cancelling the hosting of the event was the presence of the claimant and his gender identity. One of the statements of V.G. was 'we are a serious institution... I am not going to admit in the Atheneum discussions on homosexuality, lesbianism, transgender and so forth'.

The claimant complained in relation to the decision to cancel the hosting of the event due to his gender identity as well as against the campaign which targeted him online and offline after the respondents made his name and private information public.

The complaint was filed also in relation to the local archbishop of the Orthodox Church, the head of the county school inspectorate, the dean of the local bar and one of the leaders of the Coalition for Family who incited to the cancelling of the event.

Decision of the court: In its Decision No. 690 from 9 October 2019, the NCCD found with the unanimity of members present (eight out of nine) that the decision to cancel the event and the refusal to provide the public space amounts to discrimination and that V.G., the head of the Atheneum was sanctioned with a fine of RON 1000 (approx. EUR 200).

Key points of analysis: The NCCD found that discrimination was perpetrated by the head of the Atheneum, ruling under Article 2(1) (prohibition of discrimination), Article 10(e) (discriminatory prohibition of access to public venues) and Article 15 (right to dignity) and issued a fine of RON 1000. This is the first case of discrimination on grounds of gender identity in which the NCCD finds discrimination and issues a penalty. The NCCD did not find the local authorities responsible in spite of their pressures on V.G. and on the organisers and in spite of the online hate campaign which targeted the claimant during and following the event. The NCCD decision can be appealed by the parties.

Internet link source: Text of the decision in Romanian is available by request.