



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

NEWS REPORT

Country:	Romania
Title:	Parliament appoints 6 new members in the national equality body amid controversies
Date:	2 April 2015
Expert:	Romanița Iordache
Context	
Issue at stake:	Legal procedures for appointment of NCCD members are not observed
Ground of discrimination:	All grounds
Source:	Miscellaneous
Field:	Other
Applicable law:	Article 23 of the Governmental Ordinance 137/2000

Content

Policy development: As the mandates for six out of the nine members of the Steering Board of the national equality body (NCCD) expired, the Romanian Parliament appointed on 1 April, six new members amid controversies and criticisms. The appointment procedure was deeply problematic and is contested by NGOs in the Anti-discrimination Coalition, by independent candidates and by the opposition parties. The hearings of the candidates which took place on 24 March before the six specialised committees took about half an hour for the 17 candidates present out of the 18 who submitted their applications (an average of 2 minutes for each candidate). As a result of the votes which occurred without the presence of NGOs or media in an irregular procedure, the joint committees published a list of six candidates to be voted by the Parliament.

However, a new separate hearing was organised on 31 March for one of the candidates, who was supported by the group of national minorities in the Chamber of Deputies, a group comprising one representative of each state recognised national minority. The candidate got only seven votes during the first round of hearings but managed to gather 29 votes after this private hearing. His name was added to the list of candidates proposed to the plenary, which meant that the only candidate out of the initial six who was not supported by one of the political parties was not voted. As a result no independent candidate was elected.

The procedure is contested not only for the lack of transparency, the irregularities in producing private hearings to favour one candidate and the fact that only candidates supported by the parliamentary groups qualified but also because the new constituency of the NCCD Steering Board does not respect the legal requirement established by the Anti-discrimination Law that a minimum of 2/3 of the members of the NCCD must be Law graduates (now 4 out of the 9 members do not have a legal background). Article 23 of the GO 137/2000 established that during the continuing renewal of the NCCD Steering Board, the Parliament “will seek that at least 2/3 have a licence in Legal Studies.”

Members of the Parliament justify the private hearing as a need to make sure that the group of national minorities is represented (though no other candidates with a minority background had been heard again). As for the legal provision of appointing a minimum of 2/3 Law graduates, the explanation was that the verb “will seek” suggests a recommendation and not an obligation.

The condition regarding members with legal studies is justified by the quasi-judicial mandate of the NCCD which is empowered to investigate, find and sanction cases of discrimination. Initially, all members of the Steering Board had to have a legal background. When the number of members of the Board increased from 7 to 9 in 2006, the provision regarding the minimum of 2/3 was introduced in order to maintain the professionalization of the body.

Key points of analysis: The flawed procedures raise serious concerns regarding the politicisation of the NCCD and the gradual erosion of the institution and indicates threats to its independence.

Internet link source: Information regarding the process available at <http://www.hotnews.ro/stiri-esential-19806707-parlamentul-validat-noua-componenta-colegiului-director-cncc-cine-lupta-impotriva-discriminarii-romania.htm>.